

MINUTES – TOWN OF ALLEGANY PUBLIC HEARING AND REGULAR BOARD MEETING THURSDAY DEC. 9, 2010 7PM TOWN HALL

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

ABSENT: Highway Superintendent Gleason

ALSO PRESENT: D. Sue, H. Larson, Jason Crisafulli, M.Lombardo, J.Dzuroff, R. Kyser, C.Horowitz, C.Marlatt, R.Wilson, Atty. R.Dockerty.

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

Supervisor Eaton asked for comments from the public regarding the Public Hearing on Local Law #3 of 2010 – Dog Licensing for the Town of Allegany. There were none.

#247-MOTION TO CLOSE PUBLIC HEARING ON LOCAL LAW #3 OF 2010 – DOG LICENSING

Motion by Jonak to close the public hearing on Local Law #3 of 2010 – dog licensing in the Town of Allegany. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

Public Hearing closed at 7:01 PM

Diesel Fuel Bids for 2011: Received 2 bids for diesel fuel:

1. **Rinker Oil Corp.** #2 Diesel (Ultra Low Sulfur) \$2.6540/gal
Winter blend 60/40 \$2.6840/gal ; prices will increase or decrease only to reflect any increase or decrease Rinker receives from their suppliers as calculated on a weekly basis. (each price) a non-collusive bid certificate is included.
2. **Satterlee & Sons.** #2 Diesel (Ultra Low Sulfur) \$2.8180/gal (will change w/ rack prices)
Winter Blend 60/40 N/A \$.03/gal winter additive; a non-collusive bid certificate is included.

MONTHLY REPORTS

Town Clerk	Highway Dept.
Building & Zoning	Recreation & Parks

Town Justice D.Porter – report for November 2010 – amount of check \$6925.00.

Town Justice A. Spears – report for November 2010 – amount of check \$4405.00.

AUDITED CLAIMS

Gen A	\$79,059.41	Hwy DA	\$47,386.94
Gen B	\$41,927.85	Hwy DB	\$31,335.44
Sp Dist	\$36,130.57		

#248-MOTION TO APPROVE MINUTES

Motion by Hare to approve the minutes from the Nov. 23, 2010 regular board meeting as written. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

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CORRESPONDENCE

1. Time Warner Cable – notice of programming changes
2. Invoice from Duggan & Duggan for Cupola & Roof repair
3. Letter from NYS DOT regarding initiation for speed limit request for Two Mile Road.
4. Memo from M.Lombardo regarding lack of Recreation Director for end of December 2010.
5. Time Warner Cable – notice of price adjustment for community customers.

UNFINISHED BUSINESS

1. Shared services contract with Cattaraugus County (Attorney Tuttle) *****rec'd a letter from D.Tobolski and will have a revised agreement ready for next meeting *****

NEW BUSINESS

1. Speed limit request for Townsend Hollow from residents **(TABLE per Hwy Supt. Request)**

#249-MOTION TO ACCEPT RESIGNATION LETTER

Motion by Eaton to accept with regret and appreciation his years of service to the Town of Allegany. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

#250-MOTION TO APPROVE LEASE AGREEMENT FOR OLD HIGH SCHOOL GYM

Motion by Eaton to approve the Lease Agreement with Fourth & Maple, LLC for use of the Old High School Gym for the last three months of this year. (same amount) 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

#251-MOTION TO APPROVE THE LOCAL LAW #3 OF 2010 – DOG LICENSING FOR THE TOWN OF ALLEGANY

Motion by Eaton that the Town of Allegany approve the Local Law #3 of 2010 – Dog Licensing for the Town of Allegany. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

#252-MOTION TO ADOPT DETERMINATION OF NON-SIGNIFICANCE OF LOCAL LAW

Motion by Eaton WHEREAS the Town Board of the Town of Allegany, County of Cattaraugus and State of New York is considering adoption of a Local Law relating to the Licensing of Dogs pursuant to Chapter 59, Part T of the Laws of 2010, Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York, and WHEREAS, the Town Board has determined that such action is a Type II action under SEQRA and therefore no action is required. NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Allegany, after considering the action proposed herein, in reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and reviewing the project as to potential environmental concerns, determines that the action will not have a significant effect on the environment and that no further action is required by the Town of Allegany. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye, CARRIED.

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2. Approval of diesel fuel bid *****(TABLE per Hwy Supt. Request)*****
3. Memo from C.Horowitz regarding Draft Amendments to ZO II – Wind Energy C. Syst.

#253-MOTION TO SET PUBLIC HEARING ON AMENDMENT TO ZONING ORDINANCE II

Motion by Eaton to set a Public Hearing on Tuesday, January 18, 2011 at 7:00 PM at the Birch Run Facility on the draft amendments to the Zoning Ordinance II with regard to the Wind Energy Conversion Systems. 2nd by Hare. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

#254-MOTION TO CANCEL MEETING AND SET ANOTHER DATE

Motion by Eaton to cancel the regularly scheduled 12/23/10 meeting and set the End of the Year meeting for Tuesday, 12/28/10 at 7:00 pm at the Town Hall. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

OTHER BUSINESS

#255-MOTION TO AUTHORIZE STW TO APPLY FOR GRANT ON BEHALF OF TOWN

Motion by Eaton to authorize Tom Barnes of Southern Tier West to apply for a U.S. Dept. of Commerce EDA grant on behalf of the Town of Allegany subject to various final contract approvals by the Town of Allegany. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

From the floor: nothing from the floor

#256-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS INSURANCE-UNION; TOWN ENGINEER AGREEMENTS, RECREATION DEPT. INTERVIEWS; RECREATION DEPT HIRING

Motion by Eaton to adjourn to executive session to discuss health-care issues with the union, town engineer agreements, recreation department interviews and recreation department hiring. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED

Regular meeting adjourned at 7:40 pm.

#257-MOTION TO ADJOURN EXECUTIVE SESSION

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

Executive session adjourned at 8:30pm

Respectfully submitted,

Mary M. Peck, Town Clerk
12/10/10