

## **SOUTH BRISTOL TOWN BOARD MEETING**

July 12, 2021

### **REGULAR MEETING**

The regular meeting of the South Bristol Town Board was called to order July 12, 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

### **ABSENT**

Donna Goodwin, Councilwoman  
Stephen Cowley, Councilman

### **RECORDING SECRETARY**

Judy Voss, Town Clerk

### **OTHERS**

Peter Hessney, David Eldon, Suzanne Schenk, Pat King, Jack York, Bridgett York, Cathy Colby, Virginia Latke, Greg Roth, Molly Green, Diane Ross, Rosemary Zimmerman, Gloria Harrington, Sue VanKnapp, Rodger Lewis, Ed Wildman, John Constance, Amy Christiano, Eileen Mulrenin, Brian Mulrenin, Ted Russell, Gina Russell, Deb Voorheis, Mike Buckley, Donna Buckley, Alan Braun, Kristie Braun, Baird Couch, Brian Perkins, Glenn Zimmerman, Joe Kohler, Mary Murphy, Liz Koster, Cathy Fields, Jeremy Fields, John Beck, Ellen Beck, Bruce Hunt, Barbara Hunt, Dave Parzyck, Holly Parzyck 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 seconded by Councilman Strickland, the minutes of the June 14, 2021, Town Board minutes were ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel and Strickland.

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

Peter Hessney, 11 Andrews Way, Bristol Harbor, thanked the Board for this opportunity to allow me to speak tonight, specifically to a couple of issues related to being at Bristol Harbor Village Association. First of all, really want to thank you guys for your leadership regarding the sewer rate increase in having the Town's attorney's, LaBella and Mengel, Metzger & Barr really do a nice job helping us resolve that to that degree. I just want to also let people know that at the recent hearing that you had on the Bristol Harbor Public Hearing for the water works, you know, there are many issues that people had come forward with and many of the issues have nothing to do with the Town that you can solve. I know that from being an Ex-Town Board member and I can tell you that at any town government has governed limitations of course, right? In the form of a planned community. Especially one that has a private eye services like the waterworks. The limitation as to what you guys can oversight, govern and enforce and I think that it is important

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that our community members know that as they come forward tonight and continue to ask for help from the Town of South Bristol. Many of the problems with Cooks and company are our own and not the Town's responsibility. Many residents incorrectly look to the Town Government to be the referee or the savior to the problems. While we do have, I think the Town of South Bristol Board, that is sympathetic to some of our problems, I'm sure your attorney's have advised you, that you should prioritize and limit your involvement not to cross the line into the involvement. As I served, as a former NYS Town Board member, I can tell you that the job and the responsibility is such that you have to govern appropriately in all cases. To me the number one issue remains the fire hydrants and the water suppression. I think there has been proof that they Town Planning Board, back in the 1970's, had definitely approved the development of Bristol Harbor with the proper suppression requirements. I'd like to see the Town of South Bristol look at creative scenarios knowing that they have to do something with the Cooks; I hope you will be prepared. If in fact, the Cook's don't want to continue with the sewer system or at some point in time we go away from that; being privatized and under their jurisdiction. This is not an easy task; it is feasible, and I just ask you to be clear with the residents on what you guys can help out and what you can't help out with. I want to thank you for your efforts.

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

Councilman Wohlschlegel read the Highway Report:

Following is a brief summary of events at the Highway Dept. in the last month. Paving is complete on Torrence Rd. and Granger Pt. The County paved for us and did a great job! Shimming and wedging is complete on Gulick Rd. and Stid Hill Rd. ready for oil and stone. Road side mowing continues. Currently working on the West side of Town, Gulick Rd. and Mosher Rd. Mowing continues on Town properties, when it's not raining.

Supr. Marshall said he is receiving calls about mowing the sides of the roadways; they are out there mowing, and it is a matter of 30-40 miles; both sides. We are mowing Town roads and also contracted to mow on County Roads; with the exception of State roads.

### **FINANCE**

Supr. Marshall reported that the 2022 Budget process will start this month.

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

Supr. Marshall said he had a meeting last week with our two Town attorney's, Jeff Graff who is our regular municipal attorney and Jeremy Sher who is one our litigation attorney who works for Adams + Leclair, as does Mary Jo Korona. We went through a number of things to discuss; specially we talked about Bristol Harbour. We talked about the various situations that are going on at Bristol Harbour. We narrowed it down to the primary issue and that is the issue of the fire hydrants; whether or not they are indeed fire hydrants and there is an additional issue with a fire hydrant that is leaking, and no one seems to want to take responsibility for fixing it. We are looking into that situation as well. Our attorney is reaching out to the State of New York to determine what exactly possible violations of State law could be going on. We believe that the Town has adequate documentation that states, in the past, those were considered to be fire hydrants. We have drawings of various streets and roads and on all of those drawings it indicates

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that they are indeed fire hydrants. The new suggestion that they are strictly flushing devices is new to the Town. We are going forward with the Town attorney to determine how we proceed with that. We are going in with the belief that is in error; those indeed should be considered fire hydrants and they should be maintained and taken care of so to guarantee that when they are needed that they are working properly. As for the leaking fire hydrant, Supr. Marshall said that hydrant apparently had been leaking for some time. Supr. Marshall reached out to the waterworks attorney of record and indicated that there is a problem and given that fact that the signage states had been put on the hydrants stating that they were for the use of Bristol Waterworks only, we thought it strange to ask the fire department to do the repairs. Supr. Marshall said he did receive a response from the waterworks attorney and would be discussing this with the waterworks company. That is where we stand on the hydrants and asked for any questions from the audience. When you start to endanger the safety and welfare of our residents, it is time for the Town to speak up. For the other issues going on over there, clearly, they are internal and they have to be dealt with the powers to be, and that is our opinion on that as well. We sure wish that they could be resolved for everybody's benefit; if some type of cooperation from the Town is needed, we can discuss it at that time.

David Eldon asked when Paul was running the water company, in the decent months we would always see him bleeding fire hydrants all over the area. Since the Cook's took over, I am not seeing one instance of bleeding a fire hydrant. I think any kind of a water line is going to build up air and so forth and it is going to lock up on you. What is their responsibility in terms of bleeding these units?

Supr. Marshall said that is one of the questions our attorney is going to be asking the State Agencies. There is Fire Code that exists and needs to be looked at for any violations here. Certainly, flushing of waterlines is important; not sure about air-locks, but debris and sediment, etc., needs to be dealt with. That certainly is a responsibility of the waterworks.

Mr. Eldon, continued, the Sharsha fire up near the Community Center back a few years ago, it burned their house to the ground. Was there any use of a fire hydrant up there? There must have been.

Ralph Endres said he was woken up in the middle of the night by the fire truck that was pumping water from the hydrant near his house. The fire hydrants were working; furthermore, back in 2004 or 2003 when I was on the Bristol Harbor Board, the previous owners had an Open House stating that there were 3 pumps. A pump to pump water from the lake up to the holding tank, a second pump that was required by the Department of Health that was an auxiliary and the third pump was the pump to keep pressure up in the fire hydrants. If there is a problem with one of those pumps, it was never repaired.

Supr. Marshall said he did have a conversation with a former owner/operator of the waterworks, and he said it slightly differently. He stated they never had a problem supplying water for the fire you are describing. There was never an issue; he pointed that out to me. As to whether or not there is a third pump, he seemed to think there was only two. He did say there was a high-pressure pump in the restaurant, which of course, is no longer there. Supr. Marshall said he uses the analogy; that if the Monroe County Water Authority had a hydrant leaking somewhere in Monroe County, they wouldn't call the local fire company to come and fix it. The privately operated waterworks needs to act in that capacity and in that matter. It is a matter of finding out, exactly, which regulation they are absolutely, positively required to live by and that is what we are working on. Just to make everyone a little bit comfortable; the Cheshire

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Volunteer Fire Department has a Plan B which is all ready in effect, when ever there is a call for Bristol Harbor community the tanker taskforce will be called as well.

John Meisch, the question I have, who is responsible when the structure burns, with the hydrants working there is a good chance you could save the structure. I would hate to think that the Town would be in line for a huge lawsuit.

Supr. Marshall wasn't sure and another reason why we are taking serious interest in this and inquire what possible violations are occurring. The Cheshire Volunteer Fire Department did speak to our Code Enforcement Officer and myself, and because of the density situation of Bristol Harbor there are requirements for some type of fire hydrant protection.

### **VII. NEW BUSINESS**

#### **RESOLUTION – ACKNOWLEDGING JUSTICE AUDIT HAS BEEN COMPLETED**

Supr. Marshall said that the Town is required to do an audit on the Town Justice's books and that audit is now completed by the Town's accounting firm, EFPR Solutions. EFPR is the Town's accounting firm and can perform the audit for the Town because they do not do the books for the Justice office.

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel Resolution No. 37-2021 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel and Strickland.

#### **RESOLUTION NO. 37-2021**

WHEREAS, the Town is required to conduct annual audits of the Town Justice's books, and

WHEREAS EFPR Solutions was hired to conduct the audit independently, and

WHEREAS, the audit is now complete, now therefore be it

RESOLVED, that the Town Board has reviewed and accepted the audit findings, and

RESOLVED, that the results be sent to the Chief Internal Auditor of the NYS Unified Court System.

### **SCHEDULE A PUBLIC HEARING ON NYS CANNABIS LAW AND**

#### **DISCUSSION - USE OF AMERICAN RESCUE PLAN ACT DOLLARS**

Supr. Marshall noted that NYS has changed its law regarding cannabis. With that, individual municipalities are required to decide whether they want to opt in or opt out of allowing dispensaries of cannabis in their community. It is not done at the County or State level and what South Bristol does could be different than Naples, Bristol. The question is, Would we allow a facility in the Town of South Bristol to sell cannabis? If the Town says yes, you can sell cannabis in South Bristol, that's it. It is locked in for good. If we say no that you can't sell cannabis in South Bristol, we have the option at some point later in time to reverse ourselves. Supr. Marshall suggested scheduling a Public Hearing for the next meeting for anyone that wants to speak on the subject can do so.

Supr. Marshall also mentioned that the Town will be receiving funds under the American Rescue Plan Act around \$160,000.00. We will receive 50%, \$80,000.00, this year and the same next year. The good news is we are getting this money, the bad news is that it is very specific on how it can be used. We need to reach out to the public on how they want this money spent. Typically, it has to pertain to financial losses that the town may have incurred as a result of

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Covid-19. We have the option of providing funds to businesses in South Bristol that may have suffered because of Covid-19. We can also use the funds for infrastructure and the big infrastructure they are speaking about is internet/broadband. Gannett Hill Road, Gulick Road has limited internet access. It has been suggested by the County to hold off on that until it is possible that the County and Towns could pool the funds together for this infrastructure. There is also the possibility using the funds for septic systems, sewer plants or waterworks. Supr. Marshall suggested having a Public Hearing at the next meeting for input on how to deal with Cannabis and how to spend these funds; if we don't spend it by 2024, we lose the money.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, the Public Hearing for Monday, August 9, 2021, at 7pm was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel and Strickland.

### **DISCUSSION – HAZARDOUS PROPERTY AT 6777 WEST GULICK ROAD**

Supr. Marshall said there is a property located at 6777 West Gulick Road and the building is in complete disrepair and the roof is caving in and uninhabitable. We have been reaching out to the property owner asking him to do something about it and he is ignoring us. The Code Enforcement Officer is asking for Town Board permission to send one more certified letter giving 30 days to remedy or we will take the structure down. If we demolish the structure the costs will be added to their tax bill. It is an eyesore, and it is a danger to the public.

Councilman Strickland and Councilman Wohlschlegel agreed to send the certified letter.

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

Supr. Marshall noted that the Assessor has been working diligently on catching up on a lot of the clerical work that was put on hold during the Re-Val last year. Supr. Marshall read the Assessor's report.

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

### **CEO**

Councilman Strickland read the CEO Report.

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

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

Supr. Marshall read the Town Clerk's Report.

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel the June 2021 Town Clerk's Report was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, 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 \$3,112,371.00 in the bank.

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On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel, the Supervisor's Report for June 2021 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, and Strickland.

### **BUDGET TRANSFER**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland the Budget Transfer was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel and Strickland.

Transfer From	A1440.4	Engineer Contr to	
	A1420.4	Attorney Contr	\$580.00

### **APPROVAL OF VOUCHERS**

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, Abstract No. 5, totaling \$118,074.24 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel and Strickland.

### **OTHER BUSINESS**

### **XI. ADJOURN: 7:42pm**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk