

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, May 12, 2021, 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; and Town Clerk Erica Giambra. Absent was Bookkeeper Rebecca Welch.

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

Supervisor Illig stated he would like to begin the meeting out of order starting with an item on the agenda under new business. Annie McQuillan from Delaware River Solar (DRS) was present to discuss with the Board pending documents related to the approved community solar farm on Chidsey Hill. Highway Supt. Gibson (Chairman of the Planning Board) relayed, after discussing since January, including a scheduled public hearing open since March 8, 2021, the Planning Board voted to approve the special use permit Monday evening. He stated there were many questions, comments, and feedback from the public/neighbors that DRS and Bergmann Engineers responded to thoroughly and professionally addressing any concerns and changing the site plan as requested to benefit the neighbors. Supervisor Illig thanked the Planning Board and project teams for being thorough, patient, and willing to work together to address any issues or concerns that arose. Town Atty. Schlechter met with Annie after the Planning Board meeting Monday to discuss the Community Solar Decommissioning Plan and Host Community Benefit Agreement. Both documents were provided to the Board for their review. Annie explained the Host agreement is not a requirement, they do not enter into with all municipalities, however DRS is choosing to do so as a good faith offer to the Town. The agreement is a one-time payment to compensate the municipality for any unforeseen costs/repairs if needed and can be used towards however the Town sees fit. Annie stated this is a fairly standard agreement being to pay the Town (\$5,000) per MW. For this project, the Town will receive \$15,000.00 for the 3.0MW community solar farm. This agreement is separate from the decommissioning plan and payment in lieu of taxes (PILOT) agreement. As mentioned at the March meeting, Supervisor Illig stated Steuben County Industrial Development Agency (SCIDA) is who negotiates and determines the payments on solar farms. The land assessment will stay the same, the taxable property income will increase, and the owner would lose any agriculture exemptions. The payment is determined by the megawatt of energy produced and by a PILOT system. Attorney Schlechter noted (2) typos that he would like corrected: pg.2 Section 3.1 (b) "The Community Benefit Agree paid by the Company to the Town" changing Agree to Fee; and Section 3.1 "Upon receipt of the Notice of Termination" adding Town between Upon receipt. Supervisor Illig made motion seconded by Councilman Burns to enter into this Host Community Benefit Agreement between the Town of Pulteney and DRS/NY Pulteney I, LLC, as presented with the minor changes of the (2) as mentioned typos. Roll call vote: Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Regarding the Decommissioning Plan, Attorney Schlechter stated this is required thru the Town Solar Energy Law to ensure at the end of the project life, the property is restored to the state it was in prior to construction. The agreement, as shown in Appendix 2, provides a sample

list of decommissioning tasks and estimated costs. The proposed amount offered to the Town is \$90,300.00 with a standard 2.5% inflation rate after 25 years totaling \$189,000.00. Annie stated this is the current standard NYSERDA rate for this size project. Atty. Schlechter believes the \$90,300.00 is a fair amount to restore the property to its original state which could happen at any point 5, 10, 20 years into the project depending on circumstances. This bond would be posted at the time of construction and would be issued every year. The current lease of the solar project on Chidsey Hill is 30 years, therefore Atty Schlechter would like that reflected in the agreement, including if the lease is extended past 30 years and the calculated amounts. Also, he questions if the Board would like to enter into the agreement at the set 2.5% inflation rate or would rather go with a rolling rate set at what the actual inflation rate is at the time per year? He asked Annie if this has been done before or if it is possible to change the agreement to a rolling rate? She stated it hasn't been done before and will have to discuss with her financial team as to if they would be able to offer that option in an agreement. Annie will send Atty. Schlechter a new agreement to review revising some of the language and adding the bond to 30 years with extensions and calculations. She will have to report back regarding the inflation rate. Atty. Schlechter will update the Board at the June meeting. The Board thanked Annie for coming and presenting the information and documents.

Fortunately, Bill Weber does not have any recent Town passing's to acknowledge.

Councilman Yastremski made motion seconded by Councilman White to accept the minutes of the April 14, 2021 regular Board meeting. All in favor. Carried.

There are no transfers for this month. The balance sheets and profit & loss reports were available to review. Supervisor Illig pointed out on the P&L statement under income, he is being told the County reimbursement of sales tax should be close to the amount as it historically has been in the past. When the Board was preparing the budget, this was a line item that was difficult to predict.

Councilman White made motion seconded by Councilman Tones to authorize to pay General Bills in the amount of \$4,498.32 being vouchers No. 21-75 to No. 21-89. Roll call vote: Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Supervisor Illig mentioned vouchers are overall routine this month.

Councilman Yastremski made motion seconded by Councilman Tones to pay Highway Bills in the amount of \$9,894.80 being vouchers No. 21-75 to No. 21-89. Roll call vote: Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Voucher No. 21-83 was the main expense for a smaller bucket for the excavator that was previously approved. Remaining vouchers are routine.

Councilman Burns made motion seconded by Councilman White to pay Water District #1 Bills in the amount of \$1,390.23 being vouchers No. 21-36 to No. 21-43. Roll call vote: Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Minimal vouchers being routine.

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

Clerk Giambra commented, as a reminder to the Board, the 2021 virtual Town finance school is May 19th and 20th if anyone is interested in signing up. She mailed out the annual dog license renewal postcards, and as approved last meeting, the Pulteney rabies clinic will be held Thursday, June 3rd from 5-7PM at the Pulteney Highway barn in a drive-thru style similar to last year. Lastly, Empire fiber installation is scheduled for next Thursday, May 20th for the Town Hall, Highway Barn, and Water District.

As seen in the Municipal Services report, Lauren relayed he recently approved building permit applications for 2 new houses. Otherwise, construction projects are slowing somewhat compared to what they have been. On a side note, the Fire Commissioners did approve the Town's request to continue to use the Ambulance building outside water hose for the community garden use as mentioned last month. Clerk Giambra has filed the signed approval.

The annual water quality report is on the Town website and postcards have been mailed out. Chuck is continuing to work on an estimate to submit to the owner's car insurance for the fire hydrant that was run over and needed replaced on the West Lake Road.

As mentioned in the DCO report, there was a dog bite in April on Baughman Rd, however more recently, last week there was a UPS driver that was bit on Cross St. There is a dangerous dog hearing in Pulteney Court on Friday, May 12th to address. DCO Mathews has been responsive and thorough in her role. Both dogs were up to date with their rabies vaccinations.

Highway Supt. Gibson relayed the Dept. has been repairing roads damaged by the winter temperatures, ditching roads, and hauled in more gravel and stone for this year's road projects. They completed OSHA training and Highway Supt. Gibson and Jason completed a First Aid course. He spoke with NYSDOT who is reporting we should be getting more of an increase in CHIPS funding this year. We did get the 20% that was held back last year. If in fact we do get an increase, he stated he would like to use to funding toward paving Gallagher Road to the end of Gibson Hill.

Court is back to in person with Court being held last Wednesday, May 5th.

Supervisor Illig reported he spoke with Historian Ray Emery recently and he unfortunately has been in the hospital since mid-March. Ray is hoping to return home soon. We wish him the best and a speedy recovery!

For the Supervisor report, Supervisor Illig had asked Assessor Oliver to provide the annual tax dollar, based on 2020 assessment roll, chart breaking down the amount per \$1000.00 of assessed value for 2020 school tax, 2021 Town & County tax, and 2021 Hammondsport Village tax for Hammondsport, Wayne, Urbana, and Pulteney. Pulteney has maintained having the 2nd lowest tax rate (Wayne being the lowest).

Regarding a Council report, Councilman Burns wanted to thank the Highway Dept. for all their work fixing up the playground. It is much appreciated. This Saturday May 15th at 9:30am there will be a "worker bee" volunteer day to help mulch the library and prep the playground if anyone is available and interested. Councilman Burns is being told the new community garden beds should be installed the end of next week by Hamm's landscaping. She is going to be there and will ensure the beds are 6ft apart from each other as our mower/landscaper Don Strzepek has requested.

The Planning Board has been discussed earlier with the community solar farm. The Zoning Board of Appeals does not have a meeting scheduled for May. Lauren commented he will probably have applications in the upcoming months.

Town Attorney Schlechter did not have anything further to report from the discussion earlier regarding the solar project documents. The Board welcomed Atty Schlechter back from his absence the last few meetings.

Under old business, a preliminary draft report of findings related to the Town of Pulteney financial condition and IT audits were sent to Supervisor Illig, Board members, and Clerk Giambra on May 6th. Supervisor Illig met with the auditors earlier today for a scheduled exit conference, in which he was able to ask questions of the findings and discuss if any inaccuracies were reported. Supervisor Illig spoke with our IT admin today and he is willing to review the results and discuss necessary policies and procedures that will need to be enacted in the near future. The Town has until Monday, June 7, 2021 to reply in a letter responding to their findings and what appropriate action the Town is planning to take in moving forward. Supervisor Illig asked Councilman White, with her IT background, to take the lead in responding to the IT findings and recommendations and prepare a letter of corrective action plans. Supervisor Illig will work on the financial condition response. After the 2013 financial condition and IT audit, there was a follow up response letter to the recommendations as required, however the corrective action plans were not followed thru with as many of the current recommendations are those that were initially found and reported in 2013. Since the findings are preliminary and subject to change, all information contained in their report will remain confidential until a formal report of examination is released from Albany. Once able, further updates to come.

As mentioned last month, Supervisor Illig is interested in possibly setting up an appointment with Arbor Housing to discuss distressed housing units in Pulteney and seeking to assist home owners with renovation. He has not received any additional information at this point so will discuss at a later date when further updates are known.

Continuing with old business, the Board approved at the March meeting, to hold the annual Memorial Day celebration in Glen View Cemetery this year, however without there being a parade. As in the past, Councilman Burns agreed to chair the event. She reported she spoke with the Hammondspport band Director and since COVID restrictions are still in place, the band will not be able to play this year. The Hammondspport American Legion has relayed they will be in attendance and will be able to provide a recorded version of "Taps". She is still waiting to hear from the local Fire Dept's as to their level of participation, if any. Boy Scouts leader, Ian Walruth, has offered to help replace/add Veterans flags in the cemetery, as they have done in the past. Clerk Giambra asked Bill Weber, who was in attendance, who he intends to honor and speak about at the celebration. He will speak of his neighbor, Todd Truax, who flew fighter jets in the Middle East. Councilman Burns commented plans are coming together nicely. Clerk Giambra will advertise in the Shopper the last week of May.

Last month it was discussed the playground committee will be working on getting donations from the community to put toward equipment, benches, etc. Supervisor Illig made motion seconded by Councilman Burns to have Bookkeeper Welch establish a line-item account specifically for playground donations, similar to the community garden, in which funds will carry over to the following year. All in favor. Carried.

Supervisor Illig stated there is no need for an executive session and asked if the public/Board has 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 8:17PM.

Erica Giambra, Town Clerk