



**TOWN OF BRISTOL  
REGULAR MEETING**  
July 13, 2020

Barend Pavilion: PRESENT: Supervisor Robert A. Green, Jr., Councilwoman Lauren Bolonda, Councilman Frederick Stresing, Councilman Christopher Hart, Highway Superintendent Ronald Wilson, Town Clerk Karen Maczynski, Mr. William Kenyon, Atty., Code Officer Chris Jensen, Zoning Sec. Sandra Riker. Absent: Councilman David Parsons.

Supervisor Green called the regular meeting of the Town Board to order at 7:00 PM, followed by Pledge of Allegiance to the US flag. Statement by Supervisor Green as follows: *As current events (COVID-19) have placed requirements on crowd assemblies and restrictions on social distancing, we ask for the public's patience in meeting those requirements. We are adjusting to meeting the public needs while not placing our residents at risk.*

**Septic System Code**

Presentation by Ms. Megan Webster of Ontario Co. Soil and Water regarding Septic Systems and inspection process along with documentation.

Mr. Chris Jensen, Code Officer, for the Town of Bristol, reviewed the Bristol's local law concerning inspection of septic systems and proposed changes to update the law and bring current Town practice to conformity with NYS Uniform Code; as follows:

**EXISTING:**

**AUTHORITY/AUTHORITIES HAVING JURISDICTION**

Shall be the Code Enforcement Officer, Health Office, Town Board, Engineer, or other official(s) designated by a local municipality.

**PROPOSED DEFINITIONS:**

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. Definitions defined within Chapter 285 are applicable to only Chapter 285, unless defined in other locations within this code.

**AUTHORITY HAVING JURISDICTION.** The Code Enforcement Officer, Health Officer, or other public official(s) designated by the Town Board, having the responsibility to implement provisions of the Town of Bristol Town Code Chapter 285. Final determinations and enforcement authority of Chapter 285 of this Code shall reside with the Town of Bristol Code Enforcement Officer.

**APPROVED AGENCY.** An established and recognized agency that is regularly engaged in conducting tests, furnishing inspection services, or furnishing product certification, and has been approved by the Code Enforcement Officer.

**EXISTING:**

B. Inspection procedure. All existing on-site wastewater treatment systems requiring an inspection pursuant to this local law shall be performed by the authority having jurisdiction.

**PROPOSED:**

B. Inspection procedure. All existing on-site wastewater treatment systems requiring an inspection pursuant to this local law shall be performed by the Code Enforcement Officer, or an approved agency in accordance with the specifications established as follows:

**NYS UNIFORM CODE:**

**[NY] AUTHORITY HAVING JURISDICTION.** The governmental unit or agency responsible for administration and enforcement of this code.

**[RB] APPROVED.** Acceptable to the *building official*.

**[RB] APPROVED AGENCY.** An established and recognized agency that is regularly engaged in conducting tests, furnishing inspection services or furnishing product certification, and has been *approved* by the building official.

**[MP] APPROVED SOURCE.** An independent person, firm or corporation, *approved* by the *building official*, who is competent and experienced in the application of engineering principles to materials, methods or systems analyses.

**R105.3 Construction inspections.** Any person or entity performing work for which a *building permit* has been issued shall keep work accessible and exposed until the work has been inspected and accepted by *the authority having jurisdiction*, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the *authority having jurisdiction's Code Enforcement Program* or a *Part 1203—Compliant Code Enforcement Program*.

Discussion followed Mr. Jensen's presentation.

Mr. William Kenyon stated the Town may provide residents a list of approved septic system companies that may conduct inspections meeting Bristol's code requirements. Mr. Jensen said he can not provide a list of companies. Supv. Green and Councilwomen Bolonda discussed developing a list of companies (reviewed annually) in conjunction with approved companies by Ontario Soil and Water, and putting the list on the Town's website for residents' access. Ms. Webster stated she would provide Bristol's code office with their approved list and related code information.

- I. A motion was made by Councilman Stresing to accept the June 8, 2020 board minutes, seconded by Councilman Stresing and motion carried.
- II. Audit of the bills, budget transfer, Monthly Report of Supervisor:  
A motion was made by Councilwoman Bolonda, seconded by Councilman Stresing, and carried to pay the bills, approve budget transfers, and approve the Supervisor's reports for 2020 to date, and carried.

**Abstract 7**

<b>General:</b>	<b>Vouchers 138-168</b>	<b>\$</b>	<b>33,105.06</b>
<b>Highway:</b>	<b>Vouchers 1132-1155</b>	<b>\$</b>	<b>40,727.55</b>

- III. Monthly reports from:
  - A. **Highway:** Superintendent Ron Wilson presented his report July 13, 2020 as follows:

**HIGHWAY JULY REPORT**

- 1) The week after the 4<sup>th</sup> the highway department was shut down for the most part. One man on the crew worked M, T & W working with the town of Richmond.
- 2) Dust control was put down the week before the 4<sup>th</sup> on the dirt roads.
- 3) I worked with Lisa at NYS DOT (CHIPs) to apply for money from CHIPs, Pave NY and Extreme winter recovery State reimbursements. All but \$900 will be awarded, for a total of: \$161,058.38.
- 4) We will be redoing Forbes road later this summer. Forbes had a problem with the oil last year and that's being done at Suitkotes' expense.
- 5) The grader and excavator are working on South Hill Road widening project.
- 6) We have been working the first mile of South Hill. Trees have been cut down, as needed, to widen the road. A tree surgeon will be cutting trees by the power lines. This coming week we will be working on replacing a driveway culverts and pushing back the ditches on the east side to get the road to width needed.

*-Respectfully submitted Ronald Wilson*

Board discussion followed. The Highway dept. men are also participating in annual "Mine Safety" training. Supv. Green discussed the need to address grinding the brush pile at the transfer station.

- B. **Planning Board & Zoning Board of Appeals and Code Office;** Report from Mrs. Sandra Riker.

**Planning, ZBA and Code Office Report  
July 13, 2020**

**Planning Board** met on July 6<sup>th</sup> for a presentation by Haylee Ferington from GFLRPC regarding the Accelerated Renewable Energy Growth Act and Community Benefits that become law on April 3<sup>rd</sup> in NYS. The Governor has now raised his expectation of renewable energy to be 70% by 2030. She provided us with a PowerPoint presentation and very informative question and answer session. Haylee had reviewed our current Solar Law passed in 2019, thought it was well written but suggested we need to address Battery Storage and creating a standardized siting process. We have asked her to come to the next Town Board meeting and provide you with her information and a chance to ask questions on whether a moratorium should be considered to allow for the update to our current law. At present we do not have a complete application in the Code Office giving us the opportunity to review and make additions to our current law.

**Zoning Board of Appeals**-will be meeting on July 21<sup>st</sup> with an area variance application on County Road 2. They will be meeting in the town hall now that capacity limit has been raised to 50.

**Code Office**-June, 2020

Completions: C of C- 4  
 New Permits: 11  
 Inspections: 7 by Chris Jensen  
 Baptist Hill violations- Langer meeting still on hold.

The weekly Code Office meetings continued through June 23<sup>rd</sup> and Tom Harvey still keeps us updated when there are more changes coming. You can find informational updates under the Covid-19 Banner on the Town Webpage.

General Code 360: Chris, Karen Ellmore and I have continued working on General Code 360 and have asked Barbara Greathead (Gen. Code representative) for an extension to August 25<sup>th</sup>. Barbara said we can have the extension and is willing to teleconference with Karen, Chris and me to help us finish up the remaining questions.

NYMIR Online University-by now all employees should have received an invitation to register for online training use, If you are having trouble logging in or if you have not received the necessary information to login please let me know and I will provide you with the necessary data. NYMIR has offered an online webinar tomorrow at 9 am for sexual harassment training with follow up presentations in the coming weeks. As I am made aware of the registration times, I will forward the information to all of you.

Respectfully submitted,  
*Sandra Riker*  
Planning, Zoning, and Code Office Assistant

### **C. Parks/Special Committee.**

Park Commissioner's Report presented by Mr. Stevens as follows:

#### **Park Commissioner's Report July 13, 2020**

Update on the park grant.

Nothing to report. Grant is still in effect until 12/21/2021

#### **Old Business**

Bristol Fun Day is canceled for 2020

Honeoye scout Ted Cooney has started his Eagle Scout project. Two horseshoe pits are being installed next to the tennis courts. Two benches will also be installed near the pits. The project should be done in a week or so. The eagle Project has been completed.

#### **New Business**

The Bristol Share market has made \$229.46

The Playgrounds have been opened and guidelines posted.

The Pavilions have been opened and users need to sign an agreement to abide by covid-19 guidelines.

I was informed today that there are three adult soccer games scheduled in the park. July 17, 24th and September 11.

Had to fix a broken window in the Barend Pavilion. Malotte Custom Carpentry came within an hour to help replace the window. Got quotes from The Glass Doctor to replace all the windows (13) with tempered or laminated safety glass.

I want to publicly thank Gene Mehlenbacher for his volunteer work in the park. Gene painted the Houseman Pavilion and all the picnic tables under the pavilion. Gene also repaired and painted one of the park benches and painted the fascia on the Barend Pavilion. Thank you, Gene, Great work!!

**-Thomas Stevens Park Commissioner**

Board discussion concerning rules for holding soccer games; no more than 2 spectators per player and following NYS Sport guidelines. Pavilion window glass discussion. Current Barend Pavilion windows meet code requirement. Supv Green requested determining cost for replacing windows versus panes with laminated safety glass.

**D. Town Clerk report.** Mrs. Maczynski presented her report. Total disbursements were \$3,291.75 for the month of June 2020.

Motion by Councilmen Stresing to accept the monthly reports, seconded by Councilwoman Bolonda and carried.

### **IV. Old Business**

Town of Bristol will be hosting the Aug 1<sup>st</sup> Electronic Waste Day drop off at the Town Barns.

### **V. New Business**

#### **A. Tax Settlement**

## **Town of Bristol Tax Settlement Resolution**

**07.13.2020**

**RESOLUTION APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH BRISTOL VALLEY HOMES LLC**

A Resolution was put forth by Councilman Hart to approve the settlement of the tax assessment litigation with Bristol Valley Homes, LLC, seconded by Councilwoman Bolonda as follows:

WHEREAS, there is currently tax assessment litigation pending between the Town of Bristol and Bristol Valley Homes, LLC ("Bristol Valley") in Ontario County (Index number 112860-2015) for the 2015-2016 tax year entitled *Bristol Valley Homes, LLC v. Town of Bristol Assessor, et al.* relating to property owned by Bristol Valley located at 6923 Route 20A ("property") in the Town of Bristol ("2015 action"); and

WHEREAS, the property was assessed at \$693,000 on the 2015 assessment roll; and

WHEREAS, Bristol Valley filed a grievance challenging the property's assessment for the 2015-2016 tax year and subsequently filed the 2015 action in Ontario County Supreme Court; and

WHEREAS, after reviewing all documentation, including the proposed Stipulation and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2015 action be settled by reducing the 2015 and 2016 assessments for the property to \$525,000; and

WHEREAS, as a result of this settlement and the application of Real Property Tax Law §727, the 2015 and 2016 assessments shall be reduced to \$525,000; and

WHEREAS, the parties have agreed that the application of RPTL §727 shall be limited and shall apply only to reduce the 2015 and 2016 assessments; and it is therefore

RESOLVED that the Town Board approves a settlement of the 2015 action in which the 2015 and 2016 assessments on the property will be reduced from \$693,000 to \$525,000 with Bristol Valley entitled to collect all refunds based on the reduction of the 2015 and 2016 assessments; and be it further

RESOLVED that RPTL §727 shall not apply to reduce any assessment after the 2016 assessment; and be it further

RESOLVED that the attorneys for the Town may seek Court approval for the proposed settlement and, if approved by the Court, the 2015 and 2016 assessment will be reduced to \$525,000; and be it further

RESOLVED that the Town Supervisor and attorneys for the Town are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to the attorneys for the Town, Assessor Kelly L. Ducar, the Honeoye Central School District, the Ontario County Department of Real Property Tax Services and the Bristol Town Clerk.

Town Clerk Maczynski conducted a roll call vote of the Board as follows; Supervisor Green – yea, Councilwomen Bolonda – yea, Councilman Hart – yea, Councilman Stressing – yea, Councilman Parsons was absent from the meeting, and resolution was resolved.

**B. Mowing Contract with Ontario County;**

Motion by Councilwoman Bolonda to authorizing signing of Mowing Contract with Ontario County and seconded by Councilman Hart and carried.

VI. **Round Table** – Supervisor Green discussed the 20 percent reduction in the quarterly sales tax revenue and impact on 2021 budget preparations. Discussion concerning the cost of canceling the 10 wheeled truck on order, Mr. Wilson will investigate.

VII. **Motion to Adjourn** by Councilman Hart and seconded by Councilwoman Bolonda and carried 9:02 PM.

Respectfully submitted

Karen Maczynski  
Town Clerk