

# MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, FEB. 14, 2012 7PM TOWN HALL

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

ALSO PRESENT: F.Defiore, D. Lowe, G.Ayers, D. Sue, H.Larson, C.Koebelin, J&B. Jordan,  
K&N.Mosman, B.Boser, R.Johnson, R.Kavanagh, Mr. & Mrs. Burns,J.Dzuroff, G. Phearsdorf, Mayor  
Lamberson, P. & B. Carter, K.Premo, D.Kolata, L.Richmond

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

## AUDITED CLAIMS

Gen A	\$25,862.59	Hwy DA	\$35,765.65
AP	357.24	AP	13.49
Gen B	\$ 2,283.09	Hwy DB	\$ 9,960.96
Sp Dist	\$ 3,535.43		
AP	\$54,439.10		

## MONTHLY REPORTS

Town Clerk	Building & Zoning
Recreation & Parks	Highway Department

Town Justice D. Porter – report for January 2012 – amount of check \$9261.00

Town Justice A. Spears – report for January 2012 – amount of check \$4860.00.

## #55-MOTION TO APPROVE MINUTES

Motion by Koebelin to approve the minutes from the January 24, 2012 regular board meeting as written. 2<sup>nd</sup> by Hitchcock. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye.

CARRIED.

## CORRESPONDENCE

1. J.Giglio – NYS Assembly – letter regarding power plant siting legislation.
2. Complaint from R.Ratzel regarding construction noise on Buffalo Rd.
3. NYS Comptroller’s Office – letter regarding reporting information online.
4. NYSEG – Emergency Numbers and contacts
5. TWC – notice of programming updates/changes
6. NYS Homes & Community Renewal – RE: request for Federal Assistance Expenditure Form
7. Notice of training school for Gas Shale drilling, potential regulations & home rule
8. Numerous letters from Town residents expressing their views regarding the wind project in Allegany.
9. Letter from Ross, Wilson & Assoc. requesting extension of the conditional approval for Bonaventure Square project
10. Letter from Ross, Wilson & Assoc. requesting to be put on Planning board agenda for 2/13/12

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## NEW BUSINESS

### #56-MOTION TO ACCEPT PROPOSAL FROM WENDEL FOR WAL-MART TRAFFIC STUDY

Motion by Hare to accept the proposal from Wendel for the follow-up traffic study for Wal-Mart in the amount of \$4800.00. 2<sup>nd</sup> by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

### #57-MOTION TO ACCEPT RESIGNATION FROM HIGHWAY SUPERINTENDENT

Motion by Hare to accept with regret the resignation from Rodney Gleason as highway superintendent effective 2/17/12. 2<sup>nd</sup> by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

### #58-MOTION TO RENEW B.A.N. FOR DUMPT TRUCK & PLOW

Motion by Hitchcock to authorize the Town Supervisor to renew a B.A.N. for dump truck w/ plow for \$90,000.00 on 2/24/12. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

### #59-MOTION TO BEGIN RESEARCHING BIDS FOR TOWN TRUCK

Motion by Hare to authorize Highway Superintendent to send out bids for dump box & plow equipment and cab & chassis. 2<sup>nd</sup> by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

- Supervisor Hare addressed the board and audience regarding the joint venture of local towns and villages and Cattaraugus County applying for a grant to secure equipment for shared services. Per Mayor Lamberson – there is \$2 Million dollars available. 95% funded at no cost to the towns/villages.

## UNFINISHED BUSINESS

### #60-MOTION TO APPOINT PLANNING BOARD MEMBER

Motion by Koebelin to appoint John Sayegh to the planning board for a five year term to expire 12/31/16. 2<sup>nd</sup> by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-nay, Allen-aye, Hare-abstain. CARRIED.

1. Any update on dog issue on Carey Hollow Road (Attorney Tuttle) **\*\*\*still unresolved\*\*\***

## OTHER BUSINESS

### #61-MOTION TO INTRODUCE LOCAL LAW #1 OF 2012 AND TO HOLD A PUBLIC HEARING ON 2/28/12

Motion by Hare to introduce Local Law #1 of 2012, a Local Law to impose a moratorium on the issuance of building permits or zoning approvals for Wind Energy Conversion Devices, and to hold a Public Hearing on 2/28/12 at the Senior Center at 7pm. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

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**From the floor:** Dan Kolata & Lisa Richmond addressed the board regarding the issue of getting the code enforcement officer to come and inspect the house they are renting as they believe there are issues that need to be corrected by the landlord. They presented a complaint form and a copy of a letter from the landowner's attorney. The Town Clerk has made copies and distributed to the board members, code enforcement officer and town attorney. Per Attorney Tuttle, the homeowners and the code enforcement officer will get together and work out the various issues.

## #62-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS

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

Regular portion of meeting adjourned at 7:45 pm.

Executive Session ended at 8:45 pm.

## #63-MOTION TO ENTER INTO A CONSULTANT AGREEMENT WITH RODNEY GLEASON

Motion by Hare that the Town enter into a Consultant Agreement (to be drawn up by the Town Attorney) with Rodney Gleason effective Feb. 18, 2012 until May 17, 2012 in the total amount of \$2500.00, payable \$1500.00 on March 1<sup>st</sup>, and \$500.00 each in April and May 2012. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #64-MOTION TO APPOINT HIGHWAY SUPERINTENDENT REPLACEMENT

Motion by Hare to temporarily appoint Don Lowe as the highway superintendent replacement but to continue in his capacity as working foreman and to work in conjunction with Dept. Highway Superintendent Jim Hitchcock regarding payment of invoices. This is a temporary appointment to continue until a replacement is appointed and approved. Salary will continue as it is. 2<sup>nd</sup> by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #65-MOTION TO ADJOURN ENTIRE MEETING

Motion by Hitchcock 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 8:48 pm

Respectfully submitted,

Mary M. Peck, Town Clerk  
2/15/12