

SOUTH BRISTOL TOWN BOARD MEETING

May 13, 2024

REGULAR MEETING

The Regular meeting of the South Bristol Town Board was called to order May 13, 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

David Bovee, Ann Marie Rotter, Dawn Stone, David Bowen, Chuck Ryan, Joe Ryan, Tracey Howe, Ashley Christoff, Jeremy Fields, Cathy Fields, Marie McNabb, Sandy McNabb
Online: David Whitaker, et al

I. ROLL CALL

Supr. Marshall opened the meeting with roll call.

Supr. Marshall noted that prior to tonight's meeting the Board had an Executive Session to discuss potential litigation situation and to also discuss potential real estate opportunity. The outcome of that meeting will be discussed later on.

II. APPROVAL OF MINUTES

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, the minutes of the April 9, 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

John Thompson of South Gannett Hill Road, said he was here tonight about the real estate that the Town is interested in. I think the way it has been handled has been deceitful, underhanded. I know you say it is not public yet, I think it is relevant that the interested party came and talked to you and you said that it was a done deal all ready. You told him not to be here tonight, so I think that is pretty nasty. The way it seemed to be going down it doesn't seem right, I'm getting one side of the story and would like to hear more. It is not a good business venture, it's pretty expensive for 3 acres of woodland. Don't know what you are going to do with the house, tear it down, and more expense. If you don't tear it down, and renovate that is more expense, it will be off the tax rolls, when someone else wants to buy it and make a home for himself. I guess that is where I am headed.

SOUTH BRISTOL TOWN BOARD MEETING

May 13, 2024

David Bovee of State Route 64, next to Bob & Robin the rat-infested condemned home that this Town has yet to act on. That is not why I am here; I am here along with John and others. It is a little bit premature; I understand that you still have a process to go through with a potential purchase. The future investment, because that is what it would be, and that the Town does have a policy for investments that as fiduciaries of the residents in the Town of South Bristol, I am just cautioning you on possibly making that investment based on what was written in this policy. "All participants in the investment process shall seek to act responsibly as custodians of the Public trust and shall avoid any transaction that might impair public confidence in the Town Board to govern effectively." I caution you to act in the best interest of the residents of the Town of South Bristol.

Ann Marie Rotter of Route 64, former Planning Board member in good standing, I am looking for responses to the protocol and process for doing any kind of activity that enhances the Comprehensive Plan in the community of South Bristol. We just got the agenda this morning and thought that was a little delayed and would like to see it available a few more days prior in the future. I am looking for a reason why the Town would purchase the property with taxpayer money and feel we are experiencing housing shortages, not only here, but across the country. I want to know what the benefit is to the taxpayer to own a piece of property of this nature.

Tracey Howe of County Road 12 spoke to the real estate purchase and as a resident, I know sometimes what looks good on a map, we need to take step back and make sure it looks for everybody else.

Chuck Ryan of Shore Drive, said he regrets having to appear before you tonight on this issue, and read his statement: My name is Chuck Ryan, 5689 Shore Drive, which has been in our family for over 50 years. My wife Jennie, and I need your help. I am attending tonight's meeting because our immediate neighbor at 5687 Shore Drive, owned by Cartwright Farms LLC, has turned the property into a junkyard and we, respectfully, demand that the Town take action as soon as possible.

Shore Drive provides shared access to our home and the two owned by Cartwright Farms or affiliates. Since the transfer of title on August 27, 2020, 5687 Shore Drive and the adjoining property to the west on which the owner built a new home, has been an eyesore and health hazard. While the new home itself is beautiful, the area is strewn with construction supplies and equipment, demolition and scrap material, downed chain link fencing, large, corrugated drainpipes, multiple types of the same equipment (e.g., skid steers, mini-excavators), an omnipresent port-a-john and 30-yard dumpster on our property line, etc., etc. (Please see photos of May 11, 2024, enclosed with this letter). Crows, raccoons, and rats gravitate to the dumpster and on to our property along with the garbage.

The site has become a multi-year storage area for material and equipment that has had little or no use during construction on the site. A former Navy amphibious craft is the most egregious example.

Hearing more work contemplated, Jennie and I met with Cathy and Jeremy Fields last year with hopes of amicably getting their cooperation to clean up the waste and unnecessary material and equipment. If anything, it has gotten worse.

We have brought the situation to the attention of CEO Martin and appreciate his efforts. Unfortunately, the owner does not comply. It is time for the Town Board to get involved.

SOUTH BRISTOL TOWN BOARD MEETING

May 13, 2024

Towns are compelled to enforce the NYS Property Maintenance Code (for example, Section 308: “Rubbish and Garbage”). That has not happened. We would prefer not to retain legal counsel to force the Town to protect our interests but have no qualms about doing so.

Visitors and our family must drive by this eyesore every time we enter our property. It is disrespectful to us as neighbors, a violation of Lake Residential zoning, and an embarrassment to South Bristol and Ontario County.

We ask that each Town Board member please visit the site. The photos do not do it justice.

Regarding the newly built – but not completed – homes, we ask that a Stop Work Order be issued and that the expired Building Permit and expired Temporary Certificate of Occupancy not be extended or re-issued until such time as the area is cleaned up.

If/when the Stop Work Order is lifted, and the building Permit and C of O are in effect, we ask that they are conditioned upon the property being maintained and the aforementioned materials and equipment to not re-appear.

Respectfully, the Code needs updating for construction sites and more enforcement tools.

We have done all we can, at considerable time and expense, installing a privacy fence and a landscape buffer. That was first prompted by our new neighbor removing large arbs buffering our properties shortly after closing in 2020 (which we believe were, in fact, on our property).

There were issues with Short-term Rentals and the Town Board listened and acted. We trust it will do the same here not just for our benefit, but for that of all South Bristol citizens in similar situations. Hopefully, we are all on the same team in our desire to resolve this issue ASAP.

Thank you for your consideration in this matter.

Sincerely, Charles F. Ryan II

Mr. Ryan handed out 5 copies for the Town Board members along with photos.

Clerk Voss said Mrs. Jennie Ryan sent an email with a statement to be read into the record:

Dear Supervisor Marshall and Town Board,

I am writing this as a follow up to my husband’s letter and remarks as submitted. I regret that I am out of town and unable to be present at this meeting. I have to believe you’re all aware that there is a serious situation adjacent to our home. I would encourage all of you to visit as soon as possible so that we can work towards getting this rectified. The owner, unlike most people, has the equipment, resources, and offsite locations to clean up this property thoroughly within a week and prior to the beginning of the summer lake season. I am asking that you enforce every possible town code, and if it does not exist, to make the necessary changes in the lake residential code - as soon as possible- so that it will not continue for us and can never happen to anyone else. You cannot legislate common sense and decency, so you’re left with constructing a rigid code for waterfront properties. Please feel free to open our gate and look at the extensive and expensive landscaping that we’ve put all along the fence. Ideally, in a few years, the fence will not be visible.

Thanks for your support and understanding.

Sincerely,

Jennie M. Ryan

SOUTH BRISTOL TOWN BOARD MEETING

May 13, 2024

Supr. Marshall said we will obviously be discussing this with Code Enforcement as soon as possible. Relative to Shore Drive, I have always considered Shore Drive as private so I have never on my own to drive down there.

Councilman Cowley said, I am asking permission to trespass.

Mr. Ryan said, Permission Granted.

Supr. Marshall, said he considered it a private drive.

V. COMMITTEE REPORTS:

HIGHWAY

Councilman Cowley read the March Highway Report:

Following is the Highway report for the last month of events at the Town Barns.

- Busy mowing Town properties
- Preparing to start mowing roadsides
- Ditching and tree cleanup on Mosher Rd.
- Prepping Mosher Road for milling and paving in June
- Spraying weed control where needed guide rails, sign posts etc..

Thank you all for your time,

Jim Wight

Town of South Bristol Highway Superintendent

Supt. Wight said he has a candidate for the highway position that we should discuss. It is a Town resident and working for a different town.

Supr. Marshall noted that there is a full-time position and a part-time position, this is for the full time position?

Supt. Wight agreed, this is for the full-time position. The part-time position would be a summer position, mowing roadsides, construction zone flagging.

Councilman Wohlschlegel said the Highway did a wonderful job cleaning the roadsides, chopping back but there is a lot of debris in the ditches and asked if they were going to be picking up that debris. The culvert pipes on Gulick are plugged up as well.

Supt. Wight agreed, we need to go the length of Gulick, we are aware of it. As soon as we get Mosher Road ready for milling and paving we will be right down.

Councilman Cowley asked about the proposed sticker for the Transfer Station.

Supr. Marshall explained that we are going to require from anyone using the Transfer Station that the resident have a Town issued sticker on their car for identification.

Supt. Wight said it is an added effort to control what comes into the Transfer Station.

Clerk Voss said the proof just came in and displayed it on the screen for everyone.

Discussion.

Supt. Wight noted that the Board also needs to consider the Construction and Demolition fees. People are bringing truck loads and truck loads to the CD. Recently a deck was came in there via 3 truckloads, with a CD ticket. The big over-flow 40-yard dumpster was almost full, the outside CD was full and the inside CD was full, all in 1 ½ days. We need to have the stickers for ID and raise the fees.

Supr. Marshall asked for a price on the sticker.

Clerk Voss said the quote said \$1.17 per sticker as well as a set up fee for the design; \$585.00 for 500 stickers.

Supr. Marshall asked for a motion to approve the design of the sticker.

SOUTH BRISTOL TOWN BOARD MEETING

May 13, 2024

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the design for the Transfer Station Sticker was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

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

FINANCE

Supr. Marshall reported that the 2023 AUD Report (Annual Update Document) was filed with the NYS Comptroller's Office as required.

VI. OLD BUSINESS:

VII. NEW BUSINESS:

RESOLUTION TO APPROVE JUSTICE AUDIT

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Fuller, Resolution No. 29-2024 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

RESOLUTION NO. 29-2024

WHEREAS, the Uniform Justice Court Act requires towns to annually audit the books of their Justice, and

WHEREAS, the Town of South Bristol has completed its required audit for the year 2023, and

WHEREAS, the Town is satisfied that the books of the Justice are in order and need no further action, and

WHEREAS, the Uniform Justice Court Act requires a Resolution from the Town confirming the audit has been received and approved by the Board, now therefore be it

RESOLVED, that the Justice Audit has been reviewed and accepted by the Town Board, and

RESOLVED, that a copy of this Resolution be sent to the Unified Court System with a copy of the Audit attached.

RESOLUTION OF APPRECIATION – L HENRY SAVAGE

RESOLUTION OF APPRECIATION – ROBERT SPADA

Supr. Marshall read the resolution.

On a motion made by Councilman Cowley and seconded by Councilwoman Fuller, Resolution No. 30-2024 and 31-2024 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

RESOLUTION NO. 30-2024

RESOLUTION OF APPRECIATION

L HENRY SAVAGE

BOARD OF ASSESSMENT REVIEW MEMBER

WHEREAS, On August 9, 2005, L. Henry Savage 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 complaints (grievances) and arriving at fair and impartial determinations regarding those complaints; and

SOUTH BRISTOL TOWN BOARD MEETING

May 13, 2024

WHEREAS, Henry faithfully discharged his duties as a member, and several years as the chairman, of the Board of Assessment Review from August 9, 2005 through September 30, 2021; 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 L. Henry Savage 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 L. Henry Savage.

**RESOLUTION NO. 31-2024
RESOLUTION OF APPRECIATION
ROBERT J. SPADA**

BOARD OF ASSESSMENT REVIEW MEMBER

WHEREAS, On January 8, 2013, Robert J. Spada 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 complaints (grievances) and arriving at fair and impartial determinations regarding those complaints; and

WHEREAS, Robert faithfully discharged his duties as a member of the Board of Assessment Review from January 8, 2013 through September 30, 2023; 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 Robert J. Spada 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 Robert J. Spada.

REAL ESTATE PURCHASE

Supr. Marshall said that there is a property for sale on State Route 64 owned by the Estate of Owen Vest. The reason the Town is interested in the property was that we own the property on the north side of that piece of land and to the south side of the piece of land. It abuts the Town Hall property. The land is 3.5 acres and the purchase price is \$55,000.00. There is no plan for the property but this is an opportunity because it adjoins to the Town properties. Not a bad thing to do. We had some discussion about the terms and whatever of this particular transaction in Executive Session, which is our right to do, and we came up to a conclusion. There was some discussion as to whether or not a Permissive Referendum was required. According to our Town Attorney, given the way it is going to be purchased, the answer was no, a Permissive Referendum was not required. But, on the other hand, I do recall having purchased the property for Founder's Cemetery and that was a Permissive Referendum at that time. The Board's feeling was that whether or not it is necessary, we would suggest that a Permissive Referendum be put in place prior to actually purchasing it. We do have a purchase offer available that could be signed but the general discussion was that this is a better approach. I take exception to the comment earlier that this was deceitful, it was not, we have discussed this openly in the Town Hall. The opportunity did not occur prior to the last Town Board meeting, it has only occurred in the last week. The Permissive Referendum allows the Town residents to submit a petition requesting that the Town Board do a vote of the Town residents. We have done Permissive Referendum's in the past and have never had a response. When the Highway Barn was built, a Permissive

SOUTH BRISTOL TOWN BOARD MEETING

May 13, 2024

Referendum was required and never had a response. There are no plans for the property other than the fact that it would join two pieces that the Town already owns. That would be the purpose.

Councilman Wohlschlegel said that he summed it up and said he does believe the community should have input. This gives them the opportunity to do so and the right way to do it.

Councilman Cowley said he found out about the property two weeks ago and called the owner last week. We were the first to call so they gave us the opportunity.

Supr. Marshall said he wanted to emphasize again that he did reach out to the Town Attorney, asked about the need for a Referendum and was told that at this point, it wasn't necessary.

REPORTS
ASSESSOR

Councilman Cowley read the Assessor's Report.

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

CEO

Councilman Cowley read the CEO Report.

On a motion made by Councilman Cowley and seconded by Councilman Strickland the CEO Reports for April 2024 were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

TOWN CLERK/TAX COLLECTION

Supr. Marshall read the Town Clerk's Report.

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

IX. ACCOUNTING:
SUPERVISOR'S REPORT

Supr. Marshall read the Executive Summary for April 2024. As of April 30th, there is \$4,223,886.00 in the bank. Total receipts for the month were 414,367.00 the vast majority of that is the 1st quarter sales tax which was \$391,160.00 down 2% from the same time last year. Sales tax revenue is starting to slow. Town Clerk fees of \$3,264.55 and collected \$19,011.00 in interest. Expenses in April should equal 33.32% of the annual budget and the A Fund is at 25% and the Highway is at 19%.

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

SOUTH BRISTOL TOWN BOARD MEETING

May 13, 2024

APPROVAL OF VOUCHERS

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Abstract of Vouchers, totaling \$68,981.49 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

Clerk Voss told the Board she sent Cooper Farms to the Overlook so they could get an estimate as to the work needed to be done there. The owner called and said that the site is in dire need of repair, it's a lot of work and asked the Board for input.

Supt. Wight agreed and stated it is not maintenance friendly, the rails are starting to fall apart, there hasn't been any work since it was built, 2005. Supt. Wight continued, stating he would take all the pavers out, stamp crete the lot and remove the landscaping rock.

Councilman Strickland noted that he had a meeting with Cooper Farms, Nick Calvetti, and discussed the work around here and from here on in, other than general maintenance, if anything else needs to be done outside of that, he has to contact him first with an estimate of the cost.

APPOINTMENT OF TOWN JUSTICE

Tracey Howe thanked the Board for being appointed Town Justice. She informed the Board that an appointment to the Town Justice is necessary tonight as she will take the bench this week.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, to appoint Tracey Howe as South Bristol Justice, Resolution No. 32-2024 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Strickland, Cowley, Fuller and Wohlschlegel.

**RESOLUTION NO. 32-2024
RESOLUTION OF APPOINTMENT
FOR
SOUTH BRISTOL TOWN JUSTICE**

WHEREAS, on April 1, 2024, William J. Welch, Jr. submitted a letter to the Town of South Bristol announcing his retirement as Town Justice effective July 1, 2024, and

WHEREAS, the Town of South Bristol is forever grateful to Judge Welch for his dedication and years of service to the Town and wishes him well in his retirement.

WHEREAS, the Town of South Bristol now needs to appoint a Town Justice to continue the duties of the Court for the Town of South Bristol, and

WHEREAS, the South Bristol Court Clerk, Tracey Howe, has offered to fill the position at this time for the South Bristol Town Justice and is taking the necessary training with New York State Courts as required; and

NOW, THEREFORE BE IT RESOLVED, that the South Bristol Town Board, on behalf of the residents of South Bristol, duly appoint Tracey Howe as the South Bristol Town Justice for the term beginning May 13, 2024 and ending December 31, 2024.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution, suitably embossed with the Town Seal, be presented to the New York State Court System.

X. ADJOURN: 8:01pm

Respectfully submitted:

SOUTH BRISTOL TOWN BOARD MEETING
May 13, 2024

Judy Voss
South Bristol Town Clerk