

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

March 9, 2015

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order March 9, 2015 at 7:07pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

Barbara Welch, Supervisor
James Bachman, Councilman
Scott Wohlschlegel, Councilman
Robert Cone, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

WJ Rodenhouse, Steve Cowley, Dahl Schultz, John Holtz, Jim Wight, David & Gail Hewson,
Maddie Bicknell, Martha McIntyre, Tim McWilliams and Shelly Cone

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

PRIVILEGE OF THE FLOOR/COMMUNICATIONS RECEIVED

Supr. Welch noted that Five Star Bank and Dan Fuller of Bristol Mountain will not be taking privilege of the floor tonight.

CORRESPONDENCE RECEIVED

- Town Historian John Holtz, 2014 Annual Report to Town Board & Goals for 201

John Holtz asked what his legal responsibility when he receives historical donations, is the item legally owned by the Town or can the historical item be donated to the Historical Society? The Town doesn't have storage facilities for any historical artifacts and should he redirect the resident to the Historical society when this happens? (4.10)

Supr. Welch said Mr. Holtz can ask the Association of Public Historians. Mr. Holtz agreed.

Mr. Holtz asked if the Town would prefer the yearly donation to go towards a historical marker or use the funds to pay for an insurance policy for the building? Supr. Welch noted that she recalls that the Town can donate to a local historical society for maintenance of their building.

Mr. Holtz noted that the Town did pay for the historical marker at Wilder Cemetery and that there are 3 additional historical markers in Town: Frost Town, Seneca Apple Orchard and Woodville. Mr. Holtz said if the Town would like to guide that funding to let the Historical Society know. 9.10

MONTHLY REPORTS

HIGHWAY SUPERINTENDENT

Supt. Wight said that hours, materials and fuel are being tracked for the winter work for the County. The Highway Dept. will start repairing potholes.

Supr. Welch said the Agreement to spent highway funds which is required. Supr. Welch asked if the Highway dept. will be working on Gulick Road this year with the \$255,000?

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Supt. Wight said part of that money will go towards Gulick Road. Gulick Road will not get finished the way he had planned on; the roadway will be wedged and shimmed and surface treated. As far as the 5" in place rehab, there isn't enough money in the budget.

Supr. Welch asked, the \$255,000 won't cover that road improvement? Supt. Wight said no, not with everything else the highway dept. has to do. 12.47

Councilman Bachman asked if he has the cost of finishing Gulick Road. Supt. Wight said he does. Sup. Wight noted that last year 2 miles of Gulick Road cost \$239,000 and there is 1.7 miles left; there is other work to do around town.

Supr. Welch said to get the information and to the Board for the cost to finish Gulick Road and will discuss it at the next board meeting. 20.15

ASSESSOR

No Report.

CEO

On a motion made by Councilman Cone and seconded by Councilman Wohlschlegel the CEO's report for February 2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

TOWN CLERK

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone the Town Clerk's report for February 2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

LIASION REPORTS

BUILDING & GROUNDS/CEMETERIES

Councilman Wohlschlegel reported that the heaters at the highway garage have been replaced by Caskey Heating. The town saved \$1,774.00 by using Caskey.

Supr. Welch noted that the furnace in the Town Hall needs dampers and Caskey will be working on that.

On a motion made by Councilman Wohlschlegel to accept Lewis Caskey's bid and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. 28.17

Councilman Wohlschlegel asked Supt. Wight for the cost of placing a culvert pipe on Bopple Hill Road next to the Coye Cemetery.

HIGHWAY DEPARTMENT/IT

Councilman Bachman had nothing to report the looked at the phone lines for the Highway dept. which are not working. The phone line needs to be replaced. The network itself exceeds the 100 meters specification for Ethernet. Councilman Bachman said he reached out to 2 electrical contractors. Falk Electric met Councilman Bachman and received a quote for \$3,746.00 to permanently install the wireless access point in the hallway, run cable out the end of the building for wireless access point to the highway garage. In the highway garage, move the pickup point to the middle of the garage which will address the Ethernet limitations. 31.22 The electricians will pull 2 new network cables through the underground pipe to the main shop. That

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will give the highway dept. a telephone again and will also prepare for the wireless network.
34.45

On a motion made by Councilman Bachman to approve Falk Electric to make the repairs/improvements as discussed in the amount of \$3,746.00 and seconded by Councilman Cone was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. 39.32

PUBLIC SAFETY

Councilman Cone said he spoke with the sign company, Interstate 911 Sign Company and ordered sample signs for Bristol Harbor resident and that will need to be taken to Bristol Harbor to see if it meets their needs. Councilman Cone continued, noting that South Bristol borders 7.4 miles of water. The dock signage has different requirements. According to what he has learned, the typical dock signage needs the house number and road name. The typical length sign is 24" and 30". Interstate 911 recommends ordering the lakefront signage one at a time and would cost approximately \$20.00. Councilman Cone said the lakefront signage is available in 4 different colors and has ordered a couple of samples. According to 911 and the Sherriff, they use landmarks to identify properties. The signs would be visible from the water. 45.46

Councilman Cone said he is looking at an automatic light system for the Transfer Station similar to a carwash; this is the drive-thru building. From a Public Safety standpoint they need to maintain a safe distance from the vehicles and the employees. A signal would let the resident know they can enter the building. Councilman Cone said the Transfer Station employee does not like using the cone for traffic control. The whole idea is to make it safe so there is not an incident between an employee and a vehicle at the Transfer Station.

ACCOUNTING ABSTRACT

Supr. Welch noted that there are two abstracts; a pre-paid abstract, voucher numbers 97, 98 & 100 totaling \$13,916.20.

On a motion made by Councilman Wohlschlegel to accept the pre-paid abstract, voucher numbers 97, 98 & 100 totaling \$13,916.20 and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel, Abstract voucher numbers 103-145, 147-152 for \$248,568.78 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.50.00

OLD BUSINESS WOODVILLE PARK

Supr. Welch noted that she contacted the DEC, Assemblyman Brian Kolb and State Senator Richard Funke and the DEC responded. The DEC acknowledged that they have no record of the DEC giving a final decision to the Town of South Bristol. Supr. Welch read the letter from the DEC. Supr. Welch didn't know whether the public wants the Town Board to pursue this and would like to hear from the public.

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Councilman Wohlschlegel said he didn't believe the Town should own a lot of property and leave it to the DEC. Councilman Bachman agreed but would like a public forum regarding the park.

Supr. Welch said she would like to table this and get for public input.

BSV,LLC – LETTER FROM TOWN ENGINEER TO APPLICANT

Supr. Welch noted that the Town Engineer, BME Engineering sent a letter after going through the BSV application. The engineer also went to the Planning Board for preliminary questions they may have on BSV. The engineer's letter was also forwarded to the Town Attorney. The engineer's letter asks the applicant to answer the questions as fully as possible and then we can make a determination whether or not they go on to the Planning Board next.

BRISTOL SEWERAGE DISPOSAL CORP – FINALIZED FLOW CHART FOR EXTENDING SEWER SERVICE AREA

Supr. Welch noted that the engineer for the expansion, LaBella, met with the Town and the manager of Bristol Harbor, Greg Mulhurn and Paul Lamphier and they have all ready started to work on what we need in order to extend that service area. The Engineering costs and other costs associated with this review will be borne by the sewer corp. LaBella has prepared a flowchart and will be several months before this is concluded. 1.03

COYE CEMETERY – LETTER FROM CEO

Supr. Welch said that a letter was sent to the property owner to the north of Coye Cemetery asking that they would create a buffer zone between the cemetery's fence and the fill on their property so the fence can be repaired. Any debris uncovered from this process shall be removed from the property and not buried and the work is to be completed by May 31st. Supr. Welch said she would like to repair or replace the fence on the property and get estimates.

PERSONEL – CEO REQUEST FOR PTO, FLOATING HOLIDAYS

Supr. Welch noted that the Board had tabled the discussion on extending PTO benefits and floating holidays to the CEO. The CEO had asked for 3 floating holidays and 16 hours of PTO; the CEO works less than 20 hours per week and is not eligible for these benefits. The CEO does work with Bristol as shared services and this would be an exception to Town policy.

Councilman Cone said the handbook does not allows the benefit for employees that work less than 16 hours and we cannot deviate from the handbook because it sets a precedent; Councilman Bachman agreed. 1.12

Supr. Welch noted that she handed out tonight the documentation for the budget transfer from the Contingency Account to the Canandaigua Lake Watershed for \$5,238.00. The Board had tabled this discussion last month. Supr. Welch had 4 documents for the Board; the Tentative Budget reflecting \$14,800 for CLWC; the modified and adopted budget Supr. Welch reduced the budget line to \$4,100. The next document is the actual bill for \$9,338.00; and a bill for \$4,085.00 that Supr. Welch entered erroneously when modifying the Tentative Budget. Supr. Welch asked the Board to approve the transfer from Contingency account to the Canandaigua Lake Watershed for \$5,238.00. Supr. Welch noted that this is part of building out the budget that we didn't have in the past; where taxpayer money is going.

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On a motion made by Councilman Bachman to make the necessary transfers to fully fund Canandaigua Lake Watershed from the Contingency Account in the amount of \$5,238.00 and seconded by Councilman Wohlschlegel was ACCEPTED. Voting AYE: 3. Voting NAY: 1. Voting AYE: Welch, Bachman and Cone. Voting NAY: Wohlschlegel.

Supr. Welch noted that the Board held a Public Hearing on the local laws and now the Board needs to pass the local laws.

Clerk Voss asked if there was another agenda the Board had?

Supr. Welch said that these items were not on the agenda. Councilman Cone asked what the local laws consist of? Supr. Welch said the Board members have had the local laws since October 2014. Clerk Voss explained the problems with farm animals in the road on Route 64 and County Road 33 that went on for 2 years. Councilman Bachman said the Code Enforcement Officer, the sheriff and humane society were involved numerous times.

Supr. Welch noted that there is one area in Town where the same dog barking every single night for years. This new law will allow the Town Justices know that we have this regulation in place. The 3 laws will be on the agenda next month.

NEW BUSINESS STATE COMPTROLLER'S OFFICE – AUDIT OF JANUARY 1, 2012 – PRESENT

Supr. Welch noted that the State Comptroller's office has contacted the Town and will begin the audit process this week. Supr. Welch said she spoke with the Town accountant and the Comptroller will take a microscopic look at the books of the Town. The books for 2014 will also be looked at by the Comptroller and hopefully are able to close the year; we did find additional concerns with the 2014 town ledger and the Town attorney suggested contacting the State Comptroller's office. There appears to be over charging employees for health insurance premiums over a period of years. 1.30 The State Comptroller's office will take months to complete their review.

PERSONNEL APRIL 30, 2015 RETIREMENT OF DEBBIE MINUTE AFTER 30 YEARS OF SERVICE & HIRING PROCESS FOR OFFICE SPECIALIST 1

Supr. Welch noted that Debbie Minute is retiring from the Town after 30 years of service. The last day of work will be April 2nd and Mrs. Minute has asked that her accumulated vacation time be paid off after her last day of work; her retirement day will actually be April 30th.

Supr. Welch said she went to the County about the hiring practice; this is a civil service competitive position so we have to determine the wages and the probationary period so the County can advertize the job. Currently the hourly wage for the position is \$18.88 after 30 years of service. The County's range of wages for this position, Office Specialist I, is the low of \$12.75 to a high of \$20.25. Supr. Welch said the court clerk is paid \$14.40 per hour; the bookkeeper is paid \$16.25 per hour. The Board needs to determine a salary range; a high and low depending on experience. The County's list is derived from test results and hopefully that will be somebody that has secretarial experience. Supr. Welch suggested \$13.00 an hour as the low and \$15.00 as the high range. Discussion. Supr. Welch noted that the County has a one-year probationary period and the Town employee handbook says all new employees have 26 weeks of probation which can be extended. 1.35

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On a motion made by Supr. Welch that we fill the position of Office Specialist 1 and advertise the wage range of \$13-\$15 per hour and one-year probationary period and seconded by Councilman Wohlschlegel was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supr. Welch noted that Ed Years informed her that he was retiring from the Town this spring; he has been with the Town 26 years. Supr. Welch has asked that the Town Board allow him to utilize Part A PTO benefits at the 2008 hourly rate during the weeks immediately preceding his retirement rate; an exception to Town policy. The PTO, Personal Time Off, has 2 categories' of personal time off. Employees hired prior to 2008 have a Part A and grandfathered into the plan. At the current time we have 4 employees that have Part Time A hours that were locked in. Our policy states the employee is eligible for pay-out at retirement based on their December 31, 2008 pay rate. Supr. Welch wasn't sure if that meant a lump sum or a weekly pay out; Mr. Years requested the weekly pay out of 167 hours. 1.45 Discussion.

On a made by Councilman Wohlschlegel to pay the PTO benefit to Ed Years on a weekly basis and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel. Voting NAY: Cone.

Supt. Wight said he has 4 important questions for the Board. Supt. Wight said the board has probably put this to rest but he has not and wants to know where \$1,300 of his pay is; his pay is \$32.00 short from the same amount last year. Where can the Town Board that approves a budget that includes his salary which is the exact same salary amount from last year because the Board didn't see fit a 1.5% increase or cost of living raise. If that increase or cost of living increase had happened there probably wouldn't be a problem but would like an answer on that. This happened during a Town Board meeting where he was not in attendance and nobody had the decency to notify him that this was happening; and it happened until he wasn't at the meeting.

Supt. Wight asked for the Supervisor's Report and hasn't seen one since, he didn't remember when. Supt. Wight said he doesn't have any idea of unencumbered balances there are if he had time he would track his expenses. Supt. Wight would like to know where that is and when can we expect to see one.

Supt. Wight said there is only one abstract now and what happened to the Highway Fund; what prompted everything coming out of one fund and why?

Supt. Wight asked why there is still an empty seat on the Town Board? Clerk Voss said she would like to ask that too. The Board seat has been vacant since November and asked if they were going to replace him?

Supr. Welch said that she would take responsibility for not informing Supt. Wight regarding his pay however he was aware of the fact that the \$2,600 had been voted out as of January 1st. The \$1,300 was actually restored at the meeting in January, 2015. Supr. Welch said, as far as Supt. Wight not being at the meeting, she was not responsible for that. 1.55

Supt. Wight said he was out doing his job. Supr. Welch understood but we still have business to conduct and wanted to resolve that in January.

Supt. Wight said that \$1,300 is still gone out of his pay which was part of the budget. The salary is identical to last year and now it is not. That needs to be made up; it doesn't just disappear especially with the tax rate being doubled.

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Supr. Welch asked if the \$2,600 was part of his salary? Supt. Wight said that is his salary for the year; the \$2,600 was not on top of his salary. It is not extra money that he is making.

Supr. Welch said the health benefit is in the budget twice and if the \$62,904 is Supt. Wight's wages and within that figure is \$2,600; Supr. Welch asked if they reduced his wages from the \$62,904?

Supt. Wight said yes it is part of the pay package. There is not \$2,600 in the budget for not taking health insurance. Supr. Welch said it is under the benefits; when we voted on the budget the money was under health benefits.

Councilman Wohlschlegel said if Supt. Wight's wage is \$62,904 that is what he should be taking home. Supr. Welch will look into this.

Supr. Welch noted that there has not been a Supervisor's report since November. The books have not been closed out since October. The reason for this is by the advice of Williamson Law and the Town accountant. We did hire someone to come and assist the bookkeeper.

Councilman Cone asked what that has to do with the Supervisor's Report; they are not connected whatsoever in his mind. The supervisor's report is a required document.

Supt. Wight asked how are we 3 months into the New Year without knowing where the budget stands. Clerk Voss said that is why the Town is being audited by the State.

Supr. Welch said she contacted the State Comptroller's in December and we are attempting to reconcile the accounts. The Bookkeeper has produced a spread sheet for the accountant of all the journal entries for 2014 and we are working hard to finish it. The State Comptroller will help us expedite this; we all want the same thing; clean books that have been thoroughly vetted before we move forward. 2.02

Supr. Welch said the reason that the accounts have gone into a Consolidated disbursement account was to try pull out specific areas and set them up in their own funding for further disclosure for the public. The Transfer Station has its own fund, the H fund for Lower Egypt Road, a fire fund. These were all paid out of the general fund and the highway fund; in order to reconcile easier in the future and also more efficient. Supr. Welch said she doesn't see the difference whether it is an A fund or DA fund; she just looks at the vouchers and how it is set up. We went to a consolidated checking; all the accounts are still separately funded. At the point where we cut the checks the funds are pulled from their accounts. Supr. Welch said the Highway Fund has \$518,000 which includes the CHIPS money and FEMA monies. The Supervisor's report comes out of the accounting system which needs to be reconciled.

Councilman Cone said that the Supervisor's Report must be generated and doesn't care about the accounting. If you have \$1 million and you don't know how it is split up you have to have some information even if the next month's Supervisor's Report supersedes it. It could be 3 to 6 months before a Supervisor's Report is completed.

Supt. Wight asked about the Town Board vacancy and when they plan on filing it? Supr. Welch said the seat was vacated she went to the Board of Elections and asked if we could have a special election and was told no. That left the Board with appointing someone and the Board has not discussed it. We could discuss it now or wait until the next general election.

Councilman Cone said there are 4 applicants that are interested for the Town Board and asked if we are required to appoint by political party? Supr. Welch said no; this Board has taken no action on this, however, found out today that the Town Clerk placed an ad in the newspaper without being authorized to do so. Supr. Welch said she thought they were just citizens that were interested in serving. Clerk Voss said they are interested; the citizens are asking.

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Councilman Wohlschlegel said if people applied and interested we should follow through. Right now the board is split 2-2 and not a way to run the Board. 2.10

Supr. Welch said in speaking with other Town Supervisors, if we appoint someone the sense is you give them a leg up in the election; a special election would have been ideal to let the people decide.

Councilman Bachman said he did not read any of the applications that were forwarded on because he did not know where they came from. Until there is a formal process we need to post it on the website and re-run an ad in the paper.

Councilman Cone asked if Clerk Voss was permitted to run the ad in the paper. Supr. Welch said no, she was not authorized to do that and would need Town Board approval to do so.

Councilman Wohlschlegel said he had one more item to discuss about an employee that has a concern and asked if the Board should move into Executive Session?

Supr. Welch said she has done an audit of the time-off for that employee; she told me how many hours of vacation she had taken and took her word for that. In preparation for tonight's meeting we went through the record and she actually took all of her time off she just put it down as floating holiday instead of vacation and want to meet with her before it was discussed tonight. Supr. Welch said this employee took more time off than they were eligible for; they go their time off plus more off.

Councilman Wohlschlegel said he wanted to make due-diligence and fair with employees. If the employee was not answered on a timely basis then would be in favor of carrying over the 3 days.

Supr. Welch said she would speak with the employee.

ADJOURN 9:30PM

Respectfully submitted:

Judy Voss
Town Clerk