

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, December 9, 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.

Bill Weber took a moment to speak of a recent Town passing, Barbara Gifford. Bill met Barb and her husband Ron in 1988 when he was first in office as Town Supervisor. They lived on Ford Road after retiring from the dairy business. Years later, they would meet to discuss issues on Ford Road involving a woman the Gifford's sold a house to having too many out-of-control dogs. Bill mentioned Barb was an energetic and talented woman. She had her own beauty parlor, at age 50 became a minister in the Methodist Church, and wrote a weekly column in the Penn Yan Chronicle. But what Bill remembers best about Barb, was when she sang and played the auto harp at the Prattsburgh basketball games. Her rendition of God Bless America was so wonderful and full of grace it would bring tears to his eyes. Barb was a great lady and he will miss her dearly.

Councilman Yastremski made motion seconded by Councilman White to accept the minutes of the November 11, 2020 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 the total equity as to date for the General and Highway Accounts are favorable giving us an increased fund balance than expected going into the new year. The Water District is lagging from what was projected but should be fairly balanced by year end after finalizing water billing. As approved at the October meeting, any Water District taxpayer that is delinquent in paying their quarterly bills will have their arrears added to their Town and County tax bill, therefore the Water District is not at a loss for those customers.

Councilman Burns made motion seconded by Councilman White to authorize to pay General Bills in the amount of \$24,780.99 being vouchers No. 20-202 to No. 20-222. Roll call vote: Councilman Yastremski, yes; Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried. Supervisor Illig noted voucher No. 20-215 for \$17,000.00, the annual payment to NYS Retirement, being the most expensive in General. Remaining vouchers are overall routine.

Councilman White made motion seconded by Councilman Burns to pay Highway Bills in the amount of \$29,028.89 being vouchers No. 20-227 to No. 20-246. Roll call vote: Councilman Yastremski, yes; Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried. Again, voucher No. 20-239 in the amount of \$19,000.00 for retirement being the biggest expense.

Councilman Tones made motion seconded by Councilman Yastremski to pay Water District #1 Bills in the amount of \$12,542.46 being voucher No. 20-104 and vouchers No. 20-105 to No. 20-113. Roll call vote: Councilman Yastremski, yes; Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried. Supervisor Illig commented retirement and the contractual payment

to the Village of Penn Yan for the cost of water as the main expenses. Voucher No. 104 is a refund to a water customer that had pre-paid and recently moved. That portion of usage will be billed to the new owner.

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

Clerk Giambra reported, as she was troubleshooting with Empire regarding the phone line, she was able to upgrade the Town Hall, Highway barn, and the Water District towers to fiber optics. This should allow for faster, more efficient capabilities. Empire is reporting within the next month they should be able to upgrade.

Highway Supt. Gibson relayed the Dept. has finished mowing with the boom mower and cut trees/brush from Gay Road where they will be installing a new culvert pipe. They hauled in stone for next year projects and road sand. They have been working on equipment in the shop.

For the Supervisor report, Supervisor Illig called attention to a letter provided to the Board that was addressed to him from an Attorney in Rochester who is counsel to a local resident. As Supervisor Illig reported at the August Board meeting, there was an issue around the 4<sup>th</sup> of July with this resident being disturbed that the Highway Dept. had brush hogged on the upper side of Tobey Road in the right-a-way which went onto his property. Supervisor Illig responded with a letter stating the Town's position on the matter. Now that the resident's Attorney is involved, the Board agreed to have our Attorney review the documentation and respond how he sees fit. Further updates to come.

Attorney Schlechter reported he has been speaking with Town resident, Jack Lucek, regarding the proposed lighting regulations. He has been doing some research based on other Town regulations and will discuss further on Monday the 14<sup>th</sup> at the Planning Board meeting. He will review the documentation and send a letter in response to the above-mentioned matter. He also has been speaking with Councilman Yastremski regarding the gravel pit transfer.

As stated, there is a Planning Board meeting this Monday, December 14<sup>th</sup> with (1) public hearing scheduled. There is a ZBA meeting scheduled for the 15<sup>th</sup> with (2) public hearings. Supervisor Illig noted, on the Municipal Services report, Lauren mentioned there is a large solar project in the works for Chidsey Hill. We have not received an application, however if it comes in before the end of the year, possibly will go in front of the Planning Board for review in January or February. On the agenda under new business, is an appointment for the Planning Board effective 1/1/21.

At this time, Supervisor Illig welcomed Steuben County Legislator, Mike Hanna to briefly share some information from the County. He brought copies of the 2021 County budget, including a budget summary and various County reports. Both the tourism and transportation/road budgets took a huge hit for next year. Mike stated the tourism budget was affected due to the decreased room tax revenue. There are reserves going into next year, however 2022 is very questionable of what to expect. Sheriff Allard introduced a new plan, within an extensive report that Corning Inc. assisted with. When able, Sheriff Allard will come out to municipalities within the County to review the plan. Mike touched upon the need for increased boat patrol on Keuka Lake. With the current funding received, the Sheriff's Office is allotted minimal hours on the lake. An increase in funding was proposed and turned down by the County. Mike reported they will

continue to fight for future funding and increased boat patrol. For the new Board members, Supervisor Illig mentioned previous discussions the Town and County have shared involving the Town's desire to have the County deed the Nichols Inn property on West Lake Road back to the Town once DEC remediation is complete. The Town would use this property as parking for lake residents. Supervisor Illig commented it would be a favorable gesture on the County's part to give something back to a portion of the taxpayers on the lake with minimal parking availability. Mike will keep alert of the remediation process.

Under old business, Supervisor Illig had asked Attorney Schlechter and Councilman Yastremski to independently review the 2015 gravel pit sale, including the signed contract. Attorney Schlechter stated it is clear the contract signed at closing on December 30, 2015 hasn't been followed. There were several holes within the contract. For instance, the contract states stockpiled material must be removed by June of 2016 and that did not happen; a price per load should have been set before material removal, not after, as it happened. Attorney Schlechter would also like to know the terms of the mining permit the DEC granted the Town. Is there a reclamation process or can the Town transfer the permit to the current owner of the gravel pit? At the November meeting, the Board directed Supervisor Illig to revoke the current mining permit in the Town's name. A letter to the DEC in Albany has since been sent asking for revocation. We are awaiting a response, depending will see if they rescind the permit or if more action is needed. Councilman Yastremski added he has read through the minutes since the gravel pit discussion began in 2014. He has outlined discussions from July of 2014 to February of 2016 and provided to the Board. He mentioned he was not appointed to the Board until March or April of 2016, therefore was not aware of the details of the sale. In reviewing, he stated we were paying for material from elsewhere when we should've been getting it from the gravel pit stockpile before June of 2016. It goes back to, as Attorney Schlechter stated, the contract was not followed. Supervisor Illig thanked Attorney Schlechter and Councilman Yastremski for their research and confirmed in moving forward, a lesson has been learned, the contract fell between the cracks and he will do better in the future if/when acquiring or selling Town property.

Continuing with old business, as reported at the November meeting, the Town Dog Control Officer position was to be placed in the Shopper once with a November 30, 2020 application deadline. Councilman Yastremski and Councilman Burns agreed to conduct the interviews after the applications were received. Councilman Burns reported they interviewed (3) great individuals. Although, it was in hopes of recommending a candidate within the Town, one candidate's extensive resume rose to the top. Debra Matthews resume highlighted her valuable background and experience. Debra and her husband Michael are also the Dog Control Officers for (5) surrounding Towns: Prattsburgh, Cohocton, Fremont, Wayland, and Wheeler. They recently assisted the Town a few weeks ago when they received a call from a Pulteney resident in regards to (2) lost dogs that were found. The resident reached out to Debra knowing she was the DCO in Prattsburgh. Fortunately, she was able to take them to the Wayland shelter and eventually reunite them with their owners. Living in Cohocton, the Councilmen were concerned about mileage reimbursement and response time. It was reported funding for mileage is budgeted for that position and Debra assured them they would respond within an hour of a call. Debra has vast experience working within Steuben County as well as

Livingston County, where she conducted a dog control census. This is a task that needs to be updated in Pulteney in the near future. She also has worked with law enforcement, public health with rabies clinics, various rescue organizations and animal programs, and has maintained and runs the kennel/shelter in Wayland which would be a great option for us to enter into a contract with the beginning of the year. She has already provided thoughtful ideas and suggestions favorable to the Town and has all the up-to-date necessary training for the position. With all that being said, Councilman Burns made motion seconded by Councilman Yastremski to appoint Debra Matthews as Dog Control Officer effective immediately till December 31, 2021 with a yearly appointment option thereafter. All in favor. Carried. Supervisor Illig and Clerk Giambra will contact Debra of her appointment. Councilman Yastremski and Councilman Burns agreed to contact the other candidates and thank them for their resumes and interest.

Lastly under old business, regarding an update on the playground, Highway Supt. Gibson removed the toddler playset as requested due to safety concerns, however it was extremely difficult to remove with the deep concrete it was set in. He questioned if the equipment will be able to be used again, if able at the very least will need new pipes. Clerk Giambra confirmed the replacement equipment ordered for the child swing and rock wall has come in and Highway Supt. Gibson will put on next week when he is able.

Councilman White asked for an update on the ongoing audit. Supervisor Illig reported it appears they are finished with data collection and are working on the evaluation phase to submit a report to the Town of their findings. Councilman White asked to keep the subject on the agenda until the audit is complete.

Under new business, Steuben County has created a Traffic Diversion Program under Local Law #4-2019 with the goal to increase the safety of the roads in Steuben County by teaching drivers how to be better drivers. In conjunction with the District Attorney's Office, this Resolution and agreement states the Town of Pulteney would receive 30% of net monies collected from any successful completion of the Traffic Diversion Program originating from its geographical limits. Once a defendant of the Pulteney Town Court successfully completes the program, the District Attorney's Office would request the traffic violation be dismissed by the Court. Supervisor Illig made motion seconded by Councilman Burns to enter into an intermunicipal cooperation agreement pursuant to Article 5-G of the general Municipal Law between the Town of Pulteney and the County of Steuben for the Town to receive fees collected from the Traffic Diversion Program. Roll call vote: Councilman Yastremski, yes; Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Continuing with new business, on Labor Day, Governor Cuomo signed legislation requiring all public employers to create contingency operation plans to protect public workers in future health emergencies. A template was given to the Board to review and make any changes or suggestions for the Board to possibly adopt at the year-end meeting or in January. The new Law requires the plan development and adoption by April 1, 2021. Further discussion to come.

Supervisor Illig reported the security camera system that was installed in 2015 has never worked properly. An appropriate, properly working system is necessary for several reasons, including Court sessions and when employees are working alone in the building. Eastern Security came to view the current non-working system and provided a quote to

upgrade and get the required safety and security features working. The quote for \$2,032.00 was provided to the Board. This quote includes updated equipment and installation. Supervisor asked the Board if they had any questions. With nothing heard, Supervisor Illig made motion seconded by Councilman Yastremski to secure the services of Eastern Security by accepting the quote of \$2,032.00 to upgrade and install the current system. All in favor. Carried.

Supervisor Illig stated next on the agenda are Board re-appointment/appointments that need to be addressed. Clerk Giambra spoke with (Mike) Tietjen Jr., member of the Board of Assessment Review, and he has agreed to serve another 5-year term. Supervisor Illig made motion seconded by Councilman Burns to re-appoint F. Michael Tietjen Jr. to a 5-year term effective 10/1/19-9/30/25. All in favor. Carried.

In August, John (Jack) Lucek was appointed as a Zoning Board of Appeals Alternate member, with the intention of serving as a full member the start of the new year. Supervisor Illig made motion seconded by Councilman White to appoint John Lucek to a 5-year term as full member of the Zoning Board of Appeals effective 1/1/21-12/31/25. All in favor. Carried.

Supervisor Illig noted Jack is taking the place of Larry Fischer on the ZBA Board as he has chosen not to renew his term. Larry has served on the ZBA for the last 10 years and as Chairman for the last 5 years. Supervisor Illig will write a letter on behalf of the Board thanking Larry for his service as he has done a great, thorough and fair job. A new Chairman will need to be appointed at the January Board meeting.

At the January meeting, the Board will also need to appoint a new ZBA Alternate and new Planning Board member as Jeff O'Brien's term has expired and he has chosen not to be re-appointed. Thank you for your service Jeff!

As required every year, a Court audit/review of financial records (given to the Board each month) and dockets for the year must be performed by the Board. Clerk Giambra has prepared an annual audit checklist and provided all necessary documents to the Board for their review. Supervisor Illig made motion seconded by Councilman Burns 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 9, 2020 Town of Pulteney regular Board meeting, the Town Justice financial records and dockets, for the calendar year ending 2020 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 Yastremski, yes; Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Lastly under new business, Supervisor Illig stated the Board needs to schedule a year end meeting in order to pay bills. It was agreed the year end meeting will be Monday, December 28<sup>th</sup> at 3PM. Clerk Giambra will publish as needed.

Supervisor Illig wished everyone a Merry Christmas. 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, Councilman White made motion seconded by Councilman Tones to adjourn the regular meeting. All in favor. Carried.

Meeting adjourned at 8:02PM.

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Erica Giambra, Town Clerk