

SOUTH BRISTOL TOWN BOARD MEETING

January 11, 2021

**REGULAR MEETING**

The Regular meeting of the South Bristol Town Board was called to order January 11, 2021 at 7:07pm.

**PRESENT**

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

**RECORDING SECRETARY**

Judy Voss, Town Clerk

**OTHERS**

Joe Kohler, Ted Russell, online: Alan & Kristie Braun, Baird Couch, Gloria Harrington, Tracey Otto, et al

**I. ROLL CALL**

Supr. Marshall opened the meeting with roll call.

Supr. Marshall was thankful that we are at the local level of government; what happened last week in Washington D.C. was absolutely deplorable.

**II. APPROVAL OF MINUTES**

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland the minutes of the December 14, 2020 Public Hearing were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

On a motion made by Councilman Strickland and seconded by Councilman Cowley the minutes of the minutes December 14, 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**

Joe Kohler of Bristol Harbor wanted to congratulate the Board on the new Highway Barn that is likely under budget and under schedule.

Supr. Marshall noted that the Town is in court over a motorcycle accident on Bopple Hill Road in June stating that the Town allowed excess gravel to accumulate on the roadway. Our Town Highway Superintendent has said that no work in terms of loose gravel in over a year. We have been sent a FOIL request from William Mataar.

Supr. Marshall also informed the Board of a State requirement to audit the Justice Office books for 2020 which we will hire EFPR to conduct.

**V. COMMITTEE REPORTS:**  
**HIGHWAY**

Councilman Cowley read the Highway report:

Following is a very brief summary of what's happening at the Highway Department.

- Plowing roads as per the weather
- Moving stuff into the truck bays in the new building.
- Building work benches and getting tools set up for maintenance
- Regraded and stoned the area behind the maintenance shop as it will serve as driveway for the back garage bays
- Propane installation complete and heat is on in both buildings
- Removed the pavement and shimmed up the stone in order to get into the front truck bays
- Cutting up and cleaning up miscellaneous trees.
- I will be looking for authorization to purchase a new compactor container as previously discussed (Waste Quip is low bid of \$9,304.00). This bid is good for 15 days as steel prices are rising.
- I will also be looking for permission to get quotes on replacing our TerraStar dump truck.
- Storage container is cleaned out and scheduled for pickup.
- Hope to be out of the job trailer by month's end.

Supt. Wight noted that the truck is a 2014 and have done nothing but fix the truck since it has been here; the first and last International Truck. Supt. Wight said the truck will go to the Municipal Auction when the time comes.

Councilman Wohlschlegel asked about spending and thought that we weren't going to be spending this year and hold the line on equipment.

Supr. Marshall said that we are speaking about 2 different trucks; we won't be buying a 10-wheel dump and \$250,000, the F550 is a much smaller truck with 6 wheels. Supr. Marshall agreed, we did agree last year to hold the line on spending, this is for 2021. We did not buy anything for 2020, now the 2021 budget includes this purchase. We will be only giving the Highway Supt. authorization to quote the truck and bring it back to the Board.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the motion to procure quotes for F550 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

Supr. Marshall continues, with the 40-yard container and asked the Highway Supt. about its purchase.

Supt. Wight said he did receive quotes for \$12,959.00, \$11,092 and Wast-Quip is the most reasonable quote at \$9,304.00.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, the purchase of the Wast-Quip 40-yard octagon twenty-two foot receiver container was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**FINANCE**

Supr. Marshall reported that the \$12,292.00 from the 2020 Budget has been encumbered to pay for the audio/video upgrade for the meeting room. Supr. Marshall also mentioned the

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approval for painting the meeting room which will begin next week. The bookkeeper is working on the year-end and AUD reports.

**VI. OLD BUSINESS:**  
**HIGHWAY GARAGE PROJECT – UPDATE**

Supr. Marshall noted that we already discussed the project.

Supt. Wight said that there was a walk-through last week and we will be moving out of the job trailer into the new building. A few things on the list to correct, we are still waiting on a water heater.

Supr. Marshall asked about equipping the new barn? Supt. Wight said we have built a few work benches but haven't not ordered any furniture. A compressor has been ordered.

**ARTICLE 78 LAWSUIT- BRISTOL SEWER DISPOSAL CORPORATION**

Supr. Marshall said that he didn't have a lot to report; the court date is scheduled for January 25<sup>th</sup> and can be accessed online.

**MEETING ROOM IMPROVEMENTS**

Supr. Marshall asked about the quote to R-Options and the status. Clerk Voss noted that the quote needs to be signed, they are also asking for a PO which we can forgo. Supr. Marshall agreed.

Clerk Voss noted that without the acoustical treatment will there still be feedback from the echo of the room?

Councilman Strickland said the new equipment is 10x more than what we have now and with the equipment as quoted has some of the most advanced feedback features on it. The acoustical treatment would have been overkill. Councilman Strickland said he was confused by the need for a secondary quote with expensive equipment.

Supr. Marshall said that the Board can't go any higher than the funds encumbered and would like to approve the quote provided by R-Options for the work.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, the R-Option quote for audio/video equipment in the amount of \$12,663.34 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**LOCAL LAW #1-2021**

**RAMP GARAGE INSPECTIONS CHAPTER 84 OF THE TOWN CODE**

Supr. Marshall explained that this local law enacts inspections of ramp garages under Chapter 84 of the Town Code.

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Resolution No. 25-2021 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**RESOLUTION #25-2021**

**AUTHORIZING ADOPTION OF LOCAL LAW NO. 1 OF 2021**

**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 January 11, 2021, 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

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parties on a proposed Local Law entitled, "A Local Law Amending Chapter 84 (Fire Prevention and Building Code Administration) of the Code 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 January 6, 2021 and other notices required to be given by law were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on January 11, 2021, 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**, 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 2021, entitled "A Local Law Amending Chapter 84 (Fire Prevention and Building Code Administration) of the Code 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 January 11, 2021, by the following vote:

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: January 11, 2021

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

SEAL

**LOCAL LAW #1-2021**

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

(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 2021

A local law "Amending Chapter 84 (Fire Prevention and Building Code Administration) of the Code of the Town of South Bristol"

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(Insert Title)

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

County

City

Town of South Bristol

as follows:

Village

Section 1. Subsection (1) of paragraph A (Operating permits required.) of Section 84-3 (Operating Permits) of Chapter 84 (Fire Prevention and Building Code Administration) of the Code of the Town of South Bristol is hereby amended with the insertion of a new subparagraph (f) to read as follows:

(f) Parking garages

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. 1 of 2021 of the Town of South Bristol was duly passed by the South Bristol Town Board on January 11, 2021, 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 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\_\_. 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.

<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.

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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.)

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)

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

**VII. NEW BUSINESS**  
**LOCAL LAW #2-2021 2% TAX CAP OVERRIDE**  
**SCHEDULE PUBLIC HEARING**

Supr. Marshall explained that the 2% Tax Cap Override local law is an annual filing for year 2022.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, Resolution No. 26-2021 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**RESOLUTION #26-2021**  
**INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING**

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**WHEREAS**, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law 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 8, 2021, 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

**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 11, 2021, 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 11, 2021

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

SEAL

**RESOLUTION #27-2021**

**TO FOLLOW NYS GUIDELINES FOR PROPERTY TAX EXEMPTIONS**

Supr. Marshall explained that the Governor and executive orders has made changes to the processing of renewal applications as a condition to grant exemptions which requires a resolution.

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel, Resolution #27-2021 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**ADOPTS PROVISIONS OF EXECUTIVE ORDER 202.83 SUSPENDING THE REQUIREMENTS OF RENEWAL APPLICATIONS AS A CONDITION TO GRANTING EXEMPTIONS UNDER SECTION 459-C AND 467 OF THE REAL PROPERTY TAX LAW**

**WHEREAS**, the Governor of the State of New York by Executive Order No. 202 dated March 7, 2020, declared a state of emergency for the entire State of New York; and

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**WHEREAS**, both travel-related and community contact transmission of COVID-19 have been documented in New York State and are expected to continue; and

**WHEREAS**, pursuant to Section 29-a of Article 2-b of the Executive Law, New York State Governor Andrew Cuomo did issue Executive Order No. 202.83 dated December 18, 2020, which authorized, by local option, the governing body, to adopt the provisions of that Executive Order 202.83 which temporarily suspends or modifies, subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law. The COVID-19 emergency Eviction and Foreclosure Prevention Act of 2020 (Chapter 381 of the Laws of 2020) was signed into law by Governor Cuomo on December 28 mandating the provisions.

**NOW, THEREFORE BE IT RESOLVED**, that pursuant to Executive Order 202.83 issued by New York State Governor Andrew Cuomo and Chapter 381 of the Laws of 2020, the Town Board of the Town of South Bristol hereby authorizes the Assessor to request an application where he or she has reason to believe that the applicant may have changed his or her primary residence, added an additional owner to the deed, transferred the property to a new owner, or died and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Assessor.

	<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, Town Clerk of the Town of South Bristol do hereby certify that the preceding resolution was adopted, at a regular/organizational Town Board meeting of the Town of South Bristol on January 11, 2021 and will be included in the minutes of said meeting.

Dated: January 11, 2021

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

SEAL

**III. REPORTS:**  
**ASSESSOR**

No Report

**CEO**

Councilman Cowley read the CEO Report.

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

Supr. Marshall addressed the numerous COVID-19 complaints received at Bristol Mountain. The Code Enforcement Officer has responded 6-7 times or more with complaints that Bristol Mountain is not complying with COVID-19 requirements.

Discussion.



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**TOWN CLERK/TAX COLLECTION**

Supr. Marshall read the Town Clerk's report.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley the December 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**

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley the December 2020 Supervisor's Reports were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

**APPROVAL OF VOUCHERS**

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Abstract No. 1, totaling \$263,331.38 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

**XI. ADJOURN: 7:51pm**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk