

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, September 6, 2023, at the Pulteney Town Hall with the Pledge of Allegiance.

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

Supervisor thanked everyone for their flexibility with the change of meeting location and change in date of the monthly meeting. He reported that Bookkeeper Welch would be taking the minutes in Erica Button's absence.

Bill Weber reflected on the recent passing of Judy Tyler who had lived on Mill Street with her husband Vrooman.

Councilman White made motion seconded by Councilman Tones to accept the minutes of the August 9, 2023 regular Board meeting. All in favor. Carried. The August 28, 2023 Budget Workshop meeting minutes will be available at the October meeting.

Councilman Tones made motion seconded by Councilman Burns to pay General Bills in the amount of \$5,321.91 being vouchers No. 23-153 to No. 23-168. Roll call vote: Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Councilman White made motion seconded by Councilman Burns to pay Highway Bills in the amount of \$126,498.62 being vouchers No. 23-146 to No. 23-168. Roll call vote: Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried. In the Highway Department, the main expenses were the summer projects that will be reimbursed through the CHIPS program including \$97,762.66 for stone and oil.

Councilman Burns made motion seconded by Councilman White to pay Water District #1 Bills in the amount of \$273.60 being vouchers No. 23-84 to No. 23-88. Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Supervisor Illig noted that the Balance Sheet and Profit and Loss Statements were available for review for each of the funds. He mentioned that there is one more billing for the water department at the rate of \$135.00. The Water Department Profit and Loss shows Metered Sales revenue budgeted at \$138,000.00 and anticipate being short based on customer usage and no overages. Based on his conversation with Water Operator Dluzak, water usage is down due to a wet summer. However, the water meters that were not operating properly have not been replaced.

There were no further questions on the financials or any transfers for this month.

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

Municipal Services Manager Welch commented it is business as usual and there have been discussions relating to subdivisions. There is a subdivision hearing at the next planning board meeting. There is early discussion of a company looking to buy land for sale to place a solar farm, but nothing has been confirmed. Discussion on solar farms and transmission capacity followed. There are at least 20 contiguous properties connected to this piece of land.

Supervisor Illig reported that in light of the water rate increase, letters were sent to all customers in the district informing them of the new rate. Only one phone call was received by the customers and Supervisor Illig explained the rationale.

Supervisor Illig reported Assessor Oliver continues to report the apprenticeship is going well.

Highway Superintendent Gibson reported the Dept. is working on road shoulders, hauling gravel, and working on ditches. Stone and oil work has been completed but delayed due to rain. He is still researching generator prices. The 2017 Peterbilt needs work on the computer, which required a repair by a shop. The 2014 Peterbilt needs a Def or exhaust emissions repair and the repair may be a simple fix or more complex depending on the issue. This may cost upwards of \$3,500.00, which is less than what it would have cost several years ago at \$6,000.00. Fall grading will start soon.

The justice is holding court tonight will a busy slate of cases.

No historian report was provided.

Supervisor Illig has nothing specific to report at this time other than what was on the agenda and nothing from the Board.

Attorney Galvan reported she is waiting for a court date for the pending litigation. She responded with an answer. The first court appearance will likely be a conference with a judge and setting a date for discovery. If this were to go to trial, it would likely be jury or bench depending on the party's request and it will be held in a local court.

There was nothing to report regarding the website.

There is a Planning Board meeting this coming Monday September 11th with two subdivision hearings. There is not a ZBA meeting scheduled in September.

Under old business, Supervisor Illig noted he has not had much success as there remains openings for an alternate and full-time member on the Zoning Board of Appeals. The Board will continue to work to find appropriate volunteers. He has a potential candidate for our Town Health Officer position and will confirm. In his tenure, the health officer has never been called upon but the state requires an appointment.

Continuing with old business, Supervisor Illig reported that at the August meeting, there was discussion between Councilman Tones, Councilman Rees, and himself regarding Short-Term Rentals (STR), but wanted to update the rest of the board to receive everyone's input. Supervisor Illig noted that the STR committee was never able to reach consensus. Bill Dineen developed a proposal independently. There has only been one complaint regarding STR's and have been no serious reservation or suggestion that government involvement was necessary. Finally, enforcement and regulation would be difficult. Supervisor Illig recommended that the Board review the outline that Bill Dineen crafted, edit it, and send it to property owners in Pulteney and they would be asked to self-govern and that the Town Board would move forward with regulation if needed in the future. Supervisor Illig discussed the experience with the low support for the noise ordinance and the complexity of adding another layer of government, this is his recommendation. Kathy Burns questioned if current STR's are required to fill out a permit and Municipal Services Manager Welch said that we do not and have never done so. He further explained that special use permits are done through the Planning Board. Further discussion followed on how other towns have implemented permit requirements. Attorney Galvan explained the particulars of how Steuben County determines which properties are STR's and there is a company that collects this data. She will see if she

can access a list and reiterated the enforcement of any policy or law would be complex and suggested a self-reporting type of policy. Councilman White noted that STR's need to be addressed and Supervisor Illig mentioned that the complexity of the issue is extensive, but will work to get it resolved. There is currently no law in the code stating that an STR is required to have a permit. There was additional discussion that STR's are a business and surrounding communities are implementing these policies. Attorney Galvan spoke to Bill Dineen regarding STR self-reporting and will look for the documentation she shared with him. Councilman White mentioned there were independent companies that provide this service and Supervisor Illig clarified that a local law would need to be established and self-governing. He discussed that we do not have the staff to perform inspections. Municipal Services Manager Welch stated that any inspection he does is part of his salary and homeowners receive that service through the property taxes they pay and the Town will take on an additional liability if there is an issue, which Attorney Galvan agreed. In addition, there are STR's everywhere, not just on the lake and the expense to hire an inspector may not be financially advantageous for STR owners. Councilman White suggested there be clarification on the definition of an STR and then determine what would need to be done once that has been established. Further research from other towns will be gathered and discussions will continue. Councilman Burns mentioned that many STR's have homeowners are out of town and unavailable if there is a problem. Councilman White will look through paperwork she has received, Supervisor Illig will contact Bill Dineen and the Town of Wayne, and Councilman Burns will contact the Town of Urbana. The majority of the board does not want to take action but more information will be reviewed.

Discussion on the 2024 budget was discussed. Supervisor Illig discussed the process up until now and proposed a flat tax rate for 2024 of 2.74 which is per thousand. The tax levy would increase by less than \$1,000.00. He increased the tax levy share for the General Fund from \$302,561 to \$331,089. By doing that, contingency was increased to \$64,232. Those were the only recommended modifications after the budget meeting. Councilman Burns asked about the Property Tax Levy only increasing \$500-600 more and Supervisor Illig explained that he increased the General Fund and decreased the Highway Fund allocation of Property Tax Levy. Supervisor Illig explained that changes may still be made and that the Preliminary Budget will be adopted at the next meeting in October.

Supervisor Illig recommended that tax levy in the Highway budget decrease from \$705,975 to \$675,975 and increase the equipment line from \$62,000 to \$112,496. Councilman White wanted to change an error from last year, but it must remain since the budget was adopted at the incorrect amount. She also mentioned that we should have an accurate amount for health insurance, which Supervisor Illig will determine. Highway Superintendent Gibson recommended increasing the D5130.42 Truck Repair line due to rising costs from \$8,285 to \$10,000 and recommended we reduce D5140.1 Personal Services for Brush and Weeds from \$11,168 to \$9,453. The amount of the increase and decrease is the same so it is a wash.

Supervisor Illig reviewed the calculation of the metered sales estimate and noted that the budget shows that revenue at \$265,600 due to rate increases. He noted that a contingency fund (SW8389.4) was established at \$35,484 and SW8310.7 – Emergency Repair was increase to \$37,750. He explained how any overage beyond normal usage was calculated and that is generally a result of summer usage. Supervisor Illig will bring the information about the rate for overages to the next meeting.

Based on the consensus, Supervisor Illig made a motion seconded by Councilman Tones to approve the Tentative budget for 2024 as provided to the board. Roll call vote: Councilman White, yes; Councilman Tones, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried. Supervisor Illig discussed that the collaborative approach has been beneficial in preparing the budget and thanked everyone for their participation.

Halloween was discussed and Supervisor Illig had not heard anything from other town agencies. Councilman Burns made motion seconded by Councilman White to have Halloween in the Town of Pulteney on October 31, 2023 from the hours of 6pm to 8pm.

Town Clerk Button had nothing to report.

Supervisor Illig recapped assignments for next year. Highway Supervisor Gibson noted that CHIPS reimbursement should be received soon. Supervisor Illig complemented the Highway Dept. on the work done to the roads.

Supervisor Illig noted there was no executive session and again thanked all for being flexible due to a busy court session at the Town Hall. A

Supervisor Illig asked if anyone from the public had any comments/questions? A gentleman in the audience questioned if we pre-empt sales tax, or whether we take a credit on our tax levy or receive payment. Supervisor Illig responded that we receive payment directly. The gentleman then asked about the Tentative budget being on the website and asked for a copy. He then wanted clarification on the tax levy.

There was no need for an executive session, Supervisor Illig made motion to adjourn the regular meeting. All in favor. Carried. Meeting adjourned at 7:55 PM.

Rebecca Welch, Bookkeeper