

SOUTH BRISTOL TOWN BOARD MEETING

March 14, 2022

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order March 14, 2022 at 7:00 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
Scott Wohlschlegel, Councilman
Stephen Cowley, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Tracey & John Howe, Kevin Stahl, Gloria Harrington, Ginny Lalka, Cathy Colby, Alan Pearce, John Heidrich, 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 Cowley, the minutes of the December 28, 2021, Year-End Town Board Meeting, January 10, 2022 Organizational Meeting, January 10, 2022 Regular Town Board Meeting, February 14, 2022 Public Hearing Meeting and February 14, 2022 Regular Town Board meeting were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

IV. PRIVILEGE OF THE FLOOR

Alan Pearce, Deputy Code Enforcement Officer and Town Resident. I would like to bring up our Short-Term Rental processes and I feel that, I know we have never said “no” to any of the permits that have come forward and feel like going forward, and I’m talking years, we have got to saying “no” at some point. It is getting almost ridiculous. Every body and their brother wants a Short-Term Rental in the Town of South Bristol. It is more and more prevalent as we move forward. For Wednesday’s night Planning Board meeting, the list is lengthy and every Board meeting after that there is going to be that many, if not more permits. I know we have never said “no” but I feel like we need to something.

Councilman Wohlschlegel asked, what would our reason to say “no?”

Mr. Pearce, said that he has talked with other CEO’s and it is like, how do you control the complaints that are coming in in waves. With the Town of Geneva has a law that limits the Short-Term Rental, the owner has to live their at least 7 months out of the year and people with several houses can only live in one house at a time. We are not going to do that, in our Township, but that is what Geneva decided to do. There are a lot of different ways to go about

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doing it; that was one that works for them. I just feel like something needs to happen, for the locals, and I am speaking as a local. An example is a phone call I took from someone, who lives in Maryland, that just purchased 3 condos on Cliffside all for rentals. I just feel like that should be an issue; it should be an issue to all of us. We all live here. Thank you.

Supr. Marshall said that his only comment is, that we are working with some outside engineering firms to do a fairly comprehensive review of our Code, in particular we are looking to put some teeth in the properties that are being neglected; over grown grass, junk cars, all those things. The other things that we have discussed is to review the Short-Term Rental law. There probably does need to be something; the local law was written with the idea that everybody should have a right to be able to rent the property if they want to. All we wanted to make sure that everything was done safely, and out of consideration of the neighbors. That was the big thing, out of consideration of the neighbors; you couldn't have 25 people show up at a 2-bedroom condo and have these people party til 3am. The Homeowner's Association at Cliffside have a pretty good handle on their situation over there too. We will look at it.

Ginny Lalka, said Andrews Way where I live, we eliminated rentals. As of 2019, the owners can still rent, but any home that sells after that, no more rentals. Also, it would be a nice thing to do, maybe could have some day, seeing that we have new Code Enforcement Officers, to bring them to the meeting and introduce them so we know who they are.

Supr. Marshall agreed.

V. COMMITTEE REPORTS: HIGHWAY

Councilman Cowley read the Highway Report: There is not a whole lot to report on this time of the year. We have gotten more than our fair share of snow this winter. As Spring approaches, we are doing prep work for a busy summer construction season.

Following is a brief summary of events;

- Hauling 3/8" stone for chip sealing.
- Getting estimates together for some of the bigger projects.
- Cutting trees that have leaned towards the road from the winter snows.
- Maintenance on summer construction equipment.
- A lot of plowing.

Would like to discuss the purchase of a new grader to replace our current machine. A new grader is 8-10 months out according to the Milton Cat.

Supt. Wight said that he has quotes for a new grader, and they are all through Office of General Services, Milton Cat is substantially lower than John Deer, by \$50,000.00. The cost of a Milton Cat would be \$270,500.00 and because of Covid there are 500 hours covered by warrantee.

Supr. Marshall said the bottom line is \$270,500.00?

Supt. Wight said yes, the existing machine is a 1997 that we purchased because when he started there wasn't a grader which cost \$22,000.00 from Genesee County. We put money into the grader every year, it is a '97 with 3,000+ hours on it.

Supr. Marshall asked about leasing as an option.

Supt. Wight wasn't sure. Our loader is a good example, it is now on a 3-year program which is \$15,000.00 a year and you couldn't begin to lease this machine for that kind of money. I can look into it.

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Supr. Marshall noted that they looked into leasing the CEO's pickup and I believe the dealer said at that time that wasn't an option.

Supt. Wight said the budget includes \$250,000.00 and the Chips funding can also be put towards the purchase.

Councilwoman Goodwin said the Chips funding is \$20,000.00.

Supt. Wight noted that the sale of the existing grader will go against the cost. The old grader could get \$15,000.00 at the auction. With the 8-10 month lead time we are going to be using the old grader all summer anyways.

Supr. Marshall said this is more money than the cost of a 10-wheeler.

Supt. Wight said the 10-wheelers are catching up though, we are going to have to budget in 2023 for a 10-wheeler that won't be ready until 2024.

Supt. Wight continued, the F-600 is going into production March 15th and should be at the dealership by April 15th. The vehicle we ordered last May will show up a year later, that is the world we live in.

Supr. Marshall said he is not aware of the condition of the current loader, it seemed to sit at the Highway Barns a lot of last summer, you know better than I do.

Supt. Wight said we use the grater wedging and shimming roads, we use it for cutting shoulders, we don't put a lot of hours on it per year, if we put 200-300 hours a year on the machine. The long term, you will not have to purchase a grader for the next 15-20 years.

Councilman Cowley asked if other Towns request the use of the grader?

Supt. Wight said occasionally, Canadice is in the process of getting a grader, they haven't had a grader in a long time.

Discussion.

The Board opted to for more information on a Lease with the Option to Buy and costs.

VI. OLD BUSINESS: **HAYS PROPERTY**

Supr. Marshall said there is no action required, this is for information for the Board. The Hays Property, we have been given the go-ahead to clean up the property by the Court, but the Court also asked if the Town for a price to do that so the Court can determine how they are going to charge the Hays. This could be added to the 2023 Town & County taxes or having the Town send a bill for the cost. If the Town sends a bill, it is likely that they are not going to pay it. If that happens, all we can do is put a lien on their property. We have one bid in so far and expect 2 more bids by the end of the week. Once we have the bids, Supr. Marshall said he would contact the Board to discuss. The clean up includes the clean up of the barn, removal of all the junk and the removal of all the pallets. It is going to be a big project. The owner had stated that the barn was going to be reconstructed, but that never happened. The barn collapsed in the last snow storm.

BROADBAND

Supr. Marshall informed the Board that tomorrow afternoon he is meeting with a representative from Charter Communications (Spectrum) regarding the expansion of high-speed internet throughout the whole town. There are a lot of roads that have no coverage at all. There are also areas in Town where the Spectrum internet is available, but the quality is poor.

TOWN CODE REVIEW

Supr. Marshall mentioned that the Town is in conversation with the MRB Group and they are preparing a proposal for us that will take a serious look at the Town Code. We will also be asking LaBella Associates for the same proposal.

DOT – SPEED REDUCTION REQUEST

Supr. Marshall said he did receive notice today from the DOT that they have rejected our Speed-Limit Reduction Request for Seneca Point Road. This comes as no surprise, although this submission had a petition, the road is narrow and used as a pedestrian way.

Discussion.

VII. NEW BUSINESS

RESOLUTION –AUTHORITY TO GRANT EXEMPTIONS ON THE 2022 TOWN ASSESSMENT ROLL

Supr. Marshall introduced the Resolution for Board approval. The Assessor has asked for this resolution to be passed that basically grants her the authority to allow certain exemptions under the Real Property Tax Law.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, Resolution NO. 29-2022 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

RESOLUTION NO. 29-2022

AUTHORITY TO GRANT CERTAIN EXEMPTIONS ON THE 2022 TOWN ASSESSMENT ROLL

WHEREAS, on December 26, 2021, the Governor of New York issued Executive Order 11.1, and

WHEREAS, this Executive Order allows for the automatic renewal of the real property tax exemptions afforded in subdivisions 7, 7-a and 8 of Section 459-C of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of Section 467 of the Real Property Tax Law if the assessing unit adopts a resolution directing the assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who received that exemption on the 2021 assessment roll, and

WHEREAS, this would allow the Low-Income Senior/Disabled property owner to not have to file an exemption application with the assessor in order to continue their exemption on the 2022 Assessment Roll, and

WHEREAS, this law also allows the governing body of the assessing unit to put a local option for when the assessor might require a renewal application, now therefore let it be RESOLVED, that the South Bristol Town Board allows the assessor to automatically grant exemptions for RPTL 459-c and RPTL 467 as were received on the 2021 Assessment Roll onto the 2022 Assessment Roll, and be it further

RESOLVED, that the assessor can review the 2022 income for property owner's whose income may have dropped in 2020 to ensure that the largest exemption is granted to the property owner if the income is provided by the federal deadline to submit income taxes with an extension, and be it further

RESOLVED, that the assessor can require a renewal application to be filed by taxable status date, in instances where the assessor has reason to believe that an owner who qualified for

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the exemption on the 2021 Assessment Roll may have since changed their primary residence, added another owner to the deed, transferred the property to a new owner, or died.

RESOLVED, that the Town Clerk provide a copy of this resolution to the Director of the Ontario County Real Property Tax Service Agency and to the Assessor for the Town of South Bristol.

I, Judy Voss, South Bristol Town Clerk, certify that the Town Board of the Town of South Bristol adopted the aforementioned resolution on March 14, 2022, 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: March 14, 2022

Judy Voss, Town Clerk

SEAL

LOCAL LAW – REGARDING DUAL RESIDENTIAL STRUCTURE ON THE SAME LOT AND ALSO THE STORAGE OF RV’S

Supr. Marshall said this is an introduction of this new law and has been recommended by the Planning Board. This issue has come across from time to time when there are two residences on the same parcel of land. How these parcels are numbered is an issue for the 911 center and the second part of the law is with regard to the storage of RV’s on property. It is trying to distinguish between storing an RV on the property and actually living in it. The Board should We could schedule a Public Hearing for next month; the SEQR has been completed.

Councilman Wohlschlegel agreed and went ahead based on the information from the Town Attorney.

Supr. Marshall noted that there had been some significant changes between the time the Planning Board recommended the law and what is in front of us today. This will go to the County and the Town Planning Board.

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel to send the local law to the County and Town Planning Boards was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, Resolution No. 30-2022 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

RESOLUTION NO. 30-2022

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED “A LOCAL LAW AMENDING THE ZONING LAW OF THE TOWN OF SOUTH BRISTOL TO AMEND REGULATIONS PERTAINING TO ADDITIONAL RESIDENTIAL STRUCTURES ON THE SAME LOT AND TO THE STORAGE AND USE OF RECREATIONAL VEHICLES”

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 Zoning Law of the Town of South

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Bristol to Amend Regulations Pertaining to Additional Residential Structures on the Same Lot and to the Storage and Use of Recreational Vehicles"; 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 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.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on April 11, 2022, 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 Town Board of the Town of South Bristol adopted the aforementioned resolution on March 14, 2022, by the following vote:

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

Dated: _____, 2022

Judy Voss, Town Clerk

SEAL

**VIII. REPORTS:
ASSESSOR**

Supr. Marshall read the Assessor's Report.

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

CEO

Councilman Cowley read the CEO Report.

On a motion made by Councilman Cowley and seconded by Councilman Strickland the CEO Report for February 2022 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

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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 February 2022 Town Clerk's Report and Tax Collector's Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

IX. ACCOUNTING: SUPERVISOR'S REPORT

Supr. Marshall read the Supervisor's Report, with a balance of \$3,779,265.00 in the bank. Total receipts totaled \$424,395.00; \$403,000.00 included in that from sales tax. The Franchise Fees collected from Charter/Spectrum was \$8,500.00. Under the General Fund, Town wide our year-to-date expenses were \$172,875.00, compared to the annual budget of \$1,337,000.00 which means we have spent 12.9% of the General Fund budget. The Highway budget, the expenses so far total \$258,000.00 on an annual budget of \$1,655,000.00, 15.5% expended.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the Supervisor's Report for February 2022 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

BUDGET TRANSFER

Supr. Marshall noted that the budget line for Disability Insurance is \$108.00 off, so we are moving the funds from Life Insurance to Disability Insurance.

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

Transfer From	A9045.8 Life Ins, Emp Bene	
Transfer To	A9055.8 Disability Ins, Emp Bene	\$107.80

APPROVAL OF VOUCHERS

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel, the Abstract, totaling \$55,492.59 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Supr. Marshall asked if anyone had anything else to come before the Board?

Councilman Wohlschlegel said yes, he has from New Wave Energy Corp, Anthony Negrelli, called him last fall and wanted to give a quote on our electric bills. We have 6 different electric accounts, and with New Wave Energy there is a 6% savings and recommended that the Town goes with New Wave Energy. The current contract is with Constellation, and they weren't very prompt in getting back to convert the Highway Barn electric for additional savings where we use the bulk of our electric. New Wave Energy was very accommodating and prompt.

On a motion made by Supr. Marshall and seconded by Councilwoman Goodwin, the contract for energy delivery with New Wave Energy was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Councilman Strickland wanted to give an update on the entry way; looking for an architect and has asked Jason Inda for any names and will keep working on it.

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Supt. Wight asked about the Covid funding and said that has to be earmarked by a certain date right?

Supr. Marshall, by the end of April we have to propose to use the funding for something. There are pretty strict guidelines on how it can be spent, and one of them is Broadband, another is infrastructure which doesn't include roads, it could be sewer, water.

Supt. Wight asked about culverts being covered in this funding?

Supr. Marshall thinks that culverts are covered; the highway employees have learned that some towns are paying some of their employees' money as a bonus of that Covid money and they are calling it retainage money. This is to keep employees from leaving. The County is also doing this. Ontario County is providing 3 years' worth of "bonus" funds with the Covid funding.

XI. ADJOURN: 7:55pm

Respectfully submitted:

Judy Voss
South Bristol Town Clerk