

SOUTH BRISTOL TOWN BOARD MEETING
February 8, 2010

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order February 8, 2010 at 7:01pm at the Town Hall, 6500 W Gannett Hill Rd., Naples NY 14512.

PRESENT

Daniel Marshall, Supervisor
Hermann Arndt, Councilman
Gary Muxworthy, Councilman
Mark Storm, Councilman

ABSENT

Barbara Welch, Councilwoman

RECORDING SECRETARY

Judy Hanley, Town Clerk

OTHERS

Jack Bartlett, Jim Schartzer, Sybil Dutcher, Jim Wight,
Dahl Schultz, Brooks Lyon, Emily McFaul, Ellen Monagan, Bub Seymour

TOWN BOARD MINUTES

On a motion made by Councilman Arndt and seconded by Councilman Storm the minutes of the January 11, 2010 Organizational Meeting Minutes were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Arndt, Muxworthy and Storm.

On a motion made by Councilman Arndt and seconded by Councilman Muxworthy the minutes of the January 11, 2010 Town Board meeting were ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Arndt, Muxworthy and Storm.

PRIVILEGE OF THE FLOOR

No one signed up for Privilege of the Floor.

CEO REPORT

On a motion of Councilman Storm and seconded by Councilman Arndt the CEO's report for January 2010 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Arndt, Muxworthy and Storm.

ASSESSOR'S REPORT

Assessor Schartzer reported that the exemptions are coming in and is updating sales in the system. Assessor Schartzer noted that he attended a class recently regarding condo assessments.

LIAISON REPORTS

HIGHWAY – Councilman Arndt noted that it has been snowing in small increments keeping the Highway crew busy. The Highway Dept has painted the inside of the truck barns. Councilman Arndt noted that Supt. Wight received notice from the County regarding the repair of a bridge on Lower Egypt Road. Supt. Wight noted that the application process has been started with the County. Supt. Wight noted that the County will be doing the work and the Town

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will have a portion of the expense. Councilman Arndt agreed and noted that it will be a split 90/10 or 80/20. Supr. Marshall noted that this is the only bridge in South Bristol; everything else is a culvert. A bridge has to be 20 feet long in order to be considered a bridge. Supr. Marshall agreed. Supr. Marshall noted that there is truck traffic on Lower Egypt Road now that a gravel pit opened on the other end in the Town of Richmond. Supt. Wight noted that the bridge is rated for 60 tons, but because it is compromised, it can no longer be considered a 60-ton bridge. Supr. Marshall asked if the bridge could tolerate 10 tons? Supt. Wight noted that it could.

BUILDINGS & GROUNDS/CEMETERIES – Councilman Muxworthy noted that problem with the restrooms has been repaired.

PERSONNEL & COMMUNITY RELATIONS/POLICY – Councilwoman Welch absent.

ENVIRONMENTAL - Supr. Marshall noted that he met with the Canandaigua Watershed and was appointed Vice-Chair. The report from the Environmental committee regarding the Docking and Mooring law is still a work in process and will be another 4-6 months before it is complete.

OLD BUSINESS

RESOLUTION – ELIMINATING “TYPIST, PART TIME” POSITION

Supr. Marshall noted that the County was not satisfied with our just eliminating the position and the Board needs to pass a Resolution in doing so. This position was over at the Highway Department formerly held by Kathy Duel described as “Typist-Part Time.”

On a motion made by Councilman Arndt to accept Resolution #21-2010 abolishing the “Typist-Part Time” position and seconded by Councilman Muxworthy was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Arndt, Muxworthy and Storm.

Resolution #21-2010

Abolishment – Typist, part time position

WHEREAS, the position of Typist, part time is currently vacant, and
WHEREAS, Highway Superintendent James Wight no longer needs the position to be filled

WHEREAS, the South Bristol Town Board wishes to abolish the position, now therefore be it

RESOLVED, that the position of Typist, part time shall be abolished, and
RESOLVED, that a copy of this resolution be sent to the Ontario County Human Resources Dept.

Supr. Marshall noted that an issue has come back up that he would like the Board’s opinion on. CEO Centner had asked for a change in the wording of our Town Code that would describe how long a building permit is valid. Supr. Marshall asked the Board if this is something we want to go forward with and have the attorney work on or wait until there is something else to submit with the change? This is merely describing the length of time a building permit is valid for. Councilman Arndt noted that if there is nothing imminent and not a lot of activity going on the issue can wait. Supr. Marshall agreed and noted that the Steep Slopes will be coming along shortly.

UNION – IMPROPER PRACTICES CHARGE

Supr. Marshall noted that the Town received a letter from the State noting that the Union has filed a grievance against the Town of South Bristol, citing that the Board did something to coerce the Highway Dept. to not join the union. The letter received from the Public Employment

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Relations Board basically denied the Union's complaint, however the Union has until February 12th to appeal the decision. Supr. Marshall noted that he did show to John Hicks, who was hired as a negotiator, and he didn't see where the Town had done anything wrong. The charge is that the Board offered them wage concessions; which we didn't do, and also that our current Health Insurance program is the best offered and that we would make every possible attempt to keep the cost to employees. There were no guarantees or promises anywhere.

MARCELLUS SHALE DISCUSSION

Supr. Marshall noted that there has been some discussion the last couple of meetings regarding the Marcellus Shale issue that is looming in this area. Supr. Marshall spoke with Clayton Adams who is with Congressman Eric Massa's office. Mr. Adams noted that he could provide some expertise on this issue and Supr. Marshall asked the Board how far they'd like to go with this? The Board could do a Saturday morning meeting and advertise it in the newspaper for all the Town residents to know about or at a regular Town Board meeting. Supr. Marshall noted that Mr. Adams was in favor of the Saturday morning meeting. Supr. Marshall noted that this is drilling in the Marcellus Shale is becoming an issue and large amounts of money are being thrown around by gas companies. In Pennsylvania region the gas companies are offering \$5,500.00 per acre for lease rights. The system used is called "fracturing" where a lot of water is used and can also taint the water supply and wells. Councilman Arndt noted that he stopped at the DEC in Avon and talked with the person in charge of permits for drilling and mining and another that processes the permits. The conversation basically centered on the initial operational concern. There is a tremendous amount of water consumption with Hydraulic Fracturing. Councilman Arndt asked where they would get all this water, out of the lake, or have it trucked in or drill a well, which may impede your water supply. Another issue is that they use a tremendous amount of lubricant down the pipe along with a sandy-textured material, which is a proprietary chemical, but hasn't been identified. The DEC is in its preliminary EIS (Environmental Impact Study). Councilman Arndt continued noting that once the water is extracted, what do you do with it? Water around here contains a lot of iron, sulfur, zinc and radon. The Marcellus Shale in our area is not as deep as 7,000 feet in Pennsylvania, so therefore local aquifers could be impacted. The other concern could be the piping or hauling of the gas away. Now that the gas has been tapped, what are you going to do with it? Are you going to dig up the roadways to install pipelines? Where will they have a reclamation point? This would be the point where the laden liquids are separated and will it be located in the watershed? Councilman Arndt noted that the DEC has information on its website.

Supr. Marshall noted that he would talk with Mr. Adams about having a meeting with him and additional experts.

NEW BUSINESS

VACANCY – BOARD OF ASSESSMENT REVIEW

Supr. Marshall noted that a position on the BAR that has been vacant for some time now needs to be filled. The BAR meets in May and the new member would need to be trained. Supr. Marshall asked for any suggestions. Clerk Hanley suggested Janet Englert of County Road 12. Supr. Marshall noted that he would contact Ms. Englert. Assessor Schartzler noted that the person ought to have a real estate background.

COUNTY ROAD 34 REHAB

Supr. Marshall noted that he received a notice that County Road 34 will be rehabbed late this summer, between Route 64 and County Road 33. The project will include drainage

improvements, culvert rehab, production milling of the existing pavement, hot mix asphalt paving, guide rail upgrade and other incidental tasks and will take 3-4 months. Supr. Marshall noted that County Road 33 would probably be next in line for rehab.

NAPLES AMBULANCE – NOTICE OF CLAIM

Supr. Marshall noted that a Notice of Claim was received from the Naples Ambulance indicating that they think the Town owes them money from 2008. Supr. Marshall noted that he is not in agreement with the notice and has forwarded the papers to the Town Attorney. The issue with the Naples Ambulance has been hanging on for years. Supr. Marshall questioned why the Town has a contract with the Naples Ambulance. The ambulance corps operates with a “Certificate of Need” which basically gives them the right to operate in the Town of South Bristol. Supr. Marshall noted that the Board has questioned the billing of customers for their services. In the past the reason the ambulance gave for collecting the tax was to defray some of the costs of co-pays for residents and the uninsured. Supr. Marshall asked if the Town should continue to cover those costs or should that be left to the resident? Supr. Marshall noted that the Board needs figure out if we need to have a contract with the Naples Ambulance and if we don’t, then what? Councilman Arndt noted that getting a legal opinion from the Town Attorney to see what our rights are is a step in the right direction. Once we get the attorney’s opinion, we can go from there. Supr. Marshall agreed and said he would meet with Attorney Graff. Supr. Marshall noted that the Naples Ambulance split from the Village of Naples in 2007. In 2008 there was no ambulance district established; in 2009 the ambulance district was in place and a contract signed, now in 2010 the Board elected not to send the ambulance anything.

**OTHER BUSINESS
TOWN CLERK’S REPORT**

On a motion made by Councilman Arndt and seconded by Councilman Storm to approve the January 2010 Town Clerk’s Report was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Arndt, Muxworthy and Storm.

SUPERVISOR’S REPORT

On a motion made by Councilman Muxworthy and seconded by Councilman Storm the Supervisor’s report for January 2010 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Arndt, Muxworthy and Storm.

Supr. Marshall noted that the Supervisor’s report shows a fair amount of money in the bank. The town received its 4th quarter sales tax check in January and also Sybil Dutcher has been collecting taxes all month.

**ACCOUNTING
BUDGET TRANSFER**

Supr. Marshall noted that Budget Transfer for the Watershed is because he erred when creating the budget for the Watershed. Supr. Marshall noted that he thought the number from Cndga. Watershed included money every Town contributes to cover the part-time assistant to the Watershed Inspector. The disability insurance figure is not available at budget time and this year the number was \$27.00 off.

Transfer From	A1620.4 Bldgs – Contr to A8090.4 Watershed – Contr.	\$1,095.09
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DA9060.8 Hospital & Med. Ins. to
DA9055.8 Disability Ins. 27.70

On a motion made by Councilman Muxworthy and seconded by Councilman Storm to approve the Budget Transfer was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Arndt, Muxworthy and Storm.

ACCOUNTING
AUDIT GENERAL FUND

On a motion made by Councilman Storm and seconded by Councilman Muxworthy to pay the General Fund bills, Abstract #2, Voucher numbers 15-53, totaling \$26,118.12 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Arndt, Muxworthy and Storm.

AUDIT HIGHWAY FUND

On a motion made by Councilman Arndt and seconded by Councilman Storm to pay the Highway Fund bills, Abstract #2, Voucher numbers 3-25, totaling \$37,041.83 was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Arndt, Muxworthy and Storm.

EXECUTIVE SESSION

Supr. Marshall noted that the Board will be moving into Executive Session to discuss of a potential matter of litigation against the Town. Supr. Marshall noted that the session was for informational purposes only and no decisions will be made when reconvened.

On a motion made by Councilman Arndt to move to Executive Session to discuss a specific legal question and seconded by Councilman Storm was ACCEPTED. Voting AYE: 4. Voting NAY: 0. Voting AYE: Marshall, Arndt, Muxworthy and Storm.

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

The Board came out of Executive Session at 8:00pm.

ADJOURN 8:00 PM

Respectfully submitted:

Judy Hanley
Town Clerk