

**Board of Trustee Minutes
September 17, 2007**

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

Present: Mayor Lamberson; Trustees: Daniel Gleason, Diana Rzepka, Charlie Fortuna, and James Rouleau

Also Present: Rena Flynn, Clerk Treasurer; Lance Jobe, village CEO, Janine Fodor, village Attorney

Absent: Dominic Papasergi, Police Chief & DPW Superintendent

Attending: Rhea Carls, Planning Board; Bob Parker, Steve Piccirillo (9:20 pm)

RESOLUTION #2007-115

ACCEPT MINUTES OF AUGUST 13, 2007 AND AUGUST 30, 2007

On motion made by Trustee Gleason, second by Trustee Fortuna resolved to accept the minutes of August 13, and August 30, 2007. Aye-all. Nay-none.

**TREASURERS
REPORT
AS OF Sept. 14, 2007**

	CHECKING	SAVINGS	
GENERAL	\$18,650.00	\$969,432.00	
WATER	\$4,518.00	\$156,762.00	
SEWER	\$413.00	\$57,108.00	
LIBRARY	\$55,918.00		
T&A	\$4,637.00		
WATER BOND		\$6,262.00	
TOTALS	\$84,136.00	\$1,189,564.00	
	RESERVES	RESERVES	RESERVES
	GENERAL	WATER	SEWER
EQUIPMENT	\$126,205.00	\$ 47,590.00	\$ 15,205.00
POLICE UNIFORMS	\$2,014.00		
BUILDING	\$22,514.00	\$ 39,093.00	\$ 22,664.00
POLICE EQUIPMENT	\$5,876.00		
CURBING	\$5,022.00		

WELL HOUSE PUMP ROUTINE MAINT	\$ 1,000.00
WELL/WATER BLDGS/TANK MAINT	\$ 7,000.00
METER PIT	\$ 7,500.00

	\$161,631.00	\$ 102,183.00	\$ 37,869.00
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RECEIPTS:

Judge Fines/fees	5105.00
Inspections	1320.00
ZBA/PB Hearing fees	
Court Security	144.00
Clerk fees	
Reimbursements	871.00
Vital Stats	10.00
Utility Tax	3.00
Unmetered Water	71.00
Building/Sign permit	191.00
Zoning fees	20.00
Police Contract	
Sales Tax	
Water-Qtr Town	
Juvenile Officer	
Franchise Fees	5697.00
Bid Deposit	
Backflow testing	40.00
Property Taxes	
Games of Chance	
Town Sewer Payment	
Municipal Tax	
Mortgage Tax	
DWI funds	
Fire Inspections	
Elec. Insp	
CHIPS	
Swamp grant	3050.00
SMSI grant	8781.00
Planning Board fees	143.00
Total	25446.00

DISBURSEMENTS:

GENERAL	\$177,840.00
	\$
WATER	59,938.00
SEWER	\$188,927.00
	\$
LIBRARY	7,093.00
TOTAL	\$433,798.00

RESOLUTION #2007-116

ACCEPT TREASURERS REPORT AND PAY CURRENT BILLS

On motion made by Trustee Rouleau, second by Trustee Rzepka resolved to accept the Treasurers Report and pay the current bills. Bills paid by Abstract #20000377 for \$139.37, #20000378 for \$22,529.81 #20000379 for \$30,102.57. Aye-all. Nay-none.

- Debbie and Jim Billings expressed concern for the location next door to them regarding exhaust fan noise and the location and odor of a dumpster. A restaurant was located on the property next to them and noise and odor prevented them from enjoying their back porch when they were home.
 - The restaurant was vacated in early July, 2007. If the property remains vacant for 6 months, the use will convert to the district regulations for an R-2 Two-family Residential district.
 - CEO Jobe will look into any regulations concerning dumpsters, whether they need to be covered, enclosed.
 - They would also like to look into the possibility of having exhaust fans extended higher so the fumes wouldn't be permeating directly to their property.
 - Attorney Fodor will check into noise decibel levels and whether or not it would be practical to add levels to our existing noise law.
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- No representatives were present from Dawn Development regarding their water bill. Attorney Fodor offered the following comments:
 - It was determined that the village was non-discriminatory in their billing procedures and did not single out any village water users.
 - She does not believe the billing procedure is illegal.
 - Dawn Development had the option to keep the village water billing in their name and not have their tenants put the billing in their name.
 - The village has not changed their billing procedures and the same procedure was utilized in billings in 2005 and 2006 with no comments or questions.
 - Attorney Fodor will follow up with a letter to Dawn Development denying their claim.

DPW REPORT FOR THE MONTH OF AUGUST 2007

- Put notices on houses where leaves, brush and other yard waste was put out to curbs advising that we were no longer picking up same until this fall.
- Cut grass as needed.
- Cleaned tops of catch basins as needed.
- Lance did Code as needed – see Code Enforcement Blotter.
- Did water, sanitary sewer and storm sewer locates as needed.
- Continued running root cutter through sewer mains in Village.
- Swept streets with street sweeper.
- Continued crack-filling cracks in village streets.
- Fixed a storm sewer catch basin on North Third Street.

- Dug up buried water main shutoff valves on Fifth Street and Sherwood Street.
 - Replaced a water service line at 31 North Fifth Street.
 - Inserted a 10” Water Main Valve on North Fifth Street near Circle Oak.
 - Replaced two Fire Hydrants and two Shut-Off Valves on North Fifth Street.
 - Painted Crosswalks in Village.
 - Added the installation of a 4 inch water main valve at the Oak and Sixth Street intersection on the month of July 2007 report.
- The sidewalk plow is leaking hydraulic fluid. All-American Truck checked it out and couldn’t find the source of the leak. DPW will continue to look into the problem.
 - DPW will review the trees in the village and remove any branches that are over sidewalks and/or pose a hazard.
 - Weight limits for trucks driving on some village streets will be reviewed. There is some concern that the trucks are too heavy and are damaging streets.
 - Lance will look into The Bridge (operated by St. Bonaventure Church) as to whether it is in an R-2 or R-3. It may be necessary for them to petition to rezone the property.
- Steve Picirillo wondered when the pond project would be finished or work be continued.
 - Mayor informed him that piping to the river is definitely cost prohibitive.
 - The board will continue to look for grant money to continue with the project in order to clean up the area.
 - Added vegetation could be an alternative but could cause more insect, bird infestation.

VILLAGE OF ALLEGANY POLICE DEPARTMENT
CHIEF'S MONTHLY REPORT

MONTH OF:	<u>August</u>	<u>2007</u>
Complaint Calls		102
Miscellaneous Calls		103
Larceny Complaints		7
Attempted Larceny Complaints		3
Burglary Complaints		2
Attempted Burglary Complaints		0
Vehicle & Traffic Tickets Issued		27
D.W.I. Arrests		2
Felony Arrests		1

Misdemeanor Arrests		7
Violation Arrests		13
Local Law Arrests		18
Accidents Investigated	P.I.	0
	P.D.	1
Parking Tickets Issued		38
Town Calls		38

Other (Identify):	Thursday August 9, 2007 - Sgt. McGraw participated with a Disaster Drill conducted at the JCC Campus in the City of Olean.
	Thursday August 16, 2007 - Conducted a Police Meeting at Municipal Bldg.
	Tuesday August 21, 2007 - Chief Papasergi, Sgt. McGraw, Sr. Patrolman Peterson, Mayor Lamberson and Trustee Rouleau met with SBU Officials reference to upcoming SBU school year.
	Saturday August 25, 2007 - Sr. Patrolman Peterson and Patrolman Gonska worked a special detail for the funeral of Father Gregory Brennan.

The following correspondence was reviewed and put on file:

1. Planning Board-new member recommendations
2. Jim Mahar-BonaResponds
3. Time Warner Cable
4. Catt. Co. Legislature-Resolution summary
5. Allegany Public Library-budget and funds
6. Planning Board minutes 8/15/07
7. Southern Tier West-asset Management Training Series
8. National Grid-KeySpan
9. Local Government Commission-improving government
10. NYCOM-pension rate decreases
11. NYCOM-volunteer firefighter workshop
12. Energy Curtailment Specials-Demand response programs
13. US Senate-Brownfields Cleanup funding
14. NYSEG-natural gas emergency training program
15. Office of the State Comptroller-review
16. DRAM Antitrust

**RESOLUTION #2007-117
APPOINT PHILLIP TRASK TO PLANNING BOARD**

On motion made by Trustee Rouleau, second by Trustee Fortuna resolved to appoint Phillip Trask to the Planning Board for replacement of resigned member Kathy Kelly. Appointment will be for the term 9/17/07 (letter needed) through 3/31/12. He will be appointed upon receipt of a letter of resignation submitted to the City of Olean Zoning Board before he can be appointed to the village planning board. Aye-all. Nay-none.

RESOLUTION #2007-118

APPOINT LARRY KARDOS TO PLANNING BOARD AS ALTERNATE #1

On motion made by Trustee Rouleau, second by Trustee Gleason resolved to appoint Larry Kardos to the planning board as alternate #1. This is for a 2 year term beginning 9/17/07 until 3/31/09. Aye-all. Nay-none.

RESOLUTION #2007-119

APPOINT STEPHEN CAMPBELL TO PLANNING BOARD AS ALTERNATE #2

On motion made by Trustee Gleason, second by Trustee Fortuna resolved to appoint Stephen Campbell to the planning board as alternate #2. This is for a 1 year term beginning 9/17/07 until 3/31/08. Aye-all. Nay-none.

RESOLUTION #2007-120

APPOINT DONALD HOLDRIDGE AS CROSSING GUARD

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to approve the appointment of Donald Holdridge as a crossing guard. Aye-all. Nay-none.

RESOLUTION #2007-121

APPOINT KELLY RZEPKA AS OFFICE CLERK

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to appoint Kelly Rzepka as part time office clerk. Aye-all. Nay-none.

RESOLUTION #2007-122

RETURN PERFORMANCE BOND TO OFANO CONTRACTING

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to return the performance bond to Ofano's Contracting. Aye-all. Nay-none.

- Clerk Flynn will look into boundary changes requested by the U.S. Department of Commerce.
- Supt. Papasergi will follow up on NIMS compliance.
- Claudia Catalano and David Porter spoke with 2 board members regarding the justice position. It was concluded that although both candidates are qualified, the village board would like to appoint a village resident to the position.
- It was determined by Attorney Fodor that the resignation letter submitted by Mayor Lamberson on August 30, 2007 was ineffective due to the addressee being the Board of Trustees and not the Clerk per the Public Officers Law section 31. He has since chosen to not resign; therefore there is no effective resignation. (Attached letter from Attorney Fodor) He will thus remain in his elected position.
- Mayor Lamberson will contact Brian Davis about further drainage area restoration.

- Mayor will contact Dennis Jones of Jones Realty regarding appraisal procedures for insurance purposes.
- Water study completed by Kirk Wilson of Foit-Albert Associates was received on August 29, 2007. Board will review study.
- Time Warner Cable will be relieved of their property tax charges for 2007 due to the fact that they have paid the village a larger amount in franchise fees. Attorney Fodor has determined that this is a proper transaction.
- Allegany-Limestone Central School will induct 4 former athletes into the Sports Wall of Fame on Friday, Sept. 21, 2007. Village will proclaim the day as Wall of Fame Day.

RESOLUTION#2007-123

APPOINT CLAUDIA CATALANO TO JUSTICE POSITION

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to appoint Claudia Catalano to the position of Justice. She is required to obtain 6 hours of advanced judicial training by Dec. 31, 2007. Appointment is until March 31, 2008 at which time the person elected will resume the duties for a one year term ending March 31, 2009. Salary will be \$4,000 per year. Aye-all. Nay-none.

RESOLUTION #2007-124

APPROVE 2008 JUVENILE OFFICER APPLICATION TO CATTARAUGUS COUNTY

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to approve the Juvenile Officer application to Cattaraugus County for 2008. Aye-all. Nay-none.

RESOLUTION #2007-125

APPROVE WATER SCHOOL FOR LANCE JOBE

On motion made by Trustee Rouleau, second by Trustee Rzepka resolved to approve water school attendance for Lance Jobe on Sept. 19, 2007 at the Southern Tier New York Water Works Operators Conference. Aye-all. Nay-none.

RESOLUTION #2007-126

APPROVAL TO ORDER STEEET BANNERS

On motion made by Trustee Gleason, second by Trustee Rzepka resolved to order new street banners up to a cost of \$600.00 to be placed on West Main St. These will be put in place in the spring. Aye-all. Nay-none.

RESOLUTION #2007-127

ENTER EXECUTIVE SESSION

On motion made by Trustee Fortuna, second by Trustee Rzepka resolved to enter executive session at 10:30 pm. Aye-all. Nay-none.

RESOLUTION #2007-128

ADJOURN EXECUTIVE SESSION

On motion made by Trustee Rouleau, second by Trustee Gleason resolved to adjourn the executive session at 11:09 pm. Aye-all. Nay-none.

RESOLUTION #2007-129

ADJOURN MEETING

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to adjourn meeting. Meeting adjourned at 11:10 pm. Aye-all. Nay-none.

Respectfully submitted,

Rena Flynn
Clerk Treasurer