

**SOUTH BRISTOL TOWN BOARD MEETING**

February 10, 2020

**REGULAR MEETING**

The regular meeting of the South Bristol Town Board was called to order February 10, 2020 at 7:02 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  
Jim Strickland, Councilman  
Scott Wohlschlegel, Councilman

**RECORDING SECRETARY**

Judy Voss, Town Clerk

**OTHERS**

Jim Wight, Brian Perkins, Virginia Latke, Cathy Colby, Alan Braun, John & Judy Manzer,  
Ashley Champion, Tim Hern, Greg Moore, John McCabe, Cathy Colby

**I. ROLL CALL**

Supr. Marshall opened the meeting with roll call.

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

Supr. Marshall explained that there are no minutes before the Board.

**IV. PRIVILEGE OF THE FLOOR**

**V. COMMITTEE REPORTS:  
HIGHWAY**

Councilman Cowley read the Highway report. A few quick items for the happenings at the Town Barns in the last month.

- Working on moving the “hoop barn” in anticipation of construction of our new highway garage.
- We built a pad South of the salt barn. When complete, the Hoop Barn will house our bucket truck, chipper, small Volvo roller and lawn mowers.
- Ordered our replacement loader after approval by the Town Board.
- Just got in another 525 tons of salt.
- The annual Section 284 (agreement to spend Highway funds) ready for your approval and signatures.

Supr. Marshall said the agreement to spend Highway Funds is an annual requirement and Supt. Wight is required to provide this to the Town Board every year. The agreement states that general repairs will be made for the amount of \$275,000.00 on 32.4 miles of Town highways.

Supr. Marshall read parts of the agreement.

SOUTH BRISTOL TOWN BOARD MEETING

February 10, 2020

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

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

Supr. Marshall reported that bid requests for the Highway Garage proposal have gone out; it was advertised. The bid packages are available through the MRB Group. The bids are due March 10<sup>th</sup> and that is when the bids will be opened. The pre-bid conference is on February 24<sup>th</sup> which is where all interested parties come and speak with the Engineer and the Town for a walk-through of the old building. The contract award would occur at a special meeting tentatively on Monday March 16<sup>th</sup> and at that time the Permissive Referendum resolution would be passed. The contract would be awarded after the 30-day referendum has expired. That is where it stands at this point.

**VI. OLD BUSINESS:**

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

Supr. Marshall said that he and Councilman Cowley met with Brian Verges of Finger Lakes Premier Properties who had expressed some concerns regarding the law. His concerns were about putting too much work on the Planning Board and the Code Enforcement Officer. There are some points that were well taken, and the law needs to be reviewed once more. Mr. Verges also had made the comment that the Town may already have some elements of concern within our Code all ready. We do have something in the Town Code for large groups which is principally written for private homeowner that might want to hold a music festival; you would have to apply for a permit for something like that. The Board decided to hold the decision of the Local Law for the next Town Board meeting and realizes everyone wants a law in place and we are fully aware of that.

Councilwoman Goodwin and Councilman Cowley agreed.

Supr. Marshall said that he and Councilman Cowley spoke with CEO Sommer regarding the law and CEO Sommer said that the new law would keep him busy at first and then eventually level-out.

Councilman Cowley agreed, that the initial implementation of the law at first, making sure everybody is taken care of, that this will take time and eventually will be okay.

Supr. Marshall agreed and said his concern is how the law will be handled by the current staff at the Town Hall. Supr. Marshall said he is going to speak to the Planning Board again and talk some more about the law and want to make it right.

Councilman Strickland agreed.

**B. LOCAL LAW – OVERRIDING THE 2021 TAX CAP**

Supr. Marshall said that the Board has a resolution in front of them authorizing the adoption of a Local Law #1-2020 that would override the 2021 tax cap. Supr. Marshall explained that the Town Board has passed this same law every year for 7-8 years now.

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel, Resolution No. 26-2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**RESOLUTION 26-2020**  
**AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL OF LOCAL LAW NO. 1 OF 2020**

**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 February 10, 2020, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on February 1, 2020, and all other notices required by law to be given were properly served, posted or given; and

**WHEREAS**, said public hearing was duly 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 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**, 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. 1 of 2020, entitled, "A local law to override the tax levy limit established in General Municipal Law §3-c", 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 February 10, 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: February 10, 2020

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

**SEAL**

**LOCAL LAW FILING**

New York State Department of State  
Division of Corporations, State Records and Uniform  
Commercial Code  
One Commerce Plaza, 99  
Washington Avenue  
Albany, NY 12231-0001

SOUTH BRISTOL TOWN BOARD MEETING

February 10, 2020

(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. 1 of the year **2020**

A local law to override the tax levy limit established in General Municipal Law §3-c

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County

City

**Town of South Bristol**

as follows:

Village

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of South Bristol, County of Ontario pursuant to General Municipal Law §3-c, and to allow the Town of South Bristol to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of South Bristol, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or 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 of this local law or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

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. 1 of 2020 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on February 10, 2020, in accordance with the applicable provisions of law.

SOUTH BRISTOL TOWN BOARD MEETING

February 10, 2020

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer<sup>1</sup>.)

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 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.)

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<sup>1</sup> 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.

SOUTH BRISTOL TOWN BOARD MEETING

February 10, 2020

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.

\_\_\_\_\_  
Town Clerk

(Seal)

Date: \_\_\_\_\_

**VII. NEW BUSINESS**

**A. RESOLUTION – EVERWILDE FEIS COMPLETION**

Supr. Marshall explained that the Everwilde FEIS is complete; in now way does this resolution do anything to would suggest that we are approving the project at this point. It is the beginning of another 7-8 months’ worth of steps. Once this is completed we need to then have the FEIS delivered to the other involved agencies. The involved agencies have to do “Findings;” the Town Board has to do Findings as well and then at some point after the Findings are done, there would be a Public Hearing regarding the re-zoning of the property. There are two resolutions before the Town Board needs to approve.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, Resolution No. 27-2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**RESOLUTION NO. 27-2020**

**EVERWILDE INN & SPA SEQR COMPLETION ON A FINAL EIS**

**WHEREAS**, approval from the Town Board of the Town of South Bristol (the “Town Board”) to designate a 45.7 acre site on Seneca Point Road as a PD Development District pursuant to Section 170-20 of the Town of South Bristol Zoning Law and to otherwise review and then potentially approve development of the proposed Everwilde Inn & Spa facility (the “Everwilde Project”); and,

**WHEREAS** following the Project Sponsor’s request the Town Board was established as Lead Agency responsible under the State Environmental Review Act (“SEQRA”) for completion of a coordinated State Environmental Quality Review (“SEQR”) of the Everwilde Project; and

**WHEREAS**, on June 8, 2015, the Town Board made a SEQR determination of significance required preparation of a draft Environmental Impact Statement (“EIS”) describing the project; and,

**WHEREAS**, on September 15, 2015, the Town Board accepted a draft EIS prepared by the Project Sponsor and also established a public comment period ending on October 19, 2015, during which multiple comments were received; and,

**WHEREAS**, the Town Board subsequently required the preparation of a supplemental EIS primarily as a consequence of the Project Sponsor’s acquisition of a controlling interest in the Bristol Harbour facility, its role as a potential alternative site, and related changes to the proposed development plan; and,

**WHEREAS**, on December 12, 2016 the Town Board accepted the required supplemental EIS prepared by the Project Sponsor and established a comment period ending on January 31, 2017, during which period additional comments were received; and,

**WHEREAS**, on June 10, 2019 the Town Board adopted Resolution 41-2019, which resolution referenced the delayed availability of some information concerning the projects for a NYS DEC approval of the proposed connection of the Everwilde Project to the existing sewer

SOUTH BRISTOL TOWN BOARD MEETING

February 10, 2020

system and wastewater treatment plant presently serving the nearby Bristol Harbour facility, and which resolution also cited the related delay in completing the final EIS; and,

**WHEREAS**, Town Board Resolution 41-2019 also described the need to and public interest in progressing with efforts to complete a final EIS regarding the Everwilde Project despite the continued presence of some uncertainties regarding a potential approval of the proposed sanitary sewer connection; and,

**WHEREAS**, the Town Board has now completed a series of public workshop meetings, throughout 2018, 2019 and more recently in 2020, to review and consider responses to all comments received regarding the Everwilde Project in response to both the draft and supplemental EIS; and,

**WHEREAS**, the Town Board has now caused to be prepared and completed a final EIS (“the completed final EIS”) as required under SEQRA;

**NOW, THEREFORE, IT IS RESOLVED**, that the Town Board finds the completed final EIS to be one that: 1) is both adequate and accurate; 2) includes the Town Board’s responses to all substantive comments received relative to the Everwilde Project; 3) analyzes significant adverse impacts potentially resulting from the Everwilde Project; 4) evaluates all reasonable alternatives to the Everwilde Project; and, 5) assembles relevant and material facts upon which the Town Board and other agencies’ decisions regarding the Everwilde Project are to be made; and,

**BE IF FURTHER RESOLVED** that the completed final EIS is hereby accepted by the Town Board which is responsible for its adequacy and accuracy; and,

**BE IT FURTHER RESOLVED** that the Town Clerk, in concert with and assisted by LaBella Associates, DPC, is hereby directed to prepare, file and publish, on the Town Board’s behalf, a notice of completion of a final EIS and to also file copies of the completed final EIS in accordance with section 617.12 of the SEQR Regulations (6 CRR-NY Part 617).

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 February 10, 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: February 10, 2020

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

**SEAL**

**B. RESOLUTION – EVERWILDE REFERRAL BACK TO THE PLANNING BOARD**

Supr. Marshall explained that the second resolution stating that the Town Board would like to refer this back to the Town Planning Board. Several years ago, after there was a change which required the Supplemental Environmental Impact Statement, the Planning Board noted that they would like to review the change and see it again. The resolution states that fact, sending the project back to the Planning Board for their review. The Planning Board would specifically reviewing only the changes that occurred as a result of the FEIS having been done.

SOUTH BRISTOL TOWN BOARD MEETING

February 10, 2020

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Resolution No. 28-2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**RESOLUTION NO. 28-2020**

**EVERWILDE INN & SPA SEQR REFERRAL BACK TO THE PLANNING BOARD**

**WHEREAS**, approval from the Town Board of the Town of South Bristol (the “Town Board”) to designate a 45.7 acre site on Seneca Point Road as a PD Planned Development District pursuant to Section 170-20 of the Town of South Bristol Zoning Law (“the Zoning Law”) and to otherwise review and then potentially approve development of the proposed Everwilde Inn & Spa facility (the “Everwilde Project”) on that site has been requested by the Project Sponsor; and,

**WHEREAS**, Section 170-20 G of the Zoning Law provides that the Town of South Bristol Planning Board (the “Planning Board”) shall study a Planned Development District proposal to determine conformity with the zoning and other applicable regulations following receipt of the application from the Town Board and receipt of the related preliminary concept plan and proposals; and,

**WHEREAS**, Section 170-20 I of the Zoning Law provides that the Planning Board shall also prepare a report to the Town Board containing the Planning Board’s findings, including:

(1) Suitability of the tract for the general type of PD zoning proposed, physical characteristics of the land and relation of the proposed development to surrounding areas and existing and probably future development;

(2) Suitability in relation to major roads, utilities and other facilities and services;

(3) Recommendations relating to adequacy of evidence of unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guaranties or other instruments or the need for such instruments or for amendments in the proposed; and,

(4) Recommendations as to the desirable specific modifications in regulations, based on determinations that such modifications are necessary or justified in the particular case, by demonstration that the public purposes of PD or other regulations would be met to at least an equivalent degree by proposals of the applicant. Based on these findings, the Planning Board shall either recommend approval of the PD amendment as proposed, approval conditioned on specific state modifications or its disapproval, with reasons recorded therefor.

**WHEREAS**, on April 29, 2015, the Planning Board completed the study of the Everwilde Project proposal required in Section 170-20 G of the Zoning Law and transmitted to the Town Board the report referenced in Zoning Law Section 170-20 I; and

**WHEREAS**, the Planning Board’s April 2015 report to the Town Board indicated that it reflected only the Project Sponsor’s proposal at that time to rely upon on-site systems for both a water supply and for the collection and treatment of wastewater generated at the proposed Everwilde Project facility and not the alternative reliance upon potential connections to existing systems already serving the neighboring Bristol Harbour facility; and

**WHEREAS**, the Planning Board’s April 2015 report further indicated that the Planning Board made no findings relative to potential connections to existing water and wastewater systems already serving the neighboring Bristol Harbour facility and specifically requested that the Everwilde Project application therefore be referred back to the Planning Board for findings specific to connections to such systems should the Project Sponsor’s proposal ultimately be modified to formally include any such connections; and



SOUTH BRISTOL TOWN BOARD MEETING

February 10, 2020

**WHEREAS**, the Project Sponsor subsequently acquired a controlling interest in the neighboring Bristol Harbour Facility and notified the Town in early 2016 of its modified plan to include a connection of the Everwilde Project to the existing sewer system and wastewater treatment plan presently serving the Bristol Harbour facility rather than rely upon previously proposed onsite system for the collection and treatment of wastewater; and

**WHEREAS**, plan updates provided by the Project Sponsor during the course of the ensuing environmental review have also clarified the Project Sponsor’s abandonment of any intent to develop an on-site water supply system for the Everwilde Project and the present plan to rely instead on extensions to the existing system now supplying water to the Bristol Harbour facility;

**NOW , THEREFORE, BE IT RESOLVED**, that the Town Board hereby refers the Everwilde Project back to the Planning Board for findings relative to the current proposals to rely upon water supply and sanitary sewer connections to existing systems now serving the Bristol Harbour facility as well as for any other findings relative to other changes incorporated into the Everwilde Project plans subsequent to the Planning Board’s 2015 report to the extent such findings are relevant to the requirements of Sections 170-20 G and I of the Zoning 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 February 10, 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: February 10, 2020

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

**SEAL**

**RESOLUTION 29-2020**

**DETERMINATION OF NON-SIGNIFICANCE – SEQR HIGHWAY GARAGE**

Supr. Marshall said that the MRB Group has one the SEQR for the Board on our behalf with a determination of non-significance. There is a resolution that is attached that basically states that fact and the Board needs to pass the resolution stating that a determination of non-significance has occurred.

Councilman Wohlschlegel said before we make any motions, he went down through the SEQR and there is a box checked “*Is the project site or any portion of it located in or adjacent to an area designated as sensitive for archeological site.*” The SEQR is checked Yes for that and when you read Part 2, #8, it is marked No for the same type of question and question 12B should be changed to a No. Under #8, it says ”*The proposed action will impair the character or quality of important historic archeological/architectural aesthetic resources.*” Which is checked No.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Resolution No. 29-2020 with the said changes was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**TOWN OF SOUTH BRISTOL TOWN BOARD RESOLUTION**

**NO. 29-2020**  
**HIGHWAY FACILITY – 6371 NYS ROUTE 64**  
**GOVERNMENT LANDS ZONING DISTRICT**  
**TM# 184.00-1-24.100**

**SITE PLAN REVIEW APPROVAL**

**SEQR- DETERMINATION OF NON-SIGIFICANCE RESOLUTION**

**WHEREAS**, the Town of South Bristol Town Board (hereinafter referred to as Town Board) is proposing the construction of a new highway structure on the Town of South Bristol’s Highway Department facility. The proposed 12,500 square foot structure will replace the existing 6,000 square foot met clad building, utilizing a portion of the existing building footprint, which will result in minimal site grading. The subject property is located within the Government Lands zoning district, as shown on the Topographical Survey titled “Highway Facility Town of South Bristol” dated September 12, 2019, prepared by Arrowpoint Land Surveyors, and all other relevant information submitted as of October 15, 2019 (the current application); and

**WHEREAS**, the Town Board has completed a review of the Short Environmental Assessment Form Part I; and

**WHEREAS**, the Town Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) regulations; and

**WHEREAS**, the Town Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

**WHEREAS**, the Town Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

**WHEREAS**, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c)(1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

**WHEREAS**, the Town Board declared this to be an Unlisted Action and therefore has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

**NOW, THEREFORE BE IT RESOLVED** that the Town Board does hereby designate itself as lead agency for the proposed development above herein; and

**BE IT FURTHER RESOLVED** that the Town Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7(c):

- (i) there will not be a substantive adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as a result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as a result of the proposed Action;
- (iv) the overall density of the site is consistent with the Town’s Comprehensive Plan land use recommendations;

SOUTH BRISTOL TOWN BOARD MEETING

February 10, 2020

- (v) although located in an archaeological area, there will not be any adverse environmental/historical/archeological impacts associated with the proposed Action;
- (vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (ix) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (x) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and

**BE IT FURTHER RESOLVED**, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action **WILL NOT** result in any significant adverse environmental impacts.

**BE IT FINALLY RESOLVED**, that the Town Board does hereby make a Determination of Non-Significance on the proposed development, and the Town Supervisor is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Town Board’s determination.

The above resolution was offered by Councilman Cowley and seconded by Councilwoman Goodwin at a meeting of the Town Board held on Monday, February 10, 2020. Following discussion thereon, the following roll call vote was taken and recorded:

	<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>	_____

I, Judy Voss, Secretary of the Board, do hererby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of South Bristol Town Board for the February 10, 2020 meeting.

\_\_\_\_\_  
Judy Voss, Secretary of the Board

**D. SKYPORT IT PROPOSAL TO UPDATE OUR IT EQUIPMENT**

Supr. Marshall explained that Skyport submitted a proposal for computer equipment replacement. The majority of computers in the Town Hall is Windows 7 which is no longer supported so the upgrade is Windows 10. The proposal lists 6 new units, the cost is approximately \$6,600.00 or memory/hard drive Windows 10 installation upgrade would be \$3,600.00. There are 2 machines that cannot be upgraded and need to be replaced. Supr. Marshall said he will pursue the State Contract to see if the cost would be less. Skyport also informed the Town that the Sonic Wall needs to be replaced for \$1,200; and also suggested a Server Upgrade for \$3,500.00. We have budgeted funds for this, \$7,700.00 and is in place. For 2021, Skyport included a Server Replacement for \$12,000.00. Supr. Marshall asked the Board for permission to move forward with this as long as this stays within the budget to get 2 new workstations going that clearly need to be replaced and then look at the upgrades as well. The 2

**SOUTH BRISTOL TOWN BOARD MEETING**

February 10, 2020

new machines would cost \$2,200 and another \$3,000 for software, etc. totaling \$5,500 and have budgeted \$7,000.00.

Councilman Strickland asked if we were going to look into the State Contract prices?

Supr. Marshall said he would look into that; this is an issue that we have to act on, sooner than later. Supr. Marshall said he would inform the Board with the final cost and bring this to the March meeting.

**VIII. REPORTS:  
ASSESSOR**

No Report

**CEO**

Councilman Cowley read the CEO Report: 5 building permits issued in January, 35 inspections, 9 Certifications of Compliance, 331 vehicle miles logged; update on Court cases and meetings attended.

Supr. Marshall noted that paperwork has been sent to Mr. Hays telling him he needs to comply and if he doesn't the Town will be taking him to Court.

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel the CEO Report for January 2020 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

**TOWN CLERK/TAX COLLECTION**

On a motion made by Councilman Cowley and seconded by Councilman Strickland the January 2020 Town Clerk's Report and Tax Collector's Report was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

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

No Report. Supr. Marshall said that 2019 is not closed out yet.

**APPROVAL OF VOUCHERS**

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, Abstract No. 1, totaling \$327,004.75 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

Supr. Marshall said that over \$200,000 is being paid to the 4 Fire Departments that service the Town. Another 525 tons of salt was delivered for \$42,000.00. Canandaigua Lake Watershed is included, \$12,000.00 and Honeoye Lake Watershed for \$1,100.00.

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

Councilman Wohlschlegel said that the Constellation sent a quote for fixed prices on our electric and once we approve the rates they will send a contract.

Councilman Strickland asked if the rates were considerably less? Councilman Wohlschlegel agreed.

Supr. Marshall noted that the lights in the Town Hall were changed to LED last year and would like to compare electric bills to see if there were any changes.

SOUTH BRISTOL TOWN BOARD MEETING

February 10, 2020

Councilman Wohlschlegel said one more thing for the SEQR for the Highway Garage one of the items checked doesn't apply (No. 13). "*Does any portion of this site or proposed Action or Lands adjoining the proposed Action contain wetlands or waterbodies regulated by Federal, State or Local Agency?*" Councilman Wohlschlegel said YES was checked and does not agree with that.

Supr. Marshall agreed and said that is an error.

Councilman Wohlschlegel agreed, basically no. 12 and no. 13 need to be changed.

**XI. ADJOURN: 7:40PM**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk