

SOUTH BRISTOL TOWN BOARD MEETING

May 10, 2021

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order May 10, 2021 at 7:00pm 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, Cathy Colby, Virginia Latke, Brian Hodges, Jared Lusk, Alan & Kristie Braun,
Tracey Howe
Baird Couch, Henry Savage, Jon Heiderich, et al

I. ROLL CALL

Supr. Marshall opened the meeting with roll call.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

On a motion made by Councilman Wohlschlegel and Councilman Cowley, the minutes of the April 12, 2021 Regular Town Board minutes were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, and Cowley.

IV. PRIVILEGE OF THE FLOOR

V. COMMITTEE REPORTS: HIGHWAY

Supr. Marshall noted that the Open House for the grand opening of the Highway Garage is June 5th, 11am – 2pm.

Next Saturday, May 15th is the Tire Recycle Collection event at the South Bristol Highway Garage parking lot. Registration with Ontario County Soil & Water with a limit of 10 tires per customer. This is for Ontario County residents. The South Bristol Highway Employees will be working the event.

Councilman Cowley read the Highway Report: Following is a brief recap of events in the last month at the Highway Department.

- Actually went out and plowed and sanded a couple times in April.
- Trimmed trees on Powell Hill Rd. and Hicks Rd.
- Installed a weep in a wet spot on Hicks Rd.

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- Repaired some shoulder damage on Stid Hill.
- Scheduling road work for the summer with various contractors.
- Mowing and trimming all the Town properties. (what happened to whoever was going to mow the overlook and Town Park in Woodville) ?
- Mowed field below the overlook and fields at the Wilder Barn/ Cemetery
- Final inspection and Certificate of Occupancy completed at the new Highway building.
- Currently ditching and cleaning culverts on Gulick Rd.
- I have the numbers for a Ford F-600 to replace our current International Terra Star (19,500 GVW) truck. The new truck will come equipped with an all-season body and snow plow. State bid pricing, see attached.
- I would like to also briefly discuss the idea of having a sticker type pass on resident vehicles to identify town's people who should be using our transfer station. I think we are getting a fair amount of CD and electronics that belong elsewhere. Cardboard also.

Supt. Wight wanted to strongly suggest the hanging tags for vehicles at the Transfer Station because we have never had to haul so much CD; we used to haul for 1 ½ days and are hauling 2-3 days. It is either a lot more residents cleaning out their garages and barns, etc. The labels on the cardboard is not from South Bristol; it's coming from elsewhere.

Discussion.

(7:11pm – Jim Strickland Arrives)

Supr. Marshall noted that the State Bid does not require any bidding under the State Contract system.

Supt. Wight agreed, the truck is \$50,000 and then some. The truck is a little bit heavier and more spring support in the rear end. There are 2 separate documents; the truck will cost around \$50,000 and the plow will also cost around \$50,000.00. The truck that we have now is about \$110,000, this is \$10,000 less.

Supr. Marshall noted that the budget line is \$200,000 and asked Supt. Wight if any other equipment needs to be purchased?

Supt. Wight said a mower and maybe a tractor. Supt. Wight said he is hoping to get \$30,000 for the International Truck. The International Truck has been a nightmare on maintenance.

Discussion.

Councilman Wohlschlegel said you have a budget of \$200,000.00 and the budget doesn't say what the funds are for; can't we have a better description of what we are buying for budget purposes?

Supt. Wight said the truck is an absolute maintenance nightmare and put more money into the truck which is not cost effective.

Supr. Marshall said at budget time we ask those questions.

Supt. Wight said his equipment line has been as high as \$300,000.00 and scaled back on that; and there were a couple of years with another Supervisor where the Highway Dept. had no equipment budgeted which set us back. The Grader that was purchased it was put in the minutes that we'd use that Grader for 5 years; we bought it from Genesee County for \$22,000.00. That 5 years has passed and a new Grader will cost \$225,000.00 or more. The Excavator we have is a 2006 with a lot of hours; a sweeping tractor that is a 2000, 21 years old with lots of hours.

Supr. Marshall said his point is well taken and we will discuss it during the next budget cycle.

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On a motion made by Councilman Strickland and seconded by Councilman Cowley, the motion to approve the purchase F600 per the State Bid was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

VI. OLD BUSINESS:

ARTICLE 78 – BRISTOL SEWERAGE DISPOSAL CORP

Supr. Marshall said Brian Hodges is online to discuss the status of the current Article 78 proceeding against the Town relative to the Bristol Sewerage Disposal Corp rate increase request.

Brian Hodges, explained that the Town was engaged through LaBella Associates in late 2015 for the previous rate increase request. I would work quite a bit between 2015, 2016 and 2017 advising the Town, LaBella and eventually meeting with the sewer corp. to resolve the rate increase from the previous \$38.00 to \$69.00 rate. That may seem like a large rate increase but considering there hadn't been a rate increase for nearly 40 years; that rate increase was slightly below inflationary increase; a 1%, 2% or 3% inflationary rate increase.

We spoke with LaBella in the middle of April 2021; we were brought up to speed with the current rate increase, that application that was made back in August of 2020. We have reviewed that information and we have reviewed additional information that the sewer corp. has had financial statements prepared through the end of 2020. So we are in receipt of that, we have reviewed that and during our review we had some additional questions, so there is not final update here. But we are very well on our way to understanding what was considered in the rate application. And we have responded to a very recent response that the sewer corp. provided to us near the close of business on Thursday, May 6th. Given that we've only had a couple of business days with that information, and that information created more questions than answers. We have requested that the sewer corp. provide us additional information and we provided them a deadline of May 24th. And that will allow us additional time to consider this additional information we are looking for, trying to understand, particularly really a few things. (1) is to understand the "falk" counting of the \$6.03 component of the rate that is charge which is supposed to be dedicated to paying down the line of credit for the sewer corp. So we are asking for an accounting of that and there are a few other items asking for some additional information so that we are able to determine whether certain expenses are one-time in nature or they are recurring. To me, if something is a one-time expense it shouldn't be used to build up a recurring pay, but if something is a recurring charge it would certainly need to be considered to building up the recurring rate.

So, as I mentioned, the review is well on its way. We are waiting for that information and really the way I do it is by May 24th, if we've gotten the information, we will consider it to make a final determination by the June Board meetings. And if we do not have it we will go with what we have thus far and render a conclusion based upon all the information we have.

Councilwoman Goodwin asked if we have a copy of the questions that have been asked of them, or no?

Supr. Marshall asked, we also provided, more recently, the annual statement the sewer corporation provides the Town on an annual basis and asked if they looked into that as well?

Mr. Hodges said they did, yes, it was filed on time and it covered the sewer corps financial performance for all of 2020. That is one of the most important pieces of information, in my mind, that we have reviewed thus far, as it relates to the rate application.

Supr. Marshall asked the Board if they had any questions for Mr. Hodges?

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Mr. Hodges said he is not aware if all the communication have been provided, but the only key dates are April 21st, we submitted questions to the sewer corp. They responded on May 6th and we have submitted a letter to them as of today.

Supr. Marshall noted that the reply they sent to you on May 6th arrived on my desk this morning, so I have a copy of that as well. What I am not sure of but I think we could easily obtain it is the questions that you may have originally asked them in April and I can find that information. If not, Jeremy will provide it.

Supr. Marshall thanked Mr. Hodges for his time.

Mr. Hodges said, given all the work that we have done and the importance of the findings, my plan is to attend in person in June.

Supr. Marshall said that is all we will be discussing this evening with regards to the Article 78.

Councilman Strickland said he had some questions regarding the proposed Local Law: Section 9, paragraph A reads: *Any person violating any provision or this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00) for each violation.*

Councilman Strickland said this is for the Junkyard and pertains to the Hays. The question is, is this a recurring fine? In other words, he hasn't paid that fine, and the next week, is there another \$250.00? It says per violation and is not sure what that means?

Supr. Marshall agreed.

Councilman Strickland said in Section 10, Violations and Enforcement reads: *Any person violating any provision of this chapter shall be guilty of a violation punishable by a fine not to exceed \$250. Each day's continued violation will be considered a separate and distinct offense.*

Supr. Marshall said that language should be included in the prior paragraph as well and will ask the Town Attorney to review.

Councilman Strickland agreed.

LOCAL LAW – ELMINATING JAIL PENALTY FROM TOWN CODE SCHEDULE A PUBLIC HEARING

Supr. Marshall said we have a hard-copy of the proposed local law that eliminates the Jail-time penalty in the Town Code, replacing the jail penalty with monetary penalties. If someone violates the Town Code that is subject to a potential jail sentence they are entitled to a public defender.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Resolution No. 32-2021 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

RESOLUTION NO. 32-2021 AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW AMENDING THE CRIMINAL PENALTY PROVISIONS IN THE CODE OF THE TOWN OF SOUTH BRISTOL"

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 Criminal Penalty Provisions in the Code of the Town of South Bristol"; 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

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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.

WHEREAS, this action is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action, in that Part 617.5 (c) states that actions that are not subject to review under SEQRA include, "(33) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list" and subsection (26) on this list includes "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment". This action involves continuing agency administration and management in that it pertains to the adoption of an amendment to the Subdivision Regulations of the Town of Phelps that only adds a fee to be paid to the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on June 14, 2021, 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

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 May 10, 2021, 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: May 10, 2021

Judy Voss, Town Clerk

SEAL

VII. NEW BUSINESS

1st QUARTER SALES TAX REVIEW

Supr. Marshall said the 1st quarter Sales Tax check received in 2019 was \$312,816.00. In 2020 the 1st Quarter check was \$330,733.00 and we were expecting to see a decline in Sales Tax given the COVID crisis, etc. That didn't happen. For 2021, the 1st quarter sales tax check received is \$350,956.00; up by 6.11% from last year. The average for the whole county was 2%. We did very well in part due to the fact that there was a town-wide ReVal.

On another matter, our mortgage tax we receive from Ontario County, which is received twice a year, our first payment was \$87,000.00 and we only budgeted for \$50,000.00 for the entire year; with another check coming in September or October.

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BONDING FOR HIGHWAY GARAGE

Supr. Marshall said that he had a phone call with Standards & Poor where we were asked to give synopsis of the state of the Town's financial affairs, and they were very impressed with the fact that we have zero debt. We will know what our Bond rate is sometime next week and then the Bond goes out to bid. The Bond Anticipation Note that we have been carrying for the last year will be converted to a true Bond as of June 1st.

RESOLUTION – ESTABLISHING BURIAL RATES FOR TOWN CEMETERIES

Supr. Marshall said we have been asked by Brian Young, the Coye Cemetery caretaker, for a Resolution establishing burial rates. This is not the cost of the plot, but the cost of the burial. He asked for a Resolution and the price of excavation and burial is from Snyder Brothers from Dansville; they do all the site preparation for Coye Cemetery and Founder's Cemetery. This will become part of the Organization Meeting resolution for the Town.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Resolution No. 33-2021 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

RESOLUTION NO. 33-2021

WHEREAS, the Town of South Bristol has two active cemeteries, Coye Cemetery on Bopple Hill Road and Founder's Cemetery on State Route 64,

WHEREAS, the Town of South Bristol has a caretaker of Coye Cemetery, Brian Young, that oversees the burials and internments,

WHEREAS, the caretaker requests that the rate for internment be set for cremation be \$100.00 and the cost for a full internment be set for \$500.00,

WHEREAS, the caretaker requests that this Resolution be reviewed every two years.

THEREFORE, BE IT RESOLVED, that the rate for cremation internment be set at \$100.00 and the rate of a full internment be set at \$500.00 for the remainder of 2021.

VIII. REPORTS: ASSESSOR

Councilman Cowley read the Assessor's Report.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the Assessor's Report for April 2021 were ACCEPTED. 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 Wohlschlegel the CEO Report for April 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 Strickland the April 2021 Town Clerk's Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

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IX. ACCOUNTING: SUPERVISOR'S REPORT

Supr. Marshall read the Supervisor's Report. As of April 30, the Town has \$3,343,995.00 balance in the Bank. Expenditures on average should equal 33.3% so far this year we are at 24% for the General Fund and 22% on the Highway Fund, running below projections.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the Supervisor's Report for April 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 Strickland and seconded by Councilwoman Goodwin, Abstract No. 5, totaling \$170,732.74 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

OTHER BUSINESS

Clerk Voss asked about having MRB Group look at the Town Code?

Supr. Marshall agreed, said we have to submit a Request for Proposal which will have someone look at our Code and offer suggestions on how it can be more enforceable; we've obviously been seeing some issue with enforcement. The owner of the MRB Group was in the Town Hall and mentioned that they have someone on staff that is very good; that is one thought. We are also entitled to 40 hours of help from County Planning every year which we could utilize.

Clerk Voss mentioned the Town Hall foyer needing work/replacement.

Supr. Marshall said that is something to discuss at during he budget process.

Councilman Wohlschlegel said he had been contacted by New Wave Energy Corp. wanting to quote a price on electric delivery for the Town. Right now, the electric delivery is with Constellation Energy with which we have a contract. The new Highway Garage electric has been dropped by Constellation Energy; we have a 2-year contract with Constellation and has not gotten back to me.

XI. ADJOURN: 7:58pm

Respectfully submitted:

Judy Voss
South Bristol Town Clerk