

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, JANUARY 27, 2015 7:00 PM TOWN HALL

PRESENT WERE: Supervisor Hare Councilman Koebelin
Councilman O’Dell Councilman Hitchcock
Councilman Parker Attorney Tuttle
Hwy Superintendent Moshier Comptroller Hemphill
Town Clerk M. Peck

Also present: G. Ayers

Salute to the Flag at 7:00 pm opened the meeting.

#47-MOTION TO APPROVE MINUTES

Motion by Koebelin to approve the minutes from the January 13, 2015 regular board meeting as written. 2nd by Parker. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye.
CARRIED.

CORRESPONDENCE

1. Town of Allegany Planning Board Minutes from the 12/8/14 meeting.
2. Town of Allegany Planning Board Notice of Decision 1/12/15 – Quattro Development- Aspen Dental
3. Copy of email from C.Martell of Hodgson Russ to Supervisor Hare regarding the “defunct” Allegany Economic Development Council.
4. NYS Public Service Commission – Order Granting In Part Petition to Modify Electric Safety Standards.
5. STW – 2015 Municipal Membership Invoice
6. 2014 Building & Zoning Report
7. Letter from Melissa Meyers regarding the kayak/canoe launch at River Park

NEW BUSINESS

1. Resolution outlining Town Comptroller duties
2. Resolution – to pay 50% of survey for property description at River Park

#48-MOTION OUTLINING TOWN COMPTROLLER’S DUTIES

Motion by Hare **WHEREAS**, the Town of Allegany has established the Office of Town Comptroller and a Town Comptroller having been appointed and qualified pursuant to Town Law 34(1), and **WHEREAS**, the Town of Allegany wishes to designate and determine the Town Comptroller to be the accounting officer of the Town of Allegany with the Town Comptroller to have all of the accounting duties of the Town Supervisor pursuant to Town Law 124, except that the Town Supervisor shall retain the duties pursuant to Town Law 125 of signing all checks issued to pay the principal of and interest on indebtedness, stated salaries, compensation for services of officers or employees regularly engaged by the Town at agreed wages by the hour, day, week, month or year, and amounts becoming due upon lawful contracts for periods exceeding one year for which provision for payment has been made in the annual budget and payments authorized by subdivision two of section one hundred eighteen of the Town Law, without prior audit; and the Town Supervisor shall not pay out monies except upon the warrant, order or draft of the Town Comptroller, after audit and allowance, where required by law; and the Town

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Supervisor retains all duties as treasurer of the Town pursuant to subdivisions one, two, three and four of section twenty nine of the Town Law, and **WHEREAS**, the Town of Allegany wishes to grant the Town Comptroller pursuant to Town Law 34 (2)(a) the duty of keeping separate appropriation accounts and preventing funds or appropriation accounts from being overdrawn, **BE IT RESOLVED**, that the Town of Allegany Town Board hereby establishes the Town Comptroller as the accounting officer of the Town of Allegany pursuant to 124 of the Town Law, reserving certain duties to the Town Supervisor as set forth herein, and pursuant to Town Law 34 (2)(a) grants the Town Comptroller the duty of keeping separate appropriation accounts and preventing funds or appropriation accounts from being overdrawn. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. **CARRIED.**

#49-MOTION TO PAY 50% OF SURVEY COSTS

Motion by Hare that the Town pay 50% of the cost of surveying the areas at River Park to specify property description, with the cost not to exceed \$1000.00 without prior board approval. 2nd by Koebelin. There was discussion regarding this matter. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

OTHER BUSINESS

#50-MOTION TO AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENT FOR PERMANENT EASEMENT TO SEWER DISTRICT #1 WITH COMMUNITY BANK NA

Motion by Hare that the Town of Allegany enter into an agreement with Community Bank NA whereby the Community Bank NA grants an easement to the Town of Allegany, their successor and assigns, the right, privilege and authority to construct, reconstruct, relocate, operate, repair and maintain and at their pleasure remove, sanitary sewers, force main and appurtenances thereto in, under, upon and across the following described premises: ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Allegany, Cattaraugus County and State of New York, being part of Lots 6, 14 and 15, Township 1, Section 4, Range 5 of the Holland Land Company's Survey, bounded and described as follows: COMMENCING at the northeast corner of lands of Community Bank NA per deed instrument No. 217538-001; thence S89-01-46 W along the south bounds of lands now or formerly of O'Brien and the north bounds of Community Bank NA and an extension thereof, a distance of 151.51' to a point being the northeast corner of an existing 20ft. Sanitary Sewer Easement, per Liber 839 at Page 419, said point being the point of BEGINNING: THENCE, the following courses through lands of Community Bank NA and along the south bounds of the above mentioned existing sanitary sewer easement:

S 00-52-42 E, a distance of 137.75' to a point;

S 65-40-14 W, a distance of 195.58' to a point;

N 69-18-40 W, a distance of 172.22' to a point;

S 89-55-17 W, a distance of 27.87' to a point on the east bounds of St. Bonaventure University and west bounds Community Bank NA; thence N 00-28-34 W, a distance of 30.00' to a point; thence the following courses through lands of Community Bank NA and along the proposed north bounds of the Restated Expanded and Amended Permanent Easement to Sewer District Number one:

N 89-55-17 E, a distance of 33.58' to a point;

S 69-118-40 E, a distance of 165.29' to a point;

N 65-40-14 E, a distance of 163.47' to a point;

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N 00-52-42 W, a distance of 118.02' to a point;

N 89-01-46 E, a distance of 30.00' to the point of beginning, as shown on the accompanying map entitled "Map of Restated Expanded and Amended Easement prepared by D. Michael Canada, Licensed Surveyor, Olean, NY dated November 7, 2014. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

#51-MOTION TO CONTEMPLATE SALE OF PROPERTY SUBJECT TO PERMISSIVE REFERENDUM

Motion by Hare to allow the Town of Allegany to buy subject to Permissive Referendum if petition is received within 30 days of the date of resolution, a certain parcel from Community Bank, NA as described in a survey map by D. Michael Canada dated 11/7/14 for the purpose of creating a turnaround area for plowing purposes. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

From the floor: nothing from the floor

#52-MOTION TO ADJOURN TO EXECUTIVE SESSION ON A PERSONNEL ISSUE

Motion by Hare to adjourn to executive session on a personnel issue. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

This portion of meeting adjourned at 7:27 pm

#53-MOTION TO ADJOURN EXECUTIVE SESSION AND RE-ENTER REGULAR SESSION

Motion by Hare to adjourn executive session and re-enter regular session. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

#54-MOTION TO ADJOURN ENTIRE MEETING

Motion by O'Dell to adjourn entire meeting. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

Meeting adjourned at 7:52 pm

Respectfully submitted,

Mary M. Peck, Town Clerk
Feb . 2, 2015