

**SOUTH BRISTOL TOWN BOARD MEETING**

January 13, 2020

**REGULAR MEETING**

The regular meeting of the South Bristol Town Board was called to order January 7, 2019 at 7:15 pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

**PRESENT**

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

**RECORDING SECRETARY**

Judy Voss, Town Clerk

**OTHERS**

Brian Perkins, Alan & Kristie Braun, Cathy Colby, Virginia Latke, Candace Ryan, Ann Jacobs, Lori McAlees & Jim Wight, 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 Wohlschlegel and seconded by Councilman Strickland the minutes of the December 9, 2019 Public Hearing minutes and the Regular Town Board minutes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**IV. PRIVILEGE OF THE FLOOR**

Lori McAlees of Woodville asked the Town Board about the status of the radar speed signs where we stand with the State on that?

Supr. Marshall said the radar speed signs are sitting in our highway garage waiting for installation. I have not yet seen the permit that allows us to do so.

Supt. Wight said he spoke with the DOT, Greg Trost, about three weeks ago and he was aware of the paperwork being re-submitted and was going to check on it. I will call him again tomorrow to follow up. The DOT will assist the town with installation.

**V. COMMITTEE REPORTS:**

**HIGHWAY**

Councilman Cowley read the Highway Report:

It is the middle of winter, though you can't tell by looking outside or at the thermometer. Things are kind of slow this time of year. Our new dump truck should be here later this week. We are trimming some trees and cleaning up limbs from the winds this weekend. Now that we are in a new budget year, I would like to get Board approval to order some new containers for the

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transfer station (one for recycling comingle and a 30-yard capacity container for CD).

Councilman Cowley said that there are a couple of quotes here for the containers.

Supt. Wight said Container Solutions were by far the least expensive option and we really do need a co-mingle container and would love to see a 20-yard or 30-yard container. We really need 3 containers but would be happy with 2.

Councilman Wohlschlegel asked what would be done with the old blue container?

Supt. Wight said the old blue co-mingle container would come down and replace the container behind the highway barns.

Supt. Wight said he that he had a conversation with LeChase superintendent and the LeChase project manager today at the Sands project and implored them and requested that they do a better job keeping that road clean. Jeremy Fields was called and a message left. Residents have been calling and when it is wet or raining out and mud is all over going north towards Applewood Drive and the intersection is covered in dirt. Supt. Wight told LeChase that a broom doesn't cut it and that a water-truck to flush the roadway a couple of times a day. Supt. Wight was also told that the moving of large amounts of fill/dirt should be done soon.

Supr. Marshall said that we are aware of the situation on Seneca Point Road and Hicks Road and LaBella did a study and have a baseline of the road conditions prior to the project.

Supt. Wight agreed and has been taking photos throughout.

Alan Braun of Bristol Harbor said there are huge construction trucks up and down Seneca Point Road and the Town may want to look at that section of road as well.

Supt. Wight said both ends of the road have been benchmarked by LaBella.

**FINANCE REPORT – PROPOSED BONDING FOR HIGHWAY GARAGE**

Supr. Marshall reported that he and Councilman Cowley met last week with an individual we are proposing to use for bonding services, if and when we go to bonding for the new highway project. The initial requirements on our part are to find ourselves a Bond Council and we are currently requests for proposals from 2-3 of them. Supr. Marshall wanted everyone to know that we are not building a garage without public input on this; there will be a Public Hearing as required. There will also be a Permissive Referendum required; all routine for a project like this. There is also a 20-day period before we can do the original bonding. When we have the Public Hearing we will know exactly what will happen with the Town Tax Rate.

**VI. OLD BUSINESS:**

**A. LOCAL LAW – SHORT TERM RENTAL LAW**

Supr. Marshall explained that the Board was going to discuss the Short-Term Rental Law, and we were given some information to follow up on and bring it back next month.

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**VII. NEW BUSINESS**

**A. LOCAL LAW – OPTING OUT OF TAX EXEMPTIONS FOR CERTAIN ENERGY SYSTEMS**

Supr. Marshall explained that as of January 1<sup>st</sup>, 2020 there is a new law on Solar Facilities. We are looking to do another local law to excluded large scale energy facilities from any tax exemptions and would include micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating systems, and electric energy storage systems. The last item is of interest to the Town because there is a proposal to build a energy storage system on Route 64. Supr. Marshall said he needs Board approval to have the Town Attorney prepare the local law documents.

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

**B. PROPOSED CONTRACT WITH ONTARIO COUNTY SHERIFF FOR ENHANCED TRAFFIC ENFORCEMENT**

Supr. Marshall said he has been having discussions with the County’s attorney’s and we now have a proposed contract. The contract would be a “Not to Exceed \$25,000.00” and provide up to 15 hours a week of enhanced traffic control protection by the Ontario County Sheriff Department. This contract enables the Town to have the enhanced enforcement anywhere we thought it needed to be; Gulick Road, Seneca Point Road, Woodville, Etc. The enhanced coverage is when the Sheriff has availability and will not guarantee every day of the week. Other towns doing the same contract, not one has reached that \$25,000 threshold.

Councilman Cowley asked if the Sheriff’s vehicles as “GPS-ed” by the County?

Supr. Marshall didn’t know; the Sheriff will send a monthly report.

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

**C. RESOLUTION – COMMERCIAL APPRAISAL SERVICES BY KEVIN BRUCKNER**

Supr. Marshall said that the Assessor needs assistance for appraisal services, specifically the appraisal of the hotel and lodge at Bristol Harbor for \$1,500 and the condominiums for a cost of \$2,000.00.

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel, Resolution No. 24– 2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**RESOLUTION NO. 24 – 2020**

WHEREAS, Town Assessor Valary Muscarella has requested assistance in the valuation of certain commercial properties, and

WHEREAS, Kevin Bruckner of Bruckner, Tillett, Cahill & Associates will supply that valuation assistance for the following at Bristol Harbor.

Restaurant and Motel at a cost of	\$1,500.00
Condominiums at a cost of	<u>\$2,000.00</u>
	\$3,500.00

RESOLVED, that Assessor Valary Muscarella be authorized to retain the services of Kevin Bruckner, and

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RESOLVED, that a copy of this resolution be sent to Kevin Bruckner upon its approval by the Town Board.

**D. DISCUSSION – FINANCIAL ADVISORS & MARKETING, INC.  
FOR BONDING ASSISTANCE**

Supr. Marshall said the Board has a copy of the paperwork from Financial Advisors which is an outline of how to proceed with the Highway Garage project. Included with that is the list of 5 different bond counsel possibilities. Supr. Marshall said he contacted 3 of the bond counsels, 2 from Syracuse and one from Buffalo. Supr. Marshall requested a motion to approve the services of Fiscal Advisors; Fiscal Advisors is the same company that Ontario County uses for bonding services.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, to approve the assistance from Fiscal Advisors & Marketing Inc. was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Supr. Marshall noted that this is just part of the process the Town has to go through; much more has to happen before we can actually do any bonding.

**E. PROPOSED LOCAL LAW – OVERRIDING THE 2021 TAX CAP**

Supr. Marshall noted that the local law for overriding the tax cap is for the year 2021. This may be the first year we may have to go over the 2% tax cap. The Town Board has done the law on an annual basis. The resolution is to schedule a Public Hearing for the February meeting.

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Resolution No. -2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**RESOLUTION NO. 25-2020**

**RESOLUTION INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING**

**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 to override the tax levy limit established in General Municipal Law §3-c; 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 February 10, 2020, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York; and be it further

**RESOLVED**, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers 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; and be it further

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**RESOLVED**, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

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 January 13, 2020, 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: January 13, 2020

\_\_\_\_\_  
Judy Voss, Town Clerk

SEAL

**VIII. REPORTS:  
ASSESSOR**

Supr. Marshall read the Assessor’s Report: Reval work continues to be the primary focus. Sections of the town still need to be reviewed and preliminary assessments determined. Tentatively plan to have values completed by the end of February at which time the required assessment change notice will be mailed for all parcels. Tentatively, appointments for informal meetings with property owners will be held during the month of March. The previous reval resulted in 200 appointments, which typically (approximately 10% of total parcel count). The assessment roll is due to the County in two increments in April in preparation of the Tentative Roll. Grievance as usual will be the 4<sup>th</sup> Tuesday in May which is the 26<sup>th</sup> this year. Gauging if an additional date will be needed for the BAR to hear/review complaint’s will be reexamined after the informal meetings are completed. Reminder that any additional meeting of the BAR would be to review grievances filed on May 26<sup>th</sup>, but time did not allow for their review. No grievances can be filed at the additional meeting. There is much to finish between now and mid-February so this timeline is subject to change. The work in January will be a continuation of the last seven months of the reval process, report will be submitted unless something changes as I will be working diligently to stay on schedule. The exemptions renewal process, building permit review and subsequent valuation of new construction is ongoing.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the Assessor’s Report for December 2019/January 2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**CEO**

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

Councilman Cowley read the CEO Report: 11 Building Permits, 40 inspections, 2 inspections on old permits. Site inspections resulting in 7 Certificates of Compliance and one Certificate of Occupancy; 538 miles logged on the new truck, etc.

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**TOWN CLERK**

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

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

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

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

Supr. Marshall read the Executive Summary: We took in total receipts of \$192,334.00 and a balance for the Town of \$1,915,762.00 in the bank. The largest receipt received this month were from Ontario County for mortgage tax; the budget had \$50,000.00 in mortgage revenue and the Town has received \$94,000.00. Typically, expenditures on average should equal 99.9% and in the General Fund we are at 74.5% and the Highway is 91.74%. The purchase of a \$215,000.00 truck bumped up the Highway’s percentage.

**BUDGET AMENDMENT/TRANSFERS**

Supr. Marshall explained that these are the shortages from the various accounts; we thought we were going to have to do a Budget Amendment and last month we did for \$24,741.00. We then came to the realization that our revenue line under Sales Tax is significantly higher than what was originally budgeted and so we can adjust that revenue line; therefore, we then the income so we don’t have to do a Budget Amendment. Supr. Marshall said the Board needs to rescind the \$24,741.06 budget amendment from last month and then approve the transfers.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin to rescind the Budget Transfer from November 2019 for \$24,741.06 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Supr. Marshall explained that the transfers will balance budget line accounts.

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

Transfer	From	A1330.4	\$1,314.65
	To	A3510.4	\$1089.00
		A1010.4	\$225.65
	From	A1410.102	\$146.70
	To	A1010.4	146.70
	From	A1440.4	\$30,071.94
	To	A51324	\$5,330.88

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\*The \$24,741.06 was a budget amendment approved in November.

From	A1670.4	\$2,907.95	
To	A1420.4	\$2,907.95	
From	A3310.4	\$2,635.58	
To	A1420.4	\$2,635.58	
From	A7510.4	\$527.00	
To	A1420.4	\$527.00	
From	A8010.4	\$3,337.01	
To	A1430.4	\$3,337.01	
From	A8160.1	\$2,143.27	
To	A1110.4	\$2,143.27	
From	A8160.4	\$3,339.23	
To	A1430.4	\$3,339.23	
From	A9030.8	\$1,985.78	
To	A1320.4	\$1,985.78	
From	A9060.8	\$1,985.78	
To	A1420.4	238.30	
	A1220.2	\$1,747.48	
From	A1410.4	\$50.94	
To	A1320.4	\$50.94	
From	DA5142.4	\$40,544.9	
To	DA5148.4	\$40,000.00	
To	DA5110.4	\$544.99	

Supr. Marshall said that funds have been spent out of the Engineering budget line to pay the MRB Group for the initial design phase of the Highway Garage. We need a motion that will allow us to move \$66,331.50 out of the Reserve Fund to offset the money that was spent out of the regular budget. MRB Group has been doing the engineering and design work on the Highway Garage. Every month when we were sent a bill, we were paying it out of the Engineering budget line, A1440.4, which depleted that budget line and that amount is \$66,331.50.

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

Transfer from Highway Garage Reserve	\$66,331.50	
To	A5132.4	\$66,331.50

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**APPROVAL OF VOUCHERS**

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the Abstract totaling \$98,818.68 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Councilman Cowley asked if the purchase of the containers for the Transfer Station needed a motion?

Supt. Wight agreed, it will be a recycling container and a 30-yard container costing close to \$10,000.00.

Councilman Wohlschlegel asked if this was included in the budget?

Supr. Marshall said yes, it is.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the Custom Container Solution for 1 recycling container totaling \$5,430.00 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Councilwoman Goodwin asked if the Board needed to address the Planning and Zoning Board members who did not complete their required 4-hours of training?

Supr. Marshall said that a couple of the members are now up to date.

Supr. Marshall mentioned that the Board is reading through the 200+ pages of the Draft Environmental Impact Statement for Everwilde Inn & Spa. The Board will have a workshop on January 27<sup>th</sup> to discuss the draft.

**IX. ADJOURN: 8:36PM**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk