

SOUTH BRISTOL TOWN BOARD MEETING

October 15, 2019

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order October 15, 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, Joe Kohler, Paco & Vicki Garza, Brian & Deb ,
Ellen Eachus, Cathy Colby, Larry Heilbronner, Fred McIntyre

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 September 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:

Vicki Garza of Woodville just south of the Marina and have been there since 2002 and live there for 6 months every year. I am here to talk about the traffic situation (in Woodville). I know that you all are aware of it. We are proactive people and have called the police quite a few times and asked them to come down, especially in the morning, it gets really bad between 6:00am and 8:00am. Our house literally shakes when the trucks come through, they don't slow down at all; and even during the day it is not unusual to just feel the house shake as people go by. So, we did notice when we did call the police that they've come down for a minute, but they haven't really stayed very long. It's not really a priority so we were thinking of ways that we could do something there that would really be a help when there are cops there to protect us from the high-speeders. One of our thoughts was a solar sign for speed and we were wondering if those could be installed, they are a lot smaller and take less sunshine and they do get your attention. The other thing we have notice through the years that is you have speed bumps, something they could feel when the trucks come through at 60 mph that would make them realize they can't do that anymore. We just really thought that would be a good idea. We are just here to say that we are still very concerned; and want to keep the momentum going and during the winter it would be great if we could think of some ways to get them to stop before someone gets hurt. We are the ones who had someone hit our brand new Lexus and it was

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pushed into our house and we had literally just gotten out of the car and had been in the house about 5 minutes when that happened. If we had been sitting in the car we would have been killed, it is just dangerous.

Ellen Eachus, my husband and I, Todd, moved over to Bristol Harbor on 119 Cliffside Drive, it will be 6 years in February and we absolutely love it over there. It is very peaceful, very quiet up until the time the new owners of Bristol Harbor Marina, I believe it is Fields Construction, I don't know them, never met them, don't know if they're blonde, brunette, I have no idea, nothing personal; they've put in aluminum docks and they are quite noisy. I don't know when they were put in, I think in April when I was just taking a picture of the docks, they weren't there so maybe they were put in in May or June and the noise from these docks on like a windy day or a mild windy day or with some waves, they start banging and clanking. From July 13th up until yesterday I have over 70 video and audio regarding this sound and it is totally taking away our peace and serenity on Cliffside Drive. Completely. So, we were away in August, we went away on vacation with my family. We came back on August 29th, I called Cathy Fields, I was given her number by our Crofton/Purdue and also Kendrick and they said call her cellphone number and I did I left a message for her and it was her because she said it was her and she never called me back and I said we have this issue with this noise, the aluminum docks. I call them noise pollution cause that's exactly what it is and it's emanating from these docks. She never returned my call so then I continued, I texted her the audio/video, ten of them from August 29th to September 28th, nothing. Contacted Crofton/Purdue, I contacted Julie Principe, contacted a lot of different people, talked to a lot of residents, a lot of people know it's an issue and I should videotaping, audio taping it so then what I did was I went to BHVA Board meeting on 9/24 my husband and I did and made a complaint and we said, how are you going to protect us on Cliffside Drive? A lot of them put their head down on the Board and then one gentleman said, you came to right place, mam, but the president, Mark Morretti, he said, why don't you take a different route and come here. I had mentioned that first and he said I should do that so that's what I'm going to do I'm going to make an official complaint. So then, I went to my Board, HOA 3, Building 5 and I went to the meeting and I said are you going to back us on this? And supposedly, October 1st, I sent 4 pages, I hand-wrote it cause I didn't have my computer at the time, and I was told they sent a letter to Phil Sommers complaining as well, for Building 5. So, anyway, I don't know if you have it, I think Mr. Marshall said you didn't see it, I don't know what the CEO shares with you, I have no idea. The bottom line is, I guess there was a storm and now they are trying to say there was storm damage, this started July 13th from me, I don't know if anybody else has it on audio/video tape, anybody in this room can say anything about it, all I know is I can't sit on my balcony anymore and I can even play some for you and it is sounds like nails scratching on the chalkboard. It is not all the time, but when it's there it's embarrassing when you have relatives coming from out of town. I would like them removed, I want to know how this is going to be handled, I know that Mr. Sommer went down, called Jeremy Fields, went down on October 3rd, had a meeting with him and they are saying this damage from this storm. I have the videos from July 13th, I don't know if the damage made it worse, I don't know, they said hoists were taken out, it continues. Is this going to get rectified before they are allowed to put up anymore? Cause they are just going to keep building and I don't know how much more they can build. My husband and I have put in a Freedom of Information Act, we're going to get all that information, we want to know they crossed all their t's and dotted all their i's. Because I want to know if, are they allowed to put in aluminum docks because the deviated from the wood

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material and now it is screeching all the time and it's awful and I don't know when it's going to come. I'm a nurse and when I hear it it is like Pavlov's dog, I know, I get my phone and I go out there and I video tape it and yesterday when I heard it I left my condo and went down and I thought maybe somebody is working on it. There was nobody down there. No one. It is a problem. We want them removed and I'd like to know, and I know you have a large agenda tonight, but I'd like to know what happens, are there forms filled out, are there official things that are done that I'm going to find out, not just via email, how this is going to be rectified going forward because if it continues in the spring time am I going to have to do this all over again? What's going to take place?

Supr. Marshall thanked Mrs. Eachus and will talk about that down the road here in just a few minutes, too. We appreciate you coming in and telling us what's going on, we spoke a little bit earlier, just prior to the meeting and has gotten the full accounting of what is going on. We will investigate. One thing I can tell you, there is nothing in our Noise Ordinance that will make them tear those docks out.

Mrs. Eachus said it continues and my concerns is we, the residents there, continue to listen to this, can we fine them? People are having weddings for 2-3 hours and are sick of that, this noise is all the time, this is material that they've deviated from and we are listening to it all the time.

Supr. Marshall said he is aware of it, thank you.

V. COMMITTEE REPORTS:

Supt. Wight read his report: We are still mowing roadsides, we got back down to Bristol Harbor and the east side of town is in good shape. We are continuing to do ditch work on Stid Hill Road where the ditches are deep. We have a dump truck, currently at Viking in Harrisville being prepped with plow equipment and that will be here sometime in November. Getting ready for winter. We are getting a lot of electronics at the Transfer Station and hopes we are selling a lot of permits because we are going to see large bills through E-Waste. They just picked up the electronics a month ago and have 5 boxes full again. There is a lot of stuff coming in. The only other thing I want to run past the Board; we briefly discussed this, the purchase of some new dumpsters at our budget workshop. I'd like to see 2, maybe 3, dumpsters, one hooded and 2 open. I'd like the Board to give me permission to get some quotes.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, the permission to get quotes for dumpsters was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

Supt. Wight said salt will be delivered soon for the winter plowing.

Supr. Marshall wanted to report that he did receive a bill from the MRB Group with regards to the proposed, new Highway Garage. What we are being billed for at this point is the design phase and part of the bill included the survey of the property. Supr. Marshall said he was told that he should see something by the end of this week that will show the cost of building the new garage.

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Councilman Wohlschlegel said he thinks we have a furnace that isn't working at this end of the building and we had an estimate earlier in the year for two furnaces. We might be replacing the second furnace.

VI. OLD BUSINESS

A. WOODVILLE SPEEDING ISSUE

Supr. Marshall said we are proposing to install two speed-radar signs in Woodville. Supr. Marshall met with an engineer from the NYSDOT and we went through the whole process of where it can be and where it can't be. First, you need to have a fair amount of distance for the radar signal to read it, there has to be at least one sign prior to it stating what the speed limit is. Not a big deal but there is a problem at the south end situation. It can only be certain colors, must be amber and only amber. At the south end, in order to meet the DOT's requirements for signage, the sign that South Bristol will pay for will be located in Yates County in the Town of Italy. That's the only way it works from a distance perspective. If we were to move it 75 feet further north, now in the Town of South Bristol, it is too close to the other signs and not allowed.

Councilman Cowley asked if we need approval from Yates County?

Supr. Marshall said he didn't believe there's any approval from Yates County required, because we are on a State Road and the State is giving us the authority to do what we are doing. There are two applications that have submitted to the DOT; one for the speed/radar signs, which they rejected. The reason they rejected the request, because the exact location wasn't on the application. That is why I met with the DOT engineer and think we have solved that problem. The second application is for speeding; there were rubber strips across the road and they are doing a traffic study. It happens every time you ask for a speed reduction; they measure how many cars are going by, etc.

In addition to asking for a speed reduction, I also asked for them to consider crosswalk markings, one at the Boat Launch that would cross over to the park and also for a crosswalk in the vicinity of Smith Boys. In addition to that we've asked for additional signage going up the hill and to the south warning that there is a speed reduction area ahead. After the traffic study we should hear something.

The 2020 Budget includes \$25,000 for a contract with Ontario County Sheriff for enhanced traffic enforcement in South Bristol. It won't be just Woodville, it will be all the Roads with speeding problems; 10 – 15 hours per week additional coverage. The Sheriff's office hasn't approved the contract yet. Other Towns, such as Farmington, Victor, Canandaigua and the Town of Geneva state that the traffic fines cover the contract cost.

Vicki Garza asked about the speed bumps.

Supr. Marshall said putting a speed bump on a NYS road is virtually impossible. We are going to be lucky if we get a speeding reduction. They won't allow a speed bump on a State road.

Joe Kohler said instead of going through the NYS bureaucracy could you supplement this whole effort with some Deer Crossing that automatically make drivers slow down.

Supr. Marshall said, not on a State road, you have to get their permission. The Highway Supt. does not have the authority to do that.

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B. EVERWILDE UPDATE – WORKSHOP SCHEDULED FOR 10/28/19 AT 6:00PM

Supr. Marshall said the only item he has to report is the FEIS Workshop scheduled for Monday October 28th at 6:00pm. The workbook has been received from LaBella for the workshop.

C. TOWN EMPLOYEE HANDBOOK

Supr. Marshall noted that last month the Board spoke about the Handbook and have had a couple of updates. The updates include the Sexual Harassment Policy which is required by NYS.

Councilwoman Goodwin said the Sexual Harassment Policy was replaced in the Handbook, removed the Clothing Reimbursement and removed language in the 2nd section that included harsh language, *at-will employment and immediate termination*. Changes can be made down the road; there is a lot here and would like to have the handbook approved by the Board.

Councilman Wohlschlegel said this is a living document that can always be updated same as the Comprehensive Plan.

Councilwoman Goodwin agreed, there will be adjustments in the future, this is a start. Councilwoman Goodwin thanked Diane Graham that worked with her on the Handbook.

On a motion made by Councilman Wohlschlegel to accept the Town of South Bristol Employee Handbook as it is and make updates accordingly and seconded by Councilman Strickland was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

D. NOISE ORDINANCE AMENDMENT – EXEMPTING CERTAIN OFF HOURS NOISE SOURCES

Supr. Marshall said that are two issues that have popped-up that were never considered and never intended to be part of the Noise Ordinance. One is the normal routine maintenance of the golf course and the second is the use of snow-guns at 1:00am at Bristol Mountain. Both are required for these businesses to function and operate and suggesting the new law be amended:

Section G. The reasonable use of properly maintained and operated lawn mowers, 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.

Supr. Marshall said the language is vague, *one's property*, does not specify what that is, golf course, ski area or private residence. The suggestion is to change *the maintenance to Residential Property between the hours of 7:00am and 9:00pm*. That is the first change.

Supr. Marshall continued, the second change was to Section K: *Snow Removal and normal property maintenance conducted by either a governmental agency, private contractor, owner or owner's agent*. The language will be changed as:

K. Snow Removal and normal property maintenance conducted by but not limited to a governmental agency, ski resort, golf course, private contractor, owner or owner's agent.

Supr. Marshall said the suggested changes came from the Planning Board. The Town Board doesn't need to act on this tonight, it is a change that needs to be made.

Supr. Marshall stated that the Planning Board was not thinking of squeaky docks at this time and will have the CEO set up a meeting with Cathy and Jeremy Fields. Supr. Marshall noted that the Homeowner's ought to be part of this, more so.

Alan Braun of Bristol Harbor said as a former BHVA Board members, this is more a Homeowner's Association issue than a Town issue; maybe a litigation issue and lawyers.

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Supr. Marshall said the Town will stay on it.

Ellen Eachus said to fine the Marina owners. The Noise Ordinance does state a fine of \$250 and \$500; shouldn't just be fore events. Please deal with this.

Supr. Marshall is not sure of the docking system and adding on to the docks; I believe there is a limit.

Alan Braun mentioned that the Plans go back to 1971 and revised in 1989; they were going to build 5 more condo buildings, up to building 10 with another marina at building 10. The docks can go pretty far up to and past Phil Summers place.

Supr. Marshall said he will review the Uniform Docking & Mooring Law for any noise references in the law.

VII. NEW BUSINESS

A. CONTRACT APPROVAL MAXFIELD HOSE COMPANY

Supr. Marshall that the Board has two contracts to approve for fire protection; the first is from Maxfield Hose for a contract price of \$104,607.00 for January 1, 2020 to December 31, 2020. The contract is the same every year except for the dates and amounts.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the 2020 Maxfield Hose Company contract with the Town of South Bristol was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

B. CONTRACT APPROVAL CHESHIRE FIRE DEPARTMENT

Supr. Marshall said the fire protection contract from Cheshire Fire Dept. needs to be returned for typos.

C. DRAFT SHORT TERM RENTAL LOCAL LAW REVIEW

Supr. Marshall noted that tomorrow night the Planning Board will be working on the draft Short-Term Rental Local Law, hopefully with some conclusion. The Planning Board was still working on a few issues at the last meeting and hoping there is an answer.

**D. RESOLUTION – CREATION OF RESERVE FUND
FOR BONDED INDEBTEDNESS**

Supr. Marshall noted that the resolution before the Board establishes a reserve fund for the payment of bonded indebtedness. The Town of South Bristol will be bonding for the Highway Garage project in 2020. We have money in our Unexpended Fund Balance that we could have put into an existing reserve to be used for “down payment” for the project, or, at the suggestion of EFPR, create a resolution which will create a Debt Payment Reserve. There is \$300,000 available that we’d like to put into this reserve and that will be funds used to pay interest and principle on the Bond as time goes by.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, Resolution No. 48-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

**RESOLUTION NO. 48-2019
ESTABLISHING A RESERVE FUND FOR THE PAYMENT
OF ITS BONDED INDEBTEDNESS**

WHEREAS, the Town Board of the Town of South Bristol has decided to set up a separate reserve fund for the payment of its bonded indebtedness.

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 6-h of the New York State General Municipal Law, as amended,

A. this Town Board does hereby establish a Reserve Fund for the Payment of Bonded Indebtedness of the Town of South Bristol (the “Reserve Fund”); and

B. The Reserve Fund is established for the payment of one or of several issues of bonds of the Town of South Bristol; and

C. the Reserve Fund shall not be established for, or moneys therein used to pay, any obligations payable in the first instance from assessments, or from taxes levied upon an area in the Town of South Bristol smaller than the area of the entirety of the Town of South Bristol; and

D. an expenditure from the Reserve Fund may only be made by appropriation pursuant to a resolution of the Town Board and only for the payment of the principal and interest on bonds issued by the Town of South Bristol and forming a part of an issue having a maximum maturity of not less than five years; and

E. where provision has been made in the then current budget from funds other than the Reserve Fund for the payment of the principal and interest on bonds, no expenditure may be made for the payment of the same from the Reserve Fund during the then fiscal year for which such budget was adopted; and

F. moneys of the Reserve Fund shall be deposited in a separate bank account to be known as the “2019 Reserve Fund for the Payment of Bonded Indebtedness of the Town of South Bristol;” and

G. moneys in the Reserve Fund shall be deposited and secure in the manner provided by Section 10 of the New York State General Municipal Law; and

H. The Town’s Chief Fiscal Officer is authorized to invest, from time to time, the moneys of the Reserve Fund pursuant to Section 11 of the New York State General Municipal Law; and

I. any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become a part of the Reserve Fund; and be it further

RESOLVED, that out of the Town’s Unassigned Fund Balance in the General Fund, which area revenues that are not otherwise appropriated or required by law to be paid into any

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other fund or account, now on hand for the year 2019, the sum of \$300,000.00 be and the same hereby is appropriated for the Reserve Fund, and the Supervisor of the Town of South Bristol is hereby authorized, empowered and directed to transfer from the Unassigned Fund Balance in the General Fund, the sum of \$300,000.00 to the Reserve Fund; and be it further

RESOLVED, that additional sums, as may hereafter be appropriated pursuant to Section 6-h of the New York State General Municipal Law, shall become part of the Reserve Fund.

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 October 15, 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: October 15, 2019

Judy Voss, Town Clerk

SEAL

ASSESSOR

Supr. Marshall read from the Assessor’s Report: Re-val work continues this month, sales continue to be processed and school tax collectors were notified of all new owner information. The assessor attended the NYS Assessor’s Association conference in Lake Placid. Continuing education classes attended were *New Construction/Remodeling Evaluation, Apportionments, Penalties and Rollbacks and Correction of Errors*.

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

CEO

Supr. Marshall read from the CEO Report: 52 total inspections, 39 inspections by the CEO and 13 inspections by others (electrical, etc). Logged in 434 miles on the Town vehicle, attended 4 meetings and worked with the East Bloomfield CEO while he was out of the office.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley the CEO Report for September 2019 was 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: total moneys \$4,496.75 of which \$2,171.00 for the Town, and \$2,295 to the DEC for Hunting Licenses.

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

Clerk Voss reported that the fines and penalties from the Tax Collection season added up to \$5,500 which was submitted to the Supervisor for the General Fund.

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

Supr. Marshall said on the Executive Summary has all bank accounts reconciled as of September 30th with \$2,148,768.00 in the bank. Total Revenues of \$23,532.77, which include Franchise fees from Charter Communications of \$15,744.70.

Supr. Marshall continued, the Expenditures on average should equal about 75% of the annual budget and currently we are at 51% in the General Fund and 54% for the Highway. The Highway fund will have to pay for a truck, \$215,000.00.

On a motion made Councilman Wohlschlegel by and seconded by Councilwoman Goodwin the September 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. 10, totaling \$121,245.39 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

XI. ADJOURN: 7:52PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk