

# MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, DEC.10, 2013 7:00 PM TOWN HALL

---

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

Also present: G.Ayers, D. Sue, S. Guthrie, H. Larson, F.Defiore, K.Mosman, R. Mosman,  
R.Parker, E. Peck, C. Horowitz

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

BID: Diesel Fuel Bid for 2014---Received one (1) bid from Rinker Oil Corp, Inc.

## MONTHLY REPORTS

Building & Zoning Dept.  
Highway Department

Town Clerk

Town Justice D. Porter – report for November 2013—amount of check: \$6397.00.

Town Justice A. Spears – report for November 2013 – amount of check: \$8024.75.

## #224-MOTION TO APPROVE MINUTES

Motion by Koebelin to approve the minutes from the November 26, 2013 Public Hearings and Regular Meeting as written. 2<sup>nd</sup> by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## CORRESPONDENCE

1. NYS Dept. of State – Copy of letter to Jack Searles, County Administrator regarding the 2012-2013 Local Government Efficiency Grants.
2. Time Warner Cable – notice of franchise fee payment
3. Freedom of Information Request from The Knoer Group, PLLC
4. NYS Homes & Community Renewal – Certificate of Completion, Project #18CP-33-10

## UNFINISHED BUSINESS

1. Emergency Services Contract with the Village of Allegany (Attorney Tuttle) \*\*\*Attorney Tuttle, the Village Attorney, the Mayor and another board member will be meeting this Friday at 11 am to discuss this issue.\*\*\*

## NEW BUSINESS

1. Approve amendment to the Union Contract – medical insurance adjustment
2. Approve agreement with 4<sup>th</sup> & Maple for gymnasium use
3. Set December meeting schedule
4. Decide amount of money to set aside for perpetual care for cemetery
5. Approve agreement with Town Assessor.
6. Complete SEQRA on the two Route 417 re-zoning actions to approve from R-1 to C-1.

# MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, DEC.10, 2013 7:00 PM TOWN HALL

---

7. Memo from Comptroller with budget adjustment
8. Memo from Comptroller with transfers
9. Diesel Fuel Bid award

## #225-MOTION TO APPROVE AMENDMENT TO UNION CONTRACT – MEDICAL INSURANCE

Motion by Hare to approve the amendment to the Union Contract “With the discontinuation of the present health insurance plan, referred to as Slate POS 7100 Plan 6 by Blue Cross/Blue Shield, effective January 1, 2014, the membership of AFSCME Local 1304-A agrees to be covered by Slate POS 7100 Silver offered by Blue Cross/Blue Shield.” 2<sup>nd</sup> by Koebelin. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #226-MOTION TO APPROVE AGREEMENT WITH FOURTH & MAPLE, LLC

Motion by Hare to approve the agreement with 4<sup>th</sup> & Maple, LLC for gymnasium use at a cost of \$2450.00 per month; this is a two-year lease extension. 2<sup>nd</sup> by O’Dell. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #227-MOTION TO SET DECEMBER 2013 TOWN BOARD MEETING SCHEDULE

Motion by Hare to cancel the regularly scheduled meeting for 12/24/13 and to set the end-of-year meeting for 10:00 am on Tuesday, 12/31/13 at the Town Hall. 2<sup>nd</sup> by O’Dell. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #228-MOTION TO SET 2014 ORGANIZATIONAL MEETING DATE AND TIME

Motion by Hare to set the 2014 organizational meeting for Thursday, January 2, 2014 at 7:00 pm at the Town Hall. 2<sup>nd</sup> by Hitchcock. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #229-MOTION TO USE A CEMETERY CD FOR PERPETUAL CARE

Motion by Hare to use CD #TD 24-35M-0011 in the amount of \$75,613.26 for perpetual care at the cemeteries and to use the smaller CD in the amount of \$25,000.00 for tree cutting, maintenance, etc. at the cemeteries as needed. 2<sup>nd</sup> by Allen. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #230-MOTION TO APPROVE AGREEMENT WITH THE TOWN ASSESSOR

Motion by Hare to approve the agreement with the Town Assessor. 2<sup>nd</sup> by Allen. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

**\*\*\*Carol Horowitz gave a brief summary of what is needed to re-zone the properties along Route 417 between the old Castle property and Constitution Ave.\*\*\***

## #231-MOTION TO APPROVE SEQRA ON THE 6 PROPERTIES ALONG ROUTE 417

Motion by Hare to determine that the re-zoning changes for parcels #94.061-1-34; 94.061-1-35; 94.061-1-36; 94.061-1-37; 94.061-1-38 and 94.061-1-39 will have no significant impact on the environment. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #232-MOTION TO FORMALLY APPROVE THE RE-ZONING OF PARCELS ALONG ROUTE 417

# MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, DEC.10, 2013 7:00 PM TOWN HALL

---

Motion by Hare that the Town of Allegany formally approve the re-zoning of parcels # 94.061-1-34, 94.061-1-35, 94.061-1-36, 94.061-1-37, 94.061-1-38 and 94.061-1-39 from R-1 to C-1. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

**#233-MOTION TO APPOINT DEPUTY TOWN CLERK**

Motion by Hare to approve Michele Trietley as the Deputy Town Clerk effective 12/16/13 at a rate of pay of \$9.50/hr. 2<sup>nd</sup> by Allen. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

**#234-MOTION TO APPROVE TRANSFERS AND BUDGET ADJUSTMENTS PER COMPTROLLER MEMO**

Motion by Hare to approve the following:

DR Estimated Revenues	A510		\$3000.00
Unclassified Revenues	A2770		
CR Appropriations		A960	\$3000.00
Justice CE		A1110.49.	(This is to account for JCAP grant money received).
DR Estimated Revenues	DA510		\$10,000.00
Sale of Equipment	DA2665		
CR Appropriations		DA960	\$10,000.00
Machinery CE		DA5130.40.	(This is to account for sale of used dump truck).

**TRANSFERS:**

\$1807.68	to	A1315.10 Comptroller PS	from	A9060.80 Medical Ins.
\$2000.00	to	A1420.40 Attorney CE	from	A1990.40 Contingent
\$1000.00	to	A1620.10 Town Hall PS	from	A1620.40 Town Hall CE
\$ 250.00	to	A3310.40 Traffic Control CE	from	A3310.20 Traffic Control CE
\$ 600.00	to	A5010.40 Hwy Supt. CE	from	A5010.20 Hwy Supt. EQ
\$ 126.34	to	A7110.14 Parks PS	from	A7110.20 Parks EQ
\$1000.00	to	A7150.11 Gym PS	from	A7620.10 Adult Rec PS
\$ 400.00	to	B8010.10 CEO PS	from	B9060.80 Medical Ins.
\$6000.00	to	B8020.40 Planning CE	from	B1990.40 Contingent
\$3000.00	to	DA5130.10 Machinery PS	from	DA5142.10 Snow PS
\$2563.34	to	DA5140.10 Brush PS \$550.50	from	DA5140.40 Brush CE
		\$2012.84	from	DA5142.10 Snow PS
\$4655.09	to	DB5110.10 Gen Repair PS	from	DB9060.80 Medical Ins
\$4000.00	to	SW8310.40 Water CE	from	SW8310.20 Water EQ. 2 <sup>nd</sup> by O’Dell. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. <u>CARRIED.</u>

**#235-MOTION TO AWARD DIESEL FUEL BID FOR 2014**

Motion by Hare to award the diesel fuel bid to Rinker Oil, Corp, Inc. of Cuba, NY at the rate of \$3.32296 per gal. for #2 Diesel and \$3.2596 per gal. for winter blend 60/40. A non-collusive bid certificate was included. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

**#236-MOTION TO SET UP AN ACCOUNT FOR DONATIONS TO THE CEMETERIES**

# MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, DEC.10, 2013 7:00 PM TOWN HALL

---

Motion by Allen to have the Comptroller set up an account for donations to the cemeteries and to also write up rules and procedures for this account. 2<sup>nd</sup> by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #237-MOTION TO RESCIND MOTION #213 OF 2013

Motion by Hare to rescind motion #213 from the 11/12/13 meeting until further information can be obtained. 2<sup>nd</sup> by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #238-MOTION TO RESCIND MOTION #214 OF 2013

Motion by Hare to rescind motion #214 of 2013 until further information can be obtained. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

- The purchasers of the four(4) signs are to deal directly with the sign maker, so the Town will not be involved in the purchase.\*\*\*

## OTHER BUSINESS

- Carol Horowitz – gave a brief report on the initial meeting of an Inter-Community committee to improve river access. This committee is to try and obtain grant money for all municipalities along the river to help improve access to the river for boating, parks, boat launches, etc. There is a meeting to be scheduled for January 2014.

## COMMITTEE REPORTS

- Executive session to seek legal advice and pending litigation
- Supervisor Hare – putting together information for the emergency generator grant application which must be submitted by the close of business on 12/11/13.
- Councilman Allen – Stephanie provided a price listing for area cemeteries so that we can see where we stand price wise with other cemeteries. Also, a desk is needed for the cemetery office.
- Councilman O'Dell – all of the Town of Allegany signs have been ordered.

From the Floor: Ellen Peck – questioned who backs up Code Enforcement Officer when he has a problem? Attorney Tuttle – advised that he can issue appearance tickets to appear in Court.

## #239-MOTION TO ADJOURN TO EXECUTIVE SESSION ON LEGAL ISSUES

Motion by Hare to adjourn to executive session on legal issues. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

Regular portion of meeting adjourned at 8:16 PM

## #240-MOTION TO ADJOURN EXECUTIVE SESSION AND RE-ENTER REGULAR SESSION

Motion by O'Dell to adjourn executive session and re-enter regular session. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING  
TUESDAY, DEC.10, 2013 7:00 PM TOWN HALL

---

#241-MOTION TO ADJOURN ENTIRE MEETING

Motion by Hare to adjourn entire meeting. 2<sup>nd</sup> by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

Meeting adjourned at 8:41 pm

Respectfully submitted,

Mary M. Peck, Town Clerk  
12/11/13