

SOUTH BRISTOL TOWN BOARD MEETING

February 12, 2024

**REGULAR MEETING**

The Regular meeting of the South Bristol Town Board was called to order February 12, 2024 at 7:11pm.

**PRESENT**

Daniel Marshall, Supervisor  
Meg Fuller, Councilwoman  
Jim Strickland, Councilman

**ABSENT**

Stephen Cowley, Councilman  
Scott Wohlschlegel, Councilman

**RECORDING SECRETARY**

Judy Voss, Town Clerk

**OTHERS**

Jim Wight, Tracey Howe and Joe Kohler, Jonathan Heidrich and David Whitaker online.

**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 Councilwoman Fuller, the minutes for December 29, 2023, Organizational Meeting Minutes for January 8, 2024 and the Regular Town Board Minutes for January 8, 2024 were ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller and Strickland.

**III. PLEDGE OF ALLEGIANCE**

**IV. PRIVILEGE OF THE FLOOR**

Joe Kohler of Bristol Harbor, acknowledged the Board and officials. I filed a request for certain items to be put on the agenda for tonight's meeting. I followed up with a phone call here and you were provided with a copy, Judy was provided with a copy. And I have had no response to anything.

Supr. Marshall replied that they elected not to do that.

Mr. Kohler asked for a copy on the vote on that please?

Supr. Marshall said no, there was no vote, we just talked about it. It is not a required vote.

Mr. Kohler said he filed a request for 4 items to be put on the agenda for tonight, I followed up with a phone call here to the office and nothing appears on the agenda.

Supr. Marshall asked what 4 items?

Mr. Kohler answered that you were given a copy and so was the Clerk. I am talking about response to my FOIL requests, and I filed another FOIL request, there has been no response, this has gone on for many months now, 6 months. So I re-filed, no response to FOIL requests.

Supr. Marshall asked, do you expect this Town Board to make her do what she does?

Mr. Kohler, I am requesting that there be a response to the FOIL requests.

SOUTH BRISTOL TOWN BOARD MEETING

February 12, 2024

Supr. Marshall noted that it is the Clerk's responsibility to respond to the requests and apparently they are not available or she chooses not to give them to you, or you've been given the information in the past.

Mr. Kohler said he didn't understand a word of what you said Mr. Supervisor. I have a FOIL request be complied with.

Supr. Marshall noted that all FOIL requests don't have to be responded to. I don't handle FOIL requests but I have known in the past when someone submits a FOIL request for a report, if it is considered not-FOILable, then she doesn't have to give it to you.

Mr. Kohler asked, what does not FOILable mean?

Supr. Marshall noted that this isn't a place to have an argument.

Mr. Kohler, I am not having an argument I'm just trying to get clarification.

Supr. Marshall said to speak to the FOIL officer.

Mr. Kohler: I have been speaking to FOIL officer for 6 months.

Supr. Marshall said for whatever reason she has elected not to give it to you, I don't know why.

Clerk Voss asked Mr. Kohler to speak to the Board, this is place to speak to the Board and not a place for a discussion. If you have something to say to the Board please say it and we will discuss it later.

Mr. Kohler asked for a written response to my FOIL request decision on your part.

Clerk Voss noted that an email was sent to you.

Mr. Kohler asked when? I reFOILED another request.

Clerk Voss, said for Mr. Kohler to continue, please.

Mr. Kohler, I had requested Mr. Supervisor, that there be items on the agenda tonight. I requested them be put on the agenda.

Supr. Marshall noted that just because you requested that doesn't mean it is going to happen.

Mr. Kohler asked for an update on the status from MaryJo Korona's letter.

Supr. Marshall said there has been a response, but it is between the attorney and the Town.

Mr. Kohler, said a member of Bristol Harbor filed a request for Code Violation inspection over at Bristol Harbor, I gave you a copy of it and underlined whatever was said and apparently the Code Enforcement Officers couldn't find it, so I found it, I brought it back and gave it to them and there has been no response. This is about the clean-up at Bristol Harbor, enforcing the Code at Bristol Harbor.

Supr. Marshall asked, in what particular circumstance is the Code not being enforce? This is not a back and forth, I will reach out the Code Enforcement Officer.

Mr. Kohler asked for the status of the progress in Woodville, cleaning up Woodville.

Supr. Marshall answered, no status, no progress. It has been brought to the attorney's attention but no progress. I am so sorry you are so disappointed, you must be very unhappy here in South Bristol.

Mr. Kohler , I take exception to that, sir.

Supr. Marshall said he takes exception to all the things you are complaining about. The Clerk has told you on a number of occasions she can't provide something like that.

Mr. Kohler said, I believe Judy said she was having technical issues and those were being resolved. I am requesting a response to the document I filed with you regarding certain State departments. You asked me to follow up and I have made some phone calls and had meetings.

SOUTH BRISTOL TOWN BOARD MEETING

February 12, 2024

Supr. Marshall said he did reach out to someone and they said he didn't remember meeting you. Someone you met down in Woodville.

Mr. Kohler, I gave you their business cards.

Supr. Marshall noted that he called. Moving on.

**V. COMMITTEE REPORTS:**

**HIGHWAY**

Supr. Marshall read the January Highway Report:

Following is a brief summary of happenings at the Town Barns in the last month.

- Cutting brush roadsides on Gulick and West Gulick Roads
- Snow and ice control as needed.
- Fixing machinery in shop.
- Doing some cleanup work at the Transfer Station (grading and rearranging where the brush pile is).
- I would like to discuss the idea of purchasing weather cameras with the Town Board. Some cost of this possibly shared with neighboring Towns (Bristol and Naples).
- I have drafted my Article 284 and will need the Supervisor and Board members to sign off on it.
- I would like to have our ancient shoulder machine declared surplus (as we no longer use it) so I can sell it at auction.

Thank you all for your time,

Jim Wight

Town of South Bristol Highway Superintendent

Supr. Marshall asked if the vehicle was the Scud he wanted to surplus.

Supt. Wight answered, yes, the Scud has been parked for 3 years now, every time we drag it out it needs work. It is an old 1963 Brockway dump truck turned around backwards. The front end of the truck is behind you, facing the other way. It served its purpose over the years but now it is beyond repair.

On a motion made by Councilman Strickland and seconded by Councilwoman Fuller, the action to surplus the 1963 Brockway Scud was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller and Strickland.

On a motion made by Councilman Strickland and seconded by Councilwoman Fuller, the Highway Report for January 2024 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller and Cowley.

**FINANCE**

Supr. Marshall noted that this month there will not be a Supervisor's Report because the Annual Update Report is being worked on and is required to be completed by March 1<sup>st</sup>.

**VI. OLD BUSINESS:**

**RESOLUTION 27-2024 – LOCAL LAW TO OVERRIDE THE 2% TAX CAP**

Supr. Marshall noted that the Public Hearing was held for the local law and asked for a motion to adopt the local law.

On a motion made by the Councilwoman Fuller and seconded by Councilman Strickland, Resolution No. 27-2024 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller and Strickland.

**RESOLUTION #27-2024**  
**AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL OF LOCAL LAW NO. 1 OF 2024**

**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 12, 2024, 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 February 8, 2024, 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 12, 2024, 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 2024, 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 12, 2024, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	x _____	_____
Scott Wohlschlegel	_____	_____
Meghan Fuller	x _____	_____
Stephen Cowley	_____	_____
James Strickland	x _____	_____

Dated: February 12, 2024

\_\_\_\_\_  
Judy Voss, Town Clerk

SEAL

**VII. NEW BUSINESS:**  
**AMENDMENTS TO THE TOWN CODE**

Supr. Marshall noted that there has been a request that the Town Board make some adjustments to the Town Code. Errors have been found in the new Code, one of concern is the omission of the Schedule of District Regulations in the new Code. That is one part that will be added to the new Code as an amendment; in Chapter 84, removing the word “playhouse.” Supr. Marshall said he will need to have a conversation with the Town Attorney regarding the *Special Events Venue* and the way it is now written, it would require Bristol Mountain a Special Events permit every time they had an event. That was not the intent at the time and the language needs

SOUTH BRISTOL TOWN BOARD MEETING

February 12, 2024

to reflect that. Amending Chapter 170-66 and 170-94 because those particular areas of the Code make reference to 170-91, which does not exist. There are no changes, just cleaning up language. The next step is to have the Town Attorney put the changes into a local law format.

On a motion made by Councilwoman Fuller and seconded by Councilman Strickland, the motion was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller and Strickland.

**CORRECTION OF HAS PAYMENTS TO TOWN HALL STAFF**

Supr. Marshall noted that the Board has had discussion about the HSA payments to the town hall staff appears to have been in error. There is a significant amount of money involved, almost \$12,000.00, and there is an issue with the amount that is allowed to be given for an HSA in any given year. The employees have been paid for 2024, we can't give them all we owe them in one year, we would have to one payment this year and one payment next year to make this correct. This will be tabled for next month with a full-board.

**APPROVE MEN'S RESTROOM ALTERATIONS**

Supr. Marshall said the Board received a quote for renovations to the Men's restroom, new flooring, paint, fixtures, sink unit, etc. The quote is \$9,811.00 from Malotte Contracting who also built the new front foyer last year. A motion is needed to accept the quote.

On a motion made by Councilman Strickland and seconded by Councilwoman Fuller the quote was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller and Strickland.

**APPROVE FRONT DOOR CAMERA INSTALLATION**

Supr. Marshall noted that at a staff meeting about the needs of the Town Hall, a security camera system was requested for the front door. There are grants available through the Justice Office and are not currently available. The installation would cost \$2,390.00 expense and sees no reason to wait for a grant. When the grants do become available, there may be something more necessary than that. Let's just move forward with the quote from SG Security.

Supr. Marshall noted that town employee Tracey Howe had gone out and gotten 3 quotes and SG Security was the most reasonable.

Councilman Strickland asked if this was monitored with a computer, phone?

Tracey Howe answered that both can be used, if someone is here at night, you can see if anyone is doing something nefarious or are in need.

Supr. Marshall said this will also help to see who is coming in the door during the day.

Councilwoman Fuller asked if this was a one-time fee or is there a monthly monitoring fee?

Tracey Howe answered that is a one-time fee, no monitoring fee.

On a motion made by Councilman Strickland and seconded by Councilwoman Fuller, the SG Security quote for the front door security camera for the amount of \$2,390.00 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller and Strickland.

Supr. Marshall said that we went into a "full-court press" for any type of information we could find in this building relative to fire-hydrants. To Tracey's credit, she had been involved in organizing files for a grant project, remembered seeing some things. Tracey went to the basement and found all kinds of documents that go back to 1972 and found what we were

SOUTH BRISTOL TOWN BOARD MEETING

February 12, 2024

looking for. At that time, Jonathan Heidrich had reached out to an insurance carrier and they had spelled out very clearly what would be required for Bristol Harbor Development to have fire protection. It included the appropriate piping and hydrants, how far apart the hydrants needed to be. It showed conversations with the Naples Fire Department back in 1972, it showed a resolution that was written and passed by the Zoning Board with conditions, including, No. 11, *the developer will prove to the Town of South Bristol that the fire hydrants and fire protections exists, etc.*

**VIII. REPORTS:**

**ASSESSOR**

Supr. Marshall read the Assessor's Report.

On a motion made by Councilwoman Fuller and seconded by Councilman Strickland the Assessor's Report for January 2024 ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller, and Strickland.

**CEO**

No Report.

**TOWN CLERK/TAX COLLECTION**

Supr. Marshall read the Town Clerk's Report.

On a motion made by Councilman Strickland and seconded by Councilwoman Fuller, the December 2023 and January 2024 Town Clerk's Report was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller and Strickland.

**IX. ACCOUNTING:**

**SUPERVISOR'S REPORT**

Supr. Marshall said there is no report, the accounting firm is working on the 2023 AUD Report.

**APPROVAL OF VOUCHERS**

On a motion made by Councilman Strickland and seconded by Councilwoman Fuller, Abstract of Vouchers, totaling \$352,147.92 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller and Strickland.

Supr. Marshall noted that a new Highway employee is finishing up a 6-month probation period and with 2 Highway employees out with illness and injury, we hire Paul Brahm on a full-time basis. Paul has applied for a job with another highway department; only because he has been told that his position was temporary.

Supt. Wight agreed, Paul is doing a good job.

On a motion made by Councilman Strickland and seconded by Councilwoman Fuller, the motion to hire Paul Brahm full-time at \$24.00 per hour was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Marshall, Fuller and Strickland.

**X. ADJOURN: 8:10pm**

SOUTH BRISTOL TOWN BOARD MEETING  
February 12, 2024

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk