

**Board of Trustees Meeting Minutes  
November 16, 2009**

The regular meeting of the Board of Trustees was called to order with a salute to the flag led by Deputy Mayor Diana Rzepka.

Present: Trustees: James Rouleau, Charlie Fortuna and Dan Gleason  
Absent: Mayor Richard Lamberson

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

RESOLUTION #2009-224  
ACCEPT MINUTES OF NOVEMBER 2, 2009

On motion made by Trustee Fortuna, second by Trustee Gleason resolved to accept the minutes of November 2, 2009. Aye-all. Nay-none.

TREASURERS  
REPORT  
As of November 16,  
2009

	CHECKING	SAVINGS		
GENERAL	\$10,260.00	\$970,045.00		
WATER	\$26,188.00	\$304,659.00		
SEWER	\$6,134.00	\$239,822.00		
LIBRARY	\$39,812.00			
T&A	\$6,628.00			
WATER BOND		\$6,282.00		
<b>TOTALS</b>	<b>\$89,022.00</b>	<b>\$1,520,808.00</b>		
	RESERVES	RESERVES	RESERVES	TOTAL
	GENERAL	WATER	SEWER	
EQUIPMENT	\$145,767.00	\$	\$ 12,878.00	\$208,981.00
POLICE		50,336.00		
UNIFORMS	\$5,416.00			\$5,416.00
		\$		
BUILDING	\$38,096.00	39,486.00	\$ 22,897.00	\$100,479.00
POLICE				
EQUIPMENT	\$26,107.00			\$26,107.00

CURBING & STORM SEWER	\$34,140.00		\$34,140.00
GENERAL	\$30,004.00		\$30,004.00
WELL HOUSE PUMP ROUTINE MAINT		\$ 1,009.00	\$1,009.00
WELL/WATER BLDGS/TANK MAINT		\$ 10,318.00	\$10,318.00
METER PIT		\$ 11,570.00	\$11,570.00
LIFT STATION, PITS, PUMP		\$ 4,005.00	\$4,005.00
		\$	
	<b>\$279,530.00</b>	<b>112,719.00</b>	<b>\$ 39,780.00</b>
			<b>\$432,029.00</b>

RECEIPTS:		DISBURSEMENTS: from	
Judge Fines/fees	10309.00	6/1/09-present	
Inspections-c/o	320.00	GENERAL	\$ 278,483.00
ZBA/PB Hearing fees	125.00	WATER	\$ 99,433.00
Court Security	373.00	SEWER	\$ 183,759.00
Clerk fees	1.00	LIBRARY	\$ 10,081.00
Reimbursements	749.00	TOTAL	\$ 571,756.00
Vital Stats	50.00		
Utility Tax	855.00		
Unmetered Water Building/Sign/Pool permit	48.00		
Zoning fees	20.00		
Police Contract			
Sales Tax	55763.00		
Water-Qtr Town	24173.00		
Juvenile Officer Franchise Fees			
Bid Deposit			
Backflow testing			
Property Taxes	8350.00		
Property Taxes-Penalty	679.00		
Gaming License			
Town Sewer Payment			
Municipal Aid			
Mortgage Tax			
DWI funds			
Fire Inspections			
Donation			

CHIPS	
SMSI grant	
Justice Grant	
Lawn mowing	75.00
Water meter	
Equipment sales	
Vehicle repair	
rebate	
Insurance refund	1650.00
Scrap metal	
Class Action	
<b>Total</b>	<b>93231.00</b>

RESOLUTION #2009-225  
ACCEPT TREASURERS REPORT AND PAY CURRENT BILLS

On motion made by Trustee Rouleau, second by Trustee Fortuna resolved to accept the Treasurers Report and pay the current bills. Bills paid by #20000526 for \$1,467.01 and #20000527 for \$50,837.53. Aye-all. Nay-none.

**Ryan and Mark Lombardo** attended meeting to discuss a parking ticket received by Ryan at his parent's home on Harriet St.

- He is currently living at home with his parents.
- He has lived off and on there over the past 6 years and parking in parent's driveway.
- He received a parking ticket for parking across sidewalk.
- Mayor has asked the Police Department for better enforcement of the parking law.
- Village has a local law prohibiting parking across sidewalks.
- Lombardo states his driveway is not long enough to park 3 cars in one lane.
- He has temporary parking at Duggan's parking lot, not long term.
- Sidewalk doesn't go anywhere on his side of the street.
- Ryan indicated that cars on Chestnut St. park in the subway and also a property owner at the end of Harriet St. parks in an area that if it had a sidewalk there, would be over it.
- Mark suggested that the sidewalk be removed or don't give out tickets in that area.
- The law is not practical for the area in question.
- CEO Jobe stated that it is not an official walkway because it does not go anywhere.

RESOLUTION #2009-226  
POLICE DEPARTMENT TO NOT TICKET VEHICLES OVER THE SIDEWALK ON THE EAST SIDE OF HARRIET STREET

On motion made by Trustee Gleason, second by Trustee Fortuna resolved to advise the Allegany Police Department to not ticket vehicles who are over the sidewalk on the east side of Harriet Street. The sidewalk is inaccessible as a sidewalk, is not snow plowed and does not connect to anywhere. Aye-Fortuna, Gleason. Nay-Rouleau.

**Police Department:**

- Trustee Rouleau asked if computers were in the police cars, Dominic stated they are and the officers are using them although they are still training on them.
- Chief does not yet have access to them at his home.
- Trustee Gleason asked about a noise problem on North 3<sup>rd</sup> St. on the complaint of Carl Margeson.
- Carl indicated the loud base noise was coming from Fosters and asked for extra patrols in the area.
- Dominic advised that one property with apartments was addressed and a person was issued an appearance ticket.
- It was observed that much of the noise was coming from students returning to the apartment house on foot, talking loudly. Also car radios were loud from cars going to those areas.
- Trustee Rouleau asked if kids were taken back to campus by the village police.
- Dominic stated that if someone is injured in the village, they would be taken back to campus.
- If a ticket is issued, person is taken back to campus security.
- PD normally calls security first, but it has been more efficient time wise to take the student back instead of waiting for campus security to arrive.

**DPW:**

- CEO Jobe received a call from Rodney Gleason, Town Highway Superintendent about installing a meter pit at the west end as it wasn't in the SEQR specifications. Jobe advised him that a SEQR is an environmental study and that a meter pit is not required to be put on the form.
- East end water meter pit was not installed when the new water lines were put in because it was only considered a service line. Town expected future development (boring under tracks) and was advised that the meter pit would need to be installed upon extending lines.
- Board agreed that every line going outside the village needs a meter pit.
- Village could possibly help (labor) install east end meter pit.
- Village needs to be accountable for all water used including flushing, leaks, etc.
- Roosa and Benson will hook up at the west end with new water main being put in.
- Town Supervisor Eaton assured CEO Jobe that he was aware of water meter pit requirement at both locations.
- Catt. Co. Environmental Health Director Eric Wohlers is also aware of the meter pit requirement and acknowledged that the certified drawings for the east end project did not include a meter pit.
- Town of Allegany borrowed village bucket truck and when village picked it up for use, it was damaged. Backup lights were broken, tailgate was dented, and

handle to locked tool boxes is broken, among other items. Village DPW workers used the truck upon its return. Dominic was upset that Town personnel (Don Lowe was supervisor) were irresponsible in not informing village that something happened to the truck while in their possession. Don Lowe should have assured village that there was no damage to bucket before our personnel used the truck. Trustee Rzepka asked why town did not return the truck when finished, why did village have to go to pick it up?

- Town Highway Superintendent Rodney Gleason will be informed of Don Lowe's rude attitude towards village personnel and the problems village has had recently with equipment loaned out to town (bucket truck damage, water meter reader not working, valve exerciser returned broken).
- DPW workers were informed that Mayor attended the Town board meeting last Thursday and stated that he wants the town to take over the village DPW. Board agreed that Rodney and Dominic should both be involved in any discussions that take place concerning DPW.
- There was a recent issue that Dominic clarified; Don Lowe, Town of Allegany DPW worker stated that he was called out to help with yard waste clean-up in the village and upon arrival to help he waited on village DPW for 1-1 ½ hours. Dominic checked the times on phone records and it was completely untrue as he has proof of the time he was called on duty and the time he returned the call. He was released from village detail at that time.
- Some streets still need to have yard waste removed. Letters will be given to residents who continue to put yard waste out, after 11/15/09 informing them to please take it to the Transfer Station on West Main St.
- Trustee Rouleau asked whether water/sewer bills should be put in tenants name in order to identify a change for an inspection. It was decided in April 2007 upon advice from NYCOM that water/sewer billing should remain in the property owners name primarily because tenants would skip town, leaving the landlord with an accumulated bill to pay. CEO Jobe acknowledged that few inspections may not get done because we are not aware of a tenant change but many landlords are honest about changing tenants.

The following correspondence was reviewed and put on file:

1. Catt. Co. Dept. of the Aging-seasonal illnesses
2. NYS & Local Retirement System-Article 14 Police & Fire
3. GOACC-health plan options
4. Mr. Elmore, Brown Chiari-FOIL request for 103 N. 3<sup>rd</sup>.
5. Letter to Mr. Elmore, Brown Chiari-103 N. 3<sup>rd</sup> St.
6. Catt. County-Highway Mutual Assistance-\$3,373.14
7. Community Bank-thank you
8. ZBA minutes-9/9/09
9. ZBA-Decision on Use variance for 61 East main St.
10. Bukiewicz-Catt. Co. Assessment Needs Study
11. Planning Board-Training session 8/17/09
12. Planning Board-minutes 10/14/09

13. Planning Board-minutes 10/19/09
14. Letter from Five Star Bank attorney regarding security breach
15. Allegany Public Library-retirement reception for Sheila Quinlan, Nov. 20, 2pm
16. Assemblyman Joe Giglio-Open House Toys for Tots, Dec. 10, 4pm

### **FIVE STAR CYBER SECURITY BREACH**

- Five Star Bank, in its letter to the board asked for a confidentiality agreement and in turn they would reimburse village the \$9,000 in funds that were stolen.
- Attorney will contact John Rizzo, VP & General Counsel for Five Star Bank inquiring of what details of a confidentiality agreement they have in mind.
- Security breach has been put on the agenda and in minutes since it took place.

### **DAY CARE CENTER**

- CEO Jobe reported that the Planning Board held a Public Hearing earlier this evening.
- Some residents are concerned from a safety aspect.
- Chestnut Street is only 17' wide, not a legal street since it is narrow.
- Planning Board would like to consider Chestnut St. between 3<sup>rd</sup> & 4<sup>th</sup> designated as one way.
- Chestnut Street from North 3<sup>rd</sup> to North 2<sup>nd</sup> is one way going west.

### **TEAMSTERS HEALTH INSURANCE**

- CEO Jobe (and other Teamsters Health & Hospital Fund participants) has received a form from Teamsters that his spouse needs to have her employer complete. It refers to the availability of health insurance offered to her from her employer and what health insurance cost to her would be if she participates in the plan.
- Rena will call Teamsters Health & Hospital Insurance to ask for additional information about the form contents.
- Lance asked when a spouse was not considered to be family in health insurance package terms.
- If his spouse needs to obtain health insurance through her employer, why should the village pay for a family plan?
- Attorney Fodor will contact Teamsters Representative about legalities of the change in % of spousal salary midway through the union contract term.

### **RIVER PARK**

- Attorney Fodor received the deed for the River Park from Town attorney.
- The description of the property was actually the description of the sewer and water easement.
- Attorney Fodor will contact town attorney to correct.

### **POLICE RETIREMENT**

- Dominic heard an insulting comment allegedly from Mayor Lamberson that union members would get the retirement plan 384d (20 years of service) but he will not. Only union members would get it. Trustee Gleason advised Dominic to talk with Rick about the comment.
- Mayor will contact Scott Chismar, Teamsters representative to review information received from New York State & Local Retirement System and inquire if it is in the best interest of our police officers to participate in plan 384d.

CEO Jobe informed the Board of Trustees that Laurie Branch of Iroquois Group will be building her main headquarters on West Main St. She and Jason Crisafulli of Kinley Corp. attended the Planning Board Meeting earlier this evening to discuss the proposed project. Parking for 20 vehicles will be behind the building. Kinley Construction will be the contractor. Village has given out a demolition permit application to one business thus far and Kinley hopes that demolition will begin as early as December 1, 2009. Buildings located at 35 West Main, 37 West Main and 39 West Main have agreed to sell their property for the new project. Jason Crisafulli will be contacting the property owner of 31 West Main St. for the possibility of purchasing his property also.

RESOLUTION #2009-227

START PROCESS OF DESIGNATING CHESTNUT STREET ONE WAY HEADING WEST

On motion made by Trustee Gleason, second by Trustee Fortuna resolved to start the process of designating Chestnut Street as a one way street from North 4<sup>th</sup> through to North 2<sup>nd</sup> Streets going west. General Municipal Law for traffic would need to be amended. Aye-all. Nay-none.

RESOLUTION #2009-228

APPROVE TOWN OF ALLEGANY TO REPAIR DAMAGED BUCKET TRUCK

On motion made by Trustee Rouleau, second by Trustee Gleason resolved to approve the Town of Allegany mechanic to repair the damage that the bucket truck sustained while in the possession of town DPW workers. Village is currently in a contract with All American Truck Service for maintenance of all vehicles, but town is responsible to make repairs and town will absorb the expense. Aye-all. Nay-none.

RESOLUTION #2009-229

APPROVE PAYMENT OF LONGEVITY PAY

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to approve the payment of annual longevity pay. Total will be \$3,703.92. Aye-all. Nay-none.

RESOLUTION #2009-230

APPROVAL FOR ALLEGANY PUBLIC LIBRARY TO PARTICIPATE IN  
AMERICORPS START PROGRAM THROUGH CONTRACT WITH  
CATTARAUGUS COUNTY

On motion made by Trustee Gleason, second by Trustee Fortuna resolved to approve the contract with Cattaraugus County Youth Bureau AmeriCorps START Program and the Allegany Public Library for participation from November 8, 2009 through November 7, 2010. Aye-all. Nay-none.

RESOLUTION #2009-231  
LETTER TO BE SENT TO TOWN SUPERVISOR FOR INTEREST CHARGES TO  
ACCRUE ON THE ANNUAL SEWER BILL

On motion made by Trustee Fortuna, second by Trustee Gleason resolved to send a letter to the Town of Allegany Supervisor indicating that interest will accrue from the due date on the unpaid portion of the annual sewer bill. Aye-all. Nay-none.

RESOLUTION #2009-232  
ADJOURN MEETING

On motion made by Trustee Gleason, second by Trustee Rouleau Fortuna resolved to adjourn meeting at 9:22 pm. Aye-all. Nay-none.

Respectfully submitted,

Rena Flynn  
Clerk Treasurer