

SOUTH BRISTOL TOWN BOARD MEETING

April 12, 2021

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order April 12, 2021 at 6:30pm 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

EXECUTIVE SESSION

The Town Board moved into Executive Session to discuss a legal matter with the Town Attorney with regard to the Article 78 proceeding at 6:30pm.

The Town Board came out of Executive Session at 7:10pm with no action taken.

OTHERS

Jim Wight, Alan & Kristie Braun, Bill Welch, Tracey Howe
Online: Baird Couch, Henry Savage, Joe Kohler, Jon Heiderich, Ron Kraft, Elizabeth Caprini, LJ Fisher and 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 Cowley and Councilman Strickland, the minutes of the March 8, 2021 Regular Town Board minutes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

IV. PRIVILEGE OF THE FLOOR

Joe Kohler deferred to the end of the meeting.

Supr. Marshall said he wanted to have a brief discussion about a meeting that was held 2 weeks ago with CEO Phil Sommer with the Cheshire Fire Department. The discussion with the Cheshire Fire Dept. was related to the fire suppression situation at Bristol Harbor. There was a fire on Andrews Way, 6-7 weeks ago, in which a situation could have become far worse than it was. Very fortunate that the building was able to be contained and the fire did not spread. Everybody knows Andrews Way is a tight neighborhood and the potential for a fire could have been significant. What we learned was that when they attached equipment to the hydrants, one of the hydrants was not functioning very well at all and the 2nd one they attached to was working

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but the flow was not very adequate. This raised some concerns, obviously, with the Cheshire Fire Dept. and they have had some conversations back and forth and asked us to come and talk to them about it because they are very concerned. At issue is the fact that given a location like Bristol Harbour where you have a density of homes, there needs to be enough water on their arrival at a fire scene; by Code Bristol Harbour is supposed to have 3,000 gallons of water available. Cheshire Fire Dept. truck can carry between 1,200 and 1,500 gallons of water and that is what they arrived with. They were obviously hoping to pull the rest from the hydrant and that didn't apparently happen. We have had some discussion about it; we have had conversations with the Dept. of Health and all the Dept. of Health concern themselves with is that the water is drinkable and able to be taken care of. They are not nearly as involved with the business of fire protection. So, CEO Sommers has had 2-3 conversations with the Dept. of Health, and we think we finally go through to the guy because next think you know we had a conversation with higher-up Dept. of Health people in Albany and they are now looking into the situation as well. On top of that we have also been in discussion with the NYS Fire Marshall to see what their take on the subject is. And, what I need to tell everybody and to make everybody aware of is that for the time being, until we get some type of resolution to whether these fire hydrants are indeed supposed to be adequate and not just flushing devices; that is what they are being described as. Until we get that resolved, you need to know, and as residents of Bristol Harbour you need to know, when a call comes in for a structure fire at Bristol Harbour, Cheshire Fire Dept. will call for the Tanker Taskforce. This means Bristol, Richmond and Naples all come running with their tankers. So that is the status now. We are concerned about it, clearly, and we are trying to deal with the appropriate people at the State level to see what goes on here.

V. COMMITTEE REPORTS: HIGHWAY

Councilman Cowley read the Highway Report: Trimming trees on Powell Hill, mowed fields at Wilder Barn, and the Overlook on County Road 12. Graded and rolled Lower Egypt Road from the bridge to the Town line. Hauling stone for the projects this summer. Also installed several driveway culverts. Plowed one last time last week.

Supt. Wight wanted the Board to be aware that the Highway Deputy, Rick Emmons, suffered a stroke a week ago and will be out indefinitely.

Councilman Cowley wanted to talk about mask wearing and asked how everyone felt about wearing masks for the Highway Garage or the Transfer Station? Working with the public every other minute and our policy as a Board.

Councilman Strickland noted that the Health Dept. is still calling for it.

Supr. Marshall said that he would like to consider, at least for this year, bringing in some additional help, either as an employee or a contractor just to take care of the mowing at the Overlook and the mowing at the Woodville Park. There is a young man that is interested in doing that kind of work and would be a good idea and give it a try. It takes that burden off the Highway dept. for having the Overlook ready for the public.

Supt. Wight said he felt last summer the Highway dept. was able to keep up with the maintenance better than they had in the past. There is no problem handing the responsibility to someone else; they need to be aware there is a fair amount of work to do at the Overlook.

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FINANCE

Supr. Marshall said he received that paperwork today necessary for the Town to fill out in order to convert the Bond Anticipation Note to a full Bond. By the May meeting, we will be paying the Bond Anticipation Note interest of \$14,000 which is in the budget. Most of the funds from the Bond are spent except for one payment to Building Innovation Group for \$85,000 which is their retainer. We may have to draw into the Reserve Fund for that.

VI. OLD BUSINESS:

ARTICLE 78 – BRISTOL SEWERAGE DISPOSAL CORP

Supr. Marshall said that he mentioned earlier that the Board had an Executive Session. The Town is being sued by the Bristol Sewerage Disposal Corp. and the Judge ruled against the Town and now we are required to do the Rate Increase review once again. It was highly suggested to us and we fully agree at this time we will be using outside council to assist us in this matter. There are 2 resolutions in front of the Board for approval; one is to appoint Adams & LeClair the attorneys and the for the Town and the second is to contract with LaBella Associates which will include language allowing LaBella Associates to hire Mengel, Metzger & Barr in their evaluation. The final date for our response is June 28th and will hopefully have a decision by the June 14th Town Board meeting. It has also been suggested that the Board hold a Public Hearing and suggested Saturday, May 8th at 10am.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, the Public Hearing for the BSDC Rate Request is scheduled for Saturday May 8, 2021 at 10:00 a.m. was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Resolution No. 30-2021 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

RESOLUTION NO. 30-2021

RESOLUTION APPOINTING ADAMS LECLAIR LLP ATTORNEYS

WHEREAS, an Article 78 proceeding was made by the Bristol Harbour Sewer Corporation against the town regarding their request for a 44.4% usage rate increase, and
WHEREAS, the Court has ruled against the town's decision in that proceeding, and
WHEREAS, the town is now required to redo the process of determining a fair, equitable and adequate user rate for the Bristol Harbour Sewer Corporation users, and
WHEREAS, the town must come to a decision prior to June 28th, 2021 or the rate request goes into effect, now therefore be it

RESOLVED that Adams LeClair LLP, Attorneys be retained to assist the town in the rate evaluation process.

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On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel, Resolution No. 31-2021 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

RESOLUTION NO. 31-2021

RESOLUTION APPOINTING LABELLA ASSOCIATES

WHEREAS, an Article 78 proceeding was made by the Bristol Harbour Sewer Corporation against the town regarding their request for a 44.4% usage rate increase, and

WHEREAS, the Court has ruled against the town's decision in that proceeding, and

WHEREAS, the town is now required to redo the process of determining a fair, equitable and adequate user rate for the Bristol Harbour Sewer Corporation users, and

WHEREAS, the town must come to a decision prior to June 28th, 2021 or the rate request goes into effect, now therefore be it

RESOLVED that LaBella Associates be retained to assist the town in the rate evaluation process.

DISCUSSION ON REMOVING JAIL AS PENALTY FOR CODE VIOLATIONS

Supr. Marshall said that last month he gave the Board copy of a proposed local law which takes all the jail time penalties currently in our Town Code and replace them with a monetary violation fee.

Councilman Cowley asked if all the changes in the law removes all the imprisonment removed and this is a final draft?

Supr. Marshall said the only penalty the Town Attorney added pertained to Dog Licensing for the possibility of more than 2 violations. A fine increase for a third and subsequent violation of \$100, the 2nd violation is \$50.

Councilman Strickland noted that said that we are in a situation where if that jailtime is in our Code the defendants can hire a Public Defender; if it is removed and replaced with fines and increase incrementally as it goes up.

Supr. Marshall said what Councilman Strickland mentioned has already happened in a case where the Public Defender came in and it added more time to resolve the situation. This removed the ability to obtain a Public Defender which is a good decision.

Councilman Cowley asked about scheduling a Public Hearing?

Supr. Marshall agreed, and had asked the Town Attorney if the Board needed a local law for every line item in the Code that mentioned jail time? The Town Attorney had said that one local law will cover the whole Town Code. The law now goes back to the Town Attorney to put into local law form and then we schedule a Public Hearing.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the matter was sent back to the Town Attorney to put into a local law was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

VII. NEW BUSINESS

HIGHWAY GARAGE OPEN HOUSE

Supr. Marshall said that the new Highway Garage is done; and ready for a final walk-through by the Code Enforcement Officer and a Certificate of Occupancy. We are proposing having a dedication day open to the public and suggested Saturday, June 5th. MRB Group

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indicated that they would supply the food and drink and would like a Board member to organize the open house.

Councilman Strickland volunteered and will be available.

Supr. Marshall thanked Councilman Strickland and see whatever arrangements need to be made, etc.

Supr. Marshall said preparations will be started for the Open House, 11:00am – 1:00pm Saturday June 5th.

Supr. Marshall said the one item that did not make the Agenda and need to be addressed. When meeting with the Cheshire Volunteer Fire Dept. they pointed out that in the contract it states that their Fire Chief is also a Fire Marshall when the Code Enforcement Officer is the Town Fire Marshall. We need a motion to sign a document stating the same.

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

Supr. Marshall mentioned that the Bristol Sewerage Disposal Corp did send to the Town their Fiscal Annual Year 2020 Financial Statements. This information will be used as part of the rate review and has been sent to the necessary parties.

**VIII. REPORTS:
ASSESSOR**

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel the Assessor’s Report for February & March 2021 were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

CEO

Supr. Marshall read the CEO Report.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland the CEO Report for March 2021 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley Strickland and Wohlschlegel.

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 March 2021 Town Clerk’s Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

Supr. Marshall read the Collection Summary for 2021 Town & County taxes shows 97% collected for a total amount of \$3,976,176.00.

**IX. ACCOUNTING:
BUDGET TRANSFERS**

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

Transfer From	DA9060.8	Hospital & Medical to	\$131.35
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DA9045.8

Life Insurance

SUPERVISOR'S REPORT

Supr. Marshall read the Supervisor's Report.

On a motion made by Councilman Strickland and seconded by Councilman Cowley, the Supervisor's Report for March 2021 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Cowley, Strickland and Wohlschlegel.

APPROVAL OF VOUCHERS

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Abstract No. 4, totaling \$97,593.94 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

Supr. Marshall noted that there is one additional voucher that will be treated as a pre-pay from Skyport IT, Inc. for the new computer server/network, cloud backup service for \$20,021.00.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the pre-payment of the Skyport IT, Inc voucher was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

APPOINTMENT OF PLANNING BOARD MEMBER ALTERNATES

Supr. Marshall noted that 4 individuals interested in the positions available on the South Bristol Planning Board have been interviewed and all were excellent candidates.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, Jason Inda is appointed as Alternate #1 and Michael McCabe is appointed as Alternate #2 to the South Bristol Planning Board was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

PRIVILEGE OF THE FLOOR

Joe Kohler of Bristol Harbor asked if it was possible to provide Zoom attendance for the Public Hearing?

Supr. Marshall answered yes, it is.

XI. ADJOURN: 8:03pm

Respectfully submitted:

Judy Voss
South Bristol Town Clerk