

SOUTH BRISTOL TOWN BOARD MEETING
September 12, 2022

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order September 12, 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, Highway Superintendent, Maggie Gibson and Andrew Principe
Online: Alan Braun, Brian Perkins, Jonathan Heidrich, David Whittaker,
Shawn Ritchie, John McCabe, M. Kubiniec and Nathan Pensgen

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 Public Hearing and the Regular Town Board Meeting for August 8, 2022, were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Goodwin, Strickland and Wohlschlegel.

IV. PRIVILEGE OF THE FLOOR

Andrew Principe, owner of property across the street from Arbhor Hill Winery and I am very concerned with the parking situation in that area and have brought photos for the Board to review. I own the house that used to be the old consignment shop and the business at Arbhor Hill has been increasing steadily through the years and the parking situation has gotten worse and I think my neighbor across the way will agree to that. That is just a very dangerous situation, cars are parked on Route 64, there is alcohol involved, obviously with that establishment. I was trying to be a good neighbor with them, and they just don't seem to have any concern or respect. They never come over and ask me if it was okay for people to park there and I am just coming to you guys to see if there is anything you can do to help because I am rather concerned. The photos I handed out is me trying to get out of the property and couldn't get out of my own property because all the cars were lined up and blocking the driveway. So also wonder about the Code Enforcement for the fire code. Based on the size of those buildings it looks like they are really going over the limit with capacity and was wondering if anybody checked on that.

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Supr. Marshall said he can speak to that; they are definitely inspected on an annual basis and that would show on the CEO Monthly Report, beyond that I don't know.

Mr. Principe said he has heard some talk about what the Code Enforcement person that is handling it and called me recently. I was basically told that they are working on "No Parking" signs, that is fine and dandy, but I don't really see where "No Parking" signs are going to really work. It is a dangerous situation.

Supr. Marshall said he probably spoke out of turn because it is a State Highway and you need DOT permission to do so.

Mr. Principe said the DOT did as for him to remove the orange cones on my property which was really preventing parking. What I am trying to do is protect my property, I am paying taxes on the property, I bought the property, I didn't buy a parking lot for Arbhor Hill and Brew & Brats.

Supr. Marshall asked if Mr. Principe had a tenant on the property?

Mr. Principe said he does. I am not really familiar with how much power you guys have over all of this business, but like I said, it seems like they are a bit out of control with their offering to customers, they have these mini-concerts that bring in hundreds of people, it's really a dangerous situation.

Maggie Gibson, of Route 64, said she was going to go on and discuss "No Parking" signs because there is supposed to be one parking space for every 3 people. If you go by, having 200 people, and on their property, they should have 66 or more parking spaces and they don't. They don't even have 25 parking spots. So there, that's an excessive amount. If it is limited to 75 people inside, what about the tents? Do those tents count, are they permanent? Do they have a permit for the tents? Last Saturday, they had an event with 200 people and not enough parking, is there anything that can be done about that?

Councilwoman Goodwin said that it would be something we have to look into.

Mrs. Gibson continued, with the increase of people in our area, a lot of them aren't local, the tourist industry is blowing up here. I've had people make picnics in my front yard, I ask them to leave, this is my private property, they get snotty with me. Or they will park in my driveway, they will park off my driveway, cutting it off from me, they will pee in my bushes, they will let their kids run and play around my yard and they will get high in the back, I mean, so I have to police my home area and this isn't right. I should not be, at 65 years old, running around in my yard saying "get out of my yard" this is ridiculous. My son was cutting the grass for me and some family asked him to stop, wait, we want to cross your driveway and go over to Brew & Brats. They were in my yard, they just walked through as if it's a park. So what am I supposed to do about that? I think a fence would be good, so Alan Pearce, he approached John French and John said, what does she want? I said I want a 6-foot privacy fence, that would work for me, cut down on some of the noise that I get, until 10pm. John French agreed to a 4-foot fence across the north side of my property, and a 6-foot fence across the back and he moved the tractor-trailer off of my property because they were on my side of the line. Well, I get up one Sunday morning and I look out and there is a little plastic picket fence that is 32 inches high and when I asked John about that, he said he liked the look of that better. I told him I can step over that, it's 32 inches tall, it is not that high. So when you say you are going to do something and turn around and say, I don't want to that, so what repercussions do I have? Except that wasn't being a good neighbor.

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Councilman Strickland, said you have a legal right to post your property, if you post your property and somebody trespasses on it, you can have them arrested. If it is legally posted and somebody trespasses on your property, you can have them arrested.

Mrs. Gibson continued, that's the other thing, the Brew & Brats sign, if you look at the OnCor aerial maps of the properties, part of that is on my property, I could say get your sign off my property, I don't want to be that kind of neighbor.

Councilman Cowley said to sit down with them.

Mrs. Gibson said she has sat down with them, and they tell me what I want to hear and then do what he wants. If I tell someone I am going to do something or I ask permission, that's what you do. You don't ask forgiveness after you got caught, that is a character flaw. I do believe we have an issue there, that he's apparently afraid of me, he will tell me what I want to hear, but he will do whatever he wants. A plastic fence isn't going to keep everybody off, that's ridiculous.

Mrs. Gibson, asked, there is a variance that is being granted to them, isn't that the Zoning Board and aren't they supposed to let the neighbors and people that it affects know? I have never gotten on a notice. My property butts up to their property near the variance and there was some sort of shed on my property, and Alan had that moved off my property.

Mrs. Gibson said that she realized that the Board couldn't give her an answer and appreciated letting her get this off her chest.

Mr. Principe asked if they had a right to put a sign on my property?

Supr. Marshall said the sandwich sign is located within the road right to way.

V. COMMITTEE REPORTS: **HIGHWAY**

Councilman Cowley read the Highway Report: Following is a brief summary of events at the Highway Department recently.

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

- South Hill has been chip sealed (oil and stoned) to protect our new mix paved surface. Middlebrook Rd got chip sealed as well.
- All roads that were previously chip sealed, Gannett Hill Rd., Porter Rd. Bills Rd. Etc... have been striped.
- Finished mowing CR 33 and mowed CR 34 a second time. Another trip down CR 12 with the mowers to commence soon.
- Concrete sealer applied to sidewalk at Vet's Memorial and topsoil and grass seed down around new sidewalk.
- New Ford F 600 is currently at Wilbri's in Avoca awaiting body and plow installation.
- New Ford F 350 finally picked up for a build date of October 10th.
- I'll be looking for approval to declare the following items surplus so we can get them to auction.
 - A. 2000 New Holland broom tractor
 - B. 89 Witzco Challenger low boy trailer.
 - C. 2014 International Terra Star.
 - D. New Holland TC 35 4x4 tractor.

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

Councilman Cowley said he was down at the Boat Launch there is light that has been out for a long time, while I was on the phone, I asked to have the trees trimmed near the radar signs. They came out and trimmed that day.

FINANCE

Supr. Marshall said that in the process of working on the budget, I discovered that we actually have the funding in the Highway Garage account line for paving the parking lot for the new garage and totally forgot about it. If the timing works, we could still have the parking lot finished.

VI. OLD BUSINESS: **2023 BUDGET SCHEDULE**

Supr. Marshall said that the Board has a copy of the proposed schedule. Discussion. The Board decided on a Budget Workshop for October 1st, a Public Hearing on October 11th, a Public Hearing on October 24th at 6:00pm and the final vote on the budget November 14th.

II. NEW BUSINESS:

RESOLUTION – INVESTING TOWN FUNDS WITH NYCLASS

Supr. Marshall introduced a Resolution that would enable the Town to invest with NYCLASS, a large group of municipalities that have been pooling their finances together and they have been able to provide a much better interest rate, 2% right now and it could go as high as 3% to 4% by the end of the year. The other advantage is that NYCLASS is very liquid and the funds are available at any time. Supr. Marshall said he would like to start with a \$300,000.00 CD the Town has with Canandaigua National which never earned much.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Resoluion No. 36-2022 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Goodwin, Strickland and Wohlschlegel.

RESOLUTION NO. 36-2022

WHEREAS, a New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, board of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among cooperative or contract basis; and

WHEREAS, the Town of South Bristol wishes to invest portions of its available investment funds in cooperation with or other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreements Amended and Restated as of March 28, 2019; and

WHEREAS, the Town of South Bristol wishes to satisfy the safety and liquidity needs of their funds, now therefore be it

RESOLVED, that Daniel Marshall, Supervisor of the Town of South Bristol is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

**RESOLUTION NO. 37-2022
ESTABLISHING A MORATORIUM ON SHORT-TERM RENTALS**

Supr. Marshall said the Board has had discussions about doing a Moratorium on Short-Term Rentals and the Town Attorney has put together a proposed Local Law that would allow the Board to establish the moratorium. Once this is in place then we need a plan as to what we are going to do as far as reviewing the Short-Term Rental Local Law; give it back to the Planning Board to work on or we could consider creating a committee as to how we might address the issue. Supr. Marshall read the reasons for the Moratorium: *The purpose of this Moratorium is to enable the Town of South Bristol to have sufficient time to review existing laws pertaining to Short-Term Rentals and recommend modifications to these laws or new laws regarding Short-Term Rentals. The Town Board believes this review is necessary because of the extraordinary requests for Short-Term Rental Permits that have put an undo burden on the Code Enforcement Officer and is causing concern by many in the Town, that the character of the community is being compromised. Town Board is also concerned that approval and permitting of Short-Term Rentals under the existing laws may not support the best uses for lands within the Town of South Bristol. This review is in accordance with Town of South Bristol Comprehensive Plan.*

Discussion.

Supr. Marshall noted that the meeting he with Tom Harvey of Ontario County Planning and was told that you have to be very careful when you create these Short-Term Rentals

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Resolution No. 37-2022 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Goodwin, Strickland and Wohlschlegel.

**RESOLUTION NO. 37-2022
AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL
LAW ENTITLED "A LOCAL LAW ESTABLISHING A MORATORIUM ON SHORT-
TERM RENTALS"**

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 Establishing a Moratorium on Short-Term Rentals"; 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; and

WHEREAS, this action by the Town Board is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5 (36) ("adoption of a moratorium on land development or construction"), thereby requiring no further action by the Town Board.

NOW, THEREFORE, RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on October 11, 2022, at 7:00 p.m. at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, 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

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RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the aforesaid Notice of Public Hearing and a copy of the proposed Local Law on the Town of South Bristol sign board and to 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 September 12, 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: September 12, 2022

Judy Voss, Town Clerk

SEAL

VIII. REPORTS:
ASSESSOR

Councilman Cowley read the Assessor's Report.

- Sales have been processed. Name and address changes were forwarded to school tax collectors where applicable.
- Twelve parcel splits and merges have been processed on the new roll.
- Permit review and valuation on going.
- 8/31 attended a one-day seminar on V4 Valuation and Set Up."
- 9/1 attended the annual meeting and seminar of WNYIAAO. Topic presented: "Appraising in a Difficult Market."
- Attending the NYSSA annual fall meeting and seminar on assessment administration from 9/18-9/21.

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

CEO

Supr. Marshall read a summary of the report.

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

TOWN CLERK /TAX COLLECTION

No report.

IX. ACCOUNTING:
SUPERVISOR'S REPORT

Supr. Marshall read the Executive Summary: Bank accounts reconciled as of August 31st, \$3.8million in the bank, receipts for the month, \$421,000.00 which includes the 2nd quarter Sales Tax of \$405,000.00. Charter Communications sent a Franchise Fee check for \$8,500.00. We should be at 66% of the annual budget and under the General Fund we are at 44% and under Highway, almost 53%.

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

BUDGET TRANSFERS

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.

APPROVAL OF VOUCHERS

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel, the Abstract, totaling \$223,874.56 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Strickland, Wohlschlegel and Goodwin.

EXECUTIVE SESSION

Supr. Marshall explained that the Board will move into Executive Session to discuss negotiations.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, the Town Board moved into Executive Session was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Cowley, Goodwin, Strickland and Wohlschlegel.

Board moved into Executive Session at 8:00pm

Board moved out of Executive Session at 8:22pm with the same motion and no action.

X. ADJOURN: 8:22pm
Respectfully submitted:

Judy Voss