

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, March 9, 2016, at the Pulteney Town Hall with the Pledge of Allegiance.

Present were: Supervisor Mark Illig; Councilman Mark Goodwin; Councilman Michael Yastremski; Councilman Kathleen Burns; Highway Superintendent Terry Gibson; Attorney Patricio Jimenez; Bookkeeper Rebecca Kirch; and Town Clerk Erica Giambra. Absent was Councilman Richard Musso.

Supervisor Illig asked for the present public to introduce themselves as well.

Bill Weber took a moment of reflection speaking of the recent passing of John Pizura. John was a pillar of our community and anyone who knew him was extremely fortunate. He will be fondly remembered and sadly missed.

Councilman Goodwin made motion seconded by Councilman Yastremski to accept the minutes of the February 10, 2016 regular Board meeting. All in favor. Carried.

Supervisor Illig reported on the finances and explained that with the recent sale of the gravel pit, the Town Board has the opportunity to establish reserve funds. It appears at this time we will be able to take approx \$300,000 and place into a reserve fund to be used for unforeseen obstacles, such as equipment failure. By NYS standards, the use and handling of a reserve account is very restrictive. Supervisor Illig spoke with and asked Attorney Jimenez to look into along with fellow Attorney Peter Baker, specific reserve clauses and to prepare the proper wording and documentation needed to establish a capital reserve fund. Supervisor Illig made motion seconded by Councilman Burns to allow Supervisor Illig to have Board approval to work with both Attorney's on this matter. Roll call: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes. Carried.

Supervisor Illig asked the Board if they had any questions/comments regarding the profit and loss statements and/or balance sheet that were made available to view. With no questions/comments, Supervisor Illig noted there were no transfers this month.

Councilman Goodwin made motion seconded by Councilman Burns to pay General Bills in the amount of \$9,756.99 being vouchers No. 16-49 to No. 16-66. Roll call vote: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes. Carried. Supervisor Illig pointed out that the main expensive voucher for General this month was an annual payment to KWIC. Supervisor Illig also mentioned that there will be a KWIC/KLOC meeting at the Pulteney Town Hall, March 28, 2016 at 7:00 PM for anyone interested in attending.

Councilman Yastremski made motion seconded by Councilman Goodwin to pay Highway Bills in the amount of \$12,452.21 being vouchers No. 16-41 to No. 16-60. Roll call vote: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes. Carried. The main expensive voucher for the Highway Department was the purchase of rock salt.

Councilman Burns made motion seconded by Councilman Yastremski to pay Water District #1 Bills in the amount of \$26,433.07 being vouchers No. 16-16 to No. 16-25. Roll call vote: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes; Carried. An annual payment to the Town of Jerusalem/Village of Penn Yan was the main expense for the Water District this month.

Regarding reports, the Highway, Water Department, Historian, DCO and Justice reports were all available to review. Supervisor Illig reported there is no Municipal Services report for February per Lauren Welch. Supervisor Illig made motion seconded by Councilman Burns to place the reports on file. All in favor. Carried.

Highway Superintendent Gibson commented in his report the Department has been busy working on equipment. They also have cut trees and brush on Lower Middle Road where they will be replacing a culvert in the upcoming weeks. Recently, the Department attended a First Aid training class in Bath. Supt. Gibson announced the new 1 ton truck that was ordered is now in. The body will be put on this week and we should have it in April. They have cut more tree limbs in Glenview Cemetery, however there are several trees that need actual removal, as stated at the February meeting. Supt. Gibson received 2 quotes to cut down 7 trees. George Fisher's (Fisher's Lawn Care and Tree Service) quote was \$3088.00 and Beers Tree Service was \$3200.00. Both quotes are for complete removals and the Highway Dep't will grind the stumps later. George Fisher has worked for the Town previously and performed a great job. Since there is a need to remove the trees before the leaves come out, Supervisor Illig made motion seconded by Councilman Goodwin to accept George Fisher's quote of \$3088.00 and for Supt. Gibson to notify and work with George Fisher regarding removal. Roll call: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes; Carried.

At 7:30 PM Supervisor Illig called for the opening of the sealed Town Hall contract work bids. A public notice was placed in the Southern Tier Shopper for 2 weeks prior to the Board meeting, explaining the Town will be receiving sealed bids for general contract work. The notice also explained the bidding application process and related pertinent information. Supervisor Illig requested Clerk Giambra open the bids. There were 3 bids total. The lowest bid was for \$25.00 hourly labor rate and the highest was for \$45.00 hourly labor rate. Supervisor Illig made motion seconded by Councilman Yastremski to authorize Supervisor Illig to talk with the lowest bid first, who has done previous good work for the Town, and accept his bid based on that conversation. Roll call: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes; Carried.

Next was the opening of the sealed excess lumber bids. Again, a public notice was placed in the Shopper 2 weeks prior to tonight's meeting, explaining the amount and consistency of the lumber and the bidding process. There were 2 lumber bids received. One bid for \$1300.00 and the other for \$1500.00. Supervisor Illig asked Highway Supt. Gibson approximately what amount he was expecting for an acceptable bid. He stated he was expecting \$1500.00. Supt. Gibson also stated the Highway Dep't can help load the lumber for the approved bidder. Supervisor Illig made motion seconded by Councilman Goodwin to accept the highest bid for \$1500.00. Roll call: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes; Carried.

Under old business, Supervisor Illig reported and summarized the library deed transfer situation. At the February meeting, Attorney Jimenez announced after reviewing the abstract, there are 2 reversion clauses in the deed restricting the Town to transfer the property over to the library. In the deed it states that the property would go back to the previous owner if the property was used for anything other than for Town Hall purposes. If the Town specifically is not occupying the property the land must revert back.

However, now in the last several days, the surveyor is prepared to attest that the land the Pulteney Free Library would be located on does not have a reverter clause attached and the surveyor, along with Attorney Jimenez and Attorney Reed, can execute documentation that will grant the land to the library free and clear. If this process can occur in a timely manner, Supervisor Illig stated he would call a special meeting of the Town Board in March to execute the transfer of property. It has been explained and the Town Board is well aware that time is of the essence to the library, as they need the deed transfer to be able to apply for grants and get things in motion. Due to the uncertainty of the timing, the date of the special meeting is to be determined.

Attorney Jimenez suggested to the Board that they enter into a brief executive session. Supervisor Illig made motion seconded by Councilman Burns to close the regular meeting and enter into an executive session meeting. All in favor. Carried.

Supervisor Illig made motion seconded by Councilman Yastremski to close the executive session and resume the regular meeting. All in favor. Carried.

Supervisor Illig announced Attorney Jimenez has duly advised the Board that there still remains potential liability in moving forward with the transfer of land to the library.

Supervisor Illig made motion seconded by Councilman Burns to adopt the following Resolution:

**TOWN OF PULTENEY TOWN BOARD
TOWN BOARD RESOLUTION**

RE: Transfer of Real Property Owned by the Town of Pulteney to the Pulteney Free Library

WHEREAS,

1. The Town Board having previously found that it is in the public interest to transfer a parcel of land owned by the Town of Pulteney to the Pulteney Free Library for the purpose of constructing and establishing a structure thereon for the location and maintenance of a facility for operation of the Town Library; and
2. The Town Board having been advised by the Town Attorney that, after examination of the abstract relative to said parcel, it was discovered that said parcel may be encumbered by prior deeds containing one or more reverter clauses; and
3. The surveying firm of McConnell and Muller having conducted a survey and concluded that the said parcel is not subject to and encumbered by the aforementioned reverter clauses.

Now therefore be it ***RESOLVED***, that the Town Board hereby authorizes such transfer so long as an updated and certified survey map is prepared clearly indicating the boundaries of said reverter clauses in relation to the parcel to be transferred and that such map is made part of the deed effectuating the transfer of the parcel to the Pulteney Free Library.

MOTIONED BY: Supervisor Illig SECONDED BY: Councilman Burns

DATED: March 9, 2016

ROLL CALL: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes. Carried.

Councilman Goodwin made motion seconded by Councilman Yastremski to adopt the following Resolution:

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Now therefore be it *RESOLVED*, that the Town Board hereby authorizes the Town Supervisor and the Town Clerk to execute any and all documents necessary to the transfer of said parcel to the Pulteney Free Library.

MOTIONED BY: Councilman Goodwin SECONDED BY: Councilman Yastremski

DATED: March 9, 2016

ROLL CALL: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes. Carried.

At the Board meeting in January, it was brought up by the public and Supervisor Illig to look into "sprucing up" the Town Hall to present a more professional view. Supervisor Illig recruited Clerk Giambra and Bookkeeper Kirch to form a committee to enhance the Town Hall. Clerk Giambra provided a packet of estimates, including pictures, for the contents that were provided and listed in a report at the February Board meeting. Clerk Giambra contacted our IT consultant regarding purchasing new computers vs. only new monitors. He suggested currently there is not a need to purchase computers, the monitors will be sufficient alone to purchase. The estimated total for all items came to \$5,067.00. Supervisor Illig commented to the Board he would like to add a 10% contingency due to the amount being estimates and depending on sale prices etc. therefore bringing the total proposed estimate to \$5,573.70. Supervisor Illig made motion seconded by Councilman Burns to authorize up to the total estimate amount to purchase the said mentioned contents. Roll call vote: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes. Carried.

Regarding the 2016 Town mowing contract that the Town placed out for bid, Supervisor Illig consulted with a prospective mowing bidder. He bid the second lowest at \$6600.00. He has worked for the Town previously and the experience in the past was a positive one. Supervisor Illig made motion seconded by Councilman Yastremski to allow Highway Supt. Gibson to supervise the mowing agreement and accept the bid of \$6600.00 for the 2016 mowing season. Roll call vote: Councilman Yastremski, yes;

Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes. Carried. Clerk Giambra will notify all bidders of the results.

For a Memorial Day update Supervisor Illig turned the floor over to Councilman Burns. She stated she has reached out to the American Legion, Pulteney Fire Department, and Mr. Arntz, Hammondsport Band Director, in attempt to get more individuals involved in the celebration. Supervisor Illig agreed to join on a committee to continue to prepare for the event. More information to come at the April Board meeting.

Under new business, Supervisor Illig reported at the January Board meeting he will wait to appoint Board committees until there is indeed a full Board. The purpose of the committees is in the event something occurred in particular Town related areas, there would be a Board member that would be available to address the situation and take any necessary action. Supervisor Illig suggested the appointments be as follows:

Water Committee: Councilman Goodwin

Development Committee: Councilman Burns and Councilman Musso

Recreation Committee: Councilman Burns

Agriculture Committee: Supervisor Illig

Community Garden: Councilman Yastremski

Supervisor Illig made motion seconded by Councilman Goodwin to approve the appointments. All in favor. Carried.

Clerk Giambra announced Thursday, March 31, 2016 is the 20th annual regional leadership conference at Corning Community College. Anyone interested should contact Clerk Giambra by March 17, 2016 at the latest. This conference is beneficial for all Town Board members, including Planning and Zoning, Clerks, Justices, CEO's and all other interested officials. Supervisor Illig made motion seconded by Councilman Burns to pay the \$40.00 registration fee per applicant to attend. Roll call vote: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes. Carried.

Clerk Giambra announced the 34th annual New York State Town Clerk's Association Conference is coming up April 17-20, 2016. The Conference is in Saratoga Springs this year, in which they are offering the Notary class and exam on site. Once Clerk Giambra obtains her notary license, this will be a great benefit to the Town. The registration is \$125.00 with a \$55.00 notary registration totaling \$180.00. The hotel stay, including meals is \$790.98. Clerk Giambra is requesting approval from the Board to attend the upcoming Conference. Supervisor Illig made motion seconded by Councilman Goodwin to allow Clerk Giambra to attend the Conference with a total fee of \$970.98. Roll call vote: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes. Carried.

Clerk Giambra announced she spoke with Eastview Vet Clinic and they have agreed to provide a vet for the Pulteney Town Rabies Clinic on May 7, 2016 from 9am-11am. The DCO will also be available and will attend to assist with the animal care. Clerk Giambra is requesting approval from the Board to advertise and allot payment to the attending vet. Supervisor Illig made motion seconded by Councilman Burns to

approve advertising and vet payment. Roll call vote: Councilman Yastremski, yes; Councilman Burns, yes; Councilman Goodwin, yes; Supervisor Illig, yes. Carried.

Supervisor Illig announced the NYS Department of Transportation is planning a construction project on State Route 54 beginning March 21, 2016. The project begins at Pulteney/Urbana Town line and extends north approximately 8.5 miles and ends near the Steuben/Yates County line. This project will be quite extensive involving milling and replacing guard rails that are no longer DOT approved. Supervisor Illig will clarify details that are involved with the guardrail replacement and will report back at the April meeting. The project is expected to be completed approximately June 30, 2016.

Supervisor Illig reported the Town Board needs to adopt a resolution, subject to permissive referendum, approving the transfer of \$65,000 of Highway Capital Reserve to pay for the 1 ton truck and body that was ordered. The actual authorization to purchase the truck has already occurred, this is just the transfer of funds from the Highway Capital Reserve Fund to the General Operating Fund. Supervisor Illig made motion seconded by Councilman Burns to adopt, subject to permissive referendum, a resolution and authorize Attorney Jimenez to draft the exact wording of the public notice for Clerk Giambra to publish in The Corning Leader. All in favor. Carried.

Supervisor Illig previously commented on his intent to form a Capital Reserve fund committee to calculate and estimate future needs in equipment (specifically in the Highway Department) so the Town can continue to budget correctly and look to the future of expenditures. Supervisor Illig stated the committee will consist of himself, Highway Supt. Gibson, and Councilman Yastremski. They will meet in a few weeks and come back to the Board with any ideas.

As stated earlier, Councilman Burns requested Supervisor Illig to clarify with the DOT their plans regarding guardrail replacement. Also, Councilman Burns requested to discuss Historian Ray Emery's proposal. Ray Emery provided the Board a proposal, with Supervisor Illig explaining the intent of his proposal. Ray is interested in conducting live interviews of individuals that have lived in the area and our community their entire lives. These individuals are walking history books with fond stories to tell. He is proposing the Town purchase the equipment to be used for the interviews, as well as other Town functions. He is proposing the purchase amount to be approximately \$500.00. Councilman Burns suggested he could partner with the library, in which they receive grants that this proposal could potentially fall under. Supervisor Illig will contact Ray and suggest he contact the librarian, Barb Radigan, to see if this is a viable option and if not return back to the Board to receive authorization.

Supervisor Illig made motion seconded by Councilman Goodwin to adjourn the meeting. All in favor. Carried.

Meeting adjourned at 8:08 PM.

Town Clerk

