

MINUTES – TOWN OF ALLEGANY REGULAR TOWN BOARD MEETING THURSDAY, AUGUST 26, 2010 7:00 PM TOWN HALL

PRESENT WERE: Supervisor Eaton Councilman Jonak
Councilman Sendlakowski Councilman Hitchcock
Councilman Hare Hwy Superintendent Gleason
Attorney W. Tuttle Comptroller C. Hemphill
Town Clerk M. Peck

ALSO PRESENT: F.DeFiore, R.Phillips, D.Koebelin, C.Horowitz, C.Fortuna, M,L,&R. Lombardo,
P.Winger, C.Marlatt, Jason Crisafulli, H.Larson, C.Wikter.

ABSENT: None

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

Town Justice A. Spears Report for July 2010 – amount collected: \$5,027.33.

Town Justice D. Porter Report for July 2010 – amount collected: \$9,334.50.

#193-MOTION TO APPROVE MINUTES

Motion by Sendlakowski to approve the minutes from the July 22, 2010 Regular Town Board Meeting as written. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

#194-MOTION TO APPROVE MINUTES

Motion by Hare to approve the minutes from the August 12, 2010 Public Hearing and Regular Board Meeting as written. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

CORRESPONDENCE

1. NYS ORPS – Notice of Final State equalization Rate: 100.00
2. Sewer Meeting with Village of Allegany RE: City of Olean Charges
3. Letter from A.Kapoor, City of Olean regarding this year's sewer bill
4. USDA – Nation Consulting concerning Sr. Center Expansion
5. Assoc. of Towns – notice of annual dues for 2011.
6. NYS Office of Parks, Rec. & hist. preservation – Re: wind power project
7. NYS Unified Court System – request for audit
8. Copy of letter from Village attorney to Tanglewood Subdivision Developer's Attorney.

UNFINISHED BUSINESS

#195-MOTION TO AUTHORIZE MARCELLUS SHALE RESOLUTION

Motion by Jonak WHEREAS, the Town Board of the Town of Allegany, Cattaraugus County, New York (hereinafter referred to as the Board) has followed with interest the spoken and published information relating to the Marcellus Shale (hereinafter referred to as the Marcellus) natural gas formation production potential in New York State; and

WHEREAS, the Board recognizes the dire and declining financial position of the State of New York and the analogous local need for employment and economic stimulation; and

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WHEREAS, the Marcellus is larger in size (65 million acres) than the Barnett Shale in Texas (3 million acres) with a production potential of fifty (50) years or more; and

WHEREAS, the DEC has been conducting a comprehensive review of the environmental issues pertaining to horizontal drilling and hydro-fracturing related to gas production in the Marcellus and it appears that the regulations relating to the production of natural gas in New York State are and will be the most controlling in the United States; and

WHEREAS, it is the opinion of the Board that the opponents to gas production in New York State have lost sight of the fact that the landowner is the original environmentalists, having been referred to as conservationists – by definition, a person who advocates conservation of natural resources. Furthermore, opponents also have lost sight of the fact that gas companies have been and will continue to produce gas in New York State by vertical drilling, and if horizontal drilling is prevented vertical drilling will continue. The Board notes that one horizontal well per 640 acres is far more protective of the environment than numerous vertical wells in the same acreage because it has a smaller environmental footprint; that numerous vertical wells will result in greatly increased traffic, greatly increase noise, greatly increased water consumption, greatly increased waste product; with the entire industry expanded beyond necessity; and

WHEREAS it appears from published reports from the DEC that the watershed for New York City will be protected and there will be no environmental impact on that region; there will be no environmental impact on the western region of New York State; and each region, in addition to the entire State, will benefit economically from the revenues realized from the gas industry. Now

THEREFORE, IT IS RESOLVED THAT the Town of Allegany Board respectfully requests the State Legislature stand aside regarding the issue of drilling in the Marcellus and allow the DEC to complete the sGEIS and issue permits for horizontal drilling; and further, in the event the State Legislature passes legislation for a moratorium of any length, creating a delay or total ban of drilling in New York State that Governor Paterson veto any and all such legislation and permit the Marcellus industry to progress.

FURTHER, the Town Clerk of the Town of Allegany is instructed to forward this resolution, passed the 26th day of August, 2010, to the Supervisors and Mayors of all municipalities in the County of Cattaraugus, to Allegany's State representative in Albany and to Governor Paterson. 2nd by Eaton. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-nay, Eaton-aye. CARRIED.

#196-MOTION TO APPROVE PLANNED DEVELOPMENT DISTRICT FOR BONAVENTURE SQUARE

Motion by Eaton to accept the re-zoning of the Bonaventure Square project to a Planned Development District. DISCUSSION: there were changes made to the Draft Bonaventure Square Development Plan dated August 26, 2010. Town Planner, Carol Horowitz to provide a final copy of the Planned Development District Conditions and will be attached to these minutes as a permanent record. 2nd by Hare. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

1. Five Mile Cemetery *** **Cindy Craig of the Association of Cemeteries to meet with Supervisor Eaton on Thursday, Sept. 1, 2010 at 1:00 pm at the Town Hall *** TABLE**
2. Employee Handbook *** **This issue to be TABLED to next meeting to allow the Personnel Committee to meet with Department Heads*****

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OTHER BUSINESS

#197-MOTION TO SET PUBLIC HEARING ON TANGLEWOOD SEWER DISTRICT FORMATION

Motion by Eaton to set a Public Hearing on the Tanglewood Sewer District formation for Thursday, Sept. 16, 2010 at 7:00 PM at the Town Hall. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

COMMITTEE REPORT

- Councilman Hare – to set up a meeting with Richard Zink of STW to see about wireless capabilities, grant applications, support, etc. for Town areas in Allegany that do not have wireless capabilities.
- Hwy Superintendent - would like to set up a meeting with Town Attorney/Board Members/Village Trustees, to discuss the Tanglewood Sewer District formation and issues. Also, he would like to have large trucks obtain permits for certain town roads.

From the floor:

#198-MOTION TO ADJOURN MEETING

Motion by Jonak to adjourn the meeting. 2nd by Hare. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

Meeting adjourned at 7:53 pm

Respectfully submitted,

Mary M. Peck, Town Clerk
8/27/10