

SOUTH BRISTOL TOWN BOARD MEETING

May 8, 2023

REGULAR MEETING

The Regular meeting of the South Bristol Town Board was called to order May 8, 2023 at 7:05 p.m.

PRESENT

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

ABSENT

Jim Strickland, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Shaun Logue of MRB Group, Kevin Stahl, Catherine Battle, Meg Fuller, John Manser, Ginny Latka, Barbara Miles, Steve Fortuzzo of Nixon, Peabody, Ron Kraft, Phil Scott, Kelly Scott, Amy Hickey, Steve Hickey, Bob Elliott of EES, Tim Hern, Will Kim, Wendy Szczesniak. Online:, Jonathan Heiderich, Alan Braun, Viga Pettinger, Cathy Colby, David Whittaker, et al

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 April 10, 2023 Regular Town Board meeting minutes were ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, and Cowley. Goodwin – Abstain from vote.

IV. PRIVILEGE OF THE FLOOR

V. COMMITTEE REPORTS:

HIGHWAY

Councilman Cowley read the Highway report:

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

- Took delivery of the new self – propelled sweeper unit. Used it already cleaning up a spilled concrete mess on Gannett Hill. Using it today to sweep up millings as we are busy milling Seneca Pt. Rd. prepping for paving this Wednesday and Thursday. It will be used as well for sweeping roadsides in preparation for line striping.
- New plow installed by Unicell on new Ford pickup.
- Hauling gravel for East Bloomfield for a stockpile for culverts.
- Mowing Town properties

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Supt. Wight said that he also had the Agreement for the Expenditure of Highway Funds 2023 for Board approval and signature.

Supr. Marshall explained that this an agreement for expenditures by the Highway department, the \$350,000.00 the has been budgeted and stating that they are going to do \$175,000.00 worth of work on Seneca Point Road, also going to spend \$100,000.00 to mill and pave on Gulick Road. Lower Egypt Road and Mill-Creek Bridge, \$75,000.00 to repair bridge as well as equipment purchases and snow and ice removal.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the 2023 Agreement for the Expenditure of Highway Funds was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Cowley.

FINANCE

Supr. Marshall reported that the Annual Update Report (AUD) has been completed and filed with the Comptroller's office. The AUD states that the Town is in a very healthy position. The unexpended fund balance will be placed in Reserves.

VI. OLD BUSINESS:

BRISTOL HARBOUR SEWER – REQUEST FOR SEWER RATE CHANGE

Supr. Marshall noted that there are representatives from Bristol Sewerage Disposal Corp. here this evening.

Steve Fantuzzo of Nixon, Peabody here on behalf of the applicant, colleague Jared Lusk as well. Since we met, we have submitted a couple of supplementary packets, April 20th, April 24th, in which the Board requested additional information. Hopefully everyone has had a chance to look at those. Also, to answer any questions, Tim Hern and Bob Elliott, from the financial and engineering perspective. We are hopeful to explain everything here that we can. It is necessitated here by the DEC and EPA requirements. We look forward to discussing the numbers and so forth.

Supr. Marshall thanked Mr. Fantuzzo, we have information that we have not received yet, forthcoming from our 2 consultants: LaBella Associates to review the Engineering Plans and utilized EFPR, an accounting firm, to do the forensic review of the rates. We are still waiting for the final results from them. We will have something before June 12th.

Mr. Fantuzzo said it was his understanding that it was a 60-day requirement for applicants to extend. If there is any additional information they need, please let us know as soon as you can after you get the professional reports over.

Supr. Marshall noted that it is a 90-day requirement and have been talking about June 12th from the very beginning.

LOCAL LAW TO UPDATE TOWN ZONING CODE

Supr. Marshall noted that the Town hired the MRB Group and we have Shaun Logue representing MRB this evening if anyone has any questions. The new language has been reviewed by Ontario County Planning, with comments and is now in Local Law form. If we want to go ahead and approve this law tonight, the Board must declare itself the Lead Agency for SEQR.

Councilman Wohlschlegel said that the SEQR was taken care of by MRB Group and appreciate that. After reading through the documents, it looks complete and can move ahead as Lead Agency.

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On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, Resolution No. 30-2023 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Cowley.

**TOWN OF SOUTH BRISTOL
ZONING CODE UPDATE
SEQR RESOLUTION 30-2023
DESIGNATING LEAD AGENCY**

WHEREAS, the Town of South Bristol Town Board (hereinafter referred to as Town Board) on March 13, 2023 declared its intent to be designated the Lead Agency for the Town of South Bristol Zoning Code Update under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has provided written notices to this effect to the identified involved and interested agencies; and

WHEREAS, the Town Board has not received any written objections from the involved or interested agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Town Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby designate itself as the lead agency for the Action identified above herein;

Motion made by Member Wohlschlegel : Seconded by Member Cowley

Dated: March 13, 2023

The above Resolution was duly adopted on March 13, 2023, by the Town of South Bristol Town Board.

Daniel Marshall, Town Supervisor
Town of South Bristol

Supr. Marshall explained that the Determination of Environmental Significance is an Administrative Action, there are not any new buildings, not changing structure of the property, the Environmental aspect of it is pretty remote. This states the SEQR is a Type 1, simply because it is an Administrative Action.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Cowley, Resolution No. 31-2023 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Cowley.

**RESOLUTION NO. 31-2023
DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE**

WHEREAS, the Town of South Bristol Town Board (hereinafter referred to as Town Board) has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

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WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Town Supervisor is hereby directed issue the Negative Declaration as evidence of the Town Board's determination of environmental non-significance.

Motion made by Member Wohlschlegel : Seconded by Member Cowley.

Dated: March 13, 2023

The above Resolution was duly adopted on March 13, 2023, by the Town of South Bristol Town Board.

Daniel Marshall, Town Supervisor
Town of South Bristol

Supr. Marshall explained the next Resolution, Authorizing Adoption of Local Law #2-2023. Supr. Marshall asked Mr. Logue if there were any concerns?

Mr. Logue answered no, we addressed the County Planning comments, and have been working through this for the last 6 months and doesn't have any further comments with regards to updates.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Resolution No. 32-2023 was **ACCEPTED**. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Cowley.

RESOLUTION 32-2023

AUTHORIZING ADOPTION OF LOCAL LAW NO. 2 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 May 8, 2023, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Adopting a New Zoning Law of the Town of South Bristol, Ontario County, New York State" and

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WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on April 28, 2023 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 8, 2023, 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 SEQR; 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. 2 of 2023, entitled "A Local Law Adopting a New Zoning Law of the Town of South Bristol, Ontario County, New York State", 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 8, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	X	_____
Scott Wohlschlegel	X	_____
Donna Goodwin	X	_____
Stephen Cowley	X	_____
James Strickland	_____	_____

Dated: May 8, 2023

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

(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

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City

Town of South Bristol

Village

Local Law No. 2 of the year 2023.

A local law "Adopting a New Zoning Law of the Town of South Bristol, Ontario County, New York State"

(Insert Title)

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

County

City

Town of South Bristol

as follows:

Village

Section 1: The Zoning Law of the Town of South Bristol, Ontario County, New York State, contained in Chapter 170 of the Code of the Town of South Bristol, is hereby repealed in its entirety and a new Zoning Law of the Town of South Bristol, Ontario County, New York State is inserted into Chapter 170 in its place in the form contained in Schedule A, attached hereto and made a part hereof.

Section 2: 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 3: This local law shall take effect immediately upon filing with the Secretary of State.

(Please Note: Schedule A not included in Minutes 114 pages)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

VII. NEW BUSINESS:

COUNTY PLANNING REPRESENTATIVE

Supr. Marshall noted that the current representative for South Bristol on the Ontario County Planning Board, Bessie Tyrrell, who has moved out of town and the and Planning Board Chair, Kevin Stahl has volunteered to take the position.

On a motion made by Councilman Goodwin and seconded by Councilman Cowley, to appoint Planning Board Chair, Kevin Stahl, to the Ontario County Planning Board was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Cowley.

VIII. REPORTS:

ASSESSOR

Supr. Marshall read the Assessor's Report.

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

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CEO

Councilman Cowley read the CEO Report for April.

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

TOWN CLERK/TAX COLLECTION

Supr. Marshall read the Town Clerk's reports.

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

IX. ACCOUNTING: SUPERVISOR'S REPORT

Supr. Marshall read the Supervisor's Report. As of April 30, 2023, the Town has \$4,052,991.63 in the bank. Revenues \$106,794. 08, and through the month of April we should be at 33.32% of the annual budget. The General Fund is at 25.92% and the Highway Fund is at 25.24%.

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

APPROVAL OF VOUCHERS

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Abstract of Vouchers, totaling \$97,438.30 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Wohlschlegel, Goodwin and Cowley.

X. ADJOURN: 7:30 p.m.

Respectfully submitted:

Judy Voss
South Bristol Town Clerk