

## SOUTH BRISTOL TOWN BOARD MEETING

September 8, 2025

### **REGULAR MEETING**

The Regular meeting of the South Bristol Town Board was called to order September 8, 2025 at 7:20pm.

### **PRESENT**

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

### **ABSENT**

Scott Wohlschlegel, Councilman

### **RECORDING SECRETARY**

Judy Voss, Town Clerk

### **OTHERS**

Jim Wight, Scott Trumbower, Jeff Hall, Jason Inda, Martha McIntyre, Keith McIntyre, Gloria Harrington, Ginny Lalka, Karin Thack, Pat & Jen Solomon, Peter Rees, Adrianna Kreuter, Nick Kreuter, Vern Kreuter IV, Clark Kreuter, Eric Webber, CJ Kreuter, Lauren Kreuter, Lisa Moore, Chris Bennem, John Bolton, Ian Bolton, Jonathan Heiderich, Mark Boylan, Sam Seymour, Joe Kohler III.

Online: Elizabeth Caprini, Chris Abraham, Mark McCloskey

### **I. ROLL CALL**

Supr. Marshall opened the meeting with roll call.

### **II. APPROVAL OF MINUTES**

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the Regular Town Board minutes of August 11, 2025 were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Fuller, and Strickland.

### **III. PLEDGE OF ALLEGIANCE**

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

Joe Kohler of Cliffside Drive, at the last meeting and then subsequently, I discussed and am re-requesting a Code Enforcement violation request filed by a resident of Bristol Harbor Village, Nancy Palvino. You've all received this (complaint)? I'd like to request that there be follow-up.

Supr. Marshall said the complaint goes back to 2023 and I believe there was a resolution written on the copy that I received from our Code Enforcement Officer that was sent to the appropriate person.

Mr. Kohler said he saw that, no, it is not adequate. The Code Enforcement Officer said he was going to come by and I offered to give him a tour and that hasn't happened yet.

Councilman Cowley, it says he did, back on 9/11/23.

Mr. Kohler, said he was talking about since then Councilman Cowley.

Councilman Cowley, said the complaint is from then, though right?

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Supr. Marshall noted that if the Code Enforcement Officer said he was going to do something for you and hasn't done it, get on the phone tomorrow morning and call him up and ask him why.

Mr. Kohler said he would. Without prejudice anything, which is obviously in Executive Session with your Board, do you have anything that you can publicly share with the locked-up fire hydrants at Bristol Harbor Village?

Supr. Marshall, said yes, we handed everything over to the Homeowner's Association. We turned all the information that the Town of South Bristol has with regards to the necessity of the fire hydrants, we went all the way back to 1973 and located documentation that indicated that the developer was required to provide adequate water flow to provide for fire protection services. We provided that information, our attorney then informed us that it would be best if the Homeowner's Association pursued this as a legal matter because we, as a Town, had no standing on it.

Mr. Kohler asked if we've had a response from the Homeowner's Association? Or has your attorney?

Supr. Marshall answered, not that I am aware of.

Mr. Kohler thanked the Supr. For that information and thanked him for signing the petition regarding the water company and the letter that you wrote. And every member of the Board that signed the petition I can tell you the petition has grown substantially. Have you had a response, anything back from the Public Service Commission?

Supr. Marshall answered no, and asked, does anyone know when they are planning on scheduling a Public Hearing?

Mr. Kohler, said sometime after the new year and our petition says, no, that is not adequate because many of rate payers are gone. I would say the can has been kicked by Albany, down the road.

Mr. Kohler said you asked me to follow up with the DEC on certain matters. I have made several phone calls over to Avon. Nobody answers the phone. Calls into Albany, nobody answers the phone. Nobody returns the phone calls.

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

#### **HIGHWAY**

Councilman Cowley read the Highway Report for August 2025:

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

- Most of the equipment that was auctioned off has been picked up. In particular the Hyundai excavator and the 2001 Freightliner.
- Mowing of Town properties continues. We spent some time below the Overlook and got the fields mowed.
- The fields at the Wilder barn have also been mowed.
- Roadside mowing continues.
- New 6' culvert has been installed under the Town Hall driveway.
- Unfortunately already getting equipment ready for winter.
- Today we wedged ( paved) the downhill lane of Gannett Hill Rd from the County Park down to Rt.64

Supr. Marshall said he wanted to commend the Highway Department for the 72" pipe that went underneath the driveway into the Town Hall. They started at 11:00am on Thursday and laid a new pipe in place in Friday.

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Supt. Wight said the fact that this was done without moving the headwall, which was key. My employees did a great job.

### **FINANCE**

Supr. Marshall said he will go into more detail discussing the budget.

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

#### **SEQR REVIEW FOR CHAPTER 170 AMENMENTS TO THE TOWN CODE**

Supr. Marshall mentioned that the local law that we discussed cannot be resolved until the next meeting because it still needs to go to County for their approval. We could however, if you wish to approve the SEQR findings completed by Councilman Wohlschlegel. This is a Type 1 Action, which means that there is no adverse projects that would be environmentally unsafe. The Board can approve the SEQR tonight or wait until the next meeting.

Councilwoman Fuller said she was in favor of waiting until Councilman Wohlschlegel is here since he put it together.

Councilman Cowley agreed.

### **BUDGET PROCESS UPDATE**

Supr. Marshall said that all of the Departments have submitted their 2026 Budget worksheets, and it is now being put into an Excel spreadsheet which will then be sent to Local Government Support Services to be made into the Preliminary Budget. The only issue that needs to be resolved, I've already spoken to Councilman Cowley and Councilwoman Fuller about this as they will be the only Board members that will be here in 2026; to take a look at the request for salary increases. Every department put a request in, and I indicated they would be reviewed by someone other than myself for the coming year. Once we get that, we will put that into the budget and move forward.

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

#### **PAVING TRANSFER STATION & OVERLOOK**

Supr. Marshall said there is money in this year's budget to do some work at the Transfer Station. The Transfer Station is in dire need of paving the parking lot. The Ontario County bid structure from Dolomite to do the Transfer Station parking lot for \$20,280.00. That would be only for the material, the actual paving will be done for us by Ontario County. In addition, we also received a quote for the Overlook which, since the day it was created there's been a pond on that parking lot. The quote for the Overlook came in at \$10,140.00 for material. I would like to get a motion to approve these 2 requests.

Discussion.

On a motion made by Councilwoman Fuller and seconded by Councilman Strickland, the quotes for the Overlook and Transfer Station were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Fuller, and Strickland.

#### **RESOLUTION – AUTHORIZING SUPERVISOR TO APPLY MOWING CHARGES TO TAX BILLS**

Supr. Marshall said he wasn't satisfied with the Resolution he had written and will bring it forward at the next meeting.

### **POTTER HEATING ANNUAL MAINTENANCE CONTRACT**

Supr. Marshall noted that the Annual Maintenance Contract is up and needs to be renewed. The contract for the year is \$2,120.00, the same as we have had in the past years.

On a motion made by Councilman Strickland and seconded by Councilman Cowley, the Potter Heating Annual Maintenance Contract was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Fuller, and Strickland.

### **FUND BALANCE DISCUSSION**

Supr. Marshall said that the Town has an Unexpended Fund Balance and wanted to make suggestions and recommendations as to what we do with the A Fund. The A Fund balance, basically we have been setting aside Unexpended Fund balance to defray the cost of the Bond for the Highway Garage. The terms of the Bond are that we are not able to pay it off or make any advance payments until year 8. In the meantime, we've been trying to accumulate money so that at year 8 we would have a sizeable amount of money to put down on that building. If not the whole amount, at least enough so that the option to refinance the Bond could be a possibility depending at that time what the rates may be. Currently we have a CD that has \$674,796.00 in the account and due to come up before the end of the month. Supr. Marshall proposed two things, that we stop using the CD and move the funds to NY Class which is earning about 4.5% interest. The second thing is, to take another \$400,000.00 out of the Unexpended Fund Balance and apply it also to that Reserve, which will be about \$1 million dollars set aside for the repayment of the Bond. More funds could be added between now and the repayment, depending on how the Unexpended Fund Balance continues. Another thing to remember is that the Unexpended Fund Balance becomes revenue for the next budget, so rather than raise the tax rate, we use the Unexpended Fund Balance to keep the tax rate low. That has been working quite well. It was working quite well when we were receiving exceptional sales tax revenue, at one point we received 15% increase over a year which was phenomenal. Currently, we are receiving 1% or 2% increase over previous years. We also have an Unexpended Fund Balance under the DA Fund which is a fund for Highway only and could create a line for a Reserve to purchase new equipment. We also have a Reserve in place for Highway for emergency repairs to roads in case we have a storm event that washes out, something we weren't planning on, there would be funds available to do that. The other issue is the Guiderail Reserve and that is down to a fairly low balance that could be a consideration. Anyone else have any other ideas?

Councilman Strickland said that the playground needs some help and will research into who supplies playground equipment.

Clerk Voss mentioned having a Playground Inspection done.

Supr. Marshall mentioned that Councilman Strickland has mentioned that some of the equipment has sharp edges, we can't have that.

Clerk Voss mentioned the weeds growing in the playground need to be addressed.

Supr. Marshall said the weeds needed a non-toxic application.

Supt. Wight agreed and suggested hiring a playground equipment company to take all of the old mulch out of there and apply "safety mulch" from Bear Playgrounds from Lima. There is also a rubber mulch that would be better for kids.

Supr. Marshall asked Councilman Strickland to look into these applications.

Councilman Strickland agreed, the stairs on the slide have rusted and created sharp edges and the see-saw is losing its laminating.

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Supr. Marshall mentioned that the plastic playground equipment is starting to show its age.

Councilman Cowley asked how old is the playground?

Supr. Marshall said it was built around 2000. The basketball court is probably 30 years old and needs to be looked at as well.

Clerk Voss asked about using a grant from the State to use on the playground.

Supr. Marshall agreed, he has information about a grant that looks like it is from a playground company that is promoting its own grant, so he is not sure.

Clerk Voss said she looked up the State and there are grants that have to be matched so we have to spend the money first and asked about a reserve to set aside money to start that fund.

Councilwoman Fuller said that when Councilman Strickland gets quotes, he will get the information on what it is going to look like, because before you apply for any of those grants, you need to have project scope and all that information. First step is to go out and get that information and then we can budget for that. Most of that funding comes up in the summertime. It is something that we are going to have to work on for next summer's application.

Supr. Marshall said he wanted to go back to the CD and would like a motion to remove the money from the CD to NY Class and then to increase the NY Class Reserve Fund for the Highway Garage Debt Repayment for \$400,000.00.

On a motion made by Councilman Strickland and seconded by Councilwoman Fuller, the motion was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Fuller, and Strickland.

### **FEE SCHEDULE**

Supr. Marshall said that Councilwoman Fuller had a conversation with the Planning Administrator, Diane Graham.

Councilwoman Fuller agreed, she spoke at length, over the past couple of months, we passed a new Chapter 84 in regard to Fire Safety. It is something we are required to pass by New York State. It is something that is given to us by the State that we then have variable options to make changes on. As a result of that, the way that we do Operating Permits for a number of things changed. It went from seven items that had to get Operating Permits to over 13 and the way that it is outlined is complicated. A few meetings ago, I said that something was not in there, because Chapter 84 changed, and it was a NYS mandated change, and has spoken with the Town Attorney. The Operating Permits were moving to the Fee Schedule as: 1-day, 60-day permits, 180-day, 1-year and 3-year permits. It depends on what kind of permit you are applying for. A one-day permit would be for something like a Fireworks Permit or Food Truck. There is also a stipulation there that Operating Permits are not required if a building or a structure has already gone through fire-safety protocols. For example, the Grange is inspected for Fire Safety, the Grange will not need to apply permits to operate because it has already met fire-safety quotas so there is no need to go through it again. The list of the different fee structures breaks down based on how long the term of the Operating Permit.

Councilwoman Fuller continued with the Fee Schedule changes, asking for feedback, noting that the Planning Admin, Diane, would like to change the Planning Board Site Plan approval, Special Use Permit, instead of billing each individual property to have it all included in the fee. The fee has been doubled to cover any of the marketing expenses when you submit those applications. The positives is that it makes it easier for Diane, the negative is that for most

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people, their fees and marketing expenses are minimal, far less than \$75 or \$150. Where that impacts is the smaller projects, the easier projects that don't need a lot of marketing, they are going to be funding the larger projects that require more special services, etc. Councilwoman Fuller said she personally would continue with the way that it is, even though it is easier for Diane to not have to bill individually, but she would like us to have a discussion on it.

Supr. Marshall asked about the items on the list that are crossed off; you would still be able to see those, but we would be adding this?

Councilwoman Fuller agreed, the Operating Permit. Some of the permits, for example Fireworks, local food preparation vehicle, we are not removing those as Operating Permits, they are just getting lumped under this new dated restriction.

Supr. Marshall asked, a Fireworks Permit isn't off the list and will still need to come get a permit?

Councilwoman Fuller agreed, it is the same fee, it is just under a separate structure.

Supr. Marshall asked, under Public Assembly, in the old Chapter 84 was 100 people or more, and in the new Chapter 84, it 50 or more people. That gets lumped in under a one-year permit.

Councilman Cowley said it is only for enclosed tents.

Councilwoman Fuller said Chapter 84 is very extensive and is quite challenging to understand because the NYS Fire Code that it references a lot is not so easy to look up, but we have a hardcopy here at the office. It is not losing any of our existing permits, it is just changing how we charge the fees because there are so many more things that they potentially look at and that is not something that a decision we made, we were obligated to follow our Code because of NYS.

Supr. Marshall, said the discussion here is whether we stay just the way they but add the Operating Permits and eliminate the individual permits. For Site Plan Review, leave as it was.

Councilman Cowley said he did speak with Diane and tried to clarify that the residential side of it, typically they charge a minimum of \$75.00 and a lot of times she has to charge another \$75.00 anyways because of the Public Notice cost.

Supr. Marshall asked if it is published every time?

Clerk Voss noted that all public hearings have to be published.

Councilwoman Fuller noted that it is not always \$75 and is often significantly less than \$75.

Councilman Cowley asked if her time spent should also be counted in the fee, not that we charge them for that, but she still needs to be paid for hours just. Just as justification for fees the Zoning Officers that inspect your home. The fee should reflect some of that time spent so it is justifiable for their wage. For the cost of the Commercial permit of \$300, I am not sure if that is justifiable or not, compared to the residential.

Councilwoman Fuller, when trying to get comps on what other towns are doing is incredibly complicated and I commend our Code Enforcement team because every single town in Ontario County does this very differently. Coming up with a fee schedule for each of those Operating Permits because there are so many in Chapter 84 that changed, this made a lot more sense.

Discussion.

Supr. Marshall said that the items on the front page are acceptable and to get more information regarding the Planning Board Site Plan Approval and Special Use Permit.

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On a motion made by Councilwoman Fuller and seconded by Councilman Cowley the motion was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Fuller, and Strickland.

Supr. Marshall noted that another item not on the agenda tonight and want to speak about is the Code Enforcement Office currently use Williamson Law software to track building permits, etc. The office had a demonstration done on a program called Cloud Permit and has an upfront expense, but they considered it a much better program and they would like us to consider that. For example, if we were to continue with Williamson Law, at a cost of \$2,270.00 per year, the initial cost for Cloud Permit is \$7,000.00.

Councilman Cowley said he always thought Williamson Law that it is antiquated.

Supr. Marshall agreed.

Clerk Voss agreed, it seems to be working under the DOS system.

Supr. Marshall continued, in the request, the CEO made it clear that all employees that would utilize the software endorsed it. There is no information on the subsequent costs would be.

Councilwoman Fuller noted that \$4,680.00 the second year and \$4,867.00 the next.

Supr. Marshall suggested to discuss this further with employees.

Councilwoman Fuller said the amounts, if approved, would be for the 2026 budget.

Supr. Marshall asked Supt. Wight about County Road 36 in the Town of Canadice.

Supt. Wight said that there have been a lot of complaints about the plowing, it is at the end of their plow run and it is a substantial hilly route. The County is looking to offer the Town of South Bristol the same money as we are getting to plow for the Town of Naples, County Road 21. We could do the plowing on County Road 36 in a timelier fashion. There is a County Highway Association meeting next Thursday and this will be discussed in more detail.

Supr. Marshall agreed, said we ought to ask for additional funds for the extra miles to get to County Road 36.

Supt. Wight said it starts out at the Middletown Tavern, goes from the Village line, going up the hill and up to Blueberry Hill, that is where they turn around.

Discussion.

### **VIII. REPORTS:** **ASSESSOR**

On a motion made by Councilman Cowley and seconded by Councilwoman Fuller the Assessor's Report for August 2025 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Fuller and Strickland.

Supr. Marshall mentioned that the Assessor's Office has been recently renovated.

### **CEO**

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the CEO Report for August 2025 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Fuller, and Strickland.

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**TOWN CLERK/TAX COLLECTION**

On a motion made by Councilwoman Fuller and seconded by Councilman Cowley, the Town Clerk's Report for August 2025 were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Fuller, and Strickland.

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

Supr. Marshall read the Executive Summary, as of August 31st, the Town has \$4,026,305.57 in the Bank with the majority of deposited in NY Class. Expenditure through August on average should equal 66.64% of the annual budget. The A Fund is 39.25% of the annual budget and the DA Fund is 68.48% of the annual budget.

On a motion made by Councilwoman Fuller and seconded by Councilman Strickland, the Supervisor's Report for August 2025 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Fuller, and Strickland.

**APPROVAL OF VOUCHERS**

Supr. Marshall said there are no budget transfers this month.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Abstract of Vouchers, totaling \$166,523.23 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Cowley, Fuller, and Strickland.

**X. ADJOURN: 8:35pm**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk