

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, November 8, 2023, at the Pulteney Town Hall with the Pledge of Allegiance.

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

Supervisor Illig announced the unofficial election results from yesterday and congratulated Councilman Tones, Highway Supt. Gibson, and welcomed newly elected official Jon Beckman. Supervisor Illig was also re-elected as well as the library proposition vote passed.

Bill Weber reflected on the recent passing of Dr. Ivan Szathmary Sr. and Kathy Bergstresser. Bill did not know Ivan well but recalled him having a place on the West Lake Road and full-time residence on Cross St. He also remembered at Board meetings during the hydrofracking days, of Ivan giving his opinion that hydrofracking would result in the Town of Pulteney becoming a toxic waste dump. Kathy Bergstresser, Bill knew very well, along with her husband Duane. He would visit with them often on the family farm just off the intersection of CR 78 and Armstrong Road. Kathy was one of three Assessors back when we had three elected Assessors. She once took the team on a boat ride along the Pulteney shoreline to view properties not very visible from the road and long before pictometry and digital records. Bill was so inspired by this action that he hired Tom Gill to have aerial photographs of the Pulteney shoreline. He hopes the Assessor today has that album of pictures as it would be an interesting comparison of today to 1989! He also recalled that in 2012, it was the Bergstresser property where the depleted gas well was that started the furor over the Chesapeake injection well proposal. Kathy and Duane were in Florida during this time of upheaval, he often wonders what Kathy would have said at the meetings as she was known not to be timid in her remarks. Bill commented Pulteney has lost another of our grand ladies who lived here all her life and made life better for all of us with her candor, humor, and fine community service. They both will be fondly remembered and greatly missed by many.

Councilman White made motion seconded by Councilman Rees to accept the minutes of the October 11, 2023 regular Board meeting. All in favor. Carried. Supervisor Illig relayed the budget workshop minutes from August 28, 2023 were not ready for approval and Bookkeeper Welch will provide when available.

There are no transfers at this time and the P&L statements and balance sheets were provided to review.

Supervisor Illig gave an update on the “missing but deposited” Sunoco check reported last month. As Councilman White suggested, Supervisor Illig contacted our bank, Five Star, to further investigate a check from July sent to Sunoco that we show as being deposited, however a representative contacted the Town stating they have not received payment. After their research, Sunoco is reporting the check was deposited into a bank account they do not use. Supervisor Illig believes that through an automated service the check was routed and deposited into the wrong account on their end. We are having Five Star run a tracer for the deposited check and place a notification of fraud. Supervisor Illig has been told there is a good chance we will receive our money back. That being said, on Sunoco’s behalf, they are still showing an outstanding balance. After

discussing, the Board agreed to reissue the check. He will contact Sunoco to make aware of the reissued check being sent and confirmation of a correct address.

Councilman Burns made motion seconded by Councilman White to pay General Bills in the amount of \$5,219.84 being vouchers No. 23-188 to No. 23-204. Roll call vote: Councilman Burns, yes; Councilman Rees, yes; Councilman White, yes; Supervisor Illig, yes. Carried.

Councilman Rees made motion seconded by Councilman Burns to pay Highway Bills in the amount of \$48,959.08 being vouchers No. 23-189 to No. 23-208. Roll call vote: Councilman Burns, yes; Councilman Rees, yes; Councilman White, yes; Supervisor Illig, yes. Carried. Supervisor Illig noting the main expense being for gravel.

Councilman White made motion seconded by Councilman Burns to pay Water District #1 Bills in the amount of \$5,163.17 being vouchers No. 23-104 to No. 23-112. 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.

Clerk Button relayed the Pulteney Presbyterian Church is holding a Veterans appreciation service on Sunday, November 12th at 9:15am with featured speaker, Michael Hanna, remembering the tomb of the unknown soldier, followed by a free Veterans Day breakfast. All are welcome.

Municipal Services Manager Welch commented he has been dealing with DOT conflicts involving the lake road. He was able to finally approve an application to demo an existing house, that has been on hold due to DOT, to make way for a new house approved by ZBA per application and drawings. He relayed he is almost done with state mandated classes for the year with 3 hours remaining and scheduled for December 1st.

In the water report, Supervisor Illig mentioned, as noted last month, Chuck and Todd have been working on the pumphouse to reduce humidity and rust. Also reported, the need to move an incorrectly installed water line to a curbstop and meter pit shown in error from North Country Contractors mapping. Chuck worked with Thomas White from Little Riggins Construction to correctly install.

Supervisor Illig reported the Assessor and Apprentice continue to relay positive feedback.

Highway Superintendent Gibson reported the Dept. has been mowing roadsides and receiving positive comments from residents. They have been hauling in gravel for next year's projects and getting trucks ready for the snow season. The new generator is now installed and in working order. Highway Supt. Gibson highly recommends CPI out of Rochester who did the installation. The County helped the Dept. put shoulders down on Brown Road and Soil and Water rocked a ditch on Gallagher Road for us. We will be receiving \$122,354.33 in CHIPS funding in December. That being said, he received a letter from Dolomite that as of December 1st there is going to be a 10-15% increase in stone pricing. With the current Highway budget being in good shape, he would like to haul a portion of stone in now before the price increase. The Board agreed.

Attorney Galvan commented she has not received any updates regarding the litigation matter. She did report that she submitted a FOIL request to the County FOIL Officer seeking to receive the information they have gathered thus far through the contracted company Granicus regarding existing STR's in Pulteney. She was denied

access to the information. The language in the County Occupancy Tax Law prohibits the County Finance Dept. from releasing the protected information. She noted the information is completely non-accessible, even to the County Legislature. Attorney Galvan suggested we can either, similar to the County, enter into a contract with Granicus (or alike companies) for the information at a paid expense or ask residents to begin self-reporting to the Town.

There is not a Planning Board nor ZBA meeting scheduled for November.

Under old business, Supervisor Illig is recommending to appoint Jennifer Cole as an alternate ZBA member and Elizabeth White as a full-time member effective 1/1/24-12/31/28. He has contacted both parties and they have agreed to serve. Supervisor Illig made motion seconded by Councilman Burns to approve said recommendation. All in favor. Carried. He will address the Health Officer appointment at the December meeting.

In continuation with Attorney Galvan's STR report, Councilman Burns was to contact the Town of Urbana, however she has not heard back from Supervisor Stull. She did find on their website a proposed STR Local Law that is scheduled for a public hearing on November 14th. This document is 13 pages and suggested the Board review at their convenience. She noted that in the proposed Law they are leaving enforcement to their Planning Board and Code Officer. Councilman Burns also mentioned the Town of Wayne is regulating STR by self-reporting.

At this time, 7:30PM, Supervisor Illig made motion seconded by Councilman White to recess the regular meeting and enter into the scheduled public hearing regarding the proposed 2024 Town of Pulteney preliminary budget. All in favor. Carried. Clerk Button published a legal notice of public hearing 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.) asked why the Municipal Supervisor salary is entirely now coming out of the General Account (Watershed Inspection) rather than a portion coming from the Water District (Administration)? Supervisor Illig stated due to the declining financial health of the Water District this year, and even with the increase in rates for next year, it was necessary to have Lauren's salary come directly out of the General Account. Bill also asked what the tax rate for 2024 will be? Supervisor Illig reported the good news with the budget is the estimated tax rate in 2023 was \$2.74 per thousand and in 2024 will be estimated \$2.74 per thousand. Town property taxes will not go up. That being said, the downfall of the budget is the additional \$25.00 per quarter per customer water rate increase. Supervisor Illig stated with the exception of the Water District, we are in excellent shape financially, especially with the COVID relief funding and the unexpected increase in sales tax revenue. 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 Burns to close the public hearing and resume the regular meeting. All in favor. Carried. Supervisor Illig made motion seconded by Councilman Burns to adopt the following **Resolution:**

Town of Pulteney Adoption of the 2024 Budget

WHEREAS, the Town of Pulteney wishes to adopt the proposed preliminary budget as presented for the year 2024; and

WHEREAS, the Town of Pulteney has reviewed and after due notice held a public hearing at the November 8, 2023 regular meeting of the Town Board; and

NOW THEREFORE, it is hereby

RESOLVED, that the Town of Pulteney hereby adopts the 2024 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.

Continuing with old business, Supervisor Illig relayed an update regarding the gravel pit. The Town currently has a reclamation permit in our name for the purpose of remediation of the gravel pit. The Town was given a list of remediation items that must be done in order for the DEC to sign off on. Highway Supt. Gibson was confident the list of items that were asked of have been completed, therefore in October (after the October 11th meeting) Supervisor Illig met with the DEC at the gravel pit. Now it is being explained in order to remediate the gravel pit, the property owner needs to sign off on now as is or 75% coverage of the bank must be covered in vegetation. After contacting the landowner, he feels it is the Town's responsibility to fully remediate and wants the Town to seed the necessary area to 75%. It is too late to hydroseed this year so will have to next year. This in turn requires the Town to extend the reclamation permit. Highway Supt. Gibson has been in contact with the necessary individuals at the DEC and is in the process of renewing the permit for the time being.

Under new business, Clerk Button received a template form of an annually renewable decommissioning bond from Delaware River Solar (DRS). It was sent to Attorney Galvan to review along with the decommissioning plan itself. She feels it is standard context and deemed appropriate. It is the understanding that once construction nears (estimated April start date) that DRS will fill out the form and resend for Supervisor Illig's signature. The bond is necessary as the contractor is responsible to carry to secure funding if the need of decommissioning arose. Supervisor Illig made motion seconded by Councilman Rees to approve the annually renewable decommissioning bond template as presented. Roll call vote: Councilman Burns, yes; Councilman Rees, yes; Councilman White, yes; Supervisor Illig, yes. Carried.

There is a Board of Assessment Review appointment that expired 9/30/23. Clerk Button recently heard back from the member and she has decided to end her term and not seek re-appointment. Supervisor Illig and the Board will need to recommend an appointment at an upcoming Board meeting. The term is 10/1/23-9/30/28. Training will need to be completed in the spring prior to Grievance Day.

Lastly, it is that time to discuss the annual Town Christmas party. It was agreed upon to schedule the party for Thursday, December 14th at noon. Supervisor Illig will look into JB's as we have done every year (they have done a fantastic job!) or change it up and have YKnot cater? Clerk Button will send an email invite with update.

Supervisor Illig noted he will be on vacation from November 14-27th but will be available by phone. Supervisor Illig asked if anyone from the public had any comments/questions? With nothing heard, Supervisor Illig made motion seconded by Councilman White to adjourn the regular meeting. All in favor. Carried. Meeting adjourned at 7:52 PM. Happy Thanksgiving!

Erica Button, Town Clerk