

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order April 13, 2015 at 7:00pm 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

Richard Johnson, Ann Jacobs, Ralph Endres, Jim Ely, Bob Eisenburg, Dahl Schultz, Leo Caprini, Bernice Caprini and Jim Wight

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

PRIVILEGE OF THE FLOOR

JIM ELY, SOUTH BRISTOL PLANNING BOARD

Jim Ely, Planning Board Chairman, started with items pertaining to the Animal Control. First item is directed against incessant barking and the second is concerning wandering animals. Both of these proposals originated as citizen's complaints. We had a very serious situation here about a year ago in which sheep and chickens were lose aggravating the neighbors and creating safety hazards on the roads. The effected neighbors sent letter of concern to the Town Supervisor and Planning Board at the time.

Councilman Cone asked about the barking of the dog in the law, and would like to see something that indicates a time limit. Is barking not allowed anytime, one, two or three barks? Or is it barking after 1:00am that is an issue?

Chairman Ely said this proposal came directly out of citizens complaint and did not specify a time; notice that it states "habitual" and not a matter of a bark or two; habitual barking in such a manner to annoy another person. This proposal was revamped by the Town Attorney to reflect what was going on in adjacent towns; we thought the idea of habitual barking was the concern not the particular to the time of day.

Chairman Ely moved on to the Timber Harvesting law that was a direct suggestion from the Town Board to the Planning Board. As it is now, our present code is little more than a registration requirement. The timber harvesting law was drafted with great care and worked very closely with the Planning Board, Kevin Olvaney and from a law in the Town of Bristol. This does not bar logging; it just puts limitations on it.

Chairman Ely said the steep slopes law is just being tweaked; not a significant change at all. It is only to make clear that the Code Enforcement Officer, if he wishes, can obtain the assistance of other expert persons to go on to a property to inspect for a possible steep slopes violation.

The final matter is to extend the proposal to extend the Site Plan Review for the residential lakefront properties. Chairman Ely said he has been attending the watershed meetings and we are the only town on the lake that doesn't have site plan review. The CEO feels very strongly about this

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

and agrees with him. It would be very useful to have a body such as the Planning Board review these proposals that are going to impact the lake and any number of things in any number of ways.

Councilman Bachman asked how would the site plan review have changed the two lakefront homes being built on Seneca Point Road that have maximized the square footage to what they could put on it?

Chairman Ely noted that this is the first step in what will hope will be some changes to prevent what he is referring to happening again. There have many residents express concern to what is going on down there. This is the first step; an attempt to establish a procedure for the Planning Board to review the plans. It is not ** in itself because other things have to change and that leads to the other matter that is before the Town Board which is our proposal to redefine lot coverage. Our Code Enforcement Officer spoke at some length and very effectively to the Planning Board at the February meeting and he points out that our present definition of 20% does not change; but definition of “coverage” is so vague and open-ended but nothing but a structure counts as coverage. Therefore you can cover your lot with a tennis court, driveway and end up with 80% coverage. The idea to establishing site plan review is to give a mechanism to review the plans and to also moving forward to redefining coverage it gives us a better handle to prevent some of what you are describing. We can avoid this if we can redefine coverage in tandem with having site plan review.

Chairman Ely said at this point it is appropriate to forward the definition of lot coverage to County Planning for review. The County Planning specifically commended our Planning Board proposal on logging.

Councilman Cone asked about the logging application and asked about a permit fee which isn't noted on the paperwork. Chairman Ely said that is not part of the Planning Board's duties to set the fee.

Clerk Voss noted that the Town has a fee schedule that the Town Board would vote on instead of the fees being part of the code. (15.44)

Supr. Welch said the first law is repealing Chapter 106 of logging of the Code of the town of South Bristol and adopting a new chapter 106, local timber harvesting law.

A motion to accept the logging law as presented made by Councilman Wohlschlegel and seconded by Councilman Bachman. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Clerk Voss noted that the Board is supposed to do SEQR as set forth in Attorney Graff's letter which included a resolution determining SEQR and a resolution authorizing adoption of the local law. Clerk Voss noted that SEQR is required for the steep slopes as well.

On a motion made by Councilman Bachman to approve the Local Law amending Chapter 61, Animals of the Code of the town of South Bristol and seconded by Councilman Wohlschlegel was ACCEPTED. Voting AYE: 3. Voting NAY: 1. Voting AYE: Welch, Bachman and Wohlschlegel. Voting NAY: Cone.

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL OF LOCAL LAW NO. 1 OF 2015

WHEREAS, a resolution was duly adopted by the Town Board of the Town of South Bristol for a public hearing to be held by said Town Board on March 9, 2015, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, to hear all interested parties on a proposed Local Law to Amend Chapter 61 (Animals) of the Code of the Town of South Bristol; and

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on March 5, 2015 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 9, 2015, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interest of the Town of South Bristol to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of South Bristol hereby adopts said Local Law No. 1 of 2015, entitled, "A local law to Amend Chapter 61 (Animals) of the Code of the Town of South Bristol", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of South Bristol, and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on April 13, 2015, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Barbara Welch	<u>x</u>	_____
James Bachman	<u>x</u>	_____
Robert Cone	_____	<u>x</u>
Scott Wohlschlegel	<u>x</u>	_____

Dated: April 14, 2015

Judy Voss, Town Clerk

SEAL

**LOCAL LAW NO. 1-2015
AMENDING CHAPTER 61 – ANIMALS**

FILING LOCAL LAW

New York State Department Tax of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town of South Bristol

Village

Local Law No. **1** of the year **2015**

A local law "Amending Chapter 61 (Animals) of the Code of the Town of South Bristol"

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

City

Town of South Bristol

as follows:

Village

SECTION 1. Section 61-15 (Restrictions) of the South Bristol Dog Control Law is hereby amended with the insertion of a new Paragraph E to read as follows:

- E. No dog shall be permitted to engage in loud howling or habitual barking or baying or to conduct itself in such a manner as to annoy any reasonable person other than the owner or person harboring such dog.

SECTION 2. Chapter 61 (Animals) of the Code of the Town of South Bristol is hereby amended with the insertion of a new Article III to read as follows:

ARTICLE III

Keeping of Animals Other Than Dogs

§ 61-17. Title

This article shall be known and may be cited as the “South Bristol Keeping of Animals Other Than Dogs Law”.

§ 61-18. Purpose

It is hereby declared that this article is adopted as a safeguard to the health and safety of the inhabitants of the Town, to prevent nuisances and generally to protect the health, welfare and wellbeing of the public.

§ 61-19. Animals Prohibited From Running At Large; exception.

A. No owner of, or other person having custody of, or who harbors, houses, keeps, maintains or cares for, any animal other than a dog, including but not limited to, any cat, horse, cattle, sheep, llama, alpaca, vicuna, poultry or swine, shall permit any of such animals to run at large on any property open to the public or on any property not owned or leased by the owner or on any other property without the property owner’s permission.

B. Paragraph A. of this section is specifically not applicable to caretakers of feral cat colonies that act pursuant to the guidelines in accordance with the trap, neuter/spay, vaccinate, and return program of The Colony Caregivers (a 501 (c)(3) organization formed under the laws of the State of New York) if such colony has been registered with the Town of South Bristol. A colony is considered “registered” when an officer or member of The Colony Caregivers provides written notice (including e-mails) to the Town Supervisor of the property location of an established feeding station. The registration of such colony in no way impedes the power and ability of the Town to declare such colony a public nuisance.

§ 61-20. Penalties for Offenses.

A. Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$250 or imprisonment not exceeding 15 days or to both such fine and imprisonment.

B. The provisions of this article may be enforced by any police or peace officer, by the Town Code Enforcement Officer or by any person, municipality, or organization for the prevention of cruelty to animals, appointed by law or pursuant to contract with the Town of South Bristol.

SECTION 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause,

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 4. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2015 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on April 13, 2015, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Town

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

sTATE OF NEW YORK

COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Attorney to the Town of South Bristol

Date: _____

Discussion:

Councilman Cone noted that he couldn't support the animal law; it isn't ready for his support. It needs to have more work done to article No. 3 "keeping of animals" doesn't give any specifics for that. Under the restrictions which is vague and doesn't know what he isn't voting on for article 3.

Supr. Welch noted that 61-19 Animals prohibited running at large and the habitual barking and explained the new wording.

Councilman Cone said he didn't have this information in his meeting packet. (21.00)

Supr. Welch said the Board has had the law to review since October 2014.

Clerk Voss noted that the logging law requires SEQR as set out on the attorney's instructions.

Supr. Welch said that Councilman Wohlschlegel will have to bring SEQR back to the Board next month.

On a motion made by Councilman Cone and seconded by Councilman Bachman the previous vote to accept Local Law amending Chapter 106 was rescinded. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

On a motion made by Councilman Cone to forward the proposed amendments to Chapter 170-9, Lot Coverage, to the Ontario County Planning and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. (25.10)

CORRESPONDENCE RECEIVED

- Jim Ely, SB Planning Board – Proposed Revised Definitions for South Bristol Code
- Casella Resource Solutions, notice of 1.3% price increase for solid waste disposal
- State Dept. of Taxation – 2015 Franchise Assessments
- State Dept. of Taxation – 2015 Tentative Telecommunications Ceiling
- NYS Homeland Security – Intrastate Mutual Aid Program

APPROVAL OF MINUTES

Clerk Voss asked why the Town Board was approving minutes.

Supr. Welch said the Town Attorney recommended approving the minutes at the board meeting rather than via email. Supr. Welch noted that she and Clerk Voss are working on corrections to some of the 2015 minutes and having them ready for approval at the Town board meetings.

Clerk Voss noted that the minutes for 2015 have all ready been published on the Town website and that the Resolution states 3 days or 3 board members signing off and has only received a few responses from the board regarding the minutes over the last year. (28.57) Resolution #30-2014 was approved last February, “Town Board will no longer approve prior month’s minutes at the regular monthly meeting to the Town Board.”

MONTHLY REPORTS

HIGHWAY SUPERINTENDENT

Supt. Wight noted that the Highway Dept. is patching potholes and hauling stone; Suit Kote has been in town and getting prices together for roadwork. Signage has been ordered for Bopple Hill Road restricting any truck traffic down that hill. Supt. Wight said that language needs to be added to the town code to help protect town roads; holding the contractors responsible for what is being done to the road bed during construction on Seneca Point Road. The homeowner is the first to complain about the condition of the road after the construction. (31.40)

Councilman Cone asked about the weight limit on Bopple Hill and Seneca Point Road? Supt. Wight said there currently isn’t a weight limit on that road. The concrete trucks weight 80,000 lbs. or more.

Councilman Cone said based on his recommendation, if a road was designed for 40 ton and you are running 80 ton dump trucks on there and we are looking at doing development? We need your recommendation what we should with that road short of just resurfacing it on a regular basis.

Supt. Wight said Seneca Point Road is a unique road; it doesn’t meet town road specs, it is not wide enough. Most of that road at its widest point is 18’ wide but most of it is about 16’ wide.

Supr. Welch asked about developing a law to protect the roadways. The Planning Board had worked on protecting the roadways with hydrofracking at one time.

Supr. Wight said he will look into it.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

ASSESSOR

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

CEO

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

TOWN CLERK

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

LIASION REPORTS

BUILDING & GROUNDS/CEMETERIES

Councilman Wohlschlegel said the estimate from NYS Fence has been received for Coye Cemetery. To install high-ultra commercial grade aluminum ornamental fence is \$16,500.00. A 4' chain-link fence estimate \$6,820.00. To remove the existing fence would cost \$1,300 and has not received an estimate for a wooden fence from Shamrock Fence and has a call into them. The fencing is for the north and the east lot lines and replaces the existing fence. Councilman Wohlschlegel said in speaking with the State Auditor the cemetery funds are not to be used for the fencing.

Supr. Welch agreed and said they are looking into old documents specifying what the monies can be used for.

Councilman Wohlschlegel said that Caskey Heating was at the Town Hall and balanced the furnace in the Town Hall and replaced a heater at the Highway barns. Councilman Wohlschlegel said we are waiting for Proctor Roofing to replace the Town Hall exit doors.

Councilman Cone noted that the town hall doors and the actual budgeting of the fence, recommended on holding off on those projects because they are not essential until we get past the budget issue. Councilman Cone said the State auditor had told him that the Board should refrain from any non-essential spending.

Councilman Wohlschlegel said an electrician was at the Town Hall code violations and replaced lighting fixtures.

HIGHWAY DEPARTMENT/IT

Councilman Bachman noted that last month the Board approved running new phone lines and Ethernet over at the Highway dept. and once the new phone lines were in everything worked. There are a couple of other things relative to the highway dept; the wireless connection from the Town Hall to the Highway Dept that was approved by the previous board and \$5000 in the budget for this. To get this work done it will cost \$1,500; we currently spent \$113.00 a month on internet and fax line at the highway dept a total \$1456.00 per year. By installing wireless at the highway dept. we can cease that \$1456.00 in annual expense and another benefit for having one

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

network at the highway dept. are the two computers will be able to be added to the Town's domain/server and would be behind a firewall. This will reduce the Time Warner's bill down to one bill per month. Councilman Bachman asked for the Board's thoughts on investing \$1,500 to complete the wireless network, etc.

On a motion made by Councilman Bachman to approve the \$1,500 for integrating the Town Hall's network with the Highway Dept. with the goal of terminating the Time Warner services at the Highway Dept. and add the two computer's to the domain and securing the firewall and seconded by Councilman Cone was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supt. Wight asked if the phone number for the phone and fax lines will stay the same?

Councilman Bachman said that he will be able to fax out through his computer and any incoming faxes will come to the Town Hall and be scanned and emailed to him from there. Councilman Bachman said that he can have people email the faxes to him.

Councilman Bachman continued noting the special meeting on April 2nd the Board had to stop any collection of the electronics for recycling because of issues with the current supplier. The electronics were picked up by the previous supplier and asked Supt. Wight if he contacted RCRR to see if they will pick up the electronics or stay with the current vendor?

Supt. Wight said that React Recycling picked up what we had and would speak to them about taking care of the recycling. They are out of Horseheads and need to know if they want the contract. This is our 3rd vendor for electronics pickup.

Councilman Bachman said that the television monitors and CRT's will be an issue with them and will no longer be able to collect those items. The flat screens are acceptable. Councilman Bachman said RCRR in Victor and Best Buy recycle televisions. (58.51)

Councilman Bachman said that they have also created another form for the Transfer Station establishing residency validation. 1.02 Board had a discussion regarding the Transfer Station. Councilman Bachman said he would like have a proposal for the Board next month regarding the Transfer Station.

Councilman Bachman said he will update the website and Councilman Cone is working on the Transfer Station pamphlet.

Councilman Bachman said that the laptop from Debbie Minute needs to be taken off the asset list.

On a motion made by Supr. Welch that the Dell Inspiration computer, inventory no. 103-20289 be removed from the inventory of South Bristol and scrapped, seconded by Councilman Bachman was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Councilman Bachman continued with a copy of a contract between the Town of Seneca and Ontario County for consolidated IT services and is looking into this. Councilman Bachman said he is looking opportunities for better cost and support.

PUBLIC SAFETY

Councilman Cone noted (1.07) said there are changes to the Transfer Station pamphlet for effective date of the electronic recycling as of April 13th and is working on the verbiage on acceptable and non-acceptable waste; have also added to the non-acceptable items, rechargeable batteries and compact fluorescent light bulbs. The light bulbs can be recycled with Lowe's or Home Depot. Councilman Cone would like a solution available to the residents to where they can get rid of the non-acceptable items. Councilman Cone said we currently charge \$30 for a Resident User Pass and we don't even come close to covering our Transfer Station expenses and

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

the cost of trash keeps going up. Councilman Cone suggested increasing the resident user pass to \$40 depending on what the Board is willing to do. We currently cover approximately 50% of the cost of the Transfer Station and the rest is distributed among the rest of the Town residents. The people that use the Transfer Station should be making up more of the expense. A \$30 Resident User Pass has got to be the best deal in Ontario County. The Town of Victor is several hundred dollars for annual passes.

Councilman Wohlschlegel said the Board raised the town taxes to cover costs.

Councilman Bachman agreed and noted that this could be part of the changes to the Town Fee Schedule.

Supr. Welch agreed and said the CEO should be asked for his input of permit fees. Supr. Welch said this can be part of the budget process and implement the new fees as of January 1st, 2016. Board tabled the discussion.

Councilman Cone continued with Public Safety and lakefront signage and is working with the supplier on the signs. The signs would be made by the vendor, 6" x 24-30" and would be shipped directly to the homeowner; there is no cost to the Town for the signs. (1.24) Councilman Cone has the samples the request from Bristol Harbor which are a smaller size and the Homeowner's Association needs to make a decision on what they want.

Councilman Cone continued with signage outside the buildings at the Transfer Station for one car at a time and have looked for a solution. This would be something like going into a carwash. The light outside the building with red/green lights and when there is no one in the building the light is green to enter. Once they pass a certain point in the building a sensor would turn the outside light red. The estimate received would not exceed \$3,000 to install; the equipment is \$1,700-\$1,800. Councilman Cone will get some more information for the Board to make a decision. (1.32)

OLD BUSINESS

BRISTOL SEWERAGE DISPOSAL CORPORATION

Supr. Welch said they met with the Sewer Corporation today with the Town engineer, Mark Tayrien of LaBella. The revised memorandum of understanding agreement did not previously include the expenses association with professionals, namely CPA's, and any other professionals to be charged back to the sewer corporation.

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel, the revised Memorandum of Understanding was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supr. Welch said she sent the board members a draft of a payment and escrow agreement the attorney had drawn up for the sewer corporation. The office of State Comptroller had questioned the Town's ability to enter into escrow agreements. The Town attorney did confirm that the Town is allowed to enter into escrow agreements. Supr. Welch asked the Board's approval of payment in Escrow Agreement between the Town and Bristol Sewerage Disposal Corporation as a concept subject to any changes recommended by the attorney.

(1.47) Councilman Bachman reintegrated this is an agreement between the Town and the Swere Corporation for reimbursement of the engineering and professional services with respect to their rate increase request.

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel the Escrow Agreement between the Town and Bristol Sewerage Disposal Corp was

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

NEW BUSINESS

**LOW INCOME DISABLED PERSON PROPERTY TAX EXEMPTION
SCHEDULE PUBLIC HEARING**

Supr. Welch noted that the Town Assessor had written to the Board regarding low income disabled person property tax exemption and she had found an error in the original exemption that had been done a number of years ago and recommended some changes. The Board will have to hold a public hearing at the next meeting.

On a motion made by Councilman Cone to hold a public hearing on Monday May 11, 2015 at 7:00pm regarding the low income disabled person property tax exemption and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. (1:50)

SECTION 170-20 (PLANNED DEVELOPMENT DISTRICT) CHANGES TO:

- 1. C(3) (B) TO INCORPORATE LANGUAGE RELATIVE TO SEWAGE SYSTEM OPERATING UNDER TRANSPORTATION LAW;**
- 2. I (4) TO CORRECT TYPO;**
- 3. INCREASE APPLICATION FEE FROM \$300**

Supr. Welch said that she would like to see mention of the Transportation Law added to the code, where it discusses sewer. The reason for this request as we discovered late last year that the sewer district at Bristol Harbor had expanded beyond the footprint approved by the Town. Supr. Welch said by including it in the Planned Development application, in the future that type of thing might be caught if the Planning Board and the Town Board see that. If the Town Attorney agrees to add that and also there has been discussion about the application fee. We might want to wait until January 1st to change that. The application for Planned Development involves a great deal of work. Supr. Welch suggested increasing the fee from \$300. Councilman Bachman agreed.

Supr. Welch suggested \$500 or \$1000 application fee. Councilman Bachman and Councilman Wohlschlegel agreed.

On a motion made by Supr. Welch to submit the changes to the Town Attorney to draft a local law incorporating the Transportation Corporation Law within the application in C(3)(B); correct typo in section I(4) and increase application fee to \$1000 of the South Bristol Town Code and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. (2.00)

BOOKKEEPER – TRAINING AND HOURS

Supr. Welch noted that the office of the State Comptroller is having accounting school next week in Buffalo the Bookkeeper is signed up for. There is \$500 in the budget for training which will include 2 overnight stays.

On a motion made by Councilman Cone to approve for travel expenses associated with training to Buffalo including tolls, meals and 2-night hotel stay according to the Town policies

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supr. Welch said the bookkeeper hours reporting from 12/21/14 through 3/28/15. Supr. Welch said she had mentioned before that the bookkeeper was working more than the 32 hours per week that we had approved in the budget. The bookkeeper is actually working 40 hours per week; in addition to the 40 hours per week the bookkeeper has taken comp-time of 50 ½ hours which is covered in the handbook – compensatory time subject to preapproval by the department head subject to a maximum of 50 hours compensatory time per calendar year and to be used within the calendar year in which it is earned. Supr. Welch noted that in addition to working the 40 hours per week the bookkeeper has also earned 50 hours of compensatory time. Supr. Welch has done a budget analysis and with the departure of Planning/Zoning secretary Debbie Minute and with the change in salary for the new employee there is a savings of \$4,140 and that covers another 200 additional AND 140 hours of wages for the bookkeeper. Supr. Welch said the bookkeeper will be working extra hours through June.

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel the additional hours and pay for the bookkeeper were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

EMPLOYEE DISHONESTY BOND

Supr. Welch said the State Comptroller's office recommended increasing employee dishonesty bond for the Supervisor, Deputy Supervisor and the Town bookkeeper at a cost of \$163.00.

On a motion made by Councilman Cone and seconded Councilman Wohlschlegel by to increase the bonding as noted for the Supervisor, Deputy Supervisor and bookkeeper was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

EMPLOYEE HANDBOOK SECTIONS 201-204 – DRAFT

Supr. Welch noted that attorneys handling the union negotiations is reviewing the town employee handbook and is suggesting that the Board wait until the negotiations are complete. The changes added language to include elected officials and changes the probationary period.

On a motion made by Councilman Wohlschlegel to accept the changes for section 201 and 204 and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 3. Voting NAY: 1. Voting AYE: Welch, Bachman and Wohlschlegel. Voting NAY: Cone.

ACCOUNTING APPROVAL OF VOUCHERS

On a motion made by Supr. Welch to accept Abstract No. 4, voucher numbers 153-216 of which 154, 156 and 157 are all payroll checks and have been funded through the payroll account and are included for record keeping and check number purposes totaling \$84,213.03 excluding

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

the payroll checks and seconded by Councilman Wohlschlegel was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. (2.14)

CURRENT BANK ACCOUNTS

Supr. Welch said that she included a list of the Town bank accounts in the meeting packet. The State Comptroller's Office told her that she should have gotten board approval for these bank accounts which she did not do. Supr. Welch read through the list of bank accounts with 5 Star Bank:

- General Fund Checking
- Highway Fund Checking
- Payroll
- General Fund Savings
- Highway Fund Savings
- Coye Savings
- Founders Savings
- Guiderail Savings
- Consolidated Disbursements
- Transfer Station
- Capital Reserve Fund
- Lower Egypt Road
- Everwilde Savings
- Ski Valley Savings
- Fire Fund Savings

Councilman Cone asked if she intended to keep all these accounts after the State audit? Supr. Welch answered no, the general fund checking and the highway fund checking will be removed once all the checks from those accounts are gone and will be using the Consolidated disbursements account. Supr. Welch noted that the Transfer Station account will be closed and rolled back into the A fund account. Lower Egypt account will eventually be closed. The escrow accounts will eventually be closed.

Councilman Cone said according to the NYS auditor this is not how a municipality normally budgets and is what led us to some of the budgeting problems. Each account has to be balanced and you may have to go to multiple bookkeepers to keep track of this.

Supr. Welch said she is working on the accounting with the State Comptroller and should have told the Board that the banking accounts were moved to 5 Star Bank. The move to 5 Star to be able to make deposits more easily on a timelier basis.

On a motion made by Councilman Wohlschlegel to accept the bank accounts as listed and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supr. Welch noted that another account will be opened for the Bristol Sewer Disposal Corp. escrow.

Councilman Cone noted that he didn't see the benefit in having so many accounts, only the downside and would like to migrate away from.

On a motion made by Supr. Welch to open a bank savings account called "Bristol Sewerage Disposal Corp." deposit of \$10,000 paid by the Disposal Corp. and seconded by

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

Councilman Bachman was ACCEPTED. Voting AYE: 3. Voting NAY: 1. Voting AYE: Welch, Bachman, and Wohlschlegel. Voting NAY: Cone. (2.28)

RECONCILIATION OF BANK ACCOUNTS

Supr. Welch said the State Comptroller's office is assisting us in the reconciliation of the accounts. The Town accountants had the Town Bookkeeper develop a spreadsheet of all the accounting entries that were made in the system and then the plan was to have Linda LeMoyne review all those entries before they were entered into the accounting system and corrected. The office of the State Comptroller and our accountant approved; an erasing of entries in the system with back-ups from Williamson Law and hard copy. This will allow a more expeditious process of reconciling the books. Supr. Welch noted that there are still factors which affect the time the bookkeeper has to devote to this. At the moment, The bookkeeper is doing work for the State Comptroller's office during the audit, 3-day training and managing paperwork for retirements and one new hire. Supr. Welch noted that the bookkeeper had gone through and made adjustments to the attorney's fees and that type of thing for 2014 which have now been wiped out and need to be re-done before the closing of the 2014 books. He plan at this time, by the next town board meeting on May 11th, the accounts will be reconciled through the month of November 2014. The December 2014 reconciliation will generate budget amendments prepared for the Board approval. Then, with the assistance of Linda LeMoyne, the 2014 books will be closed and prepare the AUD and loading the 2015 budget on the system and entering data and generating reports.

Supr. Welch noted that the auditors have also talked with her about establishing the Standard Work day for pension purposes. Currently the highway dept. uses an 8-hour work day and all other positions are 6 hour days. The auditor is saying that it should be by position and will work with the auditor on that.

OTHER BUSINESS

Councilman Cone noted that the auditor had asked him if we had 2 separate estimates on a contract and didn't know if we did or not. Supt. Wight said the roadwork is through the County and complies with State guidelines; the bid process isn't necessary.

Councilman Cone also mentioned having a long-term plan for highway work. Supt. Wight said he has set up a meeting with LaBella engineering to begin working on a long term plan.

Supr. Welch asked if the engineer can help with the equipment inventory. Supt. Wight said yes, the trucks were on a 10-year schedule and is not meeting that because the Board didn't budget any equipment money. The trucks we are working with now are 12-13 years old.

Councilman Wohlschlegel noted that the Highway Supt. is to present every month where his balances are. Clerk Voss noted that information comes from the Supervisor's Report.

Supt. Wight said he doesn't have the reports with the balances from the Supervisor's report and is flying blind; in 6 years he has never gone over budget.

Supt. Wight asked about the transfer station employee who was given an hourly rate that he still hasn't been paid for from January 1st and needs to have that taken care of. Supt. Wight also said that he is beginning the hiring process and asked if he needs Town Board approval? Applications have been submitted for the position. Supt. Wight will place an ad in the paper.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

April 13, 2015

Clerk Voss asked the Board about the abstract being taken out of her hands. Supr. Welch noted that Williamson Law needs to add something to the Town Clerk's computer.

Clerk Voss asked about the 77-page meeting packet that was emailed to the Town Board members and asked if she could be included in these packets for her records.

Councilman Wohlschlegel asked who sends out the meeting packet? Supr. Welch said she does. Councilman Cone said that the meeting packet is not working for him and would like to see it separated out and individual files.

Clerk Voss said she came to work on Thursday April 2nd and found a Town Board notice for a Special Meeting that night and asked who posted the notice. Supr. Welch said she asked the Planning secretary to post it; we had decided on it and your office was closed on Wednesday. Clerk Voss said she still gets emails and was not notified. Clerk Voss said the posting of Town Board notices is her job and does not want anyone else doing it in the Town Hall.

EXECUTIVE SESSION

- To discuss the work history of a particular person

On a motion made by Councilman Bachman and seconded by Councilman Cone the Board moved into Executive Session to discuss the employment history of a particular person was ACCEPTED. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

The Board convened into Executive Session at 10:00pm.

The Board exited the Executive Session at 10:22pm

On a motion made by Councilman Bachman and seconded by Councilman Cone the Board moved into Executive Session was ACCEPTED. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

On a motion made by Supr. Welch and seconded by Councilman Wohlschlegel to have the Coye Cemetery caretaker, Brian Young, resume his duties was ACCEPTED. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

ADJOURN 10:23PM

Respectfully submitted:

Judy Voss
Town Clerk