

Supervisor William Weber called a regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, September 9, 2015, at the Pulteney Town Hall with the Pledge of Allegiance. Supervisor Weber then took a moment of reflection on the recent passing of a valued community member, Helen Schoeffler. She will be fondly remembered and sadly missed.

Present were: Supervisor William Weber; Councilman Nancy Cole; Councilman Richard Musso; Councilman Mark Illig; Councilman Kathleen Burns; Highway Superintendent Terry Gibson; Attorney Patricio Jimenez; Bookkeeper Becca Kirch and Town Clerk Erica Giambra.

Councilman Cole made motion seconded by Councilman Illig to accept the minutes of the August 12, 2015 meeting. All in favor. Carried.

Supervisor Weber announced and explained the General, Water District, and Highway Profit & Loss Statements and Balance Sheet Statements, which were all made available to view. The General Account is a little financially behind, the Highway Account is about even, and the Water District Account is above, but as expected will even out throughout the remaining of the year. All and all, the Accounts are tracking nicely.

Supervisor Weber reported the statement bank balances as follows: Water District \$93,781.64; Highway Capital \$158,375.89; Highway Fund \$127,969.42; and General Fund \$210,523.21.

Supervisor Weber announced that Bookkeeper Kirch brought to his attention that the New York State Comptroller's Office reported that the Town should not have a separate Court Escrow Account. Those funds should be transferred to the General Fund and a **Resolution** be adopted stating so. Councilman Burns made motion seconded by Councilman Musso to adopt a **Resolution** to close out the Court Escrow Account and transfer the funds to the General Fund and proceed as expected from there. Roll call vote: Councilman Musso, yes; Councilman Illig, yes; Councilman Burns, yes; Councilman Cole, yes; Supervisor Weber, yes. Carried.

Councilman Musso made motion seconded by Councilman Illig to make the following Highway transfers: From Account D5140.1 to Account D5110.4 in the amount of \$7,650.00. Roll call vote: Councilman Musso, yes; Councilman Illig, yes; Councilman Burns, yes; Councilman Cole, yes; Supervisor Weber, yes. Carried.

Councilman Musso made motion seconded by Councilman Illig to make the following Water District transfers: From Account SW8330.2 to Account SW8310.47 in the amount of \$300.00. Roll call vote: Councilman Musso, yes; Councilman Illig, yes; Councilman Burns, yes; Councilman Cole, yes; Supervisor Weber, yes. Carried.

Councilman Musso made motion seconded by Councilman Illig to make the following General transfers: From Account A1410.2 to Account 1410.4 in the amount of \$70.00, from Account A1620.51 to Account A1670.43 in the amount of \$500.00, and lastly from Account A1620.51 to Account A9060.8 in the amount of \$4,500.00 for a grand total of \$5,070.00 for General transfers. Roll call vote: Councilman Musso, yes; Councilman Illig, yes; Councilman Burns, yes; Councilman Cole, yes; Supervisor Weber, yes. Carried.

Councilman Cole made motion seconded by Councilman Illig to pay General Bills in the amount of \$3,765.77 being vouchers No. 15-176 to No. 15-190. Roll call

vote: Councilman Musso, yes; Councilman Illig, yes; Councilman Burns, yes; Councilman Cole, yes; Supervisor Weber, yes. Carried.

Councilman Cole made motion seconded by Councilman Burns to pay Highway Bills in the amount of \$17,665.23 being vouchers No. 15-159 and No. 15-160 to No. 15-183. Roll call vote: Councilman Musso, yes; Councilman Illig, yes; Councilman Burns, yes; Councilman Cole, yes; Supervisor Weber, yes. Carried.

Councilman Musso made motion seconded by Councilman Illig to pay Water District #1 Bills in the amount of \$9,635.36 being vouchers No. 15-73 and No. 15-74 to No. 15-82. Roll call vote: Councilman Musso, yes; Councilman Illig, yes; Councilman Burns, yes; Councilman Cole, yes; Supervisor Weber, yes. Carried.

On hand were the Water Department, Municipal Services, Highway, Dog Control Officer, and Justice reports to view. Councilman Cole made motion seconded by Councilman Illig to place those reports on file. All in favor. Carried.

Supervisor Weber, along with Water Operator Chuck Dluzak, reported that the quarterly THM (Trihalomethane) results came out great after a recent flushing and explained the testing procedure. The Department of State regulates the water testing. The Town has an efficient working relationship with the Town of Jerusalem and the Water Department is running very well.

Municipal Services Manager Lauren Welch commented that this past month has continued to be very busy in regards to building applications and subdivision projects.

Highway Superintendent Gibson reported how busy the Highway Department has been as well. They have started to mow roadsides, grade roads, and haul sand. They painted the Highway barn roof and assisted the Town of Urbana with hauling gravel. Highway Supt Gibson brought to the Boards attention one of the trucks will need new tires in the next month. He also reported it is probably most beneficial for the Town to buy a pickup/tractor from a dealership rather than at an auction, in which he has not had much luck at the auctions recently. Supervisor Weber will look at various trucks through dealers and Highway Supt Gibson will continue to get more quotes as well.

Under old business, regarding the Library property update and deed status, Attorney Jimenez provided the Town Board with a sample deed. Once Attorney Reed approves the language of the deed and reviews it with the Library Board of Trustees, and both Attorneys receive the abstract back from the title company/and or surveyor, then Supervisor Weber and Clerk Giambra can sign off on the deed and the deal should be finalized. Once the property is finalized, it would now be owned by the Pulteney Free Library. The property would in fact only go back to the Town if the property was no longer used for the purpose of a Library. There will be a shared use of the parking lot. Time wise, Attorney Jimenez is expecting this all should take place prior to the October Board Meeting.

Library President Alise Irwin, commented that Rita Finley has been recognized by the STLS (Southern Tier Library System) as an Outstanding Library Advocate. She will be honored at the Systems annual meeting in October. This is the third consecutive year an individual has been recognized from the Pulteney Free Library. Fred Schulte and Barb Radigan have been honored in previous years. Congratulations Rita and thank you for your advocacy!

Continuing with old business, Supervisor Weber announced we are in the process of hiring a contractor to fix the outside water fountain, or if needed Jim Howitt

volunteered to assist. Needless to say, it is a safe bet we will have a working drinking fountain for next year.

Regarding the security system situation, Supervisor Weber reported that we still have not been able to make contact with the installer after leaving messages. We will keep attempting to contact as the down payment has already been paid. The Board suggested that if we do not have contact or answers by the next Board Meeting, then Attorney Jimenez will become involved.

Supervisor Weber reported that financing through the NYS Environmental Facilities Corporation (EFC) and the NYS Department of Health (DOH), is not a probable solution regarding the Cross St. water project, since it is not a critical water and wastewater infrastructure upgrade. Therefore, we sent out a survey to all the residents of Cross St. asking if they would support or reject continuing the investigation of extending public water along Cross St. to Gallagher Rd. and down the hill to SR 54A. The annual capital cost would be about \$1300 per/yr whereas vs. District 1 the annual cap cost is \$350. There was an overwhelming residential response of rejecting any further continuation. Therefore, we will discontinue any further effort with Hunt Engineers.

Regarding the sale of the gravel pit, Supervisor Weber, Councilman Illig, Highway Supt. Gibson and the purchaser, Bret Llewellyn, met to further go over terms of the agreement/contract, including deed restrictions and covenants. Attorney Jimenez met with Attorney Burns, and is in the process of completing the deed. The sale should be finalized in the near future.

Rapping up old business, Highway Supt. Gibson brought to the Board's attention at the last Board Meeting that the Town compost site on Tobey Rd. is being abused by contractors. They are tearing up the road, taking up valuable space, and dumping for free. Also, they are dumping more than just yard waste, such as large trees and brush. Attorney Jimenez provided a sample ordinance for the Board to review. If agreed upon after review, a hearing would be set to be voted on and receive public comments. The Board will review and discuss at the October Board Meeting with the possibility of a hearing in November. Therefore, the compost site will not be affected this year but will be in better shape for next year.

At 7:30 PM, Supervisor Weber announced he was opening the regular Board Meeting to the public hearing on the proposed revised Zoning Law changes (LL No. 2 of the year 2015). Clerk Giambra read the following public notice:

PUBLIC NOTICE OF Filing of the Proposed Revised Town Zoning Law with the Town of Pulteney Clerk's Office at 9226 County Route 74, Pulteney, NY.

The Proposed Town Zoning Law will be available for review by the public until September 9, 2015 at 7:30pm, at which time there will be a Public Hearing.

Persons wishing to appear at the hearing may do so.

Date of Notice: August 18, 2015

Erica Giambra
Town Clerk

Supervisor Weber explained the process and procedures of the Planning Board in revising the Town Zoning Law. He refuted the recent ads that were placed in The Southern Tier Shopper, adding the Town Board and Planning Board did not act with any misdoings. He noted that all Board and Planning Board Meetings are open to the public, are advertised, and are always on the same night and time of every month unless otherwise advertised and stated. He explained there has been an increase in tourism and added businesses. This has brought about some change to the Town of Pulteney especially since 2008, in which was the last time the Town Zoning Law was revised (with exception of the addition of the Sign Law earlier this year.) Supervisor Weber then opened the floor to any public comments or questions:

There were questions/comments regarding the addition of an event center (not more than 250 people) and concern that a banquet hall that was proposed to the Planning Board in recent years, that was highly petitioned and not favored, would be allowed to now "open" and ruin the agricultural area in District 3. It was explained that the Planning Board process has not changed as far as accepting or rejecting proposals. Even though an event center was added as a special use permit, the requirements and public concern will all still be considered and mandated throughout the process.

There were questions/comments regarding the wording of the Dock and Mooring Law (LL Law 2006) and concerns with stairs, easements, and rights of way. Attorney Jimenez explained the questions were all related to private legal matters and a private Attorney would have to be contacted to answer, unless it was a Town matter in which he can be contacted.

There was discussion regarding the Town Comprehensive Plan and how that should proceed Town Zoning Laws and Amendments. There was a request for a new/revised Comprehensive Plan including a vision for the future of the Town of Pulteney. It was stated this Revised Zoning Law (LL No. 2, 2015) allows for anything to take place in the Town and there needs to be a model for planned growth. Again, it was explained that times have changed and a vision for the future of a Town is not a standard notion. All Towns are different and require different needs and wants. The Planning Board did revise a new Comprehensive Plan recently in 2013 and spent quite some time in designing the Plan. The Board feels it is a sufficient and effective Plan for Pulteney. Again, the Town has to abide by State and Federal regulations as well and will not just allow or be able to allow anything to take place and arise in Pulteney.

It was also commented on and noted that anything added to District #3 was also added to District #4 regarding special permit uses.

Supervisor Weber asked if there were any further public comments/questions. There were no further responses, therefore at 8:15 PM Supervisor Weber closed the public hearing and returned to the regular Board Meeting.

Under new business, Highway Supt Gibson reported to the Board that there is a need for new highway equipment, as mentioned above, regarding a new 1-ton. Highway Supt Gibson announced the 1-ton was appraised for \$26,000-\$32,000 resale. Brand new one would be approx \$130,000, whereas to replace a complete unit would be around \$75,000. To purchase a new 1-ton, the Town could pay for it out of the Capital Reserve Account. The sale of the gravel pit would also assist with this purchase as well. Councilman Musso made motion seconded by Councilman Burns for Highway Supt.

Gibson to get firm prices so the Board can move further with a possible purchase. All in favor. Carried

Supervisor Weber reported on the progress of the 2016 budget. He will be meeting with the Highway, Water, and Municipal Services Departments the following day. He is in hopes to be under the tax cap again. Supervisor Weber made motion seconded by Councilman Cole to set a budget workshop for September 23, 2015 at 7:00 PM and authorize Clerk Giambra to advertise the workshop and special meeting. All in favor. Carried.

Supervisor Weber brought to the Board and the public the issue of fencing and neighbor issues asking...."what can we do to make neighbors happy?" Current regulations state a fence can be up to 8ft in height but there are no setback requirements at this time. However, Municipal Services Manager Welch tells individuals to at least make the setback of a fence 12 inches. Attorney Jimenez stated generally speaking it is very difficult to regulate fencing. It brings about problematic constitutional challenges due to property owners having the right to use fencing as they wish, as long as the fencing is not having lasting effects beyond the property line. It is also always a question of privacy vs. property view vs. setbacks. Councilman Illig suggested that the Board, Attorney Jimenez and Manager Welch, since fencing is a zoning issue, further look into setback regulations. Currently, Manager Welch did mention that there is no need for a building permit to erect a fence. Typically, there is always a reason for a fence however, the Board will look into and discuss further. Stay tuned.

Supervisor Weber asked the Board if at this time they were ready and wanting to vote on the proposed revised Zoning Law changes (LL No. 2, 2015). The Board agreed. Supervisor Musso made motion seconded by Councilman Cole to adopt the Local Law No. 2 of the year 2015 as presented and authorize to have Clerk Giambra send to the New York Secretary of State to become official and take effect. Roll call vote: Councilman Musso, yes; Councilman Illig, yes; Councilman Burns, yes; Councilman Cole, yes; Supervisor Weber, yes. Carried.

Under public comments and concerns, Supervisor Weber announced that the Keuka Lake Association will be coming to the October Board Meeting to discuss the world heritage vision of the Finger Lakes and specifically Keuka Lake. The presentation should be very interesting and informative.

Councilman Cole made motion seconded by Supervisor Weber to adjourn the meeting. All in favor. Carried.

Meeting adjourned at 8:40 PM.

Town Clerk