

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order June 8, 2015 at 7:02pm 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

Ashley Champion, Frank Sciremammano, Howie Jacobson, Laura Cook, Kathy Spencer, Janet & Stephen Cowley, Maryann Bachman, Kevin Murphy, Jack Bartlett, Wade & Jocelyn Sarkis, Chris Luley, Elizabeth Caprini, Brian & Delores Perkins, Anne Jacobs, Ted & Gina Russell, Donna Goodwin, Joe Kohler, Al & Nancy Wilcox, Danny & Stenzi Wegman, Kevin & Cathy McWilliams, John Ingle, et al

APPROVAL OF MINUTES

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel the May 11, 2015 and May 14, 2015 minutes were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Cone, Bachman and Wohlschlegel.

PRIVILEGE OF THE FLOOR

Supr. Welch said that Kathy Spencer of Labella Engineering will be reviewing parts 2 and 3 of the Environmental Assessment Form for the Everwilde Project. The project sponsor is responsible for Part I and the Town Board is responsible for Parts 2 and 3. The Town Board reviewed the form in a special meeting last week and are now going to review the updated EAF.

Kathy Spencer said at the meeting last week, the Town Board prepared parts 2 and 3 of the Environmental Assessment Form identifying potential adverse impacts and evaluating those impacts. From that meeting, the final version of the parts 2 and 3 was prepared and sent to the Town Board and no changes have been made since that time. Based on the content contained in that final version parts 2 and 3 the Town Board did identify potential significant adverse impacts on the environment. As a result the resolution is in front of the Board tonight to consider that basically requires the preparation of the of an Environmental Impact Statement for the project because at least one potentially adverse environmental impact was identified during that part 2 and 3 preparation. Ms. Spencer explained that the Board will be making a Positive Declaration requiring that the Environmental Impact Statement be prepared as noted on the prepared Resolution. The Resolution includes 3 "Whereas" statements which identifying the action and is a reminder that the action is defined as both the Town Board's approval of the rezoning as well as the eventual approval of this site plan by the Planning Board. Ms. Spencer explained that there will be only one action for the SEQR (State Environmental Quality Review) process that encompasses that whole action. There will not be a separate SEQR process when the Planning Board does it eventual review and site plan process to approve or disapprove the project. The resolution identifies this as a Type 1 action under

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

SEQR. The criteria it met that it will affect the physical disturbance of 10 acres or more. 6.33 Ms. Spencer explained the resolution in front of the Board. The one question is before the Board involves the optional “Scoping” process which is to outline the topics and analysis’ that would be expected to appear in the Environmental Impact Statement for this process. The primary goal of Scoping is to focus the Environmental Impact Statement on relevant, significant, adverse impacts and to eliminate areas where they are either non-significant issues or irrelevant to the project. The Scoping can be initiated by the Town Board as lead agency or by the project sponsor at their request. The formal Scoping process, public participation is mandatory. The preliminary draft Scope document is prepared by the applicant and the Town Board receives it and that starts a 60-day time period to review the scoping document and prepare its revisions and circulate the scope to the involved agencies for their comments and would also establish a mechanism for public comment. With the 60 day timeframe, the Town Board would prepare the final written scope and send it back to the applicant. Ms. Spencer noted that there are a few factors to consider when making your decision to do Scoping or not. One factor is how comfortable you feel with the depth and the breadth of the Part 2 and 3 of the EAF as prepared at the workshop last week. Is it comprehensive, detailed enough and provide a level of guidance with the impact statement that you are comfortable with. Secondly, what need you see for the involved agencies and the public to add additional relevant areas of concern beyond which is all ready included in Part 2 and 3. Third, the Scoping process can take 2-3 month because of that 60 day period. After the Scoping process, the next step is the applicant will prepare the EAF to meet that Scope and submit it to the Town Board again, as lead agency, and the Town Board goes through a process as lead agency to determining if that impact statement is adequate for public review. The Scoping process is a lengthy process and the earliest it would be prepared would be late fall. Without a scoping process the earliest it could be released for public comment this summer. Ms. Spencer said the seasonal residents have stated that they want to be included in the process. 28.00

Supr. Welch said when the Town Board filed for Lead Agency status, letters were sent out to coordinate the response from the involved agencies. Ms. Spencer agreed and noted that there was one letter from the Town of Canandaigua that brought up additional issues which were added to the EAF. The Town of Canandaigua was concerned about being right on the property line of the project property and a concern about traffic which dove-tailed what was all ready had and did add a few things from their letter. The other letters from the involved agencies had nothing to add.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman, the Town Board will not require the Scoping process for Everwilde Inn and Spa project SEQR process was ACCEPTED. Voting AYE: 3. Voting NAY: 1. Voting AYE: Welch, Bachman and Wohlschlegel. Voting NAY: Cone.

Supr. Welch said the developers have the option of Scoping and asked the Everwilde Team if they wish for the Scoping Process.

Mr. Sciremammano said no, we do not; we feel the Town Board has been very thorough in identifying the issues and we have heard from the public and know what the issues are and are prepared to address them.

Councilman Cone said he would rather table the resolution until next month because he would prefer to see the property.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel, Resolution No. 28-2015 was ACCEPTED. Voting AYE: 3. Voting NAY: 1. Voting AYE: Welch, Bachman and Wohlschlegel. Voting NAY: Cone. 39.00

RESOLUTION # 28-2015

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL,
DETERMINATION AND SIGNIFICANCE REGARDING THE EVERWILDE INN AND
SPA APPLICATION FOR REZONING TO A PLANNED DEVELOPMENT DISTRICT
AND FOR APPROVAL OF FINAL PLANS**

WHEREAS, the Town of South Bristol Town Board, hereinafter referred to as Town Board, has determined the Everwilde Inn and Spa application for rezoning to a Planned Development District (to include the adoption of a local law rezoning the affected parcels to PD) and for approval of final plans to be a Type 1 Action under the State Environmental Quality Review (SEQR) Regulation based on the proposed project planning to physically disturb more than 10 acres, (as per 617.4(b)(6)(i) of the SEQR regulations), and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action and has completed Parts 2 and 3 of the long Environmental Assessment Form, which said Parts 2 and 3 serve as a basis for and provide sufficient detail for the determination made in this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board has determined that the action may include the potential for at least one significant adverse environmental impact, as elaborated in Parts 2 and 3 of the Environmental Assessment Form.

BE IT FURTHER RESOLVED THAT, the applicant is required to prepare an environmental impact statement for this action.

BE IT FURTHER RESOLVED THAT, the Town Board, in making this Determination of Significance, relied upon: the Long Environmental Assessment Form prepared for this action and the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have any significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

BE IT FURTHER RESOLVED THAT, the Town Board, as Lead Agency, has determined that it will not initiate the optional scoping process.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

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 June 8, 2015 by the following vote:

	<u>AYE</u>	<u>NAY</u>
Barbara Welch	<u>x</u>	<u> </u>
James Bachman	<u>x</u>	<u> </u>
Robert Cone	<u> </u>	<u>x</u>
Scott Wohlschlegel	<u>x</u>	<u> </u>

Ms. Spencer said at this point the action will be filed and publish the resolution according to the SEQR documentation. Most of the work now lies with the project sponsor to prepare the Environmental Impact Statement and submit it to the Town Board. 44.00

Supr. Welch said the Town Board will be having an informational tour of the Everwilde Property. Councilman Bachman said the tour will be Tuesday, June 16th and will not be a public meeting as it is not practical. Councilman Bachman spoke with Robert Freeman from NYS and the Town Attorney, it was determined that the public meeting was not practical because, among other things, of overall safety. There will be a boat tour as well which again is not safe or practical. This will be a private Town Board informational tour. After that, the town board will have a tour of the neighboring properties. The town attorney and town engineer will also be in attendance. Councilman Bachman continued, the applicant is to conduct the water and land tour along with a presentation and the tour of the neighboring landowners are to conduct their presentation. The town board is to remain silent during the entire visit; no questions, comments or idle conversation. The presenters are asked to not engage the Town Board in any way. The Town Board will conduct any subsequent discussion at an open public meeting to follow.

Supr. Welch noted that the Open Meetings Law does permit for informational tours of this type in keeping with the laws of the State of New York as confirmed by the State of New York and the Town attorney's. Rain date of June 18th. 50.00

Supr. Welch asked Ms. Spencer what the public should expect from this point through the SEQR process? Ms. Spencer said the preparation of the draft of the Environmental Impact Statement is now in the hands of the developer. There is no time frame on when they have to submit that. Once submitted, the Town Board will contact Labella to review the statement on behalf of the residents of the Town to make sure we think it meets the issues that were identified in the Parts 2 and 3 of the EAF and that it is complete. At that time we are not deciding on the merits, data or analysis that they provide in that impact statement; only that it is complete. Once it is deemed complete, that will be done by town board resolution and will be provided in certain public locations for public review. It is not required to be on the Town website. The length of the public comment period will be determined again by the Town Board; it can be shorter than 45 days. Public comment will be in verbal or written form and all those comments will be addressed in the final Environmental Impact Statement which is prepared by the Town Board engineering consultants, LaBella Engineering.

Supr. Welch said LaBella manages the town website link for the Everwilde project and requested that sections 1, 2 and 3 of the EAF be placed on the Town website as well as the resolution passed this evening.

Supr. Welch asked if anyone had public comments and to bear in mind that it is still early in the process and there will be opportunity for comments at a formal public hearing.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

Ted Russell read his letter and asked it be added to the minutes:

My wife, Gina and I invited some of our area friends and neighbors to our home this past Saturday night to hear Laura Cook speak personally on her Everwilde vision. Laura also highlighted her Value Proposition for the Bristol Harbor and South Bristol communities (see attached). 55.00

Laura's two presentations and Q&A periods were designed to be informative and educational for those who were able to attend.

I was amazed at how many area residents who came away impressed with Laura and her Everwilde vision. We invited each attendee (if they wished) to endorse and become Everwilde supporters.

Attached are the names of more than 50 area residents who signed their support for the Everwilde project last Saturday night. Some are here tonight. Many more could not make it.

It appears to me that the tasteless anti-Everwilde signs that litter our beautiful town roads has had the effect of rallying those who are in support of Everwilde. I would like this letter and the attached Value Proposition entered into tonight's Town Board minutes.

A Value Proposition for the Bristol Harbor Community

- *Enhances the year-round experience of Bristol Harbor residents, their families, friends and guests by offering a wider variety of things to do.*
- *Creates an upscale destination:*
 - *Unique spa resort in a lake setting not found elsewhere in the area*
 - *Convenient for South Bristol residents and guests, including Bristol Harbor residents*
 - *Supports and strengthens the local community by offering new services including:*
 - o *A full service restaurant and a bakery/café featuring Finger Lakes wines and products*
 - o *Fitness facility with studio space for pilates, yoga, spinning, etc.*
 - o *Indoor and outdoor pools*
 - o *Full service spa with manicure, pedicure, massage, facials and hair salon services*
 - o *Banquet facilities to accommodate weddings, anniversaries and other celebrations*
- *Will enhance the image of Bristol Harbor as a community to reside in or visit for a first-class destination*
- *Will add to the long term value of real estate in the Bristol Harbor area*
- *Will create new jobs and additional sales and property taxes to local governments and the school district.*

Bub Seymour of Seneca Point Road asked about a letter from the Canandaigua Lake Watershed Assoc. said that NYS requires that after a municipality gathers input from its residents and adopts a Comprehensive Plan all subsequent zoning regulations where there are amendments shall be made in accordance with the Comprehensive Plan, Town Law Section 263, and asked if the Board has looked into that? Supr. Welch said this is a time for comment and the Town has an attorney that represents the town in this matter, we have a consultant through Labella and will be a part of this process.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

Mr. Seymour asked about the letters written to the Town and asked if the Town knew how many of the letters were for and against the development? Supr. Welch said the Town Clerk is responsible for keeping of the letters.

John York read from his notes:

I want to thank our proactive supervisor and town board for this important meeting but also for being actively involved and informed of the issues affecting our beautiful community. While my wife and I have only had the opportunity to enjoy your community for 17 years we have had the pleasure of seeing others who visit here from across the world be amazed by the beauty of the lake and region and the Bristol hills. I watched the idea of one man, Fred Sarkis, make an idea a reality for so many to enjoy and as you so happy to see this idea enhanced through the efforts of South Bristol Resort Lodge Hotel and Golf Center which has benefitted everyone in the area and made this a destination area for many. We now have a unique opportunity to add to this beautiful destination area a high-level resort and spa that most areas would envy. We watch our Governor offer no-tax for 10 year incentives to bring industry to our state and we have the ability to attract an opportunity to a proven successful business profile that has been open, transparent and willing to listen to the concern of all of our community including those living like us nearby. We live in an area fortunate enough to have 4 seasons and a beauty equal to that of the Napa Valley with our lakes & wine trails. But we do lack a high end resort and spa equal to Mirabeau and Del Monte but have the opportunity to exceed such resorts. While we all want quality of life and fortunate enough to live where we have it, let it not be just for a chosen few high end properties. But open it for others to see, experience and enjoy with an opportunity for us also for a first class resort to work at, eat at, swim at and enjoy h spa experience and make "Bristol" not Napa Valley the destination of choice. We should be indebted to the Cooks and welcome them with open arms to support our government and to have the funding to provide the best in government services just like SBR, Wegmans, and Fred Sarkis, our wineries, Brown Hound, Beer & Brats and Bristol Mountain and many others that have done for us all.1.02

Danny Wegman said for the last 4 years he has been working on the Regional Economic Council and that is Gov. Cuomo's attempt to try and get NYS growing, lower taxes and make it a better place to live. Quality of life can be measured in a number of different ways and around Canandaigua it is the natural beauty. Mr. Wegman spoke about the jobs being created by Everwilde, full time and part time that are important and try to balance all these things. The real estate taxes created by this project will be significant; much more than building homes on the property. Everwilde will also be generating sales taxes and as a town, county and state, we have to pay our bills. It is nice to have nothing (on the property) but nothing costs money because prices keep going up and pay more taxes; is that a better quality of life? We have to make balanced choices and believes the Everwilde proposal is sensitive to the environment and to the neighbors and to challenge the developers that it is; that is their obligation as members of the community.

Wade Sarkis said he doesn't deny much of what has been said tonight and sounds like a fabulous project but there are areas in the Town that are appropriately zoned for this project. We do not need to have it there; if you want all the benefits, you can have them somewhere else that is appropriately zoned on one of the corridors appropriately zoned for light commercial. It is not an appropriate place for it. 1.05

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

Beth Wrisley of Seneca Point Road in area of the Town of Canandaigua that the Town of Canandaigua is worried about. The Town of Canandaigua is worried about traffic flow, lights and everything else and Ms. Wrisley said she is not one of those people. Ms. Wrisley said she welcomes the opportunity to maybe ride her bike down to the spa as well as a nice place to take friends and relatives to go and stay.

Supr. Welch said that there will be significant time during the SEQR process for public input and public comment, consideration by the Board with the assistance of the consultant and attorney. Supr. Welch encouraged the public to stay involved and stay informed. Supr. Welch said she spent a lot of time reading the Planning Board minutes and the concerns of the public were reflected in the EAF.

CORRESPONDENCE RECEIVED:

- Department of Taxation & Finance – 2015 Final Telecom Ceilings
- Edgar Brown of South Bristol email dated 5-12-15 re: Gas Free Seneca
- US Salt, in defense of proposed propane storage facility
- Standardized Notice Form for providing 30-day advance notice to South Bristol Town Board for an on premises alcoholic beverage license

MONTHLY REPORTS HIGHWAY

Councilman Bachman noted that the highway dept. was out this afternoon and dealt with storm damage; clearing trees off of roads. The highway dept. is in the process of replacing culverts on Gulick Road and will be paving in the next week or so. 1.21

ASSESSOR

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

LIAISON REPORTS BUILDINGS & GROUNDS

Councilman Wohlschlegel said the Town Hall fire doors have been successfully replaced. Councilman Wohlschlegel said that the property north of the Coye Cemetery has been cleaned up and we can go ahead and have the fence replaced. Shamrock Fencing was the lowest quote to

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

replace the fencing. Councilman Wohlschlegel said that the Highway Dept. will remove the existing fence.

Supr. Welch said that there is a budget amendment in front of the Board that will pay for the fencing. The transfer from the unappropriated fund balance to the Coye Cemetery fund itself; there is approximately \$11,000 in the fund. The State Comptroller's office said that the Town needs to keep a balance of \$2,100 and that balance needs to be retained indefinitely.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone the budget amendment was **ACCEPTED**. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

BUDGET AMENDMENT

COYE CEMETERY FUND

DEBIT	CM909	Unappropriated Fund Balance	\$700.00	
CREDIT	CM8810.455	Mowing and Grounds		\$700.00
DEBIT	CM909	Unappropriated Fund Balance	\$3,000.00	
CREDIT	CM8810.459	Restoration		\$3,000.00

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman, the estimate for the installation of a split-rail fence at Coye Cemetery by Shamrock Fencing for \$3,610.00 was **ACCEPTED**. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. 1.30

HIGHWAY DEPARTMENT

Councilman Bachman reported that the wireless campus is functioning as of 2 weeks ago.

IT

Councilman Bachman reported that the supply closet currently being used for the cleaning supplies will be moved and the server, which needs to be secure, will be relocated in the closet as part of the State Audit recommendations.

PUBLIC SAFETY

Councilman Cone reported that the Town has not come up with a formal written Disaster Plan and will research this issue and come up with something formal document.

ACCOUNTING

Supr. Welch noted that we now have the 2013 Final Audit with Financial Statements and Internal Control for approval. Supr. Welch noted that the 2014 AUD was completed and submitted to the State Comptroller's and both documents will be posted on the Town website, www.southbristolny.org.

Supr. Welch noted that the books have been closed for the books for the calendar 2014 and would like a motion to accept the Supervisor's reports for the entire year of 2014 which were used in generating the AUD.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone, the 2014 Supervisor's Reports were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supr. Welch noted that during the transition of 3 bookkeepers, there were data-entry errors that were subsequently relied upon in the development of the 2015 budget. With this discovery, they proceeded to execute the recommendations of our accountant. (1.42) The State Comptroller provided for the Town in late March provided much needed assistance and guidance to the town. Under the State Comptroller's direction the accounting software records were backed up, deleted and re-entered for the last 7 months of 2014. The effort to close the books for 2014 was concluded in late May and the information was shared with the auditors. The corrected data and figures reflect that there was a healthier fund balance than anticipated at the end of 2014. While the State Comptroller's report has yet to be issued or received, Supr. Welch said the information she has here in these reports leads to the conclusion that no necessity for the tax levy increase for 2015. This is a failure of leadership; this is my failure. While I appreciate the efforts of the Board I underestimated the possible impact of transitioning into a new bookkeeper; from what I have been able to determine it was the fact that the closing of each of those months, proper procedures were not followed and resulted in doubling up expenses and revenues as well. Supr. Welch takes full responsibility and should have managed the process more diligently more proactively; she did not. The Town deserves better. The actions taken thus far is to make the financial reports available on the Town website and the Town Board has all ready authorized an audit of the Town books for calendar year 2014 and will make those arrangements. The State Comptroller's office was most helpful in the completion of the 2014 AUD. In addition to that, the Supervisor's reports will be posted to the town website every month. The Board looks forward to the State Comptroller's report; which will be made available to the public on the town website. We are committed as a Board to transparency, honesty and taking responsibility. We will seriously consider all of the Comptroller's recommendations; the Town has 18 months to complete a corrective course of action. One of the things that the Comptroller's report will suggest is that she deliver the Supervisor's Report on a monthly basis to the Town board and provide for the accurate handling of our accounting system and the town books. The State Comptroller's office is the highest authority and anything she has as Town Supervisor will pale in comparison in what they are going to say in their report; the report should be available in 6-8 weeks. Supr. Welch hopes the public will accept her apology. When we were working on the budget process and relying on erroneous data on our system we had projected that at the end of 2014 that there would be an unassigned fund balance in part A of \$436,000. That balance is actually \$595,000. The Highway Fund had projected an unassigned fund balance of \$6,904.00 and ended the year \$217,000.00 which included FEMA money we did not anticipate recovering; it was through the efforts of the Board that we were successful. That gives you an idea of the extent of the where we stand.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

OLD BUSINESS

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel Resolution No. 28 – 2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

RESOLUTION NO. 29 - 2015

RESOLUTION AUTHORIZING SCHEDULING OF A PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED “A LOCAL LAW “AMENDING CHAPTER 170 (ZONING) OF THE CODE OF THE TOWN OF SOUTH BRISTOL”

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled “A Local Law Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol”; and

WHEREAS, the Town Board of the Town of South Bristol has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of South Bristol to proceed in accordance with the Code of the Town of South Bristol and the Laws of the State of New York in adopting said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on July 11, 2015, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of South Bristol sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of South Bristol for its consideration.

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 June 8, 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: June 8, 2015

Judy Voss, Town Clerk

SEAL

**NEW BUSINESS
CEO SUPPORT DISCUSSION**

Supr. Welch said the Board has a copy of the letter from the Code Enforcement Officer indicating that he needs assistance with complaints. The CEO works 16 hours per week and is shared working the same at the Town of Bristol which we knew when he was hired. The number of complaints he is getting, the number of builds and time to review maps and plans, he is asking

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

the Board to consider hiring someone part time for the purposes of handling complaints. 1.54 The complaints are not centered on one area of the Town; the complaints are townwide. There are complaints about the roads, junked cars, toilets next to roads, legitimate concerns that the public has. Supr. Welch said she spoke with the County and the Town has two options. We cannot have a second CEO that is prohibited by law. One way is to have a building inspector; that is a civil service position and the County has a list of candidates. The other option is to hire a typist; in reviewing the typist position, this could accomplish the same function of reviewing complaints and responding to them if they were trained in code enforcement. We did have one candidate when we were interviewing for the Town and Supr. Welch would like to pursue this with the Board's approval. Supr. Welch noted that CEO Sommer is not willing to work additional hours.

Councilman Wohlschlegel asked if the Town could share another Code Enforcement Officer from another Town. Supr. Welch said it would have to be shared with a Town that is contiguous with South Bristol. Supr. Welch said she would work with CEO Sommer and pursue the applicant that he felt would meet his needs and will get back to the Board.

PLANNING BOARD REQUEST TO ADOPT STRUCTURE DEFINITION REVISION (COUNTY PLANNING REFERRAL)

Supr. Welch said the Planning Board has requested to adopt a structure definition revision and is asking for approval to send the paperwork to County Planning for review.

On a motion made by Councilman Cone and seconded by Councilman Bachman to refer the Planning Board recommendations to County Planning was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

PLANNING BOARD REQUEST TO REDUCE SENECA POINT ROAD SPEED LIMIT

Councilman Bachman said the Board had a discussion regarding the speed limit on Seneca Point Road last month and the Planning Board made a referral that the speed limit be changed. Councilman Bachman said the Planning Board is meeting next week and is hoping the Planning Board makes a similar recommendation, to keep it consistent, for Hicks Road which is unposted. Councilman Bachman spoke with the County and they described the process on how speed limit changes are done. It starts with a Town Board resolution as an appeal or application to the State, approved by the County, and NYS will look at the roads and make their recommendations. Councilman Bachman would like to submit a resolution next month for Board approval to send to the State the request for Seneca Point and Hicks Road and move ahead with this. Councilman Bachman said the Highway Supt. has suggested a speed limit for Gulick Road as well.

Councilman Bachman said a letter was received from a resident on Seneca Point Road regarding the construction of the southern section of Seneca Point Road. With all the construction vehicles and port-a-potties right on the road Councilman Bachman said has asked the CEO if it is possible to put a "stop work order" in place until these contractors can come in and have a discussion; it is that serious and sees no end in sight.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

PUBLIC COMMENT

Dick Johnson read a letter from Fred Sarkis:

Dear Barbara,

We are aware of challenging issues our Town Board has been dealing with. However, we are concerned about the delays in Town action on the sewer cost issues outlined in previous communications to the Board close to six months ago.

There should be no further doubt that our Town Board is responsible to insure that such costs must be fair and equitable. Among them:

- 1. For the past nine years, SBR LLC has failed to pay its fair share as determined by the County Guidelines accepted by the Town.*
- 2. A third of a million or more is due from subsidiaries and affiliates. The town should require that these sums be returned and put into an interest earning Capital Reserve Account.*
- 3. At the end of 2015, an estimated \$120,000 in Capital Improvement Revenue must be stopped in billing to our villagers. This should be confirmed by the Town accountant in a close examination of the complete financial statements that are in Town files.*

We were further disappointed to note that the Town, as they have done before, have not obtained the complete Sewer Corporation financial statements for year 2014...as the Town is legally required to do for review for fairness...and as determined and required by a judge in a court of law.

Action on these issues is unfairly in limbo because of the recently discovered recorded area of sewer service coverage. What can or should the Board do about this limbo as well as the inequitable and unfair charges that have been going on since 2006?

For over ten years, maps filed with the NYS Attorney General's Office by South Bristol Resorts LLC reflect the 454 acre PUD of Bristol Harbour Village as well as the adjacent land that includes the Lodge and Party House addition. In light of this, the Town should:

- 1) If legally possible, immediately accept this copy of the disclosed map and the reality of sewer service coverage as filed in the AG's office.*
- 2) Call for a special public meeting to act on the cost inequities outlined to the Town Board by the CCC and BHVA President close six months ago and in other correspondence in town files.*
- 3) Immediately disclose the findings of the Town retained engineering firm regarding plant capacity for existing as well as future coverage within or beyond current boundaries. Indeed, there has been ample time allowed for this information.*
- 4) Demand that "Due from Related Parties", close to a third of a million dollars or more be returned with appropriate interest charges from these "related parties."*
- 5) Demand than an interest earning Capital Reserve Account be structured for the total sums paid by our villagers for the \$860,000 mortgage cost of the 2005 plan expansion.*
- 6) Set the exact date in 2015 when the annual capital improvements loan charge of \$29 a month (Close to \$120,000 total for all villagers) ceases.*

Please add this justified concern for fair and equitable sewer cost treatment for our villagers to tomorrow night's agenda.

Our sincere thanks,

Fred Sarkis and Ted Russell

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

Coalition of Concerned Citizens of Bristol Harbour

Joe Kohler asked if the Board seeks from a qualified council the answer to that question? Supr. Welch said we do have an attorney and has said this before, unfortunately the Transportation Corporation Law does not allow us to get reimbursed for attorney's fees but have used an attorney on this quite exclusively and will reach out to her and get the answer to the question, Is there anything that prohibits them from hooking up new customers outside of the approved sewer district? Supr. Welch said that they will get the opinion of the attorney and then review it as a Town Board.

Supr. Welch commented that the financials have been requested and have been sent to the Town in July or August of each year. The Town Board has entered into an agreement with LaBella Engineering to work on our behalf to extend the sewer works service area to those areas that are outside the approved district. In Mr. Sarkis' letter he asks for the Board to come up with any findings in this matter and any information that the Board has will be discussed in a public setting. We are waiting for the plan, map and specifications that are very distinct engineering reports that need to be submitted to the Town in order for them to proceed with amending their service area. In addition to that, there will be involvement with a Certified Public Accountant to review the financial matters associated with this and to help the Town Board ascertain the correct rate for the sewer. At this point, nothing has been submitted to the Town.

Councilman Bachman said this is more than redrawing the map, part of the process once they define the area the Town engineer will then assess the facilities inside the map to make sure they are sound, capacity, functioning properly.

Supr. Welch said there is a stay on the rate increase request because cannot act on the rate request outside a district. There is substantial amount of property outside the district.

Ted Russell asked how can the sewer company continue to hook up new homes when they have no authority? Supr. Welch said this is an area that is not municipal law and doesn't know the answer.

2.16

Ralph Endres of Bristol Harbour said he was in charge of radar detail for the NYS Police for 7 years and said if someone going 40 mph at the top of Seneca Point Road and takes their foot off the gas, by the time they get down to the bridge they are doing between 68-72 mph. Mr. Endres said if they lower the speed limit to 25 mph it will still be close to 60 mph at the bottom of the hill; if they start slower, they end slower. Mr. Endres suggested that the application needs to include that these are rural roads, subject to washout because of weather conditions. That may prompt them to look more favorably on the request. 2.22

Mr. Endres commended Supr. Welch and the council with being so frank with what happened with the tax rate increase last year. It takes a big person to stand up and say they made a mistake, you did that. (Applause and Standing Ovation).

Janet Cowley of County Road 12 said she is a Certified Public Accountant and in an attempt to better understand the Town's financial distress situation Mrs. Cowley foiled the Town Clerk for a variety of financial data last December. Mrs. Cowley stated she had a very difficult time receiving information and have still not received all the information. Mrs. Cowley said she has heard Supr. Welch speak of transparency. Mrs. Cowley said she has not seen it and that she is disappointed because she tried several times. If you are going to be posting the Supervisor's Report to please post the entire Supervisor's Report; balance sheet, the statement of revenues,

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

June 8, 2015

without that you really can't assess what is happening. Mrs. Cowley said she tried to look at bank reconciliations and wasn't able to get any information. It was very difficult.

APPROVAL OF VOUCHERS

On a motion made by Councilman Cone to approve Abstract No. 6, Voucher #269 332- for \$71287.07 and seconded by Councilman Wohlschlegel was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Cone and Wohlschlegel.

ADJOURN 9:32pm

Respectfully submitted:

Judy Voss
Town Clerk