

## **SOUTH BRISTOL TOWN BOARD MEETING**

August 9, 2021

### **REGULAR MEETING**

The regular meeting of the South Bristol Town Board was called to order August 9, 2021 at 7:00pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

### **PRESENT**

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

### **RECORDING SECRETARY**

Judy Voss, Town Clerk

### **OTHERS**

Peter Hessney, Jacqueline Fegan, Elizabeth Koster, Gloria Harrington, John York, Bridgett York, Ted Russell, Gina Russell, Craig Goodenberger, Joe Kohler, Virginia Lalka, Brian Perkins, Brian Pauly, Baird Couch, Jonathan Heidrich

### **PUBLIC HEARING**

#### **PUBLIC NOTICE**

Please take notice the South Bristol Town Board will be holding a Public Hearing Monday August 9, 2021 at 7:00pm at the South Bristol Town Hall, 6500 W Gannett Hill Rd, Naples, NY 14512 regarding whether to opt in or opt out of allowing dispensaries of cannabis in the Town of South Bristol. All meetings are open to the Public and are encouraged to attend.

By Order of the South Bristol Town Board

July 31, 2021

Supr. Marshall opened the Public Hearing explaining that the decision is before the Town Board to allow dispensaries or not within the Town. If we opt-in there is no changing it; if we opt-out, we can change that at a later date and asked if anyone had any comments.

John York of Bristol Harbour, said he witnessed this in Vietnam and hated it then and fought in on the job for 45 years. We have over 10 million alcoholics in the United States right now and we are going to add to it by putting 10 million more drivers on the road. This is not a decision we are going to make; it is a decision the Governor has all ready made, but we did that with alcohol; we are doing it with marijuana, I really have no opinion at this point. I'm glad I'm not making the decision; I'm glad you are.

Joe Kohler of Bristol Harbour, I do not speak tonight on behalf of the ski industry of New York State or the ski areas situate in the Town of South Bristol. Mr. Supervisor, Board members, Clerk, Superintendent, Thank you for this opportunity. I am going to rise following the Sheriff in complete opposition that we opt-out. I gave to you for your consideration Mr. Supervisor the sad news from Aspen, Colorado and Heavenly Valley. On the night of December 31<sup>st</sup>, 1997, Michael Kennedy, son of Senator Robert Kennedy; as the ski area was closing at Aspen and it was starting to get dark around 4:30pm, he was up on the slope and does not know if it was open or closed, but Michael had some substance problem, very well know substance abuse. The ski patrol was sent to get him down off the mountain and 90 minutes later he was

## **SOUTH BRISTOL TOWN BOARD MEETING**

August 9, 2021

dead. I submit this. Ironically, just a few days later, January 5, 1998, Republican Congressman Sonny Bono, as you know, skiing at Heavenly Valley is found DOA a couple hours later. His wife at the time, Mary, publicly stated that because of the Congressman's addiction to drugs and substances, that's probably why Congressman Bono was not with us tonight.

Supr. Marshall asked if anyone else had any comments.

### **PUBLIC HEARING**

#### **PUBLIC NOTICE**

Please take notice the South Bristol Town Board will be holding a Public Hearing Monday August 9, 2021 at 7:00pm at the South Bristol Town Hall, 6500 W Gannett Hill Rd, Naples, NY 14512 regarding the handling of funds received from the American Rescue Plan.

All meetings are open to the public and are encouraged to attend.

By Order of the South Bristol Town Board

Dates July 31, 2021

Supr. Marshall said that the Town has been notified that we are receiving \$160,268.00 in ARPA (American Rescue Plan) money. We have all ready received half of this money and the other half will be received in 2022. There are requirements on how the money is spent; what revenues the Town may have lost as a result of Covid-19. We do have the option of spending the funds on infrastructure projects, such as waterworks, sewer plant, and broadband; Highways are not included. Most likely this will go towards broadband expansion. There are a number of areas in the Town that have no internet capability. Supr. Marshall said he would like to see the money spent so that it benefits the majority of the Town; not just one part of the Town.

Peter Hessney asked if the money could be put in a reserve account?

Supr. Marshall said yes, that is one option. The Town doesn't have to explain what we are using the money for until 2024; we have until 2026 to spend it. I will suggest later in the meeting that we put the funds in some type of Capital Reserve.

### **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 seconded by Councilman Strickland, the minutes of the July 12, 2021, Town Board minutes were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Wohlschlegel and Strickland. Abstain: Goodwin.

### **IV. PRIVILEGE OF THE FLOOR**

Joe Kohler reserved the privilege to the end of the meeting.

Supr. Marshall said he had a few items to discuss. We received a letter from the Finger Lakes Land Trust stating that they did their annual review of our property on County Road 12 and reported that the property is exactly the way it is supposed to be.

## SOUTH BRISTOL TOWN BOARD MEETING

August 9, 2021

Supr. Marshall continued, the Article 78 proceeding on the sewer project, \$25,957.77 was spent by the Town to defend that. The vast majority of that went to LaBella Associates, who in turn, hired Mengel, Metzger, Barr.

Supr. Marshall announced that the 2<sup>nd</sup> Quarter of 2021 funds were received from Ontario County. The same quarter last year, 2020, our sales tax revenue was \$283,961.00. For the same quarter for 2021, \$403,366.00 was received; 42% increase over last year. Back in 2019, same quarter, the figure received was \$337,322.00. This is very good news; internet sales are now included in the sales tax.

Supr. Marshall gave the Traffic Report. From April to October, the Town has a contract with Ontario County Sheriff's Department for Enhanced Traffic Enforcement. A part-time officer is used for this position and the last report shows that he worked 35 hours and issued 28 speeding tickets. Most of the speeding tickets were in Woodville, as well as County Road 12 and Route 64.

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

Councilman Cowley read the Highway Report: Roadside mowing continues. Gulick, Porter, Still Hill and parts of Gannett Hill Roads, along with Cold Springs Road being chip-sealed. Would like to obtain quotes on pickup truck and tractor before it gets any later in the year.

Supr. Marshall asked Supt. Wight which pick up truck? Supt. Wight said it is the 2012, the body is falling off, it has seen severe duty. The plow has been rebuilt on it three times now. The sander is the same vintage as the truck; the truck has 170,000 miles and it is a diesel; it has earned its keep. The small New Holland Tractor has been in the Salt Barn for 13 years; the new tractor will be in kept in the new barn.

Councilwoman Goodwin asked if the funds were budgeted?

Supt. Wight said yes, this was budgeted.

Supr. Marshall noted that we are not approving the purchase; he is just getting quotes; feel free.

Councilman Cowley asked if the truck is a one-ton truck?

Supt. Wight said yes, and it will be a diesel truck. When you are carrying 2-tons of salt and pushing a plow up the hill the diesel can get the job done. Supt. Wight said he will have quotes for next month.

### **VI. OLD BUSINESS: UPDATE ON BRISTOL HABOUR HYDRANT QUESTIONS**

Supr. Marshall said that the Town Attorneys are still investigating this situation. We are trying to determine if, in the past history of the waterworks, there was any discussion about the fire hydrants. We have been searching for documentation. According to the Public Service Commission, it isn't always a requirement for private waterworks to provide fire hydrants.

Discussion.

### **VII. NEW BUSINESS: 2022 BUDGET PREPARATION UPDATE**

Supr. Marshall said the various departments have been given the worksheets to fill out and submit for next year's budget. We will then be moving forward with budget preparations.

## **SOUTH BRISTOL TOWN BOARD MEETING**

August 9, 2021

### **ARPA MONEY USES AND SUGGESTED SHORT -TERM PLAN**

Supr. Marshall suggested to the Board that they will have to formulate a Resolution stating that the Town has received the funding and will be placing the funding into a Capital Reserve Account; the purpose of that account is to hold the money until ARPA approved projects can be determined.

### **CANNABIS LAW – DO WE OPT-IN OR OPT-OUT**

Supr. Marshall said that we have a few options, we can schedule another Public Hearing to get more input from Town residents and determine whether to opt-in or opt-out of the new NYS law. If we opt-out of the law, the town attorney would set up the local law and a permissive referendum. If we opt-out we can always change it to opting-in; if we opt-in we cannot reserve that decision. The object is to have all of the processes done in time to properly have the law on the books prior to December 31, 2021.

Councilman Goodwin is for opting-out of the Cannabis Law at the moment. The fact we can opt-in later, we can see what happens in the surrounding areas.

Councilman Wohlschlegel said opting-out would be his opinion.

Councilman Cowley said he is favor of opting-in; eventually it is going to happen anyway. It's legal and not much of a threat for the Town.

Councilman Strickland agreed.

Supr. Marshall said he would opt-out as well. All we are doing is asking the Town Attorney to write the local law and setting up the Permissive Referendum. We would have to have a Public Hearing for the new law. We are a few months away from a final decision.

### **VIII. REPORTS:** **ASSESSOR**

Supr. Marshall noted that the Assessor and the Assessor's Clerk have been making great progress in getting various projects completed that have been put off for a year. Attending seminars, etc.

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

Supr. Marshall reported that South Bristol will be part of a grant from the NYS Education Department. The grant will allow the Zoning Office to digitize its records. The grant is a shared service project with the Town and Ontario County Records, Archives and Information Management Services and includes the scanning of 315,000 images and 12,600 oversize images of the Town's property records.

### **CEO**

Councilman Cowley read the CEO Report.

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

## SOUTH BRISTOL TOWN BOARD MEETING

August 9, 2021

### **TOWN CLERK/TAX COLLECTION**

Supr. Marshall read the Town Clerk's Report.

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

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

Supr. Marshall read the Supervisor's Report. As of June 1<sup>st</sup>, the Town had \$3,415,000.00 in the bank.

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

### **BUDGET TRANSFER**

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

Transfer From	A1990.4	Contingent Account to	
	A1420.4	Attorney Contr	\$5,595.79
	A1680.2	Central Data Proce – Equip	\$1,274.00
	A1440.4	Engineer, Con't	\$9,700.00

### **APPROVAL OF VOUCHERS**

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Abstract No. 6, totaling \$66,672.32 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Goodwin, Wohlschlegel and Strickland.

### **OTHER BUSINESS**

Jack York of Vardon Drive, said that you talk about the \$28,000.00 it cost for the attorneys fees; that's part of Bristol Harbour's money too and you'd be thankful you don't have the attorneys fees we have at Bristol Harbour. This is part of your community as well as part of our community, we are fighting it a lot harder than you're fighting it. That \$28,000 is also part of our money.

Supr. Marshall said, respectfully, it is also part of the money living in the west side of town.

Joe Kohler, thank you for the privilege Mr. Supervisor and Board. Thank you for your continued interest in the critical need for fire suppression, fire hydrants. We lost an animal, I'm glad it wasn't a human being in the last fire, a cat. It could have been a person in a wheel chair. Secondly, we have the damage done by the sink-holes created by the Bristol Waterworks Corporation; thank you for your interest in that. Regarding the opt-out, I forgot to mention and Councilwoman Goodwin will surely remember, as it was then and as it is today, Bristol Mountain, Hunt Hollow, Cummings Nature Center, bring record numbers of kids to the Town of South Bristol to learn how to ski and I hope and I pray that this cannabis curse does not create the next Congressman Sonny Bono or Michael Kennedy at one of our ski resorts.

SOUTH BRISTOL TOWN BOARD MEETING

August 9, 2021

**XI. ADJOURN: 7:47pm**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk