

PRESENT WERE: Supervisor Eaton Councilman Higgins  
Councilman Potter Councilman McMullen  
Councilman Wolf Hwy Superintendent Moshier  
Town Attorney W. Tuttle Comptroller, C.Hemphill  
Town Clerk, M.Peck

Also present: J.Dzuroff, M.Painter, M. Lombardo, D.Bigler, townspeople and news media.

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

Bids: Fuel for Highway Department **under new business \*\*\* Bids Opened:**

- |                     |                        |                     |
|---------------------|------------------------|---------------------|
| 1. Rinker Oil Corp. | #1 Diesel (kerosene)   | \$1.5210/gallon *** |
| PO Box 74           | #2 Diesel (low sulfur) | \$1.415/gallon ***  |
| Cuba, NY 14727      | Winter Blend 50/50     | \$1.4680/gallon *** |
|                     | Winter Blend 60/40     | \$1.4570/gallon *** |

\*\*\* these prices will increase or decrease only to reflect any increase or decrease rec'd from Rinker Oil Suppliers. \*\*\*

- |                                     |                      |              |
|-------------------------------------|----------------------|--------------|
| 2. William G. Satterlee & Sons Inc. | #1 Diesel(kerosene)  | \$1.6515/gal |
| PO Box 1019                         | #2 Diesel(1w sulfur) | \$1.4815/gal |
| Bradford, Pennsylvania 16701        | Winter Blend 50/50   | \$1.5665/gal |
|                                     | Winter Blend 60/40   | \$1.5835/gal |

\*\*\* noted on bid certificate that the bid price will be based on United Refining, Warren, Pa. daily rack prices plus freight. Rack prices may change daily but freight charge will remain the same through the bid term. As of January 12, 2005, freight price was \$.1640. It was also noted that bid price does not include applicable taxes.

\*\*\*ALSO NOTE \*\*\* Both bids included a Non-Collusive Bidding Certificate.

To be heard: Greg Pearl and Jeff Wood of Allegany Little League

**Councilman McMullen** gave an update of the status of the new playing field. He thanked the Hwy Superintendent and crew for the work they have done on the field. He also advised of the bid from Lotter & Lotter for the fencing. Councilman McMullen would hope that with this new field, no child would be turned away from playing ball in Allegany.

**Jeff Wood** – o/b/o Little League advised that their 1<sup>st</sup> winter mtg is on Sunday, 1/16/05. He would like the motion made in July 2004 abolished so that they will have enough fields. They do not want the fields specified for which sports. He advises that the LL and Softball people will work together and make sure that all people have fields to play on.

**Greg Pearl** –o/b/o Little League- he would like to be able to tell all the people at their Sunday meeting that all kids will have a place/field to play on. He would like the Town to let the Little League and SoftBall people work on this amongst themselves. He does not want to see fields specified for usage.

#1—MOTION TO APPROVE MINUTES

Motion by Wolf to approve the minutes from the December 30, 2004 end-of-the-year meeting. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#2—MOTION TO APPROVE MINUTES

Motion by McMullen to approve the minutes from the January 4, 2005 Organization Meeting. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

AUDITED CLAIMS

Gen A	\$20,168.64	Hwy DA	\$6403.07
A.P.	\$ 9,928.67	A.P.	\$1026.06
Gen B	\$ 590.99	Hwy DB	\$6231.25
A.P.	\$ 92.36	Sp Dist	\$ 736.63

MONTHLY REPORTS

Town Clerk	Highway Superintendent
Building & Zoning	Recreation & Parks
Town Assessor	

Town Justice A. Spears- report for December 2004 – amount to Supervisor \$4725.00  
Town Justice E. Allen – report for December 2004 – amount to Supervisor \$6740.00

CORRESPONDENCE

1. NYS Comptroller's Office – notice of repeal of fine Distribution method & local surcharge authority.
2. Assoc. of Towns info. And certificate of Designation for Annual Meeting in NYC. Feb. 20 – 23, 2005. **Listed under new business**
3. NYS Insurance Dept. – Town Fire Protection District #1 -- **new business**
4. NYS Lt. Gov. – info about Quality Community goals. (dated 12/29/04)
5. N YMIR – info on how to print from the CD ROM previously handed out and a page for the Handbook on Water Storage Tank Loss Alert & Snowplow Accidents.
6. GAR Associates - invoice for annual reassessment project for 2005
7. Letter from Tom Windus, City of Olean DPW Director on water/sewer rates
8. STW -- GIS User Group meeting and info.
9. NYS Public Service Commission – Order Instituting Safety Standards. (1/5/05)
10. National Fuel – request that Nat'l Fuel be notified of property changes
11. NYMIR – bi-annual loss report for 7/1/04 – 12/31/04.
12. NYS ORPS – notice of Town of Allegany's award in excellence
13. Catt. Co. DPW – Agreement to Spend Town Highway Funds for 2005-- **new business**
14. Catt. Co. Treasurer's Office – 2004 Town/Village Payments

15. Memo from Councilman McMullen regarding fence for ball field **under unfinished business**
16. Minutes from Allegany Planning Board meeting of 12/13/04.

UNFINISHED BUSINESS

#3—MOTION TO APPROVE BALL FIELD FENCE BID

Motion by McMullen to accept the bid from Lotter & Lotter for fencing on the new playing field at Stayer Park in the amount of \$11,700.00 with the additional funding to come from the contingency account in the amount of \$1,050.00. This was the only bid received. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

NEW BUSINESS

- Appoint Zoning Board of Appeals member – E. Peter Hellier 1/1/05 – 12/31/09 \*\*\*  
THIS IS TABLED UNTIL NEXT MEETING – 1/27/05. \*\*\*

#4—MOTION TO APPOINT ZONING BOARD OF APPEALS CHAIR

Motion by McMullen to appoint Don Bigler as the Zoning Board of Appeals Chairman for the year 1/1/05 – 12/31/05. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#5—MOTION TO APPOINT PLANNING BOARD CHAIR

Motion by Potter to appoint John Hare as the Planning Board Chairman for the year 1/1/05 – 12/31/05. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

- NYS Insurance Dept.- Fire Protection District #1 (# 3 above) \*\* Councilman Wolf will take care of this matter \*\*\*

#6—MOTION TO SIGN AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

Motion by Higgins to sign the Agreement to Spend Town Highway Funds for 2005 with Cattaraugus County. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#7—MOTION TO REFER TO PLANNING BOARD

Motion by Higgins to refer to the Planning Board the issue of adding a section in the Zoning Ordinance II to specify a time limit for variances granted . 2<sup>nd</sup> by Eaton. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#8—MOTION TO ACCEPT FUEL BID

Motion by Wolf to accept the fuel bid for the highway department from Rinker Oil Corp of Cuba, NY. 2<sup>nd</sup> by Eaton. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

- Issue of small claims assessment filing fee reimbursement to petitioners  
\*\*\*TABLE UNTIL THE JANUARY 27, 2005 MEETING \*\*\*

#### OTHER BUSINESS

- Police Contract with the Village of Allegany for 2005 \*\*\* THIS IS TO BE TABLED UNTIL THE NOISE LAW ORDINANCE IS COMPLETED \*\*\*

#### #9—MOTION TO AUTHORIZE SIGNATURE ON LIBRARY CONTRACT

Motion by Higgins to authorize Supervisor to sign the Agreement/Contract with the Village of Allegany for the Allegany Public Library for 2005 for the amount of \$21,250.00. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

- Set a date to have a Joint Meeting with the Village Trustees (Saturday a.m. or 3<sup>rd</sup> Thursday of month) \*\*\* a date agreed upon is Feb 17, 2005 at 6:00 PM \*\*\* Town Clerk will notify Village Clerk of this for approval by Village Board.

#### #10—MOTION TO RESCIND MOTION

Motion by Wolf to rescind the motion #6 of the July 8, 2004 Town Board Meeting regarding the specification of baseball field usage at Stayer Park. 2<sup>nd</sup> by Potter. DISCUSSIONS: the motion was read by the Town Clerk; it would be a good idea to let Little League and Soft Ball organizers work out any problems as they may come along, as they have expressed a willingness to do so. Vote: Higgins-aye, Potter-aye, McMullen-nay, Wolf-aye, Eaton-aye. CARRIED.

#### #11-MOTION TO RESCIND MOTION OF ORGANIZATIONAL MEETING

Motion by Eaton to rescind the motion made at the 1/4/05 Organizational Meeting that the Deputy Supervisor gets paid \$30.00 per meeting conducted. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#### #12—MOTION TO SET YEARLY STIPEND FOR DEPUTY SUPERVISOR

Motion by Eaton to set a yearly stipend of \$300.00 for the Deputy Supervisor. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#### COMMITTEE REPORTS

- Councilman McMullen, Supervisor Eaton, and Mark Lombardo to look into a new fee schedule.
- Councilman Potter- still waiting for computer bids
- Hwy Superintendent Moshier— advised about the request for NYS DOT to use N. 7<sup>th</sup> St. as an off-site detour when the DOT does I-86 from Hastings Road to Exit 24. Mr. Moshier is to write up a statement about it. Also, he is to advertise for bids for the salt storage building and truck bids. These would be opened at the 1/27/05 meeting.

From the floor: nothing

#13—MOTION TO ADJOURN

Motion by Higgins to adjourn regular meeting. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

Meeting adjourned

Respectfully submitted,

Mary M. Peck  
Town Clerk