

SOUTH BRISTOL TOWN BOARD MEETING  
December 14, 2009

**REGULAR MEETING**

The regular meeting of the South Bristol Town Board was called to order December 14, 2009 at 7:02pm at the Town Hall, 6500 W Gannett Hill Rd., Naples NY 14512.

**PRESENT**

Daniel Marshall, Supervisor  
Donna Goodwin, Councilwoman  
Hermann Arndt, Councilman  
Gary Muxworthy, Councilman  
Barbara Welch, Councilwoman

**RECORDING SECRETARY**

Judy Hanley, Deputy Town Clerk

**OTHERS**

Jim Schartzler, Heinz Altmann, Ray Montcrieff, Dahl Schultz, Jim Wight

**TOWN BOARD MINUTES**

On a motion made by Councilman Arndt and seconded by Councilwoman Goodwin the minutes of the November 9, 2009 Public Hearing – 2010 Town Budget meeting were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Muxworthy and Welch.

On a motion made by Councilman Arndt and seconded by Councilwoman Goodwin the minutes of the November 9, 2009 Public Hearing – Zoning Law Changes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Muxworthy and Welch.

On a motion made by Councilman Muxworthy and seconded by Councilman Arndt the minutes of the November 9, 2009 Town Board meeting were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Muxworthy and Welch.

**PRIVILEGE OF THE FLOOR**

Supr. Marshall noted that Mr. Clayton Adams of South Bristol and as a representative of the office of Congressman Eric Massa has Privilege of the Floor tonight. Mr. Adams noted that he wasn't sure how much the Board knew about Marcellus Shale and handed out booklets by Penn State University, which guides local governments in dealing with the issue. Mr. Adams also handed out a position paper stating that Congressman Massa is not against the drilling but the way it is being proposed to be done. Mr. Adams encouraged the Board to contact him with any issues that they think he can help them out with. Mr. Adams did note that he tried to help the Town with the Stemple Hill project and such things as this, to please contact him.

Supr. Marshall noted that he met with Congressman Massa with regards to South Hill Road and Bristol Mountain cross-country ski facility. One mile of South Hill Road is located within the Town of South Bristol, which the Town is able to maintain. The remainder of South Hill Road is situate in the Town of Bristol, which is about 2 ½ - 3 miles worth of road, which is the problem area. Supr. Marshall noted that he met with Congressman Massa and he was going to look into it; a letter was written by the Supr. of the Town of Bristol to Massa. The letter

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included figures for guide rails and ditch work. The concern is safety for traffic as well as school bus traffic as there is a lot of wear and tear. Supr. Marshall noted that the Congressman was interested to learn that there are multiple towers on top of South Hill Road that are Federally operated.

Mr. Adams asked the Board to look at the booklets he handed out and noted that the Marcellus Shale drilling could become a bigger issue than the windmills.

Mr. Heinz Altmann noted that this is the 3<sup>rd</sup> time this same subject is about to and did some research. From a homeowner's, landowner's point of view, Mr. Altmann noted that he was surprised to find that the landowner's have next to no rights when it comes to drilling for natural gas. It is regulated by the State. Mr. Altmann also made the acquaintance of someone that worked in the oil drilling business off the Alaskan coast and he told me under no uncertain terms you do not want drilling in South Bristol. It is dirty, filthy; you don't want it. Mr. Altmann strongly suggested to the Board to do their own research on the subject so they can be knowledgeable as to what the physical situation would be like on the land; not the legal situation, the actual physical situation on the land.

Supr. Marshall asked Mr. Adams if there is a time frame on this development? Mr. Adams noted that the particular technique that he wanted the Board to be aware of is called Hydraulic Fracturing; not the same technique that has been used in the past. The new technique is very destructive; it involves, sometimes, contamination of ground water, that kind of thing. There is a shale deposit runs all across Southern New York and they are drilling as we speak in Tioga County. The problems are the same that Towns have had with the windmills. The companies have massive budgets for legal action and Towns have almost none. We are trying to get a consortium of Towns together across the Southern Tier so if they have difficulties with these companies, they have funds and wherewithal to deal with them. As a Town, South Bristol doesn't have a chance against these giant companies. Supr. Marshall asked if there is more than one company? Mr. Adams noted that there are several and that Exxon just bought a huge drilling company; drilling for natural gas. Mr. Adams continued, noting that the main reason the Board should be aware of this is that it is natural gas drilling, which has been around for a long time; it's the type of drilling, as said earlier, it is very destructive and damaging to ground water. There is not a water system in South Bristol; the potential could be very damaging for everyone. Mr. Adams noted that South Bristol is lucky because we are located on what is called the "third tier." The problems being that when you get into these third areas the deposits are much shallower so it is much cheaper to drill. As far as time goes, there isn't a lot of time. The pamphlet from Penn State University lists the things the Town can expect if drilling happens here: thousands of truckloads of water tearing up the roads, things like that. Mr. Adams noted that there is no objection to gas drilling, but this particular type of drilling we object to because it is so very destructive. Supr. Marshall noted that he has heard very little on this subject. Mr. Adams said that he is the point man on this particular issue with Congressman Massa and can set up a presentation with experts for the Board if they wish. Supr. Marshall thanked Mr. Adams. Assessor Schartzler noted that this drilling is very active in Pennsylvania. Mr. Adams noted that Pennsylvania is having lots of problems with ground water contamination. The drilling is done vertically, then drill horizontally into the shale formation and inject steam and chemicals. The chemicals do not get flushed out and get into the ground water. There is an entire town in Pennsylvania, just like the Town of South Bristol, with contaminated water. The previous administration put language in an energy bill which completely exempted this type of drilling from applying to the Clean Water Act. A bill now in front of the committee and house that

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would plug this hole, that is what we need to do. The Board needs to become aware of what the whole things represents. Supr. Marshall thanked Mr. Adams.

Mr. Altmann noted that his concern is not so much a large-scale thing; his concern is what happens at the site. There are big machines involved, they have to get to these sites. The companies are not local people and are not concerned about doing a clean job; they are filthy.

Councilwoman Welch noted that Yates County has been having a series of meeting regarding this topic.

### **CEO REPORT**

On a motion made by Councilwoman Welch and seconded by Councilwoman Goodwin the CEO's report for November 2009 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Welch, Muxworthy and Arndt.

### **ASSESSOR'S REPORT**

Assessor Schartzter noted that the enhanced star renewal letters out by the beginning of the year.

### **COMMITTEE REPORTS**

**HIGHWAY** – Councilman Arndt noted that Stemple Hill Road is sagging and will do a further assessment in the spring. It will need shimming and the guide rails will need to be brought up. They did find the cross-culvert underneath Stemple Hill that was plugged up and burned it so it will take the pressure off the north side. This is a result of a trip taken with Kevin Olvaney, George Barden, Supt. Wight and myself.

Schoolhouse Road has been shimmed. The Highway Dept. created a turn around that will accommodate 10-wheelers, which will make it easier to plow.

Hicks Road is shored up with cobbles in the ditch, more to be done next year; it is a major project. This is on the north side of Hicks Road and runs a lot of water.

West Gulick, Gulick, Porter, Powell Hill and South Gannett Hill Roads where all trimmed and mowed this last month.

Some of the shop lights were repaired and re-wired. Some general clean-up that was much needed at the shop was accomplished.

The delineator needs to be installed in the Transfer Station ramp; Supt. Wight noted that this project is completed.

A solid cover on the paper dumpster because in the past there was trouble keeping the paper within the dumpster and can now do an extra week without hauling.

Councilman Arndt noted that he has nothing but good news about the new Highway Supt.

Supt. Wight noted that the grounds of the highway barns have been cleaned up; cleaned out the shop, water has been pumped out of the bottom of the fuel tanks. Supt. Wight noted that there will be a lot of equipment going to auction this spring. Supr. Marshall noted that after 1<sup>st</sup> of the year the Board will take a look at the unexpended fund balance and proposed an Equipment Reserve Fund. Supr. Marshall noted that there has been no communication between the union and the employees as of late.

**BUILDINGS & GROUNDS/CEMETERIES** – Councilman Muxworthy had nothing to report. Supr. Marshall noted that Councilman Muxworthy needed to get together with Supt. Wight about the Highway Dept. buildings and grounds.

**PERSONNEL & COMMUNITY RELATIONS** – Councilwoman Goodwin had nothing to report.

**POLICY** – Councilwoman Welch noted that the General Insurance renewal was received for 2010 and total for all insurance is \$27,694.77, which is 9% less than 2009. This is the 3<sup>rd</sup> consecutive of decreases in the premium. Waiting for the DBL renewal.

Councilwoman Welch noted that the employee handbook review is completed and incorporated the changes.

Councilwoman Welch noted that COBRA is being set up with United Health Care.

**ENVIRONMENTAL** – Supr. Marshall noted that he attended a meeting with the Canandaigua Lake Watershed Council and it was noted that the CLWC is working with the Highway Dept. regarding Hicks Road. Councilman Muxworthy asked if the CLWC involved in or aware of the Marcellus Shale drilling? Supr. Marshall noted that he would speak to Kevin Olvaney about that.

### **OLD BUSINESS**

#### **CHANGE OF DEFINITIONS – ZONING LAW**

Supr. Marshall noted nothing could be done tonight regarding the definition changes. The matter is with Ontario County Planning and we are awaiting their response.

#### **FIRE CONTRACT APPROVALS**

Supr. Marshall noted that the 2010 contracts for fire protection are being passed around for Board signature. There are 4 contracts, Bristol, Richmond, Cheshire and Naples.

### **NEW BUSINESS**

#### **DORSCHEL v. JAMES SCHARTZER & SOUTH BRISTOL B.A.R. CERTIORARI PROCEEDINGS**

Supr. Marshall noted that we are being taken to Court by Richard Dorschel regarding the assessment of his property. The Town attorney does not do this kind of work and we have to hire outside council. Attorney Graff recommended Mary Karona to represent the Town. Ms. Karona represented the Town a few years ago. Supr. Marshall asked for a motion to hire Ms. Karona to represent the Town in this matter. Supr. Marshall noted that Ms. Karona will need to hire an appraiser to prepare a “Trial Ready Appraisal.” Ms. Karona hired Jim Leggett of Midland Appraisals to complete the appraisal.

On a motion made by Councilman Arndt to hire Mary Karona, Esq. to represent the Town of South Bristol in the matter of Dorschel v. South Bristol and seconded by Councilwoman Goodwin was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Welch and Muxworthy.

#### **TOWN CLERK REQUEST – MUNICIPALITY**

Supr. Marshall noted that Clerk Hanley has put in a request to have credit cards accepted at the Town Clerk’s office by Municipality. Clerk Hanley noted that Municipality had a presentation with the Ontario County Town Clerk’s Assoc. The Town of Victor and the Town of Gorham have signed on. The credit card fee would be charged back to the resident/user with a minimum of \$1.50 and then a 2.5% fee thereafter. There are no processing fees and this would be for the convenience of the residents. Councilwoman Goodwin asked if the tax collector would be able to use the service? Clerk Hanley noted that she is not tax collector and doesn’t have the software

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for tax collecting in her office. Supr. Marshall noted that the Justice Office uses credit cards through Williamson Law. Councilman Muxworthy asked if the credit card machine would have to be leased? Clerk Hanley noted that the USB card readers are included but the thermal printers for receipts are extra. Councilman Muxworthy asked if there would be any cost to the Town? Clerk Hanley noted that there is no cost to the Town. Supr. Marshall noted that the resident who does use a credit card is made abundantly aware of the fee involved. Councilman Muxworthy asked if it was a one time charge? Clerk Hanley noted that it was. Councilman Muxworthy noted that a \$10,000.00 charge would have a \$250.00 fee attached. Clerk Hanley agreed.

On a motion made by Councilwoman Welch to approve Municipay credit card service for the Town Clerk's Office was seconded by Councilman Arndt was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Welch and Muxworthy.

Clerk Hanley noted that a rabies clinic is being scheduled for April 2010 at the Highway Barns and also a Blood drive March 22<sup>nd</sup> at the Town Hall.

**CEO REQUEST TO ATTEND TRAINING**

Supr. Marshall noted that CEO Centner has asked the Board approve a request to attend a 3-day training in Rochester in March, 2010. In order to reserve his space the fee would need to be paid now. Supr. Marshall noted that it is \$395.00 for the mandatory training.

On a motion made by Councilwoman Welch to approve the request by CEO Centner to attend training in Rochester in March, 2010 and seconded by Councilwoman Goodwin was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Welch and Muxworthy.

**OTHER BUSINESS  
SUPERVISOR'S REPORT**

On a motion made by Councilman Muxworthy and seconded by Councilwoman Goodwin to approve the November 2009 Supervisors Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Welch and Muxworthy.

**TOWN CLERK'S REPORT**

On a motion made by Councilman Arndt and seconded by Councilwoman Welch to approve the November 2009 Town Clerk's Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Welch and Muxworthy.

**ACCOUNTING  
BUDGET TRANSFER**

Supr. Marshall noted that there are a few budget transfers and a budget amendment in front of the Board tonight. The budget transfers are due to it being the end of the year and budget lines being close to zero. A transfer of \$2,000.00 to Hospital and Insurance is to cover the Health Spending Accounts for January 1, 2010.

On a motion made by Councilwoman Welch to accept the Budget Transfers and seconded by Councilman Arndt was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Welch and Muxworthy.

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|               |          |                                |             |
|---------------|----------|--------------------------------|-------------|
| Transfer from | A1110.11 | Justice-Court Clerk Per Ser to |             |
|               | A1110.4  | Justice – Contr.               | \$1,419.12  |
|               | A1620.4  | Bldgs-Contr to                 |             |
|               | A1010.4  | Town Board - Contr             | \$503.13    |
|               | A1620.4  | Bldgs – Contr. to              |             |
|               | A1220.4  | Supr. – Contr                  | \$25.85     |
|               | A1620.4  | Bldgs – Contr to               |             |
|               | A1450.4  | Elections – Contr              | \$400.00    |
|               | A1620.4  | Bldgs – Contr to               |             |
|               | A7510.4  | Historian – Contr              | \$20.00     |
|               | A1620.4  | Bldgs – Contr to               |             |
|               | A8010.4  | Zoning – Contr                 | \$304.58    |
|               | A1990.4  | Contingent Acct to             |             |
|               | A9060.8  | Hospital & Insurance           | \$2000.00   |
|               | DA5140.4 | Misc – Contr to                |             |
|               | DA5110.4 | General Repairs – Contr        | \$400.22    |
|               | DA5130.4 | Machinery – Contr to           |             |
|               | DA5142.4 | Snow Removal- Contr            | \$13,643.61 |
|               | DA5140.4 | Misc – Contr to                |             |
|               | DA5142.4 | Snow Removal – Contr           | \$1735.05   |

**BUDGET AMENDMENT**

Supr. Marshall noted that budget amendment transfers from the Fund Balance, \$10,000.00, for the Highway Employee Health Spending accounts. The first transfer was for the Town Hall employees.

On a motion made by Councilwoman Welch to accept the Budget Amendment for the Hospital & Medical Insurance and seconded by Councilman Muxworthy was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Welch and Muxworthy.

|        |          |                        |             |
|--------|----------|------------------------|-------------|
| DEBIT  | DA599    | Appropriated Fund Bal. |             |
| CREDIT | DA9060.8 | Hosp.& Medical Ins.    | \$10,000.00 |

**AUDIT GENERAL FUND**

Councilwoman Welch noted that Voucher #439 is incorrect. The correct amount should be \$79.08, not \$78.09. Councilman Arndt noted that adds 0.99 to the abstract for a total of \$23,863.42. Supr. Marshall agreed.

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On a motion made by Councilwoman Goodwin and seconded by Councilwoman Goodwin to pay General Fund bills, Abstract #12, Voucher numbers 430-496, totaling \$23,863.42 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Welch, Arndt and Muxworthy.

**AUDIT HIGHWAY FUND**

On a motion made by Councilman Arndt and seconded by Councilwoman Goodwin to pay Highway Fund Bills, Abstract #12, Voucher numbers 254-276, totaling \$65,013.57 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Arndt, Welch and Muxworthy.

Supr. Marshall noted that the big expense for the Highway fund was for salt. Councilman Muxworthy noted that part of the monies to be approved tonight includes quite a bit of regular salt without the brine or chemicals and asked why? Supt. Wight noted that the salt is mixed with sand on a 1:1 ratio, which is primarily used; on hills and problem areas, straight salt will be used.

Clerk Hanley asked for the date of the Organizational Meeting. Supr. Marshall noted that the Organizational meeting will be held the 2<sup>nd</sup> Monday in January, January 11<sup>th</sup>.

Supr. Marshall noted that tonight is Councilwoman Goodwin's final meeting as a Town Board member. Supr. Marshall noted that this is the last meeting of his 10<sup>th</sup> year and through all that time he has had Councilwoman Goodwin working along side him to help him out. Before Councilwoman Goodwin came on to the Town Board, she worked for Ray Moncrieff as a bookkeeper when he was Town Supervisor. She was then my bookkeeper for me for several years and finally convinced her to come back as a Board member. Supr. Marshall noted that her experience with bookkeeping, and what have you, has been invaluable. Supr. Marshall noted that Councilwoman Goodwin is going to be missed and we can't thank you enough for all the time and effort that you provided to the Town. (Applause). Councilwoman Goodwin noted that it was Ray Moncrieff that got her started on this whole journey. Mr. Moncrieff noted that having been a former administrator in a school system, you usually have one, two or three secretaries before you are through. When Mr. Moncrieff became Supervisor, and Councilwoman Goodwin came on, I have never had a better secretary or someone to work with than her! Supr. Marshall agreed. Councilwoman Goodwin noted that on her first day with Mr. Moncrieff, they both looked at each other and asked, "Okay, what do we do?"

Adjourn: 8:04pm

Respectfully submitted:

Judy Hanley  
Town Clerk