



**MINUTES – TOWN OF ALLEGANY END OF THE YEAR MEETING AND  
PUBLIC HEARING - THURSDAY, DECEMBER 29, 2011 7:00 PM  
TOWN HALL**

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1. Catt. Co. IDA – Payment in Lieu of Tax Agreement for CASADENT, LLC **\*\*\*TABLE\*\*\***

**#208-MOTION TO SET ORGANIZATIONAL MEETING DATE AND TIME**

Motion by Hare to set the Organizational Meeting for Monday, January 2, 2012 at 7:00 pm at the Town Hall. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

**#209-MOTION TO ACCEPT RESIGNATION**

Motion by Eaton to accept the resignation from Councilman John E. Hare effective 12/31/11. 2<sup>nd</sup> by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

**#210-MOTION TO ACCEPT TRANSFERS**

Motion by Eaton to accept the transfers per the memo from Town Comptroller. (will be attached to the minutes) 2<sup>nd</sup> by Hare. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

**#211-MOTION TO APPROVE BUDGET ADJUSTMENTS**

Motion by Eaton to approve the following budget adjustments:

Estimated Revenues	SS510		\$25,000.00
Sewer Rents	SS2120	\$25,000.00	
Appropriations	SS960		\$25,000.00
Sewer CE	SS8110.40	\$25,000.00	2 <sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. <u>CARRIED.</u>

**#212-MOTION TO ESTABLISH NEGATIVE DECLARATION OF SEQR FOR COMPREHENSIVE PLAN**

Motion by Eaton that the Town Board establish a Negative Declaration on the SEQR for the Comprehensive Plan. 2<sup>nd</sup> by Hare. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

**#213-MOTION TO ADOPT COMPREHENSIVE PLAN**

Motion by Eaton WHEREAS, the Town board of the Town of Allegany appointed a Comprehensive Plan Advisory Committee to prepare a comprehensive Plan for the Town of Allegany to replace the Town's Planning & Development Policies, which were first adopted on November 12, 1987 and amended on August 19, 1997, and WHEREAS, the Comprehensive Plan Advisory Committee prepared a proposed Comprehensive Plan and held a public information meeting and a duly noticed public hearing on the proposed Comprehensive Plan, and WHEREAS, on November 30, 2011 the Comprehensive Plan Advisory Committee by resolution recommended adoption of the Comprehensive Plan to the Town Board, and WHEREAS, as required by Section 239-m of General Municipal Law, the proposed Comprehensive Plan has been referred to and is recommended by the Cattaraugus County Planning Board, and WHEREAS, the Town Board held a duly notice public hearing on the proposed Comprehensive Plan as required by Town Law section 272-a(6)(b) and (c), and WHEREAS, the Town Board has conducted an environmental assessment of the proposed Comprehensive Plan and has determined that it will not have a significant adverse impact on the environment; now,

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therefore, be it RESOLVED that the Town of Allegany Comprehensive Plan is hereby adopted. 2<sup>nd</sup> by Hare. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

## OTHER BUSINESS

1. Request from Dan Spitzer, Esq. to upgrade the escrow agreement with Everpower
2. Request from Everpower to have option to us another hauling route

Dan Spitzer, Esq. addressed the Town Board regarding amendments to the Allegany Wind LLC Escrow Agreement. He handed out a copy of it to each board member with changes. These changes have to do with time limits, date changes, deposit insurance, etc.

## #214-MOTION TO ACCEPT UPDATED ESCROW AGREEMENT WITH ALLEGANY WIND LLC

Motion by Sendlakowski to accept the updated escrow agreement with Allegany Wind LLC and to authorize the Town Supervisor to sign. 2<sup>nd</sup> by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

- Kevin Sheen (of Everpower) – addressed the board regarding ongoing negotiations of haul routes, they are trying to split up traffic in various areas so as not to cause anymore congestion than needed. A First Amendment to the Host Agreement between the Town of Allegany and Allegany Wind LLC was provided to each board member.

## #215-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS THE AMENDMENT TO THE HOST COMMUNITY AGREEMENT WITH ALLEGANY WIND LLC

Motion by Hare to adjourn to executive session to discuss the first amendment to the host community agreement between the Town of Allegany and Allegany Wind LLC. 2<sup>nd</sup> by Eaton. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

This portion of meeting adjourned at 7:29pm

## #216-MOTION TO RE-OPEN REGULAR MEETING

Motion by Eaton to re-open the regular meeting. 2<sup>nd</sup> by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

**This issue will be TABLED as it is not fair to vote on something that has not been researched properly.**

From the floor: Kelly Lent-Paul wants to know what is being done about the dog problem on her road?  
Attorney Tuttle: it is in the Court's hands.

## #217-MOTION TO ADJOURN

Motion by Jonak to adjourn meeting. 2<sup>nd</sup> by Eaton. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED

Meeting Adjourned at 8:54pm

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Respectfully submitted,

Mary M. Peck, Town Clerk  
1/5/2012