

SOUTH BRISTOL TOWN BOARD MEETING

May 10, 2022

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order May April 11, 2022 at 7:00 pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

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

ABSENT

Jim Strickland, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Tom Hawks

Online: David Whitaker, Alan Braun, Wendy Helbig, Serge Weiss 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 Wohlschlegel and seconded by Councilman Cowley, the minutes of the Regular Town Board Meeting, April 11, 2022, were ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Cowley and Wohlschlegel. One Abstain: Goodwin.

IV. PRIVILEGE OF THE FLOOR

Tom Hawks of Stemple Hill Road, handed out information to the Town Board for the 2022 Naples Grape Festival. Mr. Hawks said he is the President of the Naples Grape & Arts Festival, LLC and is excited to share changes to the festival; we did research last year and we found that the Festival really needed a change. It needed to become more community oriented, and we need to give back more than just giving to the Naples Rotary and Historical Society which is a wonderful thing, but the thing is we've realized that most of the community was not being served. The Naples Grape Festival 2022 basically three opportunities for engagement. We are looking to do community events covering 2 weekends. The Grape Festival started in 1874 and started as an agricultural fair for the community to come together to celebrate the harvest of grapes and to really share community. Back in 1961, Bob and Bill Vierhile resurrected the Grape Festival which was quite the affair beginning with a 3-hour parade, with street dances, carnival. That is just an idea of what you are seeing here; we have found that people want the nostalgic back and with Covid just ending it is a perfect time. We, Naples, which includes South Bristol, have an opportunity to really show this region what it is like to live in small town, USA. For the Events, the Fireworks Extravaganza, in front of Hazlitt's, which will coincide with the

SOUTH BRISTOL TOWN BOARD MEETING

May 10, 2022

Naples Central School Homecoming weekend. In particular, with the loss of Phil Hall, there is a lot of need for the kids who were on his team to be able to heal. We are hoping that this will give them an opportunity to do that. On Saturday, the parade at 10am, including all towns in the regions and would love if South Bristol Highway could be part of the parade. The Street Dance is during the Homecoming Dance so the kids can go off and the parents can have fun too. There is a Home Winemakers Competition and a Chili Cook-off. The Kick-Off Event is the Boots & Blue Jeans Gala at the Parish Hill Barn with Grove Boys serving and a band for dancing. Then the 24th & 24th of September is the historic Naples Grape Festival and looking at having a family park, in front of the school. There will be a place for tables and chairs set out and there will be activities for kids all the way around. A wellness center has also been planned for the festival. We will also be selling grapes at the festival although it might be too early. Mr. Hawks continued and said he is here tonight promoting the events and the festival, and a fundraising campaign, \$2 for 22, asking residents each for \$2.00. Mr. Hawks said that he would like the Grape Festival to be one everyone looks forward to, not to leave town. Each year, we save money to support the next year to get started and this year, we have nothing. What we are trying to do is create a fund that will fund this year's and then next year's Community Events. They will be for the Community. When I started speaking with people about the \$2 for 22, the Organizations started saying, can't we give? We have several municipalities and organizations that are donating \$100 up to \$500.00 and hoping that South Bristol will support the Grape Festival.

Supr. Marshall and the Board agreed to \$500 contribution to the Naples Grape Festival. Mr. Hawks thanked the Board for their time.

Supr. Marshall noted that Clerk Voss has submitted an invoice for vinyl and padded 50 stackable chairs for \$1,324 from BizChair.com. We would keep the folding chairs for other events.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the invoice for 50 chairs costing \$1,324.00 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Goodwin and Wohlschlegel.

V. COMMITTEE REPORTS: **HIGHWAY**

Councilman Cowley read the Highway Report: Following is a brief summary of events at the Town Highway Dept. Summer construction is under way. Town properties are being mowed. Tree trimming took place earlier on several roads (to be continued). Stone is all hauled for Chip Seal. Drainage and ditching are being completed on South Hill. 2500 tons of 1 ½ minus crushed gravel is stockpiled for mix paving on South Hill. We are half across Seneca Pt. Rd. between the bottom of Bopple Hill and Hicks Rd. paving with hot top. The County crew is paving for us. Roadside mowing to commence soon.

Supt. Wight said that it is time to think about replacing the dumpsters at the Transfer Station. We purchased a co-mingle container 3 years ago which is working fine. A new compactor box was purchased 2 years ago and does not need to be replaced. The other dumpsters, 20-yard, were replaced 9 years ago for \$6,000 each.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the Highway Report was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Goodwin and Wohlschlegel.

SOUTH BRISTOL TOWN BOARD MEETING

May 10, 2022

Supr. Marshall said that the first Bond payment is due, \$35,353.00 and will be wired directly.

VI. OLD BUSINESS: **HAYS PROPERTY**

Supr. Marshall said that they have been working on the clean-up for little over a week now. The barn is gone, there have been a few issues, Mr. Hays demanded that the contractor leave; the Sheriff was shown the Court Order and we were able to continue the clean-up. The Hays family has had every opportunity extended to them to protect anything that needed to be protected.

BROADBAND – STATUS & EMPIRE ACCESS

Supr. Marshall said he has been speaking with Empire Access and Charter Communications/Spectrum on the \$1.1 million proposal that Charter provided us. They would be willing to pay \$240,000 towards the build-out. The other thing is that Charter gave the Town an amount to cover Stid Hill Road; Stid Hill Road is totally covered by Empire Access, they have a tower at the top and everyone has fiber optic broadband. Supr. Marshall spoke with Empire Access about covering Gannett Hill Road, from Powell Hill Road to the park entrance and come down the hill to Route 64. Empire Access gave an estimate cost for Gannett Hill around \$120,000.00; Charter wanted over \$250,000.00. It is troubling that Empire installed fiber optic on Stid Hill Road, and it didn't cost the town anything; now they want us to spend \$120,000.00 for Gannett Hill Road. There is no franchise tax agreement with Empire Access.

KICK OFF MEETING WITH MRB FOR CODE REVIEW

Supr. Marshall informed the Board there is a kickoff meeting with MRB Group is next Tuesday at Noon. A steering committee has been created between the two chairs, Tom Burgie from ZBA and Matt Sousa from the Planning Board, CEO Martin and Deputy CEO Pierce and Diane Graham, Planning and Zoning Admin.

LOCAL LAW – RV'S & TWO RESIDENCES ON ONE LOT

Supr. Marshall said that the local law that we held the Public Hearing on earlier is before the Board for approval. Supr. Marshall noted that SEQR was taken care of at a previous meeting.

Councilman Wohlschlegel agreed. The determination is that there is no environmental concerns.

Supr. Marshall said he would entertain a motion to accept the resolution authorizing adoption of the local law.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Resolution No. 31-2022 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Goodwin and Wohlschlegel.

RESOLUTION 31-2022

AUTHORIZING ADOPTION OF LOCAL LAW NO. 4 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 May 10, 2022, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, to

SOUTH BRISTOL TOWN BOARD MEETING

May 10, 2022

hear all interested parties on 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” and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on May 3, 2022 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on May 10, 2022, 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, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; 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. 4 of 2022, 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”, a copy of which is attached hereto and made a part of this resolution, and be it further

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, to publish an abstract of this local law in the Town’s official newspaper 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 Town Board of the Town of South Bristol adopted the aforementioned resolution on May 10, 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>

Dated: May 10, 2022 _____

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

SOUTH BRISTOL TOWN BOARD MEETING

May 10, 2022

(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 2022

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.**

(Insert Title)

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

County

City

Town of South Bristol

as follows:

Village

Section 1. Paragraph C. of Section 170-38 (Additional residential structures on same lot) of Article V (Special Use Requirements) of the Zoning Law of the Town of South Bristol is hereby repealed and a new Paragraph C. is hereby inserted in its place to read as follows:

C. 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 numbered and lettered "B".

Section 2. Section 170-64 (Storage and use of recreational vehicles) of Article VI (Supplementary District Regulations) of the Zoning Law of the Town of South Bristol is hereby amended as follows:

1. The opening paragraph of Paragraph A. is hereby repealed and new opening paragraph is hereby inserted in its place to read as follows:

. Storage: Not more than two recreational vehicles owned by the owners of the lot on which such owners reside or a member of such owners' family also residing thereon may be stored upon the lot, provided that:

2. The opening paragraph of Paragraph B. is hereby repealed and new opening paragraph is hereby inserted in its place to read as follows:

B. Use: Guests of residents of the Town may have located upon the lot on which such residents reside a recreational vehicle as long as:

3. A new Paragraph C. is hereby added to read as follows:

C. Use: Owners of a vacant lot located in the Town South Bristol may occupy and use a maximum of one (1) recreational vehicle on their vacant lot provided that:

The recreational vehicle is owned solely by one or more of the owners of the vacant lot; and

The length of stay is no longer than 160 days; and

The recreational vehicle has been provided with water supply, electrical services and an adequate self-contained sewage disposal system; and

The recreational vehicle is not located closer than 15 feet to any building on a neighboring lot and no closer than 10 feet to the side or rear lot line.

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause,

SOUTH BRISTOL TOWN BOARD MEETING

May 10, 2022

sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. 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 2022 of the Town of South Bristol was duly passed by the South Bristol Town Board on May 10, 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 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 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 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.

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

May 10, 2022

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.

Clerk of the Town

VII. NEW BUSINESS **SALES TAX 1ST QUARTER RESULTS**

Supr. Marshall said the check received for the 1st quarter sales tax are incredibly good. The check received this week is up by 14% from last year; the numbers are staggering.

VIII. REPORTS: **ASSESSOR**

Supr. Marshall read the Assessor's Report.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the Assessor's Report for April was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Wohlschlegel and Goodwin.

CEO

Councilman Cowley read the CEO Report.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley the CEO Report for April 2022 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Wohlschlegel and Goodwin.

TOWN CLERK/TAX COLLECTION

Supr. Marshall read the Town Clerk's Report.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the April 2022 Town Clerk's Report and ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Wohlschlegel and Goodwin.

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

Supr. Marshall read the Supervisor's Report, with a balance of \$3,605,700.42 in the bank. The \$383,000.00 sales tax revenue has been deposited on top of that balance. The expenditures through April should equal 33% and under the A fund we are at 28% and the DA fund at 25.3%. Again we are staying well below the budget.

SOUTH BRISTOL TOWN BOARD MEETING

May 10, 2022

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the Supervisor's Report for April 2022 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Wohlschlegel and Goodwin.

APPROVAL OF VOUCHERS

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, the Abstract, totaling \$58,878.34 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Wohlschlegel and Goodwin.

PRIVILEGE OF THE FLOOR

Joe Kohler of Bristol Harbor, on the record, asked if he was correct in understanding that Assemblyman Gallagher has been replaced by redistricting?

Supr. Marshall said it was correct.

Mr. Kohler said that the meeting with Assemblyman Gallagher and his aide to the meeting was very helpful and that consider inviting the new Assemblywoman in to the next Town Board meeting.

Supr. Marshall said that Assemblywoman Burns, who is the replacement from Avon, has all ready been in twice now and she will be as good or better than Assemblyman Gallagher given that she has got seniority by 10 to 12 years; she is a great connection and will be very good. A bigger win for us is having Pam Helming as our Senator as opposed to the woman that was out of Rochester.

Mr. Kohler said excellent, has the Senator or the Assemblywoman been to a Town Board meeting yet?

Supr. Marshall, not to attend a Board meeting but technically these representatives will not be ours until the end of the year. All these representatives have to run in November too.

Mr. Kohler said he would like to formally mention that not only Assemblyman Jeff Gallagher, but his aide proved to be very useful and helpful to the people at Bristol Harbor Village with very real follow-up with Gov. Kathy Hochul's office and wanted to say Thank you.

Serge Weiss of Bopple Hill Road, asked about the Broadband that was presented earlier, right now we have DSL and it works fairly well and just wondering since there are a number of players that seem to be active in the South Bristol area with Broadband, what do you recommend to your constituents to reach out to find out if there is a possibility of getting Broadband?

Supr. Marshall asked where he is located.

Mr. Weiss answered, Blackberry Drive off of Bopple Hill Road.

Supr. Marshall said at the moment, there would be something coming off of Route 21 and at the moment that is Spectrum. Empire Access is all fiber optic and it is also the location of your property. The first 300 feet are included in the Empire Access broadband. Your property location might be covered by Spectrum at the moment.

Mr. Weiss also mentioned Verizon having internet access.

X. ADJOURN: 8:02pm

Respectfully submitted:

Judy Voss
South Bristol Town Clerk