

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, July 14, 2021, at the Pulteney Town Hall with the Pledge of Allegiance.

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

Bill Weber took a moment to speak of the recent passing of Donald Scotchmer. Bill met Don in the late 1980's when Bill was first Supervisor. He remembers well when the Town was starting the Water District, we mistakenly encroached on his vineyard near the Town barn on Mill Street. Fortunately, we were able to resolve the situation amicably. Don was a respected vineyardist, fine fellow, and will be fondly remembered and sadly missed. On a brighter note, Bill mentioned Doris Romig, Judy Stone's mother, just turned 100. Happy Birthday Doris!

Councilman Tones made motion seconded by Councilman Burns to accept the minutes of the June 9, 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 or above 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 and the Board took a conservative approach. He also noted we will be over budget for mortgage tax income as anything for sale this year has been sold in record time.

Councilman White made motion seconded by Councilman Tones to authorize to pay General Bills in the amount of \$8,713.18 being vouchers No. 21-115 to No. 21-139. Roll call vote: Councilman Burns, yes; Councilman White, yes; Councilman Tones, yes; Supervisor Illig, yes. Carried. Supervisor Illig noted vouchers are overall routine this month for General.

Councilman Tones made motion seconded by Councilman Burns to pay Highway Bills in the amount of \$40,094.34 being vouchers No. 21-103 to No. 21-121. Roll call vote: Councilman Burns, yes; Councilman White, yes; Councilman Tones, yes; Supervisor Illig, yes. Carried. Voucher No. 21-119 was the main expense to Suit-Kote Corp. in the amount of \$19,258.50 which will be reimbursed through CHIPS funding. Remaining vouchers are routine.

Councilman White made motion seconded by Councilman Tones to pay Water District #1 Bills in the amount of \$1,177.29 being vouchers No. 21-55 to No. 21-61. Roll call vote: Councilman Burns, yes; Councilman White, yes; Councilman Tones, yes; Supervisor Illig, yes. Carried. Minimal vouchers are routine.

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

Clerk Giambra reported we received confirmation from the State they have received our submission requesting funds from the ARPA Coronavirus Local Fiscal Recovery Fund. The application was submitted on July 7, 2021. The confirmation notice states the Town is eligible for a total ARPA payment of \$128,807.00 which half will be paid this summer and half the summer of 2022. Supervisor Illig commented he called the County today to get some direction as to how the money has to be spent. The County

was unsure as they will be receiving funding through a different avenue. In the Board packets was information from the State that provides guidance of what we can't spend the money on, however what we can is still loosely defined. Supervisor Illig advised he would like Councilman White and Councilman Burns to form a subcommittee to develop a plan once we receive more specific instructions. Both agreed.

As seen in the Municipal Services report, the Building Dept. has been extremely busy this past month! Several building permits approved as well as 6 larger projects completed.

Regarding the Water report, Supervisor Illig mentioned further discussion on the agenda under new business.

Under the Assessor report, we received notification that the Local Government Records Management Improvement Fund (LGRMIF) that we applied for in 2019 has been denied. The State replied with an abundance of applications and a limited amount of funding available, the grant review was extremely competitive. It was worth the effort in trying to secure funding for additional storage, including fire proof storage, for the Assessor and Town Clerk records management.

Highway Supt. Gibson commented the Dept. has completed the new equipment work at the playground. The Board thanked the Dept. for all their hard work and the playground looks great. They are close to being done with grading and mowing roads this first go around. They will be putting down dust oil when the weather permits and are hoping to stone and oil roads in August. Regarding a financial note, tires will need to be bought for the excavator in the near future. Highway Supt. Gibson stated this will be quite costly.

Supervisor Illig reported Historian Ray Emery is still recovering from a medical condition and he will try to get in touch with him soon.

Councilman Burns reported, as mentioned earlier, the playground looks great and the committee will be continuing to work to spread the load of new chips tomorrow. Thank you to those that have assisted, including Lauren using his tractor with bucket. Also, thank you to the 2 individuals that came forward to donate \$500.00 each for the 2 loads of new chips. Regarding the community garden, they had their meeting last night. The garden also looks great with vegetables growing. There is now a community garden face book page in hopes of attracting more people to utilize the grounds, pond, pavilion, grills, etc. Councilman Burns stated this has been such a great group effort and again thanked all those involved.

Attorney Schlechter commented he recently had the opportunity to work with the Planning Board regarding interpreting the Town Zoning Law in reference to a special use permit application. He was able to conference with a few Planning Board members and attended the meeting this past Monday. He is awaiting to hear any updates from Delaware River Solar now that Annie has left her position with the company. He has reached out to the VP for us to be able to move forward in finalizing the solar decommissioning plan on Chidsey Hill. Hopefully he will be able to give a report next month regarding the set vs. variable inflation rate.

Reiterating, the Planning Board met this past Monday, July 12th with 1 open hearing for a special use permit, 1 scheduled hearing for subdivision, and 1 sub-division application to review. The Zoning Board of Appeals has a meeting scheduled for July 20th with 2 public hearings.

Under old business, On June 25, 2021 the Town Board received via email the final financial and IT audit report by the Office of the State Comptroller (OSC) and was posted to their OSC web site for the public to view. Clerk Giambra drafted a legal public notice on June 29, 2021 that was published in the Corning Leader on July 2, 2021 advising that the reports are on file as public record in the Town Clerk's Office for inspection for anyone interested. The Board has 90 days (by September 23, 2021) to respond with a written corrective action plan (CAP) that addresses the audit's findings and recommendations. Supervisor Illig stated he will schedule a meeting with our IT admin and Councilman White regarding the IT audit. For the financial response, Supervisor Illig commented, in continuing with the initial response given within the 30-day timeline, he and Bookkeeper Welch revised a budget planning process document to proceed with a more structured approach that was provided to the Board members. He requested the Board read thru the revised budget planning process and will discuss further at the August meeting.

Continuing with old business, as Attorney Schlechter reported earlier, he is awaiting to hear from the VP of Delaware River Solar (DRS) in regards to if they are willing to enter into an agreement with a rolling rate set at what the actual inflation rate is at the time per year rather than their proposed set 2.5% inflation rate. Once he receives an update, he will report back to finalize the solar decommissioning plan.

Last month, Supervisor Illig reported the pickleball community had approached him asking the Town to pay to have lines sprayed allowing for 2 more courts so they are able to have tournaments. The players would provide the additional nets. The Board agreed for him to contact the company that sprayed the original lines asking for a quote. The painter gave Supervisor Illig a quote of \$450.00 going by a drawing that was provided by pickleball players. The Board approved via email. The painters came yesterday, however the drawing that was provided was inverted, therefore the painter had to power wash and redo as was intended. With the re-do, the new lines were a total of \$850.00. Supervisor Illig reported all is well now and the pickleball community is happy once again.

Under new business, recently Supervisor Illig, Chuck, and Lauren met to discuss Chuck's proposal to hire an assistant in regards to meter replacement. As has been an on-going process, there remain 127 meters that still need replaced within the Water District. Supervisor Illig explained due to day-to-day duties and in particular emergency repairs, Chuck has not been able to dedicate the time to changing the meters as quickly as needs to be done. The Water District is losing revenue because we are billing on these unreadable meters. In the Water P&L, it shows we have \$20,000.00 budgeted for meter replacement. To replace the remaining 127 meters should cost between \$12,000-\$13,000 to order. This allows for some room to work with within the budget. On Chuck's suggestion, Supervisor Illig is proposing to the Board to hire a contracted employee to work under Chuck to get these remaining meters replaced. Supervisor Illig reached out to our Insurance Agent, Sprague Insurance, and was told if the Board passes a Resolution approving a contract employee (will receive a 1099) he would be covered under our liability. Jim Howitt was present and asked if the DOH has approved an individual with no license to work under Chuck (who has a Class C & D license)? Supervisor Illig is confident Chuck researched with the DOH and there is no issue, however he will confirm tomorrow morning. That being said, he is proposing to hire a contract employee at

\$25.00 per hour rate for approx. 100 hours-time approx. \$2500.00 to assist with meter replacement. Councilman Burns made motion seconded by Councilman Tones to adopt the following Resolution:

RESOLVED, to hire Todd Bennett as an independent contractor/contract employee to be paid \$25.00/hr. rate to work under Water Operator Charles Dluzak for the Town of Pulteney Water District pending DOH approval and per Resolution any liability will be covered under the Town of Pulteney policy with Sprague Insurance.

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

Adopted Date: July 14, 2021

Continuing with new business, Supervisor Illig noted recently there has been some discussion on face book that the Veteran stone/monument and plexiglass display outside of the Town Hall needs updated as not all Veteran's within Town are listed. Supervisor Illig has contacted Town Veteran, Dan Schoeffler, who is active in the American Legion in Hammondsport to help update the names of Pulteney Veterans. In addition, Supervisor Illig asked if he could look into how the Town should pursue getting the Home Town Hero banners, as similar surrounding Towns have recently done. Further updates in August.

As discussed earlier, when we do receive the ARPA funding, Supervisor Illig stated we need to keep that money separate, therefore Supervisor Illig made motion seconded by Councilman Burns authorizing Bookkeeper Welch to create a separate income account line and expense account line specifically for the ARPA funding. All in favor. Carried.

Under new business, ZBA chair Carol McGill and Planning Board member Bill Dineen were present and had asked to be placed on the agenda to discuss a potential Town noise ordinance and the short-term rental industry on Keuka Lake. Renting places, not only on Keuka Lake, but all surrounding Towns, is not what it used to be. It has become an industry. Carol lives next to 2 places on the lake that consistently have noise control issues with absentee landlords. She has attempted to handle on her own, however has had to call the police several times in the past. That being said, without out a Town ordinance, there is little enforcement the police can provide. If a noise ordinance was enacted, the Town is being told the police can then serve tickets/fines making more enforceable. The notion has been brought to the Planning Board a few times over the years and ultimately, they were not able to find an end solution in sight, therefore have been reluctant in pursuing. The Town is not able/planning to hire additional staff to properly enforce an ordinance, therefore the police must be called. Carol has reviewed a few local neighboring noise ordinances, including the Town of Jerusalem, which is believed to have been passed in 1974. She provided the Board with a sample of their ordinance to review. Supervisor Illig is asking the Board to read over and consider. Within the ordinance, it states the Yates County Sheriff is who is to be called and dispatched to the situation to investigate and "may exercise all those lawful powers and duties deemed necessary to enforce". Penalties including fines and possible jail time are inevitable if convicted. The process would be for a draft noise ordinance be presented to

the Planning Board to decide if they want to recommend the proposal to the Town Board. If so, the Town Board would schedule a public hearing and if approved, adopt as a Local Law. In the Town of Jerusalem ordinance, the prosecutor would be the Town Attorney in cases taken to Court. Town Attorney Schlechter stated he would reach out to the County Attorney to get her take on the idea and review with her the Town of Jerusalem ordinance. Regarding the short-term rentals, Bill reiterated renting is not what it used to be. Rentals are getting up to \$800-\$1400 a night on the lake adding concerns over parking, number of persons occupying the rental, noise, additional boats, etc. With no regulations, how are we supposed to deal with that? Bill commented if we have the opportunity to begin to somehow regulate now, it will make the situation better for the future because at this rate, with no regulations, it is just going to get worse. The Village of Watkins Glen has adopted a short-term rental policy that they piggybacked from the City of Geneva. Watkins Glen is in the process of re-writing their policy currently, however Bill provided to the Board what they have adopted now as an example. Within the policy, permits are required, applications, inspections, fees, etc. Without question there would be a lot involved, however Supervisor Illig stated it is worth researching further. Supervisor Illig reported on July 26th there is a KWIC/KLOC meeting scheduled with the other 8 municipalities on Keuka Lake. He is going to introduce and discuss both topics with them to get feedback. It appears to be more feasible if all municipalities combined in agreement to have the same regulations and standards similar to the universal dock and mooring laws on the lake. Again, there is a lot involved with enforcement, administrative duties, fees, liabilities, legalities, home owner rights, etc. Supervisor Illig will discuss, get a feel of any interest, and report back. More updates to come!

Lastly, last month when we were discussing the new pickleball lines, Councilman White pointed out that our Town procurement policy has not been updated since 2006. The entire policy needs revised as the Board, when taking action, is not following how the policy is currently written. We need to either change our practice or change the document. The policy needs updated to reflect how the Board intentionally takes action going along with State regulations and the GML Section 103 Laws. Included in the revision, Bookkeeper Welch commented the verbiage needs changed as the document discusses purchase orders where as we refer to the term as vouchers. Attorney Schlechter and the Board will review, advise, and make suggestions at the August meeting.

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. Carol McGill mentioned the library is having an ice cream social on Thursday, July 22nd and all are invited celebrating 140 years of the Pulteney Free Library. Bill Collins asked if there is another candidate or interested person to cover, if not take over, Historian Ray Emery's position while he continues to be on the mend? Supervisor Illig stated he does know of a community member that would be interested. He will contact Ray, who remains optimistic he could be back to work soon, to get a progress report in moving forward.

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

Meeting adjourned at 8:04PM.

Erica Giambra, Town Clerk

