

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, OCTOBER 22, 2013 7:00 PM SENIOR CENTER

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

ALSO PRESENT: H. Larson, D. Sue, R.Kavanagh, F.Defiore, J. Dzuroff, K.Sager, townspeople and non-residents.

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

Public Hearing on the 2014 Town Budget **(To Be Re-scheduled)**

#179-MOTION TO APPROVE MINUTES

Motion by Koebelin to approve the minutes from the October 9, 2013 regular board meeting as written. 2nd by Hitchcock. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye.
CARRIED.

CORRESPONDENCE

1. Invoice from Catt. Co. Real Property Service for 2013 T&C tax bill printing: \$4,011.00.
2. Catt. Co. Treasurer’s Office – notice of sales tax receipt for 1st half of 2013: \$381,089.28.
3. Letter from St. Bonaventure requesting a change in rezoning for 94.061-1-31.3.
4. Letter from Kinley Corp requesting a change in rezoning for 94.061-1-40.2 and 94.061-1-31.4
5. Letters/postcards from residents and non-residents that are for the Allegany Wind and against Allegany Wind.
6. Town of Allegany Zoning Board Minutes from the 10/7/13 meeting.
7. NYMIR – Handbook – Data Breaches & Protecting Electronic Data/Transfers
8. Letter from Resident regarding 2715 Five Mile Road.

OTHER BUSINESS

1. Resolution to dissolve the previous CAP agreement between Ellicottville and Allegany.
2. Schedule Public Hearing for the Cemetery “Reserve Account” on 11/12/13.

#180-MOTION TO DISSOLVE PREVIOUS CAP AGREEMENT WITH TOWN OF ELLICOTTVILLE

Motion by Hare to dissolve the previous CAP Agreement entered into with the Town of Ellicottville in October 2006. 2nd by Koebelin. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#181-MOTION TO CREATE A RESERVE/EQUIPMENT ACCOUNT FOR CEMETERIES

Motion by Hare to create a reserve/equipment account for the two cemeteries beginning in 2014. 2nd by Allen. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#182-MOTION TO SET PUBLIC HEARING ON THE 2014 TOWN BUDGET

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Motion by Hare to have a Public Hearing on the 2014 Town Budget on Tuesday, October 29, 2013 at 7:00 pm in the Town Hall Conference Room. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#183-MOTION TO REFER ST. BONAVENTURE UNIVERSITY RE-ZONE REQUEST

Motion by Hare to refer the re-zoning request from St. Bonaventure University for parcel # 94.061-1-31.3 (back to C-1) to the Town of Allegany Planning Board and to Cattaraugus County Planning Board. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#184-MOTION TO REFER KINLEY CORP. RE-ZONE REQUEST

Motion by Hare to refer the re-zoning request from Kinley Corp. for parcel # 94.061-1-40.2 and 94.061-1-31.4 (back to C-1) to the Town of Allegany Planning Board and to Cattaraugus County Planning Board. 2nd by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#185-MOTION TO SET PUBLIC HEARING ON ST. BONVENTURE RE-ZONING REQUEST

Motion by Hare to set a Public Hearing for the St. Bonaventure re-zoning request for Tuesday, November 12, 2013 at 7:00 pm at the Town Hall. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#186-MOTION TO SET PUBLIC HEARING ON KINLEY CORP. RE-ZONING REQUEST

Motion by Hare to set a Public Hearing for the Kinley Corp. re-zoning request for Tuesday, November 12, 2013 at 7:15 pm at the Town Hall. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

NEW BUSINESS

1. Re-schedule Public Hearing on the 2014 Town Budget
2. Refer S.B.U. re-zoning request to Planning Board and Catt. County Planning Board
3. Refer Kinley re-zoning request to Planning Board and Catt. County Planning Board
4. Schedule Public Hearing on both re-zoning requests for 11/12/13

COMMITTEE REPORTS

- Working on Emergency Generator Grant Request
- Attorney Tuttle – has petitioned the Court for release of funds – she has heard back – they will send a letter advising that the State has no objection to the release of monies for the Allegany Cemetery. Attorney Tuttle will take the letter to the Court.
- Councilman Allen – advised that we now have a St. Bonaventure Student intern to update our cemetery records and she is to start next week.
- Supervisor Hare – advised that Everpower has withdrawn their request to be on the Planning Board agenda for next month. Also, they are postponing their plans for 2013 as costs have risen for them. They are still interested in Allegany as a site for a wind farm.

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From the floor:

- R. McNamara – questioned about the CAP Agreement – do we (Town of Allegany) have to refund money to the state because we withdrew from the original agreement?
- Supervisor Hare - no, we do not because we have entered into another CAP agreement with the Town of Lyndon.
- B.Hastings – questioned if the cemetery information will be available for genealogy searches and such?
- Supervisor Hare – that depends on the software used, we actually do not know that yet.
- K.Martin – supporting this Allegany Wind project. o/b/o Allegany Free – hopeful that project goes ahead.
- K.Mosman – how long can Everpower control this issue of stop and go? She also gave the Town Clerk some anti-wind mail cards from residents/non-residents.
- Supervisor Hare – cannot answer that question, however, there are still two lawsuits pending.
- A. Putt – questioned about Article 10 and the wind farm operation
- Supervisor Hare – advised that the Town can provide information to Albany about this, but Albany will make the final determination and decisions, not the Town.
- R.McNamara – if Article 10 comes about, would Allegany lose money?
- Supervisor Hare – answered yes, we will

#187-MOTION TO ADJOURN MEETING

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

Meeting adjourned at 7:24 pm

Respectfully submitted,

Mary M. Peck, Town Clerk
10/23/13