

MINUTES – TOWN OF ALLEGANY
JOINT PUBLIC HEARING
REGULAR BOARD MEETING
TUESDAY, JULY 10, 2018 7:00 PM TOWN HALL

PRESENT:

Supervisor Hare	Attorney Tuttle
Councilman Parker	Councilman Hitchcock
Councilwoman Martin	Town Clerk D. Pinney
Comptroller D. Piccioli	Councilman Koebelin
Hwy. Superintendent Moshier	

ABSENT:

ALSO PRESENT:

Don Sue, Helen Larson, Cindy Nupp, DCO, Douglas & Susan Ashby, Frank DeFiore
Village Board – Greg Pearl, Mayor; Jerry Cummins Sr., Trustee; Robert Barton, Trustee; Melissa Meyers, Trustee; Kim Roth, Village Clerk

Salute to the Flag at 7:00PM opened the meeting

Joint Public Hearing with the Village of Allegany - On Annexation petition for 3360 N. 7th Street filed by Mr. and Mrs. Ashby

1. Mayor Pearl opened the Village Public Hearing for the Village.
2. Stated that there was a problem with the septic & water at the time of purchase. They would not pass the Health Dept. requirements.
3. Approached the Village about being annexed into the Village and being tied into the lines that were being installed on 7th Street to feed the Field of Dreams project. The petition was received by the Town signed by the Ashbys and Mayor Pearl. Supervisor Hare stated that it is his understanding that they have already connected to the water line. The septic is currently working and passed by the Health Dept..
4. Mayor Pearl stated that the water line to the property is currently connected.
5. Councilwoman Martin asked the Ashbys when they purchased the property if they were aware at the time of purchase that there was a problem (they said no), was it required at time of purchase to get it inspected (Mr. Ashby not sure at the time how the timing went but the seller left money in escrow in the event of an issue it would be taken care of), did they know what other options there were other than tying in to the Village water line (he did not know) (could have had a new well dug) and question to Mayor Greg, when was the water brought across the road (Mayor-) there was conversation about the dates on connection SEQR and request for annexation, who approved the line to go across 7th Street (Mayor Pearl responded that it was the Village), how were the Village workers able to take the line across the Town Road (Mayor Pearl responded that they tried going underneath, but they got hung up and equipment stuck, they were able to get the drill out), who gave the go ahead for the village workers to take

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the water line across the Town Road (Mayor Pearl said he didn't think anybody did).

6. John Hare asked Mayor Pearl if permission is needed to go across the Town Road and how did we know it was happening. John Moshier stated that we did not know until their equipment got stuck & he was notified.
7. Councilman Hitchcock asked the Ashbys why if they had money in escrow for this situation, why was it not used to remedy the situation such as attempting to dig the well deeper?
8. Mayor Pearl responded that he didn't know if digging the well deeper was an option and County Health Director Eric Wohler' contacted him about the situation and said there is no way it is going to pass, and asked the Mayor if there was anything that he could do. The Mayor stated that they were in the process of moving in when they found out the water was not going to pass.
9. The Mayor first heard about a problem with the septic during a conversation with Supervisor Hare. Supervisor Hare stated that he first heard of the issues with the septic back in March from the previous owner Leoni who had contacted him with concerns about his septic but nothing about the water. Supervisor Hare stated that he was unaware that the property was sold until he received the request for annexation from the village.
10. Councilman Hitchcock stated that another option would have been to call the Town first to see if there were an option to connect to the water supply. (The Mayor asked how long that would have taken?) possibly a couple of months.
11. The Mayor stated that all they did was make sure he had water.
12. Councilman Parker mentioned that we do have a Town-wide water district.
13. Attorney Tuttle stated that we are working with our Town Engineers to establish a user district along 7th Street.
14. Councilwoman Martin asked if the water that is currently going to the house being metered by the Village? Mayor Pearl said yes.
15. Supervisor Hare stated that it is a simpler process and less expensive to the customer to get water from a village than a town. The rules are different. The Town would have to pass along cost to the consumer where the Village would not. The Town would also have to make filings with the State where the Village would not.
16. Attorney Tuttle stated that technically the Village just extended a water service to a residence outside the Village. The Mayor agreed.
17. Councilwoman Martin asked if we have one village parcel on a Town road they will pay village taxes, will they also be entitled to other village services? (The Mayor said yes.)
18. Councilman Koebelin said we are sitting here asking to approve something that was already done.
19. Mayor Pearl asked if the Town could have stopped the annexation process? Attorney Tuttle responded yes, we technically could stop the annexation process. The Mayor stated that it is his understanding that this could happen only if the situation creates a hardship. Attorney Tuttle stated that the decision

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could be made by the Supreme Court whether the annexation should go through.

20. Councilman Koebelin addressed the Ashbys and said he feels for them; however, he stated that he understood the annexation for the big Field of Dreams project but is not a fan of the annexation of one single piece of property. He is totally sympathetic to what is going on.
21. Mr. Ashby asked if this is a unique experience & Councilwoman Martin responded, yes.
22. Attorney Tuttle stated that under these circumstances this situation may not be legally supported by the State.
23. Mr. Ashby asked if his water will be disconnected if this does not go through. Attorney Tuttle stated that we will do what we can to get water supplied legally.
24. Councilwoman Martin stated that she is leery of setting a precedent for single annexation of one property at a time.
25. Mayor Pearl asked that if the annexation is stopped who will pay for all of the work, the Ashbys or the Town? Supervisor Hare stated that as a village resident they would not pay for the installation of the water lines, but if it was done by the Town there could be reimbursement by the Town for the costs incurred. In a Town water district a customer would have to pay some portion of the installation cost over time.
26. Attorney Tuttle said that we could go to the state on the basis of hardship in this particular case. The state could turn it down for the lack of public interest. She also said that we have 90 days after this meeting to make our resolution. Further, in that time frame, we could meet with the Town Engineer and look into what it would take to supply the water by the Town and establish a user district.
27. Mayor Pearl asked if a district was established by the Town, wouldn't we have to work something out for the maintenance of the lines? Supervisor Hare said yes.

#112- MOTION TO CLOSE THE PUBLIC HEARING.

Motion by Supervisor Hare to close the Public Hearing. 2nd by Councilman K. Martin. Hare-aye, Martin-aye, Koebelin-aye, Hitchcock-aye, Parker-aye. CARRIED

- Attorney Tuttle discussed Lead Agency and Agency for the potential annexation. There is no lead agency in this case. Both parties will do their own SEQR.

Regular Town Board Meeting

Approval of minutes from the June 12, 2018 Regular Board Meeting & June 18, 2018 Special meeting.

#113-MOTION TO ACCEPT MINUTES FROM THE JUNE 12, 2018 REGULAR BOARD

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Motion by Councilman R. Parker to accept the minutes from the June 12, 2018 Regular Board meeting as written. 2nd by Councilman J. Hitchcock. Hare-aye, Martin-aye, Koebelin-aye, Hitchcock-aye, Parker-aye. CARRIED

#114-MOTION TO ACCEPT MINUTES FROM THE JUNE 18, 2018 SPECIAL MEETING

Motion by Councilman D. Koebelin to accept the minutes from the June 18, 2018 Special Board meeting as written. 2nd by Councilwoman K. Martin. Hare-aye, Martin-aye, Koebelin-aye, Hitchcock-aye, Parker-aye. CARRIED

AUDITED CLAIMS

Gen A	\$ 36,993.81
Gen B	\$ 5,724.25
Hwy DA	\$ 31,712.36
Hwy DB	\$ 38,964.97
Spec Dist.	\$ 4,530.10

MONTHLY REPORTS

Town Clerk
Building & Zoning Depts.
Highway Dept.
Rec. Dept.
Cemetery

Town Justice D. Porter – report for June 2018 – amount collected: \$ 8,002.00.
Town Justice A. Spears – report for June 2018 – amount collected: \$ 4,585.00.

CORRESPONDENCE

28. Letter from Association of Towns

OLD BUSINESS-none

NEW BUSINESS

1. Annexation of 3360 N. 7th Street
 - The board discussed the potential annexation and possible alternatives.
 - Councilman Koebelin does not want to approve annexation of property by property.

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- Attorney Tuttle stated that the board has 90 days to decide.
- Supervisor Hare and Attorney Tuttle will meet with Town Engineer to discuss possible options.

#115-MOTION TO TABLE THE ANNEXATION OF 3360 N. 7TH STREET

Motion by Councilman D. Koebelin to table the annexation of 3360 N. 7th Street. 2nd by Councilman J. Hitchcock. Hare-aye, Martin-aye, Koebelin-aye, Hitchcock-aye, Parker-aye. CARRIED

- Attorney Tuttle will do a SEQR and Neg Dec for the annexation.
- The board and Attorney Tuttle reviewed and answered the SEQR form questions as a group (We are an involved agency.) (no lead agency)

#116-MOTION TO NEG DEC THE 3360 N. 7TH STREET ANNEXATION

Motion by Supervisor Hare to NEG DEC the 3360 N. 7th Street property on behalf of the Town of Allegany. 2nd by Councilman D. Koebelin. Hare-aye, Martin-aye, Koebelin-aye, Hitchcock-aye, Parker-aye. CARRIED

2. Formally approve Highway hire

#117-MOTION TO FORMALLY APPROVE THE HIRING OF DARICK SHAFFER IN THE HIGHWAY DEPT.

Motion by Supervisor Hare to formally approve hiring Darick Shaffer in the highway dept. effective 7/3/2018 at \$22.33 per hr. subject to a 6-month probationary period as per the Highway Union Agreement. All other benefits are outlined in the Highway Union Agreement. 2nd by Councilman R. Parker. Hare-aye, Martin-aye, Koebelin-aye, Hitchcock-aye, Parker-aye. CARRIED

3. Formally approve the 7/5/2018 BAN rate of (2.37%) – discussion

118-MOTION TO FORMALLY APPROVE THE 7/5/2018 BAN RATE

Motion by Supervisor Hare to formally approve the 7/5/2018 B.A.N. rate from Greene County Commercial Bank of (2.37%) and to authorize Supervisor Hare to sign all related legal paperwork on behalf of the Town. 2nd by Councilman J. Hitchcock. Hare-aye, Martin-aye, Koebelin-aye, Hitchcock-aye, Parker-aye. CARRIED

4. Farm Animal Control Law (Attorney Tuttle)

- The board reviewed language offered in the document drafted by Attorney Tuttle and discussed the proposed law with input from the board, Cindy Nupp (Animal Control Officer) and Frank DeFiore (Planning Board Chair).

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- Supervisor Hare stated that a fee structure would have to be created to enforce/support this new law.
 - Councilwoman Martin requested adding language about providing proper shelter (animal cruelty).
 - Councilwoman Martin offered to work with Wendy, Cindy & Frank on this project as a representative of the Board.
 - Councilman Koebelin suggested a step system for offense charges, increasing with additional occurrences by repeat offenders. (Ex: 1st, 2nd & 3rd)
5. Police Emergency Services Agreement – discussion
- The board noted some dates that needed to be corrected in the contract in items #4 & #7.
 - Councilman Parker stated that he was hoping not to renew the contract because he didn't think it was worthwhile and thought we were supposed to be getting monthly reports (we are not). We did receive a summary of last year's calls and it looked like most of the town-wide calls were assisting the Sheriffs Dept., the State Police or some other agency. He also stated that it was his understanding that these types of agreements are no longer common in the County.

#119-MOTION TO FORMALLY APPROVE THE POLICE EMERGENCY SERVICES AGREEMENT FOR 2018.

Motion by Supervisor Hare to formally approve Supervisor Hare to sign the Police Emergency Services contract for 2018 (\$4,000.00 1st 6 mos. & \$4,000.00 2nd 6 mos.). 2nd by Councilman D. Koebelin. Hare-aye, Martin-aye, Koebelin-aye, Hitchcock-aye, Parker-nay. CARRIED

- The board will discuss renewal of police services before next budget.

OTHER BUSINESS – none

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COMMITTEE REPORT

1. Tandoori Food Truck Request

- The board discussed the request for the food truck.

#120-MOTION TO REFER THE FOOD TRUCK REQUEST TO THE PLANNING BOARD FOR REVIEW.

Motion by Supervisor Hare to forward the food truck request to the Planning Board for Review. 2nd by Councilman D. Koebelin. Hare-aye, Martin-aye, Koebelin-aye, Hitchcock-aye, Parker-aye. CARRIED

2. Councilman Parker discussed the Annual River Trail Meeting. He stated that the limestone bricks are failing at Brick Park & they are looking into replacing them with granite for longevity. There was also a brief discussion of the broken bench slat that Mr. Higgins brought to the Town office from the damaged bench.
3. Councilman Parker reported on the Recreation Dept. & stated that attendance is up in both the rec. & swimming programs. Money receipts are improving, but they are still a challenge. The kids really like & respect Mrs. Decker.
4. Councilman Hitchcock reported (3) trees are gone in River Park and someone tried to start a fire on one of the picnic tables.
5. Councilwoman K. Martin reported on the progress of the Employee Handbook.
6. Supervisor Hare reported on his conversation with Tom McElheny (Town Engineer) regarding changing the entrance to the restrooms at River Park and making them handicap assessable.

FROM THE FLOOR

1. Frank DeFiore reported on the progress of Ellicottville Development (Desoto Motel) site.

#121- MOTION TO ADJOURN THE ENTIRE MEETING.

Motion by Supervisor Hare to adjourn the entire meeting at 8:32 pm. 2nd by Councilman D. Koebelin. Hare-aye, Martin-aye, Koebelin-aye, Hitchcock-aye, Parker-aye. CARRIED

Respectfully submitted,

Deryle L. Pinney, Town Clerk
7/10/2018