

SOUTH BRISTOL TOWN BOARD MEETING

October 9, 2018

**REGULAR MEETING**

The regular meeting of the South Bristol Town Board was called to order October 9, 2018 at 7:00pm 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**

Jim Wight, Brian Perkins, Alan & Kristie Braun, Fred Sarkis & Joe Kohler, Dick McGrath

**I. ROLL CALL**

Supr. Marshall opened the meeting with roll call.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the meeting for November Town Board will be held on Tuesday, November 13<sup>th</sup>, 2018 at 7:00pm was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the minutes of the Regular Town Board meeting September 10, 2018 were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

**IV. PRIVILEGE OF THE FLOOR**

Fred Sarkis read from his notes:

To our Town Board Members:

Fifty-four years ago, I was the sole financial investor of Bristol Mountain. And today, I look back on the contributions the mountain has made to our town and beyond and I thank all General Managers, including Joe Kohler for their services. And a huge thanks to Dan Fuller for the dramatic updates and improvements, and of note, the recent and exciting news. "Bristol Mountain sees new aerial training facility as boost to tourism." Also forty-seven years ago, the Town did not have a zoning ordinance, primarily because lake residents did not want one. What did it take to make Bristol Harbour Village a reality? For the Record, attached is a summary of attempts to stop Bristol Harbour Village in spite of Governmental approvals taken from my book Prisoner of the Truck. We thought we were home free when we received the Health Departments approval for the sewer treatment plant. However, 49 years ago, actual headlines

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thereafter read: June 18, 1969 – “Canandaigua Lake Association Fight Sewage Plan Plan” The Canandaigua Lake Association retained a lawyer-conservationist who found fault with the plans. June 20, 1969- “Petition Asks Project Denial.” The petition reportedly bearing 5,300 signatures has been sent to Governor Rockefeller requesting that he and “all other public officials responsible for health and purity of our water,’ deny permission for construction of Bristol Harbour Village near Seneca Point on Canandaigua Lake.” This release was sent to the Daily Messenger by the same lady of the “group”, as vice president of Canandaigua Lake. July 25, 1969- “Controversial Sewer Plant OK’d. Bids are due August 5, 1969. September 30, 1969- “Seneca Point Suit is Filed” An immediate neighbor takes us to court with the argument that our beach front was an illegal landfill. October 18, 1969- “Bristol Dropping Stock Offering.” However, first building of 14 units is under construction. October 24, 1969-“Injunction Sought to Block Bristol Harbour Project.” An attempt to prevent the discharge of water for the sewerage treatment plant that had not yet been constructed. March 6, 1970- “Lake Mooring Hearing Delayed.” Opponents found a technical error in the application for a 128 slip marina. April 17, 1970-“Bristol Harbour Condominium of 14 units 35% complete. April 30, 1970- “Attorney General gives 56 units OK for Bristol Harbour.” May 21, 1970-“Start of Dock Hearing for 128 slips.” May 26, 1970-“End of five day dock hearing.” August 6, 1970-“Sarkis Says Apartment Work Halted.” Due to tough money market. October 6, 1970-“Suit started over Apartments.” Pertaining to the injunction to prevent the docking facility. October 7, 1970- “Seneca Point Landfill alleged in Supreme Court.” Brought before the State Supreme Court. October 16, 1970-“Suit on Lake Project Opens.” Pertaining to the charge of an illegal landfill at the beach area. November 13, 1970-“Bristol Harbour Sewer Loan Try Supported.” Ontario County supported a plan to obtain federal funding to build the treatment plant. November 15, 1970- “Dock Plan Opponents Ask Decision Delay.” Another attempt by opponents to delay final approval of the docks. December 28, 1970-“Sarkis Project is Resuming.” Sarkis announces a loan in excess of \$2 million from General Mortgage Investments in Maryland. December 30, 1970 – “Sarkis Winner is Civil Suit.” Neighbor’s lawsuit on regarding landfill of beach area loses. January 1, 1971-“Controversial Piers Nearer.” The State Department of Environmental Conservation gives “notice of intent” to approve docks subject to clearance by another governmental agency. April 14, 1971-“Annulment Sought for Dock Site.” The Canandaigua Lake Pure Waters Association instituted action in Supreme Court seeks to annul permits granted for the docks. September 29, 1971-“Condominium at Bristol to be Occupied by November 1.” Sarkis announces successful sales effort. October 31, 1971-“Suit to bar 100 foot dock lost by Canandaigua Lake Group.” Dismissed by the State Supreme Court. At age 92, as my dear wife and I plan a move to the Highlands in Pittsford, and as it relates to jobs, taxes, the Mountain, the Robert Trent Golf Course, the 365 Village Homes, the marina I look back with a sense of pride in the team work involved. This includes the Town where approvals were granted. I have been significantly involved in both our water and sewer cost issues. At our Town Hall, the documentation that myself, Ted Russell and others gave to the PSC resulted in fair play. Briefly states, at last the shareholders of the water corporation were compelled to pay their fair share. And now, our Village is seeking fair play from our Town Officials. And what is unfair? Let me quote from Town Resolution #21-2006. Under 2- “Existing Unit Owners will be assessed an additional \$23.50 per month in addition to their current charge, which will be placed in a separate escrow account. Note: These funds were not placed in a separate escrow account. Under 3-“The Commercial users, the Lodge and Hotel will be assessed 7.75 units (hotel) and 5 units (Lodge). Note: The addition to the Lodge got a free ride from the date of its construction.

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Professional engineering reports to the Town regarding fair share of payments by the Developer were unfairly ignored. My litigation, supported by many Villagers, lost because of the Statute of Limitations. However, the recent 64% increase and missing complete financial statements for 2015, 2016 and 2017 opened the door for a new litigation in pursuit of fair play. Under 4 – “New Units will be assessed a one-time \$2,500 tap-in fee. The tap-in fee will be applied to the principal of the term loan. The new unit will also, they pay the new monthly charge.” Note: I would guess there have been close to 100 units added since 2016. Where is this \$250,000? Did it go into “Due from Related Parties? What would the three years of complete and missing financial statements reveal? What is the role of our Town Government in all of the above? Under 5- “Once a year, the Bristol Sewerage Disposal Corporation will provide a general accounting of all funds to the Town Board and the Bristol Harbour Village Association, Inc.” Note: How could this be any clearer? Where are 2015, 2016, and 2017 Income Statements, Balance Sheets and Bank Reconciliation Fees – all required without question. Under 6-“Upon termination of the loan the \$2,500 in fees will be directed to the capital reserve fund.” Note: It wasn’t. With four years of accounting in my background, in pursuit of fair play, and in light of recent developments, what action will our Town take with the past and new shareholders of the Sewer Corporation pertaining to the above issues? May I have a response tonight?

Supr. Marshall said that the rate increase that had been established last year is now again under review. It is under review because the owners of the Bristol Sewerage Disposal Corporation, as far as the Town is concerned, have failed to provide the information that they agreed to supply as part of the terms of the rate increase. They have not provided that information, therefore we are re-opening the rate increase. If they aren’t putting money aside for capital reserve account and not paying down the debt apparently they don’t need that money. We will be looking at what the new rate or what should be done to change the current rate to something that is realistic from the fact that they are not providing the money that needs to go the capital reserve as it was required and to pay down the debt as was required. Because they haven’t provided the information we can only assume that they haven’t done it. That is why we are reopening the rate increase request. The change in rate in the Transportation Corporation Law requires the Town to give them a 90-day notice. We gave them 90-days notice in September, so at the December Town Board meeting we will reopen the rate request. Prior to the rate increase that was previously provided back in September 2017, we did not have the information that you apparently have gotten from the PSC relative to water. We would be very interested in seeing that decision and comparing that because that would probably have a bearing on it.

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

Councilman Cowley read the Highway Report: We have been busing with grader patching South Hill and Ross Road (Stid Hill is on the list). Roadside mowing continues. I will have 3 bids for a new roof on the Wilder Barn to present at Tuesdays Board meeting. Overlook was cleaned up prior to Grape Festival weekend. The old Wilder Cemetery got a clean up and you can now see all of the old headstones. I have pricing for a pickup truck which can be purchased through VanBortel Ford, piggy-backing on an Onondaga County contract. The above will require a resolution passed by the Town Board, which I will have drafted prior to the meeting. Getting ready for winter.

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Supr. Marshall noted that the Board will be approving the Snow Plowing Contract with Ontario County covering the Naples County Roads; County Roads 21, 12 and 33. The Town of Canadice plows County Road 36 for the Town of Naples.

Supr. Marshall noted that Supt. Wight did supply the Board with a quote from VanBortel Ford under the State contract for a new pickup truck.

Supt. Wight noted that this is pretty common now; the Town of Naples uses the piggyback and has all of their trucks on a 2-year rotation. It saves you from having to go out and solicit bids from 3 sources. The resolution for the Town Board is from Onondaga County which we can doctor for the Town of South Bristol.

Supr. Marshall noted that he has heard comments of why do we need so many pickup trucks? In discussing this with Supt. Wight, we will be selling or sending to auction one truck, the 2009 truck which has a lot mileage and wear and tear. We will keep one of the older trucks, as a back up and also hauling fuel and be used for getting parts. The amount on the VanBortel sheet is \$42,785.90 for a Ford 350. The budget line DA5130.210 for machinery and has a balance of \$89,000.00. Supr. Marshall noted that there were additional savings for 2018 purchase; the 10 wheeler and

Supt. Wight noted that the 10-wheeler was \$20,612.00 under budget and our Loader replacement on the 2-year program came under budget for \$2,415.00. The whole idea is to get the vehicles on a 2-year rotation, which keeps the vehicles under warranty. The Town of Naples has been practicing this 2-year rotation which is a cost savings. After the 7-year mark on our vehicles, there is no warranty and the vehicle becomes a liability.

Councilman Wohlschlegel asked about leasing vehicles if they are on a 2-year rotation.

Supr. Marshall said this is not a normal vehicle; we use this as a snow plow, and will be worked over. A lease situation is questionable.

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Resolution No. -2018 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

**RESOLUTION NO. 34-2018**

**BID AWARD FOR ONE 2019 (or newer) FORD F-350XL CREWCAB, 4-WHEEL DRIVE PICKUP WITH A 9' WESTERN PRO PLUS PLOW AND TOMMY LIFT CAGE**

WHEREAS, the Town Board has budgeted monies in the 2018 Town Budget for the upgrade and replacement of the Highway Departments' existing 2009 Ford F-250 pickup truck, and

WHEREAS, NYS Legislature passed a new "Piggybacking" law on August 1, 2012, which was subsequently signed into law by Governor Andrew Cuomo as of August 1, 2012, which authorizes municipalities and districts thereof to contract for goods and services jointly with the State or other municipalities, and

WHEREAS, a new subdivision 16 has been added to General Municipal Law (GML) SS 103 to authorize political subdivisions to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation of, maintenance of repair of those items, through the use of contracts let by the Unites States or any agency thereof, any state or any other political subdivision therein, and

WHEREAS, the Onondaga County Department of Public Facilities has all ready advertised for the submission of competitive bids, which was clearly advertized in the newspapers, specifying that the bids would be open on September 5, 2017, and

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WHEREAS, Onondaga County Department of Public Facilities has all ready prepared a “Notice of Award” dated September 17, 2017 listing all responsible low bidders, and

WHEREAS, the Onondaga County Department of Public Facilities “Notice of Award” dated September 17, 2017 clearly indicates that the award is open to all other political subdivisions and districts located wholly or partly within New York State, so they may make material purchases from this bid within the same Terms and Conditions, with vendor concurrence; and

WHEREAS, Van Bortel Ford is the lowest responsible bidder for a new 2019 Ford F-350 XL Crew Cab, 4-wheel drive pickup truck with a 6.5 foot bed, outfitted with a 9’ Western Pro Plus plow and a Tommy lift-gate priced at \$42,785.60

NOW, THEREFORE, be it resolved that the Town of South Bristol shall place an order for one unused 2019 Ford F-350 XL Crew Cab, 4-wheel drive pickup truck from Van Bortel Ford per the bid price of \$42,785.60, FOB South Bristol Highway Department, South Bristol, New York, and it is further

RESOLVED that the Town Highway Superintendent shall execute the necessary paperwork and take such other steps as are necessary to complete the purchase of the pickup truck, the subject of this resolution.

**VI. OLD BUSINESS:  
COMPREHENSIVE PLAN**

Supr. Marshall noted that the Ontario County Planning Board meeting is tomorrow night and the South Bristol Comprehensive Plan is on the agenda and the Town Board can approve the plan at the November meeting.

**VII. NEW BUSINESS  
SNOW CONTRACT FOR COUNTY ROADS IN TOWN/NAPLES**

Supr. Marshall said the contract for plowing the Naples Roads needs Board approval. The rate for next year is \$5,700 per linear mile. We will be paid for travel time to and from the Town Barns to County Road 21 (Italy Valley Road).

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

**KEITH ENGLISH PAY ADJUSTMENT**

Supr. Marshall noted that Mr. English’s payroll has not included the 2% increase as it was budgeted. The Board needs to approve the shortfall of \$146.00.

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

**2019 TENTATIVE BUDGET – APPROVAL & SCHEDULE PUBLIC HEARING**

Supr. Marshall noted the Tentative Budget is ready for approval; there have been a number of issues to be aware of. Discussions have been going on regarding salaries; union negotiations have not started and the shop steward at the Highway Dept. just had surgery. Supr. Marshall noted that the budget includes a 2% salary increase.

Councilwoman Goodwin requested an Executive Session to discuss this.

**REQUEST FOR SPEED REDUCTION – COUNTY ROAD 12**

Supr. Marshall noted that a request was received for a speed reduction on County Road 12 to 45 mph. A request will be made to the NYDSOT and the process will begin.

**RESOLUTION NO. 35-2018 STANDARD WORK DAY - JIM WIGHT**

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, Resolution No. 35– 2018 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

(Insert resolution)

**WILDER BARN – ROOF QUOTES**

Supt. Wight said he received 3 estimates for a new roof on the Wilder Barn; Hibbs Contracting, Alan Pearce and Sugarcreek Construction. Alan Pearce, Revival Properties is the lowest bidder. The high bid is \$24,960.00 and the low bid is \$20,500.00.

Supr. Marshall noted that the funds will have to be found in the budget.

On a motion made by Councilman Cowley and seconded by Councilman Strickland the quote received from Alan Pearce, Revival Properties for \$20,500.00 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

**VIII. REPORTS:**

**CEO**

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

**ASSESSOR**

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

**TOWN CLERK**

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

**IX. ACCOUNTING:**

**SUPERVISOR'S REPORT**

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

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**BUDGET AMENDMENT**

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin the Budget Amendment dated October 9, 2018 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

Transfer From	A917 Unassigned Fund Balance		
	A1440.4 Engineer – Highway		\$9,243.50
	A917 Unassigned Fund Balance		
	A1440.44 Engineer – Sands Project		\$4,591.10
	A917 Unassigned Fund Balance		
	A1440.4 Engineer – Contr (Everwilde)		\$5,283.50

The amendment for Building repair & Sands Project are offset by escrow accounts.

**BUDGET TRANSFERS**

On a motion made by Councilman Cowley and seconded by Councilman Strickland the Budget Transfer dated October 9, 2018 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Cowley and Wohlschlegel.

Transfer From	A1620.4	Bldg - Contr to	
	A1670.4	Central Mailing & Printing	\$295.59
Transfer From	A1620.4	Bldg – Contr to	
	A1420.42	Atty – BSD Corp Ext and Rate	\$50.73
Transfer From	A1620.4	Bldgs – Cont to	
	A1990.4	Contingent Acct	\$1,285.00
Transfer From	A1620.4	Bldgs – Contr to	
	A8160.4	Refuse & Garbage	\$1,308.11
Transfer From	A1110.441	Town Justice – Conf & Training to	
	A1110.11	Town Justice – Court Clerk	\$900.00

**APPROVAL OF VOUCHERS**

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel, Abstract No. 10, Voucher No. 378-419 totaling \$35,760.57 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

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

Joe Kohler, of Bristol Harbour, has a 16 page document he was going to read into the record, and with regards to Mr. Sarkis’ comments, I’d the Clerk to note that I am giving an original signed copy and to receive this as a historical document for the Town. For the record, it is a privilege to be standing up here, literally and I’d like it to be noted that Mr. Sarkis of history of the building of Bristol Harbour, Bristol Mountain and the Bristol Sewer and Water Corp. that a late-great noble statesman and you all know who I’m talking about, help build and run those plants for you Fred. I’d like it to be noted Frances Bills was recognized Clerk Voss under my

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privilege please. I note in the room about 82% of the people here are rate payers of the Bristol Sewer Corp. Anticipating your question Mr. Supervisor and from the last meeting when we offered to bring the rate decision of the Public Service Commission here to this group tonight. I think I asked if everyone would read it and I think they said that they did. Clerk's minutes would probably reflect all that. This was an extensive hearing; you were in the other room Dan and that day the room was packed.

Supr. Marshall noted that he was in the room too.

Mr. Kohler agreed and thanked him for correcting that. Other than the council for the sewer corp. and the owners of the sewer corp, it was unanimous in opposition of that water rate increase. Because you know they were asking for 116%. I was fairly impressed by the Public Service Commission, the administrative law judge, Honorable James Costello, staff from 5 offices, Buffalo, Binghamton, Rochester, Syracuse and Albany were here. I was on every call; so was Fred. We had numerous conference calls with the PSC. With all that being said, I started to highlight the decision in the rate case for the water corp. Out of respect for this Town Board, Clerk Voss, and you Mr. Supervisor, I am not handing out my highlighted one, but I am handing every one of you your own individual copy, Clerk Voss, duly noted. With that I thank you.

### **EXECUTIVE SESSION**

On a motion made by Councilman Goodwin and seconded by Councilman Wohlschlegel, the Board moved into Executive Session to discuss a matter of personnel was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

The Board moved into Executive Session at 8:15pm

The Board came out of Executive Session at 8:45pm. No action taken.

### **XI. ADJOURN: 8:45PM**

Respectfully submitted:

Judy Voss

South Bristol Town Clerk