

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, November 9, 2022, at the Pulteney Town Hall with the Pledge of Allegiance.

Roll call: Supervisor Mark Illig; Councilman Richard Rees; Councilman Kathleen Burns; Councilman Elizabeth White; Highway Superintendent Terry Gibson; Attorney Jennifer Galvan; Bookkeeper Rebecca Welch; and Town Clerk Erica Button. Absent was Councilman Tammy Tones.

Bill Weber took a moment to reflect and speak of the recent passing of Ronald Gifford, Michael Bates, and Karen Tussey.

Ron was one of the first residents Bill met when he became Town Supervisor in 1988. Ron had called Bill to inquire and discuss conditions on Ford Road. Over the years, Bill would visit with Ron and his wife, Barbara, and was grateful for their hospitality and willingness to talk about Town issues. Bill remembered a time he was with Ron at the church supper in Branchport and Ron kept apologizing for the problems being caused by the “dog lady” in a house Ron had sold to her on Ford Road. Bill told Ron it was not his fault and the Town was in the process of correcting the problem not to worry. Ron represented the very best of hard-working farmers in our agricultural community and he and Barbara were a wonderful couple that Bill misses.

The passing of Mike Bates is particularly sad for Bill as he knew him so well and for so long. Mike was a friend of his children and spent many years growing up on Stone Point, where Bill lives and Mike’s sister, Brenda, lived for a while. If not on Stone Point, Mike was not far away at Roff Point where his parents lived. Later in life, Mike bought a house on Brown Road, neighboring Bill’s hunting property. He lived there with his wife and developed the property with buildings and improvements. The last time Bill saw Mike was at a Town Planning Board meeting in which he ultimately withdrew his application for a paintball special use permit, as at that time he knew of his illness. Bill remembers times of Mike showing him pictures on his trail camera and selling him firewood. He passed entirely too young an age. Supervisor Illig added he also knew Mike, and knows his sister Brenda. Mike was an industrious young man who recently was remarried, happy, and his passing is very sad and unfortunate at such a young age.

In a closely related event, Karen Tussey was the older sister of Jay Tussey, who was once married to Mike Bates sister, Brenda. Jay’s parents had a house on Stone Point and where Jay and Brenda lived when they were married. Karen passed at the age of 71 in Wellsboro, PA.

They all will be fondly remembered and sadly missed by many!

Councilman Rees made motion seconded by Councilman Burns to accept the minutes of the October 12, 2022, regular Board meeting. All in favor. Carried.

Councilman White made motion seconded by Councilman Burns to pay General Bills in the amount of \$11,419.71 being vouchers No. 22-212 to No. 22-229. Roll call vote: Councilman Burns, yes; Councilman Rees, yes; Councilman White, yes; Supervisor Illig, yes. Carried. Supervisor Illig commented we received the yearly invoice for the youth program we contract with the Towns of Urbana and Wayne. The invoice is based on how many participants from each Town sign up for the program. The youth program is a great summer event and we are happy to sponsor. We had 19 participants from the Town of Pulteney this year. Remaining vouchers are routine.

Councilman Burns made motion seconded by Councilman White to pay Highway Bills in the amount of \$8,156.77 being vouchers No. 22-198 to No. 22-215. Roll call vote: Councilman Burns, yes; Councilman Rees, yes; Councilman White, yes; Supervisor Illig, yes. Carried. Supervisor Illig reported vouchers are mostly for repairs and utilities.

Councilman Rees made motion seconded by Councilman White to pay Water District #1 Bills in the amount of \$1,491.61 being vouchers No. 22-103 to No. 22-110. Roll call vote: Councilman Burns, yes; Councilman Rees, yes; Councilman White, yes; Supervisor Illig, yes. Carried. Minimal vouchers being for utilities and supplies.

The balance sheets and profit & loss reports were provided to the Board for review. The General balance sheet shows we are in great shape and to expect a fund balance to be more than we budgeted for. For Highway, we will await the final CHIPS payment in December for approx. \$155,000.00 as Highway Supt. Gibson relayed. In the Water District, we are also in good shape with a fund balance of possibly more than expected. Depending, as year ends, the Board will take a closer look and based on the year end numbers will determine the fund balances to be published at the January meeting.

There are transfers that are needed in all 3 Accounts. Councilman White made motion seconded by Councilman Burns to approve the following transfers as published:

11/9/22

GENERAL	Increase Budget Line	Amount	Decrease Budget Line	Amount
	A1220.4 Supervisor Contr Exp	\$ 500.00	A1620.51 - Contingency	\$ 500.00
	A1420.1 - Atty Pers Svcs	\$ 2,000.00	A1620.51 - Contingency	\$ 2,000.00
	A1620.41 - Telephone	\$ 1,000.00	A1620.51 - Contingency	\$ 1,000.00
	A1620.42 - Repair/Maint.	\$ 1,000.00	A1620.51 - Contingency	\$ 1,000.00
	A1620.50 - Comm. Garden	\$ 2,000.00	A1620.51 - Contingency	\$ 2,000.00
	A1920.4 - Munic. Assoc. Dues	\$ 800.00	A1620.51 - Contingency	\$ 800.00
	A5182.4 - Street Lighting	\$ 1,200.00	A1620.51 - Contingency	\$ 1,200.00
	Total	<b>\$8,500.00</b>	Total	<b>\$8,500.00</b>

HIGHWAY	Increase Budget Line	Amount	Decrease Budget Line	Amount
	D5132.41 - Telephone	\$300.00	D5132.4 - Garage Contr Exp	\$300.00
	D5132.43 - Supplies	\$2,000.00	D5110.4 - Gen Repairs Contr Exp	\$2,000.00
	D5132.44 - Electricity	\$1,000.00	D5132.45 - Heating	\$1,000.00
	Total	<b>\$3,300.00</b>	Total	<b>\$3,300.00</b>

WATER	Increase Budget Line	Amount	Decrease Budget Line	Amount
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SW8320.42 - Elec. Roff	\$1,000.00	SW8389.4 - Contingency	\$1,000.00
SW8320.43 - Elec Boyd	\$1,000.00	SW8389.4 - Contingency	\$1,000.00
SW8330.41 - Chlor Master	\$600.00	SW8389.4 - Contingency	\$600.00
	Total		Total
	<b>\$2,600.00</b>		<b>\$2,600.00</b>

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

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

Municipal Services Manager Welch is recovering from knee surgery and was not present, however his report was provided.

For the Assessor's report, as mentioned last month, the reassessment process has officially concluded.

Supervisor Illig pointed out in the DCO report, there was a recent incident that involved his neighbor. The situation is resolved but noting his neighbor relayed our DCO was very prompt, courteous, and professional when he called to report the issue.

Highway Superintendent Gibson reported the LED street lights that we contracted with NYSEG to replace approx. a year ago are working nicely. The Dept. has finished up mowing, cleaned the leaves out of Glen View, have been ditching and hauling stone for next year's projects. The trucks have been inspected and have the snow equipment on, ready when needed. The mower tractor needs the clutch fixed and Highway Supt. Gibson is recommending we send it out to the dealer in Rock Stream to fix for approx. \$3300-\$3500. The Board agreed. Since it has been fairly quiet, Highway Supt. Gibson suggested for the Dept. to clean out Waegner Cemetery when able. He stated there are pine logs that can be cut and put out to bid. The Board agreed. Supervisor Illig mentioned the Dept has to clean out/remediate the Gravel Pit when the time allows also. Highway Supt. Gibson noted.

For the Supervisor report, Supervisor Illig stated he, Highway Supt. Gibson, and "the Town" were served a summons by the estate of a deceased resident. The summons does not specifically state what the litigation entails or why we are being served. All the paperwork was forwarded to Attorney Galvan to review. She is willing to represent the Town, however an additional contract would need to be enacted as litigation is not covered in the current Town Attorney contract. Supervisor Illig has signed the contract to have Attorney Galvan represent the Town and she has submitted a notice of appearance as the representative of Pulteney that was required within 20 days of being served. She will now await to be served the complaint and we will move forward from there with an update at the December meeting. Supervisor Illig noted he asked if we can reap the expenses in return from the plaintiffs for legal fees, however due to the state statute, legal fees cannot be collected from the plaintiffs and vice versa.

Attorney Galvan has been working on proposed changes to the Zoning Law based on the NYS model code and the changes were provided to the Board for review. Lauren has added to her proposed changes further updates to the Zoning Law. Atty Galvan provided a summary of how the state has issued a mandated model code that provides minimal standards of what a municipality must adopt in their Zoning code. She has taken

the current Zoning Law and plugged in where appropriate the state model standards. These standards are mainly based on what the state has adopted in recent years for fire prevention, energy conservation codes and other similar statutes. There were some areas of the current Town Law that were above the minimum standards, in which she left as is. The additions, including updating definitions, were plugged in to make as cohesive a document as possible. The proposed Zoning Law is now 69 pages. She also noted we will need to address updating and separating building permits vs operating permits. Lauren is aware these changes are necessary to address and will look into updating the current forms and applications. Certain exemptions will need to be looked into further and the decision of what will be considered exempt vs what not (most exemptions will be required to be included in the law). The Town has currently allowed more things to be exempt than what will now be allowed based on the model code. The proposed changes will need to be reviewed initially by the Planning Board for them to make any additional changes/updates and when approved, make a recommendation to the Town Board. The Town Board will then need to review and a public hearing will need to be scheduled. Attorney Galvan is planning to attend the Planning Board meeting on November 14<sup>th</sup> to go over the proposed document and further discussion. As the Town only became aware of the state model code requirement of adoption recently, it will not be adopted by the end of the year timeline, however we are working on as best we can with the time factors allotted. Stay tuned.

As mentioned, there is an upcoming Planning Board meeting this Monday, November 14<sup>th</sup> with 1 sub-division application hearing followed by Zoning regulation discussion.

There is not a Zoning Board of Appeals meeting scheduled for November.

Councilman Burns commented it is believed on Halloween night there were several beer bottles that were smashed throughout the tennis and pickleball courts. She asked if there was a way to turn one of the security cameras from the Town Hall to be directed specifically in that area? Supervisor Illig and Clerk Button will look into but also mentioned to check with the library to see if they were able to record the event occurring from Halloween and also have them turn a camera, if not already placed, so that it is in view of the courts as the library cameras are at a closer distance. Councilman White noted signage is required to alert the public of any video recording. Clerk Button will contact Eastern Security to get appropriate signage.

At this time, 7:30PM, Supervisor Illig made motion seconded by Councilman Burns to recess the regular meeting and enter into the scheduled public hearing regarding the proposed 2023 Town of Pulteney preliminary budget. All in favor. Carried. Clerk Button published a legal notice of public hearing in the Corning Leader and advertised as required. Supervisor Illig explained the Board has been working on the budget process for months now. They held a budget workshop in August creating the tentative budget, adopting such in September, adopting the preliminary in October, and bringing us to this evening. Supervisor Illig asked if the public had any comments or questions at this time? Bill Weber (14916 Stone Pt.) congratulated the Board for creating this budget and staying within the increasingly difficult 2% tax cap. He asked what the increase in tax levy and estimated tax rate will be? Supervisor Illig reported the tax levy will be increased by 2% and the estimated tax rate is going from \$3.46 per thousand in 2022 to \$2.68 per thousand in 2023. This is good news and mostly in part due to the Town wide reassessment. Bill

also asked what happened to the Penn Yan capital Account line item regarding the Water District budget? Supervisor Illig reported that charge has gone away and not been assessed over the last several years. Supervisor Illig stated the preliminary budget is the same as presented at the October meeting with the changes Councilman White proposed as discussed and approved in October (see minutes 10/12/22), with the exception of an administrative error discovered in the General budget line item A5010. The tentative amount was correct initially, however in error, was increased on the proposed preliminary budget thus corrected to the appropriate amount as presented this evening. To correct the line item, the amount was decreased by \$4,464.00 and contingency therefore increased by \$4,464.00. Supervisor Illig asked each Board member if they had any questions or further discussion on the preliminary budget? All denied. With nothing further heard, Supervisor Illig made motion seconded by Councilman Rees to close the public hearing and resume the regular meeting. All in favor. Carried. Councilman Burns made motion seconded by Councilman White to adopt the following **Resolution**:

### **Town of Pulteney Adoption of the 2023 Budget**

**WHEREAS**, the Town of Pulteney wishes to adopt the proposed preliminary budget as presented for the year 2023; and

**WHEREAS**, the Town of Pulteney has reviewed and after due notice held a public hearing at the November 9, 2022 regular meeting of the Town Board; and

**NOW THEREFORE**, it is hereby

**RESOLVED**, that the Town of Pulteney hereby adopts the 2023 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 Rees, yes; Councilman White, yes; Supervisor Illig, yes. Carried.

Under old business, Supervisor Illig reported Bill Dineen, chair of the short-term rental committee, relayed to him he has formulated a preliminary recommendation and is awaiting some feedback from his committee. He is expecting the committee to be unanimous in their recommendation to the Town Board. Bill would like to have 1 more committee meeting and have a recommendation and proposal to present to the Town Board at the December Town Board meeting. Stay tuned.

Continuing under old business, Supervisor Illig commented there remains a vacancy for an Alternate on the Zoning Board of Appeals. He will continue to work to find an appropriate volunteer for the position.

Under new business, Supervisor Illig mentioned with an increase in COVID cases last year at this time, we changed the annual Christmas luncheon to be held at JB's Restaurant rather than the Town Hall (in need of a larger space) or Fire Hall (wasn't holding events). The Board agreed to do the same this year on Thursday, December 15<sup>th</sup> at noon. Clerk Button will speak with JB's to confirm availability to host and cater the luncheon and will email invites per norm to Town employees/volunteers.

Supervisor Illig asked if anyone from the public had any comments/questions? Bill Weber again complimented the Board and to the CFO for handling a quick and

concise public hearing and meeting. With nothing heard and no need for an executive session, Supervisor Illig announced the Board must conduct a quarterly financial audit. All are welcome to stay however no further business will be conducted. After the financial review/audit was successfully completed, Supervisor Illig made motion seconded by Councilman Burns to adjourn the regular meeting. All in favor. Carried. Meeting adjourned at 7:50 PM.

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Erica Button, Town Clerk