

SOUTH BRISTOL TOWN BOARD MEETING

February 6, 2023

REGULAR MEETING

The Regular meeting of the South Bristol Town Board was called to order February 6, 2023 at 7:04 p.m.

PRESENT

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

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Tracey Howe
Online: Alan Braun, Brooks Lyon, Glenn Zimmerman,
Lori Flaherty, Chris Bennem, Lisa Moore

I. ROLL CALL

Supr. Marshall opened the meeting with roll call.

II. APPROVAL OF MINUTES

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel, the minutes of the January 9, 2023 Organizational Meeting and the January 9, 2023 Regular Town Board meeting were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

III. PLEDGE OF ALLEGIANCE

IV. PRIVILEGE OF THE FLOOR

V. COMMITTEE REPORTS: **HIGHWAY**

Councilman Cowley read the Highway report:
Following is a brief summary of events at the Town Highway Dept. in the last month.

- Working on cutting back brush roadside (Gannett Hill currently)
- Replacing road signage around Town that does not meet current DOT reflectivity standards.
- 500 tons of salt delivered.
- Plowing and ice control.
- In the process of getting quotes for several pieces of equipment.
- Repairing and painting summer equipment as needed.

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

Supr. Marshall said the meeting is being held one week early because we would not have had a quorum for February 13th and that is the purpose of meeting one week early.

FINANCE

Supr. Marshall said that the 4th Quarter 2022 sales tax, up 5.88% from same quarter last year, \$427,696.00.

Supr. Marshall said he is working with Bookkeeper Dunn trying to determine a valid number for what we consider to be Unappropriated Fund Balance. It is a significant number, almost \$1 million and we need to probably have a discussion with our bookkeeping people as to how we got there. It seems almost incredible. We are going to have to do something about that money, the Comptroller frowns on that. We will be discussing setting up reserves, obviously the big one is a reserve to help pay for the new highway barn. But, we are not allowed to pay that off for 8 years.

Councilwoman Goodwin agreed.

Councilman Wohlschlegel asked about the entrance and where that stands?

Supr. Marshall said we have plenty of places we can talk about, we have a reserve now for \$154,000 that is left over from the new highway barn. Supr. Marshall said he needs to sit down with an accountant and a lawyer as to how to best handle that, you don't just create a reserve, in some cases you need a permissive referendum. Supr. Marshall said he will create a list of where we could put some of this money and how we could best use it.

Councilwoman Goodwin noted that there was a meeting with the employees to discuss projects, etc.

Supr. Marshall agreed, there are things we are working on, awfully slow, but we are working on it, getting some things changed. Waiting to hear back from the contractors for entryway. The transfer station is in need of work, the paving of the highway lot, there are places where the money can be used appropriately, we just make sure we do it the right way. Doing something with the existing highway building so that it matches the new building. I will meet with Bob Fox and get some good ideas.

Supr. Marshall continues, the Town's Fund Balance Policy was established in 2015 and nothing less than 15% and no more than 25% of your annual budget. The majority of municipalities follow the same guidelines and we are way over that right now. Nearly 100% of the budget.

VI. OLD BUSINESS:

REVISED LOCAL LAW TO ENFORCE SPECIAL EVENT VENUES

Supr. Marshall said the Special Events Local Law will be part of the local law of the new zoning code.

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**LOCAL LAW TO OVERRIDE THE 2% TAX CAP REQUIRED BY NEW YORK
STATE FOR THE TOWN AND FIRE DISTRICTS.**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, Resolution No. 28-2023 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN
OF SOUTH BRISTOL OF LOCAL LAW NO. 1 OF 2023**

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 6, 2023, 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 January 31, 2023, 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 6, 2023, 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. 1 of 2023, 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

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 6, 2023, 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: February 6, 2023

Judy Voss, Town Clerk

SEAL

LOCAL LAW #1-2023

LOCAL LAW FILING

New York State Department of State

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Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(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. 1 of the year 2023

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 2024 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 2024 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

This local law shall take effect immediately upon filing with the Secretary of State.

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(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. 1 of 2023 of the Town of South Bristol was duly passed by the South Bristol Town Board on February 6, 2023, 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.

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,

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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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:

RESOLUTION ESTABLISHING RESERVE FOR BUILDINGS AND GROUNDS PROJECT

Supr. Marshall thought he was going to have a resolution to change the reserve for the highway garage and will talk with the powers to be to make sure we are doing it properly.

PLANNING BOARD APPOINTMENT – PAUL MILLER

Supr. Marshall said we do have a suggestion to appoint Paul Miller to the Planning Board.

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

LOCAL LAW TO UPDATE TOWN ZONING CODE

Supr. Marshall said that a Public Hearing can be scheduled for the new zoning code, March 13th.

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

(No resolution received from town attorney.)

Supr. Marshall said that on Wednesday of this week there will be Public Forum and the purpose of the meeting is to get public input regarding the updated Short Term Rental Law. There has been a committee formed that will be here that evening and basically we are looking for input. We can report what we have discussed so far. We have had a number of committee meetings; David Bowen of the Planning Board, has been incredibly helpful with the changes. The intent of the meeting is to derive input and the next day the committee will meet to discuss the meeting. Supr. Marshall noted that the Town's Comprehensive Plan may need to be addressed as the emphasis is "Maintaining Rural Character" and how that might pertain to Short Term Rentals.

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Supr. Marshall said the proposal from SG Security for a security upgrade is more than the Town needs, the proposal calls for 4 pull-down alarms for fire and alarms in the basement.

Councilman Wohlschlegel did speak with SG Security about the proposal and noted that the Town Hall has 3 furnaces in the basement and no fire detection at all down there. Technology wise, the system is old and they don't have replacement parts for it, nothing is wrong with the system now.

Supr. Marshall said the Town needs to get another quote.

Clerk Voss asked if the Town Hall is getting a new phone system?

Supr. Marshall agreed, the new system is voice over internet system.

VIII. REPORTS: **ASSESSOR**

No report.

CEO

Councilman Cowley read the CEO Report.

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

Supr. Marshall noted that the CEO Office did send a Notice to Remedy, Notice of Violation for the property in Woodville and fully expecting to go to court.

Councilwoman Goodwin asked about the status of the condemned house on Route 64.

Supr. Marshall said the last he was told, should we be in Executive Session to discuss.

Clerk Voss agreed.

Councilman Cowley said the CEO report states they are still working on issues at 5804 St Rt 64. No details.

Clerk Voss noted that Mr. Pool is back in the hospital, didn't last a week.

Councilman Strickland said we are going to have to do something.

Councilwoman Goodwin asked, what do we do?

Supr. Marshall said the Board should go into Executive Session to discuss.

TOWN CLERK/TAX COLLECTION

No report.

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

Supr. Marshall reported that the bank account has \$3,476,891.00 as of January 31, 2023. in the bank. Revenues of \$66,000.00. Typically, the budget is expended at 10.66% for the General Fund, the Highway Fund is expended at 5.3%.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, the Supervisor's Report for January 2023 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

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APPROVAL OF VOUCHERS

Supr. Marshall noted that the Fire Departments are being paid this month.

Councilman Cowley noted that the total Fire Department amount is \$231,000.00.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, Abstract of Vouchers, totaling \$335,776.48 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Strickland and Cowley.

EXECUTIVE SESSION

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

The Town Board moved into Executive Session at 7:35p.m.

The Town Board came out of Executive Session at 8:00 p.m. with no action.

X. ADJOURN: 8:00 p.m.

Respectfully submitted:

Judy Voss
South Bristol Town Clerk