

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, March 14, 2018, at the Pulteney Town Hall with the Pledge of Allegiance.

Present were: Supervisor Mark Illig; Councilman Mark Goodwin; Councilman Kathleen Burns; Councilman Richard Musso; Councilman Michael Yastremski; Highway Superintendent Terry Gibson; Bookkeeper Rebecca Kirch; and Town Clerk Erica Giambra. Absent was Attorney Jennifer Prossick.

Bill Weber took a moment of reflection to speak of Millie Hill, one of the last true Grand-ladies of Pulteney. Millie was born, raised, and a long-time resident of Pulteney. She was the Postmaster for 29 years, moving to Bath with her husband Jack following her retirement. She will be fondly remembered and sadly missed.

Councilman Burns made motion seconded by Councilman Yastremski to accept the minutes of the February 14, 2018 regular Board meeting. All in favor. Carried.

Councilman Goodwin made motion seconded by Councilman Musso to pay General Bills in the amount of \$3,992.65, being vouchers No. 18-47 to No. 18-61. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Supervisor Illig commented vouchers for General were overall routine this month and nothing unusual.

Councilman Musso made motion seconded by Councilman Yastremski to pay Highway Bills in the amount of \$17,310.32 being vouchers No. 18-35 to No. 18-54. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Supervisor Illig noted a voucher for gravel to stock pile for summer projects otherwise routine bills.

Councilman Burns made motion seconded by Councilman Goodwin to pay Water District #1 Bills in the amount of \$10,272.87 being vouchers No. 18-24 to No. 18-33. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. The main expense for the Water District was to the Village of Penn Yan, as contracted in the water agreement, and for meter replacements.

There are no transfers for this month.

Supervisor Illig commented, as previously approved, funding for the new Highway truck has been secured with Five Star Bank and documents have been executed.

The Highway, Water Department, Municipal Services, DCO, and Justice reports were all available to review.

Clerk Giambra reported with March 31<sup>st</sup> falling on a Saturday this year, the last day for tax collection is Monday, April 2<sup>nd</sup>. She has collected approx. a little over \$2,600,000.00 in taxes out of the approx. total amount of \$3 million.

Municipal Services Manager Welch mentioned the Dept. has been a little slower per usual this time of year, however will surely pick up as the weather gets nicer.

Aside from the Water Operator report, W.O. Dluzak stated all is well in the Water Dept. and fairly quiet as well.

Supervisor Illig met recently with Assessor Dave Oliver, in which Dave explained his re-assessment evaluation process. Supervisor Illig commented Dave is a true professional and has the experience in doing this for so many years it results in a very low number of grievances as shown in the past. His process takes into account the use of pictometry, including taking his own pictures. Supervisor Illig suggests, if interested and

available, for any Board members to meet with Dave on Thursdays during his office hours as his methods are quite interesting and informational.

Along with the DCO report, Supervisor Illig wanted to report on the recent suspected rabies outbreak on Gloades Corners Road. The matter has been resolved. The ferrell cats suspected have been identified and vaccinated with the resident involved having the best of intentions and overall cooperative with the entire situation.

Highway Superintendent Gibson reported the Dept. has been busy plowing and sanding. Between storms, they have been ditching, filling in potholes, and trimming brush/limbs. Highway Supt. Gibson traveled to Albany with fellow Steuben County Highway Supts. attempting to secure an increase in CHIPS funding. Currently we have budgeted and receive \$150,000.00 in CHIPS reimbursement. Hopefully around April 1<sup>st</sup> we will learn of the outcome from Governor Cuomo. The new truck is still in Angelica with the box finished and now working on the hydraulics. As questioned at last month's meeting, Highway Supt. Gibson reported the following road projects for this year: Dug Road will receive 3" of blacktop, Armstrong Road will get 1 mile of stone & oil, Depew Road to Bean Station Road will get stone & oil, Bean Station Road to Urbana line will get stone & oil, and Chidsey Hill Road will get 6" of gravel. Regarding the (2) older trucks, Highway Supt. Gibson needs additional time researching to provide a formal recommendation if auctioning is the best plan.

Supervisor Illig reported the Planning Board had their monthly meeting this past Monday March 12<sup>th</sup> with (3) hearings being heard. There was also further neighbor concern/discussion regarding the approved special use permit for a farm distillery on Middle Road. The neighbors/residents are also on the agenda for this evening.

The next Zoning Board of Appeals meeting is March 20<sup>th</sup> with (2) hearings scheduled regarding an application for a special use permit for a major recreational development of a 15-site campground referred to as "glamping" that requires a 3-acre variance to be in accordance with the Town Zoning Law. The second hearing is requesting a height variance for a woodtec shed on West Lake Rd.

At this time, Supervisor Illig stated he will open the sealed bids for the 2018 mowing season for Pulteney Town properties. The bid notice was advertised in the Shopper for (3) consecutive weeks prior to the bid opening this evening. The Board received (3) sealed bids. Each bid required a bid sheet, non-collusion bidders certificate, and proof of insurance. The first bid opened was for \$6600.00 by Don Strzepak, second bid for \$7000.00 from Richard Peer, and lastly a bid for \$18,000.00 from Quality Home & Lawn. Supervisor Illig explained in the contract there are a specified number of mows/trimming during specified months in which if extra is needed, that is considered above the contract and will be paid through a voucher. As in the past, Highway Supt. Gibson will oversee the mowing contractor chosen. Supervisor Illig reported (2) out of the (3) contractors have mowed for the Town in the past and have done satisfactory work. He concluded, by Law the Board is required to accept the lowest bid offered, which is the bid for \$6600.00. Councilman Musso made motion seconded by Councilman Burns to accept Don Strzepak's bid of \$6600.00 for the 2018 Town of Pulteney mowing season. All in favor. Carried. The contractor will be informed of the approved bid and enter into a signed contract.

Next on the agenda, Supervisor Illig made motion seconded by Councilman Goodwin to suspend the regular meeting and enter into a scheduled public hearing

regarding Local Law No. 1 of 2018 to extend the Cold War Veterans Exemptions. All in favor. Carried.

As discussed at previous Board meetings, a Local Law must be adopted rather than passing a Resolution to continue the Cold War exemptions. After duly public notice, Board review, and no comments or questions heard from the Board or public, Supervisor Illig made motion seconded by Councilman Burns to close the public hearing and resume the regular meeting. All in favor. Carried.

Supervisor Illig made motion seconded by Councilman Yastremski to adopt Local Law No. 1 of the year 2018 extending Cold War Veterans Exemptions. All in favor. Carried. Clerk Giambra will send the adopted Local Law to the Secretary of State for filing and Wendy Jordan at Steuben County Real Property.

Under old business, Supervisor Illig stated after much discussion at previous Board meetings and in light of additional information received regarding proper water billing procedures, it has been recommended with Clerk Giambra having regular scheduled office hours, for her to assume the water billing role as “clerk of the works”. Water Operator Dluzak will read the meters, enter into the system and then Clerk Giambra would be responsible to perform the billing and deposits. This would ensure the proper separation of duties with (2) individuals. Clerk Giambra would need the web-based water software available to her and Supervisor Illig suggested as compensation of the additional duty, Clerk Giambra receive \$500.00 per quarter. Councilman Musso made motion seconded by Councilman Goodwin to have Clerk Giambra assume the water billing roll and duties receiving a stipend of \$500.00/quarter. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried.

As mentioned at the February meeting, Supervisor Illig wishes to establish an employee salary schedule. He provided a spreadsheet of current Town salaries for the Town of Pulteney, Wayne, Urbana, and Barrington and recommended what the starting salaries should be for Pulteney. He suggested the Board review the spreadsheet and at the April meeting discuss further and take possible action.

Under new business, Supervisor Illig brought to the Board’s attention the serious issue that arose around Labor Day of last year with harmful algae blooms affecting Keuka Lake. On December 21, 2017, Governor Cuomo proposed grant funding to (12) lakes in New York State that have been affected with these harmful algae blooms. Keuka Lake was not (1) of those (12) lakes identified in his proposal. As suggested by KWIK/KLOC, the Villages and Towns associated with Keuka Lake shall pass a Resolution requesting Governor Cuomo expand his list to include Keuka Lake as a priority lake affected. Councilman Goodwin made motion seconded by Councilman Burns to pass a Resolution asking Governor Cuomo to include Keuka Lake, with the funding of the same level as the priority lakes already identified and have Clerk Giambra send copies of the passed Resolution to Governor Cuomo, Senator O’Mara, and Assemblyman Palmesano. All in favor. Carried.

Continuing with new business, Supervisor Illig stated he recently spoke with Legislator Mike Hanna, whom Supervisor Illig has sent letters to along with Commissioner of Finance, Patrick Donnelly and Steuben County Legislator Chairman of Finance, Scott VanEtten, in regards to the acquisition of the Nichols Inn site as mentioned at previous meetings. Supervisor Illig is requesting Mr. Hanna sponsor

legislation in favor of the County donating the property back to the Town of Pulteney to provide additional parking for residents along West Lake Road. Supervisor Illig provided a letter, on behalf of himself and the Board, for the Board to review and allow him to send in regards to a formal request. All agreed. Supervisor Illig stated he will keep the Board advised of any updates or further correspondence.

In regards to the Memorial Day Celebration, Supervisor Illig asked Councilman Burns, who is Chairing the event, if she had any updates. She suggested the idea of asking Pulteney resident, Trooper Matt Nesbitt, to be the guest speaker. The Board agreed he would be an excellent choice. Supervisor Illig will contact Matt to see if he is willing and available. Councilman Burns also recommended the wreaths used for the celebration might need some sprucing up and will contact Valerie Stern.

Clerk Giambra stated it is that time of year to plan the annual Town rabies clinic. She stated she spoke with Eastview Veterinary Clinic and confirmed they are able to provide a Veterinarian on Saturday, May 12<sup>th</sup>, 2018 from 9 AM-11 AM. Supervisor Illig made motion seconded by Councilman Musso to approve the rabies clinic to be held on Saturday, May 12<sup>th</sup>, from 9 AM-11 AM at the Pulteney Town Barn, advertise in The Shopper and Town website, and provide payment to Eastview for Veterinarian services. All in favor. Carried.

As reported at the February meeting, the 21<sup>st</sup> Annual Regional Leadership Conference at Corning Community College is Thursday, April 5, 2018. The Southern Tier Central Regional Planning & Development Board is in charge of the conference. Supervisor Illig stated it is the Town's tradition to pay the \$50.00 registration fee to those Town Officials/Board Members that are interested in attending. Supervisor Illig made motion seconded by Councilman Burns to again this year pay the registration fee to those interested. All in favor. Carried. Clerk Giambra stated the deadline will be March 20<sup>th</sup> to inform her if interested and planning on attending.

As Supervisor Illig stated earlier, the Planning Board met this past Monday in which there was neighbor/resident concern and issues revolving around a special use permit that the Planning Board approved at their February 12, 2018 meeting. This permit approved a farm distillery on Middle Road to be open Wed-Sun 12-8pm and allow (3) special events per calendar month with the hours of 12-10pm. Supervisor Illig stated the Planning Board negotiated hours with the applicant and felt they took all factors into consideration when making their decision. During Monday's meeting, neighbors presented a letter and questions regarding their concerns. The Planning Board is in the process of answering those questions and will respond at their next meeting April 9<sup>th</sup>. Supervisor Illig stated he contacted Town Attorney Prossick in regards to if a special use permit can be reversed. She stated without new information presented, the determination should not be reversed. There is a legal process that can be taken by the aggrieved party, however the Planning Board cannot revisit the decision. That being said, Supervisor Illig opened the floor to the public for comments/questions. The public stated there is an overall concern in regards to traffic, speeding, and the hours allowed for special events to go until 10pm. The neighborhood in general is used to limited traffic after Dr. Frank's closing at 5pm. The concern with speed and the condition of the road being partially paved partially unpaved, can result in more frequent accidents. There is a need for proper signage regarding speed limit, condition of road, parking, and other cautionary signs. There is concern also for pedestrians and bikers on that road path. Supervisor Illig

suggested, if the need arise, the Town can contact Sherriff Allard to request frequent and specified areas of patrol. He stated as far as changing the speed limit on a Town road, there is a procedure to follow in which the State decides the speed limit based on the condition of the road. He can request a reduction from 55mph (current speed limit) to 45mph. On the publics recommendation, the Town will put up appropriate cautionary signs and where pavement begins and ends. There was question regarding decibels and a noise ordinance. Supervisor Illig stated the Town has looked into the prospect of a noise ordinance previously and it remains to be impossible to enforce and ultimately cannot find a reasonable solution as far as monitoring. It was publicly noted there is a State Law regarding decibels at certain ranges allowed at a property line and it is believed the applicant is aware. If there are serious issues/concerns that arise, the public should call 911. It is suggested to document violations and provide those to Municipal Services Manager Welch. There is concern with music/bands, if they will be outside/inside? This specifically is why the closing times allowed matter as the neighbors stated. Supervisor Illig reiterated the Planning Board did the best they could and negotiated the applicant's hours. It comes down to the applicant's rights vs. neighbor preference. Unfortunately, there are no winners entirely. Again, if the public remains unhappy with the outcome there is a legal procedure they can pursue. The public asked how to go about changing the Zoning Law, in which Supervisor Illig stated to document concerns, provide suggestions and recommendations to present to the Planning Board of how they would like the Law changed, as it is the Planning Board that writes the Zoning Law and the Town Board acts on and officially adopts. There is also increased public concern of another alcohol related establishment going up especially within a small area with no police dept. Supervisor Illig responded the notion to promote and encourage small craft businesses goes along with the Town Comprehensive Plan therefore there are no limitations currently as to establishments developing.

Supervisor Illig asked if there were any further public comments/concerns/questions at this time. None being heard, he wanted to thank everyone in attendance for their respectful conduct and the Town will do their best to address their concerns.

Without the need for an executive session, Councilman Yastremski made motion seconded by Councilman Musso to adjourn the meeting. All in favor. Carried.

Meeting adjourned at 8:22 PM.

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Town Clerk

