

SOUTH BRISTOL TOWN BOARD MEETING

July 11, 2022

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order July 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
Jim Strickland, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Jonathan Heidrich, Ginny Latka, Gloria Harrington, Cathy Colby, Barbara Miles
Kevin Stahl, Cathy Fields, Jeremy Fields
Online: Brian Perkins

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, June 13, 2022, were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Goodwin and Wohlschlegel.

IV. PRIVILEGE OF THE FLOOR

Joe Kohler of Bristol Harbour, thanked the Board and members, I rise to thank the Town of South Bristol, the Highway Department for that push on a portion of Seneca Point Road that is paved from Hicks Road to the bottom of Bopple Hill. I respectfully request as requested in the December meeting, can we get the rest of Seneca Point Road paved, from the golf course down to Hicks Road?

Supt. Wight agreed, we are working on that Mr. Kohler.

Supr. Marshall informed the Board that they had a 2nd meeting with MRB Group in which we are having a very thorough review of the Town Code; working very diligently to correct and improve the Code. That is what is being worked on; minutes have been completed from the meeting and the next meeting is on July 26th.

Supr. Marshall said he met with the Cheshire Fire Department, to discuss the 2023 Fire Contract and what they will be billing the Town for services.

(7:06pm Jim Strickland arrives)

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Councilman Cowley said the 5 people that showed up for the Cheshire Fire Department were very professional and very proactive, they want to fix it before it breaks type thing and wanted to set up communication with the Town and very impressed with their presence and what they were thinking about doing and having a 10-year plan.

Supr. Marshall reported that the Traffic Report from the Sheriff's Office this month and asked them to please patrol Seneca Point Road. So far on this report they didn't; they have one citation on Route 21 and 3 citations on Route 64.

Supr. Marshall informed the Board that the Contract with the Teamsters Union is coming up and negotiations will begin soon.

Supr. Marshall said he met with the Town staff on June 28th and to discuss things outside the box and the needs to the Town Hall for the upcoming Budget Season.

Supr. Marshall asked Councilman Strickland for an update on the Town Hall foyer. Councilman Strickland said he is still waiting for the plans after being told they were nearly done and has called and left a message to get back to him.

V. COMMITTEE REPORTS: **HIGHWAY**

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

- Roadside mowing continues.
- Backside of the overlook was recently mowed.
- Roads that were oiled and stoned being swept and prepped for new centerlines and fog lines.
- Picnic tables got a coat of stain.
- Town properties being mowed (less frequently due to the weather).
- Drainage and patching on South Hill complete, ready for mix paving.
- Spent time at Wilder property grading and tuning up the driveway that goes back over the new pipe.
- Grass seed is left to do and install a guard rail over the culvert.

Supt. Wight said the trucks are still on order, the F-600 was ordered May 2021 and the F-350 was ordered in August or September 2021.

VI. OLD BUSINESS: **HAYS PROPERTY – UPDATE**

Supr. Marshall said that the Town received a Court Order from the Court that will allow the Town to charge Mr. Hays the full amount for the work that was done to clean-up his property.

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VII. NEW BUSINESS

APPOINTMENTS TO PLANNING BOARD

Supr. Marshall said that there are 2 positions on the Planning Board that need to be filled. We have one individual who is prepared to be appointed this evening and spoke with the Planning Board Chair, Matt Sousa, and he agreed. Supr. Marshall said that Mr. McIntyre lives on Route 64 opposite Bristol Mountain, is a retired dentist. The McIntyre family have owned that property for many, many years. Mr. McIntyre's father bought the property in the 1960's or earlier.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, to appoint Frederick McIntyre to the Planning Board was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Wohlschlegel and Goodwin.

PUBLIC HEARING

LOCAL LAW TO ALLOW

FOR VIDEO PARTICIPATION OF BOARD MEETINGS

TOWN OF SOUTH BRISTOL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of South Bristol on the 11 day of July 2022, at 7:00 p.m., at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, regarding the adoption of a Local Law which would authorize the Town Board and the other public bodies of the Town to use videoconferencing technology to participate in public meetings as permitted by section 103-a of the Open Meetings Law.

Any resident of the Town of South Bristol shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York.

This by Resolution of the Town Board of the Town of South Bristol.

Judy Voss, Town Clerk

The Public Hearing was Opened at 7:18pm.

Supr. Marshall opened the Public Hearing and said this is with regards to a Local Law that will allow the use of video conferencing, and this would apply to Town Board meetings, Planning Board meetings as well as ZBA and BAR. The Local Law allows us to continue as we have; we do not have to operate under an Executive Order from the NYS Governor. If one of our Board members could not be at the meeting, without this law, would have to be somewhere where the public could attend the meeting as well. Now, this will allow the Board members to be on video and their vote would count. We still need to have a quorum in-person, 2 could be online and 3 would have to be here. This is a requirement of the State and we will continue to do what we've been doing all along.

The Public Hearing closed 7:20pm.

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel, Resolution No. 33-2022 was ACCEPTED. Voting AYE: 5 Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Wohlschlegel and Goodwin.

RESOLUTION 33-2022
ADOPT LOCAL LAW #5-2022
AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH
BRISTOL OF LOCAL LAW NO. 5 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 July 11, 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 authorizing the Town Board and the other public bodies of the Town to use videoconferencing technology to participate in public meetings; and

WHEREAS, notice of said public hearing was duly advertised in the Town of South Bristol, on June 16, 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 July 11, 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. 5 of 2022, entitled, "A Local Law Authorizing the Town Board and the Other Public Bodies of the Town to Use Videoconferencing Technology to Participate in Public Meetings", 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, 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 July 11, 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: July 11, 2022

Judy Voss, Town Clerk

SEAL

FILING LOCAL LAW

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. **5** of the year **2022**

A LOCAL LAW AUTHORIZING THE TOWN BOARD AND THE OTHER PUBLIC BODIES OF THE TOWN TO USE VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN PUBLIC MEETINGS

(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 give the town board and the town's other public bodies, as that term is defined in Public Officers Law § 102, the authority to participate in meetings via videoconference in a manner consistent with the town's videoconferencing policy and the authority granted in Public Officers Law §103-a.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the town board to adopt a local law giving the town board and the town's other public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present and other conditions, as may be set by resolution of the Town Board, are met.

Section 3. Supersession of New York State Town Law Section 62

Paragraph 2 of Section 62 of New York State Town Law requires, in part, that "All meetings of the town board shall be held within the town". To the extent that this local law permits members of the Town Board to participate in meetings of the Town Board via videoconference, this local law shall supersede this requirement of Town Law Section 62 in that those Town Board members permitted by this local law to participate in meetings of the Town Board via videoconference are permitted to so participate from locations that are not within the town.

Section 4. Videoconferencing for Public Meetings

In extraordinary circumstances, which include, but are not limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event that precludes physical attendance, the Town Board of the Town of South Bristol hereby authorizes members of the town board and all members of the town's other public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the town's videoconferencing policy, which shall be adopted by resolution of the town board and conspicuously posted on the Town website, with such members participating in meetings via videoconference being permitted to participate via videoconference from locations not accessible

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to the public so long as a quorum of the board/body participates from locations where the public may be physically present.

Section 5: Severability

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

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. 5 of 2022 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on July 11, 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.)

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.

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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, 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

(Seal)

Date: _____

LOCAL LAW – SPECIAL EVENTS

Supr. Marshall introduced the proposed Local Law and noted that the members of the Board have a copy of the proposed law for their review. It is a local law regarding Special Events and this is regards to any one that wants to build a an Event Barn or something to that effect. There needs to be a certain degree of review; there are requirements. The local law being considered basically applies to the “NC” Districts only, Neighborhood Commercial zoning, located on State Route 64 across from Bristol Mountain. People have asked why this doesn’t include the whole town, and LR, Lake Residential, R-1, one-acre, R-3 and R-5, probably wouldn’t accommodate 300 people. When we have the Public Hearing, that discussion will come up. If 25-50 people are coming to your house because your child graduated from High School, that is not what we are talking about here. It is large-scale events with event barns, things of that nature.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Resolution No. 34-2022 was ACCEPTED. Voting AYE: 5 Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Wohlschlegel and Goodwin.

RESOLUTION #34-2022

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 ADD REGULATIONS PERTAINING TO SPECIAL EVENT VENUES”

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

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proposed Local Law entitled "A Local Law Amending the Zoning Law of the Town of South Bristol to Add Regulations Pertaining to Special Event Venues"; 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 August 8, 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 July 11, 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: July 11, 2022

Judy Voss, Town Clerk

SEAL

RESOLUTION – ALLOWING FOR CHANGING TO ONE JUSTICE

Supr. Marshall was notified by one of the Town Justices that they are moving out of state in October. We had talked about this in the past, does the Town truly need to have 2 judges. Both of the Town Justices say, probably not. It would be a savings if we reduced to one judge of \$9,000 for salary. This action requires a Resolution basically allowing the change to one Judge for the Town. The Board has a copy of the Resolution. This Resolution is also a Permissive Referendum that is required. Once the Resolution is passed, it needs to be published and posted that we are proposing the change from two justices to one. On a Permissive Referendum the public has 30 days to submit a petition of 25 names that would trigger an election to make this decision. Another resolution could be proposed that would take this directly to the election process which would add a proposition on the ballot, asking residents whether they agree, yes or no. We could do that or, the Permissive Referendum, we wait the 30 days. The deadline to add something to the ballot for the Board of Elections is August 8 and the 30-day notice expires August 14th.

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Discussion.

On a motion made by Councilman Wohlschlegel and seconded b Councilwoman Goodwin, Resolution No. 35-2022 was ACCEPTED. Voting AYE: 5 Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Wohlschlegel and Goodwin.

RESOLUTION 35-2022
SUBMITTING QUESTION OF ABOLISHMENT OF
ONE ELECTED TOWN JUSTICE TO VOTERS

WHEREAS, the Town of South Bristol currently has two elected Town Justices; and
WHEREAS, the Town Board has determined that it would be in the best interest of the Town of South Bristol to reduce the number of Town Justices to one; and

WHEREAS, the Term of Office of one of the elected Town Justices will expire on December 31, 2023, and now therefore be it

RESOLVED, pursuant to the provisions of New York Town Law Section 60-a(2), the Town of South Bristol hereby reduces to one, the number of Town Justices for the Town of South Bristol, with the Town Justice position having an elected term of office expiring on December 31, 2023, being eliminated; and be it further

RESOLVED, that this Resolution shall be subject to Permissive Referendum as provided by New York State Town Law Article 7, Section 90 through Section 94; and be it further

RESOLVED, the Town Clerk is hereby authorized to and directed to publish notice of this Resolution in the official newspaper of the Town within ten (10) days, and also within ten (10) days post on the signboard of the Town; and be it further

RESOLVED, that this Resolution shall take affect on the thirtieth day or upon such resolution having been approved by an affirmative vote of a majority of qualified electors of such town, if a valid petition be filed within the statutory authorized time period forcing such question on the ballot at a general or special town election. The resolution as stated above is hereby adopted by a majority vote of the Town of South Bristol Town Board at an official meeting held on the day of July 11, 2022.

Dated: July 12, 2022

VIII. REPORTS:

ASSESSOR

No Report

CEO

No Report

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

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

Supr. Marshall read the Executive Summary of the Supervisor's Report, as of June 30th, this is exactly 6 months' worth of Town business and so far there are only a few accounts that are out of line as it pertains to next year's budget. Total receipts for June \$162,224.79, the biggest part of that is the \$80,908.00 in Mortgage tax and \$76,279.00 paid for the removal of Snow from Ontario County. The mortgage tax revenue is received twice a year, and the first payment in February was \$80,908.00; the total revenue budgeted for the Mortgage Tax line was \$80,000.00 so we had already met that earlier in the year.

Our year-to-date expenses are \$502,000.00 which is about 37.56% of the annual budget for the A fund. At this point we should be at 50%; the Highway budget year-to-date expenses are \$657,902.00, 39.75% of the yearly budget.

On the Balance Sheet we have

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

BUDGET TRANSFERS

Supr. Marshall explained the Budget Transfers: \$212 was for the contribution to Naples Grape Festival; Disposal of Real Property paid for the Hays clean-up and Hospital & Medical Insurance was because we added 2 employees to Health Insurance.

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

Transfer From	A1990.4	Contingency	\$212.00
	A5999	Unexpended Fund Balance	<u>\$38,043.00</u>
			\$38,255.00
Transfer To	A1010.4	Legislative Bd – Contr Exp	\$212.00
	A8674.4	Disposal of Real Property	\$24,025.00
	A9060.8	Hospital & Medical Insurance	<u>\$14,018.00</u>
			\$38,255.00

APPROVAL OF VOUCHERS

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, the Abstract, totaling \$55,332.32 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Wohlschlegel and Goodwin.

Supr. Marshall said he has a meeting scheduled Thursday with HR One, they are a human resource outside agency. We think it is time for the Town to have an outside expert be of assistance to us. The meeting will tell us what they can do for us and the cost.

X. ADJOURN: 7:41pm

Respectfully submitted: Judy Voss