

**January 8, 2014 Meeting**  
**January 22, 2014 Special Meeting**

Supervisor Bill Weber called the organizational/regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, January 8, 2014, at the Pulteney Town Hall with Pledge of Allegiance.

Present were: Supervisor Bill Weber; Councilman Richard Musso; Councilman Mark Illig; Councilmen Nancy Cole; Councilman Kathy Burns; Highway Supt. Terry Gibson; Bookkeeper Joyce Apenowich and Town Clerk Theresa Keesey.

Councilman Cole made motion seconded by Councilman Musso designating the second Wednesday of the month at 7:00 PM as the regular Town Board meeting night. All in favor. Carried.

Councilman Musso made motion seconded by Councilman Cole to accept the Public Officials Blanket bonding of all necessary town employees to be in effect for the year 2014. Said coverage is with the Travelers Casualty and Surety Co. of America with Sprague Insurance Company as agent for bonding of all employees \$50,000 each and additional bonding on Supervisor & Deputy Supervisor - \$50,000; Town Clerk/Tax Collector - \$150,000; Bookkeeper - \$100,000 and Town Justice 75,000. All in favor. Carried.

Supervisor Weber made motion seconded by Councilman Musso consenting to the temporary assignment of the Town of Pulteney Justice to preside in other town/village courts in the Seventh Judicial District as need arises during the year 2014 and approve the temporary assignment of judges from other town/village courts in the Seventh Judicial District to its court as need arises during the year 2014. All in favor. Carried.

Councilman Cole made motion seconded by Councilman Musso to accept the following Board Appointments:

Water Plant Operator	-	Ken Forenz
CEO (Code Enforcement Officer)	-	Lauren Welch
Watershed Officer	-	Lauren Welch
Zoning Officer	-	Lauren Welch

All in favor. Carried.

Councilman Cole made motion seconded by Councilman Illig to accept the following Board Appointments:

Records Management & Access Officer and Registrar of Vital Statistics	-	Theresa Keesey
Deputy Registrar of Vital Statistics	-	Donna Conley
Cemetery Registrar	-	Donna Conley
Historian	-	Sharon Daggett
Health Officer	-	Alise Irwin, RN
Deputy Health Officer	-	Alexander Wahlig, MD

All in favor. Carried.

Councilman Musso made motion seconded by Councilman Cole to accept the following Board Appointments:

Webmaster	-	Don Radigan
Computer Consultant	-	Fred Schulte

All in favor. Carried.

Appointment of Dog Control Office and Deputy Dog Control Officer will be deferred

until February meeting.

Councilman Musso made motion seconded by Councilman Illig to invite candidates for Town Attorney to a special interview meeting. The date of said meeting will be decided by Supervisor Weber, who will make contact with the individual candidates and setup a schedule. There are currently four candidates. All in favor. Carried

Councilman Musso made motion seconded by Councilman Cole to accept the following as the newspapers for the year:

Official Newspaper - Corning Leader  
Other Newspapers used - Courier Advocate & Shopper

All in favor. Carried.

Councilman Musso made motion seconded by Councilman Cole to accept the following as official banks for the year:

Banks - M & T Bank, Five Star Bank & Lyons National Bank

All in favor. Carried.

Councilman Illig made motion seconded by Councilman Musso to accept the following pay schedule for the year:

Mileage (following the Federal reimbursement schedule) - \$.56 per mile  
Town Board, Dog Control Officer, Historian, - quarterly  
CEO Officer, Watershed Officer,  
Zoning Officer, Highway Superintendent,  
Town Clerk, Bookkeeper, Water Plant Operator - bi-weekly  
Supervisor, Assessor, Justice, Court Clerk & Attorney - monthly  
Registrar of Vital Statistics, Cemetery Registrar,  
Health Officer - annually  
Board of Assessment Review & Planning Board - annually  
Highway Employees - terms and hours pursuant to the union contract

All in favor. Carried.

Supervisor Weber made motion seconded by Councilman Musso to keep the Petty cash fund for the Town Clerk/Tax Collector in the amount of \$100.00. All in favor. Carried.

The following Appointments were announced.

Highway Superintendent Appointments:

Deputy Highway Superintendent - Jason Tears

Supervisor Appointments:

Deputy Supervisor - Richard French  
Bookkeeper - Joyce Apenowich  
KLOC Alternate - Mark Illig

Supervisor Committee Chairman Appointments:

Water District Committee - Councilman Richard Musso

Development Committee - Councilman Nancy Cole & Richard Musso

Agriculture Committee - Councilman Mark Illig

Recreation Committee – Councilman Kathy Burns

Community Garden – Elizabeth Ryder

Councilman Illig made motion seconded by Councilman Musso to adopt the Town of Pulteney Investment Policy as presented dated 01/08/2014. All in favor. Carried.

Councilman Cole made motion seconded by Councilman Musso to reappoint Steve Cheney to the Zoning Board of Appeals for a 5-year term. All in favor. Carried.

There is currently a vacancy on the Planning Board for a 7-year term. Three candidates have come forward: Louie Dominick, Jeffrey O'Brien, and John DiBona. Supervisor Weber made motion seconded by Councilman Cole to have Town Clerk Keesey contact all three candidates and invite them to attend the Planning Board meeting scheduled for Monday, January 13, 2014. Then the board will choose a candidate at the February meeting. All in favor. Carried.

Councilman Cole made motion seconded by Councilman Burns to reappoint Robert Illi the Ethics Board for a 5-year term. All in favor. Carried.

Councilman Cole made motion seconded by Councilman Musso to place an ad in The Shopper advertising a vacancy on the Board of Assessment Review. The ad will include that experience is not necessary and training will be provided. All in favor. Carried.

There was also discussion about Jim Pizura being reappointed to the Board of Assessment Review. Supervisor Weber agreed to contact Jim Pizura to see if he is interested in being reappointed and will address again at the February meeting.

Councilman Cole made motion seconded by Councilman Illig to accept the Dog Shelter 2014 Lease Renewal. All in favor. Carried.

The Library contract has been given to the Library President for their review. Supervisor Weber has recommended that all board members look over the contract. Supervisor Weber made motion seconded by Councilman Illig to defer the acceptance of the 2014 Library Contract until the February meeting when all parties involved have found it to be mutually agreeable. All in favor. Carried.

Councilman Musso made motion seconded by Councilman Illig to accept the Water Plant Operator's Work Policy for 2014 with the addition that the premium is 5% higher than the bargaining unit. All in favor. Carried.

Councilman Cole made motion seconded by Councilman Musso to accept the Mowing Agreement for 2014. All in favor. Carried.

Supervisor Weber included the EMS & Fire Districts Municipal Agreement which is good until 2015 for the boards review.

As decided by the previous town board, Andy Moesch has been hired as a security guard for the town court. Councilman Musso made motion seconded by Councilman Cole to give Supervisor Weber permission to hire Andy Moesch as security at town board meetings if the need arises. Andy Moesch would be paid the same rate as already approved \$25/hour with a two hour minimum. All in favor. Carried.

Councilman Musso made motion seconded by Councilman Cole to adjourn the organizational meeting. All in favor. Carried.

Councilman Musso made motion seconded by Councilman Cole to accept the minutes of the December 11th and the 31st of 2013 with the correction of the insurance cost for the town security officer. In the December 11th minutes, at the bottom of page three, the amount listed for the insurance cost was for the whole amount when it should have only been for the amount that the insurance increased. All in favor. Carried.

Supervisor Weber discussed the change in the voucher signing process. All board members are welcome to see Bookkeeper Apenowich and look at each voucher, but they will no longer be reviewed and signed by each board member at the board meetings. Board members will only vote on the abstracts at each meeting.

Councilman Cole made motion seconded by Councilman Musso to pay General Bills in the amount of \$25,869.84 being vouchers No. 14-1 to No. 14-12 on Abstract No. 1. Roll call vote: Councilman Cole, yes; Councilman Musso, yes; Councilman Burns, yes; Councilman Illig, yes;

Supervisor Weber, yes. Carried.

Councilman Musso made motion seconded by Councilman Cole to pay Highway Bills in the amount of \$16,242.74 being vouchers No. 14-1 to No. 14-14 on Abstract No.1. Roll call vote: Councilman Cole, yes; Councilman Musso, yes; Councilman Burns, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

Councilman Musso made motion seconded by Councilman Cole to pay Water District No. 1 Bills in the amount of \$3,232.63 being vouchers No. 14-1 to No. 14-7 on Abstract No. 1. Roll call vote: Councilman Cole, yes; Councilman Musso, yes; Councilman Burns, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

Water Plant Operator Forenz reported that we had 20 new services in 2013 and the town's water usage was within about a half million gallons of last years usage. The town is currently billed for 13 million gallons of water, received 10 million, and used about 6 million. Supervisor Weber agreed that he would be in charge of turning off the water fountain at the town hall.

Councilman Musso made motion seconded by Councilman Cole to receive and place on file the report from the Code Enforcement Officer (CEO) & Watershed Officer; Zoning Officer. All in favor. Carried.

The Justice report was received and placed on file. Supervisor Weber also made mention of the dog issue on Ford Road. There is possible a special use permit being sought by a resident on Ford Rd. The town received a letter from a neighbor who is concerned about the barking dogs on Ford Rd. and that the town is continuing to issue licenses for the dogs. This issue has been ongoing for the past two years. Bookkeeper Apenowich made the point that we have to license the dogs no matter how many there are. Licensing is the towns only way of knowing that the dogs have been vaccinated and are not a health code violation.

Councilman Musso made motion seconded by Councilman Illig to receive and place on file the Historian's report. All in favor. Carried.

Highway Superintendent Gibson reported they have been busy plowing and sanding roads. They have also been busy working on equipment. Highway Superintendent Gibson has also been pricing new loaders. The current loader has 7000 hours on it and has a resale value of 20,000. He is also working on a release form for people that want access to the wood from the Tobey Rd. lot. Highway Superintendent Gibson also handed information from the New York State Department of Labor, Division of Labor Standards which discussed the state law pertaining to deductions from wages.

Supervisor Weber reported that a training is being offered to new town employees in NYC if anybody is interested in attending. He also handed out a letter from someone looking for support for casinos in New York State, specifically at Tioga Downs. Supervisor Weber handed out a paper from the Steuben IDA and is planning a meeting with the director to talk about promoting business in the local area. A Mobile Work Program flyer was handed out for information. Southern Tier Central is having a national conference in April located at Corning Community College. If anyone would like to attend, it will be discussed at a future board meeting.

Union Contract Negotiations are about to renew. The town will be represented by Supervisor Weber, Councilman Musso, and Bookkeeper Apenowich. Supervisor Weber will contact John Farwell to set up a date for the meeting. The contract expired at midnight on December 31, 2013.

The Town of Pulteney is currently involved in a lawsuit concerning the opening of an abandoned road. Supervisor Weber discussed the need for a lawyer to represent the town at the

hearing on January 21st, 2014. Supervisor Weber recommended hiring Attorney Bill Reed for this date only. The cost for Attorney Reed will be \$195/hour. After the 21st, if the trial proceeds, a new attorney would have to be hired. Councilman Illig made motion seconded by Councilman Musso to hire Attorney Bill Reed to represent the town on January 21, 2014. Roll call vote: Councilman Cole, yes; Councilman Musso, yes; Councilman Burns, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

The board discussed the addition of security cameras to the Town Hall. Councilman Cole made motion seconded by Councilman Musso to have Ken Forenz price some different security camera systems for the town. All in favor. Carried.

Supervisor Weber requested that all board members and any other town officials to look at the town website for anything that needs to be fixed or updated. The website is

[www.pulteneyny.com](http://www.pulteneyny.com).

After taxes have been received, Supervisor Weber would like to look at the town's cash position and discuss the idea of setting up reserve funds for general and water.

Supervisor Weber would like to make sure the local Amish community feels welcome and included in all things town related. He has spoken with Charles Zimmerman who works closely with many of the Amish families and would like to give him a contact sheet to handout to any of the Amish who would like it. Contacts included on the list are Councilman Musso, Ken Forenz, Lauren Welch, and Supervisor Weber. Councilman Musso would prefer his number not be handed out.

Councilman Illig made motion seconded by Councilman Burns to accept a Differed Compensation Resolution that allows members of the NYS retirement system to continue having funds taken out of their check even after they have met their required deductions. Roll call vote: Councilman Cole, yes; Councilman Musso, yes; Councilman Burns, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

## **RESOLUTION**

### Town of Pulteney Adoption Of The State of New York Deferred Compensation Plan

WHEREAS, the Town of Pulteney wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for the voluntary participation of all eligible employees; and

WHEREAS, the Town of Pulteney is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law;\* and

WHEREAS, the Town of Pulteney has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Pulteney by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;  
governmental powers under the laws of the State.

NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of Pulteney hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Pulteney are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Adopted the eighth day of January, 2014, at a meeting of the Town of Pulteney.

I hereby certify that the Town of Pulteney is a local public employer within the meaning of Section 5 of the State Finance Law and that the adoption of the Plan has received all required approvals of any local governing body or officer and otherwise complies with local law.

Witnesseth by:

Town of Pulteney  
Bill Weber – Town Supervisor

By:

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Consent of the Deferred  
Compensation Board of the  
State of New York to  
Local Public Employer's  
Participation

By: \_\_\_\_\_

\*A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes: a county, city, town, village or other political subdivision as defined in Section 131 of the retirement and Social Security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation; or any other public corporation, agency or instrumentality or unit of government which exercises governmental powers under the laws of the State.

There are two lights within the Town Hall that are supposed to turn on when the power goes out. These two lights have not been working. Also, there was a burst pipe at the Town Hall which caused water to run down through the alarm system and damage it. Motion made by Councilman Cole seconded by Councilman Musso to have Larry Day fix both the security lights and the alarm sensors. Roll call vote: Councilman Cole, yes; Councilman Musso, yes; Councilman Burns, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

No new business.

Public comments were that there are two street lights out. One of the lights is the last one on Boyd Hill and the other is at the Wagner Bridge by the cemetery. Supervisor Weber will contact NYSEG.

Councilman Musso made motion seconded by Councilman Burns to adjourn. All in favor. Carried.

Meeting adjourned at 8:41 PM.

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Town Clerk

### **January 22, 2014 Special Meeting**

Supervisor William Weber called the special meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, January 22, 2014, at the Pulteney Town Hall with the Pledge of Allegiance.

Present were: Supervisor William Weber; Councilman Richard Musso; Councilman Nancy Cole; Councilman Mark Illig; Councilman Kathleen Burns and Town Clerk Theresa Keeseey.

Supervisor Weber made motion seconded by Councilman Cole to recess the regular order of business to go into executive session to interview candidates for the position of Town Attorney for the 2014 year. All in favor. Carried.

Councilman Cole made motion seconded by Councilman Musso to close executive session to reopen the regular order of business. All in favor. Carried.

Supervisor made motion seconded by Councilman Cole to offer the Town Attorney position to Pat Jiminez. Roll call vote: Councilman Musso, yes, Councilman Illig, yes; Councilman Burns, yes; Councilman Cole, yes; Supervisor Weber, yes. Carried. Pat Jiminez will be offered the position and paid as a contractor in the amount of \$8,000 for the entire year. Included in this \$8,000 will be attendance at all board meetings, opinions, policy drafting and everything else except for litigation. Jiminez's litigation rate will be \$90/hr and the town will have an escape clause in the contract stating that Jiminez may be terminated as Town Attorney if the town is dissatisfied with his work.

Councilman Musso made motion seconded by Councilman Cole to adjourn.

Meeting adjourned at 8:37 PM.

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Town Clerk