

March 20, 2014

Supervisor William Weber called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, March 20, 2014, at the Pulteney Town Hall with Pledge of Allegiance.

Present were: Supervisor William Weber; Councilman Nancy Cole; Councilman Richard Musso; Councilman Mark Illig; Councilman Kathy Burns; Highway Supt. Terry Gibson; Atty. Patricio Jimenez and Town Clerk Theresa Keeseey. Absent was Bookkeeper Joyce Apenowich. Councilman Musso made motion seconded by Councilman Burns to accept the minutes of the February 12, 2014 meeting. All in favor. Carried.

Supervisor Weber asked for a moment of silence in remembrance of Robert Fenstermaker. Supervisor Weber gave the financial reports: we have \$328,357.35 in the General Fund, \$607,119.56 in the Highway Fund and \$99,192.70 in the Water Dept. before all of the bills are paid tonight.

Councilman Cole made motion seconded by Councilman Illig to make a transfer in the Highway Account from D5110.4 in the amount of \$700.00 to A5120.4 and to transfer in the Highway Account from D5132.4 in the amount of \$700.00 to A5132.48. Also, to make a transfer in the General Account from A1410.11 in the amount of \$77.00 to A1410.4 and from A1420.1 in the amount of \$8,000.00 to A1420.4. Finally, to make a transfer in the Water Department Account from SW8310.4 in the amount of \$205.00 to SW8310.44. Roll call vote: Councilman Burns, yes; Councilman Cole, yes; Councilman Musso, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

Councilman Cole made motion seconded by Councilman Musso to pay Highway Bills in the amount of \$39,487.72 being vouchers No. 14-42 to No. 14-43 on Abstract No. 2A and vouchers No. 14-44 to No. 14-46 on Abstract 2B and vouchers No. 14-48 to No. 14-47 on Abstract 3. Voucher No. 14-63 on Abstract 3 will be held until it is actually due at the County. Roll call vote: Councilman Burns, yes; Councilman Cole, yes; Councilman Musso, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

Councilman Cole made motion seconded by Councilman Musso to pay General Bills in the amount of \$54,289.92 being vouchers No. 14-16 to No. 14-17 on Abstract 2A and vouchers No. 14-18 to No. 14-37 on Abstract 3 with voucher No. 14-27 being held until it is due at the County. Roll call vote: Councilman Burns, yes; Councilman Cole, yes; Councilman Musso, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

Councilman Musso made motion seconded by Councilman Illig to pay Water District No. 1 Bills in the amount of \$42,369.86 being voucher No. 14-12 on Abstract No. 2A and vouchers No. 14-13 to No. 14-24 on Abstract 3. Voucher No. 14-21 will be held until it is due at the County. Roll call vote: Councilman Burns, yes; Councilman Cole, yes; Councilman Musso, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

Councilman Illig made motion seconded by Councilman Musso to accept and place on file the Code Enforcement Officer's (CEO) & Watershed Officer's, Zoning Officer's; Dog Control Officer's and Justice's reports. The Water Dept. also reported that 323 customers are now connected and there are still some possible concerns about leaks. All in favor. Carried.

Highway Superintendent Gibson reported they have been busy plowing and sanding roads; trimming trees and cutting brush; and that they have finished painting the roller in time for spring work. They have also been working on opening culver pipes that were frozen. He attended the Superintendents rally in Albany to support our Chips program. He is hoping for a 10% increase from the state for the Chips Program. Highway Superintendent Gibson also presented two loader

prices from state bid contracts. Caterpillar starts at \$143,494.00 and Hyundai starts at \$120,061.00. These would be base prices without any add-ons. There was also discussion about an unexpended balance of \$240,000 in the Highway budget. Supervisor Weber, Superintendent Gibson, and Bookkeeper Apenowich will meet and discuss how this should be handled. Superintendent Gibson also mentioned that they will not be doing any roadside mowing for the county due to insufficient compensation and working on the county's timeline for mowing. Finally, Supervisor Weber asked Highway Superintendent Gibson to think about creating a 5 year plan for spending in the Highway Department. Gibson reported that they are going to have to look at replacing the 6-Wheeler Truck within the next couple of years.

Councilman Cole made motion seconded by Councilman Illig to accept and place on file the Historians Report.

Supervisor Weber read the New York State Municipal Equal Pay Day Proclamation. Councilman Cole made motion seconded by Councilman Burns to allow Supervisor Weber to sign and affix The Town of Pulteney seal to this proclamation. All in favor. Carried.

Supervisor Weber mentioned that anybody who wanted to attend the Southern Tier Regional Leadership Conference at CCC needs to hand in their registration paperwork to Town Clerk Keesey today.

Supervisor Weber also mentioned that The Town of Pulteney received a rebate check from Sprague Insurance in the amount of \$565.00.

Councilman Burns presented about the Pinwheels and Promises Campaign. Councilman Weber made motion seconded by Councilman Musso to allow the library/community to display pinwheels on the Town property on April 8th for the campaign kickoff. All in favor. Carried. Councilman Burns also reported that The Town of Pulteney was recognized for supporting the Aging in Place Project by the Steuben Senior Services Fund.

Supervisor Weber commented on the situation with KWIC. The KWIC Board has hired to elect Penn Yan Soil and Water as their contract manager. KWIC has contracted with Penn Yan Soil and Water in the maximum amount of \$25,000. The plan for the Town of Pulteney and KWIC is to try come to a compromise where KWIC controls issues in Zone 1 while issues in all other zones would default back to the Town of Pulteney Code Enforcement Officer. In doing so, KWIC's budget also needs to be looked at and brought down to a reasonable number. Councilman Illig elaborated on what has been happening at the KWIC meetings. KWIC has recognized that they need to scale back their operations and have cancelled the lease on their office and has allowed all towns to pick up their own files. CEO Welch has collected all of the Town of Pulteney's Records and his main concern as we move forward with KWIC, is the maintenance of the software and the costs involved. Another big concern is that the town feels a contract manager should not be needed to do site evaluations.

Code Enforcement Officer Welch gave an update on the dog situation on Ford Rd. At this point in time, somewhere between 11 and 13 dog barking tickets have been issued. CEO Welch is going to issue a zoning violation tickets every two weeks until the issue is resolved. Neighbors around the property are very angry and upset with the town for not taking care of/enforcing this issue. Attorney Jimenez has a trial scheduled for April 2, 2014 in the Town of Pulteney, but the only thing the Town of Pulteney Justice can do is continue to impose a fine on the violator. The board discussed the idea of Attorney Jimenez filing a public nuisance civil lawsuit at the County Court Level. There will probably be somewhere between \$250-\$300 in filing fees and the court date would probably not be set until late summer. Supervisor Weber made motion seconded by Councilman Cole to authorize Attorney Jimenez to send a cease and desist letter that gives the

defendant 15 days to comply with zoning laws (taking number of dogs down to 7 and putting forth an effort to bring down the noise level of the dogs) before the town proceeds with filing a lawsuit at the county level. Roll call vote: Councilman Burns, yes; Councilman Cole, yes; Councilman Musso, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

Councilman Cole made motion seconded by Councilman Burns to re-appoint Steve Cheney to the Zoning Board of Appeals. All in favor. Carried.

Councilman Cole made motion seconded by Councilman Musso to re-appoint James Pizura to The Board of Assessment Review. All in favor. Carried.

Councilman Musso made motion seconded by Councilman Cole to appoint Jeffrey O'Brien to the Planning Board. All in favor. Carried.

Supervisor Weber reported that all issues with the Teamsters Union had been handled and we were now starting the 2014 year with a "clean slate" as far as financial issues go with the insurance.

Attorney Jimenez reported on the Gamba Lawsuit. There was a hearing on Tuesday, March 18th, at which point Judge Furfure dismissed the state from the lawsuit and determined that the issue of abandonment is going to go to trial on either July 15, 16, or 17. After the hearing, the judge met with the lawyers of both parties to see if some agreement could be reached. Gamba's attorney indicated that he was certain his client would be willing to settle if the town agreed to the terms of a qualified abandonment. This would require the town to grade and level the road and then officially abandon it. Attorney Jimenez said he would bring this information back to the board, but was fairly certain that the town would not agree to these terms.

The Town is currently waiting to hear back from Donnie Ballam regarding the Fuel Contract with the Fire District and the Gravel Storage Contract with the Fire Department.

Supervisor Weber made motion seconded by Councilman Illig to schedule a joint hearing with the Pulteney Planning Board on April 9, 2014 at 7:30pm regarding the proposed sign laws. All in favor. Carried.

A problem was identified by Bill Nesbitt and Dr. Wahlig regarding leakage from manure spreading on Gallagher Road. The manure has made its way into a stream that flows into Keuka Lake, near Bill Nesbitt's home. DEC has been contacted and stated that there is nothing that can be done as long as Damin Farms has a DEC permit and is complying with that permit. This is an issue that the town has dealt with on numerous occasions, but there is very little that can be done.

Councilman Burns made motion seconded by Councilman Illig to allow the Town Clerk to schedule and advertise for the rabies clinic to be held on May 10, 2014 from 1-3pm at the Town Barns. Roll call vote: Councilman Burns, yes; Councilman Cole, yes; Councilman Musso, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

Councilman Illig made motion seconded by Councilman Musso to allow Clerk Keesey to attend the NYSTCA Conference in Saratoga Springs on April 27, 28, and 29th at the cost of \$677 plus mileage and meals. Part of the conference includes the cost of becoming a certified notary. Roll call vote: Councilman Burns, yes; Councilman Cole, yes; Councilman Musso, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.

Supervisor Weber suggested that the board hold off on discussing the capital reserve account for both General and Water Funds due the Gamba Lawsuit and the water leakage issues. Once these issues have been taken care of, a discussion can be had about setting up/maintaining capital reserve accounts in those areas.

Councilman Musso made motion seconded by Councilman Cole to allow the Dog Control Officer and Deputy Dog Control Officer to attend Dog Control Schooling on April 29 & 30,

2014 for \$65 per person. Roll call vote: Councilman Burns, yes; Councilman Cole, yes; Councilman Musso, yes; Councilman Illig, yes; Supervisor Weber, yes. Carried.
Councilman Musso directed the boards attention to the Town of Pulteney's CAP (Corrective Action Plan) Letter with regard to the audit recommendations.
Supervisor Weber made motion seconded by Councilman Musso to adjourn. All in favor. Carried.
Meeting adjourned at 8:52 PM.

Town Clerk