

SOUTH BRISTOL TOWN BOARD MEETING

March 11, 2019

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order March 11, 2019 at 7:03 pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

Daniel Marshall, Supervisor
Donna Goodwin, Councilwoman
Stephen Cowley, Councilman
Jim Strickland, Councilman

ABSENT

Scott Wohlschlegel, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Alan & Kristie Braun, and Dahl Schultz

I. ROLL CALL

Supr. Marshall opened the meeting with roll call.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the minutes of the December 15, 2018 Special Meeting, December 29, 2018 Year-End meeting, January 7, 2019 Organizational Meeting and the regular January 7, 2019 Town Board meeting were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

IV. PRIVILEGE OF THE FLOOR

**V. COMMITTEE REPORTS:
HIGHWAY**

Councilman Cowley read the Highway report. "There is not a whole lot to report on this time of the year. We have been way to busy plowing. When we are not plowing, the guys are hauling stone for our summer projects. Hope to have a good candidate for hire by the April Board meeting. Attended Advocacy Day down in Albany on March 5th and 6th, hopefully they are going to raise our CHIPS funding and restore our \$65 Million-dollar Extreme Winter recovery. Don't hold your breath though, especially with the big powershift that just happened in the State Senate and Assembly. Work continues on the Wilder Barn roof.

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B. FINANCE

Supr. Marshall reported that for the first time in 3 years we have delivered our AUD to the NYS Comptroller on time. The document is 58 pages and electronic versions were emailed to the Board members.

Councilwoman Goodwin said she gave the Board members some more information on the Employee's Handbook and is still working on it. It will be a lengthy handbook; probably 50 pages.

Supr. Marshall there is a new format for the Supervisor's Month-end Reports which will show a lot more information as to the monies spent and percentages of the budget spent, etc. These reports will be available for the Board next month.

VI. OLD BUSINESS:

A. PLANNING BOARD RESOLUTIONS

Supr. Marshall noted that last month the Town Board approved Planning Board Resolutions that had changes to the Town Code. The changes in the Zoning Code requires Local Laws; one law will change Chapter 84 of the Town Code pertaining to sheds, etc., and the second law is a Noise Ordinance; third law is for definition changes to the Zoning Code Chapter 170. Supr. Marshall said that Public Hearings will need to be scheduled for each Local Law.

Discussion.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Resolution No. 30-2019, No. 31-2019 and No. 32-2019 were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

RESOLUTION NO. 30-2019

AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW ADOPTING A NOISE LAW"

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Adopting a Noise Law"; and

WHEREAS, the Town Board of the Town of South Bristol has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of South Bristol to proceed in accordance with the Code of the Town of South Bristol and the Laws of the State of New York in adopting said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on April 8, 2019, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of South Bristol sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of South Bristol for its consideration.

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I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on March 11, 2019, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u>x</u>	_____
Scott Wohlschlegel	<u>Absent</u>	_____
Donna Goodwin	<u>x</u>	_____
Stephen Cowley	<u>x</u>	_____
James Strickland	<u>x</u>	_____

Dated: _____, 2019

Judy Voss, Town Clerk

SEAL

RESOLUTION NO. 31-2019

AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW AMENDING CHAPTER 84 (FIRE PREVENTION AND BUILDING CODE ADMINISTRATION) OF THE CODE OF THE TOWN OF SOUTH BRISTOL"

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Amending Chapter 84 (Fire Prevention and Building Code Administration) of the Code of the Town of South Bristol"; and

WHEREAS, the Town Board of the Town of South Bristol has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of South Bristol to proceed in accordance with the Code of the Town of South Bristol and the Laws of the State of New York in adopting said Local Law.

WHEREAS, this action by the Town Board is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on April 8, 2019 at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of South Bristol sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of South Bristol for its consideration.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on March 11, 2019 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u>x</u>	_____
Scott Wohlschlegel	<u>Absent</u>	_____

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Donna Goodwin	<u> x </u>	_____
Stephen Cowley	<u> x </u>	_____
James Strickland	<u> x </u>	_____

Dated: _____, 2019

Judy Voss, Town Clerk

SEAL

RESOLUTION NO. 32-2019
AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW AMENDING CHAPTER 170 (ZONING) OF THE CODE OF THE TOWN OF SOUTH BRISTOL"

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol"; and

WHEREAS, the Town Board of the Town of South Bristol has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of South Bristol to proceed in accordance with the Code of the Town of South Bristol and the Laws of the State of New York in adopting said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on April 8, 2019, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of South Bristol sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of South Bristol for its consideration.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on March 11, 2019, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u> x </u>	_____
Scott Wohlschlegel	<u>Absent</u>	_____
Donna Goodwin	<u> x </u>	_____
Stephen Cowley	<u> x </u>	_____
James Strickland	<u> x </u>	_____

Dated: _____, 2019

Judy Voss, Town Clerk

SEAL

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**B. LOCAL LAW #2-2019
WIND/SOLAR RPTL 487 EXEMPTION**

Supr. Marshall noted that the Board held a Public Hearing earlier tonight regarding the adoption of the local law and is looking for a motion to adopt the law.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, Resolution No. 33-2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

RESOLUTION NO. 33-2019

AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL OF LOCAL LAW NO. 2 OF 2019 ENTITLED “A LOCAL LAW AMENDING CHAPTER 153 (TAXATION) OF THE CODE OF THE TOWN OF SOUTH BRISTOL TO OPT OUT OF EXEMPTIONS AFFORDED BY RPTL 487”

WHEREAS, a resolution was duly adopted by the Town Board of the Town of South Bristol for a public hearing to be held by said Town Board on March 11, 2019, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, to hear all interested parties on a proposed Local Law entitled, “A Local Law Amending Chapter 153 (Taxation) of the Code of the Town of South Bristol to Opt Out of Exemptions Afforded by RPTL 487”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on March 5, 2019 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 11, 2019, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interest of the Town of South Bristol to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of South Bristol hereby adopts said Local Law No. 2 of 2019, entitled “A Local Law Amending Chapter 153 (Taxation) of the Code of the Town of South Bristol to Opt Out of Exemptions Afforded by RPTL 487”, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of South Bristol, and to give due notice of the adoption of said local law to the Secretary of State of New York, to the commissioner of taxation and finance and to the president of the New York state energy research and development authority.

I, Judy Voss, Town Clerk of the Town of South Bristol, hereby certify that the Town Board of the Town of South Bristol adopted the aforementioned resolution on March 11, 2019 by the following vote:

	<u>Aye</u>	<u>Nay</u>	
Daniel Q. Marshall		<u>x</u>	_____
Scott Wohlschlegel		<u>Absent</u>	_____
Donna Goodwin		<u>x</u>	_____
Stephen Cowley		<u>x</u>	_____
James Strickland		<u>x</u>	_____
Dated: _____, 2019			_____

SEAL

VII. NEW BUSINESS

A. LOCAL SOLID WASTE MANAGEMENT PLAN

Supr. Marshall noted that there has been a compost bin displayed here at the Town Hall. The Town has \$14,230.00 from Ontario County under the Zero Waste Initiative to develop any program that would reduce the waste stream going to the County landfill.

Clerk Voss said that the compost bin will be available for residents as well as the blue recycle bins. The compost bins are out of Seneca Castle through John Hicks his business, Organix. The bins come with a compost starter material and the grant would pay the \$150 for the bin and we would charge the residents \$30.00.

Supr. Marshall noted that the last meeting of the Board of Supervisors there was a passionate discussion from residents over in Geneva area over the landfill odor. The landfill has taken in 90% more sludge than the previous year which is causing the issue.

Supr. Marshall said that we need to get an educational format for the residents and some website development concerning this. Last year the Town put out a survey to the residents.

B. ELECTRONIC RECYCLING

Supr. Marshall said we have been notified that EWaste will be charging \$0.35 per pound for monitors and TV's beginning March 1st. This includes computer monitors, flat screen, LCD. The other appliances such as toasters, smaller appliances are still no charge. The County is also holding an electronics collection day on March 30th at the Farmington Highway Dept.

Supt. Wight said that a new transfer station charge will have to be implemented. TV's are being dropped off and the Town is being charged for each one. We can not expect the employees at the Transfer Station to collect money; will have to get a pass from the Clerk's Office.

Councilman Cowley noted that we could hold a TV collection day once a month and have someone there. What would happen if we stop the electronic collection at the Transfer Station?

Supt. Wight said that items will still be dropped off especially when Mike Vest is too busy to keep track of everything even though there not supposed to. We collect a lot of electronics at the Transfer Station.

Clerk Voss suggested having security cameras at the Transfer Station to monitor who drops off TV's, etc.

Supt. Wight agreed and said the returnable cans have been taken by someone for the last few weeks.

Supr. Marshall said that someone has been helping themselves to the cans brought into the Transfer Station. The company that picks up the cans contacted him noting that they are gone.

Supr. Marshall has been asked if the cans can be donated to the Naples Hospice House and asked the Board their thoughts. If no one has any objections Supr. Marshall will speak with John French about setting this up.

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EMPIRE ACCESS PROPOSAL – INTERNET/PHONE SERVICE

Supr. Marshall noted that we spoke about this a few months ago and someone had said it was a bad choice. Supr. Marshall noted that he spoke with the Empire representative about the concerns and was assured the Town is a good fit for Empire. The proposal submitted shows the bottom line savings of \$145.00 per month over Spectrum. Supr. Marshall noted that the Town of Naples uses Empire which they are very happy with their service. A savings of \$5,200 over 3 years.

Councilman Cowley asked if this is a multi-year contract and can we cancel at any time.

Supr. Marshall noted that he will ask that question and doesn't think a municipality can be held to a 3-year contract.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the Empire Access proposal for one-year was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

**VIII. REPORTS:
ASSESSOR**

On a motion made by Councilman Strickland and seconded by Councilman Cowley the Assessor's Report for February 2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

Councilman Cowley noted that property exemptions were due on March 1st and Assessor Muscarella went above and beyond to get them all in. Councilman Cowley didn't know how much time she spent on it but she wanted to make sure all the exemptions were submitted. There was a lot of follow-up on the Assessor's part for residents to submit the forms before the March 1st deadline. Councilman Cowley said that there needs to be a notice and one follow up; if you want to save money and have been notified twice that should be all. Notifications went out way ahead of schedule, notifying people multiple times of the deadline which is above and beyond her responsibilities. She was very clear that the exemptions needed to be submitted by March 1st.

Clerk Voss noted that the deadline is set by the State and the information is needed by the County for the Assessment Rolls so there are no exceptions or anything we can do after March 1st.

CEO

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the CEO Report for February 2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

TOWN CLERK/TAX COLLECTION

On a motion made by Councilman Strickland and seconded by Councilman Cowley the Town Clerk's Report for February 2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

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**IX. ACCOUNTING:
APPROVAL OF VOUCHERS**

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Abstract No. 3, totaling \$62,785.10 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

AGREEMENT TO SPEND HIGHWAY FUNDS

Supr. Marshall noted that every year Supt. Wight is required to create an agreement with the Town Board on how highway monies are going to be spent for road work.

- \$300,000 for General Repairs to 32.4 miles of Town roads, including sleuss, culvers and bridges which includes:
 - \$170,000 to pave, oil and stone Stid Hill Road
 - \$210,000 set aside for snow and ice removal

Supt. Wight noted that the Stid Hill work is 2.8 miles and the total road work budget is \$300,000 and some of that money will be used on Seneca Point Road.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the agreement was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

XI. ADJOURN: 8:15PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk