

**MINUTES – TOWN OF ALLEGANY PUBLIC HEARING AND REGULAR
BOARD MEETING – WEDNESDAY OCTOBER 10, 2012 7:00 PM
SENIOR CENTER**

PRESENT WERE: Supervisor Hare Councilman Koebelin
 Councilman O’Dell Councilman Hitchcock
 Councilman Allen Attorney W. Tuttle
 Comptroller C. Hemphill CEO J. Dzuroff

ALSO PRESENT: C. Horowitz; F. DeFiore; H. Larson; D. Sue; K. Sager; and townspeople.

ABSENT: Town Clerk M. Peck

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

Supervisor Hare opened the Public Hearing announcing the reason for the public hearing: to address the proposed Local Law #2 of 2012 to remove the wind overlay district in the Chipmonk area. Supervisor Hare informed those present that the Board is not undoing the language in the Town’s zoning ordinance that allows for the creation of such zones – that what we will be discussing and seeking comment on is whether the Town Board should remove the overlay district that was created in Chipmonk on August 29, 2011. Supervisor Hare stated that each individual that wished to be heard will have three minutes to address the Board and he would like the speakers to keep their comments to the topic at hand.

Kathy Martin –Cranberry Road- read her letter opposed to the proposed removal of the wind overlay district. She is in favor of the wind farm, both for economic and environmental reasons.

Kathy Boser-Chipmonk Road-read her letter in favor of removing the overlay district. She stated that she hopes the Planning Board has the same consideration of the residents as the Town Board is showing when voting on EverPower’s request for the change in turbine model. She hopes that the threat of litigation from EverPower does not keep the Board from following through on this removal of the overlay district.

Don Black-West Five Mile Road-spoke in favor of rescinding the overlay district. He told the Town Board it is the right thing to do.

Gary Abraham-N. Second St-spoke in favor of removing the wind overlay district. He stated that the noise study on the project was flawed. He said the Town Board now has a chance to rectify this flawed review and should therefore remove this overlay district.

Robin Holevinski-Town of Howard-read a letter in favor of rescinding the overlay district and presented to the Board several letters from her neighbors who could not attend. She lives near the EverPower Wind farm in the Town of Howard and feels she has suffered a severe degradation of her quality of life due to the noise, infrasound and shadow flicker associated with the wind turbines.

Barb Dyskent-Hinsdale-spoke in favor of removing the overlay district. She stated that despite making a living running a wind farm for several years, she was against the windmills. She stated that a misplaced good technology can turn into a terrible technology and she does not want this to happen.

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Mike Lippert-Nichols Run Road-spoke in favor of the removal of the overlay district. He wants the Town Board to stand up against EverPower and tell them we are done and this overlay has to stop.

Tom Barber-Town of Belfast-spoke in favor of removing the overlay district. He wants his kids and grandkids to enjoy the natural landscape of Allegany and Cattaraugus Counties.

Ed Burns-wife owns property on Chipmonk Road-spoke in favor of rescinding the overlay district. Agreed with Gary Abraham concerning the noise issues causing health problems.

Gus Napoleon-West Branch Road-asked the Board who was going to represent the residents of the Town against the legal powers of EverPower?

Wendy Tuttle-Town Attorney-stated that the Town does have a lawyer that represents us on this issue and that is who will represent us.

Gus Napoleon-"is that lawyer up to waging a war against the powers of EverPower?"

Barry Miller-Hinsdale-spoke in favor of removing the overlay district because the wind turbines that EverPower is proposing are much larger, the rotors are turning much slower but they are going the same tip speed so you have a lot larger area of noise.

#183 -MOTION TO CLOSE PUBLIC HEARING

With everyone having been heard that wished to be heard, Councilman Hitchcock made a motion to close the public hearing on the Proposed Local Law #2 of 2012 to remove the wind overlay district in the Chipmonk area at 7:25 pm. Councilman Koebelin seconded the motion. Hitchcock-aye; Koebelin-aye; Hare-aye; O'Dell-aye; Allen-aye. **CARRIED**

Regular meeting opened at 7:28 pm.

AUDITED CLAIMS

Gen A	\$38,295.75	Hwy DA	\$ 89,571.73
Gen B	\$ 3,994,89	Hwy DB	\$158,782.35
Sp Dist	\$ 2,287.38		

MONTHLY REPORTS

Town Clerk	Building & Zoning
Highway Department	Recreation Department

Town Justice D. Porter – report for September 2012- amount of check \$8445.00.

Town Justice A. Spears – report for September 2012 – amount of check \$6140.00

#184-MOTION TO APPROVE MINUTES

Motion by Koebelin to approve the minutes of the September 25, 2012 regular board meeting, as written. 2nd by Allen. Koebelin-aye; Allen-aye; O'Dell-aye; Hitchcock-aye; Hare-aye. **CARRIED.**

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CORRESPONDENCE

1. NYS Dept. of Ag & Markets – Municipal Shelter Inspection Report for Joyful Rescues- SATISFACTORY in all areas.
2. Copy of letter from Attorney Tuttle to Foit-Albert & Assoc. regarding water model.
3. Copy of letter to Everpower from Daniel Spitzer, Esq. regarding breach of contract. (dtd 9/25/12)
4. Copy of letter from Young/Sommer LLC to Allegany Planning Board (dtd 9/28/12) requesting extension of special use permit & site plan approvals for Allegany Wind Farm.
5. Letter from EDR to Town Planning Board regarding the 9/20/12 letter from Gary Abraham, Esq.
6. Catt. Co. Legislature – Regarding changes in tax collections (installments) dated 9/25/12

UNFINISHED BUSINESS

#185-MOTION TO APPROVE PARKS & REC FEE SCHEDULE EFFECTIVE 01/01/13

Motion by Allen to adopt the proposed fee schedule, as presented, for the Parks & Rec Departments effective 01/01/2013. 2nd by O'Dell. Allen-aye; O'Dell-aye; Koebelin-aye; Hitchcock-aye; Hare-aye. **CARRIED.**

#186-MOTION TO ACCEPT PROPOSAL FROM AUSTIN SECURITY TO RE-KEY TOWN HALL

Motion by Hare to accept the proposal from Austin Security in the amount of \$2,725.00 to re-key the Town Hall. 2nd by Koebelin. Hare-aye; Koebelin-aye; Allen-aye; Hitchcock-aye; O'Dell-aye. **CARRIED.**

3. Waterline under the Railroad easement agreement (Attorney Tuttle) *****Attorney Tuttle has drafted a letter and will send it to Supervisor Hare.**

4. Software for Comptroller's Office *****Tabled until Supervisor Hare can talk to Sarah at Databranch.**

NEW BUSINESS

#187-MOTION TO SET A PUBLIC HEARING FOR THE 2013 BUDGET ON OCTOBER 23, 2012 AT 7:00 PM

Motion by Hare to set a public hearing on the 2013 budget on Tuesday, October 23, 2012 at 7:00 pm at the Town Hall. 2nd by Hitchcock. Hare-aye; Hitchcock-aye; O'Dell-aye; Allen-aye; Koebelin-aye. **CARRIED.**

2. Proposed Building and Zoning Fees to become effective 01/01/2013. *****Tabled until next meeting to give the Board time to review.**

FROM THE FLOOR

Connie Sue asked permission to purchase a new vacuum sweeper for the Town Hall as the existing one does not work anymore. Permission granted.

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#188-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL ISSUES AND PERSONNEL

Motion by Hitchcock to adjourn into executive session at the Town Hall to discuss legal issues and personnel at 7:50 pm. 2nd by Koebelin. Hitchcock-aye; Koebelin-aye; O’Dell-aye; Allen-aye; Hare-aye. **CARRIED.**

Executive Session reconvened at the Town Hall at 8:20 pm.

#189-MOTION TO ADJOURN EXECUTIVE SESSION

Motion by O’Dell to adjourn the executive session at 9:45 pm. 2nd by Hitchcock. O’Dell-aye; Hitchcock-aye; Allen-aye; Koebelin-aye; Hare-aye. **CARRIED.**

#190-MOTION TO RE-ENTER REGULAR SESSION

Motion by Koebelin to re-enter regular session. 2nd by Allen. Koebelin-aye; Allen-aye; O’Dell-aye; Hitchcock-aye; Hare-aye. **CARRIED.**

#191-MOTION TO CLOSE REGULAR SESSION

Motion by Hare to close regular session at 9:47 pm. 2nd by O’Dell. Hare-aye; O’Dell-aye; Koebelin-aye; Hitchcock-aye; Allen-aye. **CARRIED.**

Respectfully submitted,

Carolyn A. Hemphill, Acting Secretary
10/11/12