

**SOUTH BRISTOL TOWN BOARD MEETING**

November 14, 2016

**REGULAR MEETING**

The regular meeting of the South Bristol Town Board as called to order November 14, 2016 at 7:06pm 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  
Scott Wohlschlegel, Councilman

**RECORDING SECRETARY**

Judy Voss, Town Clerk

**OTHERS**

Brooks Lyon, Brian Perkins, Bruce Hunt, Joe Kohler, Wade Sarkis, Dahl Schultz, Bob and Melanie Eisenberg, Mark and Donna Buckley, Kristie Braun, Ralph Endres

**I. ROLL CALL**

Supr. Marshall opened the meeting with roll call.

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley the October 11, 2016 Regular Town Board meeting minutes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**IV. PRIVILEGE OF THE FLOOR**

Wade Sarkis, President of the Canandaigua Lake Watershed Assoc. thanked Supr. Marshall for allowing him to use his privilege of the floor at the Board of Supervisors meeting to speak on behalf of the CLWA in support of the County Board of Supervisors Resolution to request additional funding from the State for Blue-Green Algae research. As you know the Blue-Green Algae is a big threat to our lake; we got lucky this year mostly because we didn't get the big storm events early in the year. Mr. Sarkis asked the Town if they would also pass a resolution to request additional funding for Blue-Green Algae research. Also, the CLWA will be hosting a Hemlock-Woolly Adelgid workshop at the Village Hall in the Village of Naples, 10:00am on Saturday, December 3<sup>rd</sup>. We are going to be looking at the bug that is affecting the hemlock trees in the gullies around the lake and will take a field walk into one of the local gullies to see if we can identify it. The Adelgid can be seen on the needles of the Hemlock tree and they spin a cocoon when it gets cold; they are little white aphids otherwise.

Mr. Sarkis said he asked the Town Board in March and in August about the expansion and remapping of the Bristol Harbor Sewer Corp. district and whether or not that was a SEQR event?

Supr. Marshall noted that we are discussing this tonight.

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Supr. Marshall noted that the resolution Mr. Sarkis was speaking about which requested the State for help; we are not alone on this Blue-Green Algae as it has been found in all the Finger Lakes as well as numerous ponds and lakes within the Adirondacks. A resolution will be drafted for the December Town Board meeting supporting the Board of Supervisor's resolution.

**V. COMMITTEE REPORTS:  
HIGHWAY**

Councilman Cowley read the highway report: installed 200' of under drain on Hicks Rd. in an area that continually gets potholes from water under the road. Finished wedging and shimming Seneca Point Rd., Bopple Hill and Hicks Rd. Chemung Supply came in and put up 215 feet of box guide rail down on Seneca Point. Rd. We are continuing to mow roadsides as long as the weather remains suitable. Picnic tables and benches have been picked up from the Overlook, and some of our summer equipment is being readied for winter storage. We also have power washed and painted the fuel storage tanks. New decals were then placed on the tanks. Highway Dept. is ready for snow.

**VI. OLD BUSINESS:  
RESOLUTION – AMENDING THE ZONING LAW  
OF THE TOWN OF SOUTH BRISTOL**

Supr. Marshall noted that the public hearing was held tonight and there is also a requirement to do the short-form SEQR and treating it as a Determination of Non-Significance.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland Resolution No. 33 – 2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**RESOLUTION NO. 33 – 2016  
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL,  
ONTARIO COUNTY, NEW YORK,  
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 3 OF 2016**

**WHEREAS**, the Town of South Bristol Town Board, hereinafter referred to as Town Board, has determined proposed Local Law No. 3 of 2016 to be an Unlisted 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 Short 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,

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- 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 14, 2016, 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>	_____
James Strickland	<u>x</u>	_____

Dated: \_\_\_\_\_, 2016

\_\_\_\_\_  
Judy Voss, Town Clerk

SEAL

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, Resolution #34-2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**RESOLUTION 34-2016**

**RESOLUTION AUTHORIZING ADOPTION OF LOCAL LAW NO. 3 OF 2016**

**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 14, 2016, 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 Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol" and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on November 9, 2016 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 14, 2016, 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. 2 of 2016, entitled "A Local Law Amending Chapter

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170 (Zoning) of the Code of the Town of South Bristol”, 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 14, 2016, 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>	_____
James Strickland	<u>x</u>	_____

Dated: November 14, 2016

\_\_\_\_\_  
Judy Voss, Town Clerk

SEAL  
LOCAL LAW FILING  
New York State Dept. of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-001

\_\_\_\_\_  
(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. 3 of the year 2016  
A local law "Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol"  
(Insert Title)

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

County  
City  
Town of South Bristol as follows:  
Village

Section 1. The Schedule of District Regulations (Attachment 1), included at the end of the Zoning Law of the Town of South Bristol and referred to in Section 170-14 A. thereof, is hereby amended as follows:

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The Maximum Lot Coverage for the (LR) Lake Residential Zoning District, the (R-1) 1-Acre Residential Zoning District and the (R-3) 3-Acre Residential Zoning District is hereby changed in each from "20%" to "20% \*\*".

At the bottom of the Schedule under "Notes", a new Note shall be inserted to read:

\*\* No lakefront lot or parcel bisected by a public or private road shall exceed 40% lot coverage on the lakeside portion of the lot or parcel, and shall not exceed the 20% allowable lot coverage for the entire lot or parcel.

Section 2. Subsection (3) of Paragraph A. of Section 170-94 (Site Plan Review) of the Zoning Law of the Town of South Bristol is hereby deleted and a new Subsection (3) is inserted in its place to read as follows:

(3) All uses on lots adjoining Canandaigua Lake in the R-3 District and all uses on every lot in the I-1, LC, LR and PD Districts, including uses not requiring a zoning/building permit.

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such 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 thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 3 of 2016 of the Town of South Bristol was duly passed by the South Bristol Town Board on November 14, 2016, 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 Officer<sup>1</sup>.)

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.

<sup>1</sup> 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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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 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.

Clerk of the Town

(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

Date: \_\_\_\_\_

**BHSC RE-MAPPING PROJECT UPDATE**

Supr. Marshall said to answer the question for Mr. Sarkis, yes, there will be a SEQR process for the re-mapping project. The re-mapping project, we have determined through the

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Town’s consultants that there will have to be some sort of rate increase. The rate increase will have different levels including the commercial aspects of the development. We could start this process right now; the issue is that Public Hearings need to be held and half of Bristol Harbor goes to Florida for the winter. Rather than try to pass something with the residents gone, we think it is in our best interest to put this off until late spring when the majority of Bristol Harbor residents return. We can’t approve a map until we get this rate situation resolved. Supr. Marshall noted that the suggestion for a rate increase is not coming from the owners of BHSC; it is coming from our consultants who believe to keep the sewer corp. whole they need to do something about changing their rate schedule.

Supr. Marshall noted that a letter was received from Mengel, Metzger & Barr basically making the suggestion that the Town Board wait until spring and also that the BHSC needs to come up with a 5-year capital expenditure plan. The expenditure plan would include itemized system upgrades, projected cost of the upgrade, the projected funding sources for the cost of these upgrades. They want to come up with a reasonable financial plan so that they can plan for capital improvements. They make a point that Mengel, Metzger & Barr has observed the Town’s records and found that no rate increase has been requested by BHSC since 1987; by contrast, the consumer price index has raised 110% over that time. They are *“recommending that the BHSC prepare a monthly operating budget for 2017 and 2018; considering current and future operating changes. As part of the projected operating budget, we understand that the Sewer Corp. may propose a one-time or multi-year rate increase as part of this operating budget. Once received by the Town, Mengel, Metzger and Barr reserves the right to review any proposed rate increase, should the Town require it.”*

**EVERWILDE – SEIS UPDATE**

Supr. Marshall reported that last week LaBella received the Everwilde SEIS from the project sponsor and LaBella has done an initial review. Their reaction at this stage is that the SEIS is not too far off from being an acceptable document. There are some issues they have with regards to the capabilities of the sewer facility and those questions are being sent back to the project sponsor for review. We will then be provided with the complete package and suspects that Kathy Spencer of LaBella will be attending the December Town Board meeting.

Wade Sarkis asked if the FEIS has been submitted? Supr. Marshall noted that the FEIS was never accepted because we needed the SEIS first.

Brian Perkins asked if there will be a Public Hearing associated with the SEIS? Supr. Marshall said there would be a public comment period; whether we hold a public hearing is up to the Town Board. The SEIS is only addressing two issues; the capability of the sewer plant to handle the project and also the fact that there is a viable alternative location that needs to be reviewed.

**VII. NEW BUSINESS  
ITEMS OF SURPLUS**

Supr. Marshall said the Board has a list of items found to be out of date or broken and need to be removed from the Town asset list. Supr. Marshall noted that the list includes, No. 1-5, items of furniture he is not inclined to call surplus. Items 6-22 are items not used anymore or outdated.

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On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel, Items 6-22 on the Items for Surplus were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**RESOLUTION – TO APPROVE THE 2017 BUDGET**

Supr. Marshall said the Town Board held a Public Hearing tonight regarding the proposed 2017 Town Budget.

On a motion made by and seconded by, the 2017 South Bristol Budget was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

(insert budget)

**VIII. REPORTS:**

**ASSESSOR**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland the Assessor's Report for October 2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**CEO**

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the CEO Report for October 2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**TOWN CLERK**

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland the Town Clerk's Report for October 2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

Clerk Voss noted that the Board has a resolution in front of them regarding NYS Retirement which the State has requested. The resolution is to determine Standard Work Day for the retirement system.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Resolution No. 35-2016 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

**RESOLUTION NO. 35-2016**

**STANDARD WORK DAY REPORTING RESOLUTION**

(insert resolution)

**IX. ACCOUNTING:**

**SUPERVISOR'S REPORT**

Supr. Marshall said that the Supervisor's Report is missing the coversheet and the Board will approve it next month. 32.24

**BUDGET TRANSFERS**

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



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Transfer From	A1430.4	Town Clerk Contr -	
	A1330.4	Tax Coll – Contr	\$1,000.00
	A1650.41	Central Comm System/IT to	
	A1650.4	Central Comm Systems – Contr	\$930.00
	A1990.4	Contingent Acct. to	
	A9010.8	State Retirement	\$4,722.54
	A1990.4	Contingent Acct. to	
	A75420.4	Historical Prop – Contr.	\$30.00
	A8020.441	Planning – Conf/Train to	
	A8020.4	Planning – Contra	\$54.36
	A8010.441	Planning Conf/Train to	
	A8010.4	Zoning – Contr	\$24.77
	DA5142.4	Snow Removal – Contr to	
	DA5110.4	General Repairs	\$79,435.08
	DA9010.4	State Retirement to	
	DA5130.4	Machinery – Contr	\$4,042.00

**APPROVAL OF VOUCHERS**

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, Abstract No. 11, Vouchers No. 516-573 totaling \$249,247.62 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

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

Bruce Hunt of Bristol Harbor said he was curious about the Mengel, Metzger & Barr letter which talks about the \$360,000 that was held by the previous owners, is there any recourse or can the town really move forward with that sewer rate increase with that amount of money that is on loan?

Supr. Marshall said he was going by the advice of the forensic accountant told us, and they attempted to try and get some type of response from the previous owners regarding that money that you refer to with no response.

Mr. Hunt noted that it is up to them to pursue? Supr. Marshall agreed.

Joe Kohler thanks Supr. Marshall and the Board for their consideration of the residents at Bristol Harbor. The BHVA residents return around Memorial Day and suggested having the public hearing for the sewer district map after the holiday.

Mr. Kohler asked if the accountant can give an exact number for the loan to others that they mention and asked if Supr. Marshall could ask council what remedy the town might have to return the \$360,000.00. The \$360,000 was paid by the residents at Bristol Harbor and can

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understand if it is loaned to the owners of the company and why some maintenance didn't get done. But how can people pay money to a corporation, take it from the customers and not take care of the place; having set up a capital reserve fund. How can you even consider any kind of rate increase until you look into the amount of money, who got it, when did they get it, where did it go? Mr. Koehler said he thanked the Board for finally getting something.

Ralph Endres of Bristol Harbor said he just read the accountant's letter and is afraid if we wait until spring for the rate increase we may losing the statute of limitations on grand larceny because he is ready to go to the District Attorney and the State Police. They will take all the records from the accountants and search through them to find what they need. What we have here is a theft because the report says that there has been dereliction in that the sewer company needs repairs and they are going to the same people that put that money there to get more money to repair. It is not right. In the next week or two, will schedule a meeting with the District Attorney's Office and the NYS Police and we are going to see what we can do.

Melanie Eisenberg of Bristol Harbor said the Cook's have purchased an asset a huge lien can be placed on it.

Supr. Marshall said he did not know how to answer that and you may have to take this on as a homeowner's association.

### **XI. ADJOURN: 7:47PM**

Respectfully submitted:

Judy Voss  
South Bristol Town Clerk