

SOUTH BRISTOL TOWN BOARD MEETING

April 8, 2019

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order March 11, 2019 at 7:04 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

Scott Wohlschlegel, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Brian Perkins, Alan & Kristie Braun, Cathy Colby, Brooks Lyon, Fred McIntyre, Keith & Marth McIntyre, John Manser, Bob Cone, Dahl Schultz, Craig Goodenberger and Virginia Latke

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 Councilman Strickland the minutes of the March 11, 2019 Public Hearing and March 11, 2019 Town Board meeting minutes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

IV. PRIVILEGE OF THE FLOOR

Alan Braun of Bristol Harbor said he had questions about the Everwilde Inn & Spa project and asked for an update on the next phase and workshop.

Supr. Marshall answered that he received an update from the NYSDEC today and that nothing much has changed. The DEC continues to review the capabilities of the Bristol Harbor sewer facility as to whether or not it is able to handle any additional load. It is the DEC's contention that the sewer plant is at 95% capacity which is the DEC is stating. We are basically having to wait until the DEC hears something from the operators of the Bristol Harbor sewage facility as to plans to make the plant capable.

Councilman Cowley noted that the Bristol Harbor's engineers have a laundry list of items they have to answer from the DEC engineers.

Supr. Marshall agreed and said the list is quite extensive.

Mr. Braun asked that sometimes with applications or permits, etc., there is a time limit. It has been 4 years now since the original application was made and asked how long that application is good for and with all the changes from the original application to where it is today,

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does the application need to be brought back to the Planning Board. Mr. Braun said he know that this is not what the Board wants to hear but wants to put it on the record.

Supr. Marshall said technically the ball is in the Town's court at the moment. The developer is not dragging their feet, for all intensive purposes the Town Board is dragging their feet because it is our duty and our job to create the Final Environmental Impact Statement. That is our role; we are the Lead Agency. Obviously, we can't do this alone, and we are using LaBella Associates for our assistance and they are stopped "dead-in-the-water" just as we are waiting for the DEC to render decision on the capability. You can't imagine how we would like to have this all put behind us; but unfortunately, we are required to go by the rules. It has taken a long, long time.

Mr. Braun asked that there are no time limits as to the application that was put in 4 years ago?

Supr. Marshall said if there was, LaBella would be telling us by now and to our knowledge there is no time limit. We would like to be able to move on with this project.

V. COMMITTEE REPORTS: HIGHWAY

Councilman Cowley read the Highway report. "Following is a brief summary of events at the Town Barns. The highway dept. have been busy hauling in stone for our Stid Hill paving project this summer. We have also been busy cleaning up brush and fallen trees in the Gulick/ West Gulick corridor. A 2-man sign crew getting around Town and updating old fading signage. We actually plowed quite a bit since my last report. The mechanic is busy going thru our mowing equipment getting ready for road side mowing this year. (As a side note to mowing, I would like to defer from mowing County roads this summer, as I have a busy construction schedule, and our Town roads should receive more attention.) Now on to the request section of my report. I have interviewed 3 applicants. I would like to hire Scott Schumacher. Through the course of the interview Scott demonstrated that he has all of the required qualifications. I am confident he will be a good fit for our Department. I would like to start him at a rate of \$18.50 per hour.

I would also like to get Town Board approval on declaring the following items as surplus, so they can go to auction. Originally, I thought of replacing our old (2000 Sterling) road tractor with Bill's truck, a 2003 Sterling which is being replaced this year. Then, I still have a 16-year-old truck in the fleet. So now my thoughts are to auction both and put that money in reserve, and use that money and the extra money from my equipment line and update our road tractor. Our 2009 F-250 also needs to go to auction."

Supr. Marshall noted that every year the Town is asked to mow the County roads by the County; County Road 12, 33 and 34. The Highway Dept. has done this over the years, and mows the County roads twice a year. The issue at the moment, given the work that is planned for the summer and the work that needs to be completed on the Town roads that didn't get the attention they needed last year.

Supt. Wight agreed, it is fair to say that County Road 12 didn't get mowed at all last year and the other roads mowed twice. Because of that our roads suffer because we can't dedicate the manpower to mow the County Roads. It takes 2 workers 2-3 weeks to mow the County Roads.

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Supr. Marshall said we will be asked soon by the County to mow the County roads and asked Supt. Wight if you intend to mow them this year? Our answer this year is going to be “No.”

Supt. Wight said to further qualify that, the mowing rate for the County hasn't changed in 10 years. Fuel hasn't gotten any cheaper, tires aren't any cheaper, materials, knives, etc. We aren't helping ourselves by doing this and would rather see the Highway Dept. do a better job on the Town roads.

Supr. Marshall said there is no obligation on the Town's part to do this. In the past the County has mowed their roads.

Supt. Wight said he would like to hire Scott Schumacher from North Cohocton. Three candidates were interviewed.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley to hire Scott Schumacher at the rate of \$18.50 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Councilman Cowley listed the items to send to the Municipal Auction, 2003 Sterling 10-wheel truck and a 16-year-old truck in the fleet. Auction both trucks and put the money in reserve and use those funds along with the funds left in the equipment line to update the road tractor.

Supt. Wight agreed, this wouldn't be until the fall because the 2009 F250 truck will go to the May auction, the other 2 vehicles would go to the equipment auction at the Empire Farm Days in August.

Supr. Marshall asked about the new tractor? Supt. Wight said the sale of all three pieces of equipment and the remainder of the equipment budget line for the tractor; it won't be a brand-new tractor, 2010 – 2012; the tractor is a 2000, 19 years old.

On a motion made by Councilman Cowley to authorize the Highway Supt. to take the 3 vehicles to auction and place the funds into the Highway Equipment budget line to purchase a Road Tractor and seconded by Councilman Strickland, was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

EMPLOYEE HANDBOOK

Councilwoman Goodwin said she is still working on the Employee Handbook; it is going to be a large document. Councilwoman Goodwin said she would like to finish the handbook and have a Board workshop to go through it.

Supr. Marshall said that is good idea; someone from the Highway Union will have to be here for that.

B. BUILDINGS & GROUNDS – TOWN HALL REPAIRS PRIORITY LIST

Councilman Wohlschlegel noted that he reviewed with the Planning Secretary Diane Graham a list of work for the Town Hall:

- Pest Control, which is being taken care of on a monthly basis
- Vacuuming out the basement
- Replacement of lightbulbs, a low priority

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Gutter Replacement: received 2 estimates to replace the gutters, MIG \$1,995 which includes disconnecting the bathroom vent fans. BK Ward estimate for the same work \$1,625.00; 6” gutters. Councilman Wohlschlegel recommended BK Ward.

Resurfacing the Town Hall parking lot, a cost of \$3,900.00 by the Highway Dept.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the BK Ward estimate for Gutters was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Councilman Wohlschlegel continued with the work that needs to be done at the Town Hall and suggested having Mike Vest for the outside work and cleaning the basement.

VI. OLD BUSINESS:

A. LOCAL SOLID WASTE MANAGEMENT PLAN

Supr. Marshall said the Town has been working on a Solid Waste program with the County support. The County Landfill has been in the news because of the odor which has been alleviated because the landfill has cutback on the amount of sludge taken in. The County has asked that the Town come up with some programs for our residents to reduce the solid waste stream to the landfill. The landfill is scheduled to close in 2028 and now there seems to be some discussion about closing it sooner than that. There are various projects that have all ready been started.

Clerk Voss said that there has been a compost bin located near the front door, the bins were ordered and delivered last week. We have 10 compost bins available for residents for \$30.00. We have also received 100 blue recycle bins which are \$6.00 each. The recycle bins cost the Town about \$13.00 each. All this expense is coming out of the money the County received from Casella.

Supr. Marshall agreed and noted that the money was provided to us through the County. This is through a “success payment” that Casella pays to the County based on their profit at the Landfill. The County decided to share the funds with the municipalities provided that the money is used to reduce the solid waste stream.

Clerk Voss continued, and attended a Town Clerk’s meeting last month with the Genesee Finger Lakes Regional Planning Council about their initiative called “Clean Energy Communities Program.” The Town of Canandaigua is working towards becoming a Clean Energy Community and must meet the criteria for that designation. The Town of Canandaigua is putting in solar panels, changing to all LED lighting, etc. Clerk Voss also spoke with someone at the Canandaigua Highway Dept. about their recycling programs and they have hired Natural Upcycling which picks up compost from the transfer station. The compost is placed in totes and Natural Upcycling will pick up the totes every week for \$10.00 per tote. The Town of Canandaigua has also partnered up with the Canandaigua Wegman’s to collect plastic bags at their transfer station; this has been very successful, and the bags are taken to the rear of the Wegman store.

Supr. Marshall said this is something we are taking seriously with much more effort and will have a page added to the Town website just for this. This will help get the word out to the residents of events held through the County for hazardous waste, e-waste and paper shredding.

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PROPOSED LOCAL LAWS APPROVAL

Supr. Marshall noted that the Board held 2 Public Hearings this evening and can move to adopt the Local Laws.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Resolution No. 34-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

RESOLUTION NO. 34-2019

AUTHORIZING ADOPTION OF LOCAL LAW NO. 4 OF 2019

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 April 8, 2019, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, to hear all interested parties on 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, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on April 2, 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 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 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. 4 of 2019, entitled "A Local Law Amending Chapter 84 (Fire Prevention and Building Code Administration) of the Code of the Town of South Bristol", 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.

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 April 8, 2019, by the following vote:

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

Dated: April 8, 2019

Judy Voss, Town Clerk

SEAL

LOCAL LAW NO. 4-2019

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town of South Bristol

Village

Local Law No. 4 of the year **2019**

A local law "Amending Chapter 84 (Fire Prevention and Building Code Administration) of the Code of the Town of South Bristol"

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County

City

Town of South Bristol

as follows:

Village

Section 1. Subsection (1) of paragraph B (Exemptions) of Section 84-3 (Building Permits) of Chapter 84 (Fire Prevention and Building Code Administration) of the Code of the Town of South Bristol is hereby repealed and a new subsection (1) is hereby inserted in its place to read as follows:

- (1) Construction or installation of playhouses or similar uses, provided the gross floor area is 144 square feet (13.38 square meters) or less;

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of 2019 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on April 8, 2019, in accordance with the applicable provisions of law.

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2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

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I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Town

(Seal)

Date: _____

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, Resolution NO. 35-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

RESOLUTION NO. 35-2019

AUTHORIZING ADOPTION OF LOCAL LAW NO. 5 OF 2019

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 April 8, 2019, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on April 2, 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 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 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, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; 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. 5 of 2019, entitled "A Local Law Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol", 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, to publish an abstract of this local law in the Town's official newspaper and to give due notice of the adoption of said local law to the Secretary of State of New York.

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 April 8, 2019, by the following vote:

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

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Donna Goodwin
Stephen Cowley
James Strickland

 x _____
 x _____
 x _____

Dated: April 9, 2019

Judy Voss, Town Clerk

SEAL

LOCAL LAW FILING

New York State Department of State

Division of Corporations, State Records and Uniform Commercial Code

One Commerce Plaza, 99 Washington Avenue

Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town of South Bristol

Village

Local Law No. 5 of the year **2019**

A Local Law Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County

City

Town of South Bristol

as follows:

Village

Section 1. Section 170-9 (Terms defined) of the Zoning Law of the Town of South Bristol is hereby amended with the deletion of the definitions of “Impervious”, “Lot Coverage” and “Pervious” and the insertion of an amended definition for of this term to read as follows:

IMPERVIOUS / IMPERMEABLE – Not allowing fluid to pass through including but not limited to roads, sidewalks, driveways covered with asphalt, concrete, brick, stone and gravel.

LOT COVERAGE – The total area of a lot or parcel covered by impervious and substantially impervious surfaces and/or structures on or proposed to be permanently located on a lot. Impervious and substantially impervious surfaces and structures shall include, but not be limited to, buildings (both primary and accessory), sidewalks, decks, patios, swimming pools, stairs, landings, retaining walls, planters or planting boxes, freestanding solar panels, driveways and parking areas (including gravel, paved, or brick), buildings and roof overhangs, sheds, pavilions, gazebos, awnings, tennis courts, and any other paved, gravel or constructed surface or structure on or proposed to be permanently located on the lot or parcel. Lot coverage will include all areas above

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the mean high water mark of 689.4 feet above sea level.

NOTE: 50% of all Pervious / Permeable surfaces will be counted towards total Lot Coverage.

PERVIOUS / PERMEABLE - Allowing fluid to pass through into the soil and filter out pollutants, plus recharge the water table and not allowing runoff.

Section 2. Paragraph A of Section 170-63 (Preservation of natural features) of the Town of South Bristol Zoning Law is hereby repealed and a new paragraph A is inserted in its place to read as follows:

A. No structure shall be constructed within 25 feet of the bed of a stream, creek or dry creek with the ability of carrying water, except for private bridges, drainage conduits, embankments and similar structures as are necessary to permit access to the lot or as are incidental to the lawful use of the lot. Such structure shall not adversely affect the flow of the stream nor substantially increase the likelihood of flood or overflow in the area.

Section 3. Subsection (3) of paragraph A of Section 170-70 (Prohibited Uses) of the Town of South Bristol Zoning Law is hereby repealed and a new subsection (3) is hereby inserted in its place to read as follows:

(3) To transfer pipeline, store, process or treat natural gas and/or petroleum;

Section 4. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 5. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as Local Law No. 5 of 2019 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on April 8, 2019, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer².)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

² Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

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I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Town

(Seal)

Date: _____

Supr. Marshall continued with Noise Ordinance, Local Law #3-2019 and noted that the board will need to have Part 1 of the SEQR Assessment form filled out and asked Councilman Wohlschlegel to go through the form with the Board. This is for the Local Law adopting the Noise Ordinance.

Councilman Wohlschlegel agreed and the Board discussed the SEQR Assessment Form.

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On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel the SEQR Part 1 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

(Insert SEQR)

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Resolution No. 36-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL,
ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 3 OF 2019**

WHEREAS, the Town of South Bristol Town Board, hereinafter referred to as Town Board, has determined proposed Local Law No. 3 of 2019 to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Short Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

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 April 8, 2019, by the following vote:

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

Dated: April 8, 2019

Judy Voss, Town Clerk

SOUTH BRISTOL TOWN BOARD MEETING

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SEAL

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel, Resolution No. 36-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

RESOLUTION NO. 36-2019

AUTHORIZING ADOPTION OF LOCAL LAW NO. 3. OF 2019

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 April 8, 2019, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Adopting a Noise Law" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on April 2, 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 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 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, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; 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. 3 of 2019, entitled "A Local Law Adopting a Noise Law", 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.

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 April 8, 2019, by the following vote:

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

Dated: April 8, 2019

Judy Voss, Town Clerk

SEAL

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LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town of South Bristol

Village

Local Law No. 3 of the year 2019

A local law "Adopting a Noise Law"

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County

City

Town of South Bristol

as follows:

Village

1. The Code of the Town of South Bristol is hereby amended with the adoption of a new Chapter 113 to read as follows:

Chapter 113. Noise

§ 113-1. Authorization.

This chapter is adopted pursuant to the authority granted to the Town of South Bristol by New York Municipal Home Rule Law §10.

§ 113-2. Title; purpose.

This chapter shall be known as and may be cited as the Noise Law of the Town of South Bristol. The purpose of this Chapter is to regulate noise within the Town.

§ 113-3. Legislative finding.

The Town Board of the Town of South Bristol finds and hereby determines that excessive or otherwise unreasonable noise within the Town can negatively affect the protection, order, conduct, safety, health, welfare and well-being of the persons and property within the Town of South Bristol. Therefore, the Town Board of the Town of South Bristol hereby further finds and determines that noise shall be regulated within the Town.

§ 113-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EXCESSIVE NOISE - Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of a reasonable person of reasonable sensitivities or which causes injury to animal life or damage to a property or business. Standards to be considered in determining whether excessive noise exists in a given situation include, but are not limited to, the following:

- A. The volume or intensity of the noise;
- B. Whether the nature of the noise is unusual or rare;
- C. Whether the origin of the noise is created by man or is natural;
- D. The volume or intensity of the ambient or background noise;

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- E. The proximity of the noise to sleeping facilities;
- F. The nature of the area and the zoning district where the noise emanates from and into;
- G. The time of the day or night the noise occurs;
- H. The duration of the noise;
- I. Whether the noise is continuous.

PROPERTY LINE - In addition to the boundaries of real property established by deeds, this also includes those boundaries created by rental or lease agreements.

§ 113-5. Excessive noise prohibited

Excessive noise is prohibited within the Town of South Bristol and shall be a violation of this chapter. For the purpose of this chapter, the Code Enforcement Officer or any law enforcement officer having jurisdiction within the Town to enforce this chapter, including the Ontario County Sheriff's Department, and NYS Police shall be considered a reasonable person of reasonable sensitivities.

§113-6. Specific acts deemed excessive noise.

Any noise which falls within the excessive noise definition herein shall be excessive noise and thus a violation of this chapter. Given the aforementioned, excessive noise includes, but is not limited to, the following:

- A. The following shall constitute Excessive Noise at all times:
 - (1) The sound of a horn, except as an emergency signal or warning, including novelty horns, audible at 25 feet from the vehicle.
 - (2) The unnecessary creation of sound from a motor vehicle, including the squealing of tires, racing of engines, and playing of electronic equipment, including radios, audible at 25 feet from the vehicle.
 - (3) The operation of equipment, including motor vehicles, generators, engines, compressors, and HVAC units, that are in such disrepair as to create noise beyond the design specifications for the equipment, such that the sound is audible 25 feet or more beyond the property line of the premises upon which the sound is created. Disrepair includes the reduction in effectiveness of or elimination of any required muffling devices.
 - (4) Barking of a dog which violates Chapter 61 of the South Bristol Town Code.
 - (5) Any noise which is intentionally caused to annoy, disturb, harass, or injure any other person or business.
 - (6) The playing of any radio, television, musical instrument, or other machine or device for producing, reproducing, or amplification of sound, such that, the sound is audible at 25 feet or more beyond the property line of the premises upon which it is being used.
- B. The following shall constitute excessive noise from the hours of 10:00 p.m. until 7:00 a.m. Sunday through Thursday and 11:00 p.m. until 7:00 a.m. Friday and Saturday.
 - (1) The deliberate creation or allowance of sounds that disturb the ambient quiet 25 feet or more beyond the property line of the premises upon which the sound is created.

§ 113-7. Exemptions.

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The following shall not constitute excessive noise. Rather, the following is permitted by this chapter:

- A. Audible alarm and alerting devices designed to identify, alert the owner to and/or deter crime and emergencies, given that said alarm or device is working properly and is not malfunctioning and is in compliance with Chapter 58 of the South Bristol Town Code.
- B. Lawfully permitted fireworks displays.
- C. Ringing of bells or chimes in conjunction with normal church or religious activities.
- D. Sounds created by emergency vehicles, equipment and operations while lawfully operating.
- E. Sounds created by the normal operation of a properly functioning heating or cooling unit.
- F. Reasonable production of sound or noise in connection with any reasonable military, civic or authorized parade, funeral procession, religious ceremony, or wedding conducted at a reasonable time and with reasonable frequency.
- G. Reasonable use of properly maintained and operated lawnmowers, hedge trimmers, leaf blowers, snow blowers, recreational vehicles and other domestic power tools and devices utilized for the care and maintenance of one's property between the hours of 7:00 a.m. and 9:00p.m.
- H. A gathering permitted by Chapter 170 of the South Bristol Town Code as long as said gathering is operating within the permit granted by the Town.
- I. Lawful discharge of firearms.
- J. Agricultural activities as defined in Chapter 56 of the South Bristol Town Code.
- K. Snow removal and normal property maintenance conducted by either a governmental agency, private contractor, owner or owner's agent.

§ 113-8. Enforcement; penalties for offenses.

- A. Enforcement. It shall be the duty of the Code Enforcement Officer, the Ontario County Sheriff's Department, NYS Police and any other law enforcement officer with the requisite jurisdiction to enforce this chapter.
- B. Violation. Any person, firm or corporation who or which fails to comply with or violates any of the provisions of this chapter shall be guilty of a violation and subject to the penalties of that violation or violations. Separate violations may be deemed committed during the same day if additional violations continue or occur after one is cited with a violation that same day.
- C. Penalties. For each violation, any person, firm, company or corporation who or which neglects or refuses to do any act required by this chapter shall be punishable as follows:
 - (1) For the first violation, a fine of up to \$250.
 - (2) For a second violation committed within three months from the commission of any prior offense, a fine of up to \$500.
- D. Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity proceedings to prevent any violation of this chapter, to recover damages, to restrain and correct or abate a violation. These remedies shall be in addition to the penalties described above. Consequently, the Town may institute any appropriate action or proceeding to prevent and to restrain, correct or abate

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such violation or to prevent any illegal act, conduct, business or use in and about such premises.

Section 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as Local Law No. 5 of 2019 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on April 8, 2019, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer³.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

³ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

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I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Town

(Seal)

Date: _____

VII. NEW BUSINESS

A. CARDIAC LIFE RECERTIFICATION

Supr. Marshall noted that the certification for the Defibrolator located within the Town Hall is up. The cost to recertify the Town Hall employees is \$565.00 and needs a motion.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, the \$565.00 and recertification was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

B. RESOLUTION – PLAN FOR CYCLICAL REASSESSMENTS

Supr. Marshall received a request from the Town Assessor to pass a resolution approving of cyclical reassessment; a re-valuation for the year 2020. The State will pay the Town the expense of going through that process provided that we provide them with a resolution.

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Resolution No. 37-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

RESOLUTION NO. 37-2019

WHEREAS, New York State provides financial support to perform Cyclical Reassessments, and

WHEREAS, the South Bristol Town Assessor would like to perform such a Cyclical Reassessment for the tax year 2020, and

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WHEREAS, the New York State Office of Real Property Tax Services requires a Resolution of Support from the Town Board in order to provide financial support, now therefore be it

RESOLVED, that the Town Board approves and supports doing the Cyclical Reassessment, and

RESOLVED, that a copy of this Resolution be attached to our Plan for a Cyclical Reassessment that is to be provided to the New York State Office of Real Property Tax Service, and

RESOLVED, that a copy of this Resolution be provided to the Town Assessor and the Ontario County Real Property Tax Office.

C. HAYS CODE VIOLATIONS – LEGAL REPRESENTATION

Supr. Marshall noted that there is a situation down on State Route 64 that has some serious code violations on the property. The owners were brought in to Court and unfortunately our Local Laws states that one of the possibilities for violating the regulations is potential jail time. Because of that, the owner has requested a public defender and now the Town has hired an attorney to represent the Town. Our local Town attorney, Jeff Graff, is not the Town’s litigator and we have hired LeClair, Korona for representation. Supr. Marshall said he signed a Letter of Engagement with LeClair, Korona to represent the Town. This situation has gotten to the point where the neighbors are being affected and we are obligated.

**VIII. REPORTS:
ASSESSOR**

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the March 2019 Assessor’s Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

CEO

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel the CEO Report for March 2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Supr. Marshall announced that the fireworks that were scheduled at Bristol Mountain have been rescheduled for July 6th.

TOWN CLERK/TAX COLLECTION

On a motion made by Councilman Cowley and seconded by Councilman Strickland the Town Clerk’s Report for March 2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**IX. ACCOUNTING:
SUPERVISOR’S REPORT MARCH 2019**

Supr. Marshall read the Supervisor’s Report. The Town has \$2,212,000.00 in the bank and total receipts for this month, \$8,800.00 which includes the funds from the Town Clerk, Everwilde escrow funds. Expenditures through March, on average, should equal 25% of annual

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budget, and year-to-date we are at 22%. The Town Highway is at 20.4%; percentage wise we are under budget for the year.

APPROVAL OF VOUCHERS

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, Abstract No. 4, totaling \$81,673.86 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Supr. Marshall asked if anyone else had questions for the Board. Fred McIntyre asked how the Planning Board was coming along with the Rental Law?

Supr. Marshall answered that they are still working on it. The Planning Board has been extremely busy with applications and site plan review.

XI. ADJOURN: 8:30PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk