

Board of Trustees Minutes

December 20, 2010; 4:00 pm

The regular meeting of the Board of Trustees was called to order with a salute to the flag led by Mayor Richard Lamberson

Present: Mayor Lamberson; Trustees: Diana Rzepka, Dan Gleason, Jim Rouleau and Charlie Fortuna

Also Present: Rena Flynn, Clerk Treasurer and Janine Fodor, Attorney

RESOLUTION #2010-243

ACCEPT MINUTES OF NOVEMBER 15, 2010

On motion made by Trustee Fortuna, second by Trustee Rzepka resolved to accept the minutes of November 15, 2010. Aye-all. Nay-none.

RESOLUTION #2010-244

ACCEPT MINUTES OF DECEMBER 6, 2010

On motion made by Trustee Rouleau, second by Trustee Fortuna resolved to accept the minutes of December 6, 2010. Aye-all. Nay-none.

TREASURERS REPORT

As of Dec. 20, 2010

	CHECKING	SAVINGS		
GENERAL	\$31,696.00	\$1,038,855.00		
WATER	\$565.00	\$333,393.00		
SEWER	\$5,318.00	\$536,972.00		
LIBRARY	\$25,541.00			
T&A	\$8,004.00			
WATER BOND		\$6,291.00		
TOTALS	\$71,124.00	\$1,915,511.00		
	RESERVES	RESERVES	RESERVES	TOTAL
	GENERAL	WATER	SEWER	
EQUIPMENT	\$15,000.00	\$	\$	
POLICE UNIFORMS	\$5,435.00	41,482.00	8,929.00	\$65,411.00
		\$	\$	\$5,435.00
BUILDING	\$38,229.00	39,595.00	22,972.00	\$100,796.00
POLICE EQUIPMENT	\$31,198.00			\$31,198.00
CURBING & STORM SEWER	\$39,259.00			\$39,259.00

WELL HOUSE PUMP ROUTINE MAINT	\$		
	1,012.00		\$1,012.00
WELL/WATER BLDGS/TANK MAINT	\$		
	10,346.00		\$10,346.00
METER PIT	\$		
	14,102.00		\$14,102.00
LIFT STATION, PITS, PUMP		\$	
		4,018.00	\$4,018.00
ENGINEERS	\$		
	5,004.00		\$5,004.00
	\$	\$	
	\$129,121.00	111,541.00	\$35,919.00
			\$276,581.00

RECEIPTS:		DISBURSEMENTS: from 6/1/10 to present	
AIM State Aid			
Building/Sign/Pool permit	123.00	GENERAL	\$ 305,174.00
Bid Deposit		WATER	\$ 70,725.00
Backflow testing		SEWER	\$ 15,534.00
Clerk fees	276.00	LIBRARY	\$ 21,453.00
CHIPS		TOTAL	\$ 412,886.00
Code Violation fees			
Court Security	320.00		
Court Fines/fees	7,721.00		
Class Action			
Donation			
DWI funds			
Equipment sales			
Franchise Fees	6,010.00		
Fire Inspections			
Gaming License			
Grants			
Inspections-c/o	80.00		
Insurance refund			
Juvenile Officer			
Lawn mowing			
Municipal Aid			
Mortgage Tax	4,219.00		
Police Contract			
Property Taxes			
Property Taxes-Penalty			
Rent-WCB	110.00		
Reimbursements	149.00		
Sales Tax			
Scrap metal			
Town Sewer Payment	29,261.00		

Utility Tax	4.00
Unmetered Water	
Vehicle repair rebate	
Vital Stats	
Water-Qtr Town	47,223.00
Water meter	
Zoning fees	10.00
ZBA/PB Hearing fees	
Total	95,506.00

RESOLUTION #2010-245

ACCEPT TREASURERS REPORT AND PAY BILLS

On motion made by Trustee Rouleau, second by Trustee Gleason resolved to accept the Treasurers Report and pay current bills. Bills paid by abstract #20000587 for \$775.55, #20000588 for \$3,442.28, #20000589 for \$120,532.76, #20000590 for \$1,145.96, #20000591 for \$1,000.00, and #20000592 for \$51,774.95. Aye-all. Nay-none.

DPW REPORT FOR THE MONTH OF NOVEMBER 2010

- Picked up weeds leaves and tree limbs put out to curbs by village residents.
- Cleaned tops of catch basins as needed.
- Lance did Code as needed – see Code Enforcement Blotter.
- Cut grass as needed.
- Did water, sanitary sewer and storm sewer locates as needed.
- Flushed sewer mains – monthly sewer flush.
- Worked on cleaning storm sewer catch basins.
- Worked on patching pot holes on village streets.
- Changed bulbs on Main Street light poles as needed.
- Put down bank run and top soil on side of roadway on Chestnut Street between N. Fourth and Harriet and part of Harriet Street where roadway was repaved.
- Empty apartment house on Fifth Street (located in rear of property) water line broke causing water to fill basement.
- Shut off Water service lines to both empty buildings on North Fifth Street. House in front will need a new service line installed if purchased by someone.
- Hauled sand to be mixed with salt for road surface treatment during the winter months.
- Mixed sand and salt for road surface treatment during the winter months.
- Lance and Tim attended a water conference at the Community Center in Allegany NY.
- Eleven unsafe trees were cut down throughout village.
- Picked up wood chips from stumping that was done for trees cut down in Village. Put down top soil and grass seed in areas where stumps were located.

- Took down flags and flag poles from Main Street light poles and put up Christmas Wreathes and new Christmas Ornaments on same for holiday season.
- Put up Christmas Lights on and in front of Municipal Building for upcoming holiday season.

VILLAGE OF ALLEGANY POLICE DEPARTMENT
CHIEF'S MONTHLY REPORT

MONTH OF:	November	2010
Complaint Calls		48
Miscellaneous Calls		85
Larceny Complaints		1
Attempted Larceny Complaints		0
Burglary Complaints		2
Attempted Burglary Complaints		0
Vehicle & Traffic Tickets Issued		27
D.W.I. Arrests		0
Felony Arrests		0
Misdemeanor Arrests		2
Violation Arrests		5
Local Law Arrests		4
Accidents Investigated	P.I.	0
	P.D.	0
Parking Tickets Issued		88
Town Calls		15

Other (Identify): _____

The following correspondence was reviewed and put on file:

1. Cattaraugus County Planning Board-agenda and minutes
2. My Bar-Forrest James Peck-Liquor License Application
3. EB's Eatery- Liquor License Renewal
4. Michael A. Amore-Liquor License Application intent
5. Thank You-family of John Burgman
6. City of Olean DPW-past due sewer bill
7. NYSDEC-National Flood Insurance Program participation review
8. Website meeting notes 11/16/2010 & 11/30/2010
9. Christmas in Allegany meeting notes 11/18/2010
10. Cattaraugus County Municipal Clerks Assoc.-Sept. minutes

11. Cattaraugus Region Community Foundation Annual Report 2010
12. Time Warner Cable-agreement developments
13. Time Warner Cable-price adjustment
14. NYS Secretary of State-NYS Elder Law
15. NYCOM-Mayoral Task Force on Mandate & Property Tax Relief
16. Cattaraugus County Emergency Services Meeting
17. ZBA decision to grant an area variance at 103 N. 3rd St. for a carport
18. Court Fine & Fee Breakdown
19. ZBA decision to grant a use variance at 61 East Main St. for a bakery
20. City of Olean Mayor Witte-invitation to tour the sewer plant
21. Teamsters –intent to amend both Collective Bargaining Agreements (2)

POLICE

- Trustee Gleason expressed his reservations of My Bar applying for a liquor license for the property located at 65 S. 7th St. He feels that the property has had trouble in the past and would like a letter documenting the police activity at that location sent to the NYS Liquor Board regarding the new application.

CITY OF OLEAN SEWER BILL

- Attorney Fodor met with the Town of Allegany and City of Olean attorneys regarding the City of Olean annual sewer bill. There is a tentative agreement being outlined, but the 2 remaining factors continue to be 1. Personnel costs and 2. Bonds.
- Peter Marcus, former city Public Works Director has stated in the past that the Sewer Department employees spend less than ½ of their weekly hours in the Sewage Treatment Plant.
- Fodor suggested that Dominic, Rodney (Town) and Tom (City) meet to discuss what the sewer department personnel do, especially in the treatment department and come up with a proposal.
- V/T believes that city bonds that are being billed out should not be V/T responsibility. We are in essence paying for their infrastructure, while the city has stated that the treatment plant would be closed by the DEC if they didn't address their major projects which are being bonded.
- Trustee Rzepka would like to see the letter from the DEC stating such.
- There are 2 proposals on the table for the bonds: 1. Write to the state comptroller asking for an interpretation of the contract, and 2. All 3 parties hire a mediator with a team of personnel from all 3 entities.
- Fodor suggested Warren Emerson, Allegany County attorney to be the mediator. She thought he would charge \$150-\$200 per hour, to be split 3 ways.
- She suggested that the 3 municipal attorneys not be involved in the mediation.
- Mayor Lamberson asked if parts of the contract could be changed without writing a new contract.
- Fodor states that the interpretation of the contract is still an issue.
- She feels we should resolve both personnel and bond issues to avoid litigation.
- Mayor Witte is not interested in all the board members participating.
- Fodor suggested that we put money for the sewer bill in escrow in an act of good faith.

- Meeting should be scheduled after 1/3/2011 with Tom Windus (City), Dom Papasergi and Lance Jobe (Village), and Rodney Gleason (Town) to discuss the contract and bill.
- Mayor stated that if the city bills the village for bonds for their infrastructure, then there should be a reciprocal agreement that they pay for any infrastructure repairs the village has.
- Mayor will compose a letter to the city.

DPW

- Board would like Dom to check the Main St. bricks near the light poles at the Knights of Columbus and near Iroquois Insurance.
- Claim by Suzann Rehler for allegedly tripping on a brick on the sidewalk near the library. Will send out Notice of Claim to our insurance company. Fodor said that it **does matter** that the state put the sidewalks in, who was the subcontractor?
- Don Benson, Fourth & Maple has been getting high readings on his water consumption for the past 1½ years. He had a backflow malfunction in June 09 and the sewer bill was adjusted down at that time. His business was also contacted for the next 2 quarters that his consumption was still high but he paid the bill anyway, until the 3rd quarter, 2010 when he addressed it. Clerk Flynn and Withers considered the bill correct since when they were contacted about the high consumption and they paid the bill anyway, that it was acceptable to them. Lance and Dom went to Fourth & Maple and think there could possibly be a multiplier problem with the meter. At that time, Don told them that he didn't pay attention to the checks he was signing and his staff didn't alert him of the high bills. Board does not want meter changed out, but would like a separate meter cut in to get daily readings during an average week to see what the consumption is. Lance should contact Rick about it.
- Trustees Gleason and Fortuna still have complaints on the street lighting on Main Street, especially in the 3rd St. and 5th St. intersections. There's a possibility of looking into cobra head lighting in those areas.
- Hand doesn't change at the light at 5th & Main Sts. Light at corner of 1st & Main changes too quickly. Would like Dom to look into them.
- Trustee Rouleau would like Lance to check the student housing trash receptacles for any garbage left out or overflowing garbage left out during the winter recess. Call landlord if there is a garbage problem.

OTHER

- Mayor asked about a ZBA alternate position opening, thought Lance knew someone who would be willing to sit on the board.

RESOLUTION #2010-246

HIRE A SECRETARY TO TAKE MINUTES AT THE PERSONNEL CONTRACT/UNION CONTRACT WORK SESSIONS

On motion made by Trustee Gleason, second by Trustee Fortuna resolved to hire a secretary to take minutes at the personnel contract/union contract work sessions. Attorney Fodor has an employee from her office that could do the work. Aye-all. Nay-none.

RESOLUTION #2010-247

APPROVE TOWN/VILLAGE COURT SECURITY AGREEMENT

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to approve the Town/Village Court Security Agreement for 2011 at \$22.00 per hour. Aye-all. Nay-none.

RESOLUTION #2010-248

APPROVE TOWN/VILLAGE POLICE EMERGENCY AGREEMENT

On motion made by Trustee Rouleau, second by Trustee Fortuna resolved to approve the Town/Village Police Emergency Agreement for 2011 in the amount of \$17,150.00. Aye-all. Nay-none.

RESOLUTION #2010-249

APPROVE TOWN/VILLAGE POLICE EVENTS AGREEMENT

On motion made by Trustee Fortuna, second by Trustee Gleason resolved to approve the Town/Village Police Events Agreement for 2011. Aye-all. Nay-none.

RESOLUTION #2010-250

APPROVE TOWN AGREEMENT FOR LIBRARY

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to approve the Town Library Agreement for 2011 in the amount of \$30,000.00. Aye-all. Nay-none.

RESOLUTION #2010-251

APPROVE FAX MACHINE ANNUAL MAINTENANCE AGREEMENT

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to approve the fax machine annual maintenance agreement with Shawley Office Supply for \$89.00. Aye-all. Nay-none.

RESOLUTION #2010-252

APPROVE CODE SCHOOL FOR LANCE JOBE

On motion made by Trustee Rouleau, second by Trustee Fortuna resolved to approve code school and hotel accommodations (Niagara Frontier Building Officials) for Lance Jobe to be held Jan. 24-26, 2011 in Buffalo. Aye-all. Nay-none.

RESOLUTION #2010-253

APPROVE ANNUAL SEWER BILL TO TOWN OF ALLEGANY FOR VILLAGE COSTS ONLY

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to approve the annual sewer bill to the town for the village costs only, (due to issue with city bill) in the amount of \$29,261.51. Aye-all. Nay-none.

RESOLUTION #2010-254

APPROVE PERMA FOR WORKERS COMPENSATION RENEWAL

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to approve PERMA as our Workers Compensation carrier for 2011. Annual unaudited cost will be \$21,831.00. Aye-all. Nay-none.

RESOLUTION #2010-255

PAY COMPENSATION TIME

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to pay year end compensation time to the following:

C. McGraw	24 hours
T. Peterson	39.5 hours
A. Papasergi	8.25 hours
F. Snyder	1.25 hours

Aye-all. Nay-none.

RESOLUTION #2010-256

ALLOW VACATION DAY CARRY-OVER

On motion made by Trustee Rouleau, second by Trustee Fortuna resolved to allow carry-over of remaining vacation time for 2010. The vacation carry-over must be taken by April 1, 2011. Trustee Fortuna said that this is the last year allowed to carry over vacation or it will be lost.

D. Papasergi 8 days

Aye-all. Nay-none.

RESOLUTION #2010-257

BOARD MEETING SCHEDULE

On motion made by Trustee Rouleau, second by Trustee Fortuna, resolved to schedule the upcoming board meetings as follows:

January 3	4:00 pm	Work session for personnel contract, Attorney to attend
January 17	7:00 pm	Regular Board meeting
February 7	4:00 pm	Regular Board meeting

Aye-all. Nay-none.

RESOLUTION #2010-258

APPROVAL FOR CATTARAUGUS COUNTY ARTS COUNCIL TO HANG STREET BANNER PROMOTING ROUTES TO ART ON MAIN STREET UPON APPROVAL FROM NYSDOT AND NATIONAL GRID

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to approve Cattaraugus County Arts Council to hang a street banner on Main St. promoting Routes to Art during the period May 2-23, 2011. This is pending approval from NYSDOT and National Grid. Aye-all. Nay-none.

RESOLUTION #2010-259

APPOINT CHERYL PAPASERGI TO ZBA AS ALTERNATE FOR TWO YEAR TERM TO EXPIRE 3/31/2012

On motion made by Trustee Rouleau, second by Trustee Fortuna resolved to appoint Cheryl Papasergi to the ZBA as an alternate for a two year term to expire 3/31/2012. Aye-all. Nay-none.

RESOLUTION #2010-260

PUT SANDER OUT TO BID

On motion made by Trustee Fortuna, second by Trustee Gleason resolved to put the sander out to bid. Aye-all. Nay-none.

RESOLUTION #2010-261

DEDICATE MEETING TO GERRY BACKHAUS

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to dedicate tonight's meeting to Gerry Backhaus, long term village attorney, who recently passed away. Aye-all. Nay-none.

RESOLUTION #2010-262

ADJOURN MEETING

On motion made by Trustee Rzepka, second by Trustee Rouleau resolved to adjourn the meeting at 5:32 pm. Aye-all. Nay-none.

Respectfully submitted,

Rena Flynn, Clerk Treasurer