

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

November 9, 2015

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order November 9, 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

Anne Jacobs, Dahl Schultz, Jim Wight, Stephen Cowley, Kristie Braun, David & Gail Hewson, Maryann Bachman, Mattie Bicknell, Ralph Endres, Bernice Caprini, Ted & Gina Russell, Joe Kohler, Delores Perkins, Donna Goodwin, Deb Merklinger, Jim Strickland, Janet Dys

APPROVAL OF THE MINUTES

On a motion made by Councilman Wohlschlegel and seconded by Councilman Bachman, the July 13, 2015, August 10, 2015, August 24, 2015, September 14, 2015 and October 13, 2015 Town Board minutes were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

HIGHWAY

Supt. Wight said the highway dept. is working on the wash-outs on Mosher Road, stacking rock in the gully. The salt barn is full for the winter with 3,000 tons of salt/sand. The road side mowing is done for the year.

Councilman Cone said he looked over the information from the spreadsheet of the town equipment and said it was very helpful. 6.10

CEO

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

TOWN CLERK

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

BUILDINGS & GROUNDS

Councilman Wohlschlegel reported that the fence company is going to re-measure Coye Cemetery again and will be installing the fence before the end of the year.

Supr. Welch noted that there is a headstone laying on its side at the cemetery and asked if Clerk Voss had any information to contact the family.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

November 9, 2015

Councilman Wohlschlegel said he spoke with the plumber regarding the repairs needed in the men's room.

Supr. Welch noted that the furnaces need to be looked at; with the heat on both she and the bookkeeper have had allergic reactions in the office. Councilman Wohlschlegel said he would contact Townsend. 10.00

HIGHWAY/IT

Councilman Bachman had nothing to report for the highway dept.

Councilman Bachman said that the contractual support that was started in the third quarter of this year has been working out well. There have been some additions to the Code Enforcement Office and the Town Clerk had an issue over the weekend which was taken care of today. The emails will be managed by Nick *** of *** who had helped the Town early last year. The backup drives have been ordered; things are in very good shape.

Councilman Bachman said that tax collector Sybil Dutcher has been maintaining the tax rolls outside the Town Hall for several years and upgraded her computer last year with a surplus laptop. The position is going to be combined with the Town Clerk and we had to begin the preparation for moving the BAS accounting/tax collecting software to the server. That process was started by SkyPort last week and the remaining piece is moving the database from the laptop to the server. 13.46

PUBLIC SAFETY

Councilman Cone asked the Board and Supt. Wight about the guiderails and the plan that we have in the budget for this year and asked if we are putting enough money in the budget for this project?

Supt. Wight said that Chemung Supply was in town and measured 215 feet of guiderail that needs to be installed as soon as possible for \$9,000.00. The 2016 budget includes \$25,000.00 for guiderails which will cover all the immediate needs. Supt. Wight said he toured the town with Dan Walker from LaBella and identified the areas where guiderails are a necessity and the budget covers that. The engineer's criteria of where guiderails should be are at least 10 feet of run-out. Run-out is where a vehicle can run off the road without over-turning. The \$25,000 is a starting point.

Supr. Welch said that the \$25,000 is the most that has been put in a budget for a long time.

Supt. Wight agreed and said there was a \$8,000 reserve that was used 6 years ago for Bills Road and on Powell Hill Road. That reserve fund currently has \$3,000 in it. 18.00

Supr. Welch noted that originally the agenda included a Local Law regarding site plan review and Planning Board Chair Jim Ely told her that he had a meeting with Maria Rudinski from the County and she suggested that the local law have a technical review by the County. Supr. Welch said she requested the technical review.

Councilman Bachman asked about the Fehrer Disposal proposal. Supr. Welch agreed and said they are a residential/commercial/industrial service provider that also services Bristol Harbor Village. Supr. Welch said she had sent the list of the companies that contacted that turned us down and Fehrer is the one company that has been willing to submit a proposal to look at the Transfer Station.

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

November 9, 2015

Councilman Bachman said that the proposal is for an outside company to outsource the Transfer Station for operations. The Town spends nearly \$50,000 each year to run the Transfer Station. There is a net cost to operate the Transfer Station of \$50,000.00. The proposal that Fehrer provided is garbage collection for 0.10 per pound; Naples charges 0.14 per pound. The proposal includes collecting items we all ready take in CD and comparable to what we all ready do; small furniture, mattresses, etc. with fees. A plus here is that they will take items with CFC or refrigerants. The Town has never accepted dehumidifiers, air conditioners, refrigerators or freezers and they will do so. Another plus to the proposal is Fehrer will take shingles which is a big issue for the Town because the weight to volume issue was very high. This would be their use of our facility, their equipment in terms of trucks and personnel and the Town could have a savings of nearly \$50,000. Councilman Bachman said there is a little more work to do with regard to a contract and having the Town Attorney look at it as well as insurance; it is a decent proposal. 24.10

Supr. Welch noted that Fehrer will offer paper-shredding for \$6.00 per banker box. Councilman Wohlschlegel asked about the average cost for the residents? Councilman Bachman noted that once you remove the recyclables, the trash will be minimal and guessed that a 10 lb. bag would be \$1.00 and the current charge is 0.60 per garbage bag.

Councilman Wohlschlegel said that Fehrer also recycles TVs, and other electronics at no charge. 27.30

Councilman Cone asked about the 250 user passes sold; Supr. Welch said they projected that 250 passes would be sold but we are under that figure. Councilman Cone said if we took the \$50,000 that costs the Town and divides that by 250 people that bought the passes; and all the residents that didn't use it would have a substantial savings in taxes for them. If we went to the garbage collection with the proposal this year; we would be actually be charging more than that for everybody in the town. If we actually offer this townwide; a paid service, looks like it would actually cost more than the \$60,000. The Town's expense would go to zero and the people's expense for the residents would increase. 29.00

Councilman Bachman said we know that we run at a loss which means we don't charge enough so people would be paying one way or another. 30.00

Councilman Cone noted that the Transfer Station pass is for 50 bags of garbage and in reality by rough estimate, it is probably 300-400 bags of garbage per pass because it is the way it is being utilized. The punch system doesn't do anything for us. Most residents can go a year or more on a single pass. The system we use right now does not work.

Councilman Bachman said that what he is describing is a continued system that's failed and costs the Town a substantial amount of money.

Supt. Wight said that Councilman Cone is making an allegation that the employee is not doing his job and would like to see solid proof.

Supr. Welch asked if there is interest on part of the Board to look further into this; the next step would be to have them provide us with a draft contract and have the Town Attorney look at it. Councilman Wohlschlegel agreed.

Councilman Bachman noted that \$50,000 divided by 180 passes means that the Town is paying \$277.00 for every resident that uses the Transfer Station. Councilman Cone agreed.

Councilman Bachman noted that if we went with Fehrer the highway employee that hauls the garbage at an average of 15 hour per week can go back to the road work. Councilman Bachman said he will follow up with Fehrer. 37.15

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

November 9, 2015

Supr. Welch noted that she called 5 different disposal companies and only Fehrer was willing to give us a proposal. Councilman Cone asked if the Board should have a public hearing for the residents? Supr. Welch said they need the draft contract for the attorney to review and to know what they will be liable for and expenses; insurance, paying for electric, etc.

Discussion.

Supr. Welch asked if the Board wants to go through the effort and commitment of pursuing the proposal and having the attorney look at the contract. Councilman Wohlschlegel agreed and it is worth investigating.

**OLD BUSINESS
2016 BUDGET**

On a motion made by Councilman Bachman and seconded by Councilman Wohlschlegel the 2016 Budget was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

Councilman Cone asked for the tax rate for the budget. Supr. Welch noted that it is \$1.12 per \$1,000.00.

*** INSERT BUDGET***

44.37

EVERWILDE

Supr. Welch noted that she received correspondence which was forwarded to the Board and read:

“The Town Board as lead agency under SEQOR does not foresee completion of the FEIS in the timeframe suggested by the SEQOR regulations. Section 617.9a5 of the SEQOR regulations indicate that the lead agency must file the FEIS within 45 days after the close of any hearing or within 60 calendar days after the filing of the Draft EIS whichever occurs later. In this case, the prescribed date to file would be November 19, 2015. The regulations go on to state:

(ii) the last date to file the final EIS may be extended:

- (a) if it is determined that additional time is necessary to prepare the statement adequately; or*
- (b) if problems with the proposed action require material reconsideration or modification have been identified.*

The Town Board is hereby notifying you, the applicant, that in accordance to the SEQOR regulations, an extension of the last date of filing the FEIS, as well as other SEQOR time frames, is necessary for this project. Please acknowledge and agree to this request on or before Wednesday, November 18th, 2015. Please sign the following page to indicate your agreement.”

Supr. Welch noted that this memo will go out on Town letterhead to the applicant. This memo will have attached to that a proposed schedule which is in flux right now. The people here may be interested in what date this would possibly be adopted by the Town. The comment period began September 13th, ended October 19th, the project sponsor began work on the draft FEIS. LaBella delivers comment compilations. Supr. Welch noted that the last date as Lead Agency adopts the FEIS, Final Environmental Impact Statement, April 11, 2016. We are letting them know that the Town, as lead agency, is requesting to develop the final EIS and needs approval to send the memo.

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

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

November 9, 2015

50.25

APPROVAL OF VOUCHERS

On a motion made by Supr. Welch and seconded by Councilman Cone for Voucher numbers 519-583, and Voucher 585, totaling \$233,229.57 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

SUPERVISOR'S REPORT

Supr. Welch said the bank statements have yet to be received as of today so there is not a Supervisor's Report and has given the details of revenues and detail of expenditures. The highway fund through the end of October, there was an unencumbered balance \$189,534.00. The November vouchers for the Highway Dept. are \$174,795.00. The wages for November and December, without overtime, are projected to be \$35,724.00 which leads to a deficit of \$20,985.00. We had started with a fund balance on January 2015 of \$217,000.00 and in October we transferred \$25,000 from fund balance to Road Repair to bring him up to what we promised him for the FEMA money. The November amount over budget is \$29,985.00. If all the revenue projections are met that would leave us with a fund balance including the November and December payroll of \$171,000.00, versus the starting of \$217,000.00. The budget for 2016 assumes that we are going to take \$122,000 out of the DA fund balance to make the budget for next year. That leaves us with about \$49,000.00; what we need left in fund balance as of January 1st. Supr. Welch anticipates that they will have to do some type of fund balance transfer before the end of the year; we all worked hard to stay within the budget this year. Once fund balance is appropriated it is a onetime source of revenue; it is not automatically replenished with tax dollars; sales tax revenue; if there is an operating surplus it accumulates over time. At the end of 2013, we had to cut the budget \$44,000 because the budget was passed in a deficit position after January 1st. We want to avoid that. It means that the A fund will have less of a fund balance and the DA fund will have less of a fund balance than what we had anticipated.

Councilman Bachman asked how this happened. Supr. Welch said in her report there are negative figures where those particular lines are over. Supr. Welch noted that DA5110.4 we had modified the budget; passed with \$255,000 and increased it \$65,000.00 this year so far by reallocating some of the expenses and taking \$25,000 from fund balance. 1.00 The highway will receive \$13,000 of additional revenue for severe weather; it's about \$50,000 over budget on road repair budget coming in at \$385,000; that is the main area.

Supt. Wight noted that he is meeting with Bookkeeper Korbin to go over the Suit-Kote vouchers.

Supr. Welch also noted that we are paying the 2016 pension which saves the town about \$1,000 each year.

PRIVILEGE OF THE FLOOR

Ann Jacobs of County Road 33, currently the treasurer for the South Bristol Historical Society appreciates the continued support and is looking for money. There is a copy of a request to the Board dated September 6, 2014 which never made it to the Board and we never received our stipend that year. This year we just finished paying \$7,800 for doors we had to replace in order to pass our inspection. It is going to take us at our current rate of donations, membership and events, 3-4 years just to recoup that. Meanwhile all our expenses are going up as are

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

November 9, 2015

everyone else's. Mrs. Jacobs asked the Board if there any possibility that we could get any of that money and ask the Board to consider it.

Supr. Welch said this is the 2014 money? Mrs. Jacobs said yes, and we had talked about it but the letter never found its way back to the Board.

Supr. Welch said in 2014 we had budgeted \$1,500 for the historical society which we didn't pay and Ann is asking if the Board would consider paying the stipend or a portion thereof. Historically, the Historical Society typically submits a request which didn't get to them in 2014.

On a motion made by Councilman Cone to honor our budget for 2014 for \$1,500 and seconded by Councilman Wohlschlegel was ACCEPTED. Voting AYE: 3. Voting NAY: 0. Voting AYE: Welch, Wohlschlegel and Cone. ABSTAIN: Bachman.

Joe Kohler of Cliffside Drive thanked the Board for their service. It is pleasure to recognize the Councilman-Elects, Goodwin, Strickland, Cowley; it certainly encouraging; and the Chairman of the Bristol Coalition of Concerned Citizens. Mr. Kohler said he speaks tonight to you about sewer, 13 of the people of your guests tonight in the audience are from Bristol Harbor Village; a disproportionate in number of Bristol harbor Villagers versus the regular town tax payers; that all being said going back to last December he walked out of here late and it was cold and snowing and Fred and he were the last to leave the building other than the council we thought we had made progress on the sewer and then the letter was read into the record back on June 8th signed by Mr. Sarkis and Chairman of the Coalition. Mr. Kohler doesn't know if he is confused or stupid but maybe you could tell me; you requested the financials; the complete financials including the loans to the 3rd related parties. Do you have them tonight? The Stock Proxy, and you were going to seek the opinion with regards to the legality of the sewer corp as it is operating outside its district plot and salutes the Supervisor for uncovering that.

Mr. Kohler read from a letter by Mr. Ellerston, a resident of Bristol Harbor, asked to be read in, he is looking for a process of recoupment and calls the Bristol Sewer Disposal a rip-off and says he is looking for an equitable solution by year end at the latest; this issue has been on the table too long. The Bristol Harbor Villagers have been charged excessive fees for years and ready for recoupment. Mr. Kohler thanked the Board.

Supr. Welch said she would answer the questions Mr. Kohler asked in the order he asked them. The Town Board at no time requested the financials from the sewer corporation since the October 31, 2014 rate increase request. In that packet, which you have and several other people have at Bristol Harbor, there are 5 years of financial information. That is exactly what the Town Board asked for. Attached to those financials were 10-15 exhibits for capital improvement, water distribution, etc. That rate increase has yet to be acted upon. You will recall, the Bristol Sewerage Disposal Corporation at that time had expanded beyond the footprint that was approved in 1969. We had asked the sewer corporation for their certificate of incorporation and attached to the certificate is a document from the Town Board that tells exactly what the Town Board approved for footprint or service area of the sewer. When we asked for the certificate in 2014 it was discovered that that certificate, dated 1969, only pertained to the southern piece.

Councilman Bachman said it is lower Lakewood, lower Andrews, lower Vardon and south.

Supr. Welch continued, noting that once that was confirmed, we set aside the rate increase request because the Transportation Corporation Law states that a Town Board cannot agree to rates for an area outside the sewer area approved by the Town Board. For the Board to

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

November 9, 2015

take any action on that rate increase request would not be in keeping with the Transportation Corporation Law and now you understand why the Board can't act on it and still can't act on it today. Supr. Welch noted that we gave them the information states she was going from memory, in December we found out the certificate didn't have the required document attached to it. In January we received a stay and on reviewing the rate increase request in June of this year, Greg Mulheron contacted the Town Board that they had found numerous documents that show that the Bristol Sewerage Disposal Corp. in 1978 and had asked for an extension of the service area. The document had the sewer plan, design, map and draft of the certificate. The only thing that was missing was the Town Board action. We confirmed what the sewer district gave to us and in July 2015 agreed that in 1979-80 the Town Board did take a look at the extension; there was a motion of approval by the Town Board in August 1980 but we never gave them the certificate which has to be attached to their articles of incorporation. This Board agreed that the sewer area was expanded and honored what the Board approved in 1980. We agreed to give them a certificate that they to attach to their articles of incorporation but we are not going to give it to them until we get the stock and escrow agreement. In the Transportation Corporation Law says in the law that the Town Board has the right, which is not optional, we have an obligation to obtain the stock. The Town Board, in August of this year, sent back and relayed what I just told you. This is for the record, the sewer corporation, was notified that they had to give us the stock and escrow agreement bringing the 1979-80 extension of service area to a full closure. Three extensions; 1969, 1979-80, and 1998; and 1998 is the area is where the lodge, restaurant, golf shop, cottages and one private residence is located. That is the area that we now know is outside the service area, however, this Town Board continues to work on that; LaBella has continued to work on that engaging Mengle, Metzger and Barr to do the accounting, under a contract with LaBella. This is all articulated in the Transportation Corporation Law what the rights of the Town Board are; we can engage an Engineer, engage a CPA, bill it back to the sewer corporation under that law and that is what we have done. The record will show a process flowchart that we are following and you will see we have not made a lot of progress in the process. Initially the stock proxy was asked for in our July communication with the attorney for the sewer corp., Bill Kenyon. The Board didn't approve it. Our attorney's looked at it. Our municipal attorney went to the Association of Towns to see if any other towns to see if there were any towns in NYS that had any of these stock proxy's, escrow agreements. The Stock Escrow Agreement was drawn up by our two attorneys' and we took action 2 months ago; making Clerk Voss the Escrow Agent. In October we sent the Agreement to the sewer corporation and our attorney received a response saying that he wasn't in agreement that the town needed the stock. Our attorney wrote back and said it is not negotiable and we have heard nothing since from the sewer corp. As of tonight, the Town Board's position is that we are going to require that the Bristol Sewer Disposal Corporation give us a stock escrow agreement. That agreement allows the Town the right of access without going to court in the event the sewer corporation chooses at anytime to vacate or abandon the sewer system. The court has upheld that the sewer corp can abandon the system without any requirement, through the court system or otherwise, to re-open it. Once it is abandoned, we have no recourse. Because of that, the law allows for the stock escrow agreement. 1.24

Supr. Welch said looking look into the sewer corporation and the legality of that and further sewer hookup is a moot point as when we had this discussion in June we were unaware of the fact that the residential streets in Bristol Harbor are included in the 1979-80 extension. The only thing outside that area are the 5 cottages, one residence and the restaurant. Your question

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

November 9, 2015

had been should they continue to hook up to the sewer while this is unresolved; there is no area within Bristol Harbor where today and where they are hooking up to the sewer that isn't in the 1979-80 area. That area had been approved by the Town Board; it is simply the formality of giving the certificate when they give us the stock and escrow agreement.

Ralph Endres said the people in Bristol Harbor believe the lodge is probably using 30-35% of the sewage capacity and are paying for 12% of it so that is inequity. The fact is they are not allowed anything; the law says they cannot provide service outside their footprint. From 1998 or 1999 when they started that, they've been receiving benefits that they are not entitled to. They know every drop of water that everybody else in that village uses but we don't know how much water they use; there are meters. That is why the people in Bristol Harbor want a resolution in this matter. We have 350 families there; there are 250 that are gone from October to May, no water being used, no sewer being used, so who is using it? One hundred people that live there year-round, the restaurant, the golf course and those cottages that are rented year round.

Supr. Welch said she did recall that when they responded to our request, the Town Board did ask for a break down on the water usage because they do have the meters. The Town Board can not going to take action on the rate increase until the extension of service area is resolved. Mengle, Metzger and Barr has all ready started the job of looking at the financials that were included in the October 2014 rate increase request packet.

Mr. Kohler said that it didn't include the corporation's balance sheet, the loans to third parties and the shareholders. Mr. Kohler said the residents feel the assessment of \$860,000, and the corporation which is very rich in its cash flow and taken the money that we have paid them and loaned it to themselves and we are still being assessed to this cash cow that is throwing off all this money. The residents feel that needs to stop and the town needs to follow the court order back in the other administration to get its act together. That is what the judge said. Then the feeling is not only should the 31% be denied; the residents are paying a hugely disproportionate amount of the cost of just running the sewer corp. and the residents are looking for a substantial decrease in the current rate.

Supr. Welch said to understand that she is not a CPA reviewing this nor an engineer; and knows that you would like this finished by the end of this year and she too would have liked this finished before she left office. She is sorry that this is not done and will not take responsibility for it not being done. For the record we have asked the sewer corp. through LaBella and Mengle, Metzger and Barr for the information that is needed; we have asked them now twice for the stock. Anybody that wants to hold this Board responsible for dragging its feet and she will personally come and set the record straight; it's not true. We cannot force a private corporation to respond to us; all we can do is not approve the sewer extension area and their rate increase request until they do. Supr. Welch said she couldn't speak for the future board; this board decided and thought it was important that the stock agreement be here, in house, for the 1979-80 extension of sewer area which was approved. This Board would have gone on to approve in some form the area extension from 1998 and make it necessary that the town of South Bristol hold the stock in this corporation indefinitely. What the future board does, it is what the future board does and will not commit them to anything. Short of the Town Board deciding that we are going to take legal action against the sewer; you wouldn't want to do that as it would involve significant tax payers dollars. The day may come that the board may decide that is the only action they can take.

Ralph Endres asked about the stock, whether it is this board or the next board, it is important as you as a town board on behalf of all the citizens in the town of South Bristol that

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

November 9, 2015

you get those stock certificates because if you do a condemnation proceeding which you are allowed to do under that. If you don't have those stock certificates you are going to involve all the taxpayers money because you are going to have 350 of the town's residents or it might be 400 or 450 without sewers. The lawsuit that you are going to have to mount at that time is going to be much more expensive. When you have the stock in your hand, you can condemn it and take it over in short order. All you are doing is protecting the rest of the residents of South Bristol from undo legal fees that they may have to come up with in the future. I don't view it as a threat to the South Bristol Resorts I think all they need to do is the right thing. They have yet to do the right thing in 12-13 years regarding this situation.

Supr. Welch said the law permits the town to require the stock to be put into escrow and this Board thought it was the prudent thing to do on behalf of the town; otherwise we would have to take them to court in order to get access.

Mr. Endres said if we don't have the stock the legal fees will be exponentially larger.

Supr. Welch noted that the only possible benefit she can see for the residents of Bristol Harbor that the rate increase has not taken place. Some of you asked us for the agreement between Mengle, Metzger and Barr and LaBella which said it was for forensic accounting purposes.

Mr. Endres said what the Board has done is admirable, you can only do so much; the other party is stonewalling. The fact is that the people of Bristol Harbor Village are going to pay for this no matter what. We are paying for Mengle, Metzger and Barr. For most of the people in the know, we don't know how much sewage they produce, we don't know where all the money has gone. There should be \$500,000 in there and its gone; they are not forthcoming on where it is. All they want to do is raise it 31%; their return on equity is between 12-13%. Any business man in the world would take 12% return on their equity. When the facts are know, Bristol Sewer is going to pay 25-30% of the total value. They are going to pay a larger share of the rate increase because they haven't been paying since 1998-99.

Supr. Welch wanted to assure everyone here from Bristol Harbor Village that she has given the background information to both attorney's, engineering firm, and the CPA firm. It is prudent to let the next board resolve it; it is not going to be easy based on what we have seen so far. We know it is important to you. 1.40

Councilman Bachman asked if the town board cannot set rates or agree to set rates outside of the area; how is it that South Bristol Resorts, the lodge, the cottages and private residence were afforded rates outside the area?

Supr. Welch noted that the record would show that; they were given approval by the Town Board, 2005, when the expansion took place. The rates are imbedded in the approval of the area extension of service area and SEQR will apply.

EXECUTIVE SESSION

On a motion made by Councilman Cone and seconded by Councilman Bachman, the Board convened into Executive Session to review the union agreement between the town and the union employees pursuant to Article 4 of the Civil Service Law was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

The Town Board convened into Executive Session at 9:25pm.

The Town Board exited the Executive Session at 9:45pm

SOUTH BRISTOL TOWN BOARD REGULAR MEETING

November 9, 2015

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

On a motion made by Councilman Bachman and seconded by Councilman Cone, the purchase of a bulk storage tank from Highland was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Welch, Bachman, Wohlschlegel and Cone.

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

ADJOURN 9:50pm

Respectfully submitted:

Judy Voss
Town Clerk