

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, May 8, 2019, at the Pulteney Town Hall with the Pledge of Allegiance.

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

Bill Weber took a moment of reflection to speak of (2) recent passing's. Marcia Slater grew up in Corning and married Pastor Larry Slater in July of 1967. Together, they began their life's work of the Ministry in Massachusetts and Maine moving to Pulteney in 1996. It was then that they established Grace Community Fellowship. Bill did not know Marcia, but everyone he talked to spoke of her beauty, charm, faith, and lovely disposition. She fell ill a few years ago and passed at the Homestead in Penn Yan. She is survived by her husband, 3 sisters, 3 children, and 11 grandchildren. Jane McConnell was the Mother of a dear friend of Bill's, David. Jane had spent every summer on Keuka with David since the passing of her husband John in 1975. She was a women's pioneer of her time as an air traffic controller in Jacksonville in WWII. She will be laid to rest next to her husband in Glen View Cemetery on July 5th. They both will be fondly remembered and missed by many.

Supervisor Illig made motion seconded by Councilman Musso to accept the minutes of the April 10, 2019 regular Board meeting. All in favor. Carried.

Councilman Goodwin made motion seconded by Councilman Burns to pay General Bills in the amount of \$41,039.46 being voucher No. 19-66, voucher No. 19-82 and vouchers No. 19-83 to No. 19-102. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Supervisor Illig pointed out voucher No. 19-82 was to Larry's Paving for half the payment to mill, repave, and fix the cracks on the tennis and basketball court that was approved at the April 10th meeting. Also, voucher 19-101 in the amount of \$23,132.00 is for establishing the tax cap reserve account with Five Star bank approved at the March 13th meeting. Remaining vouchers were overall routine.

Councilman Yastremski made motion seconded by Councilman Musso to pay Highway Bills in the amount of \$31,216.82 being voucher No. 19-83, No. 19-83A, and vouchers No. 19-85 to No. 19-100. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Supervisor Illig asked Bookkeeper Welch to explain vouchers No. 19-83 and No. 19-83A to ST Coots. She stated the incorrect amount was originally sent to the vendor, therefore the additional voucher needed approval for the full payment amount.

Councilman Musso made motion seconded by Councilman Burns to pay Water District #1 Bills in the amount of \$15,949.32 being vouchers No. 19-36 to No. 19-37, voucher No. 19-49, and vouchers No. 19-50 to No. 19-62. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Supervisor Illig stated vouchers No. 19-36 to No. 19-37 and voucher No. 19-49 were due to repairs and an installation (which \$2500.00 will be refunded back to the Water District). Vouchers otherwise routine including meter replacements.

Balance sheets and profit & loss reports were available to view. There are no transfers for this month.

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

Clerk Giambra reported the annual rabies clinic held Saturday, April 27th went well despite the weather. We vaccinated 60 animals total, 43 dogs and 17 cats. Also, the business signs for Steuben Brewing, Point of the Bluff Vineyards, and Azure Hill Winery have all been placed in their requested locations as you are coming into Town.

Aside from his report, Municipal Services Manager Welch commented spring has sprung and the Dept. is getting very busy as usual.

Water Operator Dluzak agreed as the Water Dept. remains busy with leak detection and repairs, meter replacements, testing, marking out curb stops on the Lake Road, and seasonal water turn-ons.

Highway Superintendent Gibson reported he and Councilman Yastremski have recently been looking for a back-up truck for the Highway Dept. They are interested in one from the Town of Erwin. It is an '06 Sterling 10-wheel dump truck with 93,000 miles and new tires and brakes for \$45,000.00. Highway Supt. Gibson has previously received Board approval to purchase a back-up truck suitable to the Town's needs. Continuing with his report, he stated they have cleaned up Glen View Cemetery commenting there are still a lot of old decorations and flowers that need removed by families. Since there is not a cemetery association, it is up to the Town to maintain the cemeteries. It was discussed it might become necessary at some point publishing an ad asking for the removal of decorations and flowers at a particular time of year. The old roller has been placed on Auctions International and the bid so far is up to \$7200.00. The last day for bidding is May 14th. At the June meeting, Highway Supt. Gibson will update with the accepted bid.

Regarding the Council report, Councilman Goodwin stated he has been made aware there are some broken items on the playground that could become a liability issue and should be addressed. Supervisor Illig commented he will look into and report back.

There is not a Planning Board meeting for May, however there is a ZBA meeting scheduled for May 21st with 2 public hearings.

Under old business, Councilman Musso reported he and Councilman Yastremski attended the Fire District meeting. There was a vote in regards to the Fire Dept. taking back possession of the Ambulance building that was unanimously approved. Being the building is in District #4, Lauren commented a variance will be needed first, then if approved, the Zoning Board of Appeals can make a recommendation to the Planning Board for a sub-division. There is currently 61ft of road frontage and 75ft is needed according to the Town Zoning Law. Moving forward, Lauren and Clerk Giambra will complete the area variance application to go in front of the ZBA in June. Further updates to come.

Regarding the tennis courts, Supervisor Illig reported, as mentioned earlier with finances, Larry's Paving has been contacted after we approved their bid offer at the April Board meeting and a check has been cut for half the quoted amount of \$24,820.00 to mill, repave, and fill in/fix cracks on the tennis and basketball courts. The vendor is supposed to contact Highway Supt. Gibson to schedule work as soon as possible. Supervisor Illig contacted Nagle athletic surfaces to receive a quote for painting the lines for all courts.

The first quote received was for almost \$20,000.00 Being unacceptable, Supervisor Illig contacted the vendor again and the quote went down to \$12,500.00 minimizing the work from painting 4 coat to 2 coats. The Board agreed this was still an excessive quote from what was expected and budgeted. W.O. Dluzak suggested we contact Top Dog Studio who we use for all our signs and other design needs. He is known to design gymnasium floors and could possibly do the lines. The Board agreed that was an excellent idea, at least to see if he is willing and able and to provide a quote to get a comparable price to Nagle's. Further discussion at the June meeting.

As discussed at the April meeting, Steuben Brewing is interested in adopting 9 miles of State, County, and Town roads within the Town of Pulteney. They have met with State and County officials, have begun mandatory training, and submitted the proper paperwork. Attorney Prossick had noted the Town must establish a policy in moving forward. She and Clerk Giambra drafted a Town of Pulteney Adopt-A-Highway policy and agreement and has been presented to the Board to review for approval. Councilman Burns questioned the Town participation section regarding the safety requirements. Clerk Giambra reported the safety requirements are set forth in the agreement to be signed by the participant/organization and will be provided by the County/State. Councilman Burns also asked why children under the age of 16 cannot participate in the highway clean up? Again, this is a County/State mandate that Attorney Prossick entered into the policy. Supervisor Illig made motion seconded by Councilman Yastremski to adopt the Town of Pulteney Adopt-A-Highway application and agreement. All in favor. Carried.

Councilman Burns made motion seconded by Councilman Goodwin to adopt the following policy: **RESOLUTION No. 5 ADOPTING THE TOWN OF PULTENEY'S ADOPT-A-HIGHWAY PROGRAM**

WHEREAS, the Town has been approached by various local organizations who would like to assist the Town in roadside pick-up of litter; and

WHEREAS, the Town recognizes the need for additional assistance and local participation in picking up litter on its' roadways; and

WHEREAS, the Town has deliberated and determined what policies and terms are best suited for an Adopt-a-Highway program.

NOW THEREFORE, BE IT

RESOLVED, the Town of Pulteney hereby establishes a formal Adopt-A-Highway Program wherein the Policy and resulting Agreement be signed by participants and will be available to the public by request from the Town Clerk.

Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried.

Continuing with old business, Supervisor Illig, Lauren, and Chuck are working on drafting a formal Water District policy to propose to the Board for review. Supervisor Illig stated there is nothing to propose at this time and the committee will address again at the June meeting.

As the Board requested at the April meeting, they were given additional time to review the proposed Intermunicipal Water Contract with the Town of Jerusalem that had expired in December. The Town of Jerusalem is proposing continuing with the same contract as in the past, being we pay them a rate of \$48.00 per active customer. In addition, we are responsible for 17.3% of water main repairs from their tank to the 4 corners in Branchport and 50% of water main repairs from the Pulteney Town line to the 4 corners. There was a clerical error within the contract, therefore revisions needed to be made prior to being proposed to the Board. Hard copies of the December 2013 contract and the revised 2019 proposed contract were made available to the Board. Supervisor Illig pointed out the only difference between the 2 documents are clerical errors under section 5.1 and 5.2. Supervisor Illig asked the Board for their comments/questions. Councilman Musso provided the Board with a memo from former Town of Pulteney Water Plant Operator Ken Forenz from November 19, 2008 expressing his concerns with renewing the intermunicipal agreement, potential changes that could affect us financially now (in 2008) and in the future (2019). Councilman Musso points out it appears the Town of Jerusalem is trying to change the original agreement. Supervisor Illig commented the change is simply an honest clerical error. Councilman Musso questioned why the \$18,400 we paid to the Town of Jerusalem this year isn't being used to cover the cost of repairs and or should go into reserves to maintain the lines. Supervisor Illig stated our contribution has always been intended to go toward the portion of operating cost of the system not capital reserves. The Town of Jerusalem has left the charge per active customer the same at \$48.00 and does not have the intention of making money off of us. That being said, the system is a lot older now and future repairs will cost more and we need to be prepared to pay for those repairs. With no further comments or questions heard from the Board, Supervisor Illig made motion seconded by Councilman Burns to approve the Intermunicipal Agreement between the Town of Jerusalem and the Town of Pulteney as presented to be in effect for the remaining 5 years until December 31, 2023 and the following Resolution. **RESOLUTION No. 6 AUTHORIZING THE TOWN SUPERVISOR TO RENEW AND ENTER INTO INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF JERUSALEM FOR THE TRANSMISSION OF WATER FROM PENN YAN TO PULTENEY**

WHEREAS, the General Municipal Law §119-0 authorizes municipalities to enter into agreements covering a governmental function performed by both entities; and

WHEREAS, both the Town of Jerusalem and the Town of Pulteney have determined the continued approach of a common water supply for both municipalities is in their best interests; and

WHEREAS, both municipalities have met and have come to an agreement, which has been reviewed by the Town of Pulteney Board.

NOW THEREFORE, BE IT

RESOLVED, the Town of Pulteney Supervisor is hereby authorized to sign the above-stated Intermunicipal Agreement with the Town of Jerusalem.

Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, no; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Clerk Giambra and Supervisor Illig will execute the approved agreement and file with the Town of Jerusalem.

Giving and update on the annual Memorial Day celebration, Councilman Burns reported she has asked Librarian Barb Radigan to assist with finding a student to read at the service. The library is also having a parade decorating gathering on May 25th at 10AM. The public will be able to make decorations for bikes, wagons, or ribbon flags for the parade on the 27th at Noon. Clerk Giambra has advertised in the Shopper for the 2 weeks prior to the parade. Councilman Burns and Clerk Giambra will work on the programs. Supervisor Illig has secured a Memorial Day speaker, seasonable resident and Vietnam Veteran, John Schutt. We look forward to the celebration.

As Attorney Prossick reported at the April meeting, the State has mandated, through the Dept of Labor, the Town must adopt a sexual harassment policy including receiving State certified training. Training must be completed and a policy adopted prior to October. If an employee has already taken the training, they can sign a certification stating so. This mandate applies to vendors as well. Clerk Giambra has provided the Board with a Town of Pulteney Sexual Harassment Policy as well as Town of Pulteney Policy Against Discrimination and Harassment for review. Highway Supt. Gibson asked who the compliance officers were going to be. Supervisor Illig stated himself and Municipal Services Manager Lauren Welch will act as officers. Supervisor Illig asked the Board if they had any further questions. All denied. Councilman Goodwin made motion seconded by Councilman Burns to adopt the following two Resolutions:

RESOLUTION No. 7 ADOPTING THE TOWN OF PULTENEY SEXUAL HARASSMENT POLICY AND COMPLAINT PROCEDURE

WHEREAS, Section 201-g of the NY Labor Law mandated that all employers throughout NYS adopt a sexual harassment prevention policy; and

WHEREAS, the State's Model Policy meets the mandates of the Labor Law; and

WHEREAS, adopting the new policy provides the Town of Pulteney an opportunity to reiterate its strong commitment to a workplace free of any harassment; and

WHEREAS, any changes to Federal, State or Local Law that conflict with this policy will preempt and the Town will revise its policy accordingly; and

WHEREAS, employees will be provided with a copy of this policy including compliance officer information and will receive notice of any revisions.

NOW THEREFORE, BE IT

RESOLVED, that the Town of Pulteney Sexual Harassment Policy is hereby adopted and filed with the Town Clerk.

**RESOLUTION No. 8 ADOPTING THE TOWN OF PULTENEY
DISCRIMINATION AND HARASSMENT POLICY AND COMPLAINT
PROCEDURE**

WHEREAS, adopting this policy provides the Town of Pulteney an opportunity to reiterate its strong commitment to a workplace free of any harassment and the belief in the dignity of an individual with recognizing the right of all people to equal employment opportunities in the workplace; and

WHEREAS, any changes to Federal, State or Local Law that conflict with this policy will preempt and the Town will revise its policy accordingly; and

WHEREAS, employees will be provided with a copy of this policy including compliance officer information and will receive notice of any revisions.

NOW THEREFORE, BE IT

RESOLVED, that the Town of Pulteney Policy Against Discrimination and Harassment is hereby adopted and filed with the Town Clerk.

Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried.

Lastly, under new business, Supervisor Illig stated the Board of Assessment Review will meet Thursday, May 30, 2019 from 4-6 PM and 7-9 PM to hear and examine all grievances in relation to assessments at the Town Hall. Assessor Dave Oliver will have office hours specifically for anyone interested in reviewing the tentative assessment roll every remaining Thursday in May from 12:30 PM-4:30 PM.

Supervisor Illig asked if there were any public comments or concerns at this time. With nothing heard an no need for an executive session, Councilman Burns made motion seconded by Councilman Musso to adjourn the meeting. All if favor. Carried.

Meeting adjourned at 8:03 PM.

_____ Town Clerk

