

**MINUTES – TOWN OF ALLEGANY PUBLIC HEARING ON
TANGLEWOOD SEWER DISTRICT FORMATION AND SPECIAL
BOARD MEETING THURSDAY, SEPT. 16, 2010 7:00 PM TOWN HALL**

PRESENT WERE: Supervisor Eaton Councilman Jonak
 Councilman Sendlakowski Councilman Hitchcock
 Hwy Superintendent Gleason Attorney W. Tuttle
 Town Clerk M. Peck

ALSO PRESENT: C.Horowitz, A.Tiller, R.Kavanagh, J.Dzuroff, B.Bielecki, F.Defiore, H.Larson, C.
Thrun, L.Jobbe, C. Fortuna, J.Rouleau, M.Myers

Salute to the Flag at 7:00 pm opened the Public Hearing.

Supervisor Eaton addressed the audience to advise why we are having this public hearing. He opened the floor for comments.

M.Myers: asked why they changed the plans to take the sewer district off of 7th Street?

Supervisor Eaton: advised that the plans had changed, the place the hook up was to be, and the description of the proposed sewer district was changed.

#203-MOTION TO CLOSE PUBLIC HEARING

Motion by Jonak to close the public hearing. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Eaton-aye. CARRIED.

Public Hearing closed at 7:07 PM

Supervisor Eaton opened the Special Board Meeting.

#204-MOTION TO ESTABLISH TANGLEWOOD SEWER DISTRICT

Motion by Jonak **WHEREAS**, Mark D. Alianello, P.E., a competent professional engineer licensed to practice the profession of engineering within the State of New York, has delivered and the Allegany Town board has filed a *Map, Plan and Report for the Formation of a Tanglewood Sewer District* dated April 7, 2010 (hereinafter referred to as original Map, Plan and Report), and

WHEREAS, on June 24, 2010 the Town board of the Town of Allegany adopted an Order calling a Public Hearing regarding the proposed Tanglewood Sewer District (hereinafter referred to as District) to be held by the Town Board of the Town of Allegany at the Allegany Town Hall, 52 W. Main St., in the Town of Allegany, County of Cattaraugus and State of New York on the 8th day of July, 2010 at 7:15 PM, and

WHEREAS, a public hearing having taken place at the Town Hall, 52 W. Main St., in the Town of Allegany, County of Cattaraugus and State of New York on the 8th day of July, 2010 at 7:15 pm prevailing local time, and

WHEREAS, additional information received at the Public Hearing and developed thereafter showed that the discharge of sewage into the Village of Allegany Transmission System from the collection system to be constructed to serve the proposed District is more feasible and cost effective if located at a place different from that specified in the original Map, Plan and Report, and

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WHEREAS, the revised point of discharge eliminates incidental service to four (4) existing homes on North 7th Street which will no longer be benefitted by the proposed District and must, therefore, be eliminated from the area of the proposed District pursuant to Town Law &209-e(b), and

WHEREAS, Mark D. Alianello, P.E. has delivered and the Allegany Town Board has filed Addendum #1 to the original Map, Plan and Report, which addendum is dated July 21, 2010 (the original Map, Plan and Report as amended by addendum #1 is hereinafter referred to as Map, Plan and Report), and

WHEREAS, on August 26, 2010 the Town Board of the Town of Allegany adopted an Order calling a public hearing regarding the proposed Tanglewood Sewer District (hereinafter referred to as District) to be held by the Town Board of the Town of Allegany at the Town Hall, 52 W. Main St., in the Town of Allegany, County of Cattaraugus and State of New York on the 16th day of September, 2010 at 7:00 PM and

WHEREAS, a public hearing having taken place at the Town Hall, 52 W. Main St., in the Town of Allegany, County of Cattaraugus and State of New York on the 16th day of September , 2010 at 7:00 PM prevailing local time, and

WHEREAS, the Town Board has given due deliberation to the hearing and testimony and allegations presented, and

WHEREAS, the permission of the State Comptroller is not required for the formation of the District under Town Law Section 209-f since the cost of the District to the typical property as stated in the Notice of Hearing is below the average estimated cost to the typical properties or homes for the establishment of similar types of districts as computed by the State Comptroller,

Now, on motion of Councilman Jonak, seconded by Councilman Sendlakowski, all members present voting therefore, it is

Found, Ordered and Determined that the Orders of Hearing was published, posted, and mailed as required by law and as required by the aforementioned June 24, 2010 and August 26, 2010 Orders of the Allegany Town Board as aforesaid and are otherwise sufficient; and it is

Found, Ordered and Determined that all property and property owners within the proposed District are benefitted thereby, and it is further

Found, Ordered and Determined that all the property and property owners benefitted are included within the limits of the proposed District, and it is further

Found, Ordered and Determined that it is in the public interest to establish the proposed district, and it is further

Resolved, and Ordered that the Tanglewood Sewer District be and hereby is erected and established and the boundaries of said district are as follows:

All That Tract or Parcel of Land, situate in the Town of Allegany, County of Cattaraugus and State of New York, being part of Lot 7, Section 1, Township 2, Range 5 bounded and described as follows: BEGINNING at a point in the centerline of North 7th Street at the intersection with the east line of John and the southwest corner of Tanglewood Subdivision; thence North 00 degrees 43 minutes 40 seconds East along the west line of Lot 7, 1,235.03 feet along the east line of the Village of Allegany corporation limits, to a point on the north line of Tanglewood Subdivision; thence south 89 degrees 14 minutes 20 seconds East along the north line of the Tanglewood Subdivision, 537.83 feet to a point on the east line of Tanglewood Subdivision; thence South 00 degrees 07 minutes 25 seconds West along the east line of Tanglewood Subdivision and the west line of Yehl, 250.0 feet; thence North 89 degrees 14 minutes 20 seconds West along the south line of Tanglewood Subdivision and the north line of Brol, 100.0 feet;

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thence South 00 degrees 43 minutes 40 seconds West along the east line of Tanglewood Subdivision and the west line of Brol, 718.28 feet; thence South 88 degrees 56 minutes 08 seconds West along the south line of Tanglewood Subdivision and the north line of Waxel and Stayer, 145.00 feet; thence South 00 degrees 43 minutes 40 seconds West along the east line of Tanglewood Subdivision and the west line of Stayer to a point in the centerline of North 7th Street, 240.67 feet; thence South 89 degrees 26 minutes 31 seconds West along the centerline of North 7th Street and the south line of Tanglewood Subdivision, 50.00 feet; thence South 88 degrees 56 minutes 08 seconds West along the centerline of North 7th Street and the south line of Tanglewood Subdivision, 129.42 feet; thence North 00 degrees 43 minutes 40 seconds East along the east line of Simpson and the west line of Tanglewood subdivision, 239.33 feet; thence South 86 degrees 50 minutes 26 seconds West along the north line of Simpson and the south line of Tanglewood Subdivision, 103.79 feet; thence South 00 degrees 43 minutes 40 seconds West along the west line of Simpson and the east line of Tanglewood Subdivision, 247.00 feet; thence South 77 degrees 42 minutes 28 seconds West along the centerline of North 7th Street and the south line of Tanglewood Subdivision, 10.26 feet to the point of beginning.

And it is further

Resolved and Determined, that this Order is adopted subject to permissive referendum in the manner provided by Subdivision Three of & 209-e of the Town Law, and it is further

Resolved and Ordered, that the Town Clerk of the Town of Allegany shall post and publish the following notice pursuant to Article 7 of the Town Law:

NOTICE

Please Take Notice That the Town Board of the Town of Allegany, on September 16, 2010 adopted a Resolution establishing the Tanglewood Sewer district, setting forth the boundaries thereof, determining that the Notice of Public Hearing thereon was published, posted and mailed as required by law, determining that all property and property owners within the district are benefitted thereby, determining that all of the property and property owners benefitted are included within the limits of the district, and determining that the establishment of the district is in the public interest.

Please Take Further Notice That the aforesaid Order was adopted subject to permissive referendum. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Eaton-nay. CARRIED.

#205- MOTION TO ADJOURN MEETING

Motion by Jonak to adjourn meeting. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Eaton-aye. CARRIED.

Meeting adjourned at 7:23 pm

Respectfully submitted,

Mary M. Peck, Town Clerk
9/17/10