

SOUTH BRISTOL TOWN BOARD MEETING

April 10, 2023

REGULAR MEETING

The Regular meeting of the South Bristol Town Board was called to order April 10, 2023 at 7:00 p.m.

PRESENT

Daniel Marshall, Supervisor
Stephen Cowley, Councilman
Scott Wohlschlegel, Councilman
Jim Strickland, Councilman

ABSENT

Donna Goodwin, Councilwoman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Kevin & Isabella Stahl, Jeremy Schrader, Ginny Latka, Gloria Harrington, Meg Fuller, Tracey Howe

Online:, Jonathan Heiderich, Alan Braun, Meg Fuller, Sue Glenz, et al

I. ROLL CALL

Supr. Marshall opened the meeting with roll call.

II. APPROVAL OF MINUTES

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, the minutes of the March 13, 2023 Public Hearing and the March 13, 2023 Regular Town Board meeting minutes were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Strickland and Cowley.

III. PLEDGE OF ALLEGIANCE

IV. PRIVILEGE OF THE FLOOR

Jeremy Schrader of County Road 33, here to just say if there is anything with regards to the Short-Term Rental moratorium or if you have talked about it recently, that I am here to support the Board and community as well.

Supr. Marshall said the Town is in the midst of a moratorium, a 9-month moratorium, and expires at the end of September. We are well on our way to a new set of rules and regulations and have sent them to the Town Attorney for review and has come back with a variety of questions, suggestions, changes. We have a Special Committee that was established to review the Short-Term Rental Code and will convene one more time in order to discuss the attorney's comments. That is where it stands at this point. After the committee meets, the draft is sent back to the attorney to draft the proposed local law. Once the local law is submitted back to the Town, we can schedule a Public Hearing, hopefully next month and then in June we could possibly pass the new law.

V. COMMITTEE REPORTS:

HIGHWAY

Councilman Cowley read the Highway report:

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

- Roadside tree trimming on Seneca Pt. in Bristol Harbor in anticipation of paving this Spring.
- Finished mowing back brush on Gannett Hill Rd.
- Hauling stone for summer projects when available.
- Summer construction/ maintenance equipment ready to go.
- Meeting with the guys this morning regarding the group from Erie County "First Amendment Auditors"
- I will also be seeking Town Board approval to declare our 2012 PJ Equipment trailer as surplus (needs to be replaced) and a 6' Woods Finish Mower (previously used for roadside mowing) as surplus.
This mower does not need replacing.
- I would also like to take the old Toro at the Transfer Station and auction that, move the Scag mower there and purchase a new larger mower for the cemetery and other Town property mowing.

Here are the numbers on the used self- propelled Sweeper machines.

1. George and Swede (Pavilion, NY) 2013 Laymor SM 400, 334 hours, no warranty, \$38,500.00.
2. American Equipment (Farmington, NY) 2019 Superior DT74C, 633 hours, warranty 4 mos. 50%/50% split on parts and Labor, \$52,500.00.
3. Monroe Tractor (Henrietta, NY) 2022 Rosco RB 50, 132 hours, includes an additional 12 mos./ 500-hour warranty on top of factory warranty, \$58,380.00.
4. Tracey Road Equipment (Syracuse, NY) 2022 Broce-350, 351 hours, Warranty 12 mos. 1,000 hours, \$67,900.00.

I have personally been around and looked at/ operated these machines. I feel our best bang for the buck will be the machine from Monroe Tractor. Reason being, one year old machine, low hours, excellent condition, extra warranty and priced right.

Thank you all for your time,

Jim Wight

Discussion.

Supt. Wight said this has been budgeted and the old tractor was a 2000 and was sent to auction with the broom. It would be in the Town's best interest not to have a broom attachment on the newer tractors. The new unit is self-propelled, has on-board water, it doesn't need to be raining out which we tried with the old equipment. Last month with prices on new units and they were double the price of the used units. Supt. Wight explained that the Monroe Tractor machine is the best value and includes a warranty.

Councilman Strickland agreed.

Supt. Wight said the 2012 Ford Pick up was previously deemed surplus and will go to auction with this equipment.

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel the Monroe Tractor Quote for \$58,380.00 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Strickland and Cowley.

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On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel the 2012 PJ Equipment Trailer, Toro Lawn Tractor, 6' Woods Finish Mower are declared Surplus was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Strickland and Cowley.

FINANCE

Supr. Marshall noted that the Annual Update Report (AUD) has been completed by EFPR and being reviewed prior to sending to NYS. Once that document is complete it will tell us how much is in our Unexpended Fund Balance.

VI. OLD BUSINESS:

LOCAL LAW TO UPDATE TOWN ZONING CODE

Supr. Marshall noted that the update has been a 7-8 month process, is in the hands of the Ontario County Planning Board for their next meeting which is tomorrow night. There is a list of comments from staff that they will present to the whole Board for review. Still a work in progress.

NEW ENTRYWAY QUOTES

Supr. Marshall noted that the other item we've been working on is the new entryway for the Town Hall.

Councilman Strickland explained that the process was started in January and contacted 5 local contractors for quotes. Two contractors withdrew early on and another withdrew a few weeks ago. There are 3 quotes, one bid we are not going to consider as they are dealing with legal issues right now, which leaves 2 quotes. One quote received from Malotte Custom Carpentry, Brian Malotte, and another from LPS Contracting, Matthew DeVries.

The Malotte Custom Carpentry quote is \$69,651.00 and the LPS Contracting is \$58,740.00. There are differences between these, and the Malotte quote includes everything that is on the plans. Since then, we have changed some things on the plan which will lower each quote. Councilman Strickland recommended the Malotte quote for the project. The current entrance is 8' x 8' and the new entrance will be 8' x 12'. There will be benches inside the entrance, the extent of the work is mostly the foundation. The entrance will also have a heater to protect the drywall from cracking. Councilman Strickland recommended Malotte Custom Carpentry for the project; they asked a lot of questions and met a number of times at the Town Hall to discuss the project. LPS Contracting had no communication regarding the project. For the value, recommends Malotte Custom Carpentry.

Supr. Marshall noted that the Board will be funds in Reserve as well as from the Unexpended Fund Balance; zero cost to the taxpayers for this project. Work will not begin until August and has to be completed by October 1st. The post and beam portion of the project will be done by Timberframe Builders.

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel, the Malotte Custom Carpentry quote, less one-door, was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Strickland and Cowley.

VII. NEW BUSINESS:

RESOLUTION – PUBLIC SPACE DESIGNATION POLICY

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Supr. Marshall noted tonight's Highway Report included the discussion Supt. Wight had with his crew about the *Erie County Citizen's Audit*. The individuals are coming into a Town facility indicating that it is their Town facility too and they are going to walk around and look at whatever they feel like walking around looking at. All the while, while they are doing this, they have their cameras running. This happened to the Town of Canandaigua and then it proceeded to publish on YouTube and everybody at the Town Hall is made to look pretty foolish. The County has been aware of this activity and we are doing what we can ourselves from having this same situation. The important thing everybody has to understand is they are trying to make an issue of it so the best thing to do is be as calm as you possibly can and accommodating as well. Now, there are some areas within this Town Hall that really need to be kept separate from public view. The Justice office is for Authorized Personnel Only, also the Assessor who is working on the roll for the coming year and the information we would consider to be private information. In order to make the areas in the Town Hall legally accessible, we have to establish a Policy on what we consider to be Public Space Designation Area. Tonight's Resolution, once in place, it is perfectly legal for "Authorized Personnel Only" signs to be placed throughout the Town Hall, as well as the Highway Garage. The Highway Garage will not be accessible to the public for safety reasons.

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Resolution No. 29- 2023 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Strickland and Cowley.

RESOLUTION NO. 29-2023

PUBLIC SPACE DESIGNATION OF THE TOWN OF SOUTH BRISTOL PROPERTY

WHEREAS, the South Bristol Town Board is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare and personal privacy of the Town's Employees and the general public who do business with or use the services of the Town; and

WHEREAS, the annexed policy ("Policy") is intended to delineate the portions of the Town Property (as defined therein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis; and

WHEREAS, the Town Board recommends the adoption of this Resolution; now, therefore be it

RESOLVED, each department shall designate their spaces using the terms, guidelines, and definitions within the Policy annexed hereto; and further

RESOLVED, that copies of this Resolution shall be transmitted by the Clerk of this Board to the Town Attorney and each department within the Town.

PUBLIC SPACE DESIGNATION OF TOWN PROPERTY POLICY

Purpose:

The South Bristol Town Board is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Town's employees and the general public who do business with or use the services of the Town.

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This policy (“Policy”) is intended to delineate those portions of Town Property (as defined herein) that are accessible to and observable by the general public from those portions that are available on a limited basis.

Each department shall designate their spaces using the following terms and guidelines;

- **Traditional Public Forum** – a place that has a long-standing tradition of being used for, is historically associated with, or has been dedicated by government act to the free exercise of the right of speech and public debate and assembly. (Examples: streets, sidewalks, common areas inside/outside public buildings). Restrictions cannot be based on content or viewpoint.
- **Designated or limited Access Public Forum**- spaces not traditionally regarded as a public forum but which the government has intentionally opened up for that purpose. The space is not generally open or to be occupied by the public; is open or to be occupied by the only on a limited, as needed, or by invitation basis; or is an area generally open to or occupied by the public in close proximity to where private third parties conduct business with town employees. (Example: conference rooms).
- **Nonpublic Forum**- spaces not traditionally regarded as a forum for public communication with flexibility to craft rules limiting speech. Regulations on speech must be reasonable and not an effort to suppress expression merely because of opposing views. (Example: private work areas, personal offices, workstations, courtrooms, waiting rooms, secure locations, etc.). Such areas can be marked and treated as nonpublic forums.

Special attention must be taken when determining forum rules to ensure the public’s rights are upheld.

Reasonable justifications for excluding general public from designated nonpublic forums on government property are:

- Protecting the private information of citizens
- Prevention disruption of government business
- Public Safety

Examples of protecting private information of citizens include, but not limited to, private screening rooms for protected interviews, spacing limitations to remove view of private information, etc.

Each department will establish forum designations based on the definitions within this Policy. Limited Access Areas and Nonpublic Forum spaces may be designated by doors, physical barriers, building design features, signage, reception desks or stations, stanchions, ropes, fencing, bollards or other visible indications. The lack of visible indications shall not prevent the Town from considering or treating an area as a Limited Access Area. The Town shall retain the right to verbally instruct third parties that an area is a Limited Access Area,

BRISTOL HARBOUR SEWER – REQUEST FOR SEWER RATE CHANGE

Supr. Marshall noted that the rate increase request is the third in the last 6-7 years. Basically, Bristol Sewer Disposal Corporation is requesting an increase in their monthly rent for

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sewer usage, from approximately \$73.56 to approximately \$100.90, a \$27.34 increase. The information received from their attorney, received on March 12th, and turned it over to the Town Attorney, Jeremy Sher, and we are allowing Mr. Sher to act on the Town's behalf. Mr. Sher will also utilize the service of EFPR Group as forensic auditors and will be reviewing the books and making some kind of determination. We will also be utilizing LaBella Associates and they will be reviewing the engineering assessment they claim needs to be done for improvements to the system. Once EFPR and LaBella submit their reports, can we move forward. A public hearing is not a requirement for the rate increase request; on the advice of council. There is a 90-day response time and will end on June 12th and the Town has to make a decision by then.

The legal representative for Bristol Sewer, Stephen **, said that the increase request is necessitated by DEC required improvements. The numbers total \$860,000.00 for the improvements. The pass-through increase is by the amount of users plus the increase for the necessitated repairs. That is what is driving the cost up from the \$73.56 to the \$100.90. We look forward to EFPR and LaBella reports when those come in.

Supr. Marshall thanked Stephen ***. We will be following this up at the next meeting.

COUNTY PLANNING REPRESENTATIVE

Supr. Marshall continued, the current representative from the Town of South Bristol for the Ontario County Planning Board, Bessie Tyrrell, has moved out of Town. It is probably not appropriate that someone living out of Town represent us on the Board. Typically speaking they like to see somebody from either our Zoning Board or Planning Board on the County Planning Board. Mrs. Tyrrell has volunteered to stay on but it would be appropriate for us to search for a Town resident. Supr. Marshall noted that he will speak with the ZBA and the Planning Board Chair.

Councilman Cowley agreed.

BRISTOL MOUNTAIN SEWER RATE INCREASE REQUEST

Supr. Marshall noted that this will be carried over for another month.

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 March 2023 CEO Report was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Strickland and Cowley.

TOWN CLERK/TAX COLLECTION

Supr. Marshall read the Town Clerk's reports.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, the Town Clerk's Reports for March 2023 were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Strickland and Cowley.

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IX. ACCOUNTING:
SUPERVISOR'S REPORT

Supr. Marshall read the Supervisor's Report. As of February 28, 2023, the Town has \$4,113,580.00 in the bank. Revenues \$14,557.00 a slow month, and through the month of March we should be at 25% of the annual budget. The General Fund is at 22% and the Highway Fund is at 18.22%.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the Supervisor's Report for March 2023 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Strickland and Cowley.

APPROVAL OF VOUCHERS

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel, Abstract of Vouchers, totaling \$107,960.76 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Strickland and Cowley.

X. ADJOURN: 7:50 p.m.

Respectfully submitted:

Judy Voss
South Bristol Town Clerk