

SOUTH BRISTOL TOWN BOARD REGULAR MEETING  
September 14, 2015

**REGULAR MEETING**

The regular meeting of the South Bristol Town Board was called to order September 14, 2015 at 7:04pm 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**

Bob Eisenberg, Anne Jacobs, WJ Rodenhouse, Fred Sarkis, Dahl Schultz, Jim Wight, Gail Hewson, Jim Strickland, Donna Goodwin, Wade & Jocelyn Sarkis, Ralph Endres, Delores Perkins, Maddie Bicknell, Stephen Cowley, et al

**CORRESPONDENCE RECEIVED**

- NY Dept of Public Service – seeking public comment on: Low Income Programs for Utilities and Merger of Time Warner – Charter Communications
- Pest Alert or South Bristol – Hemlock Woolly Adelgid

**MONTHLY REPORTS  
HIGHWAY**

Supt. Wight said the Snow (plowing) Contracts with the County and the past few years it costs more than \$10,000 per year to plow County roads which we don't break even. The Town of Naples has backed away from plowing County Roads and this year, the County is looking for us to assume their plow duties on County Road 12 and County Road 33. The County is offering a slight increase in the contract of 1%. Salt is going from \$47.34 a ton to \$49.97 per ton which is more than 1%; we are kind of at odds. The County is looking for a lot of information from the Towns; building and equipment depreciation, fuel, salt costs, total benefit package for employees, etc. and they are looking into raising the rates. Supt. Wight said it probably won't happen this year; it would be in their best interest to offer another \$1,500 per mile. Supt. Wight said he recommends continuing to plow for the County; the County does a lot for us. They help us a lot with construction in the summer time and we have access to the County trucks and paving crew. We are heading in the right direction gathering the data and next year the County will have a better idea for costs to the Towns. The 1% is also subject to an increase at the Contract opener depending on where the salt costs end up. At this point we are going to continue to plow the County Roads and feels a duty to make sure that your roads are clean this winter.

Supr. Welch asked if Supt. Wight's recommendation is to accept the County contract? Supr. Wight agreed and said he is in discussion with the County about the contract for the Town of Naples County roads; there will be a contract signed and the potential for more money based on being that much farther away from the Town barns.8.00

Supr. Welch said the Town Board members received a copy of the contract for review and the recommendation of the Highway Superintendent that we accept the 2015-16 County snow contract.

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On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman the 2015-16 County Snow Contract was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

On a motion made by Councilman Cone to accept the Supt. Wight's recommendation that we accept the County Snow Contract for County Road 12 and County Road 33; that the Highway Supt. negotiate with the County for additional revenue for salt purchase and the County be used as the number if there are complaints from Naples residents and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supt. Wight noted that the Town will receive an additional \$35,000 in revenue. Right now the County pays \$5,200 per center lane mile; the Town plows 11.8 miles of County Roads which brings in roughly \$60,000 in revenue. Someday the County will figure it out and the \$5,200 per mile will be brought up to a more realistic figure.

Supr. Welch said that Workforce Development will be doing a fall cleanup at Wilder Cemetery September 25<sup>th</sup> and October 2<sup>nd</sup> with a 5 man crew. 21.00

Supr. Welch said the resolution on the Agenda for the possible adjustment of vacation hours and in keeping with past practices. This employee was given 90 hours of vacation time in his 2<sup>nd</sup> year of employment, instead of the 80 hours as stated in the employee handbook. The employee was given an additional 10 hours every year after and according to the handbook he should have 120 hours of vacation; which is the employee received in 2014. If we follow the handbook, this year there will be 120 hours vacation this year and 130 hours next year up to the maximum of 200 hours. Supr. Welch said the employee has requested to consider the past pattern of 10 hours a year of too much vacation per year.

Councilman Wohlschlegel asked if this followed the Employee Handbook? Supr. Welch said no, it does not; this is actually an error.

Councilman Cone said it would be in our best interest if we didn't go back retroactively and take the additional 10 hours away due to a bookkeeping error and to follow the handbook.

Councilman Bachman said there is no discussion about reclaiming the hours and the question is to whether or not to continue to follow the error and with one comment to follow the handbook and have had this discussion several times with various employees and the answer was to follow the handbook.

On a motion made by Councilman Wohlschlegel to follow the Employee Handbook and seconded by Councilman Cone was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. 26.00

Councilman Bachman said he received a request from a resident regarding the ditch on the west side of the road between Bristol Harbor Boulevard going south on Seneca Point Road. The request was to put rip-rap in the ditch.

Supt. Wight said that the Golf course groundskeeper put rip-rap in that ditch; typically the rip-rap is used in steeper sections of the road. The problem with that is it makes it very tough to keep the ditches mowed. Supt. Wight said he would look into this.

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Supt. Wight said he has a problem over at the development at Bristol Harbor across the road. A company is looking into placing pine trees directly under power lines well within the road right-of-way. Seneca Point Road is a 4-rod road which is a 66-foot right-of-way; 33 feet from the centerline. There is a cut in the property for a retaining way and has not seen any plans regarding the development. The Planning Board and Code Enforcement; there is a lot of things in there that is wrong and is meeting with the contractors tomorrow morning about this. There is a potential for the road base to start sagging. If the Town had intended to put sidewalks down the road this removes that possibility.

Supr. Welch said the Highway Agreement for 2015 is on the agenda. Earlier this year, Supt. Wight had presented the highway agreement and in light of the fact that the FEMA money had been recovered as an unanticipated revenue for this year and to make any revisions. The revisions have been made and need a motion to approve.

On a motion made by Councilman Cone and seconded by Councilman Bachman the 2015 Highway Agreement was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Councilman Cone said the Town Board had asked Supt. Wight for specific estimates for individual roads and that information is included and broke it down as we had asked. 34.00

Supr. Welch said that Supt. Wight has, weather permitting, for him to do some work on Stid Hill that was not part of this agreement tonight and would be an additional repair and brought the figures in tonight; an additional \$30,000.

Supt. Wight said this is for all sections of Stid Hill that are a mess. Suite Kote will come in and pugmill this material that is way less expensive than asphalt for a cost of \$17,564.00. Enough to cover sections of the road that are in bad shape. That material will need to be protected by chip-seal for a cost of \$13,007 for a total of \$30,571.00.

Supr. Welch said in looking in the budget for the funds transfer and the Journal Entry would come from personnel cost in Road Repair and transfer \$25,000 from DA5110.1 to General Repairs DA5110.4.

Councilman Bachman said he doesn't drive that road often 38.10 and what they did years ago they paved pieces of Stid Hill and the comment was that the base of the roadway wasn't done correctly?

Supt. Wight said as he understood it was a gravel road, it was graded and rolled in one day and they came in and moto-paved it the next day and because it is not drained properly and heaves with frost and you get pockets that pop up and the plows come through and slice it off and now you have a pothole. This will add 2-inches of solid material which will prevent the plows from damaging the road. This is not a permanent fix but will give us 5-7 years. 42.00

Councilman Cone asked if Supt. Wight considered putting funds aside for the ditch on the steep section and adding rip-rap for the high speed of water that comes through there?

Supt. Wight said the Kevin Olvaney is working on a grant which also requires engineered drawings and has talked with Dan Walker from LaBella Engineering about this as well as the large ditch on Gannett Hill Road.

Councilman Cone agreed and asked if the large ditch on Bopple Hill Road that was filled with large rip-rap was stable now? Supt. Wight said yes, the larger sized rip-rap is for the steep roadways. 44.00

## BUILDINGS & GROUNDS

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Councilman Wohlschlegel asked Supt. Wight when the Highway Dept. will be able to remove the fence at Coye Cemetery. Supt. Wight said by the end of October.

Councilman Wohlschlegel said he got an estimate for repair work at the Overlook on County Road 12 from Finger Lakes Hardscape for \$6,258.00 and another from Ward's Lumber who gave us a price range of \$7,000 - \$8000. The job description is to repair existing block wall of scenic overlook; deconstruct existing walls, re-level, re-compact and re-build by removing 18" of material directly behind the walls and replace with drainable stone, re-mulch. It is a lot of work; job duration is 4-4 ½ days. Councilman Wohlschlegel said that Ward's Lumber suggested removing the block.

Supr. Wight agreed and said the whole area needs to be looked at; it is a maintenance nightmare. 51.00

Supr. Welch said if it doesn't get repaired it ought to be removed because someone could get injured.

Councilman Cone asked if there is a budget fund for the Overlook? Supr. Welch said the budget has \$4,000 available for the Overlook.

### IT

Councilman Bachman said he posted the information on the town website that LaBella and Everwilde provided. The homepage has the files for the SEQR and the DEIS and along with that is the email address for public comment. Councilman Bachman said he spoke with Kathy Spencer of LaBella to move a few things around to make it more user friendly. There are dozens of files and still needs to fix a few things; the overall comment is that the information is there and complete. We are trying to make it more pleasing to the eye, etc., the information is there and available for the public. The email address for comments is working and you should receive a confirmation back. The comments will go directly to LaBella. Councilman Bachman said he didn't want the Board accessing the mail folder but can add a forwarding option in the mail file so you will receive everything.

Supr. Welch said that LaBella was going to capture the comments and it is going to be part of the final review and doesn't think the Board needs to look at the individual comments and asked the Board their preference.

Councilman Cone said he would like to see the comments once they have been compiled. 60.00

### PUBLIC SAFETY

Councilman Cone noted that he had hoped that the work to return fireworks to the Town of South Bristol would continue. This current Board in 2015 may wish to resolve this issue before the election this year. If the current Board wishes not to pursue this, Councilman Cone said he would ask that the Board as of the New Year would consider what the voters of South Bristol would like as far as fireworks. Our town is currently the only town in the area where the Town Board has not found a way to permit fireworks legally. Councilman Cone said he would like to ask the Town Board members individually what their position is on getting this fireworks permit resolved.

Councilman Bachman said that it is not up to the Town Board to resolve this, it is up to the applicant to resolve this and they have. A permit will be issued tomorrow to Bristol Harbor for an event because the fireworks corporation found a way to comply with what we asked them to do. This Board should never have found a way to help make it happen; we are following the

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law, we are asking for the insurance to protect the Town and residents. The applicant found a way to make that happen; that is the way it is supposed to work. Councilman Bachman said he will not apologize that we have not folded and allowed this to happen. We did the right thing and the applicant found a way to make it happen that is the way it works. 1.00

Supr. Welch agreed; we've and known all along that insurance is available and the insurance industry has policies available. In this case, the application has met all the criteria of our permit process. They have a separate policy and the Town is named insured from South Bristol Resorts. They have found that they can provide insurance and meet the requirements of our permit process.

Councilman Cone said that was good to hear.

**ASSESSOR'S REPORT**

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

**ACCOUNTING**

Supr. Welch noted that the Board received the July Supervisor's Report last week and has a hard copy of the August Supervisor's report before them that was completed today. There are budget journal entries to go over which is moving money from the Unemployment Insurance that was funded in anticipation that we may have to let an employee go over at the highway dept and 3 employees retired and we didn't have to go into unemployment. Supr. Welch explained that the \$7,000 will be go into the Labor Attorney DA1420.403. 1.07

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel to transfer \$7,000 from DA9050.9 to DA1420.403 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

**HIGHWAY FUND  
BUDGET JOURNAL  
ENTRY**

Debit	DA9050.8	Unemployment Insurance	\$7,000
Credit	DA1420.403	Labor Attorney	\$7,000

Supr. Welch explained that the Highway Supt. has yet to fill the remaining position at the highway dept. and there are expenses that have not been incurred through payroll and is

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suggesting moving \$25,000.00 from General Repairs DA5110.1 Personnel Services up to General Repairs DA5110.4 Contractual.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman to transfer \$25,000 from DA5110.1 to DA5110.4 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

**HIGHWAY FUND  
BUDGET JOURNAL  
ENTRY**

Debit	DA5110.1	General Repair – Personal Service	\$25,000
Credit	DA5110.4	General Repair – Contractual	\$25,000

Supr. Welch said the next transfer is coming from A1112.4 NYS Justice Court Fees and the budgeted amount, according to our accountants; we don't have access to it \*\*\* and never have and moving \$11,250 to A1420.4 Attorney – Sewerage. We have paid \$7,400 of unanticipated expenses on the sewer. When we did the budget the rate increase came in on October 31<sup>st</sup> and we did not anticipate the kind of attorney expenses that we are having with the sewer expansion and hopefully that will be enough to get us to the end of the year.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman to transfer \$11,250 from A1112.4 to A1420.42 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. 1.12

**GENERAL FUND  
BUDGET JOURNAL ENTRY**

Debit	A1112.4	NYS Justice Court Fees	\$11,250
Credit	A1420.42	Attorney Sewerage	\$11,250

**SUPERVISOR'S REPORT**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone the Supervisor's Report for July & August 2015 were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

**ACCOUNTING  
APPROVAL OF VOUCHERS**

On a motion made by Councilman Cone and seconded by Councilman Bachman for Voucher numbers 417-467, totaling \$126,920.97 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

**RESOLUTIONS**

Supr. Welch noted that during the meeting last Wednesday the Everwilde Team had suggested having the Public Hearing at the Naples School District and Supr. Welch consulted the Town Attorney and was told that we could not and he suggested that we use the Town Highway

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building and that the meeting be held at that location on October 5<sup>th</sup>, from 5:00pm to 8:00pm or later as determined by the Town Board.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman to schedule the Public Hearing for Public Comment regarding the Everwilde DEIS to be held at the South Bristol Highway Dept. on October 5, 2015 from 5:00pm to 8:00pm or later as determined by the Town Board was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supr. Welch said the meeting will be held in the newer building and the Everwilde team will be responsible for chair rentals, etc. Councilman Bachman said he is concerned about safety issues. There are open grates and other hazards we should be aware of.

**BRISTOL SKI VALLEY – WITHDRAWAL OF 2014 APPLICATION FOR ZONING MAP CHANGE**

Supr. Welch noted that she received an email from the applicant on September 9<sup>th</sup> indicating they wish to withdraw the 2014 application for zoning map change. Supr. Welch said she would accept a motion that would authorize the Town Supervisor to close the Five Star Bank escrow account held on behalf of Bristol Ski Valley and return any remaining principle and interest to the applicant.

On a motion made by Councilman Cone to close the account for Bristol Ski Valley and return the money to the applicant and seconded by Councilman Wohlschlegel was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supr. Welch asked Clerk Voss if she had a chance to look at the Escrow Agent Agreement between the Town of South Bristol and Bristol Sewerage Disposal Corp. sent from the Town Attorney today. Clerk Voss said she would be Escrow Agent. 1.21

Supr. Welch said the town attorney drafted the escrow agreement and need to review it with the Town sewer attorney who may or may not make revisions. Supr. Welch asked for a motion that the Board approves the draft of the escrow agreement between the Town of South Bristol and Bristol Sewerage Disposal as prepared by town council and any revisions that may be recommended by our council be accepted by this Board.

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

Supr. Welch asked the Board for a motion to authorize the Town Attorney to forward the finalized escrow agreement to the attorney of the Bristol Sewerage Disposal Corp. for his client's approval and signatures.

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel said motion was ACCEPTED. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

**RESOLUTUION NO. 36- 2015**  
**ADOPT LOCAL LAW #5-2015 STRUCTURES**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone Resolution No. 5 – 2015 was ACCEPTED. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

**RESOLUTION AUTHORIZING ADOPTION OF LOCAL LAW NO. 5 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 September 14, 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 September 3, 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 September 14, 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 SEQR; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of South Bristol hereby adopts said Local Law No. 5 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 September 14, 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: \_\_\_\_\_, 2015

\_\_\_\_\_  
Judy Voss, Town Clerk

SEAL



SOUTH BRISTOL TOWN BOARD REGULAR MEETING  
September 14, 2015

*FILING LOCAL LAW*

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

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(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. 5 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 "Structure" and the insertion of an amended definition for of this term to read as follows:

STRUCTURE – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground or that creates an impervious surface on the ground. "Structure" includes, but is not limited to: any buildings, paved or blacktopped driveways, parking lots and parking areas, sidewalks, foundations, fences, steps, stairs, decks, patios, above ground or below ground storage tanks, wells and well components, both in-ground and above ground swimming pools, tennis courts, towers, billboards, poster panels, walls, retaining walls of any height, mortared or dry-laid stonework and trams and tram systems.

Section 2. 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 3. 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. 5 of 2015 of the Town of South Bristol was duly passed by the South Bristol Town Board on September 14, 2015, in accordance with the applicable provisions of law.

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2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer<sup>1</sup>.)

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

Clerk of the Town

(Seal)

Date: \_\_\_\_\_

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

STATE OF NEW YORK

COUNTY OF ONTARIO

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

\_\_\_\_\_  
Attorney to the Town

Town of South Bristol

**NEW BUSINESS**

**2016 BUDGET CALENDAR**

Supr. Welch said the department heads were given the budget forms to provide estimates and we have everything we need. Supr. Welch said the Tentative Budget needs to be filed with the Town Clerk by September 30<sup>th</sup> and the Town Clerk presents it to the Board by October 5<sup>th</sup>. We would have to schedule a review of the Tentative Budget. 1.26

On a motion made by Councilman Cone and seconded by Councilman Cone the Town Board will hold a 2016 Budget Workshop on Tuesday, October 6, 2015 at 6:00pm was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Cone and Wohlschlegel.

**JOINT MEETING - PLANNING BOARD, TOWN BOARD & ZBA  
CANANDAIGUA LAKE WATERSHED COUNCIL – PRESENTATION OF UNIFORM  
DOCKING & MOORING LAW**

Supr. Welch noted that on September 16<sup>th</sup>, this Wednesday, at 6:00pm there is a joint meeting with the Planning Board, ZBA and Town Board meeting. The meeting is being conducted by the Ontario County Planning and Canandaigua Lake Watershed Council and is a presentation of the Uniform Docking & Mooring Law.

Supr. Welch noted that several months ago we had BME take a look at the outdoor lighting and had forwarded requests to 4 different electricians asking them to give us proposals on certain segments of this proposal. None of the 4 were able to make the deadline. One of the gentlemen referred this to someone who could do the job and that gentleman showed up today which is within the deadline. Supr. Welch said she went to someone in West Sparta, two electricians in Naples and one in Lima, two of the electricians we had worked with in the past and two that were recommended. We only received one proposal but given the time of year Supr. Welch asked if we could accept the proposal for options \$500 for town hall parking lot lighting, to provide a direct circuit from the flagpole to the new sign for \$500. Option #1 replaces all exterior Town Hall lights with 37 watt LED for \$2,275.00 for a total of \$3,775.00. 1.34

## SOUTH BRISTOL TOWN BOARD REGULAR MEETING

September 14, 2015

Councilman Cone asked how many lights are being replaced on the building? If we are going to approve something would like to see it spelled out.

On a motion made by Councilman Bachman to accept the Precision Electric quote for \$3,275.00 that includes the light to the new town sign and Option #1 and seconded by Councilman Wohlschlegel was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Cone and Wohlschlegel.

### PRIVILEGE OF THE FLOOR

Wade Sarkis said he was curious, the agenda online has Privilege of the Floor at the beginning and it is at the end tonight. Privilege of the Floor used to be at the beginning of the meetings and it would nice to have that.

Mr. Sarkis said he was glad that the Board mentioned the Hemlock Wooley Adelgid is a critter that is bad news. They are little aphid like insects native to Asia through Pacific Northwest and have devastated the Smokey Mountains. The eastern Hemlocks in this area are particularly susceptible to this bug that attacks the stem of the Hemlock and the Hemlock tree reacts in a defensive position and stops nutrients to the stem so the tree actually kills itself. The Hemlocks are vital in our area because they line all the gullies; Parish, Conklin, Senca Point, etc. All these watershed systems rely on the Hemlocks to hold these cliffs in place. Morbidity is 3-6 years and the insect has been discovered in all our major gullies. Mr. Sarkis said it is a big deal and agrees with the Town to get out in front of that and talk to landowners that own these gullies.

Mr. Sarkis presented and read a letter from attorney Karl Essler.

*Dear Town Board Members:*

*Enclosed are Protest Petitions being filed with the Town Board pursuant to Town Law §265 objecting to the proposed rezoning of any of the land proposed for the Everwilde project from either its current R-3 zoning (or its prior R-1 zoning) to PD under the Town of South Bristol Zoning Code. The first Petition is filed on behalf of the owners of 20% or more of the area of land immediately adjacent to and extending one hundred feet from the property for which rezoning is sought. The second Petition is filed on behalf of the owners of 20% or more of the area of land directly opposite from and extending one hundred feet from the property for which rezoning is sought.*

*With the filing of these Petitions, any approval of the proposed rezoning will require a vote of at least 75% of the five (5) Town Board positions, and I believe the law is clear that the currently vacant seat is still counted as a lawful part of the Town Board. Thus, a favorable vote of all four (4) current Town Board members will be necessary to approve the proposed rezoning.*

*Thank you for your consideration in this matter.*

*Karl S. Essler, Council*

Mr. Sarkis left the original and copy with the Town Board.

Ann Jacobs asked about the agenda and approving the minutes tonight. Supr. Welch said she wasn't able to get through all of them and would provide Town Clerk with grammar and other corrections for next month's approval.

**ADJOURN 8:50pm**

SOUTH BRISTOL TOWN BOARD REGULAR MEETING  
September 14, 2015

Respectfully submitted:

Judy Voss  
Town Clerk