

MINUTES – TOWN OF ALLEGANY REGULAR TOWN BOARD MEETING TUESDAY, FEB. 12, 2013 7:00 PM TOWN HALL

PRESENT WERE: Supervisor Hare Councilman Koebelin
Councilman O'Dell Councilman Hitchcock
Attorney Tuttle Highway Superintendent Moshier
Town Clerk M. Peck

ALSO PRESENT: G.Ayers, D.Sue, H.Larson, F.Defiore, K.Lent-Paul, C.Horowitz, R.Kavanagh,
J.Dzuroff, Lindsay Ball

ABSENT: Councilman Allen, Comptroller Hemphill

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

MONTHLY REPORTS

Town Clerk	Highway Dept.
Building & Zoning	Recreation & Parks

Town Justice D. Porter – report for Jan. 2013 – amount of check \$4390.00.
Town Justice A. Spears – report for Jan. 2013 – amount of check \$5925.00.

#51-MOTION TO APPROVE MINUTES

Motion by Koebelin to approve the minutes of the Jan. 22, 2013 regular board meeting as written. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

CORRESPONDENCE

1. Village of Allegany listing of police calls from May 2012 to December 2012. (Clerk has if anyone would like to review them.)
2. Time Warner Cable – letter about upcoming cable charge changes
3. Time Warner Cable – letter regarding programming changes
4. Email info from K.Lent-Paul regarding Local Laws & Agricultural Districts
5. Letter from B.Jordan regarding wind energy/Everpower.
6. Notice of liquor license application by The Burton
7. Memo from Catt. Co. Treasurer regarding 2012 payments to municipalities
8. Letter from S. Young regarding proposed CHIPS funding for 2013-2014
9. Letter from Assemblyman Giglio regarding proposed CHIPS funding for 2013-2014
10. Catt. Co. Board of Elections – notice of term expirations for 2013
11. Catt. Co. DPW – info regarding Multi-Jurisdictional Hazard Mitigation Plan
12. Allegany Planning Board minutes from the 1/14/13 meeting.

NEW BUSINESS

1. Walkable Streets presentation by Lindsay Ball of Cornell Cooperative Ext.
Ms. Ball gave a brief presentation regarding Walkable Streets Program: they literally walk through a municipality to see where and what could use updating, repair, ways to make things better, etc., this is usually done in May/June/July of the year. An Assessment is then presented back to the municipality and then funding is provided as needed. A community outreach group may be formed to help with this issue.

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2. John Moshier – on updating software on water reading fluke ***** it has been found that adjusting the software and the actual part (communication head on two University high-flow meters) This will correct the problem.**

#52-MOTION TO APPROVE ENGINEER FOR BONAVENTURE SQUARE PHASE I

Motion by Hare to authorize Mark Alianello as the Town Engineer on the Bonaventure Square Phase I for purposes of the final review. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

#53-MOTION TO APPROVE EMERGENCY SERVICES CONTRACT WITH VILLAGE

Motion by Hare to approve the existing Emergency Services Contract with the Village of Allegany (in the amount of \$18,360.00) subject to review on its anniversary date (June 1st) and at that time, we can discuss issues with the Village. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

3. Executive Session on personnel matters and to seek legal advice on outstanding legal matters.
4. Proposal from Austin Security regarding Camera System in Town Hall. **TABLE Plus, recreation committee to meet with Recreation Director to see if there is a possibility of moving Friday and Saturdays to the old high school gym.**

OLD BUSINESS

#54-MOTION TO ADOPT RESOLUTION ON REFERRALS TO THE COUNTY PLANNING BOARD

Motion by Hare **WHEREAS**, General Municipal Law Section 239-m requires that certain zoning actions be referred to the County Planning Board before any action is taken by the city, town or village having jurisdiction, and

WHEREAS, many of these mandated referrals have no identifiable countywide or inter-community impact, and

WHEREAS, General Municipal Law, Section 239-m -3-c, allows the referring Local Board having jurisdiction and the County Planning Board to enter into an agreement that exempts certain actions from mandatory referral, and

WHEREAS, the Cattaraugus County Planning Board has determined that the following actions will not have an identified countywide or inter-community impact:

1. Any residential, industrial and/or commercial area variances involving building or accessory structure setbacks, parking lot setbacks, and/or any variances for building height.
2. Any variance, site plan review or special use permit for an oversized sign, for additional signage in excess of what is permitted in a specific zone or any sign that exceeds the maximum allowed height and is no closer than 15 feet to the right-of-way of a State or County highway, or any sign permit.
3. Any variance, site plan review or special use permit required for the conversion of a single family residence into a two family residence, where County Health Department approval is required of any on-site system serving such conversion.
4. Any variance, site plan review or special use permit required for any temporary use established pursuant to the provisions of local law or ordinance.
5. Any variance required for any fence or wall including height, setback, materials or construction methods.

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6. Any variance required pursuant to a Historic District Review that deals with architectural materials or features of an existing or new structure.
7. Any area variance required for the creation of an undersized parcel (area of minimum lot width) via the subdivision process, providing the Health Department has approved the on-site well and septic system locations.
8. Site plan or special use permit application where no modifications are proposed to the existing building footprint which would result in an expansion of greater than 10 percent of the total building area, or alter the existing highway access, storm water drainage plan or traffic pattern.
9. Any variance, site plan review or special use permit required to establish a home occupation within an existing residence or accessory structure.
10. Any variance, site plan review or special use permit required for the replacement of an existing manufactured home and/or mobile home (as defined in the local law or ordinance) with another, or any variance, site plan review or special use permit required to allow the establishment of a manufactured home or mobile home as a single family home on a residential lot.
11. Any variance required to establish one additional residence on a single parcel provided that each residence is located in a manner that would, under current zoning law or ordinance, allow for further sub-division.
12. Any variance, site plan review or special use permit required for the installation of any requirements pursuant to the American with Disabilities Act of 1990 (Pub. L. 101-336), as amended.
13. Any variance, site plan review or special use permit required for the establishment of a residential use on the second floor of a structure whose ground floor is occupied by a business or commercial use, as defined in the local zoning law or ordinance.
14. Any variance, site plan review or special use permit required to establish a dwelling unit that is smaller in size than allowed by the local zoning ordinance.
15. Adoption of a moratorium on land development or construction.
16. Any variance for the number and/or size of parking spaces.
17. Any variance, site plan review or special use permit required for an Accessory Apartment, Auxiliary Dwelling Unit, any other accessory use, or Small-scale Wind Energy Conversion Facility (WECS).
18. Any variance, site plan review or special use permit required for a Bed & Breakfast establishment and/or for a Boarding House with fewer than six rooms available for rent.
19. Any variance, site plan review or special use permit required for an agricultural use, such as keeping of livestock, greenhouses, plant nurseries, kennels, and/or farm stands.
20. Any minor (de minimus) amendment to an approved site plan, as defined in the local zoning law or ordinance.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Allegany does hereby concur that the aforementioned exemptions do not have an identified countywide or inter-community impact and agrees that such actions shall no longer be referred to the Cattaraugus County Planning Board for review and recommendation,

AND BE IT FURTHER RESOLVED that the Town Board of the Town of Allegany hereby reserves the right to request a review and recommendation on any of the aforementioned exempt actions, if in its opinion such review and recommendation are warranted due to the specific circumstances of the requested action,

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AND BE IT FURTHER RESOLVED that the Supervisor is hereby authorized and directed, on behalf of the Town, to execute an agreement with the Cattaraugus County Planning Board, in the form attached hereto, in order to carry out the provisions of this Resolution. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

1. Carol Horowitz – PB update on the zoning law review –Carol advised that the planning board has been working on this since the middle of last year (2012) and the goal is to finish the update within this year.
2. Supervisor Hare – update on AMC departure ***Supervisor Hare advised that he, Councilman Allen, John Sayegh, and Jim Snyder are going to meet regarding this matter and he will have more information at a later date. (approx.. 3 years of payments still owing to the Town)

COMMITTEE REPORTS

1. Councilman O'Dell --- had pictures of the signs around the Town that welcomes people to the Town of Allegany and they are in rough shape. Councilman O'Dell and Hitchcock are going to look into this matter regarding updating/changing the signs.
2. Supervisor Hare – additional security cameras for Rec. Dept. in Town Hall *****TABLE*****
3. Councilman Hitchcock – went to a meeting at the county regarding real property and tax issues.
4. Supervisor Hare – advised that as of 6:00 pm tonight, there has been no word on the wind issue lawsuit in front of Judge Nenno.

From the floor: Kelly Lent-Paul – questioned the update on the dog barking problem on Carey Hollow. Per Attorney Tuttle we are awaiting a report/decision from the Dept. of Ag & Markets. We cannot do anything until that is received.

Rick Kavanagh – suggests that instead of putting money into updating the signs, perhaps we should “up” the web-site for the Town and Village.

#55-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND LEGAL ISSUES

Motion by Hare to adjourn to executive session to discuss personnel matters and legal issues. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

Regular portion of meeting adjourned at 7:53 pm.

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

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

#57-MOTION TO ADJOURN ENTIRE MEETING

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

Meeting adjourned at 8:51 pm

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Respectfully submitted,

Mary M. Peck, Town Clerk
2/13/13