

SOUTH BRISTOL TOWN BOARD MEETING

September 9, 2019

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order September 9, 2019 at 7:00 pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

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

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Brian Perkins, Alan & Kristie Braun, Baird Couch, Tom & Lori McAlees, Joe Kohler, Carol Schmitt, Carl & Sue Widmer, John McAlpin, Betsy Schuppenhauer, Keith & Martha McIntyre, Fred McIntyre, Bob Cone, John & Judy Manzer, Brian & Deb Voorheis, Chris Bennem & Lisa Moore, Lana Torre, et al

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 August Town Board meeting minutes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

IV. PRIVILEGE OF THE FLOOR:

V. COMMITTEE REPORTS:

Councilman Cowley read the Highway Report Following is a brief description of events this last month. Chip sealing (oil and stone) completed on the following roads:

1. Stid Hill Rd.
2. Powell Hill Rd.
3. Bopple Hill Rd.
4. Town Hall parking lot.

Road striping to follow soon. Road side mowing continues. We have also started mowing the fields around the Wilder Barn. We have poured a base and a concrete pad for the viewfinder to sit on at the overlook. I will be spending some time this week to make sure the overlook is cleaned up and ready for the dedication. And, unfortunately starting to prep equipment for the winter months ahead.

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Supr. Marshall said that there will be a celebration of John Brahm III at the County Road 12 Overlook on Thursday, September 12th at 11:00am. At that time, the Finger Lakes Visitor's Connection will be dedicating a viewer at the Overlook in John's memory.

Supr. Marshall told the Town Board that in their packet for tonight's meeting is an appraisal for NYMIR of the Town buildings. There is no action, however if you look at the information some of the buildings have been under appraised.

Supr. Marshall mentioned that the contractors were in today replacing the Town Hall lights with LED bulbs. This will save the Town \$2,500 a year in electricity cost, and payback period is supposed to be 31 months.

Supr. Marshall said the Budget Workshop scheduled for September 14th is being postponed. We will have to reschedule workshop after a meeting with EFPR.

VI. OLD BUSINESS

A. WOODVILLE SPEEDING ISSUES

Supr. Marshall reported that he met with the NYSDOT with regard to the speeding issue in Woodville. Supr. Marshall submitted an application to the DOT to allow the Town to install two speed radar signs that will indicate what the driver's speed is; this will hopefully encourage drivers to slow down. Supr. Marshall said he has received 2 quotes for two radar signs, one at each end of Woodville; \$8,900.00 and \$4,979.00. The unit at the south end of Woodville would be located near the boat launch and solar operated. The north end unit will be hard-wired. We cannot purchase the units until we receive the approval from the NYSDOT. Supr. Marshall said he would like a motion to move forward with this purchase. It is in the 2019 Town Budget and there will be additional expense on top of the purchase: a pole, lighting, etc.

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel, the bid for \$4,979.00 pending NYSDOT approval was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

Clerk Voss asked if the devices will be able to record data?

Supr. Marshall said it does and there is a way to download the data. The sign has to be very specific with State and Federal regulations.

Supr. Marshall noted that on the agenda for tonight is a Resolution before the Board that will include a request for speed reduction from 30 mph to 25 mph. Placement of 2 crosswalks; one near the Smith Boys Marina and the second near the boat launch and the Woodville Park. Thirdly we are asking for additional signage up hill and further south stating Speed Zone Ahead. Supr. Marshall noted that you never know what the State will decide.

Lana Torre of 7113 State Route 21 said that she has nearly been hit many times right in front of her house; taking things out of her car, many times it is the large 4-wheelers that come through and going very fast. We have 8 grandchildren and because there is no parking on the other side of the road for them, they have to park way down and come across the street with young children. It is very dangerous. Putting up the signs and radar is all great, but what is the consequence? After being here 13 years, she doesn't understand why they don't park a Sheriff's car there all the time. They could get one after the other and generate a lot of revenue for the Town.

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Tom McAlees of 7065 State Route 21 said he has a background in data analytics and asked about access to the data from the radar signs? Mr. McAlees volunteered to help collect the information and data.

Supr. Marshall said there is a way to download the data but isn't familiar with the process.

Clerk Voss noted that if that information is filed with the Clerk's Office, that information can be obtained through FOIL.

Joe Kohler asked the Board about the traffic on County Road which is just as bad?

Supr. Marshall said we might as well discuss tonight's Resolution approving a contract with the Ontario County Sheriff's Dept. Other towns that use this option are the Town of Canandaigua and the Town of Victor, Farmington and Geneva. The contract includes 10-25 hours a week of dedicated time from the Sheriff's Dept. in South Bristol. It would be for the whole town, not just for Woodville; certainly, the north-south roads. Supr. Marshall said the Towns involved with the same contract are getting their money back through fines and tickets.

B. EVERWILDE UPDATE

Supr. Marshall said there is not much to report on Everwilde. The DEC and our consultants, LaBella Associates, had a conference call and Councilman Cowley did listen in on that call for 1 ½ hours. There is still no agreement between Everwilde and the DEC on the sewer facility being adequate for any new project work. In fact, there is some concern that it may be not even as adequate as they thought it was originally. The DEC continues to work with the Developers and the DEC has worked with LaBella Associates, and LaBella Associates is moving forward with the information that we have as of now to complete the FEIS. Supr. Marshall is hopeful for a workshop in October.

C. EMPLOYEE HANDBOOK

Supr. Marshall said that Councilwoman Goodwin has been working on an updated version of the Town Employee Handbook. The Town Highway employees are subject to the collective bargaining agreement with the Teamsters Union.

Councilwoman Goodwin asked the Board to read the handbook and submit to her any comments or concerns. Discussion.

Supr. Marshall said that Town is complying with a State Mandated policy against Sexual Harassment and everyone in business must comply with that requirement; all employees and Board members are to be trained annually. Supr. Marshall asked for a motion to accept the model policy for Discrimination and Harassment provided by NYMIR, the Town's insurance carrier.

On a motion made by Councilwoman Goodwin to accept the Policy against Discrimination and Harassment, seconded by Councilman Wohlschlegel was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

VII. NEW BUSINESS

A. RESOLUTION – REQUEST FOR SPEED REDUCTION – WOODVILLE

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Resolution No. 46-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

RESOLUTION NO. 46-2019

WHEREAS, residents of Woodville have asked the Town Board to seek solutions to the ongoing speeding issue on Route 21 S, and

WHEREAS, their request was made by a significant number of residents who signed a petition asked the Town Board to make said request, and

WHEREAS, the portion of Route 21 S that currently has a speed limit of 30 MPH and homes and parking that are very close to the road, and

WHEREAS, many residents walk along the edge of the road, with little or no shoulder, now therefore be it

RESOLVED, that this Town Board request the NYS DOT to consider and implement the following changes:

1. A reduction in speed to 25 MPH in the area of Route 21 S currently having a speed of 30 MPH.

2. Crosswalks be marked in the proximity of Smith Boys Marina and at the NYS Boat Launch and the small park across from the launch.

3. Additional signage well before both ends of the current 30 MPH speed zone warning of a speed reduction ahead.

RESOLVED, that copies of this resolution be sent to the attention of Gregory Trost, DOT, Canandaigua, NY and to Bill Wright, Ontario County Commissioner of Public Works.

B. RESOLUTION – OFFICIAL UNDERTAKING WITH NYS DOT

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Resolution No. 47-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

RESOLUTION NO. 47-2019

UNDERTAKING FOR THE BENEFIT OF THE NYS DOT

WHEREAS, the undersigned Town of South Bristol, NY hereinafter referred to as “Permittee” from time to time received permits from the New York State Department of Transportation (NYSDOT) and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee’s access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203, and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee’s operations, (b) complete restoration of state facilities to their condition prior to permitted activity or use, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such

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application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therein.

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

C. DRAFT SHORT TERM RENTAL LOCAL LAW REVIEW

Supr. Marshall noted that the Planning Board Chairman and our Code Enforcement Officer created a draft of the Short-Term Rental Local Law. Typically, the Planning Board would review the draft and then would forward the document to the Town Board; and because of the urgency this will be done simultaneously. The Town Board needs to review this draft and hopefully by next month we can forward the law to the Town Attorney, etc. Supr. Marshall said he is aware that there was another major incident at the Route 64 properties this past weekend. A very large wedding with 150 guest on a residential property; which we have to put an end to. We are speaking about a piece of property that is on a private drive and many, many vehicles using the private drive, loud music until 10pm. Supr. Marshall noted that he is absolutely certain that the neighbors didn't sign up for that when they built their homes.

Fred McIntyre, of Route 64, said that 150 people using 6 bathrooms in the two houses.

Supr. Marshall agreed, and is aware of that. There were no outside additional restrooms available, raising some serious concerns about their capabilities of the septic system. That duly noted as well.

Bob Cone, of Route 64, said for him it is quite a distance away from the where the party was and the audio that was coming in from there was drowning out his TV in his living room.

Supr. Marshall noted that the Short-Term Rental Law, for starters, states that there can be no exterior tents for large groups. There will also have to be an addition to this stating that there is a difference between an Air B-N-B with 6-12 people staying for the weekend versus 150 people attending a wedding. That is an event, it is not an Air B-N-B. Supr. Marshall said he will be writing a letter to the management of the residence on Route 64 telling them that they need to cease and desist scheduling any wedding or large-scale events because we intend to put a halt to it. We are not going to grandfather things that they booked a year in advance; it will probably be a 30-60-day statute and after that time the law would apply.

Chris Bennem of Seneca Point Road asked how this would effect agencies such Finger Lakes Premier?

Supr. Marshall noted that the properties would register with the Town through the application process. We would hope that someone like Premier Rental is a little more professional than what we are experiencing on Route 64.

Alan Braun of Bristol Harbour, the City of Canandaigua trying to get the Air B-N-B's to pay taxes because currently they are not paying taxes. Is that going to be part of the new law?

Supr. Marshall said that the Town can't do that on our own, the County has to do that first. It is something that they are working on; charging the Air B-N-B the Occupancy Tax.

Mr. Braun asked if this law would affect Bristol Harbour?

Supr. Marshall said he would assume that it would; the Homeowner's Regulations do not supersede Town Law and would apply.

Fred McIntyre read from Section F: *Notwithstanding the foregoing, those properties with short-term rental commitments existing on the effective date of this article shall be permitted to honor such existing commitments and continue to make commitments for short-term rentals, but must apply, within thirty (30) days of the effective date, for all future short-term rental commitments. In the event such application is denied, all commitments must be cancelled.* Mr. McIntyre said that he knows that Webster Properties has commitments right up until July 2020. Does this mean that they can have their way until July of next year or is this saying, for 30 days they can have their commitments honored and then after that they have to have apply for a permit?

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Supr. Marshall said it would be his hope and intent that once this law is enacted and takes place, they will have 30 or 60 days, whatever the law will state once it is approved, and the scheduled events are their problem to solve.

Chris Bennem asked if the Town is trying to get rid of people actually hosting events like weddings at an event space?

Supr. Marshall said no, we are trying to prevent neighbors from being unjustly disturbed by such an event. If your son or daughter is getting married and you want to have a wedding in your backyard and notify your neighbors, with a one-time event hopefully there won't be any disturbance. The whole reason we are doing this is for the people that live in this Town and pay their taxes and have a very nice place don't get disturbed or harassed. That is what it is all about.

Councilman Strickland said that this is meant to stop businesses from carrying on these events continually at a residence.

Supr. Marshall said what happened on Route 64 this weekend would be no different than if Bristol Harbour or any of the other venues in this area were to have a wedding. It is not intended to be in the situation with what these people are putting up with.

Someone asked if this will be a permit process?

Supr. Marshall said yes, there is a permit and the reason is if there are continuous issues with noise, etc., the next time you come in for a permit it will not be issued. The last thing I want to see is Town residents getting harassed in their own backyard.

ASSESSOR

Supr. Marshall read from the Assessor's Report: sales were processed, and new owner information was sent to the School Tax Collector. Work continues on the Re-Val project; site visits have begun. Received rejection list for the 2020 Census; 10 address rejected.

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

CEO

Supr. Marshall noted that the CEO reported 41 total inspections, one inspection completed on old permits.

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

TOWN CLERK/TAX COLLECTION

Supr. Marshall read from the Town Clerk's Report: collected a total of \$6,150.00 for August, \$4,593.00 of that came to the Town, \$1,500 to the DEC for hunting licenses.

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

**IX. ACCOUNTING:
SUPERVISOR'S REPORT**

Supr. Marshall reported that the Town has \$2.4 million in the bank; our revenues for August were \$343,397.00, expenditures through August on average equals 66% of the annual budget and we are at 47% on the General Fund and 38% for the Highway Fund.

On a motion made Councilman Wohlschlegel by and seconded by Councilman Cowley the August 2019 Supervisor's Report was ACCEPTED.. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

APPROVAL OF VOUCHERS

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Abstract No. 9, totaling \$238,067.68 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

XI. ADJOURN: 7:50PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk