

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, December 14, 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; Councilman Tammy Tones; Highway Superintendent Terry Gibson; Attorney Jennifer Galvan; Bookkeeper Rebecca Welch; and Town Clerk Erica Button.

Bill Weber took a moment to reflect and speak of the recent passing of Robert (Bob) Wright. Unfortunately, Bill did not know Bob personally, which surprises him as he knows the family well: Bob’s father, Fred, was Town Supervisor and after his 16-year tenure is when Bill was elected; his mother, Pauline, was the Town librarian; and brother, Mark, Bill is good friends with and has offered his electrical services around Town. Bob was a Vietnam Veteran and the skills he learned in the Marines as an aircraft mechanic he successfully used as a contractor when returning home. He will be buried in the Bath National Cemetery with military honors. Bob will be fondly remembered and sadly missed by many.

Councilman White made motion seconded by Councilman Burns to accept the minutes of the November 9, 2022 regular Board meeting. All in favor. Carried.

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

2022

**BUDGET
TRANSFERS**

12/14/22

GENERAL	Increase Budget Line	Amount	Decrease Budget Line	Amount
	A1355 - Assessor Pers Svc	\$ 3,000.00	A1620.51 - Contingency	\$ 3,000.00
	A1620.42 - Repair/Maint.	\$ 300.00	A1620.51 - Contingency	\$ 300.00
	A5182.4 - Street Lighting	\$ 1,500.00	A1620.51 - Contingency	\$ 1,500.00
	A8020.4 PB/ZBA Cont Exp	\$ 1,200.00	A1620.51 - Contingency	\$ 1,200.00
	A9060.8 - Union Ins.	\$ 1,000.00	A1620.51 - Contingency	\$ 1,000.00
	Total	\$7,000.00	Total	\$7,000.00

HIGHWAY	Increase Budget Line	Amount	Decrease Budget Line	Amount
	D5130.1 - Machinery Pers. Svcs.	\$ 7,500.00	D5142.1 - Snow Pers Svcs.	\$ 7,500.00
	D5130.41 - Diesel	\$ 10,000.00	D5110.4 - Gen Repairs Cont Exp	\$ 10,000.00
	D5130.43 - Gasoline	\$ 4,000.00	D5110.4 - Gen Repairs Cont Exp	\$ 4,000.00
	Total	\$21,500.00	Total	\$21,500.00

WATER	Increase Budget Line	Amount	Decrease Budget Line	Amount
	SW8310.41 - Equipment	\$500.00	SW8310.7 - Emergency Repair	\$500.00
	SW8310.8 - Meter Replacement	\$1,000.00	SW8310.7 - Emergency Repair	\$1,000.00
	SW8330.43 - Test Bact	\$250.00	SW8310.7 - Emergency Repair	\$250.00
	SW8330.41 - Chlor Master	\$500.00	SW8310.7 - Emergency Repair	\$500.00
	SW8340.5 - Cost of Water	\$7,100.00	SW8310.7 - Emergency Repair	\$7,100.00
	SW9030.8 - Soc Sec	\$500.00	SW9010.8 - State Retirement	\$500.00
	Total	\$9,850.00	Total	\$9,850.00

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

Councilman White made motion seconded by Councilman Rees to pay General Bills in the amount of \$25,687.10 being voucher No. 22-230A, voucher No. 22-230, and vouchers No. 22-231 to No. 22-252. Roll call vote: Councilman Rees, yes; Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried. The most expensive voucher being the annual payment to NYS retirement that if paid by the end of the year we receive a discount. There are vouchers to retirement for all 3 Accounts.

Councilman Tones made motion seconded by Councilman Burns to pay Highway Bills in the amount of \$59,176.12 being voucher No. 22-216 and vouchers No. 22-217 to No. 22-243. Roll call vote: Councilman Rees, yes; Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Councilman Burns made motion seconded by Councilman Rees to pay Water District #1 Bills in the amount of \$24,351.48 being voucher No. 22-111 and vouchers No. 22-112 to No. 22-121. Roll call vote: Councilman Rees, yes; Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried. The most expensive voucher being to the Village of Penn Yan for the cost of water which Supervisor Illig will comment on in the Water report.

The balance sheets and profit & loss reports were provided to the Board for review. Also included to the Board, was a letter from Steuben County Finance Dept relaying, due to sales tax collections in 2021 and 2022 far exceeding what was anticipated and credited to the County levy for those years, each Town in Steuben County is receiving a credit payment now and another credit payment (approx. being the same amount) in April or May of next year. Due to the County underestimating sales tax, we received a 1st installment of \$167,400.00. Annually, we receive approx. \$40,000.00 in sales tax revenue (what we budgeted for). This was a pleasant surprise and puts us in terrific shape in the General Account. For Highway, we will await the final CHIPS payment in December for approx. \$155,000.00. With the 2 sales tax credit payments adding up to approx. what we owe on the new Highway grader, and that being the only major outstanding balance we have, Supervisor Illig mentioned potentially transferring those funds into the Highway Account to pay off the grader immediately but the Board will discuss further at the beginning of year. In the Water District, Supervisor Illig noted

we will be close to budget as cost of water and emergency repairs have certainly taken a toll recently. 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.

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

Clerk Button reminded those that are able to attend the annual Christmas luncheon, it is tomorrow at noon at JB's. As it is reaching that time of year, she is getting things in order to prepare for tax season.

Municipal Services Manager Welch commented things are slowing down, as seen in his report, but he assumes not for long.

In the Water report, Supervisor Illig stated there have been 2 complicating issues as of late. The first being, a major leak that has gone undetected for quite some time now. We are losing approx. 10 gallons per minute. About 2 weeks ago, Chuck and Marchionda Excavating began digging where they thought the leak was coming from only to no avail. Chuck brought in a professional "leak finder", they were able to isolate a particular area, started digging 10 ft., needed to be able to get down to 20 ft and were not able to continue. It has been narrowed down to 1 of 3 customers having the leak. To be able to access down 20 ft and continue the search, DOT permits are required, additional and better equipment will be needed, etc. This is a major project that will involve shutting the water off, then a boil water notice. We are in hopes the project will be completed by the team next week depending on scheduling. Councilman White asked if we are responsible financially or the customer for the leak? Supervisor Illig stated we are due to the location as we are responsible for anything from the water main to the meter. We are unaware the cause of the leak and will not know until they can get down to the root of the issue. Stay tuned. The second issue the Water Dept is having, is a resident recently bought on the lake a cottage from a customer that was not on the Water District (as he was grandfathered in and chose not to hook up). With there being a property transfer, it is required for the new customer to hook up to the District. The new owner is responsible for installation of the water line. When the contractor installed the new line, it was placed on the neighbor's property. To be able to fix the situation and move the line to the proper site, landscaping was disrupted and involved quite an additional expense to the owner. For various reasons, Chuck is suggesting the District take some responsibility and assist with part of the expenses to the owner. He will make a recommendation at the January meeting and discuss with Councilman Tones and Councilman White to then make a recommendation to the Town Board of what the appropriate measures are in moving forward.

Assessor Oliver reported to Supervisor Illig that regarding Senior Exemptions, the County is discussing changing the limit allowing for an increase in income limit while still being able to receive a 50% reduction for County taxes. Pulteney has a \$12,000.00 limit for Town taxes and has the ability to change that limit updating with current times and slight increases in social security income. Supervisor Illig suggested that once the County establishes a proper threshold, and Assessor Oliver can give the Town a recommendation, the Board will then review and decide what increased value to update the limit for the Town of Pulteney. Councilman Burns commented the Town does not

need to follow the County or the State limit, which is believed to be up to \$50,000.00, they can determine as they see fit.

Highway Superintendent Gibson reported the Dept. has been out sanding a few times, have started cleaning the brush out of Waegner Cemetery, and has all of our stone hauled in for next year's projects. They have the gravel bed leveled in the gravel pit and will seed and mulch in the spring. Supervisor Illig noted that recently there was a union contract wage discrepancy discovered with 2 employees. The discrepancy involved overpayments to 2 Highway workers over the course of the last union contract from 2020-2022. Since this was an administrative error with Supervisor Illig taking full responsibility, he is recommending to the Board not to go after back pay from these employees (who were not aware of the discrepancy). Supervisor Illig asked the Board their thoughts of deeming it not appropriate to reclaim the over payments or ask/demand all/some of the overpayments? The Board agreed it would not be appropriate, it was an administrative error, not the employees, and to move forward as long as corrected now and in the future. Supervisor Illig has drafted a letter to the union representative thoroughly explaining the error, the Town does not look to seek re-payment, and corrections in the next pay period will be made. The Board reviewed and approved the letter be sent.

Highway Supt. Gibson provided an updated equipment replacement plan that provides the periodically scheduled replacement of our current Highway equipment. The next piece of equipment scheduled to be replaced is either the 2007 Sterling dump truck or the 2013 Peterbilt dump truck. It was discussed and decided, going along with the 10-year plan, which makes it difficult when multiple items need replaced at the same time, there is more of a necessity to replace the 2007 dump truck. The Board authorizes Highway Supt. Gibson to contact Peterbilt to get a quote to replace the Sterling 2007. He will update the Board once he receives the estimate.

Attorney Galvan reported she still has not received the complaint regarding the current litigation the Town was served a summons for late October. The holdup she believes is the plaintiff, who is now deceased, would need his executors to become the plaintiffs now to continue. A letter from the plaintiffs' Attorney to an outside source describing the situation was provided to Attorney Galvan and given to the Board to review. Once the executors become the plaintiffs and the complaint has been officially filed, Attorney Galvan will update the Board. Supervisor Illig noted, if the Board has any questions or want to discuss the situation further with Attorney Galvan, to please do so.

There is not a Planning nor Zoning Board meeting scheduled for December.

On the agenda under old business, Bill Dineen, chair of the short-term rental committee, was present and provided the Board a summary of the meetings the committee has held along with recommendations to regulate short-term rentals in Pulteney. The committee members consist of: Bill, Amanda Marino, Carol McGill, and Matt Roseler. Amanda and Carol were also present this evening. Bill highlighted the recommendations to the Board and was under the impression that the committee was in unanimous agreement. There are 2 committee members that are for the recommendations and 2 that are against, specifically permits and regulations at this time. That being said, the committee realizes they should have consisted of 5 rather than 4 members. It was clear there was some consensus on issues, including safety and septic, however overall, the recommendations document presented there was not agreement on. The question

being now, is it possible to formulate a document that the committee is able to agree on? After much discussion, the Board agreed that the short-term rental conversation has merit, should be continued, and be given due diligence. Not all members of the current committee were able to be involved as needed and expected, so it was suggested to formulate a new committee with more individuals, again being from both sides (residents having short-term rentals vs. those that do not). In addition, Attorney Galvan is going to look into any possible liability to the Town/inspector if STR regulations were enacted. Supervisor Illig thanked the committee members for their time and efforts. The committee will go back to the drawing board, adding some fresh eyes and ideas, in hopes of being able to develop a document that can reach a consensus to bring back to the Town Board.

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, it is that time of year when various Board appointments are expiring. Clerk Button has spoken with all the individuals and Supervisor Illig made motion seconded by Councilman Burns to re-appoint the following: Nancy Jenkins to the BAR (10/1/22-9/30/27); Gary Emmick as an Alternate ZBA member (1/1/23-12/31/27); Joe Sheehy to the Planning Board (1/1/23-12/31/29); and Pat Rafalowski to the Ethics Board (1/1/23-12/31/27). All in favor. Carried. Les Rosenbloom's term as a member of the ZBA is expiring, however he has chosen to retire from his service to the Board. There will now need to be a full-time appointment and an alternate appointment to the ZBA. As stated under old business, Supervisor Illig will seek to find candidates to make a recommendation for appointments hopefully at the January Board meeting.

Annually it is the duty of every justice to present court records, at least once a year, to the Town Board for auditing purposes with a Board Resolution and supporting documents to be sent to OCA's Internal Audit Services unit. After a successful audit was performed and signed off on, Supervisor Illig made motion seconded by Councilman White to adopt the following Resolution:

RESOLUTION AUTHORIZING A COURT AUDIT AND REVIEW HAS BEEN CONDUCTED AND ALL NECESSARY DOCUMENTS BE SENT TO THE PROPER AUTHORITY WITHIN THE STATE OF NEW YORK UNIFIED COURT SYSTEM

WHEREAS, at the December 14, 2022 Town of Pulteney regular Board meeting, the Town Justice financial records and dockets, for the calendar year ending 2022 as requested, were duly examined and found to be acceptable within the standards of Municipal accounting procedures. In addition, collected Court fines/fees have been turned over to the proper officials of the Town as required by law.

NOW THEREFORE BE IT RESOLVED, the Town Clerk is hereby authorized to send a copy of this Resolution and any necessary supporting documents to the appropriate authority within the State of New York Unified Court System.

ROLL CALL VOTE: Councilman Rees, yes; Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Lastly on the agenda, the need to schedule an annual year end Board meeting to pay vouchers from now until year end. The Board agreed to schedule the meeting for Thursday, December 29th at 6PM. Clerk Button will advertise as needed.

Supervisor Illig asked if anyone from the public had any comments/questions? With nothing heard and no need for an executive session, Supervisor Illig made motion seconded by Councilman Tones to adjourn the regular meeting. All in favor. Carried. Meeting adjourned at 8:24 PM.

Erica Button, Town Clerk