

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, November 11, 2020, at the Pulteney Town Hall with the Pledge of Allegiance.

Roll call: Supervisor Mark Illig; Councilman Elizabeth White; Councilman Michael Yastremski; Councilman Tammy Tones; Councilman Kathleen Burns; Highway Superintendent Terry Gibson; Attorney Mark Schlechter; Bookkeeper Rebecca Welch; and Town Clerk Erica Giambra.

It is noted those in limited attendance wore masks and social distancing was practiced at 6 feet apart.

Supervisor Illig announced today is Veteran's Day and although no Veterans are in attendance, we want to express gratitude to all those who have served our Country.

Bill Weber took a moment to speak of two recent Town passing's. Mark Bursi, Bill did not know very well, however remembers when he lived in Town next to the Hamilton's before he eventually moved to Gallagher Road. He came to Pulteney from the NYC/Long Island area and had once worked with Lauren Welch. John Ballam worked as our Town Dog Control Officer for many years. Bill commented it seemed he had to deal with controversial issues within the position, which must have been difficult dealing with the man/owner more so than the dog. Bill believes he handled situations well considering the stress. He remembers visiting with both John and Sheri and watching bear videos taped from cameras right outside their house. Both Mark and John will be fondly remembered and sadly missed.

Bill continued honoring and paying tribute to today being Veteran's Day. As it was once known, "Armistice Day" began on November 11, 1918. On November 11, 2018 marked 100 years since the armistice with Germany that ended the European portion of WWI. The Versailles Treaty officially ended the war in June of 1919. It might still be called "Armistice Day" if WWII didn't break out in Europe. WWI and the Versailles Treaty are relative to today in the Middle East as war and similar issues continue 30 years later. Bill stated the importance to recognize and be mindful of the history that is still pertaining to modern day.

Supervisor Illig added condolences to the Ballam family and our thoughts and prayers go out to them.

Councilman White made motion seconded by Councilman Tones to accept the minutes of the October 14, 2020 regular Board meeting. All in favor. Carried.

Supervisor Illig stated there is a computer/printer issue so financials will have to be addressed later in the meeting. Moving on with reports...

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

Clerk Giambra congratulated the library and Judge Benedict for their favorable votes in the election.

Municipal Services Manager Welch commented as with this time of year, construction has slowed significantly. Properties on the lake are still selling very quickly as he recently did 3 more property transfers.

Within the Water report, Supervisor Illig relayed that he and Chuck met with the owners of Moon Shadow Bed & Breakfast on Gallagher Road. Their property is not within the Water District; however, they were asking, due to the summer drought and multiple problems with their wells, about the ability of hooking up to the Water District.

The initial thought was the possibility of running a water line from SR54A to the residence. After reviewing, the engineer reported due to elevation and water flow, by running a direct line would not allow water pressure to be maintained at minimum levels. The second option was to install an additional pump station within the Water District. Again, after speaking with engineers, this would cost the Town approx. \$50,000.00-\$80,000.00 to have an approved municipal pump system installed. This financially is not an option for the Town to consider. In 2015, under Supervisor Weber, the Town sent out a letter/survey and engineer report to residents on Cross St. asking if they would be interested in joining the Water District. At the time, only one person reported to Clerk Giambra they were interested out of approx. 50 residents. Clerk Giambra will send the letter and report to the Board members to review.

For the Assessor report, Supervisor Illig stated Assessor Oliver has sent out his annual exemption forms.

Highway Supt. Gibson reported the snow equipment is ready and working as tested out on November 2<sup>nd</sup> for the first snow fall of the season. Road side mowing has been completed and all mowers have been repaired and are ready for next year. The Dept. has been hauling in sand for the winter, cleaned leaves out of the cemeteries, and made repairs to the 2007 Sterling and boom mower. Lastly, he reported the new pickup truck has been ordered from Maple City Dodge.

There was no Historian report for this month, but Supervisor Illig mentioned Ray has been coming into his office at the Town Hall more, moving and getting things organized from the old space to the new.

For the Supervisor report, Supervisor Illig commented Eli Hill has completed his Eagle Scout project in Glen View Cemetery repainting the cannon. He is a great young man and the Board wishes him the best in his future endeavors. A letter was sent to Eli thanking him for his efforts and stating the same.

As mentioned at the October meeting, Councilman Burns stated Nancy Cole has a gift card to Judd's that once they are able to get in stock, to purchase a 10-12 ft. dwarf Alberta Spruce tree and donate to the Community Garden. They will plan to plant in the spring along with the new garden beds.

Attorney Schlechter apologized for missing the Planning Board meeting this past Monday to discuss lighting regulations. He will meet with Jack Lucek to review his proposal and discuss further with the Planning Board at their next meeting in December.

There was a Planning Board meeting this past Monday the 9<sup>th</sup> in which 2 applications were approved after public hearings. One application was reviewed and a public hearing scheduled for December 14<sup>th</sup>. There is not a Zoning Board of Appeals meeting scheduled for November, Lauren commented tentatively a ZBA meeting for December.

Councilman Burns questioned, with the Governor's most recent Covid restrictions effective Friday November 13<sup>th</sup> limiting gatherings to 10 people, how our Town meetings will be affected moving forward? Supervisor Illig will look into further.

Under old business, as reported at the September meeting, it was brought to the Board's attention safety concerns regarding the playground. A proposal was presented and reviewed at the October meeting. Councilman Burns and Councilman White, along with Carol McGill and Dorothy Graham, met with Highway Supt. Gibson to discuss what projects can be done first, concentrating on safety concerns. Councilman Burns relayed it

was agreed upon that the toddler playground equipment set needed moved first. They were informed it is not legal being in an area with no wood chips surrounding the set. They are hoping to move this fall, otherwise will need to wrap plastic around and label with a no use sign. The committee also wants to remove the fencing between the play area and paved skateboard area. It is their suggestion to remove half of the paved area to eventually mulch and allow for more seating and equipment. It was mentioned to possibly get rid of the bleachers due to sharp edges and repair/get new the picnic table. Reiterating from last month, due to the General fund being exhausted for 2020, any major projects would need to wait until 2021. A quote from the Game Time Representative was emailed to the Board for replacement equipment for a swing safety belt and rock wall climber hand grips in the amount of \$210.11. It was approved via email and Clerk Giambra has since ordered. She reported the parts will take 4-6 weeks to arrive. Further updates to come.

At this time, 7:25PM, Supervisor Illig made motion seconded by Councilman Burns to recess the regular meeting and enter into the first scheduled public hearing regarding the proposed Local Law No. 1 of the year 2020 to override the tax levy limit established in General Municipal Law 3-c. All in favor. Carried. The Local Law was presented to the Board and public at the October meeting and a public hearing was scheduled for this evening at 7:25PM. Clerk Giambra placed a public hearing legal notice in the Corning Leader. As previously reported, Supervisor Illig stated there is a 2.0% tax increase proposed which would override the tax levy limit of 1.56% established by the State making this Local Law necessary to adopt. As an example, Supervisor Illig commented if you owned a \$100,000.00 house in Town, with a tax rate for 2021 of \$3.39/1000 the impact of exceeding the tax cap would be a \$3.39 increase in your Town taxes for 2021. In the past, the tax cap for NYS has been set at 2%, if that was the case this year we would not need to over-ride. Supervisor Illig asked the Board and public if anyone had any comments or questions. With nothing heard, Supervisor Illig made motion seconded by Councilman Burns to close the public hearing on Local Law No. 1 of 2020 and resume the regular meeting. All in favor. Carried.

Supervisor Illig made motion seconded by Councilman Tones to adopt the following **Resolution:**

**Town of Pulteney Adoption of Local Law #1 of 2020 to override the tax levy limit established in General Municipal Law 3-c**

**WHEREAS**, the Town of Pulteney wishes to adopt Local Law #1 of the year 2020; and

**WHEREAS**, the Town of Pulteney has reviewed and after due notice held a public hearing at the November 11, 2020 regular meeting of the Town Board; and

**WHEREAS**, the purpose of the Law is to override the 1.56% New York State tax cap for 2021 enabling the Board to adopt a budget with a 2.0% tax cap for 2021 in the Town of Pulteney; and

**NOW, THEREFORE**, it is hereby:

**RESOLVED**, that the Town of Pulteney hereby adopts Local Law #1 of 2020 Tax Cap Override Law a copy of which is attached hereto; and it is further

**RESOLVED**, that the Town Clerk is hereby authorized to send the Law to be filed with the New York State Secretary of State and go into effect once filed.

Roll call vote: Councilman Burns, yes; Councilman Yastremski, yes; Councilman White, yes; Councilman Tones, yes; Supervisor Illig, yes. Carried.

Supervisor Illig made motion seconded by Councilman Yastremski to recess the regular meeting and enter into the second scheduled public hearing of the evening regarding the proposed 2021 Town of Pulteney preliminary budget. All in favor. Carried. Clerk Giambra published a legal notice of public hearing in the Corning Leader. Supervisor Illig reported there is an increase in Town revenue of \$21,122.06. This revenue increase will mostly be used toward the 10% library increase of \$3,728.00, a 2% employee raise, and to re-establish cash reserves in the General fund. Supervisor Illig asked if there were any comments or questions from the Board and public. Highway Supt. Gibson noted CHIPS funding needs to be increased from \$120,000.00 to \$130,000.00. Councilman White used her voice for others that were not in attendance that made it known to her that tax payers would like to see one-year that taxes do not increase, particularly with the economy hit so hard this year and with the last 3-4 years taxes increasing 8-9% total. With nothing further heard, Supervisor Illig made motion to close the public hearing on the proposed 2021 preliminary budget and resume the regular meeting. All in favor. Carried.

Councilman White made motion seconded by Councilman Tones to adopt the following **Resolution:**

**Town of Pulteney Adoption of the 2021 Budget**

**WHEREAS**, the Town of Pulteney wishes to adopt the proposed preliminary budget as presented for the year 2021; and

**WHEREAS**, the Town of Pulteney has reviewed and after due notice held a public hearing at the November 11, 2020 regular meeting of the Town Board; and

**NOW THEREFORE**, it is hereby

**RESOLVED**, that the Town of Pulteney hereby adopts the 2021 budget; and it is further

**RESOLVED**, that the Town Clerk is hereby authorized to send the adopted budget to the Steuben County Clerk of the Legislature Office.

Roll call vote: Councilman Burns, yes; Councilman Yastremski, yes; Councilman White, yes; Councilman Tones, yes; Supervisor Illig, yes. Carried.

Continuing with old business, as Councilman Yastremski addressed at the last meeting regarding the sale of the gravel pit and payment of voucher No. 20-184 to Keuka Lodge, he asked the Board who has the rights to sell Town assets, the Town Supervisor or the Town Board? Attorney Schlechter stated he believes the Board members, however could depend on the situation. Councilman Yastremski reiterated how the minutes from December of 2015 state, "Attorney Burns (the buyer's Atty.) is also requesting a contract be signed at the same time of closing to make legal the agreements Highway Supt. Gibson and the purchaser had made regarding the Town reserving the right to remove gravel from the pit. As it stands, anything that is stockpiled is the Town's with no fees assessed. There is approximately 1500 ton that is stockpiled currently. As far as anything up and above that needs mined for future years, a contract is needed that the Town will be billed as deemed appropriate." After researching, at the time of closing, a contract was signed between Town Supervisor Weber and the buyer agreeing the

Highway Dept is permitted to remove the existing stockpile of approx. 1500 tons from the property, however only up until June 17, 2016 when the contract is terminated. After that date, any material removed by the Town will be charged for by load. Councilman Yastremski noted he has spoken with Board members that served at that present time and were not aware of this agreement of being charged within the contract. Similarly, Board members were not aware that a mining permit for the gravel pit, that the Town no longer owned, was renewed by Highway Supt. Gibson. Councilman Yastremski is asking Supervisor Illig to rescind the mining permit and wants all Town equipment removed from the site. He stated having a mining permit currently is a liability and any permit should be in the owner's name. Councilman Yastremski asked the Board their thoughts on the matter. Councilman White and Councilman Tones agreed that it makes sense to rescind the permit if we no longer own the property. Councilman Burns stated she was a Board member at the time of the sale in 2015 and never saw the signed contract, does not believe any misdoings were intentional, and this is a situation to live and learn from and move on. Supervisor Illig stated he will write a letter to the DEC rescinding the current mining permit as directed by the Board. Councilman Burns asked if voucher No. 184 in question was the first time we were charged by the owner for material? Supervisor Illig confirmed we have gotten material in the past, however never was charged, this was the first bill. After continued discussion, it was agreed the Board at the time was not aware the sale of the property was contingent on a contract agreeing to pay for material later. There was no roll call at the December 9, 2015 meeting or discussion of the terms of this contract. The contract was signed and enacted at the December 30, 2015 closing. Apparently, there was a lot of confusion of how much was stockpiled and when to get the material out. Highway Supt. Gibson stated he did not realize the stockpile needed to be removed by June of 2016. Supervisor Illig concluded that we can't go back, mistakes can be made and we will continue in seeking to resolve this situation.

Under new business, regarding the open Dog Control Officer position, we have had interest from 2 or 3 individuals, therefore to be fair Supervisor Illig stated we need to advertise that the position is available in the Shopper. Supervisor Illig read the terms he wrote to be published. The current salary for the position is \$5,500.00 plus mileage reimbursement. This includes the Deputy and DCO pay combined. Supervisor Illig made motion seconded by Councilman Burns to place the DCO position ad in the Shopper once prior to the November 30, 2020 application deadline. All in favor. Carried. Supervisor Illig suggested Councilman Yastremski and Councilman Burns conduct the interviews and make a recommendation to the Board at the December 9, 2020 Board meeting. Both Councilmen agreed. Once Clerk Giambra receives the applications, she will give to the Councilmen for them to contact and interview. Supervisor Illig also provided the Board an updated job description for the position that the Councilmen can apply when interviewing candidates.

Lastly under new business, unfortunately due to the current public health crisis and based on the latest regulations, the Town is forced to cancel the annual Town of Pulteney Christmas luncheon this year.

Bookkeeper Welch was now able to provide the financials to the Board. The Board completed their review of vouchers in order to proceed with paying bills. Councilman Tones made motion seconded by Councilman White to authorize to pay General Bills in the amount of \$5,948.17 being vouchers No. 20-180 to No. 20-201 and

voucher No. 20-179. Roll call vote: Councilman Burns, yes; Councilman Yastremski, yes; Councilman White, yes; Councilman Tones, yes; Supervisor Illig, yes. Carried. Supervisor Illig noted voucher No. 20-179 to Cole & Valkenburgh for the ambulance building closing filing fee otherwise vouchers are overall routine.

Councilman Yastremski made motion seconded by Councilman Burns to pay Highway Bills in the amount of \$33,461.02 being vouchers No. 20-209 to No. 20-226. Roll call vote: Councilman Burns, yes; Councilman Yastremski, yes; Councilman White, yes; Councilman Tones, yes; Supervisor Illig, yes. Carried. Councilman White asked what voucher No. 20-216 to Hoover's Small Engine was for in which Highway Supt. Gibson replied for a rental leaf blower.

Councilman Burns made motion seconded by Councilman White to pay Water District #1 Bills in the amount of \$7,119.60 being vouchers No. 20-96 to No. 20-103. Roll call vote: Councilman Burns, yes; Councilman Yastremski, yes; Councilman White, yes; Councilman Tones, yes; Supervisor Illig, yes. Carried. Councilman Burns inquired what the emergency repair was for regarding voucher No. 20-102. Supervisor Illig stated this wasn't necessarily an emergency repair, rather is a voucher due to testing the District did for a customer involving a valve repair that was entirely more costly than expected. Supervisor Illig commented in the future, if a customer desires further testing, the customer will need to pay. Bookkeeper Welch chose to itemize the voucher under line item SW8310.7 emergency repair.

There are no transfers for this month. The balance sheets and profit & loss reports were available to review.

Supervisor Illig stated there is no need for an executive session and asked the public if they had any comments or questions at this time.

With nothing heard, Supervisor Illig made motion seconded by Councilman Yastremski to adjourn the regular meeting. All in favor. Carried.

Meeting adjourned at 8:22PM.

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Erica Giambra, Town Clerk

