

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, JULY 17, 2012 7:00 PM TOWN HALL

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

ALSO PRESENT: F.Defiore, R.Kavanagh, H. Larson, D.Sue, J.Dzuroff, T.Gilbert, C.Boser, M.K.Burns,
Atty. G. Abraham and townspeople.

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

AUDITED CLAIMS

Gen A	\$35,716.11	Hwy DA	\$11,726.63
Gen B	\$ 2,133.43	Hwy DB	\$26,484.77
Sp Dist	\$ 2,117.43		

MONTHLY REPORTS

Town Clerk	Parks & Recreation
Building & Zoning	Highway Dept. maintenance log for June 2012

Town Justice D. Porter – report for June 2012 – amount of check \$3556.50.

Town Justice A. Spears – report for June 2012 – amount of check \$6595.50.

#134-MOTION TO APPROVE MINUTES

Motion by Koebelin to approve the minutes from the June 19, 2012 regular board meeting as written. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

CORRESPONDENCE

1. NYS ORPS – notice of tentative equalization rate : 100.00
2. NYMIR – Handbook on protecting data against intrusions and theft
3. NYMIR – Free seminar on playground equipment inspection & maintenance
4. NYMIR – subscriber accounting statement covering fiscal year 2011.
5. Notice of liquor license renewal from New Lakeview Chinese Restaurant, Inc.
6. Town of Allegany Planning Board minutes from the 6/11/12 meeting.
7. Town of Allegany Zoning Board of Appeals minutes from the 6/4/12 meeting.
8. Letter from Ellen Peck (Carey Hollow) requesting reduction in speed limit on Carey Hollow
9. Letter to Atty. Steven Gouin regarding Home Depot water lines dedication(G.Yaw)
10. DEC – permit issued to Kinley Corp. for Kinley Sand & Gravel eff: 7/11/12
11. NYS DOT – request for information for draft design for sections of I-86. **Respond by 7/23/12.**
12. Bid Receipt for 2010 Chevy 2500 HD LT 4WD w/ \$35,000.00 miles. (1 bid rec'd)
13. Letter from G.Abraham, Esq. on proposed local law changes dated 6/21/12.
14. CRA proposal dated July 13, 2012 that addresses G.Abraham's 6/21/12 letter.
15. E-mail from Cecelia Kelly Ladd (7/16/12)

NEW BUSINESS

#135-MOTION TO CONTRACT WITH MUNICIPAL SOLUTIONS, INC.

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Motion by Hare to enter into a contract with Municipal Solutions, Inc. for the Town's Bond Anticipation Note Borrowing, contract dated 6/14/12. 2nd by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#136-MOTION TO INTRODUCE PROPOSED LOCAL LAW #1 OF 2012 – ESTABLISHING HEIGHT LIMITS FOR WIND ENERGY CONVERSION SYSTEMS

Motion By Hare to introduce a local law establishing height limits for wind energy conversion systems, in that the local law be referred to the Town Planning Board; the local law be referred to the County Planning Board; and that a public hearing be held at the Senior Center located on Birch Run Road on Tuesday, August 21, 2012 at 7:00 pm. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#137-MOTION TO AWARD BID FOR CHEVY PICK-UP

Motion by Hare to accept the bid for the 2010 Chevrolet 2500 HD LT 4WD pick-up with 35,000 miles to Daniel Blaske in the amount of \$20,415.15. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#138-MOTION TO RE-ADVERTISE THE OTHER TRUCK FOR SALE

Motion by Hare to re-advertise the other chevy pick-up for sale with same information, but also note it in trucks for sale. 2nd by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye, CARRIED.

#139-MOTION TO GRANT PERMISSION TO SIGN TWO ENERGY INITIATIVES WITH NATIONAL GRID

Motion by Hare to grant permission to the Town Supervisor to sign the two Energy Initiatives with National Grid for the Town Hall lighting (application # 1940240) and the Birch Run Facility (application # 1940241). 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#140-MOTION TO PURSUE SPEED LIMIT REDUCTION REQUEST ON CAREY HOLLOW ROAD

Motion by Koebelin to pursue request to reduce the speed limit on Carey Hollow Road. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

UNFINISHED BUSINESS

#141-MOTION TO AMEND KENNEL AGREEMENT TO INCLUDE SPECIFIC FEES

Motion by Hare to amend the present kennel agreement with Joyful Rescues to include \$10/day boarding fee up to 7 days and \$20 fee for rabies/vet visit. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

1. Letter from Gary Abraham, Esq. regarding proposed local law changes(dtd 6/21/12) CRA response.
 - DISCUSSION: Councilman O'Dell- does not think we should pay CRA again to look at the same information they already have studied and presented. Maybe we should have someone else look at this issue.
 - Councilman Koebelin – why give CRA more money?

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- Supervisor Hare – we could ask another firm, Wendel-Deuschere – Andrew Reilly if they do this type of work. We could request a proposal from them.
- G.Abraham, Esq. – wrote a letter 6/21/12 to the Public Service Commission regarding wind companies and noise issue studies. Will send in a letter specifying what was written to them.

#142-MOTION TO CONTACT DREW REILLY OF (WENDEL) REGARDING NOISE STUDY

Motion by Hare to contact Andrew Reilly of Wendel regarding a possible noise study, and based on the letter to be written to the town by G.Abraham, Esq. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

OTHER BUSINESS

#143-MOTION TO APPROVE & CHARGE FOR SENIOR CENTER USAGE

Motion by Hare to authorize use and charge for Senior Center. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

1. Executive Session to discuss personnel matters & legal issues.

COMMITTEE REPORTS

- Councilman Allen – the work on the cemetery fence is going well.
- Supervisor Hare – BWB is here and the audit for the Town is going on presently.

From the floor:

- Kathy Premo – if/when the lawsuit is settled, what would constitute substantial construction in the time frame given? i.e. a shovel in the ground??
- Supervisor Hare – no, it would take more than a shovel in the ground. They would have to clear sights, prepare roads, etc.
- Atty. Abraham – what would the town do with the money?
- Supervisor Hare – not spend it. (not banking on money in the 2013 budget)
- Karen Mosman – what about money the town already received?
- Supervisor Hare – it is in escrow controlled by Everpower
- Ellen Peck – who is earning interest on this money?
- Supervisor Hare – Everpower. It is their money.
- Mary Kelly Burns – read a letter to the Town Board and provided a copy which will go into the permanent wind energy file. (copies made for the board members)
- Councilman Koebelin – mentioned that he and Supervisor Hare have met a couple times with the highway department on two occasions regarding the union agreement.
- Karen Mosman – questioned when the county is going to start fixing Chipmonk Road?

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

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

Regular session adjourned at 8:20 pm

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Executive Session began at 8:25pm

#145-MOTION TO ADJOURN EXECUTIVE SESSION

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

#146-MOTION TO ADJOURN ENTIRE MEETING

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

Entire meeting adjourned at 9:23 pm

Respectfully submitted,

Mary M. Peck, Town Clerk
7-19-12