

## **SOUTH BRISTOL TOWN BOARD MEETING**

August 21, 2023

### **REGULAR MEETING**

The Regular meeting of the South Bristol Town Board was called to order August 21, 2023 at 7:00 p.m.

### **PRESENT**

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

### **RECORDING SECRETARY**

Judy Voss, Town Clerk

### **OTHERS**

John Holtz, Ginny Lalka, Gloria Harrington, Meg Fuller, Joe Kohler III, Tracey Howe

### **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 Cowley and seconded by Councilman Strickland, the minutes of the July 10, 2023 Public Hearing and the minutes of the July 10, 2023 Regular Town Board Minutes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Wohlschlegel, Goodwin and Cowley.

### **IV. PRIVILEGE OF THE FLOOR**

John Holtz, of County Road 33, said he had 2 things to speak to the Board about. The first is a request made by a deceased member of the community whose name is Douglas Rood. He was a Navy Veteran and made the request to Phil Sommers when he was our CEO. This is one of his last wishes before he passed; and that was for the Veteran's Garden, which he was very happy that the Town went ahead and established. Mr. Rood would like a flagpole put up near the garden and he was donating a flag that flew off the warship he was on. He wanted that flown on the flagpole at the Veteran's Garden. What I was going to propose and would like you to consider, I did some internet research on flagpoles and they run the gamut. You can get the collapsible poles, solid poles, and the cheapest were \$350 all the way up to \$2,000, or so. You can get a solar-powered light that goes on top of the flagpole so you don't have to run electric. What I propose is that you guys come up with a budget for this and I'd be glad to be a community member working on it. I think maybe alongside the Town Clerk we could put together a package that you would find acceptable. I know the Highway Dept. is not here, maybe contract out the footer and work that into the budget. I don't think it would be too much.

Supr. Marshall said there would be money in this year's budget we could still get to it. It isn't something we have to budget for next year I'm sure we can find the funds to do such a

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thing. As far as installing the flagpole, that shouldn't be much of a problem either. I think it is a great idea.

Discussion.

Mr. Holtz continued, over a couple of years ago, a lot of people don't even know the Garden exists and I thought it would be nice to have a sign painted that just says "Veteran's Garden" maybe with an arrow and maybe on Route 64 and another at the entrance. Just so people know it is here. It is Blue Star Garden which is nationally recognized and it is a nationwide Club and they probably have some kind of directory.

Mr. Holtz continued, as you might have heard, there is a lot of stuff in the air about windmills and I know we fought this fight 12 or 15 years ago. I still have the "No Wind Turbines" sign on my garage. I would like to, as a concerned citizen, I read that Kirsten Gillibrand is going to present the second part of the Finger Lakes National Heritage Area to Congress to get that designated. The first thing she has in her spiel is the beautiful landscapes and the second part, paragraph 2 or 3, she starts off as the tourism industry. I did a little Airbnb research to see if anybody advertised proximity to windmills and I couldn't find any. You can find windmills that are historic in Europe. Those are advertised as an archeological curiosity, nothing modern. So I would like the Town to forcefully come out in opposition. I know we did a lot of zoning.

Supr. Marshall said that his first order of business is to contact the Liberty Wind and ask them why they haven't bothered to call upon South Bristol, and talk about it, because they haven't and I take offense to that. We do have zoning that basically prohibits commercial windmills however the biggest worry we have is the Governor deciding she is going to do a Article X proceeding which basically allows her to override home rule. That as big a fear as having the windmills. If we have windmills in South Bristol it will be because someone went over our head. We will make ourselves known.

Mr. Holtz said that he is on the Ontario County Democratic Committee representing South Bristol and I brought it to them and I said to ask Hochul, this isn't a partisan issue in my estimation. We need to be united when Pam Helming comes to Naples next month, I am going to go down there wearing my democratic t-shirt and say, hey I'm with you, let's join forces. We can't have a designated heritage area and then throw this crap on top of it. It is an oxymoron.

Councilman Wohlschlegel said someone called him from Hunts Hollow who owns Twisted Rail and they are talking about going all the way down Gulick Road and he sent me information that they could go over a Town's head and go right to a landowner and put it up. I was going to bring that up tonight because I thought we had passed something on this.

Supr. Marshall said we do, we have something right now that allows a private homeowner for his own purpose can have a windmill but it has a height limit which is considerably lower than what a commercial wind farm would be. A private owner who wants to supply power to his own home can have a windmill here in South Bristol. Our zoning is opposed to a wind farm and the big worry is the State decides to do a end run and override home rule, which would be despicable.

Mr. Holtz, said he brought it up to the Democratic Committee, Congress flipped because New York's rural voters flipped over, we lost a lot of Democratic seats. If we go along with her overriding home rule on this, we will never have any chance at winning elections in this part of the State.

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Ginny Lalka, of Bristol Harbor, asked, What is your position on solar panel farms? I don't know any of this, it is all new to me and am just curious.

Supr. Marshall answered that homeowners are allowed to have solar panels; we are not in favor of having solar farms; to preserve the rural character and scenic vista.

Joe Kohler, of Bristol Harbor, the windmills, spent a lot of time on this. I report to you from recent meetings with the good people in the Town of Cohocton, the landowners and from the good people from the Commonwealth of the Bahamas. The windmills are an abortion on the landscape. They are destructive of tourism, the lights, they kill our birds, they kill our bats. The homeowners, the landowners are then skewered by these evil companies, by these contracts. There is one widow down there in Cohocton who has just been a case of foreclosure because she didn't allow the windmill company to do something ridiculous. The people are very upset. I am part of a class-action, to be lifted, to go against every single of those people down there in the Town of Cohocton that put these things up in our valley. In the Commonwealth of the Bahamas, Parliament several years ago, being foresighted, we have a lot more wind in those islands, than you do in Cohocton and South Bristol. Parliament has banned windmills forever throughout all 738 islands.

Mr. Kohler, continued, you approved your minutes tonight from the meetings is that correct? I would ask that the last sentence of the report given by Councilman Cowley regarding the CEO's report regarding the clean-up in Woodville. I've been going back through the minutes back to November regarding the clean up of Woodville, I see a couple of words in your reports which Scott calls in, something about "some progress." Well, I would call it, and others would join me, from Woodville to Bristol Harbor, glacial and progress is an ambitious word. I see no progress.

Councilman Cowley said to talk to the Code Enforcement Officer. I am only giving the report, so there is no finger pointing here.

Mr. Kohler said that I am not finger pointing, I am just asking the question, there is no progress, it is glacial, it's abysmal.

Mr. Kohler, asked Clerk Voss, would you please read what you have.

Clerk Voss: From the November 10, 2022 BHVA meeting at the Town Hall. It was question and answer time and Gloria, the President, had Deb Gebhardt wanted to ask a question so she came up to the microphone.

Gloria: Yes Deb.

Deb Gebhardt: I just have, you said the litigation is going to solve property lines but a lot of violations that I read from your letter have to do with their home; the out parcel of the PUD and there is some question about that is part of the PUD or not. The Town of Bristol says its not, you say it is, under your jurisdiction, but now you are saying that is not going to be solved in litigation, so my question is how is that going to be resolved and will we keep putting violations without that being settled? Is their new home that they are building in the PUD or is it not in the PUD?

Attorney: I can address that, and there is no question about it, that the property is clearly set forth in the Declaration as identified as a property within the PUD in the Declaration and

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therefore it is subject to the obligation set forth in that Declaration. As to the argument about whether the zoning is, that is not relevant to whether or not the property is within the PUD. I know that issue has been raised, we view that to be open and shut and very clear, that the out parcel is very clearly in the PUD because it is identified as such in the Declaration which it makes it bound and subject to the rules and allocation as set forth in the Declaration.

Mr. Kohler said that the attorney is not just some local council; the attorney is one of the top firms in the Northeast. It is the Rupp, Pfaltzgraf firm, Tony Rupp.

### **V. COMMITTEE REPORTS:** **HIGHWAY**

Councilman Cowley read the Highway report:

Following is a brief summary of events at the Town Highway Department

- Mowing continues (both roadside and Town properties)
- Prepping roads for Chip Seal end of August
- I now have a quote for paving materials for the Town Barn parking lot. ( Approximately \$130,000)
- Surplus equipment has sold on Auctions international ( 2012 F 350, 2012 PJ equipment trailer, old Woods finish mower, and Toro mower from Transfer Station )
- I will be looking for authorization to get quotes on a replacement equipment trailer, a new zero turn mower with larger deck for the Wilder Cemetery mowing and its time to start think about a pick truck to replace the 2017 F350
- The huge brush pile at the Transfer Station has been ground up. NOCO forestry provided the service, as they do for many of the Towns.

Supr. Marshall asked if Supt. Wight was moving forward on paving the parking lot this year?

Supt. Wight answered yes. The County is going to pave for us with help from other Towns so basically just material costs.

Supr. Marshall asked about the Highway Dept. being short on help. Will that continue for a while?

Supt. Wight said we have been short help for a month and a half now, maybe it is time to talk about that and with next year's budget being worked on. Possibility of a part-time employee to help with roadside mowing. I have only 4 employees right now.

Supr. Marshall this would typically be a "disability position" right now, adding someone for 6-months and that protects the existing employee's position.

Supt. Wight agreed, we have to hold their job for a year.

Supr. Marshall suggested creating a temporary position.

Supt. Wight agreed, we are down 2 employees.

Councilman Wohlschlegel asked about right now? It seems a little thin on help and spoke with one of the employees who seemed a littled frustrated with not enough help. We need to do something and not wait.

Supt. Wight agreed, one employee is needed immediately and another for the winter months.

Supt. Wight spoke about adding a part-time employee, equipment that needs to be replaced, \$10,000 made from the auction. A 12-year old truck sold for \$5,500 the 2012 diesel

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pick up with a sander and plow. The equipment trailer, a 2012, old and tired, got \$3,500 which was half the original purchase price. As far as the mower is concerned, there is money in the equipment line for this; looking to purchase a 72-inch mower to cut down on mowing time. As far as a pick up truck goes, the 2017 pick up is still worth something; last time we bought a truck it took 1 ½ years to get the truck.

Supr. Marshall mentioned that Enhanced Traffic Enforcement from April through October with the Ontario County Sheriff. We only pay for the time they patrol, this year the hours are only 5 hours for the month. They had 5 citations all on Route 21 which is probably Woodville.

### **VI. OLD BUSINESS:**

### **VII. NEW BUSINESS:**

#### **467 LOWER INCOME SENIOR CITIZENS EXEMPTIONS**

Supr. Marshall noted that Assessor Muscarella is here to explain the exemption.

Assessor Muscarella thought she was just here for questions, I put everything in the memo that you need, It is confusing because you opt in for certain things and opt out. I gave you a summary today in your mailbox and an email correspondence to figure out what you want to do a little bit easier. Before, the Senior Citizen Exemption was all of the sources of income added up, did not include IRA distributions and then that amount we would put in and that would determine whether or not they got between 5% and 50% off of their assessed value before taxes are calculated and last year the legislature changed and it is effective with the 2024 assessment roll I am working on. The calculation now is what I gave you, the idea was to simplify it but in essence they've complicated it even further. The basics are what you have and need to be incorporated into a local law if you chose the options that were offered. There is concern from many of the assessors that the burden of this is being pushed off onto working families. They've also increased the amount that you can have this exemption for \$27,700 and it's gone up considerably. We have haven't changed ours, which is \$27,700, which is fine, but when you over to this new calculation, if you don't think about it in a reasonable way and a conservative way, we don't know what the outcome will be. My recommendation is to make small incremental steps with this and start out slow. One of those options is social security; now that we are using the Federal Adjusted Gross Income, not everybody's social security is taxed in full, we have the option of adding back in the difference so that that is included in their total income. Because if you remember the purpose of this exemption is to keep the elderly in their homes. That was the intent when this was written back when this was one of the first exemptions ever created. The easier to make this to get in, the more we are going to have in, more it is going to push the tax burden off to the rest of the tax payers. That is my reason for saying we need to be a little concerned up front. Then there is the taxable IRA distribution, taxable IRA's were not included before but that is because everything else was. We can decide to add that back in, the taxable IRA distribution, again, adding to the total income. If we decide later that that makes it too high we can remove that if we wanted to. The third option is allowing medical prescription and drug expenses that are not covered by insurance, that has never been in any of our exemptions.

Supr. Marshall asked if she wanted to make a recommendation.

Assessor Muscarella said her recommendation is to be conservative until we get through and see what tax burden is pushed off to the rest. This exemption has always been on the reverse of your tax bill as a reminder to people that it is available. When anyone came in with a STAR

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application, we were able to look at that and at that point determine whether or not they qualified for the low income senior and would offer it to them. We can't do that anymore with the income verification program.

Supr. Marshall asked, can you describe the number of people that may be affected by this in South Bristol, is there a way to determine that?

Assessor Muscarella, absolutely not, I don't know people's income until they come in. We currently have 19 low income exemptions.

Supr. Marshall said that this will all take place through a local law.

Assessor Muscarella said that needs to be done by March 1<sup>st</sup> at the latest. This applies to both low income senior and disability, they are going hand in hand. We only have 2 on that.

Supr. Marshall thanked the Assessor for coming in.

### **MOTION TO PAY EMPIRE COMMUNICATIONS FROM ARPA FUNDS RECEIVED**

Supr. Marshall noted that the Board should all have a resolution approving the payment from ARPA funds for Broadband expansion. Back in 2022 we received from the Federal Government \$161,249.00 in funding that was in consideration of costs and issues revolving around Covid-19. That money was deposited into a separate account with NY Class and in the time that it has been there has earned an additional \$5,703.00 of interest.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, Resolution No. 36-2023 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Wohlschlegel, Goodwin and Cowley.

### **RESOLUTION NO. 36-2023**

#### **RESOLUTION APPROVING PAYMENT FROM ARPA FUNDS FOR BROADBAND EXPANSION**

**Whereas**, the Town of South Bristol has received \$161,249.76 through the American Rescue Plan Act for Covid-19 consideration, and

**Whereas**, said money was deposited to a separate account with NY Class, and

**Whereas**, \$5,703.14 in interest was accrued to said account bringing the total to \$166,952.90, and

**Whereas**, ARPA funds had to be designated for specific uses which included expanding Broadband Coverage within the Town, and

**Whereas**, a five-mile section of South Gannett Hill Road was without adequate Broadband coverage, and

**Whereas**, Empire Communications was able to provide fiber optic service to that area of South Gannett Hill Road for \$165,000.00, now therefore be it

**Resolved**, \$166,592.90 be moved to the General Fund to pay Empire Communications, and

**Resolved**, copies of this Resolution be provided for reporting purposes to verify the appropriate use of ARPA funds.

### **BUDGET SCHEDULE**

Supr. Marshall said that the budget sheets have already been sent out to the various departments and submitted by September 3<sup>rd</sup>. A Budget Workshop will be scheduled during the week of September 20<sup>th</sup>. By September 30<sup>th</sup> we will have a Tentative Budget to the Town Clerk. The Tentative Budget comes back to the Town Board to address any issues, if necessary. At that

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time, schedule a Public Hearing prior to November 15<sup>th</sup> and on or before November 20<sup>th</sup> we approve the 2024 Budget.

### **APPOINT NEW PLANNING BOARD MEMBER**

Supr. Marshall said the Board has received a resume from Town Resident, John Casey Wood. He is interested in being appointed to the Town Planning Board. Supr. Marshall has met with Mr. Wood and he is incredibly young man with a lot of enthusiasm relatively new to the area. The Chairman of the Planning Board has also interviewed Mr. Wood and also recommends that the Town Board appoint him to the Planning Board. Mr. Wood would be appointed as the 2<sup>nd</sup> Alternative member.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, John Casey Wood was appointed to the South Bristol Planning Board, Alternate #2, was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Wohlschlegel, Goodwin and Cowley.

### **AUDIT OF THE TOWN JUSTICES ACCOUNT FOR 2023**

Supr. Marshall noted that EFPR Solutions performed an audit of the Justice Office's books and they basically stated that there were no findings.

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel, Resolution No. 37-2023 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Wohlschlegel, Goodwin and Cowley.

### **RESOLUTION NO. 37-2023**

**WHEREAS**, New York State requires a town to do an annual audit of the Town Justice Account, and

**WHEREAS**, an audit was performed by EFPR Group on our behalf, and

**WHEREAS**, the audit gave no indication of any errors or concerns, now therefore be it

**RESOLVED**, that the South Bristol Town Board approves the audit as provided by the EFPR Group, and further

**RESOLVED**, that a copy of this resolution be sent to the New York Court System.

### **FEE SCHEDULE**

Supr. Marshall noted that under the Town's Fee Schedule, there was an adjustment for Special Events Venue be \$300.00.

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

### **CEO**

No Report.

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### **TOWN CLERK/TAX COLLECTION**

Supr. Marshall read the Town Clerk's reports.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the Town Clerk's Reports for July 2023 were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Wohlschlegel, Goodwin and Cowley.

Supr. Marshall asked Clerk Voss to speak about the General Code quote.

Clerk Voss noted that the quote from General Code is for updating the Town's Code online and in print for the new Zoning Code and the Short-Term Rental Law. The quote is between \$5,375.00 and \$5,825.00, which includes shipping and handling.

Supr. Marshall asked, that covers all the new changes to all of the Zoning and also includes the Local Law for Short-Term Rentals.

Clerk Voss agreed.

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

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

Supr. Marshall read the Supervisor's Report. As of July 31, 2023, the Town has \$3,875,000.00 in the bank. The second quarter Sales Tax check received \$414,000.00; our biggest revenue for the month was interest, \$11,263.00 for one month. Under the General Fund, the year-to-date expenses so far are \$596,000.00 compared to an annual budget of \$1.2 million, at 46% of the annual budget for the month of July. Under the Highway Budget, expenses so far are \$949,000.00, \$1.6 million budget, at 54.37% of the annual budget.

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

### **APPROVAL OF VOUCHERS**

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel, the Abstract of Vouchers, totaling \$181,266.77 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Wohlschlegel, Goodwin and Cowley.

### **X. ADJOURN: 7:55 p.m.**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk