SOUTH BRISTOL TOWN BOARD MEETING November 12, 2019

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order November 12, 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, Candace Ryan, Ellen Eachus, Cathy Colby, Bessie Tyrrell, Lori McAlees, Brooks Lyon

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 October 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:

Cathy Colby and Bessie Tyrrell spoke to the Town Board:

We are Cathy Colby and Bessie Tyrrell and we wish to publicly congratulate Steve, Donna, Dan, Jim, Chris and Judy on their re-election.

We are here tonight as members of South Bristol for Change, a group of involved Democrats, Republicans and Independents from all over South Bristol. This election, SB4C knocked on the doors of all registered voters and found a town filled with amazing individuals. Pretty much every person we spoke with shared our views of preserving the rural characteristics of our town and believe rezoning residential areas to commercial should not be allowed to happen. We also learned of other concerns and ideas that people brought forth and wanted to discuss. We are concerned about participation of our voters. Each year fewer townspeople vote in local elections. We have gone from 704 ballots in 2015, to 526 this year. A 36% turnout is dismal. We hope to turn this around by next election. SB4C is here to stay! We will be continuing our outreach, bringing more people in to the conversation. We want a town that is as engaged as possible and town laws that are reflective of what is important to the majority. Thank you.

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Ellen Eachus of Bristol Harbor asked a question regarding the Planning Board and the workshop tomorrow night. In terms of permits and applications approved, and resolutions, that has to go through the Town Board first?

Clerk Voss noted that the Planning Board works at the direction of the Town Board.

Mrs. Eachus, noted that regarding the boat docks and boat lifts, I submitted a FOIL and I was provided some information and there is nothing on there regarding aluminum hoists. It all goes back to Worden when the LLC owned Bristol Harbor. There were a lot of different things, there was a SEQR that was considered a Negative amendment or whatever that was, I have been reading a lot about it, meaning that I think everything was "no" and when it came to Noise, but there is noise so now there is a lot of things going on with this whole boat situation and I'm looking into this and there is some other people looking into it and we want to make sure that we are getting the proper information in terms of, like the resolution that was passed and the new owners. Did they follow through with the appropriate permits and applications and amendments and things like that. So my question to you is, do I ask you for a formal looking into this in terms of requests that I made have or is there something, I don't know the appropriate way to do it.

Supr. Marshall, I think you are asking if the marina owners come to us asking for permits to build additional docks?

Mrs. Eachus said they did and there was a resolution but I'm saying after that there were new owners because it went to the Cook's and then it went to the Fields, and so were there any changes made, amendments or changes in terms of materials used and things like that that have to be passed by you guys and then had to go to the Planning Board?

Supr. Marshall asked Bessie Tyrrell if that would be a Planning Board question? Bessie Tyrrell said yes.

Supr. Marshall noted that this is also a Planned Development and as long as it stays within the confines of the Planned Development and they come down and get the permit that is required to do the installation, I think that is all that needs to be done.

Mrs. Eachus said all she is looking at, because it was wood treated/steel boat slips, but I'm not finding anything regarding hoists or stations or different definitions. I'm just trying to find out the appropriate terminology and what needs to be added on these permits. I know that Mr. Sommer had noted on a permit that there was a change in ownership to the Fields so I was just wondering did the Fields have to do anything, present anything or did it just change hands even it they were going made modifications. Do they have to tell somebody they were going to make modifications? So that is what I am asking, and I'm looking into this and want to get more information from Judy. I'm not an attorney but I'm really good at research and I'm looking into this and I just want to make sure I'm asking all the appropriate questions because, my question is, maybe somebody here knows, the application that went through just talked about the docks, the addition of the 36 slips, they never, ever, ever, ever mention, unless they did in the application, the 10-2016, about putting in hoists. And if you put in hoists or stations or whatever even though they are removable, do you need a permit for that?

Supr. Marshall said he didn't believe so and would have to verify that. It is not a permanent structure, but also it is still within the realm of the original Planned Development. The Planned Development allowed for additional dock additions and doubted that it needed to qualify as aluminum or wood, doubt that very much that that was part of the design.

Mrs. Eachus said I know that the materials at least says steel and pressure treated wood, so I would imagine that if you are going to add more you are going to be specific in the height, in

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terms of hoists and things like that so I have been reading the mooring law and it is part of the township so I have been doing my research and I just want to make sure I am asking all the appropriate questions because I just don't want this to have somebody say no, no, no, we didn't need that and take people's word for it. I want to know if it needed a permit and with all due respect, I just want to make sure because it is still an issue. They are still there. Did you receive my email?

Supr. Marshall said he did but he was unable to open it for some reason.

Mrs. Eachus said she sent it to Mr. Sommer too and sent it to several others. They are still banging, and they didn't get rid of them. Another question is, and I apologize.

Supr. Marshall said he spoke with the owners and was told that when all the boats are out they were going to be able to fix the problem.

Mrs. Eachus, said they are not fixed. I have my heat on and I have my door shut on Saturday, I thought what is that, I went down and videoed. I have a 3 minute 47 second video. This isn't going to go away on my end because it is peace and quiet and I don't understand why the Code Enforcement Officer or somebody is not saying, take care of this by the end of this day or we are going to fine you.

Supr. Marshall said he would look into it for her.

Alan Braun said he was not able to attend the last workshop on Everwilde and see it is not on the agenda and is curious if the Board had a summary.

Supr. Marshall noted that LaBella is currently working on finalizing the document. They informed me that it probably won't be until December and then there was a question of whether or not, because of the holidays, that will actually work. I'm still waiting to hear from LaBella as to what their schedule is and how it is coming along. They had already started the documents for the Final Environmental Impact Statement so really all they are finishing up is what we hadn't discussed prior to that last workshop.

V. COMMITTEE REPORTS: HIGHWAY

Councilman Cowley read the Highway Report:

Following is a brief summary of events at the Highway Dept.:

Roadside mowing is pretty well wrapped up for the year. I have received some quotes on roll off containers and will be looking for approval to get some ordered. We have been working on cleaning out some old misc. junk from the Highway garage. Plow equipment is installed on all the trucks, we've been out plowing/sanding 3 different days already. We have 1500 tons of salt in the barn and another 500 tons of sand/salt mix ready to go. We are continuing doing some ditch work on Stid Hill Rd. New road signage has been installed at the top of Powell Hill and Gannett Hill by the County Park. I will also be looking to get our 2003 Sterling Dump truck and our 2000 Sterling road tractor declared surplus. I have an account set up with Auctions International where we can sell them on the internet. As previously discussed back in June, I would like to take the proceeds from the sale of these trucks and the sale of the 2009 F-250 back in May and put that money towards the purchase of a newer road tractor as our current one is nineteen years old and tired.

Supt. Wight said he wasn't sure how that is taken care of.

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Supr. Marshall noted that he discussed it with our accounting firm and it is a doable transaction. When you sell something, the funds go into an Equipment Sold line and we would then do a transfer over to the equipment purchase line which is easily done.

Supt. Wight said there should be funds left in the equipment line after the new truck is paid for.

Supr. Marshall said the first step is to declare the equipment surplus to that they can go to auction and asked what equipment.

Supt. Wight noted that it is the 2003 Sterling 10-wheel dump, all season body and all associated plow equipment; Truck No. 5. Also, Truck No. 24, the road tractor, which hauls our low-boy trailer, 19 years old, lots of miles and tired.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the said equipment, Truck 5 and Truck 24 is declared surplus was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

EMPLOYEE HANDBOOK

Councilwoman Goodwin said she has met with two employees at the Town Hall last week and meeting with them again on Tuesday to clarify some issues and possible changes.

Supr. Marshall noted that Bookkeeper Dunn has told him that the handbook is correct.

Supr. Marshall wanted to inform the Board that he received a message from Scott Bova from MRB Group. Mr. Bova is the architect for the new Highway Garage. The design phase is completed and at the next meeting the Board will have a resolution that will allow us to move money from the reserve fund for the highway project. Supr. Marshall said he would like to have Mr. Bova at the next Board meeting and is hard to get in touch with.

VI. OLD BUSINESS

A. NOISE ORDINANCE AMENDMENT - SCHEDULE PUBLIC HEARING

Supr. Marshall said an amendment has been requested by the Planning Board and discussed it last month with the Town Board with regards to the Noise Ordinance. One of the things that was not clarified by the Noise Ordinance was the routine maintenance of (1) a golf course and (2) a ski area. Both vital to the community and both operating at times that would be outside the hours in the Noise Ordinance. Under Chapter 113-7, paragraph G is being changed to "reasonable use of properly maintained snow blowers, hedge trimmers, leaf blowers, and recreational vehicles and other domestic power tools and devices utilized for the care and maintenance of residential property between the hours of 7:00am and 9:00pm." The law goes on to read: "Snow removal and normal property maintenance that is conducted by, but not limited to, a government agency, a ski resort, a golf course, a private contractor's owner/agent." This was approved by the Planning Board last month and we had discussed this ourselves last month and is now in Local Law form and need to schedule a Public Hearing.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the Resolution No. 49-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

RESOLUTION NO. 49-2019

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW AMENDING THE NOISE LAW OF THE TOWN OF SOUTH BRISTOL"

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on Monday December 9, 2019, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York; and be it further

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

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

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on November 12, 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: November 12, 2019		
	Judy Voss, Town Clerk	

SEAL

B. CONTRACT TO APPROVE FOR CHESHIRE FIRE DEPT

Supr. Marshall said the contract for fire protection with Cheshire Fire Dept. is in front of the Board for approval with a 1% increase over last year. The 2020 amount is \$57,516.00.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland the 2020 Fire Contract with Cheshire Fire Dept. was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

Councilman Wohlschlegel asked what area Cheshire Fire Dept. covers?

Supr. Marshall noted that they cover all of Bristol Harbor, Seneca Point Road, and Hicks Road.

VII.NEW BUSINESS A. APPROVAL OF 2020 TOWN BUDGET

Supr. Marshall said the Public Hearing was held last week and there were no changes indicated or required and only need approval.

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On a motion made by Councilman Strickland and seconded by Councilman Cowley, the 2020 South Bristol Town Budget was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

Insert Budget

B. DOG CONTROL CONTRACT W/ COUNTY

Supr. Marshall noted that the Dog Control Agreement is with the County and will cost \$3,147.00. The contract was previously based on the dog census about 10 years ago, around 492 dogs; and now is based on how many dogs are licensed in the Town.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, the 2020 Dog Control Contract was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

C. 3rd QUARTER SALES TAX RESULTS

Supr. Marshall said the 3^{rd} quarter sales tax results are up 4% from the same quarter last year, \$372,107.00. In 2018 the 3^{rd} quarter sales tax for the Town was \$357,000 and in 2017 it was \$244,000.00. Overall, the sales tax increased by 5.34% and Monroe County only had 2.8%.

SNOW CONTRACT TO PLOW COUNTY ROADS IN NAPLES

Supr. Marshall explained that the contract is for plowing the Town of Naples County roads; County Road 12, County Road 33, and County Road 21. The Town of Naples has refused to plow the County Roads. The rate is \$5,800 per mile which increased from \$5,700.00. The Town also gets paid for the mileage from the Highway Barns to the beginning of County Road 21, Italy Valley Road.

Supt. Wight said that the Town of Naples gets paid by the NYSDOT for plowing State Route 245 and 53 and believes it is \$12,000 per lane mile. The Town of Naples thinks the County should be in line with that figure.

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

PROPOSED FEE CHANGE FOR NEW DOCK CONSTRUCTION

Supr. Marshall noted that the Code Enforcement Officer requested a change in the Town Fee Schedule for dock construction. The request will keep the fee the same as other Towns, from $.05\phi$ a square foot to $.10\phi$ a square foot. The fee schedule also has a new format and is much easier to read.

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

Supr. Marshall said one item not on the agenda and that he requested permission to purchase 2 radar speed signs for Woodville. The worked an arrangement with the Town of Farmington who also is purchasing two radar speed signs; and by purchasing 4 radar signs there is 5% discount; total cost is \$10,193.00 for all 4 signs with a savings around \$500-\$600.00.

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On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin to purchase 2 Radar Speed signs with the Town of Farmington was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

Clerk Voss mentioned that Bristol Mountain needs a motion to approve the 30-day waiver for the liquor license which will add the new concessions operator.

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

Supr. Marshall said that he had a message from Joe Kohler who is requesting a motion to allow the Town Clerk to accept donations on behalf of the Jurricane Dorian Relief Fund payable to First Presbyterian Church of Atlanta.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin the motion was ACCEPTED. Voting AYE: 4. Voting NAY: 1. Voting AYE: Marshall, Cowley, Strickland and Goodwin. Voting NAY: Wohlschlegel.

VIII. REPORTS A. ASSESSOR

Supr. Marshall read from the Assessor's Report: Re-val work continues to be the primary focus, a file drop was made to the County in preparation for the 2020 tax bills and attended training in Lake Placid.

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

B. CEO

Supr. Marshall read from the CEO Report: 50 total inspections, 41 inspections by the CEO, over 500 miles on the truck this month, 12 certificates of compliance issued, no timber harvesting or fireworks. Fire inspections completed at the Gell Center, and attended many meetings.

Supr. Marshall reported that a search warrant was served on the Hayes property on Route 64 and inspections were done by the Code Enforcement Officer, Ontario County Sherriff, the Town Health Officer, Dr. Long, Canandaigua Lake Watershed and LaBella Associates.

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

C. TOWN CLERK/TAX COLLECTION

Supr. Marshall read from the Town Clerk's Report: total moneys \$4,321.15 of which \$3,500.00 for the Town, and \$769.00 to the DEC for Hunting Licenses.

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

IX. ACCOUNTING: BUDGET TRANSFERS

Supr. Marshall said the funds are being moved around within the budget to keep within the budget.

On a motion made by Councilman Cowley and seconded by Councilman Strickland the Budget Transfers were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

Transfer From	A8810.1 Cemetery Per Serv to A8160.4 Refuse & Garbage	\$721.27	
	A8810.1 Cemetery Per Serv to A1410.4 Clerk, Contr	\$67.83	
	A8810.1 Cemetery Per Serv to A1620.4 Buildings, Contr	\$102.64	
	A8810.1 Cemetery Per Serv to A1660.4 Store Room, Cont	\$22.55	
	A8810.1 Cemetery Per Serv to A1650.4 Central Com Sys, Cont	\$965.72	
	A1680.4 Cen Data Proc, Cont to A8010.1 Zoning, Per Serv	\$4,605.00	
Transfers made 10/13/19			
Transfer from	A1220.4 Supr, Contr to A1620.4 Buildings, Cont	\$5,359.17	
	A5132.4 Garage, Contr to A1620.4 Buildings, Contr	\$1,316.03	
	A1990.4 Contingency to A1620.4 Buildings, Contr	\$14,002.20	
	A5132.4 Garage, Cont to A1620.2 Bldg, Equip & Cap	\$4,475.00	
	A5132.4 Garage, Contr to A1972.4 Pymt to Treas	\$587.42	
	A8010.102 Zoning, Per Ser Deputy A8010.1 Zoning, Per Serv	to \$7,928.97	
	A1910.4 Unalloc Insurance, Contr to		

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A8160.4 Refuse & Garbage, Cont \$6,521.85

A5112.2 Perm Improve Equip to

A5112.4 Perm Impove, Cont \$300.14

BUDGET AMENDMENT

Supr. Marshall said the amendment moves funds to the Overlook account for \$1,862.50. On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley the Budget Amendment was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

Debit A599 Appropriated Fund Bal.

Credit A7710.41 Parks – Overlook, Contr \$1,862.50

SUPERVISOR'S REPORT

Supr. Marshall said on the Executive Summary has all bank accounts reconciled as of October 31th, with \$2,368,990.45 in the bank. Total Revenues of \$383,954.54, which include the 3rd Quarter Sales Tax.

Supr. Marshall continued, the Expenditures on average should equal about 83% of the annual budget and currently we are at 58% in the General Fund and 60% for the Highway.

On a motion made Councilman Strickland by and seconded by Councilman Cowley the October 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 Wohlschlegel and seconded by Councilwoman Goodwin, Abstract No. 11, totaling \$216,540.46 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

Supr. Marshall asked if there was anything else to come before the Board.

Ellen Eachus of Bristol Harbor asked, that hearing that you are having on the Noise Ordinance, you're having it on two separate issues, is that right?

Supr. Marshall said the Public Hearing for next month will be on the Noise Ordinance.

Mrs. Eachus, can people come and talk about the issue we are having, we could do that, on anything?

Supr. Marshall said the Public Hearing is specifically about the Noise Ordinance.

Mrs. Eachus said that is what she is asking, so it is not specific to ski lodge or renters or anything like that.

Supr. Marshall said, specifically, the discussion should be with regards to the proposed amendment.

Mrs. Eachus said, my question to you is, and I know the last time there was no noise ordinance regarding docks, things like that, so my question is, this is my second meeting, how do you proceed with issues with the noise on the docks, and how would you like Bristol Harbor Homeowner's Association to articulate concerns that we have? Come in person, have a petition, letters, I'm just trying to understand what you would like us to do in regard to those issues because I officially put in that complaint to Phil Sommer and so did Building 5. They sent him a

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letter, so I guess I am just wondering, we want to make sure, I know it is winter time and many people leave the State and I'm here so I'm kind of the eyes and ears and can be consistent with this I don't want it to go away. I live here and I just want to make sure things are done appropriately and I don't want to be critical I don't want it to be partisan, this is a noise issue. So I just want to know how to proceed, is it something for people to come or is it something (inaudible.)

Supr. Marshall said the public hearing next month would be with regard to the proposed amendments. I think what you are asking for is in addition to the noise ordinance.

Mrs. Eachus asked how she would do that?

Supr. Marshall said to write a letter to the Planning Board stating that this is a concern that you have.

XI. ADJOURN: 7:55PM

Respectfully submitted:

Judy Voss South Bristol Town Clerk