

SOUTH BRISTOL TOWN BOARD MEETING  
September 12, 2016

**REGULAR MEETING**

The regular meeting of the South Bristol Town Board as called to order September 12, 2016 at 7:00pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

**PRESENT**

Daniel Marshall, Supervisor  
Donna Goodwin, Councilwoman  
Stephen Cowley, Councilman  
Jim Strickland, Councilman

**ABSENT**

Scott Wohlschlegel, Councilman

**RECORDING SECRETARY**

Judy Voss, Town Clerk

**OTHERS**

Sally Berry, Kevin Murphy, Dahl Schultz, Alan Braun, Brian Perkins,  
Ann Jacobs, Joe Kohler

**I. ROLL CALL**

Supr. Marshall opened the meeting with roll call.

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

On a motion made by Councilman Cowley and seconded by Councilman Strickland the August 8, 2016 Regular Town Board meeting minutes were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

**IV. PRIVILEGE OF THE FLOOR**

Alan Braun of Bristol Harbor had a question about last month, part of the old business of the BHVA mapping, which was supposed to be on the agenda this month, asked if it was going to be discussed.

Supr. Marshall answered no; the engineers and accountants don't have anything for the Board. We were told that the accounting firm that is being used by LaBella Assoc. had received information from the developer and that is the last we heard.

Councilman Strickland said the Board does want to get that concluded. Supr. Marshall agreed.

Sally Berry of Lower Egypt Road and on behalf of all the neighbors up there our internet is less than stellar up there going in and out all day long. Several of us work from home regularly, several families' home school their children. Where we are we don't have Time Warner or any alternatives; it's Frontier and what we have been told by multiple technicians time and time again, even though we pay for high speed internet because we are at the end of the line what we have is barely above the old dial-up. Ms. Berry said she reached out to Supr. Marshall to see if the Town could look into alternatives and find some way for us to have reliable internet.

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Those of us that rely on the internet to make our living can have some more reliable ways to do that and appreciate your input and help.

Councilman Strickland agreed. Councilman Cowley also agreed and said he went 3 weeks without internet last year and switched over; they had the same story that we lived way down the line.

Supr. Marshall explained the franchise tax collected from Time Warner to use to expand cable and internet services to residents of the Town. In the last 2 years, the decision was made to take that money in the franchise tax account in put into the General Fund. There was a pool of money to help with the expansion but now the funds are limited. Supr. Marshall said he would call Time Warner and talk with them about this.

Supr. Marshall noted that Frontier is coming out with a new product called Vantage which he assumed it was all 3 services; TV, phone and internet, but reading further it is only for cable TV. Supr. Marshall said he asked Frontier to look into this and they have not gotten back to him. 10.43 Supr. Marshall said they will make this a priority now.

Ms. Berry agreed and if people are working at home it is an asset to the Town. Supr. Marshall agreed.

Councilman Cowley and Councilman Strickland both said they were in the same situation with the internet at their homes.

Ms. Berry said there is a company out of Prattsburg called Empire Access and they offer services in Naples but said they had no plan to expand coverage in South Bristol.

Supr. Marshall there also is Fingerlakes Technologies. Supr. Marshall said there is the fiber-optic ring which services Naples Central School.

Joe Kohler of Bristol Harbor asked about last month’s mentioning of “impending litigation” and asked for any updates?

Supr. Marshall said the Town is being sued over an assessment.

**V. COMMITTEE REPORTS:  
HIGHWAY**

Supr. Marshall noted that Supt. Wight will report later in the meeting.

**BUILDINGS & GROUNDS**

Clerk Voss mentioned that the Town Hall doorknobs will be replaced when needed. The doorknobs are a residential made to look commercial. The replacements will cost \$400 per doorknob.

Supr. Marshall noted that during the budget season we are looking at the cost of our needs and we also need to do something about the Town Hall foyer as the doors do not close properly. Supr. Marshall said the unit was built on the cement sidewalk and heaves during the winter; it is time to address that and add it to the budget to see if it is doable.

**FINANCE**

Supr. Marshall said that he is working with the EFPR Group with regards to the budget. There are some questions to whether the annual document we sent to the State Comptroller may need to be amended; they looked at it and found errors. EFPR is seeing if the AUD document needs to be updated.

**VI. OLD BUSINESS:  
COUNTY SNOW CONTRACT/NAPLES ROADS**

Supr. Marshall noted that the agenda starts to fall apart here. We have been talking about doing a snow plowing contract with the County Roads located in the Town of Naples; Naples has voted to not plow county roads this year and leaves the County in a bit of a pickle because they don't have any equipment to do it themselves. They sent us a request to protect the roads and include: County Road 12, County Road 33 and County Road 21. County Roads 12 and 33 are not a problem; it is just a continuation of what we are all ready plowing. The issue continues to be County Road 21, which is the first 2 ½ miles of Italy Valley Road. That needs to be taken care of as well. In discussion with some of the highway employees and Highway Supt. we would really need to send a specific truck over just to take care of that road. We don't want a truck going down one side of County Road 12 and heading to County Road 21 to spend 20 minutes to half an hour and not have County Road 12 completed. County Road 36 is going to be plowed by the Town of Canadice. The reason we are waiting for a new contract is because we reasoned and argued that the Town of South Bristol should be paid from the Town Barns all the way over to the other part of town. The County will pay the extra mileage, less the cost of materials; a significant amount of money, \$36,000.00.

**FRONTIER COMMUNICATIONS FRANCHISE AGREEMENT**

Supr. Marshall noted that the Board all ready spoke about Frontier and the Franchise Agreement. It is in the hands of the Town Attorney, Jeff Graff, making sure the Town is getting the appropriate franchise percentage which can vary 3 – 5%. The Town Board will schedule a Public Hearing for the franchise agreement at the next meeting. The public hearing is required.

Supr. Marshall said LaBella was contacted after last month's meeting and asked about the process of the SEIS for Everwilde asking what was next for the Town Board to do and received a memorandum from Kathy Spencer. The answer was that is the Town doesn't need to do anything until there is an acceptable SEIS; acceptable to LaBella Assoc. and to the Town. 21.41

Supr. Marshall read from the memorandum:

*Here's how the process would likely play out:*

- 1. The Project Sponsor prepares a preliminary draft SEIS.*
- 2. The preliminary draft SEIS is informally provided to LaBella for review to evaluate adequacy for review by Town Board.*
- 3. After any recommended revisions are incorporated by the Project Sponsor, the draft SEIS is officially submitted to the Town Board.*
- 4. The Town Board discusses the draft SEIS and makes decisions as to whether it is adequate for public review and whether a formal public hearing will be held during the public comment period.*
- 5. If the Town Board finds the draft SEIS adequate for public review, a formal SEQR resolution is then made by the Town Board. The formal SEQR resolution will be structured to accomplish the following:*
  - Accept the SEIS and waive the requirement for any EAF;*
  - Issue a positive declaration;*
  - Accept the SEIS as complete;*
  - Establish the dates of the comment period and whether a public hearing will be held.*

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Supr. Marshall said all this happens after we have received an acceptable SEIS. The memorandum has been made available to the Board and the Town Clerk and also the developer has received this.

Alan Braun asked if there was a timeline, could they wait 6 months before they do it or are they in a hurry to do this?

Supr. Marshall said there is no timeline on this.

Clerk Voss noted that 3 months and 6 months were mentioned.

Mr. Braun asked if the Board could demand a timeline?

Supr. Marshall said he would find out that information.

### **NEW BUSINESS**

#### **PLANNING BOARD REQUEST TO AMEND CODE SECTION 170-04A (3)**

Supr. Marshall said the Board received a request from the Planning Board if the Town Board would consider a change to the Zoning Code 170-4A(3) and they have asked that any R-3 property contiguous to the lake have a site-plan review requirement. If you look at the Zoning Map it is a total of 4 parcels; most of the lakefront is zoned Lake-Residential which all ready has Site Plan Review. The Planning Board argument is that if all the Lakefront-Residential properties next door to the R-3 have to go through Site-Plan Review, so should these other lakefront properties, which makes sense. Part of the request is to move forward and send the information to the Town Attorney for his review and approval. The Town Attorney would draft a Local Law; schedule a public hearing, etc.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, the Planning Board's request was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

27.45

### **BUDGET CALENDAR**

Supr. Marshall said the 2017 budget worksheets have been sent to the various departments and should be returned by September 20<sup>th</sup>. By October 5<sup>th</sup>, the Tentative Budget will be filed with the Town Clerk. By the end of October will be the Preliminary Budget with a public hearing as well as adoption November 15<sup>th</sup>. No action needs to be taken tonight.

Clerk Voss said that the NYSDOH requirement to file the Registrar of Vital Statistics is due and needs Board approval.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin appointing Clerk Voss as Registrar and Maryjane Thompson as Deputy Registrar was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

Supr. Marshall said the Town Fee Schedule has been revamped to look more professional for the website.

On a motion made by Councilman Cowley to approve the Fee Schedule dated September 12, 2015 and seconded by Councilwoman Goodwin was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

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Supr. Marshall said that there have not been any monetary changes to the fee schedule; this is strictly for the website.

**VIII. REPORTS:  
ASSESSOR**

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the Assessor's Report for August 2016 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

Supr. Marshall noted that the Assessor's report states the equalization rate is 100% which is where it is supposed to be. There are 2 small claims petition and one certuary referring to the town being sued over assessments.

**CEO**

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the CEO Report for August 2016 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

Supr. Marshall noted that there were 15 building permits filed in August; that has to be a large number. Clerk Voss agreed.

**TOWN CLERK**

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin the Town Clerk's Report for August 2016 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

**IX. ACCOUNTING:  
SUPERVISOR'S REPORT**

On a motion made by Councilman Cowley and seconded by Councilman Strickland the Supervisor's Report for August 2016 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

Supr. Marshall said the Town has \$1.1 million in the bank; working on having the 9 bank accounts rolled into 3 which is all that is necessary and makes the process a lot easier.

**BUDGET TRANSFERS**

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the Budget Transfers were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland. 38.11

|               |            |                                      |          |
|---------------|------------|--------------------------------------|----------|
| Transfer From | A1990.4    | Contingent Acct to                   |          |
|               | A1010.4    | Town Bd – Contr                      | \$129.63 |
|               | A1990.4    | Contingent Acct to                   |          |
|               | A1650.4    | Central Comm Systems – Contr         | \$355.93 |
|               | EG8160.450 | Home & Comm – Per Serv. – CD fees to |          |
|               | G8160.4    | Home & Comm – Per Serv – Contr       | \$144.03 |

### **APPROVAL OF VOUCHERS**

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, Abstract No. 9, Vouchers No.414 – 454 totaling \$54,805.29 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

Supr. Marshall said the payment that is not on tonight's abstract is the first installment for the Salt Barn roof which is being done. That payment will show as a prepayment next month as well as the balance when the roof is completed sometime next week. Next summer we hope to paint the salt barn.

### **V. COMMITTEE REPORTS: HIGHWAY**

Councilman Cowley gave the Highway Report as submitted by Supt. Wight:

Following are some highlights for activities at the Highway Dept. in the last month.

I also have a potential candidate for employee at the Highway Dept. His name is Tim Kinton Jr. He is a Naples resident and would make a good addition to my crew. A copy of his application and resume is in your mailboxes at the Town Hall.

1. New roof being installed on the salt barn by Sugarcreek Const.
2. Work has commenced on the Veteran's Memorial Garden designed by Liam Holtz
3. 5.5 miles of road have been chip sealed.
4. Wedging and shimming has been started on the following roads; Bills Rd. Stemple Hill Rd. Hawks Rd. and Hicks rd.
5. Roadside mowing continues.

Supr. Marshall said the Supt. Wight is prepared to hire a new employee; there has been one-less employee at the highway dept. all year and budgeted for a new employee. Supr. Marshall said the recommendation is to hire Tim Kinton who has passed service exams, has a CDL and took a road test with Supt. Wight.

On a motion made by Councilman Cowley and seconded by Councilman Strickland to hire Tim Kinton as a MEO, \$17 per hour beginning 2 weeks from today was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

### **X. 2<sup>nd</sup> PRIVILEGE OF THE FLOOR**

Supr. Marshall noted that there has been a lot of progress on the Veteran's Memorial by Eagle Scout and Town resident Liam Holtz. The requirement is to procure funds for the Eagle project and has set up a GoFundMe website to raise money. The cost is estimated at \$5,000.00.

Clerk Voss noted that the South Bristol Historical Society has their Hops Harvest Dinner on Saturday October 1<sup>st</sup>. Anne Jacobs said it is a major fund raiser for the Historical Society's.

Supr. Marshall said the Comprehensive Plan Committee will be meeting for the first time on Wednesday, September 14<sup>th</sup>.

### **XI. ADJOURN: 7:48PM**

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Respectfully submitted:

Judy Voss  
South Bristol Town Clerk