

SOUTH BRISTOL TOWN BOARD MEETING

September 14, 2020

**REGULAR MEETING**

The Regular meeting of the South Bristol Town Board was called to order September 14, 2020 at 7:00pm.

**PRESENT**

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

**RECORDING SECRETARY**

Judy Voss, Town Clerk

**OTHERS**

Jim Wight, Highway Supt., Rosemary Zimmerman, Glenn Zimmerman, Dodie Briggs, Virginia Lalka, Daisy Case, Marilyn Whitley, Laura Halleran, Bob & Rita Pierce, Jack & Bridget York, John Constance, Suzanne Schenk, Joe Kohler, Bob Eisenberg, Melanie Eisenberg, Larry McKee, Marcia Couch, Baird Couch, Jeff Christiano, Mark Buckley, Donna Buckley, Debbie Voorheis, Michael Voorheis, John & Teri Hauck, Ted & Gina Russell, MaryJane McComb, Gloria Harrington, Ralph Endres, Nancy Palvino, Patricia King, Kay Meisch, Nancy Bills, Tracey Howe, Will Kim, Cathy Colby, Rosemary Carney, et al  
Online via WebEx- Alan Braun, Anna P., Barbara Hunt, Betsy Dugan, Chris Plail, Cynthia, D. Godshall, David Morrison, Jared Lusk, Frank Marcri, Janelle Speca, Joe Charlton, K. Wydra, Bob Spada, Todd Cook, Shelby Ascroft, Sheri Norton, et al – 83 attended online.

**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 Councilwoman Goodwin the minutes of the minutes August 10, 2020 Town Board Meeting were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**IV. PRIVILEGE OF THE FLOOR**

Janelle Speca of Honeoye Public Library, thanked the Board and greatly appreciate the 2019 contribution to the library last year and asking once again to contribute. A packet was sent to the Board for review and asked if there were any questions.

Supr. Marshall agreed, the Board has your packet, and sees the request for fund; Supr. Marshall said this is going to be a tough year. Supr. Marshall continued; the Board might have to make reductions in the 2021 budget as a result of the what will probably be a considerable loss in sales tax revenue as a result of COVID-19. We will try our very best to accommodate you as best we can. We appreciate the packet and documents you have sent to us for review.

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Ms. Specca thanked the Board for their time.

Jack York of 5566 Vardon Drive, Bristol Harbor read from his notes: While it is often a very difficult and often a thankless position of being an elected official, you and our board have in most cases had the support from the your community and we continue to support you in making our town the best it can be and one of the best in the Finger Lakes. But the latest request from the owners of South Bristol Resort for another significant sewer and water rate increase could be best described as unreasonable and unwarranted. While we realize that there may in fact be a loss of profits for the Bristol Harbor Sewer and Water, it is not because of its users or our town board. It is solely the operating actions of its owners and operator's. Our community has for the 20 years we have been residents always had quality sewer and water services provided by the previous owners of the water and sewer company and at such significant operating service that they were able to receive several hundred thousands of dividend dollars before selling the company to the current owners. We all know full well that the current owners purchased the water and sewer company only for the purpose of building their Everwilde project which they have abandoned and have now significantly reduced their income by closing their largest customer, the Lodge and Hotel. While we have seen in 7 years the near destruction of a community that took over 50 years to build is without conscience and simply wrong. The new owners have sold off their major income asset, the marina, out of lack of desire to maintain it. Closed the golf course to all but members and knocked down the resort hotel while celebrating with champagne and ear-piercing music; they have effectively destroyed the true reasons most of its residents chose to liver here in the first place. We ask you and this elected board to deny this unreasonable sewer rate increase and recognize that this is only requested due to poor fiscal management and not the fault of our residents who are asked to bare this burden out of threat to shut down our services. I would ask that you share this correspondence with the entire town board and that this be an official request to deny this application. And we as a community and you as our elected officials attempt to find alternatives to the water and sewer services to our community at a fair and reasonable rate thru either a government district or other services so we may east this alleged burden from the current owners and residents.

John Constance, 5 Spyglass Hill, Bristol Harbor, read a letter from Don Rimai who is president of Condo 3 and written to the Town Board, and he asked me to read it because he couldn't be here.

Dear. Mr. Marshall:

As president of Condominium 3 of Bristol Harbour Village Association, I am writing to express my objections to the proposed increase in the sewer rates, as put forth by Todd Cook, president of both Bristol Water Works Corporation (BWWC) and of Bristol Sewerage Disposal Corporation (BSDC), as being totally improper and unnecessary.

On or about August, 2016, Todd and Laura Cook purchased all the commercial property serving BHVA from the previous owners, South Bristol Resorts. The commercial property included the Robert Trent Jones golf course, a hotel, the Lodge (which comprised of a restaurant, a golf pro shop, and a venue for weddings and other parties), a marina and water (BWWC and sewage (BSDC) treatment plants. These commercial establishments had been viable since they were first established with Bristol Harbour Village around 1974. The purchase also included a number of undeveloped lots and the title, as stipulated in the BHVA Declaration, of "developer."

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However, within four short years, poor business decisions by Todd and Laura Cook have allegedly resulted in their becoming unprofitable.

The Lodge had been previously open year-round. The golf course was open to the public and served both residents of our community and the many visitors and vacationers we had each year. The water and sewer treatment facilities served the residents of our community. The marina allowed owners, as well as a limited number of non-residents, to rent slips to dock their boats.

Todd and Laura Cook allegedly purchased the aforementioned commercial establishments because of their expressed desire to construct the Everwilde Spa on the east side of Seneca Point Road and adjacent to Bristol Harbour Village. To do so required that they have a sewage treatment facility and the only one available was in Bristol Harbour Village. The water treatment plant was an additional benefit to them.

On May 23, 2017, the BWWC filed a request to the NY State Public Service Commission (PSC) to increase its annual revenues by \$154,329 or approximately 116%. This increase was allowed. Around that time, they also increased the BSDC sewage rates by approximately 77%. If the present rate increase is allowed, BWWC will have increased its rates by over \$425,000 within a three-year period and BSDC would have also increased its rates significantly. Again, both BSDC and BWWC were profitable prior to the Cook's purchasing the plants.

The Everwilde Development was strongly opposed by the BHVA community and, in the end, did not receive regulatory approval to proceed. The Cook's ultimately withdrew their approval requests. However, the poor business decisions leading to the present BWWC and BSDC rate increase requests go back multiple years and long predate Covid-19.

The loss of business at the Lodge can be ascribed to their poor relationship with the BHVA community. Prior to their purchase, the Lodge enjoyed a good year-round business by both residents and visitors. However, their decision to become more of a country club caused many residents to stop frequenting the Lodge. Similarly, they decided to close the golf course to the public. This would have decreased revenues, not only to the golf course, but also to the hotel and Lodge.

On May 15, 2020 the Cook's announced that the Lodge and hotel would be permanently closed. Both of these commercial establishments paid BWWC for water and BSDC for sewage services, as did the golf course (which used mainly grey water to irrigate the course). The Cook's cited, as a reason for the decrease in revenue for BWWC, the loss of its most significant commercial customer, which was the Lodge that had been shuttered by the Cook's. Again, the Cook's, who apparently had no prior experience in the hospitality business, made a series of poor business decisions that have led to their alleged present circumstances and are seeing to compensate for these decisions by straddling the residents with exorbitant water and sewer rates rather than correcting their errors or selling the business.

The veracity of the financial claims made by the Cook's should be closely scrutinized. That they would seek a 104% increase in the water rates and 44.8% increase in the sewage rates a mere 3 years after obtaining enormous rate increases begs the question of why are these increases necessary. In fact, that the Cook's state that they "filed a minor rate filing" for a 104% water rate increase begs the question of what they would consider a large rate increase. That, under their proposed rate schedule, 2-bedroom condominium would pay a higher rate than would a 3-bedroom condominium calls into further question their financial assertions. That they would state "the Company recently lost its most significant commercial customer" without stating that the customer is the Lodge and hotel, both of which were owned and closed by the Cook's raises

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suspicions regarding the information that the Cook's have provided to you. Finally, the Cook's threatened in their letter to the PSC that, absent the approval of the requested water rate increase, they would "be forced to shut down the plant, leaving 300+ customers without clean water," many of whom are elderly, is unconscionable and grossly inappropriate.

I ask that you totally reject the request made by BSDC and urge them to seek proper professional guidance in running such a plant or sell it to a company that can provide appropriate knowledge and skills to provide that service.

Yours Truly, Con Rimai, President of Condo 3

Supr. Marshall thanked Mr. Constance, and said he wanted to make sure that everyone was clear on the fact that there are 2 issues in discussion here; one is the waterworks and the second is the sewer works. For clarification, the Town's responsibility exists only with the sewer works. The water rate increase is dealt with by the NYS Public Service Commission.

Lowell Dewey, 19 Cliffside Drive, explained that the Town is part of the sewage Transportation Corporation, it is an odd phrase, but that is what it is. If, for example, the private operators of the treatment plant were to declare bankruptcy or leave town and just let it sit, you are now responsible as you probably know, to take over that plant. When you set up that sewage transportation corporation, the DEC and the Health dept. mandates that they have a back-up system which is the local municipality. If that were to happen, even if it weren't to happen, but given this large increase of cost, I suggest that you hire an independent civil engineering company that has expertise in this. I understand you can pass that cost on to the applicants for the increase. If you can look into that, it would make sense. That way they could look at every aspect, how efficient the plant is, what they are charging, how much they charge per unit. A condo that is only occupied half the year pays a certain amount and that way we would all know and you would know what is logical here. That is my suggestion; regardless of what happens you should probably hire a consultant to review all this for you.

Supr. Marshall appreciated Mr. Dewey's comments; back in 2017 when we were going through this at that time, we did hire LaBella Associates to help us. Currently, Supr. Marshall has reached out to the Town Attorney and also the Town's accounting firm to review the financial documents sent to us. We have started to get additional help from outside and have been putting off the engineering firm. The fees incurred by the Town, in the past, we were able to get the fees paid; that is something that has to be reviewed. That doesn't mean that we shouldn't hire an outside consultant and we may end up doing so. Thank you for your input.

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

#### **HIGHWAY**

Supt. Wight reported that the chip sealing and oil and stone of the town roads is completed; we are waiting on striping. We are getting ready for the second round of roadside mowing, town and county roads.

#### **FINANCE**

Supr. Marshall reported that we are in the middle of the budget season for 2021. Typically in the past we have received \$1.2 and \$1.3 million in sales tax revenue and because of

COVID-19 would be happy with \$1 million. The retail sales at the malls have dramatically decreased, the sales of automobiles, etc. It is going to be a challenging year.

**VI. OLD BUSINESS:**  
**HIGHWAY GARAGE PROJECT**

Supr. Marshall reported that the building project for the new Highway Garage is moving along. We are currently on schedule. The main portion of the building should be ready to have trucks inside prior to snow fall. They will be pouring concrete for the office area and the bays in the back. The roof structure starts this week and the back of the building has already been sided. We are making great progress.

**VII. NEW BUSINESS**  
**BRISTOL HARBOUR SEWER – REQUEST FOR A RATE INCREASE  
PRESENTATION**

Supr. Marshall informed the Board that Jared Lusk is online to speak to the Sewer Rate Increase request.

Jared Lusk, with the law firm of Nixon, Peabody, appreciates the opportunity to speak to you. Reference was made to our August 28, 2020 application sent to the Town Board requesting an increase of the annual sewer rent from \$69.21 to \$100.76. Attached to the report, the annual financials as required with the 2017, 2018 and 2019 of how the money was spent on the facility and the accounts over that fiscal year as outlined in the report. The conditions of the previous approval were to take care of paydown letter, trying to establish a capital reserve account. Exhibit E to that application documents where we are with that. Regardless of how you feel about the proposed raise in the rents I think you all agree that may agree on the progress on the letter of credit balance and the establishment of the capital reserve account. However, when the rates were approved back in 2017, since then we continued to have substantial budget shortfalls. In 2017, that was \$178,000, in 2018 it was \$27,706 and in 2019 just shy of \$20,000. That's without the old company management fees maintained and obviously operating at a loss. As the Melvin Company has stated in the letter, the expenses continue to go up. Obviously, costs go up every year and with the loss of the Bristol Harbour Resort from the Corona revenue, not only do we have a budget shortfall, the rates were not high enough to cover the operating expenses then and as you recall, the Town Board didn't agree to it and pressured us into lowering the rate. As it turns out, our original proposal was probably closer to what was necessary, and we continue to suffer that shortfall. At this point, lowering the balance of letter of credit and increasing the capital reserve account as expected, so the numbers and the budgets are in front of you and speak for themselves. I'm sure everybody at the meeting probably had the opportunity to review them since each of them had been submitted over the years as required by the Town Board. I know there were a series of questions raised that Supr. Marshall was kind enough to send over to us; not sure who, an accountant raised some questions. The wages and salaries being the largest expense, and salary expenses are generally the highest expense. The employees work both for the water company and the sewer company and they each work 50% of the time, each one, and we have to properly account for that in the financials. There is the lead plant operator as well as an operation staff person. They also work for the water corporation. Not something new and something you are well aware of. There was the next question for management agreement for Bristol Management Company. As you know, folks, the only employees in the organization are those 2 people, basically operational, they take care of things outside, maintain the system,

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responding to customer complaints regarding the system itself, the management itself, etc. have things outside, are handled by the Bristol Sewer Management Corp. and those services cost a fee so they are appropriately provided this agreement to provide for the contract and that provides those services at a reasonable assess based on percentage of allocation, time and resource. Stockholder dividends, as you recall, do surround our the newer corporation's net. When our clients purchased the property, initially, the then owners took out \$350,000.00 worth of dividends that had never been paid. Again, in the interest of attempting to be transparent and to not have that same dividend as a liability; they haven't taken them, continue to show that liability *because they attempt to \*\*\** and hasn't been paid so in an effort to try not to, again being transparent, to get to have a total liability that isn't paid until, like the last time, when the sewer corporation was transferred they were attempting to have that data and the expenses of the then prior users pay those, remedy those expenses \*\*\*. Legal fees, why are they so large? It is a little bit of a conflict of interest here so because we represent the client so, I will say, that this Board is well aware, actually, the legal expenses, as professional expenses this year is \$32,000.00 and they previous year's, they were \$58,000.00, \$55,000.00 and \$32,000.00. \$58,000 being the year of the rate case, etc. They cut down to \$55,000.00 in 2018 and went down to \$32,000.00 in 2019. Again, 2020 the year budgeted \$32,000.00. That's the answer to those questions; and the tax loss carried over to taking some \*\* of transactions of competitive corporations; we're looking at Hughes, it's always appropriate, you can always take the loss ahead of a profit. As it was indicated to you earlier, we never have had a profit to take losses against, so adding to our loss has certainly been a \*\*\* from a tax perspective since we haven't made a profit from the corporation. In fact, we haven't been able to pay the bills that are due, in terms of \*\*\*. Again, we've been operating a loss for the last 3 years; it is what it is in terms of the cost to operate the facility. We went through this process 3 years ago. The Town hired Mengel, Metzger and Barr and they reviewed it and determined that the budget expenses and things were was reasonable. Again, we went to Court and the Judge found the same as those. Again, this process takes time and money and it is only the rate payers that end up paying those expenses. As we go through it, there's nothing about this process that has changed, the last 3 years that we've operated at a loss, continued to operate at a loss and again with the loss of the resort, we lost revenue, the expenses remain the same. Just because we lost that big customer doesn't mean we can operate our facility at 90%. It is what it is and if we want to have a facility and a program that's functioning; you need to have the added resources. On the line is Todd Cook, and asked if he would like to add anything to my discussion?

Todd Cook, thanked Jared, it was straight forward and it is what it is. It's all provided in the financial statements that is required of us, asked of us. We are operating at a loss, it is a fact, I know there are a lot of surprised residents trying to figure out why the rates are what they are but in reality, when we came in and bought the plant there was an assessment that was outstanding from the prior owners. In good will, we paid that out of our own partnering money, after tax money, over \$60,000.00 to the benefit of the customers. We never tried to reclaim that, never did, never will. Came in with all the intentions of operating the plant; someone stated earlier that was the intention of the purchase and the reason we bought Bristol Harbour. Let's call a spade a spade. The point of the benefits of Everwilde that was supposed to come to the community was reducing the burden of utilities on residents. Let's be real, that wasn't embraced by the community so without Everwilde, Bristol Harbour is a seasonal business, a viable business and when COVID hits that shut that down. Now we are left with the reality that we all

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have to face; we have utilities that have to that have to have expenses covered by the cost to the customers. It is not doing that right now. It wasn't doing it before COVID and COVID only exacerbates the condition. The information that has been provided to the Board on an annual basis, books are open, they always have been, and you have the information in front of you.

Supr. Marshall asked Mr. Lusk to have the answers to his questions sent to him in writing please, for the record.

Mr. Lusk agreed.

Supr. Marshall noted that his email to him said that he wouldn't have all the answers today; we want them so the Board can continue the process of reviewing what you've asked for.

Supr. Marshall asked if the Board had any questions for Mr. Cook or Mr. Lusk?

Councilwoman Goodwin asked about the Long-Term Liabilities and maybe this was covered, I didn't hear it. Under "Due to Related Parties" that has gone up \$60,000.00. What is that?

Mr. Lusk said the accountant is here and asked what that number is.

Tim Hearn, the accountant, "Due to Related Parties," that is a \$5,000.00 per month, that is recorded as an expense but that has not been paid. That was not paid at all in 2019 and that is where that balance came from.

Councilman Cowley asked about the truck that was bought in 2018; is that shared with the Waterworks or did the sewer department pay for the whole thing?

Mr. Cook answered, there is one truck for the sewer corporation and one truck for the water corp.

Supr. Marshall said the process from this point forward is we will take the information that you have sent to us. We will be having a discussion with our accountant; for the record it is not Mengel, Metzger, Barr this time, it will be Eldredge, Fox, Perretti and Rosenkratz. You sent the information to the Town Attorney for his review; and in all likelihood, will engage the services of possibly LaBella Associates or another engineering firm. In any event, we hope to be able to come to a conclusion by the next meeting, October 13<sup>th</sup>.

Mr. Hearn informed the Board, along with the statement that was said earlier, somebody requested that the Town hire LaBella and the cost of that be born by the sewer corporation; I don't believe that is authorized under the laws; is that your intention with the Town to pay for that or is that your recommendation that the corporation would again reimburse the Town for that. We had this issue last time.

Supr. Marshall said he is aware of that issue; the last time through the sewer corporation did pay for it and of the understanding that there is no obligation according to statute.

### **BRISTOL MOUNTAIN – 30-DAY WAIVER OF NOTICE PERIOD- NYS LIQUOR AUTHORITY**

Supr. Marshall noted that Bristol Mountain is requesting a waiver of the 30-day waiting period; an annual event that will grant them their liquor license. This informs the State that the Town is approving this request.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, the 30-day waiver was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

### **2021 BUDGET PREPARATIONS**

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Supr. Marshall said that next Tuesday he will be meeting with the Town accountant firm to work on the 2021 budget; once that is completed, we will be scheduling the rest of the meetings for the budgeting process. We need to have a Tentative Budget prepared and at that point the Board will have a workshop and then a Preliminary Budget would be available for the public. The Public Hearing would be scheduled and at the November Board meeting the Board comes to the final budget vote.

### **ZOMBIE PROPERTIES**

Supr. Marshall mentioned that last month the Board talked about a proposed Local Law regarding Zombie Properties; in particular, properties that have been essentially neglected. People either aren't living there, or they have chosen to let their grass grow a foot-high, much to the dismay of neighbors, etc. The proposed law was given to the Planning Board to see if it would fit into the Comprehensive Plan and their thoughts. There was some pretty heavy discussion at the Planning Board meeting, a couple people thought we were way out of line and more often, people thought it was the appropriate thing to do. They asked to have another month for review and will be on the agenda at the November meeting.

Supr. Marshall mentioned that the Town received a notice that the Town is being sued. The lawyer is William Mataar and is alleging that an individual driving a motorcycle down Bopple Hill Road on loose gravel, slipped and fell and it was because of negligence on the Town that we are being sued. The alleged event happened on a Friday, our Town Highway Dept. doesn't work on a Friday and in addition they were alleging that the Town was doing oil and stonework and the Town hasn't done any roadwork on Bopple Hill in 2 years.

Supr. Marshall wanted to discuss this with the Town Board; we currently have a firetruck parked over at the Highway Garage. It has been there for 5-6 years or longer. The firetruck is owned and operated by the Maxfield Hose Company which is the Naples Fire Dept. The truck rarely goes out, seldom if ever, and the only try benefit to that truck being parked there is any resident living within 5 miles of that Class-A pumper should receive some type of discount on their homeowner's insurance. That is the one benefit of having the truck there. The last time they tried to move the firetruck, the brakes were locked up on it. The question to ask the fire department is to get serious about this and have somebody up here and take care of the equipment. The other issue is let's get serious about having someone that is capable to man the truck and if that isn't going to fly and can't work, maybe we shouldn't be storing their truck for them anymore. We are building a new Highway Garage, the Highway Garage was built for a bay intended for the fire truck, but as it sits there and wonder if it being used or not, I question it. Supr. Marshall asked the Board for their thoughts.

Councilman Wohlschlegel said it sounds like a good plan to get rid of it.

Supt. Wight said the truck has been sitting there for a better part of 15 years. Tom Hawks was one of the Board members that worked on this. When it first came here, there was a big membership drive and there were 5-6 people that could run the truck and were capable of running it and it rolled a lot. Over the years, participation has dropped off, and honestly, you need to call on the fire department to do the same thing again.

Councilman Wohlschlegel said he was glad this was brought up because he has been thinking about this a long time. We have had 3 major fires in this area, one right down on County



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Road 33, Mosher Road, Longs Point, and that truck has never been out. They never took that truck out for those fires.

Supt. Wight said the last time he rolled that truck out was for the fire at Hans Schmitt's garage fire which was 8-10 years ago.

Councilman Wohlschlegel said his point of view is this: it hasn't rolled-out, there is no one to man it. It is like a generator, you fire it up once a year, but other than that it is useless. I hate to say that.

Supr. Marshall agreed, he has had a couple of residents in the insurance business that said to leave the firetruck there. Well, the bottom line is, if it isn't going to save your house, what is the point? It isn't like we couldn't use the bay for our own equipment. We do have a new fire chief and will meet with him to see if that is the case; otherwise we may be asking them to find a new home for their firetruck.

Clerk Voss said that she does receive calls from residents and insurance company's asking if we do have that truck.

Supr. Marshall said it is nice to get that 5% discount but would rather have someone come and save my house.

Councilman Wohlschlegel said when that alarm goes out you have Honeoye, Bristol, Naples, they come running. They aren't sending a guy up here to get this truck there, that they don't know if it would start or the brakes to work.

Supt. Wight agreed, the whole point of the truck being here was local residents were going to run it; that was 15 years ago.

Supr. Marshall told the audience that Bristol Harbor is protected by Cheshire Fire Department.

Discussion.

**VIII. REPORTS:**  
**ASSESSOR**

Supr. Marshall read the Assessor's Report. There are no lawsuits pending for the 2020 Reval, Valary has done a good job for the Town.

On a motion made by Councilman Cowley and seconded Councilman Strickland the August 2020 Assessor's Report. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

Supr. Marshall noted that the Assessor has submitted her 3-month Retirement report and the Board needs to approve. The report shows her hours worked and this justifies her retirement to the State.

No motion.

**CEO**

Councilman Cowley read the CEO report.

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin, the August 2020 CEO Reports were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**TOWN CLERK/TAX COLLECTION**

Supr. Marshall read the Town Clerk's report.

On a motion made by Councilman Strickland and seconded by Councilman Cowley the August 2020 Town Clerk’s Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**IX. ACCOUNTING:  
 SUPERVISOR’S REPORT**

Supr. Marshall read from the Executive Summary; bank accounts were reconciled as of August 31<sup>st</sup>, the Town currently has \$4,534,000.00 which \$2.3 million of that is the Bond Anticipation Note for the new Highway Barn. Total receipts were very low this month, \$14,430.00. Quarterly Franchise Tax fees received from Time Warner. Expenditures through August should average 66% of the annual budget and the General Fund is only at 15% of the annual budget; Highway is at 56% of the annual budget.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland, the Supervisor’s Reports for August 2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**BUDGET TRANSFERS**

Supr. Marshall said there are 5 budget transfers and most of them is taking funds from the Contingency Account.

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

Transfer from	A1990.4	Contingent Account to	
	A1335.4	Assessor – Contr	\$2,039.67
	A1990.4	Contingent Account to	
	A1670.4	Central Print & Mail Contr	\$445.48
	A1990.4	Contingent Account to	
	A9060.8	Hosp. & Med. Ins. Contr	\$5,300.00
	A1990.4	Contingent Account to	
	A8160.4	Refuse & Garbage	\$2,000.00
	DA5130.4	Machinery, Contr to	
	DA5130.2	Machinery, Equip & Cap Outlay	\$7,911.94

Councilman Wohlschlegel asked if the transfers were because we overspent??

Supr. Marshall noted that these are budget transfers as opposed to a Budget Amendment; the Budget Amendment is when there isn’t enough money in the budget and we have to take some money from the unexpended fund balance that we weren’t planning on. That is not what we are doing here. The funds are being moved from one account to another.

**APPROVAL OF VOUCHERS**

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On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel, Abstract No. 9, totaling \$399,882.86 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

Supr. Marshall said that Abstract includes \$328,000.00 for paying a contractor building the new highway garage; \$44,000.00 goes to another contractor and these bills will be paid out of the bond anticipation note.

### **PRIVILEGE OF THE FLOOR**

Joe Kohler, of Bristol Harbour, said it is a sad night as I rise here in opposition supporting the comments from Jack York and Don Romai. I am having trouble with a couple of things I heard from council tonight; it isn't what it is, I think it might be, perhaps, what was presented, but this business about the COVID. We did some research of parking lots and touring around the County looking at golf courses, restaurants, brewery's, ski resorts, Arbor Hill. I have some good news, tourism is doing pretty well in spite of COVID and you might even argue that the golfing industry in central and upstate New York has even benefited from COVID. We looked at 35 different golf courses, club houses, bars, restaurants, former management from the Bristol Harbor Resort said this argument about COVID is the reason to close Bristol Harbor is ridiculous. For the record, the whole COVID thing is a lot of smoke and mirrors. Tourism and golf tourism, summer tourism, going into the fall, is going pretty well. These are numbers that are verifiable; you may want to consider some type of market comparison research. We were told the lodge was in the process of slowly being closed down, the golfcourse, the restaurant, the bar, with fewer nights at the hotel available, which is now destroyed. We are mad at hell about the sewer and we are not going to take it anymore. Did every member of the Town Council receive the comments that went into the Public Service Commission on the water rate increase? The water is not your responsibility, there are a lot of comments from the people here included. We appreciate the Town taking the time to review those comments and you might want to take a look at the status; you Mr. Supervisor, sitting on the Ontario County Tourism Board have access to the numbers that will backup what I am talking about. This business of closing down the resort and causing the sewer and water rates to go up because of COVID; it isn't what it is, as council said, it is what it isn't.

Supr. Marshall agreed and said he sits on the Ontario County Tourism Board and many fellow Board members are really in the tourism business, I just represent the Board of Supervisors. A lot of the Board of Directors are hotel industry; you may remember Mike Rody used to be at Bristol Harbor and also restaurant owners as well. None of those Board members have closed their businesses because of COVID-19. I dare not speak for the other 4 Town Board members, as for myself, I'm not buying into it.

Ted Russell, 6054 Medalist Lane of Bristol Harbor, just wanted to remind the Board that one of the questions that you may have all ready asked the sewer corp,; it came up 3 years ago, the sewer is dependent on the front 9 pond. When the sewer plant processes the water and treats the water, it goes, or is pumped up to the front 9 pond. From there it is used to water the fairways and greens. I think one question that should be asked of the Cook's is, what are you going to do with the golf course because, if they get their rate increase, and the close the golf course, there is an alternative, but it is an expensive one. Tim Buell, who the Board is familiar with, can explain that alternative, but it's very costly. And, really, I think this is a big question mark that they seem to be uncertain about as to what they are going to do with their golf course and resort. I guess everybody that has a big house has a 9 or 18 hole golf course.

## SOUTH BRISTOL TOWN BOARD MEETING

September 14, 2020

Supr. Marshall noted that he has to be very careful when he speaks, and is only speaking for himself and not the other Board members, I am very aware of what is happening at Bristol Harbor and don't like it anymore than the rest of you do. I consider Bristol Harbor, and in particular, the golf course, a jewel for this Town. Just as Bristol Mountain is, Cummings Nature Center, all those things. To be treating it the way it seems to be being treated right now, speaking for myself, unconscionable. We are aware of what is transpiring at Bristol Harbor, we've been there, we've seen it, we've heard it. I've spoken with several of your Board members and I know many of the residents have experienced first hand some of the unpleasantries that have happened over the years. Please understand, as a Board, we're required to do our due-diligence; we have to look at everything, dotted all the *i*'s and crossed all the *t*'s, and then we can move forward. The goal is to resolve this at the October 14<sup>th</sup> meeting; we must act within 90-days because no-action is an approval. Absolutely and positively by the November meeting this is over.

### **XI. ADJOURN: 8:17PM**

Respectfully submitted:  
Judy Voss  
South Bristol Town Clerk