

SOUTH BRISTOL TOWN BOARD MEETING

December 9, 2019

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order December 9, 2019 at 7:02 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, Cathy Colby, Virginia Latke, Brooks Lyon, Dahl Schultz, Baird Couch, Ann Jacobs, Bob Cone, Lisa Moore, Chris Bennem, Henry Savage, Bill Bezek

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 November 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:

HIGHWAY

Councilman Cowley read the Highway Report:

Following is a brief summary of events at the Highway Department in the last month.

- Busy plowing, way too often for this early in the winter.
- Finished up some roadside mowing. Started mowing the field below the overlook.
- Took down at big poplar tree up by the County Park entrance.
- Finished winterizing and putting away our summer construction equipment.
- Usual maintenance on plow equipment.
- Patched potholes on Granger Pt.
- I have quotes on some new roll off containers for the transfer station and a new dumpster for the shop.
- I also have a quote for replacing our 2014 Bobcat skid steer, we can still get a good trade in for it and it is out of warranty.

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Councilman Cowley said he would like to say that the Highway Dept. has done a spectacular job on the roads.

Supt. Wight said that he originally thought that they needed 3 roll-off containers, but the prices have gone up and is requesting 1 or 2 containers. The roll-off truck is Caledonia Diesel getting a checkup as it was running horribly.

Supr. Marshall reported that he, Councilman Strickland and Supt. Wight met with the architect for the proposed Highway Garage. We created a package that, where we will bid a basic building and then there will be options that we can or cannot chose to do. A public hearing will be scheduled regarding the proposed garage which will be early next year. The price could be as high as \$2.6 million.

Supt. Wight said the new building will be substantially bigger than the existing building. The new building will be 14' deeper and putting two bays on the back end past the office/breakroom area. The new building is 14,000+ square feet whereas the existing building is barely 10,000 square feet.

Supr. Marshall noted that there are trucks worth about \$1 million parked inside the building. Each one of those trucks is in the range of \$200,000-\$225,000 apiece. We are protecting that asset as well.

VI. OLD BUSINESS

A. NOISE ORDINANCE AMENDMENT

Supr. Marshall said the public hearing earlier this evening and had one person speak. We can now move forward with the amendment which requires SEQR.

Councilman Wohlschlegel read the SEQR findings with regards to the Noise Law amendment and any environmental impacts it could make. Councilman Wohlschlegel concluded with no negative impacts or environmental concerns.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Resolution No. 50-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

**RESOLUTION #50-2019 AUTHORIZING ADOPTION OF
LOCAL LAW NO. 7 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 Monday December 9, 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 the Noise Law 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 December 5, 2019 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on 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 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

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effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; 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. 7 of 2019, entitled "A Local Law Amending the Noise Law 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 December 10, 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: December 10, 2019

Judy Voss, Town Clerk

SEAL

LOCAL LAW FILING _____ New York State Dept. of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Ave.

(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. 7 of the year **2019**

A local law **"Amending the Noise Law 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. Paragraphs G. and K. of § 113-7 (Exemptions) of Chapter 113 (Noise) of The Code of the Town of South Bristol are hereby repealed and new Paragraphs G. and K. are hereby inserted in their place to read as follows:

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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 residential property between the hours of 7:00 a.m. and 9:00 p.m.

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.

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. 7 of 2019 of the Town of South Bristol was duly passed by the South Bristol Town Board on December 9, 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 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 _____

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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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)

VII. NEW BUSINESS

A. SCHEDULE YEAR-END MEETING

Supr. Marshall said that the Board needs to schedule a Year-End meeting to pay the final bills for 2019. The Board does this every year and it cleans up any unfinished business. Supr. Marshall mentioned that there will be a resolution to move funds from the Reserve Fund for the Highway Garage to pay for the design work that is up to date. We have been paying the bill from the Engineering line and need to replenish that line from the reserve fund.

On a motion by the Town Board the 2019 Year-End meeting is scheduled for Saturday, December 28, 2019 at 8:00am. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

B. SCHEDULE 2020 ORGANIZATIONAL MEETING

Supr. Marshall said the Board needs to schedule the Organizational Meeting and suggested January 13th and asked for a motion.

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

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Supr. Marshall said that he received information since the agenda was issued is with regards to the next workshop with Everwilde Inn & Spa. LaBella is proposing January 27, 2020 is a Monday, at 6:00pm. The final-FEIS should be prepared for this meeting.

C. SHORT-TERM RENTAL LAW

Supr. Marshall said that the Short-Term Rental Law is in local law format which we need to have to proceed. The next step is to schedule a Public Hearing and can also be held on January 13, 2020. The local law was updated after the December meeting between the Planning Board and Town Board with a few minor changes.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, Resolution No. 51-2019 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

RESOLUTION #51-2019

AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW AMENDING CHAPTER 170 (ZONING) OF THE CODE OF THE TOWN OF SOUTH BRISTOL TO ADD SHORT-TERM RENTAL REGULATIONS"

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol to Add Short-Term Rental Regulations"; 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 January 13, 2020, 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 December 9, 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 _____	_____

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VIII. REPORTS

A. ASSESSOR

Councilman Cowley read from the Assessor's Report: Re-val work continues to be the primary focus, incorporating Building Permits changes as I go along. Exemptions requiring annual renewal applications were mailed.

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

B. CEO

Councilman Cowley read the CEO Report: 7 building permits, 23 total inspections, 2 inspections completed on old permits, 18 total inspections by CEO for the month, 8 Certificates of Compliance issued, 231 vehicle miles logged. One fireworks display at Bristol Mountain on December 31st. Attended Planning Board meeting. Search warrant for 6272 St Rt 64 was conducted November 6th and waiting for reports from various agencies.

On a motion made by Councilman Cowley and seconded by Councilman Strickland the CEO Report for November 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 \$3,375.50 collected in November, \$2,040.10 paid to the Town, \$1,315.00 for DECALS.

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

Supr. Marshall said that the Town received a check this month from Charter Communications/Spectrum for the quarterly Franchise Fee, \$8,963.35. Letters were received from both Town Justices that their books are ready to be audited for 2019. The audit is required on an annual basis. A letter was received from the Department of Health that Dr. Long's 4-year term as Town Health Officer is expiring on December 31st. Supr. Marshall said he is going to proposed that we take advantage of the Shared Services program with Ontario County and appoint the Ontario County Public Health Director, Mary Beers, as the Town Health Officer.

Supr. Marshall said he received information from the Sherrif's Office, informational only; since October 2018 the Sheriff has lost 4 deputies to the Town of Webster, Brighton, Canandaigua City Police, and NYS Police. This is a problem for the County. We spend time and money in training through the Police Academy, mostly because salary and benefits are not up to what other agencies are providing. There will more discussion about this in the coming year as it is a serious problem.

Supr. Marshall wanted to mentioned that last month the Board authorized setting up a Special Reserve Fund for debt repayment and the \$300,000.00 was placed with Canandaigua National Bank in a 90-day CD earning 1.45%.

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

Supr. Marshall read the Executive Summary, as of November 30th with \$2,109,747.00 in the bank. Total Revenues of \$13,399.00 which includes the funds from Charter for the Franchise Fees.

Supr. Marshall continued, the Expenditures on average should equal 91.63% of the annual budget and currently we are at 68.7% in the General Fund and 71.02% for the Highway. There is still a truck to pay for \$220,000.00 before the end of the year.

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

BUDGET TRANSFERS

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

Transfer From	A7110.4	Parks, Contr TO	
	A9930.8	Social Security, Emp Benefits	\$2,500.00

APPROVAL OF VOUCHERS

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Abstract No. 12, totaling \$39,187.63 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Goodwin and Wohlschlegel.

Supt. Wight said he would like Board approval to trade-in the Town’s Bobcat. The Bobcat is 4-years old; the new Bobcat will be a tract machine which is the difference in price. The Bobcat originally cost \$35,000 and the trade-in is \$33,000.00 with 350+ hours. The new machine will also be under warranty. This is just to get the Bobcat ordered; the funds will be coming out of the 2020 equipment line. The cost to the Town will be \$19,000.00.

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

Supt. Wight said he would also like to purchase containers for the Transfer Station and the Highway Garage; pricing is \$11,000-\$12,000 each.

Supr. Marshall said there is a 0.00 balance in the A8160 budget line, there are no funds available and will have to hold off another month.

XI. ADJOURN: 7:45PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk