

SOUTH BRISTOL TOWN BOARD MEETING

November 13, 2017

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order November 13, 2017 at 7:05 pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

Daniel Marshall, Supervisor
Donna Goodwin, Councilwoman
Stephen Cowley, Councilman
Scott Wohlschlegel, Councilman

ABSENT

Jim Strickland, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Highway Supt., Ann Jacobs, Joe Kohler, Brian Perkins, Greg Mulheron, Robert Sant, John & Bridet York, Maddie Bicknell, Brooks Lyon, Kristie Braun, Dahl Schultz, Baird Couch, Ralph Endres, Jeremy & Cathy Fields, Bruce Hunt, Cathy Colby, et al

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 Wohlschlegel and seconded by Councilwoman Goodwin, the October 10, 2017 Regular Town Board minutes were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

IV. PRIVILEGE OF THE FLOOR

Greg Mulheron, speaking on behalf of the 5 cottages located at Bristol Harbor. Mr. Mulheron thanked the Board allowing him to come in and talk in front of the Board: I had sent Mr. Marshall a correspondence on October 26 regarding some concerns that the cottage owners have regarding a notice that we received from the sewer company and Todd Cook regarding changes to the units that would be billed going forward. In my email I expressed concerns over not getting any notice on the proceedings; I appreciate, after I reached out and information had been given to me regarding the meetings and information that is out there, I was able to review those and still have not found any information in any of the meetings that discuss the concerns about the fact that you are changing units for the cottages. That is a question I have for the Board, as to whether it was discussed and when, because I could not find it anywhere in any of the meetings that I listened to. In addition, we never received any communications; we do automatic billing for the cottages with the utility and there has been correspondence back and forth with Todd Cook regarding some of the water things that are going on relating to a pump that they have concerns about at the Lodge and his staff also has had correspondence back and forth with me about that. But in no case, did they ever pass any correspondence on to us

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regarding the water rate change, potentially, or the sewer rate change. Going through the meeting minutes and finding out that there has been all these communications via written or email or whatever way they are telling, I think it was Mr. Tim Reidy that had stated in a letter that there was correspondence that went out. So I'd like to call to your attention the fact that we have not received that. As far as the actual discussion about the number of units this Town Board back in 2006, Dale Stoker went for the approvals as far as the cottages go and we had approached the Board, I believe Dale did at one time considering having the units go in as a condo-board situation where we would potentially get some tax benefits from that situation and we were denied at that point. We were told that those would need to stay at single-family units. Those approvals based on that, we believe came about in part because of that. That is why they wanted them to be that way, not necessarily condo situation. The approvals came from the Board back then, as far as how many units they were so we are a little unclear why the changes at this point and would like to discuss that a little more further. In addition I brought some data points as far as the usage of the cottages because I think that that is an important aspect of how they compare to the hotel. We believe the cottages are built for transient usage and they have been. We've been open and Mr. Stoker, I believe, has been open with the Board when they were approved as to what the goal of those were. At the time that those were built, there was a considerable number of customers for Bristol Harbor that were using the condos down by the lake and as a way of solving some of the issues with either noise for the customers for golf, weddings, whatever it may be, we built the cottages so that they could handle groups of people to come in on a transient usage but certainly not to have somebody stay in them for the entire summer; just for short periods of time. Based on the usage, if you compare it to the hotel, at this point, going back to 2013 and I only have records for the hotel from 2013 – 2015 so I use those as my gauge. If you take the 5 cottages during the time periods and you compare them to the 31 room hotel, there is 4 to 5 times more usage in the hotel than there is in the cottages. Currently the hotel gets charges 10.3 units and the proposal for the cottages to get 10 units, but that doesn't seem equitable based on the fact that there is so much more water being consumed through that commercial enterprise, the hotel. These are the things we would have liked to have had an opportunity to discuss and we regret the fact that we did not have that opportunity and appreciate you allowing us to have our time at this point.

Robert Sant, introduced himself, here on behalf of Phil Saunders, the other cottage owners, and have been familiar with the dialogue between you, Dan, and Greg and as you may know, Greg was the former GM of South Bristol which also ran the both public water and sewer. Mr. Sant noted that he can't help make a joke, he must feel like George Bush when Obama got elected; you are missing me now, for other people in the audience. Just to go over a couple of things, the application, we understand was made before the Board was for 5 units. Those cottages were identified as 5 units and we don't know what happened between that application and the approval where they are now billing the cottages as one unit each. If you look at your own zoning code, the definition of motel or motor court says facilities used rented or occupied for transient uses. They are actually used precisely within your definition and at worst if there is going to be a change in the building, at worst they should be billed consistently and in fairness, the way the hotel is billed. Again, I just reiterate, we didn't have notices, we didn't have opportunity to be heard and I am privy to the email Greg sent you, and asked that be made part of the record going forward. In that request was also a request for documents, freedom of information request, I reiterate that here. If you need me to have a dialogue with the Town Attorney I'd be happy to do so. We are certainly receptive to questions.

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Supr. Marshall wanted to make everyone aware of, the Town has nothing to do with the water; we are strictly sewer. We have no authority over the water rates.

Mr. Sant understood, the water is relevant because whatever goes in comes out, that is the only reason the water usage is brought to the Board. We actually use less than the hotel uses.

Councilman Cowley said the units aren't based on water usage. Doesn't matter if you use water or not; you are hooked up to the sewer and you are charged one unit.

Mr. Sant, said your precise definition in your own code, no. 1, and no. 2, the fact that it is used as a transient use, and in fact is verified by the actual usage of those units. They are less than half of a motel unit. You can see that from the actual usage from the water authority if you like.

Supr. Marshall said he wanted to simply point out that all through this process we would refer back to the Ontario County Law #5-2008 which spelled out how sewer rents should be calculated for Ontario County usage. Simply using that, as a benchmark, how we made those determinations. If you read that Local Law, it will show you that first of all the Local Law does not consider the cottages in the same manner as a hotel. A hotel is simply defined as 4 units or more. That is according to the local law. It does have 2 areas which could be arguable, one being multi-family homes which is, as an example, any home that is rented out to 2 families or more. There is also a definition in there for boarding houses and we had to look at that and that is what we were using as our benchmark, matrix, on how to deal with this. We chose to do that. I confirmed with the Deputy Commissioner of Public Works, John Barry, how they would have interpreted the situation that we are talking about this evening, and they indicated to me they would be treating the units, each cottage as 2 units. That is how we made our decision.

Councilman Cowley said they both have kitchens in the cottages, upstairs and downstairs, and you rent them separately, correct?

Mr. Sant said they can be rented separately and sometimes they are rented jointly. So no, they are not designed to be individually occupied as permanent residencies. If you look at your own definition, it says they are hired out or used or occupied by transient guests without stipulated agreements for the duration of their stay.

Supr. Marshall noted that we never defined them as permanent residences.

Mr. Sant said, again, this is consistent and you do bill hotels the similar way, in a similar fashion. These are used, rented and occupied for transient uses, they have an agent that rents these out to the public at large. What I am gleening from your comment is that you unilaterally changed from the application that was made to before the Board, which identified these as 5 units, so the Town Board changed it to the 10. Is that correct?

Supr. Marshall said that is correct, because they were treated in the application as single family of which they are not single family homes.

Mr. Sant said the Town Board did this without notice to the owners, correct?

Supr. Marshall said we have public meetings and public hearings.

Mr. Sant, again you did this without notice to the effected resident. I just wanted it confirmed for the record.

Supr. Marshall answered; well I guess you would have to say that was the case. We will take your information and arguments taken into consideration and will probably have the Town Attorney take a look at it and offer some type of rendering.

Mr. Sant said, again, we wouldn't have to have this dialogue, in advance, we were blindsided by the increase and would have been happy to have had that conversation whether privately or publicly.

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Supr. Marshall noted that the owners of your buildings were treated like every other resident or homeowner or property owner at Bristol Harbor. We did not notify each one of them individually with this rate increase, yet I always had a roomful of people.

Mr. Mulheron said there was a change that you voted on for the remapping district, correct? How many units do the cottages represent in that paperwork for the district change?

Supr. Marshall answered yes we did, and for 10 units.

Mr. Mulheron asked if he would like to review it again because there are 5.

Supr. Marshall asked if that was part of the initial application in which we said they are not single family homes, they are dual units.

Mr. Mulheron noted that it lists down the new units that are being added to your district, and in that, both case, both the original one you looked at and the approved one that you voted on, in both cases the cottages are listed as 5. It's 5 units and then it tabulates the number of units that comes out to 359.3 (Supr. Marshall noted 391.3). But if you look back at that paperwork, and that's what we were going by, we would have thought and do believe that what you voted on; 5 units in that paperwork that you basically approved by voting that in. Then after you approved a budget, in the budget built in a different number of units then what were on the application. So at the end of the day maybe that was our intention to have 10 on there but there weren't 10 on there; there were only 5 units and that is what the cottages represented on that paperwork.

Supr. Marshall noted that your question to me has been all along, was how do we come up with the 10 units and my explanation to you is that we use the Ontario Co. Local Law #5-2008 as a benchmark; and that is how we came up with 10.

Mr. Mulheron said that was one of his questions, my other question was in regards to the application process that the approvals that you had for the new district, and why that application said 5 because to me it just seemed like it was, even if we had looked at that paperwork, which we didn't have a lot of information of what was going on, even if we had, to me it was clear when I looked for the cottages, the way it was listed out it listed 5 cottages on that paperwork. It listed the Danahar's house just above our property and it was very clear to me that that was how things were going to be charged; five units and one unit for the Danahar's. If you look back in the paperwork that is the way it reads. It just didn't feel right; the way that paperwork read and all of a sudden it seemed to have changed at some point and was a little disappointed in that respect.

Supr. Marshall apologized, and will bring it up with the Town Attorney to see if, in fact, we have erred. I don't think believe we have and I think this Board takes the position that we consider the units to be 10 units.

Mr. Stant stated that you should look at section 3.O F, it tracks exactly the motel and motorcourts. It is buildings or buildings with at least 4 units used or occupied by transient guests. It is incumbent upon this Board to look at this objectively instead of being an adversary. I don't understand if there is a motive here or not; I'm sensing some antagonism. There shouldn't be a debate; it is what it is. It says what it says.

Supr. Marshall said the Town Attorney will take a look at it and get in touch with you.

Joe Kohler, of Bristol Harbor, thanked the Board and gathered, looks like all Bristol Harbor tonight. Thank you for the privilege of the floor. I suggest that the September minutes as provided to me in a hard copy by Clerk Voss on election morning need to be corrected. It shows a dialogue between myself under privilege of the floor and Highway Superintendent Jim and the

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minutes show that it was a dialogue between myself and Councilman Strickland which was not the case regarding deer caution signs and thank you Jim for the signs you did get up. The minutes need correction. Secondly I'm like to address, I guess this will be my fifth FOIL request from election morning. Election morning I asked the Clerk Voss if I requested a copy of the minutes that I made from privilege of the floor, where I asked you Dan for the legal opinion from the Town of South Bristol attorney; you mentioned M.J. Korona as to the legality of the Bristol Sewage Disposal Corp. operating outside of the approved district. You said that wouldn't be a problem you agreed to ask Attorney Korona to respond to my question in writing at the legal expense of the Town of South Bristol. I asked Clerk Voss for this.

Supr. Marshall said she couldn't provide it to you because there isn't such a thing; I don't recollect that conversation. The conversation I recollect is you asked whether or not if the Town of South Bristol was required to pursue the information with regards to money that you were questioning where it went. And we did provide that information to you.

Mr. Kohler said that was correct, I'm not questioning that. This is prior; I specifically asked, and I'm reading it again into the record. I asked under privilege of the floor for legal opinion. I'd never heard the name Mary Jo Korona til that night as to the legality of the Bristol Sewage Disposal Corp. operating outside of the district and you said that wouldn't be a problem, you would ask t his Town Attorney, who I never met or heard of til then, M.J. Korona, to respond to my question at Town's legal expense in writing. So, Judy couldn't find it so I asked her how could I get it and I could do this, I said no, then she offered to have me listen to the tapes, I don't think that is my position so she assisted me in filling out this FOIL request. It didn't come back til I re-FOIL.

Supr. Marshall said it isn't going to come back because I didn't get the information correctly. Apparently I don't recall that conversation, I will review the minutes and if I erred I will fix.

Mr. Kohler said thank you, I 'm reading into a 4th FOIL request that I gave to Clerk Voss this went off Sunday at 3:54pm, Madam Clerk, No Judy this is not what I respectfully, respectfully requested of you in your office on election day morning. Initially verbally nor would I again would I ask you for which you printed out in error. She gave me some deer signage conversation. What I requested in my FOIL written request, which you assisted me with Judy and thank you, submitting, was that you read my FOIL request and that you comply with my FOIL request. It is expected. Thanks Judy, re:, re:, re: submitted. I attach the original, I attach the 4th FOIL request and I requested Town comply with the Freedom of Information Law. Thank you.

V. COMMITTEE REPORTS:

Councilman Cowley read the Highway Report for October.

To Mr. Supervisor and all Town Board members:

Things are typically slow this time of year, between the end of roadwork season and the beginning of plow season. We are keeping busy none the less. We are still working at finishing up mowing Town road sides along with cleaning some ditches and shoring up weak spots with medium rip rap. We are also busy getting plow equipment ready for the upcoming season. We have most of our summer construction equipment winterized and ready to put away.

I have noticed the Wilder Barn roof is in need of some repair panels. I have some roof panels in stock and the guys and I will fix it this coming week. I have also had Valley Mechanical in looking at our forced air furnace that heats the breakroom and my office. They

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said it needed a new flame sensor. It was hard to find, as they don't make parts any more for a furnace that old. They located one in Colorado and will have the furnace running soon. Our new Town pickup truck is finally here (after five long months).

Congratulations to our newly Re-elected Supervisor Dan Marshall and Town Board members Scott Wohlschlegel and Jim Strickland.

Supt. Wight noted that the foundation of the Wilder Barn is starting to give way in the front of that building and we will take a look at that and jack-up the building and start the foundation repair.

VI. OLD BUSINESS:

BUDGET – FINAL REVIEW OF 2018 TENTATIVE BUDGET

Supr. Marshall said that we are at the point where we need to vote on the 2018 budget; any further discussion on the Town Budget. The tax rate will be flat at \$1.17.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley the 2018 Budget was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

(insert budget)

LOCAL INCOME EXEMPTION LAW – SCHEDULE PUBLIC HEARING

Supr. Marshall noted that the Board is required by the Ontario County Real Property Tax Agency to amend and update our local law which creates the list of exemptions for disabled with limited income. The proposal we are looking at your reductions would be based on your annual income; this only has an effect a handful of people in South Bristol whose income under \$15,000 you receive a 45% deduction. Anything over \$23,000 income there is no deduction. This action needs to be done by Local Law and the Board needs to pass the resolution introducing this law and calling for a public hearing that would be held at the December 11th Town Board meeting.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin Resolution # 38 - 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

RESOLUTION NO. 38-2017

RESOLUTION INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Amending the Provisions of Chapter 153 of the Code of the Town of South Bristol Relative to the Exemption for Disabled Persons With Limited Incomes"; and

WHEREAS, the Town Board of the Town of South Bristol has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of South Bristol to proceed in accordance with the Code of the Town of South Bristol and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on December 11, 2017, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

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RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of South Bristol sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of South Bristol for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on November 13, 2017, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u>x</u>	_____
Scott Wohlschlegel	<u>x</u>	_____
Donna Goodwin	<u>x</u>	_____
Stephen Cowley	<u>x</u>	_____

Dated: November 13, 2017

Judy Voss, Town Clerk

SEAL

SOLAR PANEL LAW DISCUSSION

Supr. Marshall noted the Public Hearing held tonight was the 2nd public hearing with regards to this local law. We held a second public hearing because we hadn't completed at that time, the SEQR requirements. Our Councilman Wohlschlegel has completed the SEQR and will go through his findings.

Councilman Wohlschlegel completed Part 1, Legislative Action is needed by South Bristol Town Board in regard to updating the local law amending zoning law of South Bristol to add Solar Energy regulations that advance and protect the health, safety and welfare of the community and to make a provision for such as condition may permit. The accommodation of solar energy and equipment and access to sunlight necessary therefore. Amendments to the zoning law of the Town of South Bristol to add the solar regulations.

Councilman Wohlschlegel went through Part 2 of the Environmental Assessment Form, identification of potential project impacts.

(Insert SEQR)

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On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, Resolution #39 - 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

RESOLUTION NO. 39-2017

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL,
ONTARIO COUNTY, NEW YORK,**

DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 4 OF 2017

WHEREAS, the Town of South Bristol Town Board, hereinafter referred to as Town Board, has determined proposed Local Law No. 4 of 2017 to be a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

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

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on November 13, 2017, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	x _____	_____
Scott Wohlschlegel	x _____	_____
Donna Goodwin	x _____	_____
Stephen Cowley	x _____	_____

Dated: November 13, 2017

Judy Voss, Town Clerk

SEAL

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On a motion by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Resolution No. 40 – 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

RESOLUTION NO. 40 – 2017

AUTHORIZING ADOPTION OF LOCAL LAW NO. 4 OF 2017

WHEREAS, a resolution was duly adopted by the Town Board of the Town of South Bristol for a public hearing to be held by said Town Board on November 13, 2017, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, to hear all interested parties on a proposed Local Law entitled, “A Local Law to Amend the Town of South Bristol Zoning Ordinance to Add Regulations Pertaining to Solar Energy Systems” and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on November 2, 2017 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on November 13, 2017, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of South Bristol hereby adopts said Local Law No. 4 of 2017, entitled “A Local Law to Amend the Town of South Bristol Zoning Ordinance to Add Regulations Pertaining to Solar Energy Systems”, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of South Bristol, to publish an abstract of this local law in the Town’s official newspaper and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on November 13, 2017, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u>x</u>	_____
Scott Wohlschlegel	<u>x</u>	_____
Donna Goodwin	<u>x</u>	_____
Stephen Cowley	<u>x</u>	_____

Dated: November 13, 2017

Judy Voss, Town Clerk

SEAL

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of South Bristol
Village

Local Law No. 4 of the year **2017**

A Local Law to Amend the Town of South Bristol Zoning Ordinance to Add
Regulations Pertaining to Solar Energy Systems

(Insert Title)

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

County

City

Town of

South Bristol

as follows:

Village

Section 1. Section 170-66 of the Zoning Law of the Town of South Bristol is hereby repealed and a new Section 170-66 is hereby inserted in its place to read as follows::

§ 170-66. Solar energy systems

A. Authority.

This solar energy law is adopted pursuant to §261-263 of the New York State Town Law, which authorizes the Town of South Bristol to adopt zoning parameters that advance and protect the health, safety, and welfare of the community, and to make provisions for, so far as conditions, may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

B. Purpose and Intent.

1. Vision Statement from the Comprehensive Plan of 2008 is to “Preserve and protect our safe, clean naturally beautiful rural and scenic environment with carefully and fairly planned commercial, residential, agricultural and recreational development.”

2. Solar energy is a renewable and non-polluting energy resource that can reduce fossil fuel emissions and lower a municipality’s energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.

3. It is the policy of the Town of South Bristol to encourage the use of solar energy sources.

C. Definitions.

As used in this section, the following terms shall have the meanings indicated:

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS: A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

COLLECTIVE SOLAR: Solar installations owned collectively through subdivision homeowner associations, college student groups, “adopt-a-solar-panel” programs, or other similar arrangements.

FLUSH-MOUNTED SOLAR PANEL: Photovoltaic panels and tiles that are installed flush to the surface of a roof and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is directly installed on the ground and is not attached or affixed to an existing structure.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground mounted and produces energy primarily for the purpose of offsite sale or consumption, or which exceeds 1,000 square feet based on the perimeter occupied by the solar panels.

NET-METERING: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

PHOTOVOLTAIC (PV) SYSTEMS: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

QUALIFIED SOLAR INSTALLER: A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved; who is certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NABCEP’s list of certified installers deemed to be qualified solar installers if the Town of South Bristol Code Enforcement Officer determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

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ROOFTOP OR BUILDING MOUNTED SOLAR SYSTEM: A solar power system in which solar panels are mounted on top of the structure or a roof either as a flush-mounted system or as modules fixed to frames, which can be tilted toward the south at an optimal angle.

SMALL-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that produces energy primarily for the purpose of onsite use, and does not exceed 1,000 square feet based on the perimeter occupied by the solar panels.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR COLLECTOR: A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR EASEMENT: An easement recorded pursuant to N.Y. Real Property Law §335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

SOLAR ENERGY EQUIPMENT/SYSTEM: Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

SOLAR PANEL: Allow for “energy transfer” from light energy to heat and electrical.

SOLAR STORAGE BATTERY: A device that stores energy from the sun and makes it available in an electrical form.

SOLAR-THERMAL SYSTEMS: Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

D. Applicability

1. The requirements of this local law shall apply to all solar energy systems modified or installed after its effective date. No solar energy system or device shall be installed or operated in the Town of South Bristol except in compliance with this law.

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2. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations, and standards of the Town of South Bristol, and, where applicable, the State of New York.

E. Small-Scale Solar Energy Systems less than 1,000 square feet based on the perimeter occupied by the solar panels.

1. *Permitting*

a. To the extent practicable, and in accordance with town law, the accommodation of small-scale solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Town of South Bristol Code.

b. Small-scale solar energy systems shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit “collective solar” installations or the sale of excess power through a “net billing” or “net-metering” arrangement.

c. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed. A photograph of the site is also required.

d. Building-Integrated Photovoltaic (BIPV) Systems: BIPV systems that meet the definition of a small-scale solar energy system are permitted outright in all zoning districts as accessory uses.

2. Permits for Rooftop or Building Mounted Solar Systems

a. This paragraph applies to the installation of solar panels for commercial buildings and residences for small rooftop or building mounted solar systems that meet the definition of a “small-scale solar energy system” and that do not exceed 25 KW in size.

b. Building permits are required for the installation of all rooftop and building mounted solar systems and all building permit applications for the installation of rooftop or building mounted solar systems on residential and commercial buildings shall be reviewed by the Town of South Bristol’s Code Enforcement Officer, who has the authority to grant or deny permits for such systems.

c. Rooftop and Building Mounted Solar System: Rooftop and building mounted solar systems that meet the definition of a small-scale solar energy system and that do not exceed 25 KW in size are permitted as an accessory use in all zoning districts in the Town of South Bristol when attached to any lawfully existing and lawfully permitted building subject to the following conditions:

1) Aesthetics: Roof Mounted Solar Energy Systems installations shall incorporate, when feasible, the following design requirements:

i) Solar energy systems shall be color compatible with the primary structure.

ii) Panels must be mounted at the same angle as the roof’s surface with a maximum distance of eighteen (18) inches between the roof and the highest edge of the system.

3. Permits for Freestanding or Ground-Mounted Solar Energy Systems

a. Freestanding or ground-mounted solar energy systems that meet the definition of a small-scale solar energy system are permitted as accessory structures in all zoning districts of the Town of South Bristol, subject to the following conditions:

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1) Building permits are required for the installation of all freestanding and ground-mounted solar energy systems. All building permit applications for the installation of freestanding and ground-mounted solar energy systems on residential and commercial property shall be reviewed by the Town of South Bristol's Code Enforcement Officer, who has the authority to grant permits for such systems.

2) The location of the solar collector meets all applicable setback requirements for accessory structures in the zoning district in which it is located.

3) The height of the solar collector and any part of the solar energy equipment/system shall not exceed eight (8) feet when oriented at maximum tilt.

b. Lot Coverage

1) Freestanding and ground-mounted solar energy systems shall not exceed 1,000 square feet based on the perimeter occupied by the solar panels without obtaining a Special Use Permit as a large scale solar energy system pursuant to section F. hereof.

2) All such systems in residential or commercial zoning districts may be installed on all areas of a parcel in accordance with local planning and zoning regulations, and lot coverage requirements.

3) Freestanding and ground-mounted solar energy systems shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area, and do not impact the effective amount of solar energy to be produced.

c. Solar-Thermal Systems: Solar-thermal systems that meet the definition of a small-scale solar energy system are permitted as accessory structures in all zoning districts upon grant of a building permit.

d. Solar energy equipment/system shall be permitted only if they are determined by the Code Enforcement Officer not to present any unreasonable safety risks, including, but not limited to the following:

1) Weight Load

2) Wind Resistance

3) Fire-fighting and other emergency access

F. Large-Scale Solar Energy Systems greater than 1,000 square feet based on the perimeter occupied by the solar panels

1. Permitting

a. Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit in R-1 R-3, R-5, C-1, C-2 and NC districts, subject to the requirements set forth in this section including site plan approval and provided that no large-scale solar energy system shall be permitted to operate within the Canandaigua Lake Watershed as shown on the Ontario County www.ontswcd.com Canandaigua Lake Watershed Inspection Map. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the CEO and referred with comments to the Zoning Board of Appeals for its review and action, which can include approval, approval with conditions, or denial.

b. Special Use Permit application requirements. In addition to the requirements set forth in §170-91 of this Chapter, the following information must be included with an application for a special use permit for large-scale solar energy system.

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1) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

2) Plans showing the layout of the solar energy system signed by a professional engineer or registered architect shall be required. A photograph of the site is also required.

3) Plans must demonstrate compliance with Chapter 148 (Steep Slopes) of the Code of the Town of South Bristol, and where required the issuance of a steep slopes permit.

4) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

5) All large-scale solar energy systems shall include a drainage and storm water management plan that is acceptable to the Zoning Board of Appeals.

c. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing, and trimming, safety concerns, and access. The Property Operation and Maintenance Plan shall include details about the proposed use or uses of the remaining property not used for the Large-Scale Solar Energy System, as well as ingress and egress to all portions of the property.

d. Decommissioning Plan. To ensure the proper removal of a Large-Scale Solar Energy System, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section.

1) In the event that the owner or lessee of any large-scale solar energy system ceases for a period of six (6) months to use or operate the said system or in the event the said system fails to generate electrical energy, as supported by metered use thereof, for a period of six (6) months, then in either event, such facility shall be dismantled and removed from the site and the site shall be restored to the condition the property was in prior to the installation of such system by the owner or lessee. If the owner or lessee does not voluntarily dismantle the facility and remove the same from the site upon the occurrence of either event, the CEO may recommend to the Town Board that the Town Board declare the system abandoned based on either or both events and the Town Board, upon receiving the recommendation of the CEO and holding a hearing on due notice to the property owner and operator of the facility, may declare the system abandoned and order the dismantling and removal of the system by the owner and/or operator or, after the passing of 30 days from the date the Town Board declares the facility abandoned, by Town staff or by a third party on contract with the Town. Failure to dismantle and remove a facility and restore the site to its natural state within thirty (30) days after said facility has been declared abandoned by the Town Board upon recommendation of the Code Enforcement Officer will result in forfeiture or the filing of a claim against the Letter of Credit, cash bond, or surety posted by said owner or lessee of said facility, as provided in section d. 4) herein. The town may also impose a lien on the property to cover removal costs, plus a service charge of 25% thereof to cover the cost of supervision and administration, to the Town and such amount shall be assessed against the property on which the facility was situate. The amount so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges. If a website has been established to monitor the activity of the array it shall be provided to the Code Enforcement Office to prove the ongoing operation of the facility. If there is no monitoring system, the CEO may demand proof of operation from the owner, and the owner shall provide the same within five (5) business days of receiving the demand.

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2) The plan shall demonstrate how the removal of all infrastructure both above and below ground and the remediation of soil and vegetation shall be conducted to return the parcel to the condition the property was in prior to the installation of the large-scale solar energy system.

3) The plan shall also include an expected timeline for execution.

4) A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer. Cost estimations shall take into account inflation. A Letter of Credit, bond, or surety shall be issued to the Town of South Bristol in that amount and shall remain in effect for as long as the large-scale energy system is in existence.

5) Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan.

6) If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the Town may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality, and collect such amounts in the same way as other Town taxes, in addition to any other remedies available to the town.

e. Construction Schedule. Applicants must submit a proposed schedule for the completion of the project, including the proposed start date and proposed date of substantial completion, the expected date of connection to the power grid, and the expected date on which operation of the photovoltaic system shall commence.

f. Special Use Permit Standards. No special use permit for a large-scale solar energy system shall be issued unless the Zoning Board of Appeals specifically finds that the proposed project is in compliance with each of the following:

1) Setbacks. Large-Scale Solar Energy Systems shall adhere to the setback requirements for of the underlying district.

2) Height. No part of the Large-Scale Solar Energy Systems shall exceed eight (8) feet in height when oriented at maximum tilt.

3) Lot Coverage. A Large-Scale Solar Energy System that is ground mounted shall not exceed 50% of the lot on which it is installed as measured by the perimeter occupied by the large-scale solar energy system.

4) All large-scale solar energy systems shall be enclosed by a berm and fencing ten (10) feet in height to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the property and of the solar energy system at locations acceptable to the Zoning Board of Appeals.

5) Large-scale solar energy systems shall be located on lots with a minimum size of one acre.

6) Regardless of the size of the lot on which a large-scale solar energy system is located, the large-scale solar energy system shall not occupy an area greater than eight (8) acres.

G. Transfer of Ownership

If there is a transfer of ownership of the solar energy system or its lease the new owners will comply with all original conditions as well as being responsible for bringing the solar array current with regulations in place at the time of sale or lease transfer.

Section 2. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or

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corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

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(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of 2017 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on November 13, 2017, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

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

3. (Final adoption by referendum.)

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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

Town Clerk

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

STATE OF NEW YORK
COUNTY OF ONTARIO

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

Attorney to the Town
Town of South Bristol

VII. NEW BUSINESS
LOCAL SOLID WASTE MANAGEMETN PLAN

Supr. Marshall noted that the County has a significant project underway in which we are attempting to reduce the solid waste going to the current landfill located in Flint. The reason for that is the landfill facility will close in 11 years and at the moment there is no alternative. The County is making an effort to come up with a plan to handle the solid waste of Ontario County. Every year, the company that handles the solid waste for the County, Casella Waste Management, sends a payment to the County for \$3-4 million and it was determined by the Ontario County Supervisors that we would use that money to create a plan to reduce that waste trail. As part of that plan, the County has recognized that the towns are at a point which this all begins; our transfer stations, etc. The County is offering to the Towns a financial incentive to do what we can at our level to reduce the solid waste stream. South Bristol has a transfer station and have recyclables as well as construction and demolition material along with bags of garbage. The intention is reduce the bagged garbage to the landfill. This would be a benefit to the town because we have to haul the garbage as well as a benefit to all of us as we can change that waste stream. The County has asked the Towns to come up with a plan to reduce the waste stream and at the moment there is \$14,230 available that can be used towards a project we create to reduce the waste stream. Most of the towns are setting up a composting program and the Town of Geneva has a program started for \$20.00 that includes a home composting system; a \$150 value. Other towns are setting up a composting system at their transfer stations that can be used for residents. There are a lot of different possibilities; what Geneva is offering as part of their package is a pail to collect compost and you can use that for your own compost pile or bring it to the transfer station. We are suggesting an educational campaign to make people aware of the seriousness of this issue that the County is trying to address and we want everybody to jump on

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board. Supr. Marshall is suggesting a survey that we would put together and begin the project similar to what the Town of Geneva is doing. That cost is \$750.00; we would be expanding our website and also planning 4 different marketing and educational campaigns. If there are others that have suggestions on how we can further pursue this; this is not a cost to the Town, we get reimbursed by the County and we are looking for ideas. Supr. Marshall noted that he would like to address this before the end of the year. The funds available can be rolled over into the next year. The funds are supposed to be used to reduce the waste stream so it cannot be used for improving the buildings or buying roll-off bins, etc. It is trying to reduce the waste stream. Supr. Marshall said he would like the Board's permission to get started with the website. Clerk Voss has posted on Facebook asking for input and received 40-50 responses so we are interested in hearing what you have to say.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, to move forward on the Solid Waste Reduction program was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

Supr. Marshall noted that he is required to sign a contract with the County indicating what we are going to be doing and how the money is going to be spent. Once we are underway that can be done.

Clerk Voss noted that there were a number of responses on Facebook for a swap shop similar to what the Town of Victor implements.

Supr. Marshall agreed. There are a lot of towns having E-Waste events and South Bristol all ready has that program. A lot of residents are interested in the composting.

APPOINTMENT COUNTY PUBLIC HEALTH OFFICER

Supr. Marshall said that another issue going on with the County is the effort for shared services. Not only at the County level but the Town to town level. We are doing such things as having highway departments work together, creating a joint transfer station facility, etc. One very small but significant for all 16 town, the County will now have one Public Health Officer. In the past, every town paid their own health officer which typically gets called out to determine if a home is uninhabitable for health reasons, etc. Our health officer has gone out twice in the last 10 years; rather than pay our physician the \$300 each year the service will be free from the County. There is a resolution electing Mary Beer, the Public Health Director for Ontario County, as our local Public Health Officer for the Town of South Bristol. The agreement will run January 1, 2018 through December 31, 2018.

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel, Resolution No. – 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

RESOLUTION #41 - 2017

APPOINTMENT OF MARY BEER, RN, MPH AS LOCAL HEALTH OFFICER FOR THE TOWN OF SOUTH BRISTOL

WHEREAS, in an effort to comply with the Shared Services Initiative, Ontario County and the Town of South Bristol have identified an opportunity to share and coordinate the services of Mary Beer, RN MPH, the Public Health Director of Ontario County, to act as the Local Health Officer for the Town of South Bristol; and

WHEREAS, the Town of South Bristol wishes to have appointed Mary Beer, RN MPH, the Ontario County Public Health Officer Director as the Town Local Health Officer; and

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WHEREAS, the Ontario County Public Health Director, Mary Beer, RN MPH agrees to act as the Local Health Officer for the Town of South Bristol, thereby eliminating the need for the Town to appoint and pay a local health officer; and

WHEREAS, Part BBB of Chapter 59 of the Laws of 2017 specifically authorizes cooperating municipalities to enter into shared services agreements; and

WHEREAS, the Parties wish to enter into a Shared Services Agreement providing for the appropriate service; now therefore, be it

RESOLVED, in consideration of the preceding, and pursuant to New York Public Health Law §320, it is mutually agreed upon between Ontario County and the Town of South Bristol, Mary Beer, RN MPH shall be appointed as the Local Health Officer; and be it further

RESOLVED, Mary Beer, RN MPH, in furtherance of this appointment, will investigate complaints of public health nuisances arising within the Town and when necessary to resolve said nuisances will present the facts and recommendations to the Town Board for their decision and enforcement action; and be it further

RESOLVED, the payment of any costs to abate a public health nuisance shall be a Town cost; and be it further

RESOLVED, the duration of appointment will begin January 1, 2018 and end on December 31, 2018.

VIII. REPORTS:

ASSESSOR

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the Assessor's Report for October 2017 was ACCEPTED. Voting AYE:4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

CEO

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, the CEO Report for October 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

TOWN CLERK

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the Town Clerk Report for October 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

IX. ACCOUNTING:

SUPERVISOR'S REPORT

Supr. Marshall noted that the October 2017 Supervisor's Report is delayed due to time constraints; everything has balanced with the bank.

BUDGET AMENDMENT

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, the Budget Amendment dated November 13, 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

Transfer From	A909	Fund Balance - Unreserved	
	DA5110.4	General Repairs – Contr	\$5,228.05

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DA5130.21	Machinery – Snow Plow	\$38,043.95
DA5130.4	Machinery – Contr	\$4,857.90
DA9060.8	Hosp & Med Ins	\$6,500.00

BUDGET TRANSFERS

On a motion made by Councilman Wohlschlegel and seconded by Councilman Wohlschlegel the Budget Transfer dated November 13, 2017 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

Transfer From	A1420.4	Attorney – Contra to	
	A1420.41	Attorney – Assessor Contr	\$1,570.00
	A1420.42	Attorney – BSD Corp	\$1,470.00
	A1620.4	Buildings – Contr	<u>\$1,108.56</u>
			\$4,148.56
	A5132.4	Garage Contr to	
	A8010.4	Zoning – Contr	\$219.31
	A8020.4	Planning – Contr	\$24.53
	A1440.4	Engineer – Everwilde	\$7,615.43
	A9060.8	Hosp & Med	<u>\$1,400.00</u>
			\$9,259.27

APPROVAL OF VOUCHERS

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, Abstract No. 11, Vouchers No. 502-542 totaling \$78,768.47 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel and Cowley.

X. 2nd PRIVILEGE OF THE FLOOR

Someone in the audience asked for an update on the Everwilde project.

Supr. Marshall noted that at the moment the FEIS, the Final Environmental Impact Statement, as you may remember, the comments of the first public hearing at the highway garage had over 500 pages of comments. The FEIS is a Town document; not the developer’s document, however the developer has been asked on multiple occasions to answer some of the questions that needed some technical answers from them and only they could provide. We have been doing a lot of back and forth on this. You may also remember that we also requested a Supplemental Environmental Impact Statement as a result of the purchase of Bristol Harbor and the sewer and water. All that information is being used in the FEIS and LaBella Associates is working on that as we speak. There is a rather sizable list of things that have to be addressed by the Town Board to decide whether or not we like the answer that we’ve gotten; whether we want more, etc. That is what is being worked on right now. The question that has come up is with the lengthy list of things that have to be addressed; should we start working on that now before it is totally complete or wait for the whole project to be done. Supr. Marshall said he is hoping that sometime in December we might be able to have some type of meeting finally coming up with the FEIS. That is where it stands. After that discussion, the issue then turns to zoning; as to whether or not the Town Board has enough information to decide whether or not it is the best interest to rezone the property. The zoning is now R-3 Residential and the request is for Planned Development.

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Someone in the audience announced that their home on Seneca Point Road has been placed on the National Registry of Historical Places.

Supr. Marshall asked if there was anything else to come before the Board. Clerk Voss noted that the Franchise Tax public hearing needs to be rescheduled.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley the Public Hearing for collecting Franchise Tax fees with Timewarner is scheduled for Monday December 11, 2017 at 7:00pm was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, and Wohlschlegel.

XI. ADJOURN: 8:15PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk