

**Board of Trustees Meeting Minutes**

**03/27/2017 7:00 PM**

The regular meeting of the Board of Trustees was called to order at 7:00 pm with a salute to the flag led by Mayor Gregory Pearl.

Present: Mayor: Gregory Pearl; Trustees: K. Granger, R. Barton, Jerry Cummins, M. Meyers

Also Present: Kimberly Roth-Clerk Treasurer, Dominic Papasergi-Chief of Police/DPW Superintendent, Phyllis Conklin, Steve Spry, Kim Spry, Aaron Tiller, John Helgager, Frank Defiore, Charlene Rhodes, Donald Wilcox, Mike Giardini, Stephanie Guthrie, David MaCauley

**RESOLUTION 2017-046 – ACCEPT MINUTES**

On motion made by Trustee K. Granger, second by Trustee M. Meyers resolved to approve the minutes from March 20, 2017. Aye-all, Nay-none

**RESOLUTION 2017-047-APPROVAL TO PAY CURRENT BILLS**

On motion made by Trustee M. Meyers, second by Trustee J. Cummins resolved to approve the payment of current bills. Aye-all, Nay-none

**RESOLUTION 2017-048-APPROVE THE SPECIAL USE PERMIT FOR FIELD OF DREAMS PROJECT**

On motion made by Trustee K. Granger, second by Trustee M. Meyers resolved to approve the Special Use Permit for the Field of Dreams Project as per recommended by the Planning and Zoning Board. Aye-all, Nay-none

**RESOLUTION 2017-049-LOCAL LAW 2-2017 ANNEXATION OF TERRITORY FROM THE TOWN OF ALLEGANY**

**RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE**

**Village of Allegany**

**OF LOCAL LAW NO. 2 OF 2017 [02-2017] APPROVING THE ANNEXATION OF TERRITORY FROM THE TOWN OF ALLEGANY TO THE VILLAGE OF ALLEGANY**

At a regular meeting of the Board of Trustees of the Village of Allegany, Allegany, in Cattaraugus County, New York, held at the Village Municipal Building, on March 27, 2017 at 7:00 PM, the following were present:

Greg Pearl, Mayor

Kelly Granger, Deputy Mayor

Jerry Cummings, Sr., Trustee

Robert Barton, Trustee

Melissa Meyers, Trustee

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WHEREAS, a Petition, pursuant to the General Municipal Law Article 17, was presented to the Village Board of the Village of Allegany, New York, (the "Village") and the Town Board of the Town of Allegany, New York (the "Town) on January 30, 2017, for the annexation of certain territory in the Village of Allegany, said territory being described in such Petition; and

WHEREAS, a joint hearing of the Town Board of the Town and the Village Board of the Village was duly held on said Petition for Annexation according to the law in such cases made and provided at the Village Municipal Building, 106 East Main Street, Allegany, New York on February 21 2017, at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, on February 23, 2017 the Town Board of the Town and on February 22, 2017, the Village Board of the Village duly filed their respective orders approving the annexation with the clerks of both municipalities, and

WHEREAS, it appears that the property to be annexed is primarily vacant land and there are no objections from the two adult inhabitants on the land, and 30 days have passed since the filing of the said orders;

NOW, THEREFORE, BE IT ENACTED, pursuant to General Municipal Law Section 714, the Village Board of the Village of Allegany hereby annexes the lands of Tanglewood of Allegany, LLC which are identified as tax map numbers 93.852-4-8; 93.052-4-10.1; and 93.052-4-13.2; and the lands of Stephen, Yehl, Richard Yehl, Jeane Yehl, and Karen Manzo, which is identified as tax map number 94.037-1-24, from the Town of Allegany to the Village of Allegany; and

BE IT FURTHER ENACTED, that the Village of Allegany shall contain on and the effective date of this section, in addition to the land theretofore contained within its boundaries, the following described territory:

PARCEL I: Tanglewood of Allegany, LLC

Tax map numbers 93.852-4-8; 93.052-4-10.1; and 93.052-4-13.2

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, sec 1, twp.2, range 5 of the Holland land company survey, bounded and described as follows: Beginning at a point in the centerline of north 7th street at its intersection with the west bounds of great lot 7 and the southwest corner of Tanglewood subdivision. Thence n 01°-50'-54" e along the west line of lot 7 1236.32' , to a point

on the north line of Tanglewood subdivision Thence s 88°-15'-39" e along the north line of the Tanglewood subdivision, 537.9' to a point Thence s 01°-50'-54" w along the and the west line of Yehl, 250.0' to a point, Thence n 88°-15'-39" w along the south line of Tanglewood subdivision and the north line of Brol, 100.0' to a point, Thence s 01°-50'-54" w along the east line of Tanglewood subdivision and the west line of Brol, 725.42' to a point, Thence n 89°-52'-04" w along the south line of Tanglewood subdivision and the north line of Waxel and stayer, 145.03' to a point, Thence s 01°-50'-54" w along the east line of Tanglewood subdivision and the west line of stayer to a point in the centerline of north 7th street, 239.00' to a point, Thence n 89°-52'-04" w along the centerline of north 7th street and the south line of Tanglewood subdivision , 50.02' to a point, Thence n 01°-50'-54" e along the east line of Mackie and the west line of Tanglewood subdivision, 239.00' to a point Thence n 89°-52'-04 w along the north line of Mackie and Simpson and the south line of Tanglewood subdivision, 233.04' to a point, Thence s 01°-50"-54" w along the west line of Simpson and parallel to the west bounds of great lot 7, 247.00' to a point, Thence s 81°-01'-34" w along the centerline of north 7th street and the south line of Tanglewood subdivision, 10.18' to the point of beginning.

PARCEL II.: Stephen Yehl, Richard Yehl, Jeane Yehl and Karen Manzo

Tax map number 94.037-1-24

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Allegany, County of Cattaraugus and State of New York, being part of Lots 5 and 7, Town 2 and Range 5 of the Holland Land Company's survey and further bounded and described as follows:

COMMENCING at a point on the centerline of North Seventh Street (50 feet wide) at the southwesterly corner of lands of Michael W. Stavish, Jr., as described in a deed recorded in the Cattaraugus County Clerk's office in Liber 995 of Deeds at page 934; Thence S 69°56'37" W, along the centerline of North Seventh Street, 363.14 feet to the POINT OF BEGINNING of the parcel hereinafter described; Thence S 69°56'37" W, along the centerline of North Seventh Street, 331.18 feet to a point; Thence S 71°27'43" W, and still along the centerline of North Seventh Street, 111.46 feet to a point; Thence S 74°24'35" W, and still along the centerline of North Seventh Street, 68.26 feet to a point; Thence S 77°32'37" W, and still along the centerline of North Seventh Street, 88.35 feet to a point; Thence S 81°12'21" W, and still along the centerline of North Seventh Street, 89.49 feet to a point; Thence S 84°43'05" W, and still along the centerline of North Seventh Street, 73.45 feet to a point; Thence S 86°11'58" W, and still along the centerline of North Seventh Street, 83.24 feet to a point at the southeasterly corner of lands of Thomas J. Norton, as described in a deed recorded in the Cattaraugus County Clerk's office in Liber 1015 of Deeds at page 281; Thence N 00°47'01" W, along the easterly line of said lands of Norton 24.76 feet to an existing iron stake; Thence N 00°47'01" W, and still along the easterly line of lands of Norton, 149.61 feet to a point; Thence N 01°22'24" W, and still along the said easterly line of lands of Norton, 125.28 feet to a point; Thence S 87°37'20" W, along the northerly line of said lands of Norton, 190.58 feet to a point at the northeasterly corner of lands of Bernice J. Nolan, as described in a deed recorded in the Cattaraugus County Clerk's office as Instrument Number 13933-001; Thence S 88°26'41" W, along the northerly line of said lands of Nolan, 90.01 feet to an existing iron stake at the northeasterly corner of lands of Eugene F. Desposito, as described in a deed recorded in the Cattaraugus County Clerk's office in Liber 992 of Deeds at page 1051; Thence S 88°29'18" W, along the northerly line of said lands of

Desposito, 83.22 feet to a point on the easterly line of lands of Walter Brol, Jr., as described in deed recorded in the Cattaraugus County Clerk's office in Liber 619 of Deeds at page 540; Thence N 00°10'46" W, along the easterly line of said lands of Brol and further along the easterly line of lands of Tanglewood of Allegany, LLC, as described in a deed recorded in the Cattaraugus County Clerk's office as Instrument Number 15307-003, a distance of 908.35 feet to a point on the southerly line of lands of Kinley Corp., as described in a deed recorded in the Cattaraugus County Clerk's office as Instrument Number 65733-001; Thence S 89°19'23" E, along the said southerly line of lands of Kinley Corp. and further along the southerly line of lands of Joseph P. Cristafulli Trust, as described in a deed recorded in the Cattaraugus County Clerk's office in Liber 1030 of Deeds at page 653 and further along the southerly line of lands of Josephine Cristafulli, as described in a deed recorded in the Cattaraugus County Clerk's office as Instrument Number 257394-001 and further along the southerly line of lands of Michael A. Cristafulli, Sr., as described in a deed recorded in the Cattaraugus County Clerk's office as Instrument Number 127737-002, a distance of 691.77 feet to an existing iron stake at the southeasterly corner of said lands of Michael A. Cristafulli, Sr.; Thence N 00°28'32" W, along the easterly line of said lands of Michael A. Cristafulli, Sr., 471.31 feet to a point on the southerly line of Maple Street Extension; Thence S 66°58'28" E, along the southerly line of Maple Street Extension, 286.48 feet to a point; Thence S 55°23'40" E, and still along the southerly line of Maple Street Extension, 273.27 feet to a point; Thence S 00°24'00" W, 1,064.07 feet to a point; Thence S 08°04'11" E, 116.00 feet to the point of beginning containing 31.997 acres of land to be the same more or less.

ALSO 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 5, Town 2 and Range 5 of the Holland Land Company's survey and further bounded and described as follows: BEGINNING at a point on the centerline of North Seventh Street (50 feet wide) at the southwesterly corner of lands of Michael W. Stavish, Jr., as described in a deed recorded in the Cattaraugus County Clerk's office in Liber 995 of Deeds at page 934; Thence S 69°56'37" W, along the centerline of North Seventh Street, 223.14 feet to a point; Thence N 08°04'11" W, 116.00 feet to a point; Thence S 69°56'37" W, 140.00 feet to a point; Thence N 00°24'00" E, 1,064.07 feet to point on the southerly highway boundary of Maple Street Extension; Thence S 55°23'40" E, along the southerly highway boundary of Maple Street Extension, 91.23 feet to a point; Thence S 58°56'05" E, and still along the southerly highway boundary of Maple Street Extension, 327.70 feet to an existing iron stake at the northwesterly corner of aforementioned lands of Stavish; Thence S 00°24'00" W, along the westerly line of said lands of Stavish, 808.16 feet to an existing iron stake; Thence continuing along the same course S 00°24'00" W, and still along the said westerly line of lands of Stavish, 25.31 feet to the point of beginning containing 7.870 acres of land to be the same more or less.

BE IT FURTHER ENACTED that this local law shall take effect immediately upon filing with the New York Secretary of State

I, Kimberly Roth, Village Clerk of the Village of Allegany do hereby certify that the aforementioned resolution was adopted by the Town Board of the Village of Allegany on March 27, 2017, by the following vote:

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Greg Pearl</u>	<u>voting</u>	<u>aye</u>
<u>Kelly Granger</u>	<u>voting</u>	<u>aye</u>
<u>Jerry Cummins, Sr.</u>	<u>voting</u>	<u>aye</u>
<u>Robert Barton</u>	<u>voting</u>	<u>aye</u>
<u>Melissa Meyers</u>	<u>voting</u>	<u>aye</u>

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Kimberly Roth, Village Clerk

3/27/17  
Date

The Resolution was thereupon declared and adopted.

#### PUBLIC SESSION

Town resident Steve Spry addressed the board asking if they would be able to hook up to the water and sewer that the Village will be providing up Seventh Street. He stated that the other homeowner next to his property was interested as well. DPW Superintendent D. Papasergi stated that he would look into it and for them to contact him on Wednesday, March 29 and he would give them more information.

Mayor G. Pearl gave the board the quotes for the garage doors and explained that since there has not been doors on the new building that there is a lot of bird dropping all over. He stated that something needs to be done as soon as possible.

#### RESOLUTION 2017-50-APPROVAL TO PURCHASE GARAGE DOORS

On motion made by Trustee J. Cummins, second by Trustee M. Meyers approved to purchase 2 insulated garage doors for the shop. Aye-all, Nay-none

#### RESOLUTION 2017-51-COURTESY LETTER APPROVAL

On motion made by Trustee K. Granger, second by Trustee J. Cummins approved the use of a 90 day limit for code and fire inspections as per requested from the code enforcement officer. Aye-all, Nay-none

#### RESOLUTION 2017-52-POLICE CARRY BAG APPROVAL FOR DPW EMPLOYEES

On motion made by Trustee K. Granger, second by Trustee M. Meyers approved for the DPW staff(that are also part time police officers) to be able to have their carry bag with them(locked) while working for the DPW. Aye-all, Nay-none

The Village of Allegany is recognizing that April is Child Abuse Awareness and Prevention Month by displaying blue lights in front of the building. April 5<sup>th</sup> we will be wearing blue in recognition.

#### RESOLUTION 2017-53-HOSPICE WALK BANNER HANGING

On motion made by Trustee K. Granger, second by Trustee R. Barton approved the request from HomeCare and Hospice to hang a banner in the Village of Allegany displaying the Hospice Walk. Aye-all, Nay-none

#### RESOLUTION 2017-54-PERMISSION TO BLOCK OFF CIRCLE OAK

On motion made by Trustee M. Meyers, second by Trustee R. Barton resolved to approve the request by David Conner to block off the Street for a neighborhood 4<sup>th</sup> of July party. The request would be effective July 1<sup>st</sup>, 2017 from 12:30pm to 9:00pm. DPW will provide traffic barricades that the residents will install and remove during the event. Access needs to be kept to allow emergency vehicles to enter. Aye-all, Nay-none

A copy of the 2018 proposed budget was distributed to each board member. They are to review to prepare for next board meeting. There is no increase in taxes with the budget presented.

#### RESOLUTION 2017-055-ADJOURN MEETING

On motion made by Trustee K. Granger, second by Trustee M. Meyers resolved to adjourn meeting at 8:20pm. Aye-all, Nay-none

Respectfully submitted,  
Kimberly Roth/Clerk Treasurer

