

SOUTH BRISTOL TOWN BOARD MEETING

April 9, 2024

**REGULAR MEETING**

The Regular meeting of the South Bristol Town Board was called to order April 9, 2024 at 7:00pm.

**PRESENT**

Daniel Marshall, Supervisor  
Meg Fuller, Councilwoman  
Jim Strickland, Councilman  
Stephen Cowley, Councilman  
Scott Wohlschlegel, Councilman

**RECORDING SECRETARY**

Judy Voss, Town Clerk

**OTHERS**

Kevin Stahl. Online: Ann Jacobs, Jonathan Heidrich and David Whitaker

**I. ROLL CALL**

Supr. Marshall opened the meeting with roll call.

**II. APPROVAL OF MINUTES**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, the minutes of the March 11, 2024 Regular Town Board Minutes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

**III. PLEDGE OF ALLEGIANCE**

**IV. PRIVILEGE OF THE FLOOR**

**V. COMMITTEE REPORTS:**

**HIGHWAY**

Councilman Cowley read the March Highway Report:

Here's a brief summary of events at the Highway Dept. in the last month.

- We have been busy cutting brush/ trimming roadsides back over in Gulick, West Gulick, Mosher and McGary Roads.
- Starting to remove plow equipment and prep summer construction equipment for the season.
- I would like to address hiring another part time to full time position soon, especially if we are going to mow County roads this summer.

Thank you all for your time.

Jim Wight

Town of South Bristol Highway Superintendent.

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**FINANCE**

Supr. Marshall noted that a CD with Canandaigua National Bank was renewed, current balance today is \$628,822.30 at 5.12%. The funds with NY Class has \$2,474,000.00 and has earned interest today of \$27,999.00.

**VI. OLD BUSINESS:**

**VII. NEW BUSINESS:**

Supr. Marshall noted that Rick Hawks has been a member of our Board of Assessment Review for 40 years; he started in 1983 and he is no longer on the Board. We have 2 residents that have signed up for the BAR and will attend training at the end of the month. It is appropriate to submit a Resolution of Appreciation for Mr. Hawks for his many years of service.

**RESOLUTION OF APPRECIATION – RICK HAWKS**

On a motion made by Councilman Strickland and seconded by Councilwoman Fuller Resolution No. 28-2024 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

**RESOLUTION NO. 28-2024**

**RESOLUTION OF APPRECIATION FOR RICHARD H. HAWKS, JR. BOARD OF ASSESSMENT REVIEW MEMBER**

**WHEREAS**, On March 19, 1983, Richard H. Hawks, Jr. was appointed by the South Bristol Town Board to serve as a member of the Board of Assessment Review; and

**WHEREAS**, a high personal responsibility rests on the Board of Assessment Review members to guarantee taxpayers’ rights by hearing real property assessment grievances and arriving at fair and impartial determinations regarding those complaints; and

**WHEREAS**, Rick faithfully discharged his duties as a member, and many years as the chairman, of the Board of Assessment Review from March 19, 1983 through September 30, 2022; and

**NOW, THEREFORE BE IT RESOLVED**, that the South Bristol Town Board, on behalf of the residents of South Bristol, extends its sincere appreciation to Richard H. Hawks, Jr. for his dedicated years of service; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution, suitably embossed with the Town Seal, be presented to Richard H. Hawks, Jr.

**BLIGHTED PROPERTY LEGISLATION**

Supr. Marshall noted that Clerk Voss provided samples from other Towns of a Blighted Property local law and raised the question, should we be doing something? The first question that comes to mind is what is the definition of “Blighted?”

Planning Board Chair, Kevin Stahl, asked if the Town Board wants to define “blighted” or the Planning Board?

Supr. Marshall that the Boards will want to talk about it jointly at some point. Is it more than 3 cars in the yard, or the grass hasn’t been mowed blight?

Councilman Cowley said the information they received is about abandoned or vacant properties.

Mr. Stahl asked if this is something the Town Board has been wanting to do, or is it the residents that want it? Is the County or State pushing it?

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Supr. Marshall agreed and asked the Board what they think about the legislation. Do we have enough properties in Town that are detrimental to the residents, to the neighbors, are they unsafe, are they causing an issue with neighbors, are they habitual, are they abandoned? As I drive around Town I see some properties that I would think ought to be looked at. What do the rest of you think? That is why we are having this conversation.

Councilman Strickland said that there are properties where people are living that are a problem, and we do have some laws pertaining to that but has it gone far enough?

Supr. Marshall said it is also time for us to have a conversation with our Code Enforcement Officers to see if someone should be driving around town checking on things like this. I know that they have sent letters to a couple of individuals but I don't know that I got any resolution. Again, if everyone here says everything is fine we will walk away from it. I am questioning that; I think there are properties that warrant a look.

Councilman Wohlschlegel said he thinks you would need some clear criteria set forth in this and think you could be real picky with it or you could start picking on people that really shouldn't be.

Councilman Strickland agreed and said you can't be general.

Councilman Wohlschlegel said that he is a little bit on the government over-reach and this is at a local level and you are going to reach into someone's property and say clean this up. Where is the line drawn?

Councilwoman Fuller agreed and feels a little bit that way too. I came to live here because I wanted to be in a rural environment and have a hard time with so much Code that it takes away from that; I also want to think about it. When this conversation came up, I thought about the Comprehensive Plan and our Vision Statement and it goes both ways. *"As stewards of both the land and the lake, we will preserve and protect our safe, clean, naturally beautiful, rural and scenic environment."* One side, some of these properties I know that we are talking about are not really inline with that, but the same point, I don't know if I want to over-regulate.

Councilman Strickland said it comes down to, personally, when a property degrades the adjacent properties, home and land as far as the value. They are being taxed at a certain value and yet, who is going to buy this property when right next door is a mess? You are still taxing them at the same rate. I can see your point but I also think you have to have something there to back it up.

Clerk Voss said that when Phil Sommers was the CEO his main concern was getting the emergency services in the properties safely.

Councilwoman Fuller asked if the issue is that the current Code is not enough? Would adding another definition to the Code give us an ability to do something different? Or will we be running into the same issues that we are running into now? I think some of these properties, based on what I have been reading, are all ready in violation of certain parts of our Town Code. So would be adding more Town Code be helpful?

Supr. Marshall said the one thing we need to be clear of is we have to be consistent. With that, I mean, if we find one piece of property that is just ridiculously out of control, and try to site them, other properties better be sited as well. At least enough strength to protect ourselves.

Clerk Voss mentioned that the workable process of the Code Enforcement; basically they won't act unless they receive a signed complaint from a resident. Not many people are willing to sign their name to a complaint; it is the process that needs to be put in place that everybody can work with. Part of that process in the Town Code involves the Town Board, so are you

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comfortable with becoming the Health Board. It is the whole process where everyone is comfortable with it going forward.

Clerk Voss continued, that these homes that are in such bad shape harbor rats and more than one of them have had the neighbors having to deal with rats. The Code should also include rat abatement in its clean-up of derelict properties.

Supr. Marshall noted that anyone that is complaining about rats, then certainly the Town Code Enforcement Officer should take action; that is a health safety issue.

Councilman Strickland noted that we are not in a position to fine or penalize people, to an extent that is ridiculous, that we have them drive around and if they see that there is disrepair then it is up to them to contact those homeowners and let them know they are in violation. Then the neighbor doesn't have to turn them in.

Supr. Marshall asked Mr. Stahl to reach out to his Board and ask them as a general question if they think there is a need for this law?

Mr. Stahl agreed, the idea that people that move out into the country buy some land and turn it into a junkyard. It is a place they can throw junk; on the other hand, you have lived here all their life and may be poor but that doesn't mean they have to be a slob. I don't know if I would leave it up to somebody filing a complaint; I think you need to look around and have them come to a Town meeting and say that we'd like to get this cleaned up and we are willing to give you a hand. What can we do to solve this? You might find some residents willing to participate.

Councilman Wohlschlegel said that is fine, but he knows a few farmers around that if you look in the hedgerow they have a lot of junk laying around. Where is it you stop, do you go past someone's vineyard and take a look down there? You need some criteria set that isn't over punitive.

Councilman Strickland agreed, and is that something you want to get in to? We do want to address the problem because it creates more problems down the road.

Supt. Wight asked, does the Town not have a Uniform Commercial Code? Enforce it. You are responsible for the maintenance of your own property. People do it because they have been getting away with it for years and years.

Supr. Marshall noted that letters have been sent to other properties but don't know about the follow-up; we will have that conversation.

Supr. Marshall asked Mr. Stahl to have that conversation with the Planning Board noting that this was discussed at the Town Board meeting.

Mr. Stahl said the meeting is next Wednesday and will have the Board discuss this and asked the Board to attend.

Councilman Cowley said when he read this, he thought of the home that was cited on Route 64 and knows that the Code Office struggled to find something that they could go in on. The Blight law that is proposed would have been appropriate for that property.

### **FEE SCHEDULE**

Supr. Marshall mentioned that the Fee Schedule needs some language changed than a dollar amount change. The Inspection Fee for Code Enforcement Office and Fire Marshall Review used to be \$30.00 per hour and that amount needs to reflect the new rates. The language will be changed to "*The currant rate as charged by the Town.*" Which will be the hourly salary rate of the Code Enforcement Officer at any given time.

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On a motion made by Councilman Cowley and seconded by Councilman Strickland, the Fee Schedule language change was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

### **REPORTS** **ASSESSOR**

Councilman Cowley read the Assessor's Report.

On a motion made by Councilman Strickland and seconded by Councilman Cowley, the Assessor's Report for March 2024 ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

### **CEO**

Supr. Marshall read the CEO Report for March.

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel the CEO Reports for March were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

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

Councilman Cowley read the Town Clerk's Report.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the March 2024 Town Clerk's Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

Supr. Marshall asked Supt. Wight if he wanted to discuss about part-time help.

Supt. Wight said when he started working for the Town 15 years ago there were 9 employees and over the years a number of employees retired that were not replaced, there are now 2 employees out for health reasons, we do need someone this summer to help out with mowing the roads and roadwork. One employee hauls garbage 2 days a week; the tipping fees for the landfill are going up to \$42.05 per ton. We need to look at our schedule of fees because the Town does not make money at the Transfer Station. Trying to break even would be nice.

Supr. Marshall said if you compared costs with other Towns, ours is a hell of a deal.

Supt. Wight said the Town of Naples has been privatized and pay per pound. Between that and what we are asking residents to pay for Construction & Demolition we need to think about adjusting accordingly.

Councilman Cowley said Richmond also weighs the garbage.

Clerk Voss noted that a friend paid \$7.00 for one bag of garbage at the Naples Transfer Station.

Supt. Wight received a call from someone in Bloomfield asking about our Transfer Station who also said they were told that South Bristol accepts garbage from everyone.

Supr. Marshall said we have had this same conversation over the years and paying by the pound is just another set of problems for the employees at the Transfer Station. The other question is if they know everyone that comes into the Transfer Station.

Supr. Marshall noted that he has seen someone coming from behind the Highway Barn on a Saturday or Sunday. Obviously throwing something in the dumpster back there.

Supt. Wight said you can put signs up everywhere until you are blue in the face; there needs to be security cameras installed at the Highway Department and the Transfer Station. The

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Transfer Station is open all summer long as we are in and out of there hauling stone, culvert pipes, etc., and have thrown people out of there all the time. They are there during off hours because the gates are open.

Supt. Wight said that back to the point of hiring another employee for the Highway Dept. sooner is better and the mowing season is approaching quickly.

Supr. Marhsall said to contact the County to open the position.

Discussion.

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

Supr. Marshall read the Executive Summary for March 2024. As of March 31<sup>st</sup>, there is \$3,955,168.00 in the bank; receipts for the month \$205,000.00, CHIPS money received for Pave NY \$187,000.00. Expenses through March should average 25% of the annual budget and currently at 20% of the annual budget. Under the Highway, we are at 15.24% of the annual budget.

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel the February and March Executive Summary was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

**APPROVAL OF VOUCHERS**

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Abstract of Vouchers, totaling \$44,270.86 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

**EXECUTIVE SESSION**

Supr. Marshall asked for a motion to move into Executive Session to discuss personnel matters.

On a motion to move into Executive Session made by Councilman Wohlschlegel and seconded by Councilwoman Fuller was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

The Board moved into Executive Session at 7:58pm.

The Board came out of Executive Session at 8:26pm with No Action.

**X. ADJOURN: 8:26pm**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk