

## **SOUTH BRISTOL TOWN BOARD MEETING**

February 14, 2022

### **REGULAR MEETING**

The regular meeting of the South Bristol Town Board was called to order February 14, 2022 at 7:02 pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

### **PRESENT**

Daniel Marshall, Supervisor  
Donna Goodwin, Councilwoman  
Jim Strickland, Councilman

### **ABSENT**

Scott Wohlschlegel, Councilman  
Stephen Cowley, Councilman

### **RECORDING SECRETARY**

Judy Voss, Town Clerk

### **OTHERS**

Jim Wight, Tracey & John Howe, Alan Braun  
and Joe Kohler

### **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 Strickland and seconded by Councilwoman Goodwin, the minutes of the December 14, 2021, Regular Town Board minutes were ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Goodwin, and Strickland.

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

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

#### **HIGHWAY**

Councilman Strickland read the Highway Report:

Following is a brief summary of events at the Highway Department in the last month.

- Two winter storms blew thru, a lot of plowing was done, and a lot of material expended. (Large salt bill)
- 2 orders of salt have come in. 1000 tons each. Hopefully enough material to get us through the balance of winter.
- Working on fixing/ maintaining summer construction equipment to have ready for the season.
- New Kubota tractor to replace our existing New Holland tractor has arrived.
- The small New Holland tractor served us well for over fifteen years.

I will be looking to have the New Holland tractor declared surplus, so we can send it to auction.

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I also have the annual Article 284 (Agreement to spend Highway Funds) drawn up and 2 copies will be available for signatures this evening.

Jim Wight – Town of South Bristol Highway Superintendent

Supr. Marshall read the Agreement to spend Highway Funds and noted that General Repairs is \$325,000, Permanent Improvements for Seneca Point Road, \$175,000, South Hill Road, \$75,000 and Lower Egypt Road \$15,000.

Supr. Marshall mentioned that the ARPA Funding is available for culverts; the Town has received \$82,000 and will receive another check this year for the same amount. Something we can discuss.

Supt. Wight said he is interested in this; there is a bridge on Lower Egypt he would like to replace with a culvert. This would be an arch culvert that can withstand 1000 lbs.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, the agreement to spend Highway Funds was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Goodwin and Strickland.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, the existing New Holland Tractor as Surplus was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Goodwin and Strickland.

### **VI. OLD BUSINESS:**

#### **LOCAL LAW TO ALLOW OVERRIDE OF THE 2% TAX CAP**

Supr. Marshall as for a motion to adopt the local law for the purpose of overriding the 2% Tax Cap as well as the motion to accept the Special Districts as well.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, Resolution No. 27-2022 and Resolution No. 28-2022 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Strickland.

#### **RESOLUTION NO. 27-2022**

#### **RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL OF LOCAL LAW NO. 3 OF 2022**

**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 February 14, 2022, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on February 6, 2022, 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 February 14, 2022, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, 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**, 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. 2 of 2022, entitled, “A local law to override the tax levy limit established in General Municipal Law §3-c”, a copy of which is attached hereto and made a part of this resolution, and be it further

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**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and 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 February 14, 2022, by the following vote:

|                    |          |       |
|--------------------|----------|-------|
| Daniel Q. Marshall | <u>X</u> | _____ |
| Scott Wohlschlegel | _____    | _____ |
| Donna Goodwin      | <u>X</u> | _____ |
| Stephen Cowley     | _____    | _____ |
| James Strickland   | <u>X</u> | _____ |

Dated: February 14, 2022

\_\_\_\_\_  
Judy Voss, Town Clerk

SEAL

**RESOLUTION NO. 28-2022**

**WHEREAS**, the Town Board of the Town of South Bristol is the governing body of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof; and

**WHEREAS**, it is the intent of this resolution to override the limit on the amount of real property taxes that may be levied by the Town of South Bristol, on behalf of the aforesaid special districts and/or fire protection districts, pursuant to General Municipal Law §3-c, and to allow the Town of South Bristol, on behalf of the aforesaid special districts and/or fire protection districts, to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c; and

**WHEREAS**, this resolution is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of South Bristol, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2023 on behalf of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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 February 14, 2022 by the following vote:

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

Dated: February 14, 2022

\_\_\_\_\_  
Judy Voss, Town Clerk

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SEAL

**LOCAL LAW #3-2022**

*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

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(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. 2 of the year 2022

A local law to override the tax levy limit established in General Municipal Law §3-c

(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 override the limit on the amount of real property taxes that may be levied by the Town of South Bristol, County of Ontario pursuant to General Municipal Law §3-c, and to allow the Town of South Bristol to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of South Bristol, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged 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, section, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

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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. \_\_\_\_ of 2022 of the Town of South Bristol was duly passed by the South Bristol Town Board on \_\_\_\_\_, 2022, 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 Officer<sup>1</sup>.)

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 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed 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 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 \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20\_\_, 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 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,

<sup>1</sup> 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.

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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: \_\_\_\_\_

**VII. NEW BUSINESS**  
**APPOINTMENT TO BAR – JOHN McCABE**  
**AND**

**RE-APPOINTMENT TO BAR – ALBERT VOSS**

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, Albert Voss reappointment to BAR was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Strickland.

Supr. Marshall noted that the new appointment to the Board of Assessment Review is for John McCabe and the board has a copy of his application and has spoken with the BAR Chair.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, to appoint John McCabe to the BAR was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Strickland.

**APPOINTMENT PLANNING BOARD MEMBER ALT #1**

Supr. Marshall said the Board also has Mr. Shaffer's application and is a retired Ontario County Sheriff and is also a resident of the west side of South Bristol and has spoken with the Planning Board Chairman, Matt Sousa, who also recommends Mr. Shaffer's appointment to the Planning Board.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, to appoint Greg Shaffer as Alt #1 Planning Board member was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Strickland.

**APPOINTMENT PLANNING BOARD MEMBER ALT #2**

Supr. Marshall said that Mr. Bowen is a lawyer, he and his family are longtime residents of the Town. Mr. Bowen has also spoken with the Planning Board Chair, Matt Sousa, who also recommends Mr. Bowen's appointment to the Planning Board.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, to appoint David Bowen as Alt #2 Planning Board Member was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Strickland.

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

Supr. Marshall read the Assessor's Report.

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

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

Supr. Marshall read the Town Clerk's Report.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin the January 2022 Town Clerk's Report and Tax Collector's Report was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Goodwin and Strickland.

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

### **CEO**

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin the CEO Report for January 2022 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Goodwin and Strickland.

Supr. Marshall mentioned that the Assessor's Clerk, Tracey Howe, has been working on the old property files, going through each one and the files will be digitized through a grant with the County Archives.

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

Supr. Marshall read the Supervisor's Report, with a balance of \$3,848,613.00 in the bank.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the Supervisor's Report for January 2022 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Goodwin and Strickland.

### **APPROVAL OF VOUCHERS**

Supr. Marshall noted that the big bills are for salt; the fire districts are all being paid. The New Holland Tractor is a 2021 expense.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the Abstract, totaling \$434,136.03 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Goodwin and Strickland.

### **PRIVILEGE OF THE FLOOR**

Joe Kohler of Bristol Harbor, through WebEx, for the record, he was on the website at 6:45pm, this is a reoccurring problem with WebEx. The Board discussed about changing to Zoom, I've never encountered a problem with Zoom. I understand from Dan that you had trouble getting in a couple of months ago with the video; anyhow it is ongoing. I will work with the Town Clerk, and we can work on that this week, as far as the next meeting I will "be there" at 6:30pm on the site.

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Lynne Dixon, with Congressman Chris Jacobs office, the communications director and wanted to introduce herself and wanted to listen in on some of the issues that you are all facing and let you know we are here for you. I provided my email and phone number earlier today to the Town Hall, so if you ever need to get in touch with me, contact information is there.

Supr. Marshall thanked Ms. Dixon and asked where she is located?

Ms. Dixon said she works out of the district office in Clarence but we have a second district office in Geneseo, closer to you all, and we are trying to get out to all the Towns. It is important to me that we get to Town Board meetings and to let you know we are here.

Supr. Marshall, said he has met the Congressman on a few occasions and thanked her for reaching out to us.

### **XI. ADJOURN: 7:51pm**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk