

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, May 11, 2016, at the Pulteney Town Hall with the Pledge of Allegiance.

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

Bill Weber took a moment of reflection speaking of the recent passing of two Town residents: Frank "Elwood" Fitzwater and Phil Hamilton. Elwood was a lifetime resident, veteran, and farmer. Phil was a self-employed contractor and an excellent craftsman. Both will be fondly remembered and sadly missed.

Councilman Musso made motion seconded by Councilman Burns to accept the minutes of the April 13, 2016 regular Board meeting. All in favor. 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 two transfers this month in the General Account. Councilman Goodwin made motion seconded by Councilman Musso to make the following transfers: in General from Account A1620.45 to Account A1620.48 in the amount of \$600.00; and from Account A1355.4 to Account A5010.4 in the amount of \$100.00. Roll call vote: Councilman Goodwin, yes; Councilman Musso, yes; Councilman Burns; Supervisor Illig, yes. Carried.

Councilman Goodwin made motion seconded by Councilman Musso to pay General Bills in the amount of \$6,933.03 being vouchers No. 16-102 to No. 16-123. Roll call vote: Councilman Goodwin, yes; Councilman Musso, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Councilman Musso made motion seconded by Councilman Burns to pay Highway Bills in the amount of \$6,221.84 being vouchers No. 16-65 and No. 16-89, and vouchers No. 16-90 to No. 16-106. Roll call vote: Councilman Goodwin, yes; Councilman Musso, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Supervisor Illig reported on the Town Hall "Spruce Up" project and how well it is coming along. A summary sheet was provided to the Board members of cost analysis of what was budgeted vs. the total amount spent on furniture/equipment, in which we are \$842.71 under budget. Supervisor Illig reported the contractor was originally approved for 60-80hrs in which he is right around 80hrs currently. There are still a few projects that we will need to enlist the contractor for that should approximately take up to another 20hrs. Councilman Musso made motion seconded by Councilman Goodwin to authorize the contractor to work an additional 20hrs and up to \$500.00. Roll call vote: Councilman Goodwin, yes; Councilman Musso, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Supervisor Illig reported that through JCAPP funding, the Court will be purchasing 2 new Attorney tables that will be small enough that will fit nicely in the corner over by the Judges bench.

Before attending to the Water District #1 bills, Supervisor Illig reported there have been some issues and repairs to a water main within the Town. Municipal Services Manager Lauren Welch spoke of the occurrence. In summary, while repairing and resurfacing the highway on Route 54A on April 21, a DOT worker cut through the water

main mistaking it for a log. The water main actually was not supposed to be installed where it was. Fortunately, our Water Dept. was able to clamp and temporarily repair the main continuing to allow us to supply water to the affected area. On April 23, North County Contractors, LLC, whom were the original installers of the water main 8 years ago, performed the permanent repair. The excavating was done by CP Ward, in which they would have had to do the excavating regardless, as they were there to do the replacement of the original culvert. DOH was contacted throughout the process of the repair to ensure all safety measures were taken, including a short time for a boil water order. All testing that occurred after were negative for any bacteria and the water continued and remains to be safe and clean. That all being said, Supervisor Illig reported there are 2 invoices, one being from Blair Supply (\$4,149.71) and the other from North County Contractors (\$3,211.84), that he believes are our responsibility to pay. Even though it was not our fault for the break in the main, it is in fact our water main. Councilman Musso and Councilman Goodwin expressed that they do not believe it is our responsibility and we should not have to pay those invoices. They believe it is either the fault of DOT for drilling through the main and/or North County Contractors for installing the pipe in the wrong place originally 8 years ago. It was their engineer who was responsible for placing the pipe, however the Town signed off on it. After a lengthy and in depth discussion, it was agreed upon that Blair Supply was at no fault and in fact provided supplies efficiently within 1 day. Regarding North County, whom Lauren and Bill Weber reminded everyone has done a lot of good work for the Town and has been extremely helpful throughout the years and should not be alienated, Supervisor Illig, Atty. Jimenez, Lauren Welch, Chuck Dluzak, and Councilman Musso will investigate and look into the installation process 8 years ago and where we should go from here and report back at the June meeting. Supervisor Illig made motion seconded by Councilman Burns to pay Water District #1 bills in the amount of \$5,105.63. This would include all vouchers, No. 16-37 to No. 16-47, with the exception of voucher No. 16-47 being North County Contractors for \$3,211.84, until further discussion and investigating. Roll call vote: Councilman Goodwin, yes; Councilman Musso, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Supervisor Illig explained after meeting with an individual from the NYS Comptroller's office who recommended the first step in the process for a 5 year plan regarding Highway funds and equipment budgeting, as explained and discussed at the April meeting, would be to adopt the following **Resolution:**

To Amend the General Fund 2016 Budget be it **Resolved** to Appropriate \$200,000.00 from the General Account A599 (Fund Balance) to the Highway Fund D5031 (Inter Fund Transfer).

The Purpose of this Transfer is to establish a Fund Balance for Highway Equipment Budget in the fiscal years 2017 and 2018.

Based on this Transfer of \$200,000.00 from General to Highway and \$100,000.00 Fund Balance of the Highway Account on 12/31/15, the 2017 Budget shall establish \$300,000.00 in the Highway Equipment Purchase Account.

Supervisor Illig made motion seconded by Councilman Goodwin to adopt this **Resolution**. Roll call vote: Councilman Goodwin, yes; Councilman Musso, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Another recommendation from the Comptroller would be to adopt the following **Resolution** in order to meet accounting procedures and standards:

To Amend the Highway Fund 2016 Budget be it **Resolved** to Transfer \$10,000.00 from the Highway Contingency Account D1620.49 to the Highway Equipment Fund D5130.2 According to NYS Government Accounting Practices a Highway Account cannot have a Contingency Budget line.

Supervisor Illig made motion seconded by Councilman Musso to adopt this **Resolution**. Roll call vote: Councilman Goodwin, yes; Councilman Musso, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

At this time Supervisor Illig made motion seconded by Councilman Burns to recess the regular meeting and enter into a public hearing. All in favor. Carried. Clerk Giambra read the following legal ad that was published in The Corning Leader:

**TOWN OF PULTENEY NOTICE OF TRANSFER OF 0.652 ACRE PARCEL OF  
REAL PROPERTY BY THE TOWN OF PULTENEY TO THE PULTENEY  
FREE LIBRARY**

The Town of Pulteney of Steuben County, New York, will hold a public hearing and meeting on May 11, 2016 at 7:30 PM regarding finalization of the transfer of a 0.652 acre parcel of unimproved real property currently owned by the Town of Pulteney to the Pulteney Free Library Association for the purpose of locating a new library building and associated facilities. **THE PERIOD PROVIDED BY STATUTE FOR PERMISSIVE REFERENDUM WILL BEGIN TO RUN IMMEDIATELY FOLLOWING THE POSTING OF MINUTES OF ANY RESOLUTION FOLLOWING THE PUBLIC HEARING.**

Dated: April 13, 2016

**Erica Giambra, Town Clerk**

Supervisor Illig asked the public if anyone had any comments or questions regarding the finalization of this transfer. Bill Weber spoke in favor of the library transfer and stated it would be very beneficial to the community and Town. There were no further comments or questions from the public or the Board, therefore Supervisor Illig made motion seconded by Councilman Musso to close the public hearing and resume the regular meeting. All in favor. Carried. Supervisor Illig made motion seconded by Councilman Goodwin to adopt the following Resolution, subject to permissive referendum. **Resolution authorizing transfer of 0.652 acre parcel of land owned by the Town of Pulteney to the Pulteney Free Library Association.** All in favor. Carried. Attorney Jimenez will provide Clerk Giambra the exact wording of the notice of permissive referendum to publish in The Corning Leader and post on the bulletin board in the Town Hall.

Regarding reports, the Highway Department, Municipal Services, Water Department, Historian, DCO, Justice report, and a report from Councilman Yastremski due to his absence, were all available to review.

Clerk Giambra reported on the annual rabies clinic that was held Saturday, May 7, from 9:00 AM to 11:00 AM at the Pulteney Town Barn. The clinic ran smoothly and was a success. Eastview Clinic Veterinarian, Karen James, assisted us and did an excellent and efficient job. We had 53 dogs and 16 cats this year. There is a voluntary fee of \$5.00 per pet to assist with Town and County costs. We raised a total of \$250.00 in which we split with the County. Clerk Giambra expressed her gratitude to Jack and Sherri Ballam (DCO), Bookkeeper Kirch, Lee Rice, and Highway Supt. Gibson and the Highway Dept for all of their assistance.

In addition to the water report above, Supervisor Illig reported there are approximately 30-35 curb stops on Route 54A that are damaged with broken equipment. Supervisor Illig is recommending that after the highway is completed will all its construction, Water Operator Dluzak will compile a list of all damage, develop an estimated cost analysis to replace/repair, and form a priority list of seasonal vs. residential occupancies. The curb stops are on average \$200.00 to replace/repair hence we are looking at approx \$6-7,000 in costs. Supervisor Illig pointed out this is our water system and our responsibility, therefore we need to stay on top of the maintenance of the system. We do have money in the budget that will be used for the curb stops and we will revisit this to make a Resolution in July or August after the construction is finished.

Supervisor Illig mentioned, under old business, the Water Dept. pickup truck is in need of some major work and repairs. Due to unexpected recent and future water expenses we will need to make an investment in the truck we currently have rather than buy/lease new. Supervisor Illig stated it would cost approx \$3500-\$4000 in repairs and we have that expense budgeted. Councilman Musso stated he believes regardless of the recent and future Water Dept. expenses we should still look into leasing a new truck. Since the mileage the Water Dept. uses is ideal for a leased vehicle he recommends we pursue quotes. Municipal Services Manager Welch will come back with a repair estimate vs. a lease quote at the June meeting to discuss further.

Highway Superintendent Gibson commented in his report we have received approx a \$150,000 increase in CHIPS funding over the next 4 years. This will be very beneficial especially due to the recent "Big Dig" project that cost roughly \$54,000. We are currently saving money on gravel due to the DOT providing us with blacktop from their Route 54A project. Highway Supt. Gibson reported on estimates for a new 6 wheeler dump truck to replace the 1995 GMC truck. Highway Supt. Gibson and Councilman Yastremski will get further estimates and report back at the June meeting. Highway Supt. Gibson stated we will be getting in the mail 2 invoices, 1 from Valley Fab and 1 from Maple City Dodge, regarding the new Dodge 1 ton truck we purchased that should be ready in the next 2 weeks. Supervisor Illig made motion seconded by Councilman Musso authorizing Supervisor Illig to pay those invoices once they are received. Roll call vote: Councilman Goodwin, yes; Councilman Musso, yes; Councilman Burns, yes; Supervisor Illig, yes. Carried.

Continuing with reports, Ray Emery, the Town Historian, spoke with Librarian Barb Radigan, regarding the possibility of partnering together to receive a grant for equipment to be able to conduct live interviews. She explained in proceeding, that the

equipment would therefore then belong to the library, not the Town, and the library really does not have a need for such equipment. Ray therefore asked the Board at the April meeting to purchase equipment (camera, tripod, chords, etc.) not running more than \$500.00. After approval he did in fact purchase the equipment and is waiting for it to be shipped. This will be a great resource and will provide history that will last for years.

Under old business, regarding the revised Town Comprehensive Plan, as discussed at the April meeting, the Planning Board and Town Board need to schedule a joint public hearing on the proposed additions. Supervisor Illig made motion seconded by Councilman Musso to schedule a public hearing at the June 8, 2016 Town Board meeting in conjunction with the Planning Board on the proposed revised Town Comprehensive Plan. All in favor. Carried.

Highway Supt. and Planning Board Chairman Gibson reported at the May 9, 2016 Planning Board meeting they had an application to review that requested to use a site on West Lake Road for storage with approx 40 units for boats and other storage. However, in the applicants plans the measurements that were listed made it impossible for the storage to be used for boats, and we currently do not have anything in our zoning law that would qualify under mini storage. Therefore, the options available were to deny the application, have the applicant apply to the ZBA for an area variance, or have the Town Board revise the zoning law to include mini storage. After much discussion, it was decided that the zoning law should include storage units as a special use permit, especially since there is a storage unit in the area that has been there for years. The definition the Planning Board agreed upon is to add Self Storage defined as multiple storage units rented to tenants with a primary use for residential and small business storage. The building should be a single story and not exceed 10,000 sq ft. in size. This special use permit would apply to District 2, 3, and 4, only, excluding District 1. Supervisor Illig commended the Planning Board for taking their due diligence to consider these changes. Supervisor Illig made motion seconded by Councilman Burns to hold a public hearing at the June 8, 2016 Town Board meeting on the proposed revised Town Zoning law which would be adopted as LL1 of 2016 and for Clerk Giambra to publish in the Corning Leader. All in favor. Carried.

Councilman Burns reported on the Memorial Day celebration and stated that she just received a draft of the speech Johnny Ballam is going to be giving at the Glen View Cemetery on Memorial Day. Johnny is a 10 year Army Veteran who served 2 terms, 1 in Afghanistan and 1 in Iraq. There will be a student doing a reading and Councilman Burns asked Supervisor Illig to provide a welcoming speech. She stated the Hammondspport Band, Pulteney Fire Dep't, Hammondspport Fire Dep't, and Hammondspport American Legion with Military Color Guard will be present. The parade will begin at Noon on May 30, 2016. Clerk Giambra mentioned the Boy Scouts have offered their assistance in placing the Military flags and markers and will do so on May 21. Donna Conley is working on a map to help with the placement of flags in Glen View Cemetery. Clerk Giambra stated the flags were ordered and received. We will have enough markers for this year, but will have to order more for next. Clerk Giambra will get together with Councilman Burns and go over previous programs used and fine tune. Councilman Burns stated she received an estimate on wreaths from Valerie's Schoolhouse Garden in which per wreath is \$75.00 and we want 2. We have 2 wreath

stands as previously used and there is a celebration line in the budget that will be used for the wreaths.

Under new business, Supervisor Illig reported that as similar to previous years, it was budgeted to provide a stipend to the Planning and Zoning Boards in efforts to meet their training requirements and participation. Supervisor Illig is requesting permission from the Board to continue with the stipend and to compose a letter to the Boards stating they can submit a voucher along with the proper paperwork, including training courses and meeting attendance to get reimbursement. All in favor. Carried.

Under public comments, Lauren Welch mentioned that it was once again brought to his attention the condition of the tennis and basketball courts, including the fence. Supervisor Illig noted he will look into and report back at the June meeting. Councilman Burns announced there will be a bench in Barbara Welles honor placed in the Community Garden if anyone wants to donate, including the Town Board. Also, there will be another issue of the Grapevine coming out around the end of May. Bill Weber commented that he highly recommends giving a sense of fairness to North County Contractors. He would hate to see a good working relationship with the company go bad. In addition to their assistance over the years, they also donated \$15,000 to the construction of our playground.

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

Meeting adjourned at 9:00 PM.

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Town Clerk