

SOUTH BRISTOL TOWN BOARD MEETING

May 9, 2016

REGULAR MEETING

The regular meeting of the South Bristol Town Board as called to order May 9, 2016 at 7:02pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

Daniel Marshall, Supervisor
Scott Wohlschlegel, Councilman
Donna Goodwin, Councilwoman
Stephen Cowley, Councilman

ABSENT

Jim Strickland, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Brooks Lyon, Kevin Murphy, Dahl Schultz, Alan Braun,
Ralph Endres, Cecelia Danahar

I. Supr. Marshall opened the meeting with roll call and the Pledge of Allegiance.

II. APPROVAL OF MINUTES

Supr. Marshall noted some corrections to the April Town Board minutes.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the April 4, 2016 Regular Town Board meeting minutes were ACCEPTED with corrections. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

III. PRIVILEGE OF THE FLOOR/COMMUNICATIONS RECEIVED

Kevin Murphy of State Route 64 asked the Town Board wanted to raise a concern for the Flint Landfill and wondering where the County is and the Town of South Bristol on the future of that landfill and whether residents will have an opportunity to make comments along the way. The landfill is scheduled to close in 2024. Mr. Murphy said he remembers when the landfill was just a farm and now it rivals Bristol Mountain. Is the County beginning to do some planning on that or whether they have talked about it? Mr. Murphy said he read the other day that less than 10% of the trash comes from Ontario County that goes to that landfill.

Supr. Marshall said that is correct and said he isn't on the County committee for the Board of Supervisors. There is a very close relationship between Ontario County and the operator, Casella. Last year the DEC approved another section to be opened up to enable them to continue on. Supr. Marshall said he could get Mr. Murphy in touch with the chairman of that committee; Supr. Rich Russell from the City of Canandaigua. The committee consists of several Supervisor's from that part of the County.

Supt. Wight agreed with Supr. Marshall and spoke with the County Planner about the landfill and said they did open another "cell" at the landfill which would allow the landfill to operate for another 15-20 years. Supt. Wight noted that there are 2 or 3 counties in the entire State of New York State that don't use the Flint landfill.

Supr. Marshall noted that the permitting process from the DEC came very late and almost

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shut down the operation of the landfill. There is a preparation process for the new cell that needs to be done and one of the issues was how much material should be kept above bedrock. The current DEC requirement is 15 feet and Casella requested a variance of 5 feet which was turned down by the Board of Supervisors.

IV. COMMITTEE REPORTS HIGHWAY

Supt. Wight said he emailed his report to the Board. Councilman Cowley read from the report:

1. The need for a lockable gate at the Founder's Cemetery. I was there mowing last week and there is a fair amount of damage to the grass from people doing "donuts".
2. I do not have a prospective employee for your approval yet. That will be forthcoming for the June Town Board meeting.
3. All cross culverts have been replaced on W. Gulick Rd. Beavers are an issue on one of the culverts. We are getting DEC guidance on that.
4. All of our equipment is out and ready to roll for construction season.
5. We need to declare #6 – 2004 Sterling 10 wheel dump truck as surplus, so it can go to the municipal auction. I also have a small v- sander that could go.
6. And last, but not least, I would like to discuss approval to purchase a Kubota Excavator in 2017 (it will be a new machine that we rent the balance of this year) and 90% of rental money will be applied towards purchase in the first quarter 2017.

Councilman Wohlschlegel asked if the excavator cost \$72,000? Supt. Wight noted that the Highway Dept. is currently renting an excavator for the cross culvert work; we did not rent a huge excavator this year to do it. In past years we have spent \$5,000-\$7,000 to rent the big tract machine for 1-2 weeks. That machine would be good for ditching and can also reaches into the back of the trucks much easier.

Supr. Marshall said he spoke about this with Supt. Wight and the concept here is, we would continue to rent the machine we have and the rental cost would go towards a new excavator in 2017. We don't have it in this year's budget to purchase this machine.

Supt. Wight said the rental would be for the remainder of the year, the new machine would be delivered this year and 90% of the cost would be paid.

Supr. Marshall noted that no decision needs to be made tonight and would like to look into the budget and discuss it next month.

Councilman Cowley suggested cameras for Founder's Cemetery; Supt. Wight said that the gate would have to be opened and closed every day.

On a motion made by Councilman Wohlschlegel to declare #6 2004 Sterling 10-wheel dump and the v-sander as surplus to be sold at Municipal Auction, seconded by Councilman Cowley was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

BUILDINGS & GROUNDS

Councilman Wohlschlegel asked about the estimates for the Salt Barn roof. Supr. Marshall noted that we need more than one estimate.

Councilman Wohlschlegel said the Highway Dept. cleaned the Town Hall gutters recently

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and a downspout needs to be replaced. Supt. Wight said the Highway Dept. can replace it.

V. OLD BUSINESS

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel, Resolution No. 30-2016 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

RESOLUTION #29 -2016

BRISTOL HARBOR – SEWER CORPORATION ESCROW AGREEMENT

WHEREAS, on or about July 10, 1969, the Corporation was formed pursuant to Article 10 of the New York State Transportation Corporation Law (hereinafter “Article 10”) to own and operate a sanitary sewer system (hereinafter “Sewer System”) with the filing of its Certificate of Incorporation with the New York State Department of State; and

WHEREAS, the said Certificate of Incorporation and the filing thereof was approved by Resolution of the Town Board on or about June 10, 1969; and

WHEREAS, the Sewer System was construction more than five (5) years ago and has been operating since is was constructed and continues to operate; and

WHEREAS, the Corporation authorized to issue 20,000 shares of common stock, par value \$1.00 per share, of which 100 shares are issued and outstanding (the 100 issued and outstanding shares hereinafter the “Stock”) and is not authorized to issue any additional shares of stock of any class (attached hereto and made a part hereof as Exhibit A is a copy of the Certificate of Incorporation of the Corporation and all amendments to the Certificate of Incorporation); and

WHEREAS, Shareholder is sole shareholder of the Corporation being the lawful and sole owner of all of the Stock represented by the Corporation’s stock certificate number 18; and

WHEREAS, pursuant to the provisions of Section 119 3.(a) of the New York State Transportation Corporations Law, the Stock shall be placed in escrow and title thereto shall pass to the Town in the event of abandonment or discontinuance of the maintenance and operation of the Sewer System by the Corporation; and

WHEREAS, the Town, the Corporation and the Shareholder desire that Five Star Bank act as Escrow Agent hereunder to hold the Stock pursuant to the requirements of Article 10 of the New York State Transportation Corporations Law and the terms and conditions of this Agreement.

NOW, THEREFORE, be it resolved that the Town Board approve the attached Escrow Agreement labeled Exhibit A, and

Executed Copies be sent to the Bristol Harbour Sewer Corporation and to Five Star Bank.

MAP - BRISTOL HAROUR SEWER CORPORATION SERVICE AREA

Supr. Marshall said we have received the proposed map for the new Bristol Harbor Sewer Corporation service area. In addition to the map they also do a detailed engineering report to prove that they are capable of serving the area that they have mapped with the facility that they currently have. We have reviewed the map and report with LaBella Assoc. and one of the concerns is whether or not we are comfortable with the current rate being charged to the users. The developer has indicated that they do not want to raise the rates. What we just verifying doing what we are supposed to be doing as due-diligence; has gone to the Town Attorney for review; has to have a SEQR review. This also has to be approved by the DEC.

EVERWILDE – TIME EXTENSION ENVIRONMENTAL

IMPACT STATEMENT

Supr. Marshall noted that the board did a time extension but has to be agreed upon by both parties. A letter was sent to the Everwilde developers requesting a time extension which has been signed by Laura Cook. Rather than having a specific date, it has been suggested by LaBella Assoc. that the timeframe would be 30 days after we receive documentation from the developer. At that point, the 30-day clock starts. 28.06

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, the Time Extension for Everwilde EIS was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

VI. NEW BUSINESS

LEAD AGENCY – SEQR WITH PINE VIEW GRAVEL MINE

Supr. Marshall said that the gravel pit owned by Guy Rogers on Route 64 is going through the process to increase by 3.4 acres. This will need SEQR and typically under normal operations, any type of mining operations is handled by the DEC and they prefer to act as lead agency. Supr. Marshall asked the Board if anybody objected to the DEC being lead agency?

Councilman Wohlschlegel agreed. Councilman Cowley asked if this is in the DEC hands? Supr. Marshall said it is.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the Board agrees that the NYSDEC shall act as the lead agency for Pine View Gravel Mine expansion SEQR was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

RESOLUTION – APPOINTMENT TO ONTARIO COUNTY PLANNING BOARD

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, Resolution No. 30-2016 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

RESOLUTION #30-2016

**APPOINTMENT OF ALBERT C. CROFTON TO THE
ONTARIO COUNTY PLANNING BOARD**

WHEREAS, a vacancy exists on the Ontario County Planning Board, and
WHEREAS, the position is to be held by a representative of the Town of South Bristol Zoning or Planning Board, and

WHEREAS, Zoning Board member Albert C. Crofton has expressed a desire to fill the vacancy, now therefore be it

RESOLVED, that the South Bristol Town Board appoint Albert C. Crofton as our representative to the Ontario County Planning Board, and

RESOLVED, that a copy of this Resolution be sent to the Ontario County Board of Supervisors for their approval, and

RESOLVED, that a copy of this Resolution be sent to Albert C. Crofton.

WEBSITE DEVELOPER – EMMERICK DIGITAL

Supr. Marshall said that we have been working locally with Emmerick Digital and have all ready replaced and updated our email. Now we have a proposal from them for an update to the Town website for \$2,000.00 and needs Board approval.

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On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the Emmerick Digital proposal was **ACCEPTED**. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

Supr. Marshall noted that the Town has received notice from Bristol Mountain renewing their liquor license.

Also, Brian Young is back on the payroll for the summer maintaining Coye Cemetery.

Supr. Marshall noted that there has been discussion regarding the Naples Ambulance who is suffering from a lack of volunteers. There will be a meeting at the Naples Town June 7th, and the ambulance has been asked to come in and explain what is going on. 43.28

Supr. Marshall noted that there are 2 projects that need to get going. The Comprehensive Plan was updated in 2008 and should be reviewed every 5 years. Supr. Marshall said he would like to set a date for a Town Board workshop so we can discuss how to proceed. Supr. Marshall suggested Saturday, May 21st at 9:00am. The Planning Board Chair and ZBA chair have agreed to attend. Supr. Marshall suggested 2 planning board members, 2 ZBA members and 2 residents to make up the committee. Supr. Marshall said he would like to set up a date for a workshop with Chairman Ely & Burgie for a Saturday morning. This workshop is open to the public.

**VII. REPORTS:
ASSESSOR**

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley the Assessor's Report for April 2016 was **ACCEPTED**. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

**TOWN CLERK
No Report.**

CEO

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel the CEO's report for March and April 2016 was **ACCEPTED**. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

SUPERVISOR'S REPORT

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, the Supervisor's Report for April 2016 dated May 9, 2016 was **ACCEPTED**. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

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VIII. ACCOUNTING

ABSTRACT

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Abstract No. 4, Voucher Nos. 197- 255 for \$87,836.48, was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

Councilwoman Goodwin noted that Voucher #229 Tracey Road Equip. \$3,395.00 needs to be removed from the abstract. Supr. Marshall and Supt. Wight agreed.

IX. 2nd PRIVILEGE OF THE FLOOR

Alan Braun asked if the Bristol Harbor Sewer Corporation Service Area will have a Public Hearing? Supr. Marshall said yes, because there will be a SEQR.

Mr. Braun asked about the time extension for the EIS from Everwilde and asked if a time limit could be put on this, as a resident, it could be 2, 3 or 5 years before the EIS is submitted.

Supr. Marshall said that according to Everwilde, they don't have a time. Mr. Braun asked if the Town Board could implement a time limit?

Supr. Marshall said he would ask the attorney for that answer.

Mr. Braun asked what the monthly maintenance is for the website? Supr. Marshall said it is an as needed basis.

Ralph Endres said that at a meeting of the BHVA last Thursday, owner, Mr. Todd Cook spoke about the sale of the marina and then said they were no longer the developer. Mr. Endres said he didn't think they couldn't be the developer; they bought a Planned Development. They are saying they are no longer the developer of Bristol Harbor.

Mr. Braun said they do not want to be referred to as developer; that is what their attorney at Nixon, Peabody claims. As successors of Bristol Harbor Resorts they claim they are not going to develop any land.

Mr. Endres said this means that all the documentation that has gone heretofore for the past 18 years that he has lived here, is pretty much null and void. Somewhere in NYS there has to be case law where a Planned Unit Development was dissolved and how you go about that.

Supr. Marshall said he was not aware of this and has spoken with Mr. Cook last week relative to the escrow agreement and mapping but that is it.

Mr. Braun said that in the documents is the selling of the marina as a separate entity and another owner, Jeremy Fields. Mr. Braun said that we don't know if they are going to sell the golf course eventually; our attorney Patrick Quigley is meeting with the BHVA Board to look into it.

Mr. Endres asked if they are not the developer, they can't apply to get the lodge/restaurant and 5 cottages in the sewer; who is the developer?

Mr. Braun said one roadway in Bristol Harbor, Medalist Lane with a number of houses on it; about 80% complete. When Mr. Braun was President of the BHVA a rule was created that we do not take ownership of the road until the building is 80% complete and the final sealcoat and all repair was being done. The Medalist residents then requested that from the Cook's and they were told they were not the developer; go to Todd Summer who built most of the roads; Mr. Braun that the whole BHVA may have to pay for that road.

Mr. Endres said it has never been dedicated to BHVA. This throws a money-wrench into everything. The piece of property that they own; under the Transportation Law says you can only extend within the Planned Development. Mr. Endres thought when they bought Bristol

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Harbor they were going to work out the problems at Bristol Harbour and then come to the Town to have that property annexed to the Planned Development. It states within the law that the Transportation Law can only provide sewers to the Planned Development. If it is not part of the planned development it can't happen.

Supr. Marshall was under the assumption that they could provide service to anybody in the approved map/district.

Mr. Endres said if that map is amended then there needs to be a public hearing; a lot of support they had has dwindled. Mr. Endres said he doesn't see anybody buying a piece of property until this is taken care of because who is going to come in and offer \$275,000 for a piece of property and be told that the Planned Development no longer exists or is influx.

X. ADJOURN: 8:12PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk

DRAFT