

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

ALSO PRESENT: Robin Pearl-Lamphier-Town Assessor, Alberta Riggs, Joe Chamberlain, Jim Hitchcock, and townspeople

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

John Sayegh, Chief Administrative Officer of Cattaraugus Empire Zone Corp.:

Addressed the Town Board regarding the re-definition of the Cattaraugus County Empire Zone boundaries. Mr. Sayegh provided a map for viewing and one to each board member. There are two (2) parcels within the Town of Allegany that are being considered for the Empire Zone benefits. The resolution that the Town passed in 2004 regarding the Giardini property needs to be acted on again.

#1-MOTION TO APPROVE MINUTES

Motion by Potter to approve the minutes from the October 27, 2005 Public Hearing on the 2006 Town Budget and Regular Town Board Meeting. 2nd by Wolf. DISCUSSION: Councilman Wolf advised that on p.3 under committee reports, it should read that Councilmen Potter and Wolf will be at the interviews for the new highway employee. (corrected by Town Clerk). Vote: Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

MONTHLY REPORTS

Town Clerk	Recreation & Parks
Building & Zoning	Highway Dept.

Town Justice E. Allen - report for October 2005 - amount \$7105.00
Town Justice A. Spears - report for October 2005 - amount \$9163.75

AUDITED CLAIMS

Gen A	\$75,152.52	Hwy DA	\$38,430.52
Gen B	\$10,450.99	Hwy DB	\$48,121.25
Sp Dist	\$153,458.05		

CORRESPONDENCE

1. NYS Assoc. of Towns - notice of dues and of the 2006 annual training meeting
2. Village of Allegany Sewer Billing for 2005 breakdown
3. EAST Resources - notice of continuation of oil/gas lease development
4. Minutes from the joint Village, Town, School meeting (plus an amendment) that was held on 10/19/05.

5. NYS Public Service Commission (11/4/05)

UNFINISHED BUSINESS

1. Plaza Drive sidewalk right-of-way or Dan Eaton Drive ** Attorney Tuttle needs a description of this area from the Town Engineer ***
2. Cranberry Road abandonment *** this will be part of the SEQR process as it is part of the project. ***
3. Dog Control issue -- TABLE

NEW BUSINESS

#2-MOTION TO AUTHORIZE SUPERVISOR TO SIGN WITH GAR, ASSOC.

Motion by Potter to authorize Supervisor to sign the annual Reassessment Program Authorization with GAR, Assoc. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#3-MOTION TO AUTHORIZE SUPERVISOR TO SIGN REVISED ESCROW AGREEMENT WITH WAL-MART

Motion by McMullen to authorize the Supervisor to sign the revised escrow agreement with Wal-Mart. 2nd by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#4-MOTION TO AUTHORIZE PANIC ALARM SYSTEM FOR COURT CLERK

Motion by Potter to accept the Austin Security alarm system quote of "total estimate- \$404.23". 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

1. Castle Drive abandonment -- TABLE

#5-MOTION TO APPOINT HIGHWAY DEPARTMENT EMPLOYEE

Motion by Potter to appoint Gary Ayers effective 11/21/05 to the highway department, waiving the probationary period, and to start at \$15.50/hr which is the same pay as when he left the department previously. 2nd by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#6-MOTION TO APPOINT THE AD-HOC COMMITTEE FOR 100% 2006 TRENDING

Motion by Eaton to appoint Alberta Riggs, Jim Hitchcock, and Joe Chamberlain to the ad-hoc committee for the 100% trending for 2006. This appointment is immediate. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

*** Discussion between board members, Town Assessor- Robin Pearl-Lamphier. Robin read to the board, committee and audience what roles the committee people will actually play in this matter. She explained the process and who will do what.

#7-MOTION TO SET PUBLIC HEARING ON WATER/SEWER RATES

Motion by Eaton to set a public hearing on the increase in town water and sewer rates for Thursday, December 8, 2005 at 7PM in the Town Hall. 2nd by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#8-MOTION TO APPROVE EMPIRE ZONE BOUNDARY EXPANSION

Motion by Eaton to approve Empire Zone Boundary Expansion in the Town of Allegany:

WHEREAS, New York State has created the Economic Development Zone Program to encourage industrial and commercial development in selected municipalities across the State, and

WHEREAS, Cattaraugus County, as an eligible municipality, received designation of an Economic Development Zone made up of sub-zones including portions of the Town of Allegany, and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional sub-zones, and

WHEREAS, Cattaraugus County intends to revise the County Economic Development Zone boundaries (now referred to as Empire Zones) to encourage industrial and commercial development and to allow for the creation of an additional sub-zone in the Town of Allegany, and

WHEREAS, the Town of Allegany is committed to the development of new business within the proposed sub-zone, and

WHEREAS, The Town of Allegany wishes to support and concur with the Empire Zone revision application, and to include the following tax parcel number: 94.003-1-17 (1.9150acres), and

NOW, THEREFORE, be it resolved that the Town of Allegany Board, in its capacity as governing body of the town, does hereby support and concur with the Cattaraugus County Empire Zone revision application. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#9-MOTION TO SUPPORT REDESIGNATION OF EMPIRE ZONES IN THE TOWN OF ALLEGANY

Motion by Eaton that the Town of Allegany support and concur in Cattaraugus County's application for redesignation of certain areas within the Town of Allegany as an empire zone;

WHEREAS, the New York State Legislature and the Governor have enacted into law changes to the Empire Zones program, whereby each existing Empire Zone must configure its existing zone acreage into six "distinct and separate contiguous" areas; the boundaries of said areas to be included in said Empire Zone within this municipality, more specifically describes as (see attached map); and

WHEREAS, pursuant to Sections 956(d) and 961 of the General Municipal Law, Cattaraugus County has proposed the redesignation of the existing Cattaraugus Empire Zone into six "distinct and separate contiguous areas", which will include the Town of Allegany; and

WHEREAS, such redesignation could greatly benefit Town of Allegany in that new businesses would be encouraged to locate in the zone area, existing businesses

would be encouraged to expand in the zone area and new and expanded businesses would generate new jobs for the Town of Allegany residents; and

WHEREAS, Cattaraugus County intends to authorize the submission of an application for the redesignation of areas within the Town of Allegany as an Empire Zone' and

WHEREAS, Cattaraugus County wishes to redesignate certain areas within the Town of Allegany as part of the proposed Empire Zone; and

WHEREAS, the Town of Allegany is desirous of working with Cattaraugus County through the Empire Zone Program to provide enhanced job opportunities for its residents; and

NOW, THEREFORE, BE IT RESOLVED, by the Town of Allegany, New York, that it fully supports and concurs in the submission of an application by Cattaraugus County for the redesignation of certain areas as an Empire Zone. 2nd by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

COMMITTEE REPORTS

- Supervisor Eaton asked Councilman Wolf to look into accident training for the Volunteer fire Dept. as it affects the Town's compensation insurance.
- Supervisor Eaton suggested that plaques be made for Councilman McMullen and Town Justice Edward Allen for their years of service and be presented at the Christmas Party.
- Councilman Wolf - advised that he had a discussion with persons at the Allegany American Legion regarding the vandalism to the Veteran's Memorial out front of the Town Hall. It was suggested that perhaps a report could be printed in the newspaper when instances occur such as the police reports in the Times Herald.
- Councilman Higgins - there is progress on the heating system for the town hall. They will have the bid proposals ready soon.
- Supervisor Eaton - advised that he was told that Mike Young of Empire Diagnostics will begin work on the asbestos removal at the Town Hall next week.

OTHER BUSINESS

- Executive session on two litigation matters (Attorney Tuttle)

From the floor: Mel Duggan mentioned the Sales Reports that are printed by the Assessor and are posted on the Town Hall bulletin board. People should be made aware of them and should also look at them. There is very interesting information in them.

#10-MOTION TO ADJOURN TO EXECUTIVE SESSION ON LITIGATION

Motion by Eaton to adjourn to executive session on two litigation matters. 2nd by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye.
CARRIED.

#11-MOTION TO ADJOURN EXECUTIVE SESSION AND REGULAR MEETING

Motion by Eaton to adjourn executive session and the regular meeting. 2nd by
Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye. CARRIED.

Meeting adjourned at 8:35 pm.

Respectfully submitted,

Mary M. Peck
Town Clerk