

SOUTH BRISTOL TOWN BOARD MEETING

June 10, 2019

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order June 10, 2019 at 7:00 pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

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

ABSENT

Scott Wohlschlegel, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Valerie Knobloch, Brian Perkins, Brooks Lyon, Alan & Kristie Braun, Cathy Colby, Mark & Donna Buckley, Virginia Latke, Baird Couch, John York, Joe Kohler, Bessie Tyrrell, Ted & Gina Russel, 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 Cowley and seconded by Councilman Strickland the minutes of the May Town Board meeting minutes were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

IV. PRIVILEGE OF THE FLOOR

V. COMMITTEE REPORTS:

A. HIGHWAY

Councilman Cowley read the Highway report. Following is a brief description of activities at the Highway Dept. in the last month:

- Roadside mowing
- Drainage on Stid Hill (road and ditches)
- Mowing on all Town properties
- Large elliptical culvert replaced at the Bottom of Stid Hill.
- Steep hill on Rt. 64 side of Stid Hill milled in preparation for paving.
- Large tree removed down on Seneca Pt. Rd.
- More stone hauled in for our Stid Hill paving project.
- Culvert washout repaired over on the North end of Gulick Rd.
- New guys are working out well at both the Highway Dept. and the Transfer Station.

B. BUILDINGS & GROUNDS – PROPOSED NEW HIGHWAY GARAGE

Supr. Marshall reported that 2 weeks ago, the Town Board met in a Special Session for the sole purpose of reviewing the MRB Group proposal for the cost of building the new Highway facility. The new building will replace the 54-year-old building that is totally inadequate and in poor shape. The cost to have the spec drawings finalized and ready to send out for bid is \$87,000.00. Monies for that will come from the reserve that is in place specifically for this project and costs.

VII. NEW BUSINESS

B. FLVC REQUEST TO INSTALL VIEWERS AT THE OVERLOOK

Supr. Marshall said that they were going to jump ahead on the agenda to New Business and asked Valerie Knobloch to discuss a proposal for the Overlook.

Valerie Knobloch of the Finger Lakes Visiting Center spoke: Last month when the Board held their May meeting, the tourism office was having its Legacy Awards that evening. As you know in March, we lost a friend and you lost a very dear resident in John Brahm. Mr. Brahm had been on the Board of Tourism Bureau for 25 years and we wanted to make sure that we did something special for him. Working with the Brahm family and John French on different ideas and during those conversations I was reminded of how much John Brahm loved the Overlook on County Road 12. John had a briefcase for each of his different projects and the Brahm family gave me the Fingerlakes Visitors Connection briefcase and found a file called “Overlook” which further reinforced what we wanted to do there. What we decided was a Viewer for the Overlook and began to do some research to look into that. We found the High-Spy dual viewer which provided the ADA Handicap accessible. We would like to place that viewer there at our expense in buying the viewer and hopefully a little bit of help from your Highway Dept. to install. I wanted to come tonight to share the vision and to seek permission to move forward on the project and get the viewer installed within the next couple of months.

Discussion.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, the motion to approve the installation of a Viewer by the Fingerlakes Visitors Connection was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

B. 2018 ANNUAL CHECKLIST OF JUSTICE COURT RECORDS

Supr. Marshall said the Board is required, once a year by the Uniform Justice Court Act to have our Justice’s books audited. The books were audited by EFPR Group which is basically a checklist to go through; not a full audit. This is acceptable for the State of New York and costs the Town \$900.00. It has to be done and the audit found that the paperwork was in order and they could see no issues for the Board to be concerned with and it has been mailed onto the State as required.

VI. OLD BUSINESS:

A. RESOLUTION – RESCINDING RESOLUTION #39-2019 – MOVING \$300,000

Supr. Marshall said last month the Board approved a resolution proposing to move \$300,000.00 out of our Unexpended Fund Balance to the Capital Reserve for the Highway Garage. These funds have not been transferred yet, and we have been advised by our CPA that we would be better off creating a Special Reserve called “Debt Reserve” that would be set up to enable us to pay down any bond that we incur. The benefit of doing that is if somewhere down the road we have an emergency, major flood, etc., money in that type of reserve could be pulled if it had to be. The CPA suggested rescinding Resolution No. 39-2019 and the \$300,000.00 will remain in the Unexpended Fund Balance until such time we are able to create the new reserve.

On a motion made Councilman Strickland and seconded by Councilwoman Goodwin, Resolution 40-2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

RESOLUTION NO. 40-2019

WHEREAS, Resolution No 39-2019 was made to move \$300,000 from the Unexpended Fund Balance to the Highway Garage Reserve Fund, and

WHEREAS, the money has not been moved by the Town Bookkeeper, and

WHEREAS, the money might better be served in a Debt Reserve to pay for future bonding for the Highway Garage, now therefore be it

RESOLVED, the Resolution No. 39-2019 be rescinded and the \$300,000 remain in the Unexpended Fund Balance until a Debt Reserve is created.

B. RESOLUTION – INTENT TO COMPLETE FINAL EIS WITHOUT FURTHER DELAY – EVERWILDE

Supr. Marshall said that Everwilde celebrated its 5th anniversary on May 14th of this year. There was a need then to do a Supplemental EIS after the original draft; we did that which added time to the subject. We finally got to a point where the Town Board could then start the process of creating the Final EIS; that document is our responsibility because we are the Lead Agency. Our consultants at LaBella Associates took the 282 comments and put them into specific groups; there are 23 groups of similar comments. From January through November last year, we held a number of workshops where each workshop we addressed various groups of comments. Finally, at the October workshop we reach a point where the only thing left was whether or not the current Bristol Sewerage Disposal Corp. was adequate enough to support any additional projects; in particular something as large as what was proposed for Everwilde. From November, until this week, we have been waiting to hear some answers; nothing came of it. The Developer and the DEC had a meeting in February, and they have basically asked the Developer to come back with additional information and have been going back and forth. At this stage, there hasn't been any reasonable decision on how the sewer facility can be improved or repaired in such a way to make it more viable for the project. The Resolution states the history of the project and the steps that have been taken up to this point; and the fact that from November of 2018 til today, the project has stalled and it is time to move on. This resolution gives the Developer 45 days to come to a conclusion. If they are not able to come to a conclusion in 45 days, the Town Board moves on and we finish the FEIS on the basis of whatever information is available at that point and time. The 45 days ends on July 25th and at the August Town Board meeting, we will be able to start acting on this in some form or another. The resolution was written by the attorney for LaBella

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Assoc. and has also been reviewed by our Town Attorney who labeled it spot-on and perfect for what we are trying to attempt.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, Resolution No. 41-2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

Supr. Marshall said that he did get in touch with Councilman Wohlschlegel and he is also in full agreement.

**RESOLUTION 41-2019
EVERWILDE INN & SPA SEQR
INTENT TO COMPLETE A FINAL EIS WITHOUT
FURTHER DELAY**

WHEREAS, approval from the Town Board of the Town of South Bristol (the "Town Board") to designate a 45.7 acre site on Seneca Point Road as a PD Planned Development District pursuant to Section 170-20 of the Town of South Bristol Zoning Law and to otherwise review and then potentially approve development of the proposed Everwilde Inn & Spa facility (the "Everwilde Project") on that site was first requested by the Project Sponsor in May of 2014 and later updated and supplemented in August and December of 2014; and,

WHEREAS, the Town Board having then been established as the Lead Agency responsible under the State Environmental Quality Review Act ("SEQRA") for completion of a coordinated State Environmental Quality Review ("SEQR") of the Everwilde Project made a SEQR determination of significance on June 8, 2015 requiring preparation of a draft Environmental Impact Statement ("draft EIS") describing the project; and,

WHEREAS, the environmental review has, in general, subsequently progressed as follows:

- On September 9, 2015, the Town Board accepted a draft EIS prepared by the Project Sponsor and also established a public comment period ending on October 19, 2015, during which comment period approximately 242 comments were received including many that were lengthy and/or addressed multiple topics;
- Early in 2016 the Town Board was notified of the Project Sponsor's acquisition (or the acquisition by an affiliate) of the neighboring Bristol Harbour Resort and related revisions to their proposed development plan;
- Subsequent to the foregoing notification, the Town Board required preparation of a supplemental EIS primarily as a consequence of the Project Sponsor's control over the Bristol Harbour facility, its role as a potential alternative site, and related changes to the proposed development plan;
- On December 12, 2016 the Town Board accepted the required supplemental EIS prepared by the Project Sponsor and established a comment period ending on January 31, 2017, during which period an additional 58 comments were received;
- In April and May of 2017 as well as again in October of 2017, the Project Sponsor provided their suggested responses to many of the comments received relative to both the initial draft and supplemental EISs for the Town Board's use in preparing a final EIS; and,
- Throughout 2018, the Town Board met in a series of public workshop meetings to review and consider responses to comments suggested by the Project Sponsor as well as related suggestions and content provided by the Town's consultants, the last such meeting taking place in October of 2018, and a following meeting tentatively

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scheduled for November of 2018 having been postponed for reasons described below; and,

WHEREAS, among the 242 comments submitted in response to the initial draft EIS were a number questioning the advisability of and potential impacts from the Project Sponsor's plan to rely on an on-site (i.e., "septic") system for the disposal of sanitary wastes given the steepness of the site, the proximity to Canandaigua Lake, the composition of waste streams that might be generated by such a facility, and other concerns; and,

WHEREAS, among the changes proposed by the Project Sponsor following the close of the initial draft EIS comment period was their intent to forego their initial plan to rely on an on-site system for the disposal of sanitary waste and to connect instead to the existing sewer system and wastewater treatment plant serving the nearby Bristol Harbour facility which by then had come under their control as a consequence of the aforementioned acquisition; and,

WHEREAS, issues were subsequently raised, both among the 58 comments to the supplemental EIS and otherwise, concerning: 1) whether the existing discharge ("SPDES") permit issued by the New York State Department of Environmental Conservation ("DEC") pursuant to which the existing Bristol Harbour Resorts collection system and wastewater treatment plant were operated would allow the proposed connection from the Everwilde project; 2) whether such a connection would require the permit to be expanded or otherwise revised as a consequence of the proposed connection, either immediately or at some time in the foreseeable future; and, 3) the risk that DEC might now or in the foreseeable future refuse any necessary permit revision or expansion or otherwise impose conditions that would render reliance on the proposed connection impractical or impossible; and,

WHEREAS, all other topics having been reviewed and considered, the Town Board workshop meeting tentatively scheduled for November of 2018 at which responses and content related to the foregoing permitting issues would have been considered was postponed given that the Project Sponsor's consultations with DEC were ongoing and remained inconclusive; and,

WHEREAS, the most recent written information available to the Town regarding the status of these consultations is a DEC letter to the Town Supervisor dated February 26, 2019 in which the DEC official lists a number of additional information requests presented to the Project Sponsor at or following a February 15, 2019 meeting; and,

WHEREAS, in a February 25, 2019 conversation with the Town's engineering consultants, engineers representing the Project Sponsor seem to have suggested that responses to the DEC requests for additional information could be submitted as soon as the first week of March 2019; and,

WHEREAS, the Town has since received no further information relative to the outcome, status or schedule for the Project Sponsor's consultations with DEC relative to the availability of a permit that would allow proposed sanitary sewer connection and has reason to believe that their progression to a conclusion within the near future is unlikely; and,

WHEREAS, this environmental review has, as a consequence of multiple factors and circumstances, been unusually protracted and the Town Board's preparation of the required final EIS has already taken well beyond the 45 calendar days after the close of the hearing suggested in the regulations; and,

WHEREAS, the only reason for further delay in completion of the final EIS at this time would be a continued wait for a final determination from DEC relative to the adequacy

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of the present Bristol Harbour sanitary system and treatment plant permit to accommodate a connection from the Everwilde Project as well as any conditions, revisions or expansions to that permit that might be required as a consequence, either now or in the future; and,

WHEREAS, although a final determination from DEC relative to permit requirements associated with the proposed connection to the Bristol Harbour system would be informative and potentially avoid some uncertainty in the final EIS, preparation of a final EIS is possible nonetheless, even in the absence of such a determination; and,

WHEREAS, the interests of the public, the citizens of the Town, and the residents of the adjoining neighborhood are best served by a review and final determination that is delayed no more than is absolutely necessary;

NOW, THEREFORE, IT IS RESOLVED, that the Project Sponsor shall be requested to supplement the information previously provided the Town Board regarding DEC's permitting of the proposed Everwilde sanitary sewer connection with an updated summary reflecting the most recent and accurate information available to it, such supplemental update to be provided on or before July 25, 2019 (45 days); and,

BE IT FURTHER RESOLVED that the Project Sponsor shall be notified that it is the intent of the Town Board to now conclude preparation of the final EIS, no sooner than the date referenced immediately above, but as soon thereafter as is practical and to wait no longer for additional input from DEC before issuing the final EIS and to then progress, soon thereafter, to also adopt a SEQR Statement of Findings.

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 April 8, 2019, by the following vote:

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

Dated: June 10, 2019

Judy Voss, Town Clerk

SEAL

Supr. Marshall wanted to note a couple of things: Last month the Board discussed a new Local Law in which state the exemption amounts and percentages for Aged-Persons and it did not get through to the Town Attorney and will be addressing that at the next meeting.

Also, the Short-Term Rental situation is still a hot topic. The proposed local law is still in the hands of the Town Planning Board. Once again, this weekend we had issues at the Mountainside Drive properties off of Route 64. These people aren't just noisy they are downright rude, obnoxious and should not be allowed to operate. There was screaming and yelling and when they drove by the neighbor's property they honked their horns and yelled profanities, etc. It is outrageous, and we now have a local law in place for controlling Noise for the Sherriff to enforce. It is a bad situation for the neighbors and we have to fix it.

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Supr. Marshall said the Town received an \$11,000 check today from the Canandaigua Lake Watershed Council for the repairs on Gannett Hill Road, bank stabilization project. We also received a \$36,148.00 for mortgage tax for this half of the year. Supr. Marshall noted that the DEC sent a letter informing the Town that they will be conducting soil tests at the old Transfer Station. We have also received a notice from Excellus informing us of a 6.3% rate increase.

VIII. REPORTS: ASSESSOR

Supr. Marshall noted that the Assessor is moving forward with the town-wide reval in 2020 and the County submitted a price of \$1,600 to work on all the commercial properties. The County has a specialist for the commercial properties. The reval keeps the Town's equalization rate close to 100%.

Grievance Day was held on May 28th and had 2 grievances.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, the May 2019 Assessor's Report was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

CEO

Councilman Cowley read the CEO report: 12 building permits, 32 inspections, 0 inspections on old permits, 3 Certificates of Compliance issued, 283 miles on the new vehicle. No timber harvest or firework permits, fire inspection letters for May and June have been mailed. Attended meetings and training.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin the CEO Report for May 2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

TOWN CLERK/TAX COLLECTION

Supr. Marshall read the Town Clerk's report: \$1,600 in building permits, 12 building permits, total amount is \$3, 054.00, which \$2,800.00 goes to the Town and the balance to the DEC.

On a motion made by Councilman Strickland and seconded by Councilman Cowley the Town Clerk's Report for May 2019 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

IX. ACCOUNTING: SUPERVISOR'S REPORT APRIL 2019

Supr. Marshall read the executive summary: The Town accounts were reconciled as May 31st. The Town has \$2,310,198.00 in the bank. Revenue receipts for the month: \$3,374.00, expenditures through May on average should equal 41% of our budget and under the General Fund we have 32% and Highway is at 24%. To date, the General Fund, \$331,000 has been spent out of \$1,033,000; under Highway, \$371,000 out of \$1.5million.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin the May 2019 Supervisor's Report was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

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APPROVAL OF VOUCHERS

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Abstract No. 6, totaling \$38,678.34 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

EXECUTIVE SESSION

Supr. Marshall requested a motion to move into Executive Session for the Board to discuss a legal matter.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the Board moved into Executive Session to a legal matter was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley and Strickland.

The Board moved into Executive Session at 7:45pm.

The Board came out of Executive Session at 8:05pm.

XI. ADJOURN: 8:05PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk