

# MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY – JUNE 10, 2014 7:00 PM TOWN HALL

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

ALSO PRESENT: D.Sue, H.Larson, S.Guthrie, T.Martin and Troup 677 Scouts

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

## MONTHLY REPORTS

Town Clerk	Building & Zoning
Parks & Recreation	Highway Dept.

Town Justice D. Porter – report for May 2014 – amount of check \$9685.50.  
Town Justice A. Spears – report for May 2014 – amount of check \$9583.00.

## #103-MOTION TO APPROVE MINUTES

Motion by O'Dell to approve the minutes from the May 27, 2014 Public Hearing and Regular Board Meeting as written. 2<sup>nd</sup> by Parker. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

## CORRESPONDENCE

1. Catt. Co. Real Property Office – regarding change in printing of tax bills
2. Letter from resident regarding Allegany Cemetery
3. Letter from resident regarding Allegany Cemetery
4. Letter from Allegany Area Historical Assn. regarding Heritage Days Celebration
5. NYS ORPS – Notice of Tentative Equalization Rate – 100.00
6. Data Report 3 – NYS ORPS – Market Value Ratio (2013 Roll – 95.19)( see Assessor)
7. NYS Dept. of Ag & Mkts – request for proposals for farmland protection implementation projects.
8. Catt. Co. Health Dept. – Larvicide Notice and Maps for Town & Village of Allegany

## NEW BUSINESS

1. Set meeting dates for July and August 2014.
2. Need for Board of Assessment Review Member
3. Referral of Wind Overlay District Review to Catt. Co. Planning Board

## #104-MOTION TO SET SUMMER BOARD MEETING DATES AND TIMES

Motion by Hare to have one meeting in July 2014 on the 15<sup>th</sup> and to have one meeting in August 2014 on the 12<sup>th</sup>. 2<sup>nd</sup> by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

## #105-MOTION TO REFER WIND OVERLAY DISTRICT REVIEW TO CATT. CO PLANNING BOARD

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Motion by Hare to refer to the Cattaraugus County Planning Board for its review and recommendation concerning rescinding the wind overlay district created on August 29, 2011 by the Allegany Town Board, Motion #157 of 2011. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

## UNFINISHED BUSINESS

1. St. Bonaventure (former town right of way) Attorney Tuttle

### #106-MOTION ENTER INTO CONTRACT OF SALE WITH ST. BONAVENTURE UNIVERSITY

Motion by Hare **WHEREAS**, the Town of Allegany ("Town"), Seller, has entered into a Contract of Sale with St. Bonaventure University (SBU) dated April 8, 2014, for the sale of a parcel of land formerly used by the Town as a Right of Way located in and about the intersection of Cranberry Road and Constitution Avenue and described in a survey by Michael D. Canada Dated June 17, 2010 as being a vacant parcel approximately 7,290 square feet in size, a copy of the survey is attached hereto and made a part hereof as Exhibit "A", and **WHEREAS**, the said parcel of land has no useful purpose to the Town other than that the Town shall retain all rights in and to the existing 20 foot wide easement for sanitary sewer pipeline purposes, as shown on Exhibit "A", and waterlines, sanitary lateral lines, drainage easements, gas distribution lines and mains, electrical and telephone easements and rights of way of record located within 10 feet of the boundary lines of the former Town right of Way parcel to be sold and may be used to service the said parcel, and **WHEREAS**, the proposed purchase price for the said parcel as described herein and set forth in the Contract of Sale is **TWELVE THOUSAND DOLLARS (\$12,000.00)**, and, **WHEREAS**, the Town proposed to sell the said parcel as described herein subject to permissive referendum and shall not conclude the sale until 30 days from the date of this resolution if no petition is received, or shall hold a referendum if a petition is received requesting the same, and **WHEREAS**, the Town proposes to provide a resolution to the NYS Department of Transportation after the conclusion of the sale as described herein in order to facilitate and authorize the transfer of a separate parcel of vacant land described in exhibit "A" as being parcel 15 and being approximately 428.3 square feet in size. **NOW, THEREFORE, BE IT RESOLVED, (1)** That the Town of Allegany shall sell the parcel of land formerly used as a Right of Way located in and about the intersection of Cranberry Road and Constitution Avenue and described in a survey by Michael D. Canada dated June 17, 2010 as being a vacant parcel approximately 7,290 square feet in size to St. Bonaventure University for the sale price of **TWELVE THOUSAND DOLLARS (\$12,000.00)**, subject to permissive referendum if a petition is received with 30 days of the date of this resolution seeking a referendum, and retaining the existing 20 foot wide easement for sanitary sewer pipeline purposes, as shown on Exhibit "A", and waterlines, sanitary lateral lines, drainage easements, gas distribution lines and mains, electrical and telephone easements and rights of way of record located within 10 feet of the boundary lines of the former Town Right of Way parcel to be sold and may be used to service the said parcel. **(2)** That the Town of Allegany shall provide the NYS Department of Transportation with a resolution, after the conclusion of the sale herein described, authorizing and facilitating the transfer of a separate parcel of vacant land described in Exhibit "A" as being parcel 15 and being approximately 428.3 square feet in size. **(3)** This Resolution shall take effect immediately. 2<sup>nd</sup> by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

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## COMMITTEE REPORTS

- Supervisor Hare – there was no meeting with Mr. Weitsman this past week as previously scheduled; could not get in touch with him by phone and no return calls....
- Supervisor Hare – discussion on the insurance certificate from Allegany-Limestone Baseball team for use of Stayer Park, and this issue found that the Little League does not provide insurance as it should be doing for the past few years. Comptroller Hemphill is to contact our insurance carrier to see how much should be provided.
- Supervisor Hare – we have a master B.A.N. coming due on 7/22/14.
- Supervisor Hare – has had conversations with S.Guthrie regarding improvements at the cemeteries
- Councilman Hitchcock – (J.Moshier) the county has some used guard rail that we could purchase and install on Union Street along the River Park parking lot; one end will be entrance and one end will be exit. There was much discussion regarding this issue between board members. Councilman Koebelin advised that he would be supportive of the guard rails instead of the fence previously talked about.

From the floor – a few of the Scouts had a couple basic questions of the board members.

### #107-MOTION TO ADJOURN TO EXECUTIVE SESSION ON PERSONNEL AND A LEGAL ISSUE

Motion by Hare to adjourn to executive session on a personnel issue and a legal issue. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Parker-aye, Hare-aye. CARRIED.

This portion of the meeting adjourned at 7:40 pm.

### #108-MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION

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

### #109-MOTION TO ADJOURN ENTIRE MEETING

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

Meeting adjourned at 8:13 pm

Respectfully submitted,

Mary M. Peck, Town Clerk  
6/12/14