

SOUTH BRISTOL TOWN BOARD MEETING

December 10, 2018

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order December 10, 2018 at 7:02pm 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

Todd & Laura Cook, Ashley Champion, Rob Brenner, Paul Lamphier, Fred Sarkis, Bruce Hunt, Dan Locto, Jeff Clark, Joe Kohler, Bob Eisenberg, David & Gail Hewson, Henry Savage, Nancy Bills, Gail Boland, Martha Meister, Dick McGrath, Baird & Marcia Couch, Dahl Schultz, Gina Russell, Brooks Lyon, Alan & Kristie Braun, 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 Councilman Cowley, the minutes of the Regular Town Board meeting October 9, 2018 were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

IV. PRIVILEGE OF THE FLOOR

Jeff Clark, attorney for the Bristol Harbor Village Association, and thanked to the piece that was given to us to review and doesn't look like there is much to say. Let me just express a couple of brief comments. First of all, at first blush, the proposal that is identified at the bottom of document (BSDC Rate Review) appears to be reasonable. The issues I would point out to the Board in #1, there is an expense as identified as the money the town spent to review the initial rate review at it is proposed that that amount of money come out of the capital reserve account. The capital reserve account is a presumably a defined term that has a specific purpose and presumably the Town will refer to that purpose in determining whether or not those costs are properly allocated to the capital reserve. With respect to proposal #2, we would support that completely. Lastly with respect to the financial statements, there is some discussion at the beginning of this paper as to what would be included in those financial statements; I would just refer the Board to its resolution passed on September 11, 2017 in which the annual consolidated financial reports were left to include all the revenues the corporation collected, all the expenses and the debt service

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the corporation paid, the remaining debt owed to the corporation and all amounts set aside by the corporation, separate capital reserve account. So it is more than just debt and the capital reserve, it is also the operating costs, etc.

To our Town Board - December 10 2018

This coming Wednesday, my dear wife Helen and I are moving to the Highlands in Pittsford. Nevertheless, I intend to remain active in the affairs of the Village that I love and founded. Allow me to share the following from my book Prisoner of the Truck published in 2003 – 15 years ago. "A Summary of Attempts to stop Bristol Harbour Village In spite of Governmental Approvals We thought we were home free when we received the Health Departments approval for the Sewage Treatment Plant. However, actual headlines thereafter read: June 18, 1969-"Canandaigua Lake Association Fight Sewage Plant Plan. The Canandaigua Lake Association retained a lawyer-conservationist who found fault with the plans. June 20, 1969- "Petition Asks Project Denial." "A 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", this vice president of Canandaigua Lake Association. 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 frontage 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- "LakeMooringHearingDelayed" 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 Unit OK for Bristol Harbour." May 21, 1970- "StartofDockHearingfor 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 land.fill 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 in Civil Suit"- Neighbor's lawsuit on regarding landfill of beach arealoses. 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 seeking to annul the permits granted for the docks. September 29, 1971 - "Condominium at Bristol to be Occupied by November I. "Sarkis announces successful sales effort. October 31, 1971 - "Suite to bar JOO foot dock lost by Canandaigua Lake Group. Dismissed by the State

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Supreme Court. " The Infamous One Week Dock Hearing in May of 1970 Mr.Dineen presided I was hopeful that Mr. Dineen represented the people of the State of NY who own the lake rather than the landowners who live around it. Many residents who own property bordering the Canandaigua Lake, resent the State operated marinas on the north and south of the lake. When the first day of the hearing commenced, I was outnumbered 110 to 3. The opposition included almost every major law firm in Rochester as well as many citizens from Seneca Point and the surrounding area. I was accompanied by two lawyers retained for the purpose of seeking approval. Any law firm or resident who gave proper and timely notice could cross-examine any witness. The dock was one of the final attempts to block the Bristol plans. Without the docks, the planned Bristol Harbour Village development would be crippled. The "group", knowing I was in deep financial trouble, was united and well organized to put a final bullet in the heart of our plan. No docks in the Bristol Harbour Plan would cripple the sales of condominiums or homes. This would lead to our financial failure. Our opponents knew that we were blackballed by every local bank. They knew that I was exhausting my personal funds. They knew our public offering failed. Their goal was to bankrupt the plan. We did our homework. On a mid-summer Saturday, in anticipation of the dock hearing, my brother Joe and I rented a boat on Canandaigua Lake. We counted every dock and mooring on the lake. We determined that by the addition of 128 slips for one-half mile of frontage, the average number of boats slips and moors per hundred feet for Bristol Harbour was less than the average number of slips and moorings on the lake per hundred feet. We gave this information to our attorneys. On two of the hottest days in the preceding summer, I had aerial photographs taken of the lake. The photos proved that the north shore was very active with boating activity, the south shore was not as active and the middle of the lake was very inactive. These were also provided to our attorneys. Experts who testified at this included a Lymnologist, an expert on plant and animal life in fresh waters, the dock installers, representatives from the State of New York responsible for the evaluation of boating activity on lakes under the jurisdiction of NY State and others whom I cannot recall. The hearing lasted for five full days. Attorneys for Seneca Point residents and residents who applied in a timely manner, were allowed to cross examine any witness. One young man from Seneca Point, who was not an attorney, walked back and forth with his hands behind his back like the lawyer in a TV weekly series. He was questioning the installer of the docks. He asked if he was familiar with the testimony given by previous witnesses. The installer replied, "No. " He then said, "Now sir, in your testimony you have stated that there would be aluminum members used to support the 128 docking system, is that correct?" "Yes", was the response. Would you tell the Hearing Officer and this room of people how many of these aluminum members would be installed to support the docking facility?" The installer said, "565". The young man swung around to the 100 people in the chamber and with his back turned to the witness and to the Hearing Officer, and with a voice that sounded like he had caught a criminal in the act, he said, "Five hundred and sixty-five aluminum members to be installed in Canandaigua Lake. " With his hands still behind his back, he turned quickly to the witness and said, "Now tell me sir, what harm will this do to the fish life in Canandaigua Lake?" The response was, "I am sure that when we are installing these supporting members, the fish will move." The entire chamber friend and foe alike for the first time in five days, were in unison with their laughter. When I took the stand, I was asked by an attorney who lived on Seneca Point, "Mr.Sarkis, you do plan a hotel at BHV?" "Yes". "You do have dances for kids who are supposed to be 18 and over at Bristol Mountain in the off season." "Yes". "Will

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you rent hotel rooms to these young people when the dances are concluded." My attorney to the Hearing Officer, "Sir, this is not relevant to the application/or docks". Hearing officer, "Agreed". Other questions for me. "Do you have the funds to install 128 slips." Answer, "No". Why do you take the time of all of us if you do not have the funding/or such docks?" Answer, "One can only seek investment capital or a loan when one has the approvals in hand "During the hearing, I poked our lawyers on a few occasions and said, "Aren't you guys going to say anything?" The response was "Why say anything when their questions are winning for us. " Each day was reported in the newspaper. As the hearing reached an end, a major headline stated that a State Official responsible for monitoring the waters of New York State, supported the application for the docks on the basis that the middle of the lake where the docks were to be built was uncrowded even on the hottest of summer days; that all boats at Bristol Harbour, like other marinas, do not go out at the same time; that there would be no adverse impact on safety; that the people who did not have property on the lake and who used the state launching sites at the north and south of the lake, would find refuge in a storm or emergency in the middle of this 17 mile lake where the Bristol Harbour marina would be located. I thought, "God Bless the State of New York for allowing citizens, other than lakefront property owners to have access to Canandaigua, the Gem of the Finger Lakes. " At the break in the last day of the hearing, exhausted from a full week of hearings and the expected legal costs involved, I rushed to the phone to see how my alternate plan for a search for capital outside of Rochester was doing? My contact reminded me of my visit to the officers of the Florida bank who worked with a firm in Cleveland, Ohio. He said, "Your \$20,000 good faith deposit is in the safe hands of the lenders in Cleveland who are supplying the \$2 million in funds to the Florida bank for a loan to Bristol Harbour with all your assets including the ski area as collateral. You have the letter of intent. The closing should be soon. " The hearing officer heard everyone who had asked in advance to be heard He called an end to the hearing. The delays in final approval are outlined above. In spite of the combined wealth and influence of those who participated on Seneca Point; in spite of the local banks that found us out of favor because of board members and customers who owned lakeside homes on Canandaigua Lake; in spite of all of this united and powerful opposition to break my piggy bank, this former dark skinned, skinny, bow-legged, pigeon-toed, knocked-kneed boy Prisoner of the Truck who believed and fought for democracy around the world, discovered that the democratic process works, if you are persistent enough to make it work. Although it took months and thousands of dollars for professionals and attorneys, we won the right to install 128 slips. The day cifter the hearing closed, an opponent to our application called the Editor of the Democrat and Chronicle to complain that the reporter, Marge Van /seghem, who covered the daily news of this five-day hearing was my cousin and was therefore biased in her reporting. The opponents considered factual reporting as bias. I would be proud to call Marge Van Jseghem my cousin". Bottom line - I intend to remain active in the interest of our Village. At the start of Bristol Harbour, in a Town which had no zoning, the Town was happy with the contributions Bristol Mountain was making to jobs and recreation for children and adults. Since 1971, Bristol Harbour has made major contributions to Town Taxes without any responsibility for the Town to be responsible for our roads and trash removal. Our Villagers depend on the Town for insuring/air play for our sewer costs. Much has been recorded and said about missing Sewer Corp financial statements, a 2006 one-page Town Board Resolution calling/or complete financials and the Town's failure to legally enforce the Resolution's requirement calling for a

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\$2,500 hook up for each new Unit of Ownership which now totals of \$300,000. Bottom line -At the start of Bristol Harbour, in a Town which then had no zoning, the Town was happy with the contributions Bristol Mountain was making to jobs and recreation for children and adults. In the future, in our Village, it is my hope that the Town would consider the total taxes our Villagers pay to the town; consider the issue of fair play on Sewer Costs (such as the management fees for the Sewer Corp when written records show that the management is drawing no salaries, the failure of the Sewer Corp to pay their fair share for their Commercial Usage, and how the Town would charge our Villagers if they owned the combined Sewer-Water plants? Or if our Villagers owned these combined plants? Thank you for allowing me this time for this privilege of the floor. Fred Sarkis

Joe Kohler of Bristol Harbor thanked the Board. I would hope that this Town Board will look into the continually referred to missing \$300,000 of hookup fees. We've had the elusive financials of the prior corporation the prior sewer corporation and I would again suggest that there be complete, audited, independent, 3rd party, financial statements, balance sheet, cash flow, tax returns, bank reconciliation. Anything less than that is inadequate for you in the opinion of others to reach a reasonable and fair decision on this case.

V. COMMITTEE REPORTS: HIGHWAY

Councilman Cowley read the Highway report: Business as usual this time of year at the Highway Dept. We just ordered in another 500 ton of salt. We are busy trimming trees. Alan Pearce has contacted me and is ready to start the barn roof (roadside). I would like to get permission from the Board at the Town Board meeting to order our new 10 wheel dump. I would like to get it ordered before the New Year, because there is going to be a widely publicized jump in steel prices. That will affect the plow equipment pricing. I have all my pricing lined up, as it is purchased thru "piggy backing" on County contract pricing.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the Board agreed to allow the Highway Supt. to begin the process of purchasing a 10-wheel dump truck under the Ontario County Purchase contract not to exceed 2019 budgeted amount was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

VI. OLD BUSINESS: A. COMPREHENSIVE PLAN

Supr. Marshall noted that we have been discussing the new Comprehensive Plan and reporting tonight that there is nothing to report. The language that was being discussed has been turned over to the Ontario County Planning Board for their review.

VII. NEW BUSINESS A. BRISTOL SEWERAGE DISPOSAL CORP. RATE DISCUSSION

Supr. Marshall said he provided copies of a timeline for everyone to see as to how we were proceeding on this. Does anyone here this evening have any questions as to what was written. Mr. Clark has all ready commented on it and would be willing to listen to any other comments. As you know we did not get the financial statements that we had hoped for and we

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had to have some discussion with the sewer corporation with regard to that. It probably reaches the point where we aren't going to see financial statements for 2017; which would have been the last 3 months of last year. That was what we were looking for; we did not get it and a little disappointed that we did not get it until we finally received a package from them we deemed unacceptable. What we wanted to see was the information pertaining to a capital reserve account and the information paying down the debt. While we have not received a financial statement as requested, we have received documentation from 5 Star Bank giving us the dollar amounts that are both in the capital reserve account and the amount that has been paid down on the debt. The debt was originally \$92,000.00 and it is now \$66,431.91. Mr. Clark's comment about the capital reserve being used for what it was intended for; the resolution wasn't probably properly stated as to what it should be for. Obviously a capital reserve account, at least in my world, is about equipment, an asset of some type, etc. and that would typically be the case here. We do show documentation how much money has been put into the account and how much money had to be taken out of it. The Operator of the sewer plant is here, something was damaged.

Paul Lamphier agreed, wind damage which damaged a RVC cover which failed and collapsed into the media and took out a whole section RVC trays.

Supr. Marshall said it looks like the cost of the repair of that was insurance with a \$5,000 deductible.

Rob Brenner, with the law firm Nixon Peabody counsel to the Sewer Corp. Mr. Brenner wanted to respond to a few of the remarks in the memo that was handed out. We are here this evening under Section 121 of the Transportation Corporation Law which requires as you all know the sewer corp and the Town to agree on rates that are fair, adequate, reasonable. Under the Transportation Corporations Law, one party can't unilaterally change the rate, there needs to be mutual agreement. So the requirement in your resolution for financial statements; our position on it in talking to Attorney Graff was that we thought it was an unlawful condition but rather than quibble on that in the effort collaboration we've attempted to provide that information regarding the capital reserve account as you call it in your resolution and also the debt repayment. With respect to the debt repayment on reserve account you will see based on the Five Star balances that were provided everything is in sync. \$10,566.00 per quarter was to go to the reserve account and \$6,986.00 per quarter was to go to debt repayment. If you look at those balances that money has been there since the rate was instituted. There's the delta between the line of credit balance based on interest expenditure but if you look at the beginning balance and the existing balance it is dollar for dollar plus interest to the way it needed to be funded. Our concern on behalf of the rate payers on the Operation Team for the Corporation is that to the extent that we continue to provide financial information that's not contemplated under the Transportation Corporations Law there is an expense to do so. Transportation Corporations Law has a process laid out in which rates are to be established. We think the Town going beyond that while we applaud you for diligence based on what the community has asked you to do we think creates an additional expense and burden for both the Corporation and the Town. We are as alluded to in the memorandum proposing as an accommodation to provide a financial statement prepared by an accountant for the 2018 year. It hasn't been prepared to date as I shared with the Supervisor and the Attorney because there is a several thousand dollar expense associated with it that was not budgeted for. Our intent in providing the Five Star balance was to provide you all the proof that you had asked for in your resolution regarding balances of those accounts. But avoid the unbudgeted expenditure to the Corporation to the rate payers for audited financials. There was no requirement in the resolution itself for audited financials; there was a requirement

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for financial information which we provided about five months ago and was deemed to be inadequate and I certainly understand the Town's position on why you thought the information was inadequate but our effort in providing Five Star balances was to try to address your concern. So I just wanted to provide that additional color in detail.

Councilwoman Goodwin said she is not really sure how we can determine if the rates are fair and equitable if we don't have the whole financial picture. We cannot do that.

Mr. Brenner said with all due respect Board members, Councilwoman Goodwin, the decision was made in September 2017 when the Corporation the Town agreed the rate was fair adequate reasonable and the Town had hired a consultant at that time, Mengel, Metzger & Barr to fully vet and review the rate and there were actually modifications made to the rate based on that process. So providing you back filling financial information on the back end we don't think is relevant to modifying the rate. There is no need to modify the rate the tax returns that were filed last year indicated the sewer corporation in 2017 continues to operate at a loss. The rate that was imposed in Q42017 (4th quarter, 2017) and now is rolled out in 2018 has started to get the sewer corporation back on track and you will see that the financial health of the sewer corporation is becoming increasingly better. It is still somewhat dire but as time goes on it's better. So providing that additional information on the back end isn't necessarily contemplated or required under the Transportation Corporations Law and I think there is a bit of a disconnect between the Town's process and what's under the NY Transportation Corporations Law.

Supr. Marshall said back in September 2017 when we brought that resolution forward I recall both you and the owners of the Bristol Sewer Corporation nodding their heads in agreement that they would do what we were requesting.

Councilwoman Goodwin said everybody was in agreement on this.

Mr. Brenner said I was at the same spot I'm in right now when that condition was being discussed and I had some discomfort and if you reviewed the transcript I had some questions about the nature of the information and how far reaching it would be and broad it would be. My response back to the Town Board in connection with that condition we would provide you balances for the reserve account and a balance on the line of credit, which we've done.

Councilwoman Goodwin said it is still not fulfilling what we need; we asked for revenues, we want to see expenses, we want to see the cash flow; there's a lot we don't know.

Mr. Brenner said understood, but that is not contemplated by the Transportation Corporations Law.

Councilwoman Goodwin said it was passed in the resolution and we all agreed on it and we have not received it plain and simple.

Mr. Brenner noted that an unlawful condition was placed in the resolution. An unlawful condition could be placed in a resolution; we're trying to provide this information as an accommodation. We think it creates a hardship for the Corporation and its rate payers as well as the Town to pay for this additional information that is not required under the Transportation Corporations Law. The Transportation Corporation Law is very clear on what the role of the Town and the corporation is in setting the rate; it's an agreed upon rate that is fair, adequate and reasonable. We provided financial information as we went through that process. The TCL does not contemplate a narrative due process while the rate effect to have that rate contingent, audited by a Town. It is not provided for.

Councilwoman Goodwin said that the document we received was a word document that any figures could have typed in that document.

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Mr. Brenner understood, but with all due respect, we've provided you balances from Five Star Bank demonstrating that the information is accurate. Those are signed to you by the Branch Manager where the accounts are held.

Councilman Strickland said yes you recently did that, but we had specifics at that meeting when we passed this and everybody agreed to those specifics and that is all we are asking for.

Mr. Brenner thinks we have provided that, it is the reserve account balance and it is the line of credit; those are the 2 statements we provided from Five Star Bank.

Supr. Marshall said we have heard your opinion on this and I am certainly going to refer to my attorney's with regard to what you are considering potentially an illegal statement in our resolution of 2017. I am not sure I agree with you so am certainly going to find out from our attorney; the legality of what is considered legal or not. Considering the resolution was written by our Town Attorney I would say he certainly thinks it is legal request.

Supr. Marshall noted that clearly that the Board members are not happy with the information that was not received. We have received information from the operators of the Sewer Corp. that a financial statement for 2018 will be brought forward by April 1, 2019. A question was raised in the back of the room about audited financial statements. The resolution wasn't written that way, perhaps was an error but it was not written that way and can hardly ask for it. In the meantime, the purpose of opening the rate discussion was because what we considered to be inadequate information from the Sewer Corp. whether or not this Board feels now that we have at least gotten the information for the reserves and debt pay down. Also, we have learned since that time of the Public Service Commission decision with regards to water which is not an issue the Town is ever involved with. However, think about the argument of water in and sewer out then there is a possibility that we should be looking at the decision of the PSC and see if that would correlate somehow how rates are charged for the sewer corporation. The PSC has indicated in their findings, the commercial aspects of Bristol Harbor were utilizing more water than single family homes, there's actually a deduction in the rate paid by condominium owners. We will not be coming to any decision or conclusion this evening with regards to rates but it does have a few things that have opened up with regards in particular the PSC ruling that we need to take a look at.

Councilman Strickland agreed.

Councilman Wohlschlegel said when you look at the NYS Transportation Corporations Law, we are digging in to the law for financials that really isn't under our jurisdiction so to speak. I just heard, "Where did the money go?" within the sewer district previous owners and it is not our job to dig into that type of thing and we said that a year ago. It just gets convoluted and crazy. A gentleman stood up here and said where that money went to and it was a straightened out. It seems we go round and round about that and am actually tired of hearing it because I heard the answer; we do not to debate that anymore. I would be interested in what the PSC decided.

Supr. Marshall agreed and that was the information provided to this Town Board. The Board has been using Local Law #5-2008 with regards to the number of units and still think that is effective but there is a possibility based on the PSC is pointing out that perhaps there should be a different rate for commercial. To explain how this process works, we are required to give the Sewer Corp. 90 days which we did and the 90 days is tonight. Now, we have 90 days to render a decision; we either a decision within the 90 days or if we chose to do nothing in that 90 days, nothing changes. I am happy to report that the monies owed to the Town by the sewer corp. has

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been paid and thanked them for that. They have suggested that they would pay their legal charges that they have incurred through dividends; at least that was discussed. There was the possibility that the charges they incurred during an Article 78 proceeding could theoretically been brought back for an additional increase in the rate or one time charge for the rate. The purveyors of the system are their revenue source. Hopefully that is not going to happen. I would ask for a motion to move this forward to allow time to review and get a perspective on the PSC ruling and if it applies or could apply and fair reasonable and adequate method to use.

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

B. EXTENSION AGREEMENT – LOCAL SOLID WASTE MANAGEMENT PLAN

Supr. Marshall noted that Ontario County provided each municipality with a sum of money that could be used to help develop a solid waste management plan. The idea being that the Town would come up with methods in which we could reduce the waste stream headed to Ontario County landfill. Ontario County landfill is scheduled to close in 2028 and while it seems far away we are starting to plan now. We received an incentive to develop methodologies to reduce our waste stream such as composting. The Town was allotted \$14,000.00 and the county wanting to continue this project moving forward has agreed to 6 months to the contract.

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

C. CANANDAIGUA EMERGENCY SQUAD REQUEST FOR CON

Supr. Marshall said that the Canandaigua Emergency Squad has requested a Certificate of Need from South Bristol which is a document that the ambulance corp has to file with NYS and enable them to legally provide service in our town. This is at the request of the Bristol Fire Department. Supr. Marshall spoke with Canandaigua Emergency Squad and was told the NYSDOH does not like drawing lines on a map anymore; they want it for the whole town. The Naples Ambulance Corp is in favor of this and can back them up.

Councilman Wohlschlegel asked if there is any money involved? Richmond Fire Dept. just submitted their 2019 request with a substantial increase.

Supr. Marshall agreed, they have to hire a full time EMT and this is not what that is about. No cost to the Town of South Bristol.

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

D. SCHEDULE YEAR-END MEETING AND ORGANIZATIONAL MEETING

Supr. Marshall noted that Bookkeeper Dunn has requested a Year-end meeting to close the 2018 books which the Board needs to schedule; December 29, 2018 at 9:00am.

Supr. Marshall also noted that the Organizational meeting needs to be scheduled and suggested January 7, 2019 for both the Organizational Meeting and the regular Town Board meeting.

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On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the Year-end meeting scheduled for December 29, 2018 at 9:00am and the Organizational Meeting for January 7, 2019 at 7:00pm was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

E. RICK EMMONS – VACATION REQUEST

Supr. Marshall noted that Rick Emmons has been out for 7 weeks on disability last fall for surgery and he has 80 hours of vacation time left in 2018 and is requesting the buy-out for it.

On a motion made by Councilman Cowley to approve Rick Emmons request and seconded by Councilman Strickland was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

**VIII. REPORTS:
ASSESSOR**

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

CEO

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

IX. ACCOUNTING:

BUDGET TRANSFERS

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley the Budget Transfer dated December 10, 2018 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Strickland, Cowley and Wohlschlegel.

Transfer From	A1990.4	Contingent Acct to	
	A1670.4	Central Mailing & Printing	\$21.64
Transfer From	A1990.4	Contingent Acct to	
	A1450.41	Central Com Sys – Contr IT	\$1975.48
Transfer From	A1990.4	Contingent Acct to	
	A1650.4	Central Com Sys – Contr	\$299.96
Transfer From	A1990.4	Contingent Acct to	
	A8160.4	Refuse & Garbage – Contr	\$1,541.11
Transfer From	A1990.4	Contingent Acct to	
	A8010.4	Zoning – Contr	\$5.99

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Transfer From	A1990.4 A8010.41	Contingent Acct to Planning – Board	\$335.46
Transfer From	A1990.4 A8010.41	Contingent Acct to Zoning – Board of Appeals	\$232.32
Transfer From	A1990.4 A9060.8	Contingent Acct to Hospital & Med Ins	\$1,187.48
Transfer From	A1990.4 A8810.4	Contingent Acct to Cemeteries - Contr	\$880.45
Transfer From	A1410.4 A1410.11	Town Clerk – Contr to Town Clerk – Deputy per se	\$550.00
Transfer From	A8010.11 A8010.1	Zoning – Per Se to Zoning – Code Enforcement	\$2,500.00
Transfer From	A8010.11 A9030.8	Zoning – Per Se to Social Security	\$1,500.00
Transfer From	DA5010.4 DA9060.8	General Repairs to Hospital & Medical Ins.	\$4,500.00

APPROVAL OF VOUCHERS

On a motion made by Councilman Strickland and seconded by Councilman Wohlschlegel, Abstract No. 12, Voucher No. 473-472 totaling \$83,507.36 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Strickland and Wohlschlegel.

SUPERVISOR’S REPORT

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

Supr. Marshall asked if anyone in the audience wanted 2nd Privilege of the Floor.

Alan Braun asked if Bristol Mountain had applied for their fireworks permit?

Joe Kohler thanked the Board for considering the PSC Report and wanted to clarify that regarding the hookup fees, yes, you are partially correct. The previous corporation, they were missing financials and the missing money that Mengel, Metzger & Barr couldn’t find but it is our understanding of course absent any financials that there are also hookup fees missing from the current sewer corporation and wanted to clarify that point and thank you again of your discussion.

X. ADJOURN: 8:20PM

Respectfully submitted:

SOUTH BRISTOL TOWN BOARD MEETING
December 10, 2018

Judy Voss
South Bristol Town Clerk

DRAFT