

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

July 13, 2015

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order July 13, 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

Jack Bartlett, Kathy & Kevin McWilliams, Bub Seymour, Mike May, Gail & David Hewson, Jeff Siewert, Bernice Caprini, Wade & Jocelyn Sarkis, Zach Sarkis, Fred Sarkis, Greg Sarkis, Ted & Gina Russell, Alan & Kristie Braun, Howie Jacobson, Jeff Gleba, Lee Wiltse, Shelly & Peter Rees, Ralph Endres, John McAlpin, Jared Weeden, Laura Cook, Maryann Bachman, Jim Wight, Kevin Murphy, and 70 others

**SEQR REVIEW FOR AMENDMENT TO ZONING LAW
(PERCENTAGE OF LOT COVERAGE)**

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel, Resolution No. 30-2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

**RESOLUTION #30-2015 OF THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL,
ONTARIO COUNTY, NEW YORK, DETERMINATION OF SIGNIFICANCE – LOCAL
LAW NO. 4 OF 2015**

WHEREAS, the Town of South Bristol Town Board, hereinafter referred to as Town Board, has determined proposed Local Law No. 4 of 2015 to be an Unlisted Action under the State Environmental Quality Review (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.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Short Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-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,

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- 3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have 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.

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 July 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: July 13, 2015

Judy Voss, Town Clerk

SEAL

RESOLUTION NO. 31-2015

FINAL ADOPTION OF LOCAL LAW AMENDING CHAPTER 170 (ZONING) OF THE CODE OF SOUTH BRISTOL (AMENDED DEFINITION OF LOT COVERAGE)

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel Resolution No. 31-2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

RESOLUTION #31-2015

AUTHORIZING ADOPTION OF LOCAL LAW NO. 4 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 July 13, 2015, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Amending the Zoning Law of the Town of South Bristol" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on July 7, 2015 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on July 13, 2015, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of 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, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; 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.

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of South Bristol hereby adopts said Local Law No. 4 of 2015, entitled "A Local Law Amending the Zoning Law 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, to publish an abstract of this local law in the Town's official newspaper 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 July 13, 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>x</u>	<u> </u>
Scott Wohlschlegel	<u>x</u>	<u> </u>

Dated: July 13, 2015

Judy Voss, Town Clerk

SEAL

FILING LOCAL LAW

New York State Department 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. **4** of the year **2015**.

A local law **"Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol"**
(Insert Title)

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

County

City

Town of South Bristol

as follows:

Village

Section 1. Section 170-9 (Terms defined) of the Zoning Law of the Town of South Bristol is hereby amended with the deletion of the definition of "Lot Coverage" and the insertion of an amended definition for of this term to read as follows:

LOT COVERAGE – The total area of a lot or parcel covered by impervious and substantially impervious surfaces and/or structures on or proposed to be permanently located on a lot. Impervious and substantially impervious surfaces and structures shall include, but not be limited to, buildings (both primary and accessory), sidewalks, decks, patios, swimming pools, stairs, landings, retaining walls, planters or planting boxes, free standing solar panels, driveways and parking areas (including gravel, paved permeable

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pavers, permeable pavement, or brick), buildings and roof overhangs, sheds, pavilions, gazebos, awnings, tennis courts, and any other paved, gravel or constructed surface or structure on or proposed to be permanently located on the lot or parcel. Lot coverage will include all areas above the Mean High Water Mark of 689.4 feet above sea level.

Section 2. Section 170-9 (Terms defined) of the Zoning Law of the Town of South Bristol is hereby amended with the addition of the following definitions:

IMPERVIOUS – Not allowing fluid to pass through; impermeable.

PERCENTAGE OF LOT COVERAGE – The total area meeting the definition of lot coverage divided by the total area of that portion of the parcel that is above the Mean High Water Mark of 689.4 feet above sea level.

PERVIOUS – Allowing fluid to pass through; permeable.

Section 3. Subsection (3) of paragraph C of Section 170-20 (Planned Development District (PD)) of the Zoning Law of the Town of South Bristol is hereby amended with the insertion of a new subparagraph (c) to read as follows:

(c) If a proposed PD District will be located within an approved area of a corporation formed pursuant to the New York State Transportation Corporation Law, the applicant may propose to have the applicable transportation corporation provide the PD District whatever utility, facility or service such transportation corporation is authorized to provide so long as proof is submitted, satisfactory to the Town, that the PD District would be wholly located within such approved area, that the transportation corporation has sufficient capacity to provide the utility, facility or service to the PD District and that the transportation corporation has agreed to provide the utility, facility or service to the PD District if the rezoning and the site plan are both approved.”

Section 4. 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, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 5. 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. 4 of 2015 of the Town of South Bristol was duly passed by the South Bristol Town Board on July 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 _____

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.

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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 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

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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

**SEQR REVIEW FOR AMENDMENT TO ZONING LAW
(DEFINIION OF STRUCTURE)**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman, Resolution No. 32-2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

RESOLUTION No. 32-2015

DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 5 OF 2015

WHEREAS, the Town of South Bristol Town Board, hereinafter referred to as Town Board, has determined proposed Local Law No. 5 of 2015 to be an Unlisted Action under the State Environmental Quality Review (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.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Short Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-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 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.

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 July 13, 2015, by the following vote:

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

Dated: July 16, 2015

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Judy Voss, Town Clerk

SEAL
(14.43)

SCHEDULE PUBLIC HEARING ON A LOCAL LAW AMENDING CHAPTER 170 (ZONING) OF THE CODE OF THE TOWN OF SOUTH BRISTOL (AMENDED DEFINITION OF STRUCTURE)

On a motion made by Councilman Cone and seconded By Councilman Bachman Resolution No. 33-2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

RESOLUTION NO. 33-2015

AUTHORIZING SCHEDULING OF 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 August 10, 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 July 13, 2015, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Barbara Welch	x _____	_____
James Bachman	x _____	_____
Robert Cone	x _____	_____
Scott Wohlschlegel	x _____	_____
Dated: July 13, 2015	_____	
	Judy Voss, Town Clerk	

SEAL

PRIVILEGE OF THE FLOOR

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Jim Ely, South Bristol Planning Board Chair, thanked the Board for the support of the Planning Board attempts to redefine “coverage” and “structure.” Mr. Ely explained that the concerns for these definitions came from the Town Code Enforcement Officer, Phil Sommer, who explained to the planning board the difficulties he had with our present definitions. The definitions have been worked on by CEO Sommer, the Planning Board and reviewed by the Town Attorney and by Kevin Olvaney.

Mr. Ely referred to the speed limit and said that the Planning Board felt that the situation on Seneca Point Road was such that we should reduce the speed limit. The lower portion of Seneca Point Road, this flat portion, all ready has a speed limit of 25 mph. The higher portion, which comes down the hill so fast they can't reduce their speed limit to 25mph and makes sense to reduce the speed limit for all of Seneca Point Road. It was argued that Hicks Road feeds into Seneca Point Road (18.25) and is a heavily travelled route and a twisty road with narrow shoulders. It is the Planning Boards suggestion that Hicks Road speed limit be reduced too. Mr. Ely urged the Board to move forward with the petitions to reduce the speed limit.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman Resolution No. 34-2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

RESOLUTION #34-2015

AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE SPEED LIMIT ON HICKS ROAD

Whereas, the South Bristol Planning Board recommends a reduction in speed on Hicks Road in response to public input during their 2014-15 meetings; and

Whereas, the road is classified as a rural feeder Road between St. Rte. 21 and the Seneca Point Rd. The speed limit now is unposted so it is 55 MPH. The road is comprised of a number of private residences and vineyards, and

Whereas, the topography from the high point at Rte. 21 to its lowest point at the intersection with Seneca Point Rd. It is 1.7 miles long and traverses several steep grades with more than three 90 degree turns with blind intersections at private driveways and farm fields and vineyard entrances. The shoulders are subject to erosion during rain events and there is a drainage ditch to carry water during storms, and

Whereas, the anticipated build out of Bristol Harbour and the Proposed Everwilde Inn and Spa suggests that traffic on Hicks Rd. will increase. GPS devices will direct many of those trips coming from the south to use Hicks Rd to access Bristol Harbour & Everwilde Inn and Spa; now therefore, be it

Resolved, the Town of South Bristol respectfully requests that the speed limit on Hicks Rd. be reduced to 25 MPH from the Intersection of Rte. 21 to the intersection of Seneca Point Rd; and further

Resolved, the Town Clerk mail a certified copy of this resolution to State Senator, Rich Funke; State Assemblyman, Brian Kolb; Ontario County Commissioner of Public Works; South Bristol Highway Superintendent; and South Bristol Planning Board Chairman.

On a motion made by Councilman Bachman and seconded by Councilman Cone Resolution No. 35-2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

RESOLUTION #35-2015
AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE
DEPARTMENT OF TRANSPORTATION TO EVALUATE SPEED LLIMIT ON
SENECA POINT ROAD

Whereas, the South Bristol Planning Board recommends a reduction in speed on Seneca Point Road in response to public input during their 2014-15 meetings; and

Whereas, the road is classified as a 2 lane rural feeder road between State Rte 21 and the Canandaigua Lake shoreline. The reduction is requested from the Town Canandaigua town line to the intersection with Hicks Rd. The current speed limit is 40 MPH. If that speed is maintained without braking, the speed at the bottom of the grade will be in excess of 65 MPH.

1. The road is the only access to the lake shore properties for approximately 1.3 miles.
2. The road is the only access to Bristol Harbour Village a planned development currently at 350 units and expanding in the future to as many as 850 units.
3. The road is the only access to Bristol Harbour Resort and Golf Course. The Club House is used for countless Weddings and Corporate outings and Golfing events. The clubhouse has facilities to host 2 weddings at the same time bringing heavy traffic for short periods of time.
4. The topography of Seneca Point Rd. from the Bristol Harbour Resort to the junction of Hicks Rd is a steep down grade of about ½ mile, with a number of residential street intersections both east and west and numerous private driveways entering on the grade.
5. This road is also used by hikers and is a destination for bicycle enthusiasts from throughout the area.
6. The proposed Everwilde Inn and Spa, if approved, will increase traffic.
7. The shoulder area of this road is subject to erosion during periods of heavy rain posing a threat of vehicle turnovers if vehicles do not stay on the paved portion of the highway.
8. All roads entering on to Seneca Point Rd from the Bristol Harbour village are posted at 15 MPH.
9. Seneca Point Rd. from the intersection of Hicks Rd to Bopple Hill Rd the speed Limit is 25 MPH; now therefore, be it

Resolved, the South Bristol Town Board respectfully requests that the speed limit on Seneca Point Rd. be reduced to 25 MPH from the Town of Canandaigua town line to the intersection with Hicks Rd; and further

Resolved, that the Town Clerk mail a certified copy of this resolution to State Senator, Rich Funke; State Assemblyman, Brian Kolb; Ontario County Commissioner of Public Works; South Bristol Highway Superintendent; and South Bristol Planning Board Chairman.
(24.30)

Supr. Welch said the Planning Board sent a letter to the Town Board on June 22nd regarding a public trail, hiking access and parking for CarolaBarb. Supr. Welch read the letter:

“At its meeting on June 17, 2015, the Planning Board voted unanimously to reaffirm its support for the construction of a hiking trail in the Carolabarb property below the overlook on County Road 12.

The Board further voted unanimously to recommend: 1) that the Town Board take the appropriate steps to secure public access over Longview Drive to the existing parking area on the Carolabarb property, and 2) that the Town Board take appropriate steps to improve and enlarge the existing parking area.”

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Supr. Welch continued, saying that she went to the Ontario County Planning Dept. and they had indicated that there was grant funding available and the application would have to be submitted by July 31st in order to get some grant money; a 50% grant for assistance with a conceptual planned design phase and construction document phase. Supr. Welch said she reached out to LaBella engineering since we have an existing relationship with they have given us a proposal if and when this comes about that gives us an idea of what services they feel would be necessary and a price. (26.21)

Mr. Ely said the 2008 Comprehensive plan has a number of recommendations to encourage tourism, explore the feasibility of establishing South Bristol trailways and expand recreational opportunities. It is our thought that the proposal would speak to all of these concerns raised in the Comprehensive Plan. The Planning Board has had this under consideration since 2010 and have recommended more than once consideration of obtaining public access over Longview Drive, which is a private road, so one can access more appropriately, the existing parking area. There could be other access points developed as well, but that would be beyond the expertise of the Planning Board. Mr. Ely said there is grant money available if we can on an expedited basis get a proposal in; a little over 2 weeks away. The letter from LaBella proposal indicated that for \$3,000 they would be prepared to work with the Town Board and Planning Board to get a proposal in by the deadline. If we miss the deadline, we are talking about a year delay. Mr. Ely urged the Board to move forward with the LaBella proposal. (28.50)

Councilman Cone supported developing the area. Mr. Ely said he spoke with a number of residents living on Longview Drive who not opposed to the idea. This will enhance the area of the Overlook by giving people a moderate hiking opportunity.

Supr. Welch noted that the grant application phase, LaBella quoted \$3,000, the conceptual/design phase, which includes a \$6,000 archeological survey, would cost \$26,800 and the construction/document phase includes \$6,000 allowance for topographic field survey, costing \$44,800 for a total of \$74,600.

Councilman Wohlschlegel asked what would be submitted for the grant amount, \$75,000? Supr. Welch said it is a 50/50 grant, 50% by the Town and 50% by the State. (32.27)

Councilman Bachman asked what the Town needs to commit to within the next 2 weeks? Supr. Welch answered \$3,000 grant application phase, and the remaining \$71,600 wouldn't come into play until the grant is approved. The grant would take up to a year to approve from the State.

Councilman Cone said he was involved with the development of Boughton Hill Park in Victor. When they originally purchased this parcel of land, they determined they could get FLCC Conservation to set up the perimeter trail. They only paid for what they had to. They turned down a grant from NYS for almost \$500,000 to develop that park because in the grant process it was going to cost more than that for the Town to get that money. Councilman Cone said to be careful what we sign up for as there are attachments by NYS requirements.

Supr. Welch said Carolabarb is a 38 acre parcel that was donated to the Town and immediately placed in Finger Lakes Land Trust with a conservation easement and anything done on the land has to be consistent with the easement.

Mr. Ely said he has spoken with Andrew Zepp of Finger Lake Land Trust and they have all been very enthusiastic about the idea of a nature trail and it would be consistent with their long-term goals.

Councilman Bachman asked about the 2 week window and if LaBella can complete this on time and to make it part of the conditions.

Councilman Wohlschlegel said he is not fond of towns owning a lot of property.

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Councilman Wohlschlegel understood that the land was donated but looking at the costs of maintaining the trail down the road. Who is going to take care of the property once it is developed? (40.00)

On a motion made by Councilman Bachman and seconded by Councilman Cone approving the LaBella proposal of \$3,000 to develop the grant application for Carolabarb and meet the July 31, 2015 deadline, and authorizing Supr. Welch to sign the memorandum of understanding was ACCEPTED. Voting AYE: 3. Voting NAY: 1. Voting AYE: Welch, Bachman, and Cone. Voting NAY: Wohlschlegel. (43.00)

PRIVILEGE OF THE FLOOR

Anne Jacobs of County Road 33 said County Road 33 is all torn up from the construction and has been trying to avoid it using alternate routes said Mosher, Lower Egypt, Stid Hill are all trashed and asked Supt. Wight when he will be able to get to it. Supt. Wight said this summer; Gulick Road gets resurfaced next week, 1.7 miles, and the following week Suite Kote will be paving Mosher, Gannett Hill and Powell Hill. Stid Hill will be done this summer as well. Supt. Wight said that he is working with Kevin Olvany to get grant money for all the water damage from all the rain.

Jeff Gleba said they are building a house on Seneca Point Road which is 2 doors down from the proposed Everwilde project. Mr. Gleba said when they bought the land they didn't know anything about Everwilde, and is concerned about the septic system, the traffic and the noise. We would have never bought the land had we known this was going to be one property over. Mr. Gleba asked the Board to listen to the comments of the neighbors of the project; it seems like a lot of the supporters aren't right around that neighborhood or on Seneca Point Road. We are the ones that are going to hear it and see it every day; the people developing it aren't going to be living next door to it either.

Gail Hewson of Spyglass Hill asked about the large pothole at the intersection of Route 21 and Bopple Hill Road. The pothole has been getting bigger; the cemetery at Bopple Hill was used a lot during Memorial Day and that had to have been quite difficult for people. We are starting the height of bicycle season and is concerned about their safety and the safety of the motorists and asked if the repair will happen soon?

Supr. Welch asked Supt. Wight whose responsibility that is? Supt. Wight said it is the State's obligation but he will ultimately repair the pothole. Supt. Wight said he is under the gun to finish Gulick Road and has so much work, so widespread as well as storm damage, culvert washouts. As soon as he can get to it he will take care of it.(54.00)

Bernice Caprini asked about Hicks Road, it is a mess and very dangerous. People are driving on the wrong side of the road to avoid potholes. Gannett Hill is a mess and maybe we could get some help from the Naples Highway Dept. to assist to get this done. We are in the height of the season, there is a lot of traffic and it is very dangerous.

Kevin McWilliams, a resident of Blake Acres Drive, in that area there are 5 cabins which some of the Board members had a chance to view the roadway and pathway going to the lake. As a resident for 40 years and well familiar the area and terrain and what happens with water when it runs downhill. The water can't be stopped; it can only be directed. As a resident

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directly below Everwilde I do have some concerns around the septic system. I'm struggling with the R-3 zoning adopted by the Town. With his background in the building trades for the last 10 years I've been working as a liability based maintenance expert in the pharmaceutical sector. My background is heating, ventilating and air conditioning. I am well aware of the risks associated with Everwilde going on the top of that all and over all it is not just the Town of South Bristol that needs to be concerned about Everwilde. As all this development occurs around the lake is all having an effect on the watershed. Everybody needs to concern themselves with it; it is not just for today, it is 20-30 years down the road. It is a huge concern and is hoping the Board considers the pressures that are being put on them to make the right decision and not just for the Canandaigua residents directly, but the Canandaigua Watershed. 57.48

Shelly Rees thanked the Board for the quick response she received from a letter she wrote and the new no-truck signs at the top of Bopple Hill. That will help with the safety issues. Mrs. Rees said she has been talking to her neighbors about Everwilde and wanted to relay to the Board that one that she is hearing quite a bit is that because they are coming with big money that the project will prevail on that basis. Mrs. Rees hoped the Board will not be influenced by the amount of money that these people have that want to do this project. Ketmar came with big money and what we were left with was an unsightly dump on the corner of Seneca Point and Coye Road.

Councilman Bachman said he told Mrs. Reese that he would speak about the parking on Seneca Point Road. Councilman Bachman said he and Mrs. Rees exchanged emails regarding the parking of construction vehicles on Seneca Point Road and after speaking with the Sherriff, if the road is blocked to call the Sherriff. They will come down and address the vehicles in the road. They cannot block the road.

Mrs. Rees said she did call the Sherriff because of a bus coming from Ferris Hills and was concerned. It did seem to help a little bit but overall it is still the same problem.

Councilman Bachman said to call the Sherriff as often as necessary because if a bus can't get through there what about a fire truck. Councilman Bachman suggested having the neighbors petition the town to place "*No Parking*" signs along Seneca Point Road.

Mrs. Rees suggested having the homeowner provide parking for the workers or have the workers drive together; there are other options than parking along the road.

Councilman Bachman noted that he did speak with CEO Sommers and currently there are no measures to enforce where vehicles go. If they are on the road, they cannot block the road and to call the Sherriff.

Peter Rees said his comment with regards to the Everwilde project and has dealt with the Code Enforcement Officer and he is a great guy but he is part-time and if this project goes in this is a 95,000 square foot project and can't imagine that a part-time guy is going to be able to do this. The Town is going to have to hire a full-time building inspector at least for the duration of that project if it goes through. The CEO is all ready overwhelmed; if you do this you really need to beef-up for this because it is a large project.

Supr. Welch addressed the comment; our CEO has been working with us on getting someone else in to assist him even now because building has increased. We are exploring options with him to meet the needs he has even now.

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Jeff Siewert and resides on Seneca Point Road; we are seasonal residents and came back early May, and a large limb fell and shut down Seneca Point Road. It happened sometime between 5:30-6:00am, by 8:00am the Highway Dept. cleaned it up in, everything was gone in an unbelievably professional way and thanked Supt. Wight for that. (Round of applause). (1.04)

Mr. Siewert continued, with comments regarding Everwilde, he and his wife are against it. There are two major hurdles, major problems, potential catastrophes'. Mr. Siewert said that he was in the pump and processing business and did a lot of waste-water work. To build a sewage treatment plant on a cliff, can it be done, probably, but the risk and the expense and the liabilities that go into it are beyond what any of us want and jeopardize the lake. The lake is what brings us here. The other major hurdle is that as one of the main accesses to this area is Seneca Point Road and there are different areas of Seneca Point Road. Up by Bristol Harbor and north of that it is a real road. Once you cross the Seneca Point Creek it narrows and past Hicks Road it becomes a 1 ½ lane roadway and it just cannot bare the traffic and there is no room to widen. It is a nice thoroughfare where people walk, strollers with the kids, joggers and bikers; it is a different piece of the lake that doesn't exist anywhere. When you think about building a facility the size of Everwilde, the amount of traffic from patrons and the people that work there; it is going to increase the traffic and change the complexion and safety of that road. We can tell when the folks that work at Bristol Harbor head home; typically between 9:30-10:30pm maybe 15 cars strung together. If you multiple this times another factor, which is going to be even larger; it is jeopardizing what we have and thinks that would be a monumental mistake.

John McAlpin of Bopple Hill Road said he has 2 subjects to talk about tonight; the former referenced 11-foot wide pothole on the top of Bopple Hill Road. This has been discussed for many administrations; Mr. McAlpin read his letter to the Board.

The liability hazard that exists at the top of Bopple Hill Road and NYS Route 21S. This hazard has been brought to the attention of the NYS DOT on numerous occasions over the years and to the Town of South Bristol.

The Town has, over the years made some temporary patches to this intersection, and has stated that this area of hazard is in the right of way of New York State Route 21.

NYS DOT has told us that this is a town responsibility. Where is a South Bristol taxpayer to go??

This hazard could cause someone to be hurt or killed.

There is an 11' wide pot hole, several inches deep within this "steep" up-hill intersection. Vehicles (especially those with trailers) need solid traction to pull up and out of Bopple Hill Road and onto Rt. 21. Without solid traction on a good solid surface, it is almost impossible to gauge the safe amount of time you need to pull out into traffic.

The upper edge of this 11' wide pot hole is 23' from the middle of Rt. 21, placing this pot hole directly where tires need solid traction in order to safely pull out into traffic. Also, please note that to the immediate right of the 11' wide pothole going up Bopple Hill Road the entire shoulder (northeast corner) of Rt. 21 at Bopple Hill Road is gone with a 4" drop-off and in need of rebuild. The cars will have to go into the wrong lane and have good traction to make the hill, they can't go to the right of the pothole because the edge of the road is totally gone.

To paint a more clear picture – someone going up Bopple Hill Road, and wanting to turn right on Rt. 21 will encounter an 11' wide pothole in the driving lane and can not pull to the right around it because another hazard exists there in that the shoulder is gone with a 4" drop off.

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If someone is injured at this intersection, there are many residents who can speak to the problems this intersection presents. If this a NYS DOT responsibility, then South Bristol cannot avoid culpability because South Bristol has over the years patched the hazardous weak spot and not addressed an engineered answer, or forced the NYS DOT to do their job. Mr. McAlpin does not believe the Highway Dept. should be fixing rights-of-way that belong to the County or belong to the State. The Town's insurance isn't going to like it if someone gets killed. You are bringing yourself into a litigious situation.

Since the Town Highway Dept. and NYS DOT are not able to resolve this issue, I request the Town Board to have the Town Attorney determine the responsibility and on behalf of the Town have an Engineer then determine the proper way to make a long term repair to this whole intersection and contiguous shoulders.

Why should a taxpayer have to badger the Town Board to get them to move on a safety issue? The Town Board of South Bristol can no longer simply walk away from this issue, by saying that this is a NYS DOT problem. Taxpayers have witnessed the Town making temporary, (inadequate or long-term) repairs. Mr. McAlpin said he is tired of coming before the Town Board for the same area to be fixed, it's dangerous. Why should a taxpayer have to badger the Town Board to get them to move on a safety issue like this?

Once this issue is resolved; if there are other locations of dispute within the Town as to who is responsible for repairs, the Town Highway Superintendent should be able to request the Town Board to have the Town Attorney once again become involved. South Bristol should have a procedure whereby the County or the State is put on notice of potential hazards within "their" right of way.(1.13)

Mr. McAlpin continued, stating that he has come to some pretty sad feelings. I am looking at this bad feeling of dysfunctional town government; not Town Board, Town government. Mr. McAlpin said he looked upon the budget of the Town of South Bristol where the highway dept. is better than 50% and go to the members of the Town Board who say they have no control over the Highway dept. Who owns the Town trucks? The Town owns the town trucks, so the poor taxpayer goes to Supt. Wight to get some repairs made; fix the potholes and the Town Board will say right to your face this is the responsibility of the Highway Supt. Possibly what needs to happen is that all department heads need to be appointed instead of elected. Then we can hold the feet of the Town Board to the fire; right now they can't do it. Supt. Wight has total responsibility for his budget; he has a lot to do. If I handled the insurance for the Town of South Bristol, I would cancel it. Why? Because you are inviting litigious situations by making repairs within the rights-of-way of the State or County. Therefore you are expected to do it correctly and he doesn't have the budget to do it. That is issue #1.

Mr. McAlpin continued with issue #2 and said he will give copies of his notes to the Town Clerk and the Town Board. A copy was given to the Town Board back in 2011, again July 29, 2014 and again in 2015. It is a simple request. If there is going to be any demolition of any structure in the Town of South Bristol, demand that the Town issue a demolition permit. Also any structure that is to be demolished by fire, a town permit should be required. When the permit is drawn there should be some caveats that the Town Code Enforcement Officer should be required to inspect the property, that all contents be removed from the property. Mr. McAplin said he can give you pictures of buried engines, transmissions, tires, car parts where people have torn buildings down. The rubble left is burned; and you call the fire dept. and say smoke is coming into my house and was told smoke doesn't go down the hill, it only goes down the hill at night.

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Mr. McAlpin said he has had it with the fact that there is a lack of respect from the Town Board. The petition for demolition verbally in 2011 and repeatedly asked for an update and on July 29, 2014 Mr. McAlpin made a formal presentation to the members of the Town Board following a Coye Cemetery meeting. Again in 2015, Mr. McAlpin asked for an update and finished his presentation with the following words and makes him sick to his stomach to say it again. *"It appears the only way to get the Town Board to take action if you have an issue is to present it through an attorney."*

Supt. Wight asked Mr. McAlpin to explain to the audience about the rock in front of his house and tell them what the highway dept. did and how promptly the highway dept. did that for you.

Mr. McAlpin said Supt. Wight is exactly right; he was dealing with safety issues. Supt. Wight said he realizes everyone has an issue with the potholes and will contact Bill Crow from the DOT and come up with a suitable solution.

Mr. McAlpin explained that he had water problems along the edge of Bopple Hill Road and some erosion as a result of that. We were getting the ditch filled because silt comes down the road and was coming over onto our property and flooding our front lawn. Mr. McAlpin asked Clerk Voss to send Supt. Wight an email and within a satisfactory time, some large rip-rap was put in place. He did respond to that; Supt. Wight is one man and has a lot to do.

Mr. McAlpin said as a taxpayer I would like them (the Town Board) to have their feet to the fire because we go to them; Supt. Wight needs to be out there doing work and they point the finger at him. (1.21)

Wade Sarkis thanked the Board for their time. By now you have all seen the multiple ads in local papers placed by Everwilde. While entertaining they contain multiple factual errors he feels he has to address. First, the Everwilde ad infers that they were not made aware of an opinion by my father, Fred Sarkis, until they read his essay in the Daily Messenger. However, Fred sent the letter directly to the developer a week in advance offering an appropriately zoned parcel of land in town for the project. That parcel is indeed owned by my four siblings and me and assessed at \$82,000.00 or about \$16,000 each. Perhaps the same amount as a full-page ad in the Sunday Democrat and Chronicle. That sight would provide the same economic benefits to the region as the Seneca Point Road site. Second, Everwilde claims that the Perkins and I worked with prior developer in getting approvals for the previously proposed subdivision. In reality we fought tooth and nail against that project. The project was set to move forward without any site plan review or Town SEQR process after the Code Enforcement Officer at that time determined the redrawing property map did not trigger the subdivision section of Town zoning code. The previous town Board would not overrule that interpretation affectively approving that project. Mr. Sarkis noted that Supr. Welch was on the ZBA back then and appeared before that board unsuccessfully. We perused a lengthy and costly litigation process against the developer. Supreme Court Judge John Ark strongly urged the parties to settle out of court and our attorney recommended the same. It was clear that Judge Ark would send the issue back to the Town of South Bristol which had given its approval. It was a no-win situation for us. Mr. Sarkis said he represented the plaintiff's in negotiating a settlement of the lawsuit with the developer and managed to obtain additional reductions in the project footprint. The Everwilde advertisements would lead one to believe that we helped the developer get the approvals and like to see the 20 homes. Clearly the advertisements contain factual errors in an effort to distract attention from serious concerns we have voices. Mr. Sarkis said he has the clippings from every article from 2005 and 2006 if anyone would like to read those articles or review the town minutes of

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the meetings we attended.

Mr. Sarkis said our efforts 10 years ago resulted in the Town immediately rezoning the entire area from R-1 to R-3; the second most restrictive in the Town, and also change the minimum lake lot frontage to 100 feet for the entire town. We remain very proud of our efforts 10 years ago and we wonder why the Everwilde supporters weren't concerned about the 20-home project back then. Thank you for your time.

Alan Braun resident of Bristol Harbor of 33 years and thanked Supt. Wight for all the work he is doing and echo opinions with this room with one person trying to do everything and also to echo Bernice Caprini's concern on Hicks Road. We have a piece of property on Route 21 and go Hicks road multiple times. Mr. Braun asked Supt. Wight if there is a plan to have it done by this year?

Supt. Wight said it will get patched this year; if you think that road is bad go to Mosher or Stid Hill.

Mr. Braun asked if this is information that could be placed on the website so residents don't have to keep asking?

Supt. Wight said that will be part of LaBella engineers road inventory and the Cornell Local Roads program and software. 1.27

Mr. Braun said the other subject he wanted to talk about was the Everwilde project. Mr. Braun wanted to thank the Town Board and the Planning Board for the process you are going through. Mr. Braun has been to many of the meetings and sees the thoroughness you have gone through. Mr. Braun also noticed where there have been issues brought up against Everwilde and asking them and the Planning Board can you do "x,y and z?" What Mr. Braun has seen is they not only do "x,y,z" they do the whole alphabet. They go the next step to try and appease and make this a nice project for us here. Mr. Braun said he has seen the letter that Mr. Wegman put out that says at this current point if Everwilde doesn't get approved he is planning to clear-cut and get ready for the 20 homes even if it was standing there for 10 years. That seems like it is not possible and not something we really want to see here. Regarding water and sewer, Mr. Braun said he knew there are still issues talking to Bristol Harbor about trying to tying into the water and sewer. Mr. Braun said he hopes that this issues can be worked out and have very strong faith in this Board in making the right decisions and thanked the Board.

Joe Kohler thanked the Board. Mr. Kohler said he was picking up on Bernice Caprini's comments, and the Bopple Hill and Mr. McAlpin, now with all due respect, thank you for all the hard work your people do, the plowing. Mr. Kohler is a little confused and hoped the Superintendent can explain something. With these road needs, and talking about bringing the people from the Town of Naples, why or what policy or law or whose orders are we hauling mulch from the SBR Iverson site. It has been like a train of trucks and town employees and doesn't know the laws with regards to the use of municipal equipment, employees for private sector. Maybe you are going to give them mulch or sell it.

Mr. Kohler said he would like to know tonight, there are people in this room that have put in 10 years on this subject (sewage). Where are these complete, and emphasized that word, complete financials for Bristol Sewer Corporation? Talking about the cash flow, profit and loss, the loans to the related shareholders. What is the status? Where are they? When are we going to see them? And how are we going to see them? On the website?

Supt. Wight said he would address the first issue, There were 3 trucks haul, approximately

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½ day and that mulch is all piled up at the highway dept. and specifically brought it here for residents. People come down with pickup trucks and 5 gallon pails and take mulch. That is the only reason that mulch was brought there.

Mr. Kohler thanked Supt. Wight and still didn't understand the use of municipal equipment.

Supt. Wight said the stone and mulch is all there for residents use and your tax dollars.

Mr. Kohler said that needs to be looked in to and would like an answer and didn't accept Supt. Wight's answer. 1.35

Alan Braun asked about the mulch and stone available to residents; he has lived here 33 years and this is the first he has heard of it. Is this public knowledge?

Supt. Wight said it is.

CORRESPONDENCE RECEIVED:

- Seneca Waterway Council – Lake Wellington Dam at Camp Cutler
- Finger Lakes Land Trust – Carolabarb Park property annual conservation easement monitoring
- Stephen R. Martin – Gell Center plans for expansion of facility
- South Bristol Planning Board – recommendation to Town Board re: Carolabarb Park property
- South Bristol Planning Board – recommendation to Town Board re: Hicks Road speed limit 1.45

MONTHLY REPORTS HIGHWAY

Councilman Bachman had nothing to report.

ASSESSOR

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

TOWN CLERK

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

SUPERVISOR'S REPORT

Supr. Welch said the Board has the Supervisor's monthly reports for January and February (2015) which was sent to you this afternoon and will accept a motion to approve the Supervisor's reports.

Councilman Wohlschlegel asked why these reports are months behind?

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Supr. Welch noted that until we closed the books for 2014 we couldn't start the books for 2015. We closed the books for 2014 at the end of May did the annual report and the next step to do was to wipeout the system under the direction of the State Comptroller's office. The bookkeeper had to reinstall the budget for 2015; each of those line items and then begin the process of entering the records for 2015. The disbursements and all that.

Councilman Wohlschlegel said the reports are for January and February and asked how come it doesn't go further?

Supr. Welch said the bookkeeper was working on this on Friday and discovered a glitch and the cash-in deposits doubled-up for January and February so Williamson Law who did the adjustments near the end of today. The Bookkeeper is working on March and hopes to have March through July done by the next Town Board meeting.

On a motion made by Councilman Cone and seconded by Councilman Bachman the Supervisor's Reports for January and February 2015 were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. (1.49)

LIAISON REPORTS BUILDINGS & GROUNDS

Councilman Wohlschlegel said we do have a quote from Shamrock Fence to replace the fencing at Coye Cemetery and is waiting for highway dept. to remove the existing fence. We also have to notify the caretaker of Coye Cemetery when this takes place

Councilman Bachman said unless the highway dept. has a free day with all this roadwork he doesn't know when they will get to it.

Councilman Wohlschlegel said he will contact Shamrock for a price to remove the existing fence.

Supr. Welch will contact the Ontario County Workforce to see what they would need as far as equipment to remove the fence.

Councilman Wohlschlegel mentioned the retaining wall at the Overlook and wondered who did the work on the grounds at the time.

Councilman Bachman said the blocks need to be pushed back; this is something that could be removed and not be maintained?

Supr. Welch said she is concerned that the blocks are loose.

Councilman Cone said he wouldn't be infavor of contracting that work out; town employees can take care of that. This can be done between the road and snow season is the time to do that. You want to give Supt. Wight an opportunity to do that and if you want to schedule that you want to encourage him to post the schedule. He was asked tonight when is he going to fix my pothole, when are you going to fix your project? Councilman Cone would like to be able go down as a resident, on the website or at the town hall and see if my project is going to be taken care of or it's never going to be taken care of. Councilman Cone said he would like to see it in black and white.

Councilman Bachman said the blocks (at the Overlook) will all have to be removed to reset the lower base and ask Mike Vest do the work. It has become a safety issue.

Councilman Wohlschlegel said he would take a look at the Overlook and make a plan.

Councilman Cone said he would have thought when asked the question tonight about the mulch and stone available at the Highway dept. that residents would have known about it. Councilman Cone said he didn't talk to anybody else that knew about that except for the

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Highway Supt. It is his opinion if it is on town property it is not available for residents to get free mulch or free stone unless the Town Board makes their determination and it's their wish. It is the Town Board that should be making that call and the Town Board should know about that policy. If it is on Town property, we have all ready made a determination about everything; it's not available, we don't have a free pile on any Town property. Not for a spare piece of culvert pipe, stone or mulch not unless the Town Board has a policy for that and it is put on the website.

Supr. Welch said this is a question for the Town Attorney and what the municipal law says and the question about Bopple Hill's pothole and the DOT.

Councilman Cone said he wants the pothole issue resolved sooner than later and doesn't want to come back to the next Town Board meeting and discuss whether or not we should fill a pothole. We clearly identified the fact legally that we own that responsibility. As soon as you start filling a pothole, whether it is on the State right-of-way or close to the right-of-way, we own that pothole.

Councilman Wohlschlegel disagreed with that statement; if it's in the State's right-of-way they are responsible. Just because Supt. Wight fills the pothole doesn't mean that the Town owns that. 2.01

Councilman Bachman said it sounds like it's worth a little bit of time to try and better understand this; mulch, opinions on the roads.

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel the Board agreed to have the Town Attorney look at both issues, at a minimal cost was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Councilman Cone asked where do you draw the line? Councilman Bachman said all materials. Councilman Cone said the Highway Supt. needs to be informed tonight.

HIGHWAY DEPARTMENT

Councilman Bachman reported that he didn't have anything and Supt. Wight has left. He did speak about the roadwork.

IT

Councilman Bachman reported that the wireless has been completed at the Highway Dept. and the Time Warner has since been disconnected.

PUBLIC SAFETY

Councilman Cone said he received a comment about the Coye Cemetery flag which is faded and worn. The resident asked who replaces that because he used to replace the flag and was told he no longer needed to do that. Councilman Cone asked about the Veteran's markers for Memorial Day put up in the cemetery and asked if that is a Town responsibility.

Supr. Welch said the Historical Society takes care of that.

Councilman Cone said that the roads need to be repaired and asked if there is a public list. Councilman Cone said that Supt. Wight is working with the engineers, but in the mean time I would like to see a resident be able to go down there and say my pet project is scheduled for fall or winter of this year so we can nail it down a little bit tighter instead of I'll get to it.

Supr. Welch said in fairness to Supt. Wight we bought the laptop in June and bought the Cornell Road Inventory software and have put money in the budget for Labella to work with him on this very project so we have access to his road inventory. They are also doing guardrail

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inventory and equipment replacement. They are working on several things on the Town’s behalf. The process is started and doesn’t know how far they have gotten.

Councilman Cone said he give Supt. Wight kudos for things that he has done correct. Opening Seneca Point Road because the tree fell; that is a plus because we all like to beat on Supt. Wight when our streams and roads washout when he actually does a great job responding. Also on Bopple Hill where the large rip-rap stone was put in awesome and like to see that application done. Councilman Cone said he talked with some of the residents on Stid Hill Road where that gully was way over his head and a washout and saw no stone, rip-rap, in there. Councilman Cone said Supt. Wight hinted to that and would like to nail it down to whether or not rip-rap should be installed on Stid Hill Road. It was a mess; it tore up the culverts.

Councilman Cone said he would love to have the stone and mulch available for the residents as long as we come up with a resolution first.

Councilman Bachman said he received an email from a resident at Bristol Harbor and asked if there was any more development for the house numbers.

Supr. Welch said that is with the Home Owner’s Association and the Environmental Committee at Bristol Harbor.

Councilman Cone said the vendor is willing to custom make whatever they decide on. (2.14)

APPROVAL OF VOUCHERS

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone, Abstract No. 7, Voucher #323-368 for \$51,265.63 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Cone and Wohlschlegel.

RESOLUTIONS

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman Resolution No. 36-2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Cone and Wohlschlegel.

Resolution #36-2015

Refund of Health Insurance Premium Overpayments to Current & Former Employees
Whereas, the Town Supervisor conducted an audit of Health Insurance Premium payroll deductions for covered employees from January 1, 2009 thru December 31, 2014, and
Whereas, the results of the audit determined the following overpayments:

EMPLOYEE NAME	EMPLOYEE STATUS	2009	2010	2011	2012	2013	2014	TOTAL/EMPLOYEE
HANLEY, J.	ACTIVE	\$139.62	\$27.04	\$6.50	\$13.52	\$0.00	\$29.64	\$216.32
DUEL, K.	INACTIVE	37.44	0	0	0	0	0	37.44
SCHARTZER, J.	INACTIVE	142.48	\$29.90	0	0	0	0	172.38
BASHFORD, J.	ACTIVE	184.08	0	\$98.80	21.58	0	49.14	\$353.60
CENTNER, J.	INACTIVE	0	\$69.42	35.62	0	0	0	105.04
MUSCARELLA, V.	ACTIVE	0	0	0	0	0	\$114.40	\$114.40
ANNUAL OVERPAYMENT OF PREMIUM		\$503.62	\$126.36	140.92	\$35.10	\$0.00	\$193.18	\$999.18

Whereas, the Town Supervisor reviewed the matter of reimbursement of overpayments with the State Comptroller’s Office, the NYS Dept of Taxation and Finance, the town’s and town’s auditors, now therefore, be it

Resolved, that the South Bristol Town Board authorizes immediate refund checks be cut with a copy of this resolution sent to current and former employees, charged to the following accounts:

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Account DA 9060.8: J. Bashford - \$353.60; K. Duel - \$37.44

Account A9060.8: J. Hanley - \$216.32; V. Muscarella - \$114.40; J. Scharzter - \$172.38

RESOLUTION NO. 37-2015

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel Resolution No. 37-2015 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Cone and Wohlschlegel.

Resolution #37-2015

Bristol Sewerage Disposal Corporation's 1979 Application to Extend Area Served and to Amend Certificate of Incorporation as agreed by motion of the South Bristol Town Board on August 12, 1980

Whereas, on October 31, 2014 Bristol Sewerage Disposal Corporation provided the Town Board with a Certificate of Incorporation dated in 1998 which included a duly executed 1969 Resolution and Certificate of Incorporation from the Town Board which corresponds with the sewer district service area as approved by the Town in 1969; and

Whereas, on June 18, 2015 the Bristol Sewerage Disposal Corporation provided the Town Supervisor and the engineering firm, Labella, which represents the Town's interest in the current review of the Corporation's Service Area, with documents recently discovered in the files of the attorney representing the sewer corporation indicating that a 1979 Application to Extend Area Served and to Amend Certificate of Incorporation had been made to the South Bristol Town Board in 1979 by a previous owner of the Bristol Sewerage Disposal Corporation, and

Whereas, the June 18, 2015 documentation furnished the Town did not include a duly executed Certificate of Incorporation corresponding with the 1979 Application, the Town Supervisor and Town Clerk engaged in a thorough review the Town's archives locating documents in the Planning Board's records identical to those furnished the Town on June 18, 2015, there was no record of a duly executed Certificate of Incorporation which corresponded with the 1979 Application to Extend Area Served and to Amend Certificate of Incorporation; and

Whereas, a review of the Town Board minutes from 1978-1980 reveal that on August 12, 1980: "A letter was read regarding Bristol Sewerage Disposal Corporation application for consent to extend the district. A motion was made by Russell Hawkins and seconded by Ralph Schutz to allow Bristol Sewerage Disposal Corporation to extend their district," which unanimously passed, and

Whereas, on July 7, 2015 the New York Department of State, in response to the Town Clerk's FOIL request dated July 2, 2015, stated: "The records of the Department of State include a corporation with the name Bristol Sewerage Disposal Corporation. Bristol Sewerage Disposal Corporation filed its certificate of incorporation with the Department of State on 07/10/1969. No certificate of amendment to the certificate of incorporation has been filed with the Department of State", and

Whereas, the Transportation Corporations Law § 116 : NY Code - Section 116: Consent to incorporation states: "1. No certificate of incorporation of a sewage-works corporation shall be filed unless there be annexed thereto a certificate or certificates duly executed in behalf of the local governing bodies of the city, town or village, as the case may be, in which any part of a sewer system provided by such corporation is situate and, in the county of Suffolk, an additional certificate duly executed in behalf of the county sewer agency, consenting to the formation of the corporation for the area described in such certificate", and

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Whereas, neither the New York Department of State, the Town of South Bristol, nor the Bristol Sewerage Disposal Corporation are able to produce a certificate duly executed in behalf of the Town of South Bristol governing body which corresponds with Bristol Sewerage Disposal Corporation’s 1979 Application as required by Section 116 of the New York Transportation Corporations Law, and

Whereas, the South Bristol Town Board finds no Stock Escrow Agreement evidencing that the Bristol Sewerage Disposal Corporation has placed stock in escrow as provided for in New York Transportation Corporations Law § 119 which states, “the stock of the corporation shall be placed in escrow and title thereto shall pass to the local governing body in the event of failure to complete the construction thereof, or in the event of abandonment or discontinuance of the maintenance and operation of the system by the corporation”, and

Whereas, it is the express intent of the South Bristol Town Board to fulfill their responsibilities and exercise their rights under the Transportation Corporations Law; now therefore, be it

Resolved, that the South Bristol Town Board hereby directs the Bristol Sewerage Disposal Corporation to deliver the stock of the Corporation and a Stock Escrow Agreement, as called for in Section 119 of the New York Transportation Corporations Law, to this Board and its legal representative, not later than August 1, 2015; and further

Resolved, that upon receipt of the stock and execution of the Stock Escrow Agreement by the Town of South Bristol and the Bristol Sewerage Disposal Corporation, the Town Supervisor is directed to provide the Bristol Sewerage Disposal Corporation with a duly executed certificate consenting to the formation of the corporation for the area described in the 1979 Application to Extend Area Served and to Amend Certificate of Incorporation, and further

Resolved, that the South Bristol Town Board hereby directs the Bristol Sewerage Disposal Corporation to not later than August 1, 2015, deliver to this Board a letter stating their intentions as it pertains to the area currently served but not covered by the 1998 Certificate of Incorporation as filed with the NY Department of State, nor the 1979 Application to Extend Area Served and to Amend Certificate of Incorporation; and further

Resolved, that the Town Clerk is hereby directed to provide a certified copy of this resolution to the Bristol Sewerage Disposal Corporation and Town Supervisor.

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 July 13, 2015, by the following vote:

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

Dated: July 14, 2015
SEAL

Judy Voss, Town Clerk

DISCUSSION:

Councilman Wohlschlegel asked that this had come before the Board but it never got updated into the certificate?

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Supr. Welch said Clerk Voss submitted a FOIL request with the Dept. of State and they do not have anything attached the Sewerage Corp. certificate of Incorporation. Nothing has been filed on behalf of the sewer corporation for expansion of their service area.

Supr. Welch said she was sent information from Greg Mulheron in June saying that their attorney found it in their records. We couldn't find anything and LaBella had been through the files as well. Supr. Welch said she went to the Zoning office and found 3 property files and they had identical documents but we had more information than they had. Our files in addition to what they gave us were "plans and specifications for extending the sewer district" from 1979. The town engaged an engineer at the time and then the only thing we see on the Town Board in 1980 which is simple a motion, the motion states "*A letter was read regarding Bristol Sewerage Disposal Corporation application for consent to extend the district. A motion was made by Russell Hawkins and seconded by Ralph Schutz to allow Bristol Sewerage Disposal Corporation to extend their district.*" That motion was unanimously passed and we can't tell from our records if the job was ever finished. Only the Town Board has the authority to duly execute this document that gives the attachment to the corporation papers.

Councilman Bachman said the motion doesn't cut it; you need a resolution?

Clerk Voss said it is an amendment to the filed Certificate of Incorporation to include the expanded area filed with the State. The State had nothing attached to the Certificate of Incorporation for the sewer company. 2.24

Supr. Welch noted that the attorney suggested we should honor the motion and finish the job. The attorney said we should issue a certificate with document we have in our own files which gives the boundaries of the extension. In keeping with the Transportation Corporation Law, Supr. read from Resolution # 37-2015 "***Whereas, it is the express intent of the South Bristol Town Board to fulfill their responsibilities and exercise their rights under the Transportation Corporations Law***". Supr. Welch said one of our rights as a Board is: ***Resolved, that the South Bristol Town Board hereby directs the Bristol Sewerage Disposal Corporation to deliver the stock of the Corporation and a Stock Escrow Agreement, as called for in Section 119 of the New York Transportation Corporations Law, to this Board and its legal representative, not later than August 1, 2015.***" The stock is of value to the Town in the event of abandonment of the sewer system. The attorney's want to take a look at and make sure it is all legal.

Ted Russell asked, what if they don't respond by August 1st? Supr. Welch was not sure.

Fred Sarkis said he wanted to point out that the party house is not on the map; and what he is hearing that 454 acres is under the umbrella of the sewer corporation. Mr. Sarkis mentioned that the little parcel of land on the map for the projected hotel, just north of that is that segment where all that party house facility and restaurant is located and not under that umbrella of the sewer corporation. Mr. Sarkis said when they took over from bankruptcy the sewer corporation they inherited 454 acres and then they acquired additional land and didn't make the necessary expansion request for the sewer facility.

Ralph Endres said it might have been acquired in 2001 or 2002, we don't know.

Councilman Bachman said it is any land acquired after 1979.

Mr. Endres said it is still a problem that they have a party house and they are not entitled to have sewer service and even with the amendment they are still in violation because they don't have that piece of property on the planned development.

Supr. Welch agreed and that is what we are asking them to tell us and their intentions. We need to know as a Board if we continue to talk to LaBella or if Bristol Sewer have another

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solution. It is up to them; we can't dictate to them and make them appear before the Board with this plan and specifications.

Councilman Bachman said it is the Board's expectations at this point to complete the certificate for the area south of the party house and the cottages; the piece that was purchased around 1998.

Supr. Welch said she sent an advanced copy of this to the sewer corporation last week on the recommendation of the Town Attorney so they knew this was before the Board. The Town Clerk will send a certified copy to the sewer corporation and one to the Town Supervisor to keep in our files.

Joe Kohler asked if it is possible to finally put some teeth into the complete financial documents that you and we are entitled that we can seemingly never get. Can you ask and mandate by resolution that on or before August 1st that those financials be delivered to South Bristol.

Supr. Welch said she was not sure where it is in the law or in any resolution of the Town that they are to give us complete financials.

Mr. Endres said if you are going to deliberate on a timeliness and amount of a sewer increase that you have a fiduciary responsibility to the people of the Town of South Bristol to make sure reported.

Supr. Welch said this Board will agree with you on that because that is one time we do get that information. They have given it to us through 2014; when they sent in their rate increase request in October, 2014, they gave us extensive information.

Mr. Kohler said it was incomplete.

Mr. Endres said it might be what you asked for but it was not complete and if it was complete it would show the loans principles of the corporation; no interest loans in substantial amounts. Those things ought to be taken into consideration when you are going to approve a rate increase; and the return on investment for Transportation Corp. is 10-12% and right now they at 31% and asked for a 33% increase; something is wrong. 2.36

Supr. Welch said, so that we are all on the same page here, if they intend to expand the sewer district to cover those lands currently served and not within the district, a part of the process they go through is an engineered plan and specifications and study that is reviewed by the Town's engineer. In addition to that a CPA engaged by the Town of South Bristol will have access to information they need to support any rates that are going to be in effect. That is why we are asking what their intentions are; are we looking at an expansion of the district, a rate increase?

Mr. Kohler said the information the Town has is affront to my intelligence; this is prepared by management, it is unaudited and there is no balance sheet and is getting tired of the subject.

Mr. Sarkis said it is two separate issues, one is geography and the other the financial realities and doesn't care about the 30% increase; if this Board doesn't recognize how idiotic that is they shouldn't be Board members. Mr. Sarkis asked why they are asking for a 30% increase when the financials are showing an unbelievable cashflow that any business man would love to have. The issue today is, the geography is one issue the arithmetic is another issue. Someone said to Mr. Sarkis today when are we going to get the \$29.00 a month stopped? It should stop next year. This Board should be saying, here are the ground rules, the geography is one thing, the financials another, it has been 9 years since we want this Board to put their foot down and say

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what we have written, examine what we have written, why do we have to say it, it is on the record. Mr. Sarkis asked why this can't be a separate issue?

Supr. Welch said because we cannot set rates where there is no approved district; the law is clear about that. At what point was there no district in place, well it is a different point in time now tonight then what we believed up until the review of the records. The law is very clear, if their intention is to do something other than to bring it in the district, to get the proper certification from the Town Board, they need to provide the Town Board with the plans and specifications acceptable to our engineer for the review of this whole topic, and for our CPA engaged by the Town Board to review those records. If they do not intend to do that then we have a different situation, we will no longer be discussing geographics because we will know what that district is. Then this Town Board is going to have to determine what we do; how are we aggrieved to set any rates in a district that isn't complete.

Mr. Sarkis said when they took over the project it was their responsibility to expand the district; so the 350 consumers are being penalized because they failed to expand the district.

Supr. Welch said this whole topic has exhausted her and started getting involved in this 2 years ago and promised to get to the bottom of it 2 years ago. It is like peeling an onion; we asked for financials and on vacation last year I realize there is a certificate that we should have and ask for it and it reveals the 1968 footprint. We move forward from there saying we can't set the rate. We are still in the same place. Until they tell us their intention; after 2 years working under the Transportation Law, Supr. Welch went to Brian Kolb's office if he could get a list of private sewage treatment corporations that is approved under the Transportation law; where are these other sewage treatment facilities and maybe we can learn from these other towns and municipalities. NYS came back and have no such list. It is not an easy topic and knows that it is frustrating for those involved and waiting and can assure you of one thing. In the last decade and this Town Board has gotten to the bottom of this; we have worked tirelessly on this. Hopefully they will get back to us and tell us their intention.

Mr. Endres said that for the group of people that are here interested in sewers at Bristol Harbor; what you are doing is good because by August 1st we are going to know whether we need to file suit against them for what they are doing. They either going to become part of the Planned Development and the sewage rate increase will go forward or they are going to be part of the Planned Development and withdraw the rate increase. Greed got them to this position now and doesn't think that will change. After August 1st we are going to know where they stand and we will take whatever action we need to take against them at that time.

Councilman Wohlschlegel agreed and sounds like we can't set any increase.

Supr. Welch said the rate increase request back on October 31, 2014 and when we got that package and asked for that certificate that this all started being address. Municipal Solutions was helping us with the rate review and once we realized there were customers outside the town approved district we had to turn it over to an engineer. In defense of the Bristol Sewerage Corp., they have incurred engineering expense thus far that the Town Board has engaged the services of LaBella and they have covered those expenses. We have gone as far as we can. (2.46)

Mr. Endres said ultimately those expenses will be paid for by us but the bottom line is if we can get the financials, and if this goes forward as of August 1st and petition the Town and annex the property they all ready own into the planned development. Once they do that, then the Town has the right to get the audited financials.

Mr. Kohler said the financials are a joke and affront.

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Supr. Welch said if they make the application, in addition to have a CPA look at the financials there will be an engineer inspecting the system plans and specifications.

Mr. Endres said that is the second portion; is there enough capacity for the build-out? What is their intention for the property that they own; are they going to put a 5-story apartment building with 200 apartments in there? Who is going to pay for the increase?

Supr. Welch said this is all address in the review by the engineers, the CPA and the Town Board. When it is approved the Town Board is going to have to be very careful on how they word any resolution on what will be expected on an annual basis from the sewer corporation.

Mr. Sarkis said he would like to see a letter from the Town Attorney stating that these are 2 separate issues and then you can decide on the 9-years of financials that you all ready have and all the correspondence that we have sent you; you can act on that or not. It required us to get a legal opinion

Supr. Welch said the financials is embedded in the law as it pertains to the district.

Councilman Bachman said you expand the district you get the right to request the financials. If they don't expand the district then we can't separate and it becomes a civil matter at that point.

Supr. Welch said the Board can't act on that request because we can't set the rates outside the district approved by the Town.

Mr. Endres said they are deliberately dragging their feet so they don't have to deal with the issue whether they need to provide sewers for Everwilde should it ever be built. They drag their feet; there may be a change in the Town Board, the applied in the dead of night and thought everyone was in Florida and they would were going to sneak another one through. It's the same with Everwilde, if they want to include that they have to ask the Town and include that in the PD. That is the same thing they are going to have to do; the 5 cottages, the parking lot, once they make that commitment you do have the right on their rate increase unless they withdraw it.

Councilman Cone asked if they determined to make this sewer district more than one sewer district that is their choice as well. They could make multiple sewer districts and charge multiple rates based on that; that is the determination they could chose in their application.

Councilman Cone opposed the Resolution 37-2015 because he has so many concerns and doesn't know if this is going to benefit the Town or benefit Bristol Harbor. Councilman Cone is frustrated with the sewer corp. for dragging their feet.

Councilman Bachman asked Councilman Cone to reconsider because this asking them to provide the Town their intent by August 1st. If we don't get that we continue to flounder and if we do get we have accomplished a goal and move on. This is our attempt to help move that along.

Mr. Endres said ultimately you have the authority to condemn the corporation and take it over; if they play games with you like that, shame on you if you don't exercise that. You could run it cheaper than they are running it and still make a profit.

Councilman Cone changed his vote to AYE and the Board made a re-vote which carried unanimously.

EXECUTIVE SESSION

Supr. Welch noted that the Board will convene into Executive Session to discuss collective negotiations pursuant to article fourteen of the civil service law.

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On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel the Board convened into Executive Session was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Cone and Wohlschlegel.

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

The Board came out of Executive Session at 11:00pm.

ADJOURN 11:00pm

Respectfully submitted:

Judy Voss
Town Clerk