

SOUTH BRISTOL TOWN BOARD MEETING

November 8, 2021

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order November 8, 2021 at 7:04pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

Stephen Cowley, Councilman
Jim Strickland, Councilman
Donna Goodwin, Councilwoman

ONLINE

Daniel Marshall, Supervisor

ABSENT

Scott Wohlschlegel, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Gloria Harrington, Sally Berry, Joe Kohler, Tracey & John Howe, Virginia Lalka, Linda McElveen

Online: Jordan Lack, Amy Gordon, Mark, Vija Pettinger and Kim Kohler-Lovejoy 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 Councilwoman Goodwin and seconded by Councilman Strickland, the minutes of the October 12, 2021 Town Board meeting were ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the minutes of the October 12, 2021 Public Hearing were ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

On a motion made by Councilman Strickland and seconded by Councilman Cowley, the minutes of the September 13, 2021 Town Board meeting were ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

IV. PRIVILEGE OF THE FLOOR

Joe Kohler of Bristol Harbor, thanked the Board, said he has a question for the Supt. Wight about Seneca Point Road. Mr. Kohler thanked the Highway Dept. for the patching on Seneca Point Road, and asked is if Seneca Point Road is scheduled for paving in the near future?

Supt. Wight said that the Sands project will be finished in December and the goal is to completely resurface Seneca Point Road, end to end, next summer. Bopple Hill and Hicks Road will be resurfaced earlier in the season and phase two will be Seneca Point Road. It has been 3 years since Seneca Point Road has been worked on because of the Sands project.

Mr. Kohler asked if Seneca Point Road will have any striping?

SOUTH BRISTOL TOWN BOARD MEETING

November 8, 2021

Supt. Wight said that is still possible for this year, but it is still difficult to get that done because of all the vehicles and work trucks in the roadway during the Sands construction. If Accent Stripe does come back, it would be mid-November.

V. COMMITTEE REPORTS: **HIGHWAY**

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

- 1000 tons of salt purchased and some mixed with sand in preparation for the winter months.
- Plow frames installed on trucks, new cutting edges on plows and wings where needed.
- Sanders ready to go. Hope it's nice thru December.
- Roadside mowing being finished up.
- Still mowing Town properties.
- Lots of storm cleanup going on after the several monsoons we've had. Culverts unplugged ditches cleaned of debris.
- Fresh gravel installed in many washout areas.
- Pipe to be installed this week at Wilder Barn now that we are caught up elsewhere.
- Sidewalk to be poured at Memorial in the upcoming weeks as well.

Councilman Cowley asked about the truck and Kubota Tractor; is it any closer to being delivered?

Supt. Wight said that it might be spring before we see those vehicles. We will have to start thinking about ordering a vehicle 2 years ahead; that is how bad things have gotten. Budgeting and putting the numbers will be very challenging.

On a motion made Councilman Strickland and seconded by Councilwoman Goodwin the Highway Report was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

VI. OLD BUSINESS: **RESOLUTION APPROVING LOCAL CANNIBAS LAW**

Councilman Cowley read the Resolution. Councilman Cowley asked the Board for their thoughts on the new law.

Councilwoman Goodwin said to pass the law and then change the law down the road.

Councilman Strickland agreed, although not opposed to it, it would be prudent for the Town to wait and see how things move forward.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, Resolution No. 41– 2021 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL OF LOCAL LAW NO. 4 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 October 12, 2021, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, to hear all interested parties on a proposed Local Law to opt out of allowing cannabis retail dispensaries in the Town of South Bristol that would otherwise be allowed under Article 4 of the Cannabis Law; and

SOUTH BRISTOL TOWN BOARD MEETING

November 8, 2021

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on October 8, 2021 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on October 12, 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, this action by the Town Board 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 by the Town Board, 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 routine or continuing agency administration and management in that it will enact a law specifically permitted by the New York State Cannabis Law that does not include any new programs or a major reordering of priorities that may affect the environment.

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. 4 of 2021, entitled, “A local law to opt out of allowing cannabis retail dispensaries in the Town of South Bristol that would otherwise be allowed under Cannabis Law Article 4”, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that this local law is subject to a permissive referendum, that the Town Clerk is directed to give notice thereof to the public by publication and posting and that this local law shall not become effective until either forty-five days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Town of South Bristol voting on a proposition for its approval if within forty-five days after its adoption there be filed with the Town Clerk a petition protesting against this local law, signed and authenticated as required by New York State law by qualified electors of the Town of South Bristol, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in the Town of South Bristol; and be it further

RESOLVED, that, should this law become effective, the Town Clerk be and she hereby is directed to enter said Local Law 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 November 8, 2021 by the following vote:

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

SOUTH BRISTOL TOWN BOARD MEETING

November 8, 2021

Dated: November 8, 2021

Judy Voss, Town Clerk

SEAL

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. 4 of the year 2021

A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries as Authorized under
Cannabis Law Article 4

(Insert Title)

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

County

City

Town of South Bristol

as follows:

Village

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries in the Town of South Bristol that would otherwise be allowed under Article 4 of the Cannabis Law.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of South Bristol hereby opts out of allowing cannabis retail dispensaries from being established and operated within the town's jurisdiction and requests the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses contained in Article 4 of the Cannabis Law, within the jurisdiction of the Town of South Bristol.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person,

SOUTH BRISTOL TOWN BOARD MEETING

November 8, 2021

individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 6. Effective date.

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. 4 of 2021 of the Town of South Bristol was duly passed by the South Bristol Town Board on November 8, 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 Officer¹.)

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 2021 of the Town of South Bristol was duly passed by the Town Board on _____, 2021, ~~and was (approved)(not approved)(repassed after disapproval)~~ 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.

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 2021 of the Town of South Bristol was duly passed by the Town Board on _____, 2021, ~~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 _____, 2021, 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 _____

¹ 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.

SOUTH BRISTOL TOWN BOARD MEETING

November 8, 2021

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.

Town Clerk

(Seal)

Date: _____

RESOLUTION APPROVING 2022 BUDGET

Councilman Cowley said the Board held the Public Hearing for the proposed Budget earlier tonight; read some highlights of the budget from a justification sheet that Supr. Marshall put together.

Councilman Strickland mentioned that the Town is in really good shape; our quarterly's and the taxes are above what we expected them to be. We have held the Town Tax rate to \$1.08, and we are able to do some of the projects that we need to get done.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, the 2022 South Bristol Town Budget was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

INSERT BUDGET

VII. NEW BUSINESS:

RESOLUTION REAL PROPERTY TAX EXEMPTION REVIEW

Councilman Cowley said that the Town Assessor, Val Muscarella, that the exemption law had language that wasn't quite right and needs review. One of the items in the law needing to be changed is the low and high sliding scale numbers.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin to change the exemption from \$15,234 to \$19,300 and the other number to \$27,700 seconded by Councilwoman Goodwin was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

**REQUESTED LANGUAGE CHANGE TO 170-64 TOWN CODE –
STORAGE AND USE OF RV'S**

Councilman Cowley noted that this a recommendation to amend Chapter 170-64, Storage and Use of RV's. The Planning Board unanimously adopted this resolution and the changes are *the length of stay is no longer than 3 weeks, and changing that to 160 days and that the Recreation Vehicle is supplied water and electrical services adequate for self-contained sloop systems; Recreational Vehicles not located closer than 15 feet on any building of neighboring plots and no closer than 10 feet to side or rear of lot lines.* Councilman Cowley said the changes are more user friendly for a person that owns a RV in the Town of South Bristol.

On a motion made by Councilman Cowley to adopt these changes and pass this onto the Town Attorney, seconded by Councilman Strickland was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

**REQUESTED LANGUAGE CHANGE TO 170-38 –
ADDITION STRUCTURES ON SAME PARCEL**

Councilman Cowley said that this request came from the Planning Board dated October 11th, a resolution recommending amendment 170-38, Additional Residential Structure on the same lot. The Planning Board unanimously adopted the resolution stating that *All such structures shall be served by the same access road or driveway for emergency vehicles. All such structures shall have the same postal address when entering the property. The first structure shall be numbered and lettered "A" and the second number and lettered "B."*

Councilman Cowley said this is for emergency, fire, ambulance, etc. so they know which home they will be going to in case there is a driveway commonly used by other people.

On a motion made by Councilman Cowley to approve these changes, seconded by Councilwoman Goodwin the motion was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

RICHMOND FIRE DISTRICT CONTRACT

Councilman Cowley noted that the Contract needs to be approved and signed by the Board; \$35,162.00 for calendar year of 2022.

Clerk Voss said the Town's Insurance company is requesting an Indemnity Agreement with the Fire Dept, a hold-harmless agreement. This contract doesn't need to be signed until January 1, 2022; tabled until next month.

**RESOLUTION APPOINTING SCOTT MARTIN TO FULL-TIME
34.5 HOURS PER WEEK**

Councilman Cowley said that Scott Martin is the Town's Deputy Code Enforcement Officer we went through the interviewing process over the last few weeks and out of 7 candidates, Scott was picked for the position, replacing Phil Sommer who is retiring November 18th.

On a motion made by Councilman Strickland to appoint Scott Martin as the Code Enforcement Officer, seconded by Councilwoman Goodwin, the motion was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

Supr. Marshall, online, said that Scott will start paid the 2022 salary, didn't make sense to do the same thing in January; the same will apply to Alan Pearce.

SOUTH BRISTOL TOWN BOARD MEETING

November 8, 2021

Councilman Cowley noted that Alan Pearce was also interviewed and agreed to take the part-time position of Deputy Code Enforcement Officer, 16 hours per week, also starting at \$23.00 per hour.

On a motion made by Councilman Cowley, to appoint Alan Pearce as the Deputy Code Enforcement Officer, seconded by Councilwoman Goodwin, the motion was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

3rd QUARTER REVENUE

Councilman Cowley said that the 3rd Quarter Sales Tax Revenue went up 15.23% from the same quarter last year. Last year the 3rd quarter sales tax amount was \$367,978.00 and this year the Town received \$424,016.00.

HIGHWAY – TRACTOR PURCHASE

Supr. Marshall brought up the purchase of a tractor for the Highway Department. Last month the Board discussed which tractor to purchase, and that the decision is to purchase a Kubota tractor.

Supt. Wight agreed and said the Board has the information; the Kubota is more readily available. The New Holland tractors are months out and Empire Tractor is local and easy to deal with.

Supr. Marshall said that there is money in the budget for this purchase, the balance in the budget line DA5132.2 which is Equipment, \$195,500.00. From that amount, \$50,702.00 to the new F600 Truck that is on order, and \$51,018.00 for the pickup that is coming, and a body and plow for \$49,982.20. That is \$151,000.00 committed, the remaining balance is \$43,796.00 and the tractor cost is \$42,000.00.

Supt. Wight said he did not know when the new trucks will get here; everything is so far out. There are Town Boards that are ordering trucks for next year; the delivery isn't expected for 1 ½ years.

Supr. Marshall said that is the situation we are facing. Supt. Wight agreed.

Discussion.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the purchase of the Kubota Tractor for \$42,017.00 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Wohlschlegel and Cowley.

Councilman Cowley noted that the Town's Board of Assessment Review needs a new Board member and asked if the position should be advertised?

Supr. Marshall, online, agreed.

Councilman Cowley asked the Town Clerk to take care of that and post the opening on the Town's website.

Clerk Voss noted that there is an opening on the Planning Board as well, Alternate #2.

Supr. Marshall said an application was received for the Planning Board position. A fairly new resident at Bristol Harbor and has been actively interested in serving the Town.

SOUTH BRISTOL TOWN BOARD MEETING

November 8, 2021

VIII. REPORTS: **ASSESSOR**

Councilman Cowley read the report.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the Assessor's Report for October 2021 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

CEO

On a motion made by Councilman Strickland and seconded by Councilman Cowley the CEO Report for October 2021 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

Councilman Cowley read the CEO Report, Phil's last report, noting an update on the Hays property on Route 64. There will be follow up inspection on November 12th, on November 8th, the Attorney, in the process of submitting paperwork to the Court so the Town can hire a contractor to clean-up the Hays property.

Supr. Marshall, online, said he is a little troubled by the fact that the last go-round we received from our attorney relative to Hays made the comment that the expenses to clean the place up cannot be attached to Hays property taxes.

TOWN CLERK/TAX COLLECTION

Councilman Cowley read the Town Clerk's report.

On a motion made by Councilman Cowley and seconded by Councilman Strickland the October 2021 Town Clerk's Report was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

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

Councilman Cowley read the Report; \$2,960,951.00 in the bank, receipts for October were \$10,017.35, expenditures through October, should an average of 83.30%, the General Fund town-wide year to date expenses are 596,661.95 compared to the annual budget of \$1,124,577.00; only 53% of the annual budget. The Highway year to date expenses are \$910,565.06 compared to the annual budget of \$1.4 million, or 62.9% of the annual budget.

On a motion made by Councilman Cowley and seconded by Councilman Strickland the October Supervisor's Report was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

BUDGET TRANSFERS

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley the budget Transfers dated November 8, 2021 were ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

Transfer From	DA5130.4	Machinery, Contr to	
	DA5110.4	Main of Streets, Contra	\$6,118.02

SOUTH BRISTOL TOWN BOARD MEETING

November 8, 2021

APPROVAL OF VOUCHERS

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Abstract No. 10, totaling \$107,863.40 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Cowley, Goodwin and Strickland.

XI. ADJOURN: 8:11pm

Respectfully submitted:

Judy Voss

South Bristol Town Clerk