

Board of Trustees Meeting Minutes

5/19/2014 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 Richard Lamberson

Present: Mayor Lamberson, Trustees: John Davis, Alex Nazemetz, Daniel Gleason, and Jerry Cummins

Also Present: Rena Flynn, Clerk Treasurer, Dominic Papasergi, Police Chief and DPW Supt. Lance Jobe, CEO, Janine Fodor, Attorney

Attending: John Hare, Abbie Kalinowski, Jim Hitchcock, Town of Allegany

A quorum of board members was here at 6:30 pm.

RESOLUTION #2014-093

ACCEPT MINUTES OF MAY 5, 2014

On motion made by Trustee Gleason, second by Trustee Nazemetz resolved to accept the minutes of May 5, 2014. Aye-all. Nay-none.

- Cummins asked what an interpreter was for; Flynn said it was a request from a court defendant who is deaf.
- Davis asked about the computer repair bill, Flynn said that the state converted our computers from Windows XP to 7; we had many issues afterwards, therefore needing to contact another party.
- Davis questioned the tool box invoice; Papasergi said they were for the 3 water well houses. Other tools are for equipment for all departments.

TREASURERS REPORT

As of May 15, 2014

	CHECKING	SAVINGS	CD
GENERAL	\$11,637.00	\$664,386.00	\$301,061.00
WATER	\$5,297.00	\$376,590.00	\$ 50,264.00
SEWER	\$7,805.00	\$528,582.00	\$ 50,264.00
LIBRARY	\$28,945.00		
T&A	\$14,772.00		
WATER BOND		\$6,310.00	
TOTALS	\$68,456.00	\$1,575,868.00	\$401,589.00

	RESERVES GENERAL	RESERVES WATER	RESERVES SEWER	TOTAL
EQUIPMENT	\$175,091.00	\$ 46,047.00	\$ 14,396.00	\$235,534.00
POLICE UNIFORMS	\$5,457.00			\$5,457.00
		\$	\$	
NEW BUILDING & BLDG REPAIR	\$38,381.00	39,804.00	23,110.00	\$101,295.00
POLICE EQUIPMENT	\$33,322.00			\$33,322.00
CURBING & STORM SEWER	\$39,413.00			\$39,413.00
		\$		
WELL HOUSE PUMP/ROUTINE MAINT		11,025.00		\$11,025.00
WELL & WATER TANK BLDGS/TANK		\$		
MAINT		10,401.00		\$10,401.00
		\$		
METER PITS		14,176.00		\$14,176.00
			\$	
LIFT STATION, PITS, PUMP MAINT			14,057.00	\$14,057.00
		\$	\$	
ENGINEERS		10,040.00	3,507.00	\$13,547.00
		\$	\$	
	\$291,664.00	131,493.00	55,070.00	\$478,227.00

RECEIPTS (since last report)

AIM State Aid

Building/Sign/Pool permit 121.00

Bid Deposit/Award

Backflow testing

Clerk fees 3.00

CHIPS

Code Violation fees

Court Security 300.00

Court Fines/fees 6,170.00

Calibration-Pressure Bldg

Donation

DWI funds

Equipment sales

Franchise Fees

Fire Inspections 425.00

Gaming License 50.00

Grants

Inspections-c/o 120.00

DISBURSEMENTS: from 6/1/13 to present

GENERAL \$ 594,855.00

WATER \$ 163,408.00

SEWER \$ 284,979.00

LIBRARY \$ 28,232.00

TOTAL **\$1,071,474.00**

Insurance refund	
Lawn mowing	
Municipal Aid	
Mortgage Tax	
Police Contract	6,000.00
Police Fees	
Pop machine	56.00
Property Taxes	
Property Taxes-Penalty	
Refuse Collection	
Rent-WCB	
Reimbursements	1,803.00
Sales Tax	56,649.00
Scrap metal	
Sewer Payment-Town	
Sidewalks	
Utility Tax	
Unmetered Water	
Vending permit	
Vital Stats	10.00
Water-Qtr Town	31,971.00
Water meter	
Zoning fees	10.00
ZBA/PB Hearing fees	125.00

RESOLUTION #2014-094

APPROVE TREASURER'S REPORT AND PAY CURRENT BILLS

On motion made by Trustee Cummins, second by Trustee Davis resolved to approve the Treasurer's Report and pay the current bills. Bills paid by abstract #64972177 for \$1,083.29 and #64972178 for \$16,343.44. Aye-all. Nay-none.

BEN WEITSMAN OF ALLEGANY (SCRAP METAL BUSINESS) 34-38 W UNION

- Hare was concerned with the change of ownership and the types and scope of activity taking place.

- Their business clients used the Town's River Park parking lot throughout the winter and previously it wasn't a big deal, the town allowed the use. Now all the spaces are filled and park users are unable to utilize the parking spaces.
- Last week the road was blocked with 3 tractor trailers and pick- up trucks.
- Mayor, Hitchcock and Bob Parker went there on a Sunday, said it was pretty bad.
- Hitchcock and Kalinowski have been there to speak with Mr. Nolan who is the site manager, but claim it wasn't beneficial.
- Kalinowsk said it is unsafe to drop kids off for the summer program which has started.
- As a village business, they are looking for the Mayor to meet with the owner and support for Dominic to enforce traffic rules.
- Davis asked about "No Parking" signs, he also spoke with Nolan with no results.
- Jobe recently sent out an Order of Remedy for cleaning up the area and road, property maintenance code violations.
- Hare said they now are formally on notice and suggested "No U-Turn" and "Park Parking Only" signs be installed.
- Papasergi suggested a formal letter be sent to the owner asking for a meeting and discuss the concerns, then enforce. Nazemetz agreed and as soon as possible.
- Hare and Hitchcock said there is a lot of dust and rust, Gleason agreed and said it needs to be taken care of in one way or another.
- Fodor asked about the hours on the Use Permit. Jobe said nothing is actually written on the Use Permit, ZBA has the power.
- Papasergi wondered about posting the road, contacting DEC about rust/metal dust.
- Jobe said ZBA will be looking at business in 2015.
- Hitchcock said the restrooms are open and these business people want to use them.
- Lamberson suggested "No Standing" signs.
- Hare said there was a positive corporation neighbor situation there but the situation has changed so much. Junk cars have become a big part of the business.
- Papasergi said village cannot put signs up on the town side but can enforce the law within 50 feet, could the parking lot be barricaded somehow?
- Hare said the town does not have parking laws, can they put signs up?
- Fodor said you can limit parking in the lot.
- Hitchcock said there is space to build in the town near the lot they already use on Rt 417 as well as Living Waters property that is for sale, move business to town.
- Flynn will email Hare the "Restricted Parking" Law.
- Cummins said from a public safety aspect, there is a problem if emergency vehicles are unable to get through.
- Lamberson and Hare will meet with owners of the company.

- Cummins said EMS can write a letter to them, the village will also send a letter.

DPW REPORT FOR THE MONTH OF APRIL 2014

- Sanded and plowed snow from streets and lots and plowed snow from sidewalks as needed.
- Picked up weeds, leaves, tree limbs and other yard waste that was put out to curbs by village residents. Last day to put debris out will be May 21st.
- Lance did Code as needed – see Code Enforcement Blotter.
- Lance finished Fire Inspections at businesses in the Village.
- Did water, sanitary sewer and storm sewer locates as needed.
- Cleaned off tops of Storm Sewer Catch Basins as needed.
- Put cold patch in potholes throughout village.
- Raked out sod that was lying in subways throughout village as a result of snowplowing roadways and sidewalks during winter months
 - Started flushing sewer mains in Village.
 - Dug and repaired water service shutoff at 170 North Second.
 - Repaired water service shutoff at 2 Pierce Drive.
- Finished sweeping streets with street sweeper. All village streets have been swept.
- Members of the Allegany Fire Department washed down subways on Main Street in areas between First Street and section just east of Fifth Street. Village and Town had a member out to sweep up debris hosed into street.
- Repaired water meters that were not working properly at various residences and/or businesses in need of same.

VILLAGE OF ALLEGANY POLICE DEPARTMENT CHIEF'S MONTHLY REPORT

MONTH OF:	April	2014
Complaint Calls		61
Miscellaneous Calls		80
Larceny Complaints		1
Attempted Larceny Complaints		0
Burglary Complaints		1
Attempted Burglary Complaints		1
Vehicle & Traffic Tickets Issued		15
D.W.I. Arrests		1

Felony Arrests		0
Misdemeanor Arrests		2
Violation Arrests		1
Local Law Arrests		2
Accidents Investigated	P.I.	1
	P.D.	2
Parking Tickets Issued		15
Town Calls		23

Other

(Identify): **Saturday April 12, 2014** - One of our Officers, while traveling east in Co-13 (Durango) on East Union Street, was struck by another vehicle that turned in front of his vehicle.

The Officer was transported to the hospital. Chief Papasergi was contacted and responded to scene. Accident Investigation turned over to the Cattaraugus County Sherriff's Dept. per Chief.

Estimate of damage to CO-13 \$954.35. Subject who turned in front of CO-13 was issued a UTT for failure to yield the right of way.

Monday April 14, 2014 - Chief Papasergi met with Town Council Members Hitchcock and Parker to discuss times and areas where they would like our Dept. to patrol in the town for Traffic Details per new contract agreement.

Chief Papasergi submitted the Police Department 2014 - 2015 Fiscal Budget in March.

POLICE

- Papasergi, Mayor and Judge Brennan met with SBU officials about off-campus house parties.
- Papasergi disagreed with SBU's stats. He feels students start out the fall semester and there are a lot of arrests as the officers enforce the laws, it is pretty much under control by November-December.
- Keg crawl needs to be shut down according to Papasergi, he will check with Oswego as to how they were able to shut down their local keg crawl recently.
- Lamberson suggested a Police Department warning letter, including laws, fines for open container, underage drinking for packets for SBU students. Papasergi advised that it is already being done and the letter is also on our website.
- PD tries to write underage drinking tickets at parties.
- Jobe asked if students are getting permits for the keg crawl, fire department needs to obtain permits for events.

207c

- Papasergi suggested that a policy be put into place for addressing 207c. Police Union contract includes language that job related disability be governed by law but there is no procedure to follow.
- If an officer is found to qualify for 207c, village is responsible for full wages, medical, etc.
- There needs to be a form to file when someone is injured while in the line of duty.
- A doctor of the village's choice may evaluate the injured employee.
- Village has a transitional duty policy in place.
- Fodor said representative of village needs to sign an At Fault claim against the driver in the recent police vehicle accident.

BACK GARAGE INSURANCE ISSUE

- Papasergi suggested a committee be formed to look into the feasibility of a new DPW building or enhancements to the existing building to address the insurance concerns, possibly 2 DPW workers and 2 board members. Lamberson advised that he, Davis, Jobe and Papasergi be on the committee.
- Entire building was not condemned, the west section is ok.
- Aaron Tiller of Mark Alianello's engineering firm inspected the building with Jobe and will issue a report on his findings. Mayor also met with Tiller after he finished with Jobe.
- Lamberson said there have been other area DPW buildings built recently with 7-8-9 heated bays at a cost of \$950,000-\$1M. He saw the initial plans from years ago for a new DPW building and feels the village does not need "Taj Mahal". Papasergi disagreed with "Taj Mahal" comment but he still doesn't understand why the village would spend money fixing up a used 50 year old building that is totally falling apart when we are in the process of saving to build a new building.
- Jobe said Tiller quoted the difference in cold storage vs. warm storage is about \$1.25 per square foot.
- Nazemetz stated it made the village look bad that Jobe condemned our own building. He cannot convince the village to rebuild.
- Davis said employees need to maintain things better.
- Lamberson said that it was Papasergi and Flynn that showed the building to the insurance representatives. Papasergi advised that the insurance agency looks at our buildings about every 5 years and both Flynn and Papasergi have accompanied them in the past. Advised that while standing outside the building what probably sent up red flags was the excessive amount of foam insulation oozing out from numerous cracks in the building.

- Papasergi recommended a new building was needed 14-15 years ago when a new building reserve was established.
- Other DPW's have ability to wash their vehicles in bays, village does not, and there is constant shuffling of vehicles in and out of garages.
- Papasergi was disturbed by the article in the newspaper as well; said he was embarrassed as a village employee, he is furious as a village taxpayer and is very frustrated as a department head.
- Lamberson said water runs down the hill and directly towards the beams from the area that was dug out behind the DPW building.
- Lamberson asked how much do we need; we have 7 miles of streets and 4 DPW workers.
- Nazemetz advised that village employees are out of control.
- Papasergi said the village is messed up right now and agreed with Nazemetz that the village is very disorganized and it is caused by several factors, not just employees. Said he gives advice to the board and is ignored. Advised he can't even assure we have a police officer on duty in the village at night as he is not even permitted to hire officers that he feels he needs.
- Lamberson said trust works both ways and advised Papasergi that he needed to earn trust. Lamberson said the SCADA has taken over 2 years. The 4th St. project took 3 months to be completed and that because of the way the 1st-2nd St water loop was handled, it is now costing the village more money as Rehler changed his mind on giving the village a right-of-way on his property.
- Papasergi advised that he still believed that the SCADA is one of the best investments the village has made. Questioned bringing up the 4th St project as it happened about 4 years ago and reminded the mayor that there were a lot of unforeseen problems that came up during the project. The Rehler property transition was taken away from him by the mayor and former Trustee Parker. Advised that the extended right of way was needed for the back part of the property and not the front as Rehler was told.
- Papasergi asked the board what direction the village is going, there are rumors of merger and the employees have not even been talked to. Advised if that is the direction the board is interested in going, then they should at least be upfront with their employees on their intentions. Where is the trust there?
- Lamberson spoke with Dan Butler of Southern Tier Insurance and he had never seen a letter as strong as the letter village received on the condition of DPW buildings.
- Fodor asked for detailed comments, pictures taken by insurance people who visited the site.
- Papasergi said he has pictures of the building.

DPW

- Main Street banner will be put up tomorrow, flags and banners will go up this week.
- Main Street light replacement will need 2 people.
- Some jobs to be done in the near future: Papasergi hopes to grind and pave Jefferson, (possibly fiber seal), continue grinding out spots on streets and patching, repair catch basin on N 1st St., clean out catch basins
- Papasergi is unaware of any catch basins that have dropped down.
- Replace water valves, hydrants and repair or replace storm sewer basins before paving, William, Jefferson, Devereaux.
- Davis commented on the potholes at all the north streets entrances, Papasergi said they are in the state right of way and it is up to the state to repair- which they have started.
- Jobe said orders of remedy will be sent out for any property with grass 8" and higher in answer to Cummins inquiry.
- County auction-people took over properties on N. 3rd and Clarence St.
- Lamberson will review the DPW summer applications with Papasergi.
- Lamberson will meet with McElheny and DEC on sewer grant next Wed. at 10 am.
- He would like numbers from the pump station while the water was high recently to show the DEC.
- Papasergi warned that DPW personnel have been flushing sewers which may affect the numbers. Lamberson questioned "in the rain??" and Papasergi said yes, and that is the reason for the needed raingear.
- Pete Rehler will get back to Mayor hopefully by the next meeting. Papasergi said a right of way is needed at the rear part of the property.
- SCADA/manual numbers have been right on the money according to Jobe. Papasergi reported that the county has not given the final ok yet. Papasergi said Olean may need to test next to our staff. If CCHD likes the numbers, we could get the ok.
- Railroad and Walsh sidewalks need to be completed from the 2012 sidewalk project. A survey may be necessary for handicap sidewalks.
- Papasergi will try to get the ad in the paper for the truck bids by the next meeting.

OTHER

- ZBA/Planning Board training is mandatory, Fodor will check with Carol Horowitz on possibly holding a session.

- Dave Drake is concerned with the property next door to him (217 White Oak); the garage door is halfway open and crashed into. There is access to inside the house.
- Who owns the property? Allegedly Mrs. Hyland and a daughter.
- Jobe will send a letter to advise that the house is opened up.
- Lamberson said he will enter executive session at the beginning of the next meeting to discuss Union negotiations.
- Nazemetz will follow up with the Workplace Violence Prevention Program presenter for a final report.

The following correspondence was read and put on file:

1. ZBA Public Hearing for Area Variance minutes/decision
2. HCC Public Risk Insurance-letters 5/6 & 5/9/14 "A" Priority Risk Control Recommendations
3. Time Warner Cable-expiring agreements & service changes
4. Governor Cuomo-Public financing of elections
5. Department of State-Community sustainability
6. Planning Board Minutes #244 5/12/2014

RESOLUTION #2014-095

WAIVE VENDING PERMITS FOR OLD HOME WEEK

On motion made by Trustee Nazemetz, second by Trustee Gleason resolved to waive the vending permits for Old Home Week. Aye-all. Nay-none.

RESOLUTION #2014-096

WAIVE OPEN CONTAINER LAW FOR OLD HOME WEEK

On motion made by Trustee Davis, second by Trustee Nazemetz resolved to waive the Open Container Law for Old Home Week. Aye-all. Nay-none.

RESOLUTION #2014-097

WAIVE VENDING PERMITS FOR HERITAGE DAYS

On motion made by Trustee Gleason, second by Trustee Cummins resolved to waive the vending permits for Heritage Days. Aye-all. Nay-none.

RESOLUTION #2014-098

WAIVE OPEN CONTAINER LAW FOR HERITAGE DAYS

On motion made by Trustee Davis, second by Trustee Gleason resolved to waive the Open Container Law for Heritage Days. Aye-all. Nay-none.

RESOLUTION #2014-099

ACCEPT DFT SECURITY AGREEMENT

On motion made by Trustee Cummins, second by Trustee Nazemetz resolved to accept a five year DFT Security Agreement for Municipal Building Alarm System dispatch/monitoring and Electronic Access Control System. Price was included in the overall proposal of 8/16/13. Aye-all. Nay-none.

RESOLUTION #2014-100

APPROVE UNITED WAY COMMUNITY DAY NEWSPAPER SALES ON FRIDAY, JUNE 6, 6-9 AM

On motion made by Trustee Nazemetz, second by Trustee Gleason resolved to approve the United Way Community Day Newspaper Sales on Friday, June 6 from 6-9 am at 3 intersections in the village. Aye-all. Nay-none.

RESOLUTION #2014-101

APPROVE HCC INSURANCE RENEWAL (GUGINO INSURANCE) WITH 2 DPW BUILDINGS COVERED, TERRORISM COVERAGE, UNINSURED/UNDERINSURED MOTORIST COVERAGE, NO SUPPLEMENTAL SPOUSAL LIABILITY COVERAGE

On motion made by Trustee Cummins, second by Trustee Davis resolved to approve the HCC Insurance renewal with Gugino Insurance with the questionable DPW buildings covered, Terrorism coverage, Uninsured/Underinsured Motorist coverage, no Supplemental Spousal Liability coverage. Aye-all. Nay-none.

RESOLUTION #2014-102

APPROVE PAYMENT OF FLYNN'S UNUSED PERSONAL DAYS, VACATION DAYS AND PRO-RATED VACATION DAYS UPON RETIREMENT

On motion made by Trustee Cummins, second by Trustee Gleason resolved to pay Flynn all unused personal days, vacation days and pro-rated vacation days upon her retirement. Aye-all. Nay-none.

RESOLUTION #2014-103

ADJOURN MEETING

On motion made by Trustee Cummins, second by Trustee Davis resolved to adjourn the meeting at 9:17 pm. Aye-all. Nay-none.

Respectfully submitted,

Rena Flynn, Clerk Treasurer