

SOUTH BRISTOL TOWN BOARD MEETING

November 9, 2020

REGULAR MEETING

The Regular meeting of the South Bristol Town Board was called to order November 9, 2020 at 7:00pm.

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, Highway Superintendent, Joe Kohler, John Manzer, Fred McIntyre and Alan & Kristie Braun

I. ROLL CALL

Supr. Marshall opened the meeting with roll call.

II. APPROVAL OF MINUTES

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland the minutes of the minutes October 13, 2020 Town Board Meeting were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

III. PLEDGE OF ALLEGIANCE

IV. PRIVILEGE OF THE FLOOR

John Manzer of State Route 64, wanted to follow up to the Noise Ordinance and the Short-Term Rental Law. First of all, thank you for all the work that went into that. I know that we participated in many of those meetings and I appreciate the back and forth and the final issuance of those two items. I guess, it is at the point now where I had a question and couple comments; the first question is, What is the actual date of the Short-Term Rental Law? What is the effective date?

Clerk Voss noted that the law was filed in February or March of this year.

Mr. Manser, said maybe I am not interpreting this right, but the significance of that is to find out when the 30-day clock starts ticking for when you are supposed to apply for the Short-Term Rental?

Supr. Marshall, said the issue is when COVID hit right about the same time so an awful lot of things that should have happened didn't happen and quite frankly the real enforcement of the Short-Term Rental law has really only started until the September meeting. The Planning Board is doing the reviews of applicants; so we are making progress.

Mr. Manser asked, if someone hasn't applied by now or by when?

SOUTH BRISTOL TOWN BOARD MEETING

November 9, 2020

Supr. Marshall said they should have, and I know exactly what you are talking about. We have several people who we are aware of that haven't and it is something that we are going to address through the Code Enforcement Officer. I am assuming you are having visitors up above you and as far as we know, they have not applied for a Short-Term Rental. We do think they might be attempting to challenge the Town; the *foiled* all the data relative to the enactment of that law so we think they might be trying to challenge it, particularly the number of people allowed. They are the reason we went through this whole process.

Mr. Manser said, regardless of what action they may take, with FOIL or otherwise; I have some extensive experience in business with law and my understanding is that the whole idea is consistency among parties. I am not looking for any special favors, I'm just asking if the language in the law says you have 30 days from X date and it seems that, based on COVID, that is a little iffy, what date is it? My concern is that you pass a law and then whether it is the neighbors above me or some other people in the town of South Bristol, we kind of let the spirit of the law slide. The problem with that is, especially as more time goes on, is they can then have a case to say that a precedent has been set. Yeah, there is a law on the books, but they are not enforcing the law whatsoever. It is a fairly strong legal argument on their part, if, and I'm not saying right here, right now, but let's say 6 months or a year, 2 years go by and all of a sudden, we are not enforcing the law. It's one thing to have a law on the books, it is another to enforce it. They could have grounds to basically dilute the effectiveness of that.

Supr. Marshall, said we get it, we will be speaking with the Code Enforcement Officer to see how we are going to address that because clearly it would appear they are not complying with what the spirit of the law, for sure.

Councilman Cowley asked if they are still renting out the properties?

Mr. Manser answered, yes, they are renting.

Councilman Strickland said we aren't going to let that happen.

Councilman Wohlschlegel said the law is only as good too if we don't know that it is happening. This is the first I've heard.

Councilman Cowley agreed, until we know, and someone complains.

Mr. Manser said, that leads right into a proof of receipt of whether it be Webster Properties or anybody else, so in other words, did we get the addresses right? I know it is an administrative thing, but did we get the address right on Elmwood Avenue for Webster Properties and a confirmed receipt because that paper trail is the beginning of starting to enforce the law.

Supr. Marshall said he understands everything that you are saying and because of COVID it has had a sloppy start. We've had the Planning Board has looked at least a dozen applications, so the process is underway. Your neighbor and at least one other have been dragging their heels.

Mr. Manser, said the final issue, remind me of Special events again because in final conversation seemed to be *that there is already something on the books we feel confident about so we could turn to that in the event somebody wanted to have a wedding, etc.*

Councilman Cowley noted that there is a law that I know, years ago I was brought in on an event that the Fish & Game Club was going to have and the Zoning Officer at the time, Dick Thomas, was trying to pull that one on us to make sure we had go through the whole planning stage, and everything like that. So, I believe there is some type of law, I can't quote it, but remember that.

SOUTH BRISTOL TOWN BOARD MEETING

November 9, 2020

Mr. Manser said the concern there being we have had events there, up to 150 people and I know of some other people on the lake that complained some renters that had an event. The language of the Short-Term Rental Laws is a little funny in that the maximum talks about over-night guests, so you can have 50 of your buddies fly down from Rochester and party on down and at night you are back down to 12, but I just wondered how that might play into things, whether it be a special event or just really the excessive number of people. Whether it be the max, 12, and I really feel it is less than that if you really enforce the septic scenario.

Fred McIntyre, of Route 64, arrived late and hadn't heard Mr. Manser's comments and asked about Webster and if there has been any action taken against him?

Supr. Marshall said not yet.

Mr. McIntyre asked, what are your plans?

Supr. Marshall said his plan was to speak with the Code Enforcement Officer tomorrow about it and have a letter sent off for compliance.

Mr. McIntyre asked if that was the CEO's job to do that or the Town's Attorney to send the letter.

Supr. Marshall said that we will start with the CEO and send a letter, if it is ignored, then we have the attorney get involved.

Councilman Strickland asked if there were any events at the rentals?

Mr. Manser continued and stated that he had called Mr. Webster to complain and that this was not going to continue. We ended up calling the police that night and then there was another night we called the Sheriff. We aren't going to be unreasonable but it just the constant hour after hour after hour, you get tired of it. There seems to be a lack of knowledge of the Noise Ordinance and how it really works.

Discussion.

Joe Kohler, of Bristol Harbor, wanted to thank the Town Board for this Noise Ordinance Law and the Clerk provided a copy of it last week and ended up being very helpful. We put in the hands of some people at Bristol Harbor and it resulted in a conflict resolution. Thank you for this.

V. COMMITTEE REPORTS:

HIGHWAY

Councilman Cowley read the Highway report: Following is a brief report of activities at the Highway Dept. in the last month:

Roadside mowing is mostly finished for the season. All county roads have been mowed a second time. Most town roads have been mowed twice. The Town properties will be mowed once more before the end of the season. Picnic tables have been put away. We milled out and paved the rough spots in the intersection of CR 12 and State Route 64. Permanent power is now on at the New Building. The generator has been disconnected and returned to Admar. We have installed the water service for the new building. I have Griffith Energy coming this week to hook up our propane to both buildings. We are commencing with some bridge repairs (concrete work) on Lower Egypt Road. We have welded patches on the compactor container at the Transfer Station. Plow frames and associated equipment has been installed on all trucks and is ready to go. We have been out once already this fall for snow and ice control.

SOUTH BRISTOL TOWN BOARD MEETING

November 9, 2020

Supr. Marshall said that we might be in the new building before the end of December. The office area is all painted, the gridwork for the ceiling tiles are installed, floor tiles and wetwalls are being installed in the bathrooms.

Supt. Wight said that the septic design needs to be approved by Ontario County Soil & Water. We should be installing the septic in the next couple of weeks. The last piece to the puzzle.

VI. OLD BUSINESS:
2021 BUDGET APPROVAL

Supr. Marshall said the 2021 South Bristol Budget Public Hearing was held October 24, 2020. We are below the 2% Tax Cap, only \$2,000 under, a little close. We do have the local law in place if in fact we had erroneously calculated our tax cap.

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel the 2021 South Bristol Town Budget was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

Insert Budget

HIGHWAY GARAGE PROJECT – UPDATE

Supr. Marshall said that the Highway Garage project is ahead of schedule and we could be in the building before the end of the year. Supt. Wight said the septic system is waiting for approval from Ontario County Soil & Water.

BRUSH, WEED, AND GRASS LAW – SCHEDULE PUBLIC HEARING

Supr. Marshall said last month the Board moved forward on the Brush, Weed & Grass Law. The law has been written up by the Town Attorney and the first requirement is to schedule a Public Hearing. The next Town Board meeting is December 14th.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin Resolution No. 45-2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

RESOLUTION #45-2020 AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED “A LOCAL LAW AMENDING THE ZONING LAW OF THE TOWN OF SOUTH BRISTOL TO ADD REGULATIONS PERTAINING TO BRUSH, GRASS AND WEEDS”

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 Zoning Law of the Town of South Bristol to Add Regulations Pertaining to Brush, Grass and Weeds”; 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 December 14, 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

SOUTH BRISTOL TOWN BOARD MEETING

November 9, 2020

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 9, 2020, 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 10, 2020

Judy Voss, Town Clerk

SEAL

SEQR

Supr. Marshall noted that Councilman Wohlschlegel has all ready gotten the SEQR documents prepared for the new Local Law.

Councilman Wohlschlegel explained that the change in the zoning law requires SEQR and is not any type of action not having any impact. This would be No Environmental Impacts as a result of this change in zoning using the short form. This is an unlisted action under SEQR and have no significant or reverse environmental impacts due to adopting the law.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Resolution #46-2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

#46-2020 RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL, ONTARIO COUNTY, NEW YORK,

DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. OF 2020

WHEREAS, the Town of South Bristol Town Board, hereinafter referred to as Town Board, has determined proposed Local Law No. 4 of 2020 to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Short Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

SOUTH BRISTOL TOWN BOARD MEETING

November 9, 2020

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

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 9, 2020, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u>x</u>	<u> </u>
Scott Wohlschlegel	<u>x</u>	<u> </u>
Donna Goodwin	<u>x</u>	<u> </u>
Stephen Cowley	<u>x</u>	<u> </u>
James Strickland	<u>x</u>	<u> </u>

Dated: November 10, 2020

Judy Voss, Town Clerk

SEAL

VII. NEW BUSINESS

DAN MILLER – INSUREONE INSURANCE SERVICES

Supr. Marshall explained that the last few years the Town has been using Bond Financial Services to be the administrator of our Health Insurance and has been unhappy with their service. Another company has given the Town their information and Dan Miller of InsureOne Insurance Services gave a presentation; InsureOne Insurance Services is part of a group out of Corning. All we are doing is changing who administers the Health Insurance Plan; we are not changing the plan. Because we are an employer of less than 100 employees, we are all paying the same amount of money. The other issue that came up was that several of the Highway employees have had difficulty using their Health Reimbursement Card, which gets denied and frozen. When we reached out to Bond Financial asking for help to fix it, they can't come up with an answer and Dan Miller already explained how it can be resolved.

Supr. Marshall said there is a \$600 fee for InsureOne services, but we are paying that now anyways. This is a matter of better service for our employees. Supr. Marshall said he would like to change to InsureOne and needs a motion.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin to approve the services of InsureOne Insurance was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

SOUTH BRISTOL TOWN BOARD MEETING

November 9, 2020

FEE SCHEDULE ADDITION – GEOTHERMAL APPLICATION

Supr. Marshall noted that CEO Sommer informed him that there is not a fee for a GeoThermal Building Permit in our Fee Schedule. It was the CEO's suggestion a \$40.00 fee. This new fee will need Town Board approval.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the fee for a GeoThermal & Solid Fuels permit of \$40.00 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

MEETING ROOM IMPROVEMENTS

Supr. Marshall asked Clerk Voss about the improvements to the meeting room.

Clerk Voss mentioned that Dan Marcellus of Skyport submitted a proposal for a video and audio set up in the meeting room. This was an all-in-one unit for a total of \$2,697.00. At this time, Clerk Voss spoke with the County IT Department which just finished the new Board of Supervisor's meeting room and suggested calling R-Options for a quote. There are 2 quotes from R-Options, one for the Video/Audio online meeting equipment and another quote for fixing the acoustical issues in the meeting room. The two quotes received from R-Options is very comprehensive and very detailed; \$6,500 for the acoustical quote and \$9,500 for the audio and video. Clerk Voss said she is embarrassed by the online meetings because its unprofessional and has not been successful.

Alan Braun, of Bristol Harbour, an online attendee, agreed and said the whole meeting is flashing and every word is hard to hear.

Clerk Voss continued, noting this is our future with online meetings, it is going to take some money to bring the meeting room up to standards.

Supr. Marshall said there are 2 quotes, the first quote is addressing the acoustical issues and includes 34 acoustical panels and is concerned about the number. The panels would be on the ceiling and walls. That quote is for \$6,500.00. The second quote is mostly for the equipment to be required for video for the online meetings and for the actual audio of the meeting room itself.

Clerk Voss said she met with Jeff Waasdorf of R-Options for almost 2 hours going over the needs of the meeting room.

Councilman Strickland said his concern would be if we really need the sound proofing.

Supr. Marshall agreed and are we going to like the way the room looks when there are 34 panels installed?

Councilman Cowley said it will look fine and asked if the sound/video system should be installed first and then put in the panels in?

Councilman Strickland agreed.

Supr. Marshall will ask Mr. Waasdorf these questions.

Councilman Cowley said the room will still echo.

Councilman Strickland noted that a professional sound system will work better than what we are using now.

Councilman Wohlschlegel asked, if we put in a system like this, do we have the bandwidth and/or ability to carry the online meetings?

Supr. Marshall said that Empire supplies the internet and it is fiber optic, the fastest available.

Councilman Strickland asked about having a screen/monitor for the online participants and how big?

SOUTH BRISTOL TOWN BOARD MEETING

November 9, 2020

Supr. Marshall said there is a need for a flat screen so that we could see the online participants.

Councilman Cowley asked about the microphones.

Clerk Voss noted that we would be using the same mics and would have one wireless mic.

Supr. Marshall said that this has been a good discussion and by the December meeting will have a better sense of monies available in the 2020 budget.

EXTERMINTOR SERVICES FOR TOWN HALL

Clerk Voss said that there is a town resident that owns an extermination/pest control business, Ed Woodruff on County Road 33 owns Baker Exterminating. Prior to Covid, we had Anytime Pest Control servicing the town with a basic contract for pest control in the town hall basement. Baker Exterminating is the same amount with a \$200 set up fee and include spraying the town hall twice per year. Since covid, Anytime Pest Control has not serviced the Town Hall.

Supr. Marshall said we should get a few quotes before a decision is made.

E-WASTE & ACCEPTING TV/MONITORS AT TRANSFER STATION

Clerk Voss said an email was received from E-Waste for \$588.00 and in March we paid them \$578.00. The invoice only specifies the total weigh of TVs and monitor's collected, it doesn't tell you how many were taken. We are being billed for 1,100 pounds of televisions, 450 pounds of flat panels, 11 pounds of computer recycling at 0.35 per pound. Since August, there have been 10 TV's paid through the Town Clerk's Office.

Supr. Marshall asked if the Town wants to stay in the E-Waste business?

Supt. Wight said life would be so much easier if we didn't collect the e-waste.

Clerk Voss agreed, it is another layer of work for the Transfer Station employees.

Supr. Marshall noted that there are alternatives for the residents; the County has an E-Waste day at least twice a year.

Supt. Wight said the if we drop the electronics, there can be absolutely no electronics collected and thrown into the CD containers. The residents can go to E-Waste in Victor with their electronic recycling.

Councilman Cowley said he attended the County's e-waste event with a truckload which was very efficient.

Supr. Marshall asked if we eliminate E-Waste, will the Transfer Station go to 2 employees instead of 3.

Supt. Wight didn't agree with that; the employees are constantly reminded that the residents require a CD pass, etc. The electronic boxes were emptied 3 weeks ago and there are 3 full boxes now of electronics.

Councilman Cowley asked about the other electronics, CD player, VCR as no charge?

Supt. Wight agreed, it started out with the old TV's being 0.25 per pound, now it is any kind of monitor at 0.35 per pound.

Councilman Wohlschegel said he had different thoughts and asked if the employees could do their jobs at the Transfer Station.

Supt. Wight explained that the employees get overwhelmed at times when there are 6 vehicles at once, it gets out of hand.

SOUTH BRISTOL TOWN BOARD MEETING

November 9, 2020

On a motion made by Councilman Strickland and seconded by Councilman Cowley, the TV recycling will end on January 1, 2021 was ACCEPTED. Voting AYE: 3. Voting NAY: 2. Voting AYE: Marshall, Strickland and Cowley. Voting NAY: Goodwin and Wohlschlegel.

VIII. REPORTS:

ASSESSOR

Councilman Cowley read the Assessor's Report.

On a motion made by Councilman Cowley and seconded Councilwoman Goodwin the October 2020 Assessor's Report. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

CEO

Councilman Cowley read the CEO report.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the October 2020 CEO Reports were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

TOWN CLERK/TAX COLLECTION

Supr. Marshall read the Town Clerk's report.

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel the October 2020 Town Clerk's Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

IX. ACCOUNTING:

SUPERVISOR'S REPORT

Supr. Marshall said the reports are unavailable at this time and will have 2 months for the December town board meetings.

APPROVAL OF VOUCHERS

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, Abstract No. 11, totaling \$434,794.24 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

XI. ADJOURN: 8:30PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk