

SOUTH BRISTOL TOWN BOARD SPECIAL MEETING
May 14, 2015

SPECIAL MEETING

The special meeting of the South Bristol Town Board was called to order May 14, 2015 at 6:01pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

Barbara Welch, Supervisor
Robert Cone, Councilman
Scott Wohlschlegel, Councilman

ABSENT

James Bachman, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight

LOCAL LAW #2-2015

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone, Local Law #2-2015 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Welch, Cone and Wohlschlegel.

RESOLUTION #24-2015

AUTHORIZING ADOPTION OF LOCAL LAW NO. 2 OF 2015

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 March 9, 2015, 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 entitled, "A Local Law Repealing Chapter 106 (Logging) of the Code of the Town of South Bristol and Adopting a New Chapter 106 (Local Timber Harvest Law) in Its Place"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on March 5, 2015 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 9, 2015, 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 SEQRA; 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 2015, entitled "A Local Law Repealing Chapter 106

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(Logging) of the Code of the Town of South Bristol and Adopting a New Chapter 106 (Local Timber Harvest Law) in Its Place”, 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, and be it further

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 May 14, 2015, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Barbara Welch	x	_____
Robert Cone	x	_____
Scott Wohlschlegel	x	_____

Dated: May 14, 2015

Judy Voss, Town Clerk

SEAL

FILING LOCAL LAW

New York State Department of State
41 State Street, Albany, NY 12231

(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. 2 of the year 2015

A local law "Repealing Chapter 106 (Logging) of the Code of the Town of South Bristol and Adopting a New Chapter 106 (Local Timber Harvest Law) in Its Place."

(Insert Title)

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

County

City

Town of South Bristol

as follows:

Village

SECTION 1. Chapter 106, Logging, of the Code of the Town of South Bristol is hereby deleted in its entirety and a new Chapter 106, Local Timber Harvesting Law, is hereby inserted in its place to read as follows:

LOCAL LAW #2-2015
CHAPTER 106
LOCAL TIMBER HARVESTING LAW

§106-1. Authority.

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This law is enacted pursuant to the authority granted under Section 10 of the Municipal Home Rule Law.

§106-2. Purposes.

The purpose of this law is to promote the general health, safety and welfare of the residents of the Town by protecting the natural environment as affected by timber harvesting. The Town recognizes that timber resources are of significant value and should be harvested. The Town also recognizes that if harvesting practices are carried out poorly, they can result in significant and direct environmental damage to land and water quality. This chapter requires the landowner, logger and his or her agent to be responsible for the implementation of the best management practices as outlined in this chapter.

§106-3. Conflict With Other Provisions.

Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or laws, the most restrictive shall govern.

§106-4. Definitions.

For the purpose of this Chapter, the following terms shall apply:

Agent. Any person, corporation, firm, partnership or other entity having written authorization from the owner of property for the purpose of representing the property owner in his or her dealings with the Town and its officers and certified by the property owners in writing, over his signature on the permit application form for this purpose. Examples of agents include but are not limited to loggers, foresters, family members, tenants and adjacent landowners.

Application. The act of the landowner and/or the landowner's agent, of submitting a completed permit information form to the Code Enforcement Officer, signed by the property owner and his agent (if applicable).

Best Management Practices. Devices and procedures to be considered and used as necessary to protect the values and functions of forested land during harvesting and during other forest management operations. The New York State Guidelines for Timber Harvesting and New York State Forestry BMP Field Guide, 2011 Edition, are reference examples of Best Management Practices.

Code Enforcement Officer. The official designated by the Town Board to enforce the provisions of this Chapter.

Commercial Timber Harvesting (Logging). The business of felling trees for commercial lumber and/or firewood production and/or sale other than:

A. Felling trees for firewood production for the personal use of the landowner or the immediate family members of such landowner fewer than twenty-five (25) standard cords within a twelve month period.

B. Production of saw lumber by the landowner for the personal use of the landowner or the immediate family members of such landowner of fewer than 10,000 board feet within a twelve month period.

Haul Roads. A constructed road of dirt and/or gravel utilized for moving cut trees from the point where they are loaded on a truck to exit from the site.

Landings. An open or cleared area used for loading logs onto trucks or used for any purpose such as storing logs or servicing equipment.

Logger. An individual, corporation, firm, partnership or other entity contracting with an owner of property in the Town for the purpose of commercial timber harvesting on said property, or an individual, corporation, firm, or partnership engaged in commercial timber harvesting on such property.

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Skid Trail. Temporary trail or rough road used to move a log from the place where it was cut to a pile or landing where it is loaded onto a truck.

Skidding. The act of dragging cut logs to a collection point for loading into a transport vehicle.

Standard Cord. Cut wood stacked four feet high by four feet wide by eight feet long. A standard cord is equivalent to 128 cubic feet.

Stream. A body of running water flowing continuously or intermittently in a defined channel with bed and banks on the ground surface. All streams regulated under this law will be identified on an official map for the town.

Top of Stream Bank. The first substantial break in slope between the edge of the bed of stream and the surrounding terrain. The top bank can either be a natural or constructed (i.e. road or railroad grade) feature lying generally parallel to the watercourse. The top of stream bank is associated with bank full flow conditions.

§106-5. Permit Requirements.

A. No person, firm, partnership, corporation or other entity (hereinafter referred to as “person”) shall engage in commercial timber harvesting as defined in this Law without a permit issued in accordance with Section 106-6 herein.

B. Any person desiring to engage in commercial timber harvesting in the Town shall file a timber harvesting permit application with the Town Code Enforcement Officer (CEO), together with payment of the permit fee in an amount, which shall be set from time to time by resolution of the Town. The application shall be signed by the owner of real property on which the activity will occur, as well as the logger or their respective designated agent.

C. A permit shall be issued by the Town CEO if the application demonstrates compliance with Section 106-6, Standard Operating Procedures, of this law. Compliance with said Section 106-6 shall be deemed to satisfy SEQR requirements under 6 NYCRR 617.

D. The Code Enforcement Officer shall have the right of entry to inspect, examine and survey all grounds affected by the timber harvest in order to verify adherence to the submitted plan/map. By signing the permit application, the property owner shall consent to the Code Enforcement Officer (CEO) entering the premises for inspection purposes related to the enforcement of this Chapter and shall further consent to the CEO bringing other persons onto the premises whom the CEO deems necessary to provide assistance in conducting such inspections, such persons to include, but not be limited to, the Canandaigua Lake Watershed Manager, the Canandaigua Lake Watershed Inspector, a representative from the Ontario County Soil and Water Conservation District and/or a licensed engineer.

§106-6. Standard Operating Procedures.

All commercial timber harvesting pursuant to this Chapter shall comply with the following standards:

A. In order to minimize erosion, no haul road or skid trail used by heavy equipment during the timber harvesting operation shall exceed a slope of 15% for a distance of more than 200 feet without reducing the slope below 15% or installing a practice recommended in the NYS Forestry BMP Field Guide to divert running water from haul roads and skid trails. Avoid placing haul roads or skid trails within a 50-foot setback distance from streambanks or other surface waters on slopes 15% or greater.

B. In order to minimize streambank erosion, there shall be no skidding up and down any stream channel. All logging slash and debris shall be promptly removed from any such channels, normally within two (2) days. There shall be no skidding on any public roads.

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C. In order to minimize streambank erosion, the applicants will be responsible for complying with all NYS Dept. of Environmental Conservation (DEC) and Army Corps of Engineers (ACOE) permitting requirements during stream and/or wetland crossings.

D. In order to maintain the integrity of streambanks and to shade streams, no harvesting shall be allowed within fifteen (15) feet of all streams. The 15-foot no harvest zone will be a slope distance measured from the immediate top of the stream bank. In cases where maintenance is necessary to cut trees that are tipping and exposing the stream bank to erosion, trees may be cut within the 15 foot no harvest zone with the stump and root system left in place to stabilize the bank area.

E. Landings shall not be in the public right of way and shall be properly graded to prevent sediment from washing into streams, public roads or drainage ditches along public roads.

F. Site reclamation shall be performed under the direction of the Code Enforcement Officer when site conditions allow either during or upon completion of the harvesting activity. The following shall be considered to complete site reclamation:

1. Haul roads, skid trails and landings shall have permanent erosion control and drainage structures installed. It is required that waterbars, dips, diversion ditches or other appropriate management structures be placed by the timber harvester based on the NYS Forestry BMP Field Guidelines to reduce erosion.

G. Seventy-two hours prior to the commencement of any logging operation, the applicant must contact the Town and County Highway Superintendents or their deputies in writing or by telephone.

H. It shall be the obligation of the logger to notify the Town Code Enforcement Officer in writing upon the completion of the timber harvesting operation. The Town Code Enforcement Officer may, at his/her discretion, inspect the site upon completion of the timber harvesting operation to determine if all reclamation efforts have been completed.

§106-7. Permit Application Procedure.

The Town CEO shall not accept for review any application, which does not contain the required information. The permit application package will include a basic application, a full application, a copy of this Chapter, and access to a "New York State Forestry Best Management Practices for Water Quality, Field Guide", 2011 edition, and other appropriate education materials.

A. The **Basic Timber Harvest Application** requires the following:

1. Names, signatures and addresses of landowner and his or her logger, forester and agent (if applicable). The landowner's signature on the application shall signify the landowner's consent to the Code Enforcement Officer (CEO) entering the premises for inspection purposes related to the enforcement of this Chapter and shall further permit the CEO to bring other persons onto the premises whom the CEO deems necessary to provide assistance in conducting such inspections, such persons to include, but not be limited to, the Canandaigua Lake Watershed Manager, the Canandaigua Lake Watershed Inspector, a representative from the Ontario County Soil and Water Conservation District and/or a licensed engineer.

2. Tax map number(s) of the property to be harvested.

3. Copy of a topographic map with property boundaries, haul roads, stream crossings, landing areas and area to be logged clearly marked.

4. Approximate dates of harvesting and approximate amount of timber to be harvested.

5. If, as a result of the Commercial Timber Harvesting operation, logs are to be transported on any public roads in the Town, then the company transporting the logs shall

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list the roads and provide a certificate of commercial vehicle insurance to the applicant. The applicant shall be responsible for providing a copy of the certificate to the Town and it will become part of the application form. Such insurance shall provide for a minimum of \$250,000/\$500,000 bodily injury and \$500,000 property damage or \$500,000 combined single limit. The Town of South Bristol shall be named as an additional insured on such certificate.

If the Town CEO determines that the basic application is complete and the area to be harvested does not have slopes exceeding 15% for more than 200 feet and no streams are present in or contiguous to the harvest area, the above steps will complete the information needed and the Town CEO will issue a permit within 5 business days of application receipt.

B. Full Timber Harvest Application:

If the harvest area has a slope greater than 15% for more than 200 feet or a stream is in the harvest area, then a full timber harvest plan will be required in addition to the basic application. In addition to the basic application, the Full Timber Harvest Application will require:

1. A description of the Best Management Practices applied to the harvest area pertaining to riparian areas, haul roads, skid trails and landings.
2. Submission of joint applications to the NYS DEC and US Army Corp of Engineers for permits for any stream crossing and wetland disturbances.

The Town CEO will have 10 business days from application receipt to determine if the full application is complete and issue a permit.

C. Notifications

The CEO will send a copy of all permit applications to NYSDEC Region #8 Office, Canandaigua Lake Watershed Manager (if in Canandaigua Lake Watershed), Ontario County Soil and Water Conservation District, and the Town Highway Superintendent/Ontario County Highway Commission/NYS Department Of Transportation.

The CEO shall mail written notice to each landowner of land abutting the property to be logged. Such notice shall be mailed by regular mail to each landowner at the address shown on the most recent tax assessment records of the Town. Such notice shall state the name of the owner and address of the property to be logged and the approximate date on which logging is to commence. Such notice shall be mailed within two business days of the receipt of a completed application by the CEO.

§106-8. Violations and Enforcement.

The owner, agent and logger of land where a violation of any provision of this Chapter has been committed or shall exist are all jointly and severally subject to the following enforcement action:

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Chapter. The Town may, at its sole discretion, designate a separate individual, to include but not limited to the Watershed Manager, Soil and Water Conservation District and/or a professional forester of the Town's choice, to review timber harvesting applications and make recommendations on permit authority to decide on permit acceptance and enforcement.

B. Upon notification by the CEO to the applicant of any violation hereunder, the timber harvesting permit granted to such applicant may be suspended and/or revoked. Upon suspension or revocation, as the case may be, all operations shall immediately cease, and the applicant shall take immediate steps to implement the actions necessary to come into compliance with the

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application and timber harvesting permit. Such suspension or revocation notice may contain conditions to be met to obtain reinstatement of the permit.

C. Any person violating any provision of this Chapter shall be guilty of an violation punishable by a fine not to exceed \$250.00 or imprisonment for a period not to exceed fifteen (15) days, or both. Each day's continued violation will be considered a separate and distinct offense. Such notice shall be in writing, signed by the CEO, and shall be served upon the person or persons at his or their address listed on the timber harvesting permit application.

D. Pursuant to 150.20 of the Criminal Procedure Law and in accordance with Section 10(4)(a) of the Municipal Home Rule Law, the CEO or other appropriate law enforcement official of the Town is hereby authorized to issue and serve appearance tickets with respect to any violation of this Chapter.

E. In addition to or as an alternative to the above provided penalties, the Town Board may also maintain an action in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction any violation of this Chapter.

§106-9. Appeals Procedure.

There may be situations where strict adherence to certain provisions of this law is impossible or impractical. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the CEO, to grant variances from the strict application of this law. Substantial variation from the law may fall outside of the scope of the Timber Harvesting Generic Environmental Impact statement thus requiring separate SEQR review.

§106-10. Liability.

Neither the issuance of a permit, nor the compliance with the provisions hereof or with any conditions imposed in the permit issued hereunder, shall relieve the permittee from the full responsibility for any damage whatsoever to other persons or property, nor impose any liability upon any officer, agent or employee of the Town for damage to persons or property.

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.

(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. 2 of 2015 of the Town of South Bristol was duly passed by the South Bristol Town Board on May 14, 2014, 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.)

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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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, 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.

Clerk of the Town
(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Attorney to the Town of South Bristol

Date: _____

**APPROVAL OF A LOCAL LAW AMENDING THE ZONING LAW REQUIREING SITE
PLAN REVIEW FOR ALL USES IN THE LAKE RESIDENTIAL AND THE STEEP
SLOPES LOW OF THE TOWN OF SOUTH BRISTOL**

On a motion made by Councilman Cone and seconded by Councilman Wohlschlegel, Local Law #3-2015 was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Welch, Cone and Wohlschlegel.

RESOLUTION NO. 25-2015

RESOLUTION AUTHORIZING ADOPTION OF LOCAL LAW NO. 3 OF 2015

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 March 9, 2015, 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 Amending the Zoning Law and the Steep Slopes Law of the Town of South Bristol" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on March 5, 2015 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 9, 2015, 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 SEQRA; 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. 3 of 2015, entitled "A Local Law Amending the Zoning Law and the Steep Slopes Law of the Town of South Bristol", 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

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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, and be it further

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 May 14, 2015, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Barbara Welch	<u>x</u>	<u> </u>
Robert Cone	<u>x</u>	<u> </u>
Scott Wohlschlegel	<u>x</u>	<u> </u>

Dated: May 14, 2015

Judy Voss, Town Clerk

SEAL

LOCAL LAW #3-2015

FILING LOCAL LAW

New York State Department Tax of State
41 State Street, Albany, NY 12231

(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. 3 of the year 2015

A local law “Amend the Zoning Law and to the Subdivision of Land Law of the Town of South Bristol”

(Insert Title)

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

County
City
Town of South Bristol
Village

as follows:

SECTION 1. Subsection (17) of Paragraph E. of Section 170-22 (Intent) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Subsection (17) is inserted in its place to read as follows:

(17) All uses in the I-1, LC, LR and PD Districts, including uses not requiring a zoning/building permit.

SECTION 2. Subsection (3) of Paragraph A. of Section 170-94 (Site Plan Review) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Subsection (3) is inserted in its place to read as follows:

(3) All uses in the I-1, LC, LR and PD Districts, including uses not requiring a zoning/building permit.

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SECTION 3. Paragraph B. of Section 148-7 (Application Procedure) of the Steep Slopes Law of the Town of South Bristol is hereby deleted and a new Paragraph B. is inserted in its place to read as follows:

B. The applicant shall sign a steep slopes permit application and submit such application to the Code Enforcement Officer. The applicant's signature on the application shall signify the applicant's consent to the Code Enforcement Officer (CEO) entering the premises for inspection purposes related to the enforcement of this Chapter and shall further permit the CEO to bring other persons onto the premises whom the CEO deems necessary to provide assistance in conducting such inspections, such persons to include, but not be limited to, the Canandaigua Lake Watershed Manager, the Canandaigua Lake Watershed Inspector, a representative from the Ontario County Soil and Water Conservation District and/or a licensed engineer.

SECTION 4. Paragraphs C. and D. of Section 148-10 (Code Enforcement Officer responsibilities and procedures) of the Steep Slopes Law of the Town of South Bristol are hereby deleted and new Paragraphs C. and D. are inserted in their place to read as follows:

C. If a permit is required and the applicant submits a signed application per § 148-7 and a plan per § 148-8, the Code Enforcement Officer shall issue the permit and file the plan and the application form.

D. The Code Enforcement Officer shall have the right of entry to inspect in order to verify adherence to the submitted plan. By signing the permit application or letter, the property owner shall consent to the Code Enforcement Officer (CEO) entering the premises for inspection purposes related to the enforcement of this Chapter and shall further consent to the CEO bringing other persons onto the premises whom the CEO deems necessary to provide assistance in conducting such inspections, such persons to include, but not be limited to, the Canandaigua Lake Watershed Manager, the Canandaigua Lake Watershed Inspector, a representative from the Ontario County Soil and Water Conservation District and/or a licensed engineer.

SECTION 5. 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 6. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 3 of 2015 of the Town of South Bristol was duly passed by the South Bristol Town Board on May 14, 2015, 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 Officer².)

² 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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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, 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.

Clerk of the Town
(Seal)

Date: _____

SOUTH BRISTOL TOWN BOARD SPECIAL MEETING

May 14, 2015

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK

COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Attorney to the Town of South Bristol

Date: _____

REVIEW/APPROVAL OF MEO CANDIDATE

Supt. Wight noted that he did speak with the Highway Superintendent of Honeoye Falls and found that the job applicant was not going to benefit the Town and has another applicant he would like to hire. The second applicant that Supt. Wight would like Board approval to hire is the brother of a highway employee. The new employee would be the garbage hauler for the Town and will also run equipment and do roadwork, etc.

Councilman Wohlschlegel asked if the employee handbook allows relatives to be hired. Supt. Wight said that the handbook states “a blood relative cannot be under the direct supervision.” Supr. Welch read from the Employee’s Handbook.

Supr. Welch asked about wages. Supt. Wight said he would like to pay the new employee his current rate of \$17.50.

On a motion made Councilman Wohlschlegel to accept William Caves as Highway MEO employee for the Town of South Bristol Highway Dept., effective as soon as possible, at a wage of \$17.50 per hour, and seconded by Councilman Cone was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Welch, Cone and Wohlschlegel.

ACCOUNTING

Supr. Welch noted that the bookkeeper had given the Board members a packet that included 2014 balance sheets. Supr. Welch asked the Board if they would like the Supervisor’s report in full for 2014. Supr. Welch said the process of closing the books for 2014 and filing the state AUD report and opening the books for 2015 should be ready in 2 weeks.

EXECUTIVE SESSION

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone, the Board moved into Executive Session to discuss collective negotiations pursuant to article fourteen of the civil service law and the employment history of a particular employee was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Welch, Cone and Wohlschlegel.

The Board moved into Executive Session at 6:30pm.

The Board moved out of Executive Session at 7:15pm by a motion made by Councilman Wohlschlegel and seconded by Councilman Cone.

Adjourn 7:15pm

SOUTH BRISTOL TOWN BOARD SPECIAL MEETING
May 14, 2015

Respectfully Submitted,

Judy Voss
Town Clerk