

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, JANUARY 24, 2012 SENIOR CENTER 7:00 PM

PRESENT WERE: Supervisor Hare Councilman Koebelin
Councilman O’Dell Councilman Hitchcock
Councilman Allen Hwy Superintendent Gleason
Town Comptroller C. Hemphill Town Attorney Tuttle
Town Clerk M. Peck

Also present: Atty. D. Spitzer, Atty. D.Ward, H. Larson, F.DeFiore, townspeople and news media.

Absent: None

Salute to the Flag at 7:00 pm opened the meeting.

AUDITED CLAIMS

| | | | |
|---------|-------------|--------|-------------|
| Gen A | \$18,678.22 | Hwy DA | \$18,603.95 |
| AP | \$16,086.13 | AP | \$ 8,185.43 |
| Gen B | \$ 1,765.54 | Hwy DB | \$ 9,160.31 |
| AP | \$ 579.91 | AP | \$ 8,118.43 |
| Sp Dist | \$ 4,311.00 | | |
| AP | \$19,775.18 | | |

#39-MOTION TO APPROVE MINUTES

Motion by Koebelin to approve the minutes from the Jan. 10, 2012 regular board meeting with the changes of Councilman O’Dell voted-aye on the 12/29/11 minutes approval vote and Councilman Allen abstained. These changes have been made by Clerk. 2nd by Allen. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye , Hare-aye. CARRIED.

CORRESPONDENCE

1. National Grid – request for valid exemption certificate to confirm tax exempt status.
2. Letter from Senator Gillibrand – regarding United States Postal Service
3. Letter from Assemblyman J. Giglio regarding Mandate Relief Council
4. Letter from Assemblyman J. Giglio regarding Home Rule Legislation
5. Town of Allegany Planning Board minutes from 12/12/11 meeting
6. Notice of Liquor License renewal from Birch Run Golf Club
7. Catt. Co. HD – 2012 Annual Survey of Dog Licensing/Dog Control
8. Letter from Senator Young regarding CHIPS funding for 2012-2013

UNFINISHED BUSINESS

1. First Amendment to the Host Community Agreement Between the Town of Allegany and Allegany Wind LLC (regarding the use of Chipmonk Road)

Supervisor Hare addressed the audience regarding the First Amendment to the Host Community Agreement between Allegany Wind LLC and the Town of Allegany : Everpower is requesting use of a Town Road. Mr. Hare turned the floor over to Everpower Attorney Douglas Ward: 1st he explained that he has had conversations with Councilman Koebelin and because of Mr. Koebelin’s economic interest in this issue, Mr. Ward would like Mr. Koebelin to recuse himself from voting on this issue. Atty. Ward

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advised that since the Town of Carrollton does not want Everpower to use their roads, then Everpower would like to change the haul route to Chipmonk as the alternative route. Supervisor Hare would like to go into Executive Session to discuss some issues with Legal Counsel before making a decision on this matter.

Councilman Hitchcock questioned whether or not there was discussion regarding using Bradford Pennsylvania roads?

Attorney Ward – advised that it is not an issue for the Town of Allegany to be concerned about as that is Pennsylvania. A interconnect in the Town of Allegany is the most desired route by Allegany Wind LLC.

#40-MOTION TO GO INTO EXECUTIVE SESSION TO CONSULT WITH LEGAL COUNSEL ON ALLEGANY WIND LLC ISSUE OF ROAD USAGE/ AMENDMENT TO HOST COMMUNITY AGREEMENT

Motion by Hitchcock to adjourn into executive session to consult with legal counsel regarding haul routes and the amendment to the Host Community Agreement. 2nd by Allen. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

Board entered into Executive Session at 7:14 pm.

Board adjourned Executive Session at 7:41 pm and re-entered regular meeting.

Supervisor Hare: turned floor over to Attorney Spitzer. Since the entire community has an interest in this issue, then Mr. Spitzer believes that there is no conflict of interest of Mr. Koebelin remaining and voting on this issue.

Supervisor Hare: addressed the board regarding this matter: the Town Board voted on this issue on 8/29/11. Allegany Wind LLC request does not seem to be the same tonight as before.

Attorney Spitzer: SEQR review of the roads have been conducted; however, when Town Board did its contractual review, an additional review of the road, that was not done for Chipmonk Road.

#41-MOTION TO TABLE ALLEGANY WIND LLC ISSUE

Motion BY Hare to table Allegany Wind LLC issue. 2nd by Koebelin. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

It was decided that Everpower engineers, consultants to get together with D.Britton (CRA) and Highway Superintendent to “walk it down” just like it was done last year.

2. Update on B.A.N. renewal for Town Hall Roof & Cupola repair Interest rate is 2.09%.

OTHER BUSINESS

- Planning Board vacancy ***Supervisor Hare and Councilman Koebelin to interview*** **TABLE as interviews have not yet been completed*****

#42-MOTION TO ENTER INTO EXECUTIVE SESSION ON PERSONNEL MATTER

Motion by Hitchcock to enter into executive session to discuss personnel matter. 2nd by Allen. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

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Entered into Executive Session at 8:00 pm

#43-MOTION TO RE-OPEN REGULAR MEETING

Motion by Hare to re-open regular meeting. 2nd by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

- Town Clerk Coverage (Executive Session for personnel issues)
- Executive Session on potential litigation
- Town Clerks Office appointments

#44-MOTION TO ACCEPT THE RESIGNATION OF TOWN CLERK, TAX COLLECTOR AND REGISTRAR

Motion by Hare that the Town Board accept the resignation of Mary Peck as Town Clerk, Town & County Tax Collector and Registrar of Vital Statistics effective 1/24/12. 2nd by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye, CARRIED.

#45-MOTION TO APPOINT DEPUTY TOWN CLERK

Motion by Hare to appoint Helen Monroe as Deputy Town Clerk effective 1/25/12 at her current rate of pay \$14.14/hr and not to exceed 30 hrs per week. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#46-MOTION TO APPOINT DEPUTY REGISTRAR OF VITAL STATISTICS

Motion by Hare to appoint Helen Monroe as Deputy Registrar of Vital Statistics effective 1/25/12. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#47-MOTION TO APPOINT TOWN CLERK

Motion by Hare to appoint Mary Peck as full time Town Clerk effective 1/25/12 at a rate of pay of \$21,500.00 per year. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#48-MOTION TO APPOINT TOWN & COUNTY TAX COLLECTOR

Motion by Hare to appoint Mary Peck as Town and County Tax Collector effective 1/25/12 at a rate of \$3500.00 per year. 2nd by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#49-MOTION TO APPOINT REGISTRAR OF VITAL STATISTICS

Motion by Hare to appoint Mary Peck as Registrar of Vital Statistics effective 1/25/12 at a rate of \$2000.00 per year. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

COMMITTEE REPORTS

Councilmen Hitchcock and O'Dell to meet with Recreation Director, Tom Gilbert to familiarize Mr. O'Dell with what the Recreation Department encompasses.

Attorney Tuttle: questioned if anyone was going to attend the Association of Towns annual meeting?

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#50-MOTION TO ADJOURN MEETING

Motion by Koebelin to adjourn meeting. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

Meeting adjourned at 8:35 pm.

Respectfully submitted,

Mary M. Peck, Town Clerk
1/25/12