

SOUTH BRISTOL TOWN BOARD MEETING

May 14, 2018

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order May 14, 2018 at 7:00 pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

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

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Brian Perkins, Ann Jacobs, Dahl Schultz, Barbara Howard, Alan & Kristie Braun, Wade Sarkis, John Halleron, Marcia & Baird Couch, Mark & Donna Buckley, John Mcet 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 Cowley and seconded by Councilwoman Goodwin, the minutes of the Regular Town Board meeting April 8, 2018 were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

IV. PRIVILEGE OF THE FLOOR

John Halleran of 2 Andrews Way introduced himself to the Board and read from his statement. My wife, Lauren and I, live on Andrews Way in Bristol Harbor and see a lot of my fellow residents here and I am here as a concerned citizen with respect to the prospective development of Ever Wilde. I know that you have been hearing from a rising chorus of concerned Bristol Harbor residents regarding Everwilde; Laura Cook's problems with them relative to the Lodge, the golfcourse, the deteriorating quality of life in the community. Other concerns with Everwilde relative to traffic, environment and I know this forum is provided as an opportunity for taxpayers and residents like ourselves to have a voice and I appreciate that, but also know that emotional appeals are not ingredients that municipal decisions are made of, not if they are going to last. Municipal decisions based on zoning, environmental studies and laws governing property ownership. Of these, it seems to me that the ruling on the rezoning application is the greatest specific responsibility in your hands on this proposal. It is my understanding that the Cooks are using a multiple use application involving their propped spa and bakery as means of getting their application approved. Regardless of method, I hope that you have heard enough from my fellow residents to know that the Cooks are not doing business with this body in good faith. They have shown this at every turn in their dealings with Bristol Harbor community members. They do not see you or any of us as fellow citizens to get along with but

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rather as obstacles to get past. Deception and manipulation have been their stock in trade. They have also engaged in intimidation, bullying tactics and retribution in dealing with anyone that might stand up to or criticize them. The Cooks have made it clear that they intend to go over your heads to NYS and to the courts to get what they want. This is their right of course. My goal tonight is to talk to each of you on a personal level. This process will put you at a decision point on their rezoning application where my fellow residents and I ask you to deny the re-zoning application and that you do so for two critical reasons:

1. They have not dealt in good faith with this body or with the larger community. They are in a plan of manipulation of all involved in seeking the outcome they desire. They have not shown one occasion on which they have sought to fit into or get along with the larger community and have lied about their objectives at multiple junctures. They want to build a community of their own outside the character of what has been here for decades – one in their image of who should live in our community and how they should recreate. We are just people that they want something from. Deceit and manipulation are not character traits that are desired in our friendly, decent community. Certainly not from businesses that want to change the physical landscape.
2. I know that you will consider the gravity of the situation at this watershed in time that will be looked back on and re-evaluated for decades. Please make the voice of the community heard in your denial of their application. Let them appeal and sue but let them know that, in doing so, we know what they are up to, that we are not fools to be manipulated. The Cooks have made it clear that we are not their target clientele nor at their strata of society. Please, acting with reasonable and acceptable interpretation of zoning law, let them know that, as we are not a fit in their world, Everwilde is not a fit in ours. That, if they ultimately succeed in their pursuit, the community made its voice heard in an indelible vote that, forgive the redundancy, they can never change. And that we did this after giving them ample opportunity to be one of us.

Baird Couch of Bristol Harbor read from his notes: At the March 2018 Town Board meeting Cathy and Phil Colby gave presentations on the turnabout of support from the Bristol Harbour community towards the present owners and the Everwilde project. As their presentation was a community overview, I would like to give an individual point of view from my wife, Marcia and myself. After having a golf membership from about 2003, I was rejected for membership for 2018. When I was denied membership, we wondered what we had done to warrant that action. We went back to the beginning, which would be Everwilde. We were neutral as to whether it should or shouldn't be built. Forward to the Fall of 2016 when the members wanted to meet with the golf pro, in regards to golf tournaments. When we arrived at the meeting, the Cooks were present. Evidently, they thought we wanted to tell them how to run the golf course. From there it was downhill. Mrs. Cook went through her litany of how much money they had spent, that we didn't appreciate it and if they had done their homework, they wouldn't have bought Bristol Harbour! Also, that the Couples' golfers were cheap! (her exact words). At this meeting they also canceled the Member/Guest tournament because it didn't make money! Forward to the start of Wednesday night golf league, Spring 2017. The first two weeks we were told if we wanted food after golf we would have to order by 7:45 as the kitchen closed at 8pm. The 3rd week, Mike Stuber set up his "orange" food truck at Heron Hills. After golf that night a good percentage of the golfers were at Heron Hills patronizing the food truck and buying beer and wine from Heron Hills. The next day we heard that one of the Cooks' employees was at Heron Hills taking photos. This was later confirmed. On Thursday, the Couples golf was also supposed to go to Heron Hills but due to miscommunication that didn't

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happen. Because of that, a food truck employee was on the golf course, handing out fliers. Mike was not allowed to set up his food truck at Heron Hills after that week. Mike was also denied membership for 2018. The following Thursday morning, on the way to golf, I was stopped by Zack, the golf pro. He asked me if I knew who was handing out fliers last Thursday on the golf course. I said I did and he asked me who, to which I replied I wouldn't say. He asked why and I replied that I didn't want to get involved in the politics. Thursday evening after Couples' golf, Marcia approached the photo taker and asked if she had taken the photos. She replied she had not. Later, unknown to me, Mrs. Cook came and took Marcia outside, between the bar area and large reception room. She unleashed a tirade at Marcia. Marcia said she had never been spoken to in that manner. She was accused of "attacking" her employee and wanted to know who told about her employee taking photos. She asked this question several times and when Marcia replied she didn't know, Mrs. Cook called her a liar. When I was made aware by another golfer, I went out, but Mrs. Cook, for lack of a better word, continued her rant. She said she wasn't concerned about any "little orange food truck" and reiterated we were cheap. She ended her tirade by saying "she didn't want people like us as members" and would be sending us a refund of our membership. The check didn't arrive, but I didn't golf until League the following Wednesday. I resumed playing on a regular basis. As a result of our dustup and the support of fellow golfers, things changed. The Couples stopped eating at the Lodge after golf. We went to different homes, the community center and played and ate twice at Reservoir Creek. The DOGs, our daily golf group, didn't go into the bar for a beverage after golf. They had their annual banquet at Finger Lakes Race Track. As an aside, our social yacht club is having their welcome back brunch at Reservoir Creek this spring. The Cooks have taken a place of business that should be cultivating the Bristol Harbor community to one of being disliked by that community. I would suspect, because of their actions, support of Everwilde which was very high, is approaching zero in the Bristol Harbour community. Thank you.

Lisa Moore, of Seneca Point Road, and asked about the speed limit for Seneca Point Road. We live at the bottom of the hill and cars are just barreling down there even though it is 45mph; definitely going over 45mph. There are lots of people walking, dog walkers, school buses and feels really dangerous to me. The speed limit changes to 25mph a few feet from our house and wanted to bring that to people's attention if we could lower speed limit.

Supt. Wight noted that it is 40mph on Seneca Point and said to call the Sherriff's Department and request that the speed "box" be placed there.

Supr. Marshall noted that we will contact the State regarding the process.

Wade Sarkis of Blake Acres Drive, South Bristol and City of Canandaigua, read from his notes. I am here to give you some thoughts on the Everwilde FEIS workshops. I wanted to follow up on the issue of precedent and knows that Supr. Marshall feels strongly that there is no such thing as precedent in town zoning and does not exist, that each project is valued solely on its own merits, right?

Supr. Marshall agreed and said that was how he was educated.

Mr. Sarkis continued, a request for re-zoning or bringing a P.D. "down to earth" is judged strictly on the characteristics of the proposal itself and not any other projects past, present or future. Does that sound fair? I am going you to be consistent with that logic in your deliberations going forward at the workshops. Specifically, I am referring to the constant references by Everwilde to what they call the "approved 20-home subdivision." First of all,

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there is no approved subdivision on that land. There was a map redrawn and then a subsequent map refilled and drawn, conceived by the Town Assessor in the back room here, rubber stamped by the Code Enforcement Officer and kept quiet until the appeal date was passed. The Town Code is very clear. Subdivision approval would have to be granted by the Planning Board; never happened. There was never even an application for subdivision in the Town of South Bristol on the former Ketmar property. The re-draw was specifically designed to avoid the subdivision process. For that, we took Ketmar to court. I can be very sure of myself when I say there was no application for subdivision approval, nor was there an approval of any subdivision. In addition, Town Planning Board's own comments to the DEIS in October of 2015 show that the 20 homes as originally proposed cannot be built. There are not approvals and any variances granted for dock permits have long since expired. Jim Ely was very adamant and a bit animated during those meetings, it is all attached to the DEIS. What actually exists are 15 pre-existing non-conforming lots, less than 3 acres and 5 conforming lots. There are no approvals to built anything and in 10 years no a single lot was sold. There is no proposal to review for 20 homes. So I ask to you please remove any reference to an approved subdivision from the FEIS. Second, Everwilde is used the 20-home threat to convince many people that there plan is more environmentally sound. They presented lots of fancy computer graphics and showed the side of the hill completely clear-cut and white boxes set on the slope and they continue to bash the 20-home plan. Interestingly enough, or maybe ironically enough, it is Frank Sciramammano, their own engineer for Everwilde, was the original engineer for Ketmar who laid out the 20-home plan. Looking back at that old DEIS he talked about minimal tree removal and selective pruning for keyhole views for homes to see the lake. He also said that compared to a PD, the 20-home plan would be benign. Now, he is 180° reversal and finds that pretty flabbergasting.

Going back to the earlier thoughts, doesn't the Everwilde proposal have to be judged on its own merits? I would say "yes." Should it be compared to other proposals past or present, approved or unapproved? Probably not. So extending this logic and being consistent, you should strike any and all references to the 20-lots or homes from the FEIS and Everwilde should be judged on its own merits. It is time for the comparisons to an un-approved, un-applied for, non-compliant, former thought to end.

I also went through every single response of the DEIS, public comments and written comments and the SEIS. In the public comments for the public hearing, there were 21 in favor, 39 opposed and one neutral; 61 total comments. Of the 21 in favor, 9 of them said it was better than the 20 homes, 16 refer to economic benefits which SEQR does not consider. Of the 39 opposed, 38 mentioned specific issues in the DEIS. The written comments, 241 total, 29 were from agencies or Everwilde's team or duplicates so there was no real opinion. There were 101 opposed in the written comments; all them referred to specific items in the DEIS; there were 111 in favor with 57 of them mentioning that it would be better than the 20-homes and 28 of those commented that the clear cutting of the land as unacceptable. In the SEIS, 59 comments came and 6 of them were duplicates or agency; 28 agreed with the SEIS, saying there were concerns sighting the project at Bristol Harbor, 25 did not agree and had additional questions. Of the 28 in agreement, 24 were from Bristol Harbor and did not want to have Bristol Harbor interrupted; rightly so because where they showed the placement. It sounds like some sentiment is changing as far as how folks feel about Everwilde. I wanted to have that background and hope you will encourage the Everwilde team next week that comparing to the 20 homes is irrelevant. It's not in existence and never will be.

Supr. Marshall noted that the property is currently zoned R-3.

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Mr. Sarkis agreed and said that he read through next Tuesday's submission for review and they reference the 20-home comparison multiple times; approved subdivisions, etc.

Supr. Marshall noted that the Everwilde Workshop documents to review are typically 35 pages long.

V. COMMITTEE REPORTS: HIGHWAY

Supt. Wight reported that the crew is getting ready for summer work and will be working on Bopple Hill Road, Hawks Road and the top of Gannett Hill Road. We were going to work on Seneca Point Road but in light of the Sands project we will now be going across the top of Gannett Hill Road.

Supr. Marshall asked if Supt. Wight had heard anything from the MRB Group with regards to the highway building?

Supt. Wight said he has not heard anything.

Supr. Marshall said that Supt. Wight has informed the Board about the conditions of the old Wilder Barn on Route 64 which has serious problems. Supr. Marshall also informed everyone about the 8' x 8' Barn Quilt that is now on the north side of the Wilder Barn. Supr. Marshall said that thanks to Leah Friend for the Barn Quilt donation.

Supt. Wight noted that the barn needs a new roof and could do some temporary repairs and for next year put something in the budget; this is one of the oldest barns in the County so there might be grant money available through NYS Barns.

Supt. Wight said that the crew is working on potholes around town and has also worked out an agreement with the State to use the recycled millings located on Route 21 to use on Stid Hill Road next year.

Supt. Wight said he has not heard from the County regarding the mowing contract.

Councilman Strickland said that there was a request for tire collection.

Supt. Wight said we usually hold the tire collection in October.

VI. OLD BUSINESS:

VII. NEW BUSINESS TRANSFER STATION SURVEY

Supr. Marshall said that the Ontario County landfill will be closing in 2028 and the County is working on a Zero-Waste Initiative to reduce the amount of solid waste going to the landfill. With funds available through the County, the Town was able to complete a town survey of the use of the Transfer Station by town residents. The results of the survey basically showed that no one knew the landfill was closing in 2028 and that 85% of our residents are using the transfer station. The information from the survey indicates that more information needs to get to the residents; also the survey noted that most were concerned about getting rid of electronic waste which is very difficult to do, especially the older style televisions. The landfill does hold Hazardous Waste Collection events throughout the County and will have to get that information to Town residents as quickly as we can. One of the largest percentages of material that is going to the landfill is actually table scraps and we will encourage home composting and could make an area available for composting at the Transfer Station. The Town of Geneva has a program for composting and they sell the container to residents at a reduced cost. The important thing is to make the residents of the County much more aware of the fact and push harder to reduce the

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amount of solid material that is going to the landfill. We have to start working on it and it has to start here.

ESTABLISHING PERMIT FEE – PROPOSED TUNNEL ON SANDS PROJECT

Supr. Marshall said there is a proposal to build a tunnel underneath Seneca Point Road. This means that Seneca Point Road will be tied up, if this all goes forward, the contractor is suggesting 2 days, but realistically let's say 2 weeks. Our fee schedule for projects there is nothing for building tunnels under town roads. We have to tell the developer how much this permit fee will cost which is up to the Town Board. The other issue is we intend to make them wait until off-season, late October, November, so that minimizes the amount of traffic effected. Property owners on Seneca Point Road own out to the middle of the roadway, so essentially the property owner owns both sides of the road including under the road and the Town uses the road by right of use; per our Town Attorney.

Supt. Wight agreed.

Supr. Marshall noted that there are situations similar; for instance, Locust Hill Golf Country Club has 2 tunnels underneath that allow golfers to go underneath Jefferson Road. The State owns the land on that roadway and charges them "rent" on an annual basis. We cannot do that in this situation. The Permit Fee really should be related to the inconvenience that is going to be caused by closing the road for a time.

Supt. Wight said it also needs to have a cost of annual maintenance.

Supr. Marshall said that has all ready been worked out, we all ready have an agreement that has been put together for us by LaBella Engineering Firm and they are recommending that we require a \$50,000 escrow for engineering fees. The funds would be used during construction of the whole project. LaBella is also working on a bond to protect Hicks Road because of all of the construction traffic.

Supt. Wight said to attached a fee to the permit for the tunnel, 20 years from now; there will still be an annual inspection on the tunnel.

Supr. Marshall agreed and said we can make that part of the application as well.

Councilman Wohlschlegel asked if this tunnel will require a SEQR review?

Supr. Marshall said that SEQR does not apply to residential construction and is operating on the advice of the Town Attorney.

Supr. Marshall said he was hoping for an application fee for the tunnel permit.

Clerk Voss explained that the Town charges 0.10 per square foot for a new build and the tunnel fee based on this amount is \$330.00, the home is 12,000 square feet and the guest house is 4,000 square feet for a building permit fee of \$1,600.00 for a total of almost \$2,000.

Supr. Marshall noted that this is a \$20 million project and said he would speak to the County for assistance.

BRISTOL LIBRARY FUNDING REQUEST

Supr. Marshall said he received a request from the Bristol Library for funding which we budgeted for; but they are also asking for the 2017 amount which they never requested.

Councilwoman Goodwin said we didn't pay them last year?

Supr. Marshall said we did not pay them and they also didn't ask for it which is a requirement. We have budgeted for the 2018 contribution of \$1,500 and asked the Board if they want to include the 2017 amount as well or just pay this 2018 amount? Supr. Marshall said he is in favor of only paying the 2018 amount.

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Councilwoman Goodwin and Councilman Wohlschlegel agreed; only pay 2018.
Councilman Strickland and Councilman Cowley also agreed.

SURPLUS MATERIALS – HP COMPAQ COMPUTER

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley to remove the HP Compaq Computer to surplus was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

COPIER DISCUSSION

Clerk Voss requested to table this for more clarification.

OTHER BUSINESS

VIII. REPORTS:

ASSESSOR

On a motion made by Councilwoman Cowley and seconded by Councilman Wohlschlegel, the Assessor's Report for April 2018 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

CEO

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, the CEO Report for April 2018 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

TOWN CLERK

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, the Town Clerk's report for March 2018 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

IX. ACCOUNTING:

SUPERVISOR'S REPORT

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the April 2018 Supervisor's Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Supr. Marshall noted that the Sales Tax revenue was received for the first quarter for \$316,000 which is \$4,000 more than last year; a 4% increase. The Town relies heavily on the sales tax revenue.

BUDGET TRANSFER

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the Budget Transfers were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Transfer From	A1990.4 Contingent Acct to	
	A1430.406 Personnel – Software	\$38.00

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BUDGET AMENDMENT

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the Budget Amendment was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Supr. Marshall noted that the amendment covers a bill from the MRB Group who is working on the design on the proposed Highway facility which will be transferred out of the Highway Reserve will not affect the budget.

Transfer From	A909 Fund Balance – Unreserved	
	A1440.43 Engineer – Hwy	\$1,459.50

APPROVAL OF VOUCHERS

On a motion made by Councilman Wohlschlegel and seconded by Councilman Cowley, Abstract No. 5, Voucher No. 158-200 totaling \$59,493.44 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

X. 2nd PRIVILEGE OF THE FLOOR

Alan Braun of Harbour Lane thanked Wade Sarkis for his excellent presentation. Mr. Braun wished there was a way, a lot of us who filled out the Draft Environmental Impact Statement over 30 months have totally reserved and how do we communicate that to anybody? Legally or in writing?

Supr. Marshall said there will be another public hearing during the issue of zoning and expects a packed house.

XI. ADJOURN: 8:10PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk