

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

October 13, 2015

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order October 13, 2015 at 7:02pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

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

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Fred Sarkis Anne Jacobs, Dahl Schultz, Jim Wight, Stephen Cowley, Alan & Kristie Braun, Joe Charlton, Maryann Bachman, John McAlpin, Ted Russell

Supr. Welch said on the agenda tonight is a session of Executive Session which we will not be having; we had planned on talking with our attorneys who are not available; one on the labor issues and one on the escrow agreement. Supr. Welch said we learned that we don't need to go into Executive Session to talk to our attorneys; we are allowed to do that at any time.

PRIVILEGE OF THE FLOOR

APPROVAL OF THE MINUTES

Supr. Welch said that there were corrections on minutes; Clerk Voss said she is still working on it; July through September.

On a motion made by Councilman Bachman to approve the July 2015 public hearing minutes, seconded by Councilman Cone was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

ASSESSOR'S REPORT

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

CEO

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

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BUILDINGS & GROUNDS

Councilman Wohlschlegel asked Supt. Wight when the Highway Dept. will be able to remove the fence at Coye Cemetery and will notify the fence company when the fence is gone. Councilman Wohlschlegel said he would be contacting the heating company to check out the Town Hall furnaces.

Councilman Wohlschlegel asked Supt. Wight about contacting the Coye Cemetery caretaker to mark the fence line. Supt. Wight said he spoke with the caretaker and all he needs is the fence line marked; we will do 4' off-sets.

Supt. Wight said the fence will be removed and the Overlook work will be next week; removing the planter at the Overlook.

Councilman Bachman asked Supt. Wight about Seneca Point Road and someone filled with a minimal amount of crusher run and is very soft.

Supt. Wight agreed and saw the work; they are not done with the repair. Councilman Bachman mentioned a water leak.

Supt. Wight said he is going to require them to box out 1' deep and put two lifts of crusher run so it compacts. City Hill is doing the paving and has done all the digging.

Councilman Bachman said that they cut a lot of road and left cut pieces of the road in there. Supt. Wight said that will come out and has visited the site a couple times a day.

Councilman Wohlschlegel asked about the work at the Overlook. Supt. Wight said the block planter will be removed and will place mulch until the springtime. The block will be used in culvert work.

Supr. Welch noted that the Workforce crew will be at the Overlook November 19th and work there with instructions. Supt. Wight said he has set this up with the Workforce and they will be finishing up the cemetery.

IT

Councilman Bachman noted that over the summer, the CEO has made a formal request that we move off of the DOS based perma-tracking system software. Councilman Bachman said he called Williamson Law with regard to the CEO package; the total cost is \$3,500 for the software and an installation and training piece for \$800-\$1,200. Councilman Bachman said that Williamson Law is amenable to billing us for the software in 2016 and install the software and training this year for \$1,200. Councilman Bachman said he would like approval and move forward and delay payment of \$3,500 for 2016; or move the whole IT budget and pay for the whole thing this year.

Supr. Welch said we are going to need a work station for the Building Inspector in the CEO office.

Councilman Bachman said the CEO's computer has been replaced and a work station moved into the CEO office. The highway has a desktop that we can use and would need to a monitor. The software would be installed on the CEO's drive share and all of the individuals can access it and run it right from that drive; the need is now and with a new employee coming in needs the training. The current program is from the mid-1980's and is a DOS program. 13.41 Councilman Bachman said that we also use the Williamson Law Town Clerk software and bookkeeping software. The \$3,500 is in next year's budget.

Councilman Cone asked about the current candidate for the Building Inspector had any skill set with this software. Supr. Welch didn't know and said CEO Sommers interviewed the candidates.

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On a motion made by Councilman Bachman to approve the \$1,350 training, product support and installation of CEO Williamson Law tracking software; \$3,500 to be paid in 2016 for the software, seconded by Councilman Cone was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

PUBLIC SAFETY

Councilman Cone said that south on Seneca Point Road said we need to come up with a solution for foot traffic that is acceptable right now with the development going on at Bristol Harbor. Councilman Cone said he has heard conflicting reports about the actual foot traffic and thinks whatever we do we should have a safe path, shoulders, sidewalk, along side of the road. This would supply a safe path for the populated area.

SUPERVISOR’S REPORT

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

HIGHWAY BUDGET JOURNAL ENTRIES

Supr. Welch said that we had committed to putting more money into General Repair budget last month. We moved \$25,000 from Personnel into General Repairs. This month the entry is moving \$15,000 from Medical Insurance and \$25,000 from the Unassigned Fund Balance into the General Repairs, Contractual.

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

Councilman Bachman noted that this to cover the DA, the highway, and the extra work that has been done; this will cover that from these Unexpended Balances.

Supr. Welch agreed and said we would target the FEMA money received at the end of the year; we are at \$65,000 tonight. Supr. Welch said Supt. Wight received \$11,000 from Extreme Winter Recovery which brings it up to \$76,000 that will go into road repairs.

GENERAL FUND JOURNAL ENTRY

Supr. Welch noted that the first entry is regarding the Justice Grant we received, \$6,000. The cost of the new sign can be taken from the Building Line expenses and into to offset the monies received through the Justice Dept. the other two entries are, we had spoken about moving ZBA Personnel expenses into the Bookkeeping Personnel expenses due to the overtime hours earlier in the year and then we gave the Bookkeeper an increase in hourly wage 2 months ago.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone the journal entries were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. 22.35

**HIGHWAY FUND
BUDGET JOURNAL ENTRY**

| | | | |
|--------|----------|------------------------------|----------|
| DEBIT | DA9060.8 | Hospital & Medical Insurance | \$15,000 |
| CREDIT | DA5110.4 | General Repairs – Contr. | \$15,000 |

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| | | | |
|--------|----------|--------------------------|----------|
| DEBIT | DA909 | Unassigned Fund Balance | \$25,000 |
| CREDIT | DA5110.4 | General Repairs – Contr. | \$25,000 |

GENERAL FUND
BUDGET JOURNAL ENTRY

| | | | |
|--------|---------|--------------------------|---------|
| DEBIT | A1620.4 | Town Hall Bldg. – Contr. | \$6,000 |
| CREDIT | A1110.4 | Town Justices – Contr. | \$6,000 |

| | | | |
|--------|-----------|--------------------------------|---------|
| DEBIT | A1430.409 | ZBA Personal – Digital Records | \$2,000 |
| CREDIT | A1430.1 | Bookkeeper – Personnel | \$2,000 |

| | | | |
|--------|----------|------------------------|---------|
| DEBIT | A1430.12 | Personnel | \$3,000 |
| CREDIT | A1430.1 | Bookkeeper – Personnel | \$3,000 |

**TOWN OF SOUTH BRISTOL
PROCUREMENT POLICY
RESOLUTION NO.**

Supr. Welch said that the State comptroller and the Town accountant have suggested that we change our procurement policy to line up with the State limits. The Procurement Policy includes all the State recommendations except on page 2, Item 3, all purchases under \$20,000. First line notes up to \$500. The new language is the Building & Grounds/Cemetery Liaison has ability to make purchases without Town Board approval in an amount not to exceed \$500 per purchase with an aggregate of \$1,000 per month.

On a motion made by Councilman Bachman to approve the Procurement Policy as just described by Supr. Welch and seconded by Councilman Cone was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

**PROCUREMENT POLICY
FOR THE
TOWN OF SOUTH BRISTOL**

WHEREAS, the Town of South Bristol, County of Ontario, State of NY finds it appropriate to establish guidelines for purchasing; and

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law; and

WHEREAS, comments have been solicited from those officers of the town involved with procurement: now therefore be it

RESOLVED, that the Town of South Bristol does hereby adopt the following procurement policies and procedures:

1. Every purchase to be made must be initially reviewed to determine whether it is a Purchase Contract or a Public Works Contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law:

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- a) purchase contracts under \$20,000
- b) public works contracts under \$35,000
- c) emergency purchases
- d) certain municipal hospital purchases
- e) goods purchased from agencies for the blind or severely handicapped
- f) goods purchased from correctional institutions
- g) purchases under State and county contracts surplus and second-hand purchases from another government entity

WHEREAS, the decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written and/or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation which is appropriate.

2. All goods and services will be secured by either written requests for proposals, written quotations, verbal quotations, or by any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances:

- a) purchase contracts over \$20,000 and public works contracts over \$35,000
- b) goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law
- c) goods purchased from correctional institutions pursuant to Section 186 of Correction Law
- d) purchases under State contracts pursuant to Section 104 of the General Municipal Law
- e) purchases under County contracts pursuant to Section 103 (3) of the General Municipal Law
- f) purchases pursuant to subdivision 7 of this policy.

3. The following guidelines shall be followed for purchases and public works contracts that fall below the newly established monetary bid limits or other exceptions in order to achieve the highest savings:

All Purchases under \$20,000

- Up to \$500 Buildings and Grounds/Cemetery Liaison to make purchases without board approval in the amount not to exceed \$500 per purchase with an aggregate \$1,000 per month.
- Up to \$1500 Discretion of the Department Head or Superintendent
- \$1501 to \$3000 Discretion of the Department Head or superintendent with the approval of the Town Supervisor

\$3000 to \$19,999 Written fax/quote-minimum of three (3) requests for proposals (RFP)

All Public Works Contracts Under \$35,000

- Up to \$1500 Discretion of the Department Head or Superintendent
- \$1501 to \$3000 Discretion of the Department Head or Superintendent with the approval of the Town Supervisor
- \$3001 to \$34,999 Written fax/quote-minimum of three (3) requests for proposals (RFP)

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4. The determination of which process to be used shall be made by the Purchaser. Most purchases above \$1500 will be quoted by one method or another. Due to past history, some purchases may be made directly.

5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made in obtaining the proposals. In no event shall the failure to obtain the proposals be a ban to the procurement.

6. All quotations and vouchers, both written and telephone, shall be documented and kept with the purchase order/voucher or all awards from quotes or written proposals shall be made to the lowest responsible bidder if possible. An award to someone other than the lowest bidder must be documented and explained. This documentation must explain how the award will achieve savings or how the bidder was not responsible.

In the following circumstances it may not be in the best interests of the Town of South Bristol to solicit quotations or document the basis for not accepting the lowest bid:

7. Professional Services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the using department shall take into consideration the following guidelines:

1. Whether the services are subject to state licensing or testing requirements
2. whether substantial formal education or training is a necessary prerequisite to the performance of the services
3. and whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not be limited to the following:

- 1) services of a physician
- 2) services of an attorney
- 3) technical services of an engineer engaged to prepare plans, maps and estimates
- 4) securing insurance coverage and/or services of an insurance broker
- 5) services of a certified public accountant
- 6) investment management services
- 7) printing services involving extensive writing
- 8) editing or artwork
- 9) management of municipality owned property
- 10) computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

Once it has been determined that a service is professional in nature, the following guideline should be followed by the awarding of a contract:

Professional Services and Contracts

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\$1000 to \$20,000 Discretion of using department head with approval of Town Board

\$20,001 and up Written/fax quote- minimum of three (3) written proposals with authorization of the Town Board

- a) Emergency purchases pursuant to Section 103 94) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety and welfare of the residents. This section does not preclude alternate proposals if time permits.

When there is only one possible source from which to procure goods and/or services, thus indicating no possibility of competition, the award shall be made to the source, and the following shall be documented:

- 1) unique benefits of the item needed
2) reasonable cost
3) no competition available
4) and no other product or service is comparable.

- 8. This policy shall be effective immediately upon its adoption, and hereafter shall be reviewed and adopted annually by the Town Board of the Town of South Bristol at its organizational meeting.

CERTIFICATE FROM THE TOWN ASSESSOR

Supr. Welch explained that this goes back to the Protest Petition that was submitted to the Town Board during the September meeting. The attorney said the Assessor has to go through the petition, certifying that the petition was valid.

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

CERTIFICATE OF TOWN ASSESSOR

I, Valary R. Muscarella, sole Assessor of the Town of South Bristol, Ontario County, New York, hereby certify that I have examined the Protest Petition submitted to the Town Board pursuant to Section 265 of the New York State Town Law purporting to be signed by the owners of 20% or more of the area of land immediately adjacent to the land included in the Everwilde Inn & Spa Project that is currently under consideration by the Town Board for an amendment of its zoning classification for properties on Seneca Point Road and Coye Road to a Planned Development District. The purpose of this certification is to confirm for the Town Board whether the signers of such petition do, in fact, represent 20% or more of the area of land immediately adjacent to the land included in the Everwilde Inn & Spa Project, extending 100 feet therefrom. To that end, I certify as follows:

- 1. Based upon my review of the application of LAD Enterprises of Canandaigua, LLC, the following tax map parcels make up the land included in the Everwilde Inn & Spa Project (the "Everwilde Parcels"):

Table with 4 columns of parcel numbers: 168.12-1-1.001 to 168.12-1-1.014

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168.12-1-1.005 168.12-1-1.010 168.12-1-1.015 168.12-1-1.020

2. Based upon my review of the tax map prepared by Ontario County Real Property Tax Services Agency showing the Everwilde Parcels and based upon my review of documents on file in my office, the following shows all land immediately adjacent to the Everwilde Parcels, extending 100 feet therefrom, such adjacent parcels comprising 49.9 total acres, as well as the owners thereof:

| <u>Tax Map Number</u> | <u>Acreage</u> | <u>Owners</u> |
|-----------------------|----------------|---------------------------------------|
| 168.12-1-2.000 | 11.5 Acres | Brian L. Perkins & Delores A. Perkins |
| 168.12-1-4.000 | 15.4 Acres | Wade Sarkis & Jocelyne Sarkis |
| 168.12-1-5.000 | 1.4 Acres | Elaine R. Simon |
| 168.12-1-6.000 | 1.0 Acre | Jane Bronson |
| 168.12-1-7.000 | 5.2 Acres | David & Nina Piacquad Trust |
| 168.12-1-8.000 | 7.4 Acres | James A. Block |
| 168.12-1-9.000 | 3.0 Acres | Klaus L. Buxbaum & Frances E. Buxbaum |
| 16812-1-14.000 | 5.0 Acres | Terry Habben & Patricia Habben |

3. Based upon my review of the Protest Petition stating that “The signatories below are the owners of 20% or more of the area of land immediately adjacent to and extending one hundred feet therefrom that land located at the intersection of Seneca Point Road and Coye Road in the Town of South Bristol, Ontario County, New York as to which LAD Enterprises of Canandaigua, LLC has sought rezoning from R-3 to Planned Development (PD)”, said petition purports to be signed by the following individuals relative to the tax map parcels which the records in my office show are owned by them:

| <u>Tax Map Number</u> | <u>Acreage</u> | <u>Owners</u> |
|-----------------------|----------------|---------------------------------------|
| 168.12-1-2.000 | 11.5 Acres | Brian L. Perkins & Delores A. Perkins |
| 168.12-1-4.000 | 15.4 Acres | Wade Sarkis & Jocelyne Sarkis |
| 168.12-1-8.000 | 7.4 Acres | James A. Block |
| 16812-1-14.000 | 5.0 Acres | Terry Habben & Patricia Habben |

4. Based upon the documents on file in my office, the said petition purports to be signed by the owners of 39.3 acres, or 78.76%, of the land immediately adjacent to the Everwilde Parcels, extending 100 feet therefrom.

IN WITNESS WHEREOF, I have signed below this _____ day of October, 2015.

Valary R. Muscarella
Town of South Bristol Assessor

SCRAP MATERIAL AND SPOILS POLICY

Supr. Welch this policy covers the scrap material and now covers the spoils as a result of the mulch of the situation over at Cliffside, using town vehicles and personnel for that. This was drawn up by the Town attorney. Supr. Welch would accept a motion.

Supr. Wight said this is a highway function; Supr. Welch read the policy and said this is at the recommendation of the attorney. Policy tabled. 31.26

Supr. Welch said she does plan on billing Christhana Inc. for 9-Town man hours and for 9 hours of vehicle usage for removal of mulch from their property at taxpayer expense for \$806.

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**SCRAP AND REMOVE FOLLOWING
ELECTRONICS FROM TOWN ASSETS**

Supr. Welch said there is a list of items being removed from the asset list and will be disposed of.

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

Councilman Bachman explained that the items are all out of date and the television hasn't been used in many years.

**NEW BUSINESS
PART-TIME BUILDING INSPECTOR**

Supr. Welch said the Board had spoken about hiring a part-time CEO for work with CEO Sommer, but because of Civil Service classification it has to be a Part-time Building Inspector. The building inspector is willing to work 12 hours per week and could be very flexible in his hours; under CEO Sommer's direction, for \$20.00 per hour. A motion needs to be made to create a part-time building inspector for the Town of South Bristol. Supr. Welch noted that to create this position there will also need to be a budget line create

On a motion made by Councilman Bachman and seconded by Councilman Cone to establish the part time position of Building Inspector was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supr. Welch said that recommendation from the CEO is to offer the position to Keith English, an experienced CEO from Conesus and worked previously in Sparta, working 12 hours per week at \$20.00 per hour. 40.16

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman to hire Keith English as a part-time Building Inspector, 12 hours per week at \$20.00 per hour as noted was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Councilman Bachman said the Board had talked about the workload for CEO Sommer and there is significant building going on the eastside of Town; a 24-building complex going up with 48 units plus the continued backlog of open building permits. It is no surprise that CEO Sommer has asked for help. The backlog is from the previous CEO and gets to them when he can. Councilman Bachman asked if we were to replace the CEO at some time, what do we have in terms of obligation or can we look past and hire this gentleman?

Supr. Welch said our next step would be a part time CEO under civil service can be hired when they are not on the list; if they work 20 or more hours will have to come from the civil service list. Supr. Welch asked if these two positions will be combined into one; that will be the way.

Councilman Bachman said the reason he is asking is because this office has a great responsibility and the Board should have the ability to go and chose the best fit candidate and freely make that choice.

On a motion made by Supr. Welch that during the CEO's period of disability that Keith English be given up to 20 hours per week until the CEO returns to work and seconded by

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

RECORDS MANAGEMENT PROJECT

Supr. Welch noted that there was a joint meeting of the Planning/Zoning and Town Board on Docking and Mooring and Maria Rudzinski from Ontario County mentioned that there had been records that had been requested a number of years ago for Bristol Harbor and they had not been located. In the last year, there have been a couple of occasions where records have been difficult to find. Someone from the County came to the Town Hall and met with Supr. Welch and the Planning Secretary who is now going to begin during her normal working hours to go through all of the non-residential files to remove duplicate documents and confirm that they are duplicate. We are going to have to work on how to classify these records. For example, South Bristol Resorts which is the corporation that owns Bristol Harbor which has 7 subsidiaries; golf course, sewer, water, marina, and our records are necessarily kept that way. We are going to have to work on how we are going to classify these; there is quite an undertaking as to how these be classified this that office. This is something that we are going to work with the County.

49.04

ACCOUNTING APPROVAL OF VOUCHERS

On a motion made by Supr. Welch and seconded by Councilman Wohlschlegel for Voucher numbers 468-473, 475-506, 508-517, totaling \$183,563.87 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

MUNICIPAL SOLUTIONS – MULTI-YEAR FINANCIAL PLANNING

Supr. Welch noted that Municipal Solutions was the firm used for the Bristol Sewerage Disposal Corp. as recommended by the Town accounting firm. One of the State Comptroller's recommendations is that we look at multi-year budgeting, planning and also fiscal policies. In conversation with the State Comptroller's, they spoke about proper fund balances, types of reserves they felt we should have, and the town auditor recommended Jeff Smith of Municipal Solutions. Supr. Welch said Mr. Smith is able to do the work and it would take 2 weeks to get the job done. In front of the board tonight is the agreement between the Town and Municipal Solutions for \$3,500 and have money in the budget.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone the agreement between Municipal Solutions for \$3,500 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. 55.41

Councilman Cone said that whole idea of putting a budget together and can come up with ideas of what we need to do today but 3-years down the road, it becomes cloudy for him and we need to look further down the road than what we have done in the past.

DEMOLITION PERMITS

Supr. Welch noted that the Planning Board Chair, Jim Ely and CEO Sommer had worked together on the demolition permit application which is similar to other forms for the town. 57.24 We also have to establish a permit fee of \$50. This was raised by town resident, John McAlpin, who has requested an addition to the procedure of demolition of buildings. The request is to add the relevant law on burning regulations and to specify that all debris must be removed from the site and properly disposed of.

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Councilman Bachman agreed, no burning is permitted; the DEC monitors and regulates the burning of organic debris and spoke with the DEC office in Avon and it is very specific.

Councilman Cone asked if any construction debris can't be burned? Supr. Welch noted that it should state that no burning permitted other than allowable the section of law.

Councilman Bachman said he doesn't want to table this and this is referring to the section the part of which the DEC regulates. The goal is to have these buildings disassembled and inspected beforehand. 1.03

Supr. Welch asked if the permit should go back to the CEO and give a little more detail on this and bring it back next month.

Councilman Bachman said he would like to see this move forward.

MENGLE, METZGER & BARR – ENGAGEMENT LETTER/ RETAINER

Supr. Welch said she is looking for a motion to approve the engagement letter and approval for payment of the retainer. The letter was sent to the Town Attorney that made recommendations and those recommendations have been incorporated into this agreement. Mengle, Metzger and Barr is a subcontractor under LaBella Assoc. to be engaged in reviewing the financial analysis and consultation on the rate case and the financial information by Bristol Sewerage Disposal Corp. 1.05

On a motion made by Councilman Cone and seconded by Councilman Wohlschlegel, the payment of \$1,500 to Mengle, Metzger & Barr for retainer was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supr. Welch mentioned that the Board had planned on talking with the Town Attorney in a conference call regarding Bristol Sewerage Disposal Corp. In front of the Board are two escrow agreements and also some information she developed earlier today. The Escrow Agreements; one is dated August 4, 2015 which we did not approve and sent to our attorney and they did not recommend that we sign this although it had been signed by the sewer corporation. Our attorney's worked on developing an escrow agreement for the Town and last month we discussed having Clerk Voss named as Escrow Agent for this agreement. We had left this escrow agreement discussion and said that we authorized the attorney's to authorize a final copy and send it off to the attorney of the sewer corporation. After the meeting last month, Supr. Welch and the Town Attorney went over this today and said as long as we had the facts it is up to us to decide.

The first thing we have is quoting the law Transportation Law: Supr. Welch read from the escrow agreement.

The sewer attorney has said he wanted to see us institute a process in Supreme Court and the law does not require that or reference that. Our attorney's advised us not to do that; but to use the Escrow agent and a public hearing as the process for determining abandonment. Our attorney asked the Association of Towns if they had anyone that had an escrow agreement and the Town of Jerusalem in Yates Co. has one. The Attorney did use that and that is where they talk about the Escrow Agent and the public hearing on whether or not abandonment has taken place. Next item in the background here is that at the September Board meeting the Board authorized the sending of the escrow agreement to the sewer's attorney following final review of the document by our counsel. In the interim the attorney for the sewer advises our counsel that he no longer believes any escrow agreement is needed and was not inclined to move forward in discussing his version of that agreement, let alone the Town's version. That is background.

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There are some decisions to be made by the Town Board; we have before us the Town Attorney's version which doesn't require us to go to court and allows a legal process to take place in the event of abandonment.

Option 1 is to proceed with our attorney and send the Town's version of the escrow agreement and Supr. Welch said she is recommending that our attorney mail it to their attorney and to give them a deadline no later than our next Town Board meeting; November 1st and executed along with issued and outstanding shares of stock. The first agreement that the sewer corp. sent did not have stock with it. Then the Town Board, if this is completed as is, we would execute it at the next town board meeting and take possession of the stock. The Town Board would then provide the certificate of amendment to the Certificate of Corporation of Bristol Sewerage Disposal Corp. covering what we call the 1979-80 extension of service area. At that time LaBella, Mengle, Metzger & Barr and the Town would continue to work on the *1998 Extension of Service Area* through the deadline and if we don't have that by the deadline we stop work on reviewing the sewer extension for 1998.

Option 2 is the same as Option 1 except we would have LaBella, Mengle, Metzger & Barr and the Town would immediately as of tonight stop working on the 1998 extension of service area until such time as the escrow agreement, stock shares are received and executed by the Town.

Our attorney wants us to be aware of what these are, what the situation is and that the Town Board has to decide. Supr. Welch recommended getting the stock and the agreement; the law permits it. Councilman Bachman noted that their attorney is saying we don't need the agreement. 1.16

Supr. Welch noted that they need the certificate from the Town for the 1979 extension and they need us to finish the work on the 1998 extension. Councilman Wohlschlegel said the sewer corp. seems to be dragging their feet over the past the Town needs to get it on paper. Councilman Bachman agreed and said what is most favorable for the Town's position. Supr. Welch agreed.

On a motion made by Councilman Wohlschlegel that the Town Attorney send an Escrow Agreement to Bristol Sewerage Disposal with a deadline of November 1, 2015 to have it executed and the stocks delivered by that date and seconded by Councilman Bachman was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Supr. Welch said that whether or not the Board continues the work on reviewing the 1998 sewer extension; they have engaged an engineer and attorney that are giving us information; plans, specs, etc and LaBella has reviewed it. In addition to that they have paid every bill we have submitted to them. They are up to date with all their payments and are working with LaBella; they did ask me today in an email from Greg Mulheron asking that the Town Board to give him an indication of the amount of time and cost associated with both the CPA and Engineering firm for the rate case going forward. Supr. Welch read the email "*I would suggest the Town get multiple bids for that process due to the fact that the process for simple map redistricting took an excessive amount of time and money to this point and is still not completed. I am sure the Town gets multiple bids for most projects they are involved with and therefore should consider the cost associated with the process review.*" Supr. Welch said she did speak

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with the Town Attorney and for the record has gotten an estimate of the remaining costs to do the job. LaBella is estimated an additional \$3,500 for the engineering piece and \$5,000 for looking at the rate case; if there is more to be done they will let her know. As far as his request that we go out for multiple bids that would slow down things tremendously and for the record, she and Councilman Bachman last July went through all of the commercial property owners here in town to see who they had for engineers and didn't interview them. Then we went and interviewed a number of engineering firms because we were looking for Everwilde and Ski Valley, at the time. We chose two firms, LaBella and BME to work on those two projects. Since we had all ready gone through the interview process and vetted them out; we used BME for the lighting and Coye Cemetery and LaBella for the sewer expansion. LaBella was chosen because they were all ready had involved with Everwilde and the sewer which is across the road. Supr. Welch said she spoke with the attorney and he indicated that even at our own Procurement Policy or the State Comptroller's office does not require Town's to go out for multiple bids for professional services. Unless someone here feels compelled to have a Board member come up with bid specs to finish the job that is all ready partially done. Supr. Welch said she would decline his request and we are going to use LaBella. Mengle Metzger and Barr is a subcontractor of LaBella and they did the research for us and she and Councilman Bachman met with them and one of the questions we asked was whether they had any business with the partners of the sewer corp. and they confirmed that they don't.

Supr. Welch continued and asked if we have LaBella and Mengle, Metzger and Barr continue to work through November 1st, our deadline for getting us the escrow agreement or do we have them stop work tomorrow morning? Councilman Wohlschlegel noted that because they have been cooperative and thought it wouldn't be very smart to stop. Councilman Cone agreed. 1.25

Supr. Welch said the Board doesn't meet again until November 9th and given the deadline of November 1st and asked if we want the work stopped between November 1st and November 9th if we do not get what we have just asked for or wait until the next town board meeting and then make a determination? Councilman Bachman said whether or not we receive the escrow agreement you are asking if Mengle, Metzger and Barr to continue until the next town board meeting? Councilman Bachman suggested allowing them to continue until November 9th. Supr. Welch said it will be attorney, Mary Jo Korona sending the escrow agreement.

DEMOLITION PERMITS

Councilman Bachman discussed the Tire Event to be held November 14th and asked Councilman Cone to update the pamphlet. Supt. Wight said it is \$80 a ton to get rid of the tires which includes the rims. Councilman Bachman said last year prices: bicycle tires are no charge, motorcycle, wheel barrow, lawnmower, ATV tire, \$1.00 no rim, \$2.00 with rim. Passenger and light truck tires up to 17" \$2.00 no rim and \$4.00 with rim; Large truck tires up to 24 1/2" \$5.00 no rims. Councilman Bachman asked if these prices should be increased. It will cost \$500 to take the tires to the landfill and would like to offset the cost. Motorcycle, wheel barrow, lawnmower, ATV tire, \$2.00 no rim, \$3.00 with rim. Passenger and light truck tires up to 17" \$3.00 no rim and \$5.00 with rim; Large truck tires up to 24 1/2" \$6.00 no rims. The event will be 9am – 4pm or until the dumpster is full, limited to South Bristol residents. 1.32 Councilman Bachman spoke with Jim Morrison at the Avon DEC and 6Crr-ny section 25.3 and talk about exceptions and restrictive burning. The State law stands on its own and asked what is it we are trying to add to the wording here?

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Supr. Welch said it to ask the question on the demolition process if they intend to burn and what do you intend to burn and if it is a legitimate answer then we know. Supr. Welch said she would like to send this back to the CEO to reference that part of the law and put in there the questions and look at it again. Councilman Cone agreed.

Councilman Bachman said this is strictly for removing structures. Mr. McAlpin said the law hasn't change since 2011 and here is what we faced in 2011. Property owner, Mr. Ryan had the barn torn down; he made an agreement an excavator for the big timbers inside. Mr. McAlpin said on Saturday morning with his family from Maine at 8:30am we woke up choking. The fire dept. was up there supposedly on a control burn. They had taken all the boards from the barn and piled them 50 feet high. The fire dept. said they were burning it in the morning because in the morning the smoke doesn't go down it goes up the hill. Mr. McAlpin said in 2011 he made the request with everything that is in the demolition permit except he would like the person that is petitioning the town that they can't burn it. If they do burn he would like all the neighbors notified.

Councilman Bachman said he and Mr. McAlpin have had this conversation, even referencing the State law the DEC recognizes and allow a controlled burn by a fire dept. The issue is whether the Town wants to say that we are not doing that, the debris has to be trucked away and can't burn or are you planning to burn, yes or no. 1.37

Mr. McAlpin said his request since 2011 has been if there is going to be a burn, a control burn or not, the neighbors must be notified so they can go back to the town. We went to the DEC because this burn went on for at least 10 days, they kept throwing boards on and it was terrible. The DEC said they didn't see a flame but saw smoke. Mr. McAlpin said he would like to see in the demolition permit a reference to burning and a note that if there is going to be a controlled burn which we can't deny that the neighbors be notified.

Councilman Bachman asked if we either deny burning all together or do we ask if they intend to burn. Supr. Welch agreed and also note which fire dept. in a control burn. The notification of the neighbors should be done by the CEO office which would be part of that permit fee.

Councilman Bachman continued with the permit adding language: *Do you intend to burn, yes or no? Is this a controlled burn by fire dept.? Yes or no. Which fire dept.? Notification of neighbors by CEO office.*

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman to accept the demolition permit as amended was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone. 1.42

Councilman Cone asked about the provision for after the fire and getting rid of the remains. Councilman Bachman said the fire dept. is the only one that can conduct this and will not be leaving the site smoldering. Supr. Welch said the permit does state that *"all the rubble and debris must be removed from the site and properly disposed of."*

Supr. Welch thanked Mr. McAlpin.

RESIDENT SUGGESTIONS FOR TRANSFER STATION: BATTERY COLLECTION/CLOTHING COLLECTION

Supr. Welch said that we received a comment from a resident about collecting batteries at the Transfer Station. Supr. Welch said they contacted the landfill and said that this would be part of the Hazardous Waste Day. Supr. Welch said it is a great idea and something we should

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consider. Supr. Welch said she would take this to the Environmental Committee at the County.
1.45

Councilman Cone said that the batteries will short-out and destroys everything it touches. There are some environmental issues to resolve because it will melt the container.

OLD BUSINESS

WORKFORCE DEVELOPMENT TEAM – WILDER CEMETERY

Workforce Development will be at Wilder Cemetery finishing up their work.

**SCHEDULE CONFERENCE CALL
WITH LABOR ATTORNEY**

As far as scheduling a conference call with the labor attorney Supr. Welch spoke with the attorney today and they are going to work on getting a written document of all the financial aspects of the labor negotiations and will get it out to you.

2016 BUDGET

The Board has the Tentative 2016 budget that now incorporates revenues and expenditures through September and closer to year end. We need to schedule a workshop to look at the budget and make certain we are in agreement there. Once we are in agreement the Tentative Budget becomes the Preliminary Budget and that is what the Public Hearing is on. The Public Hearing is supposed to be by Thursday after Election Day. Supr. Welch said we could have the workshop on Thursday and also include Jeff Smith of Municipal Solutions for the financial planning.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cone a budget workshop scheduled for Thursday, October 22, 2015 at 5:00pm was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

PRIVILEGE OF THE FLOOR

Fred Sarkis said he has information about the filings with the Attorney of State of NYS. These filings reflect the property descriptions of Bristol Harbor Village in various stages. In addition to that, every year the sponsor has to file a map. There are 4 maps that show property description of the Village, unfortunately they didn't properly adjust the sewage coverage maps accordingly. If it saves the Town money Mr. Sarkis would provide the offering plans with these descriptions as well as the maps and asked if that would be helpful.

Supr. Welch said that is the responsibility of the Sewer Corp to do that so they might find it helpful.

Mr. Sarkis said the attorney's messed up. When they adjusted the boundaries they failed to adjust the sewer corp boundaries.

Supr. Welch said the sewer corp. itself could find value in what he has there. They have to submit it to the Town we don't generate it and then give it to them and suggested he speak with Mr. Mulheron.

Mr. Sarkis asked about the copies of the proposed agreements and asked if he could get a copy; the agreement with the engineer and accountant. Supr. Welch agreed.

Mr. Sarkis thanked the Board for all of their efforts.

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Councilman Cone said he didn't vote on the vouchers and found the missing voucher 474.

On a motion made by Supr. Welch all vouchers accounted for except for #507 that was pulled for a total amount of \$184,260.82 and seconded by Councilman Cone was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

ADJOURN 9:01pm

Respectfully submitted:

Judy Voss
Town Clerk