

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

Also present: J. Dzurhoff, M.Lombardo, R. Pearl-Lamphier, J. Hitchcock, news media and townspeople.

Salute to the Flag opened the Public Hearing at 7:00 PM

**PUBLIC HEARING ON THE TOWN WATER AND SEWER RATE INCREASE**  
Supervisor Eaton opened the public hearing on the town water and sewer rate increase at 7:00 pm. He explained that the water rates for the Town will increase 20% and the sewer rate will increase 10%. No one had any comments; therefore the public hearing was closed at 7:02pm

#1-MOTION TO CLOSE PUBLIC HEARING

Motion by Higgins to close the public hearing on the increase in the Town water and sewer rates. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

To be heard: Foit-Albert Associates - Kirk Wilson and Scott Kinsman of this architecture, engineering and surveying firm made a presentation to the Board. They gave a history of their business and growth, advised of some of the work they have done in our area. They handed out a booklet that details the work that they have completed. Supervisor Eaton asked for references and a pay-rate schedule. Mr. Wilson advised that he will provide that as soon as possible.

Open Bids for the heating systems for Town Hall (2<sup>nd</sup> flr) and Birch Run Road

1. Triton Mechanical (Capital Heating)
  - 2<sup>nd</sup> floor of Town Hall \$7,701.00
  - Birch Run Road \$15,561.00
2. Mazza Sheet Metal
  - 2<sup>nd</sup> floor of Town Hall \$8,595.00
  - Birch Run Road \$14,450.00
3. Billings Sheet Metal
  - Birch Run Road \$13,550.00
  - Birch Run Road \$18,600.00

MONTHLY REPORTS

Town Clerk Recreation & Parks  
Highway Superintendent Building & Zoning

Town Justice A. Spears report for 11/05 - amount to Supervisor \$10,911.75.  
Town Justice E. Allen report for 11/05 - amount to Supervisor \$13,070.00.

AUDITED CLAIMS

Gen A	\$68,077.91	Hwy DA	\$29,856.28
Gen B	\$ 2,463.65	Hwy DB	R 6,997.53
Sp Dist	\$ 1,718.76		

#2-MOTION TO APPROVE MINUTES

Motion by Higgins to approve the minutes from the November 10, 2005 regular Town Board Meeting as written. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED

CORRESPONDENCE

1. Catt. Co. Risk Management Dept. - letter of reply that they are working on gathering information on the Town's request for information.
2. MEGA Development Corp. (letter dated 11/16/05) **\*\* Building and Grounds committee to analyze this correspondence \*\*\***
3. COR Development Co., regarding permission from Rte 417 property owners.
4. NYMIR - Managing Employment Practices Liability : Seminar 12/31/05.
5. Catt. Co. Board of Elections - request for date to meet w/ towns on HAVA
6. Town of Allegany Zoning Board of Appeals minutes from 11/15/05.
7. EAST Resources - letter advising of continuing oil/gas lease wells
8. COR Dev. Co. - letter giving COR approval to apply for Planning & Zoning permits by St. Bonaventure University.
9. NYS Dept. of State - info regarding Shared Municipal Services Incentive Grant Program. **\*\*\* Village is interested in venture to combine the Town and Village. We are going to do research to apply for grants to check out the feasibility of this issue. This is a non-binding action. Cost factors will need to be looked at. Mayor Lamberson and Rena Flynn will be the committee for the Village and Supervisor Eaton and Mary Peck will be the committee for the Town. This will be TABLED to the next meeting, also.**
10. Letter from Benson Construction regarding development of Exit 24 property. **\*\*\* Councilman Higgins to work on this issue. Per Supervisor Eaton, we shall also look into development of water/sewer on Mel Duggan's property at 7<sup>th</sup> Street and Buffalo Road. Comptroller Hemphill will also be on this committee along with the State Comptroller's Office. \*\*\***
11. VARNUM - RE: Federal Threat to Cable & Telephone Franchises, Fees, Rights of Way, Zoning
12. Graph of Web-site visitation from Mike Higgins.
13. Catt. Co. Risk Management Dept. - notice of 2006 workers' compensation expense.
14. AFSCME - Notice of Local #1304A dues increase for employees.
15. AFSCME - letter regarding the health insurance
16. Memo from ZBA regarding water problem on Willard St.
17. Catt. Co. Legislature - SEQR lead agency request on redefining Empire Zone Boundaries.

18. Catt. Co. Dept. of Economic Development, Planning & Tourism - regarding the boundary changes for the Empire Zone.

#### NEW BUSINESS

1. Letter from John Hare, Chairman of Planning Board regarding size of parking spaces.

#### #3-MOTION TO SET PUBLIC HEARING ON PARKING SPACE SIZE

Motion by Eaton to set a public hearing on December 22, 2005 at 7:00 PM at the Town Hall to change the section of the Zoning Ordinance II that deals with the size of parking spaces; to change it to 18' x 9 1/2' with a 25' aisle width. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#### #4-MOTION TO AUTHORIZE HIGHWAY SUPERINTENDENT TO SIGN

Motion by Eaton to authorize the Highway superintendent to sign the Snow and Ice control contract with Cattaraugus County for 2005-2008. 2<sup>nd</sup> by McMullen. Discussion: it is the same as the previous contracts, except there is a 3% increase due to the costs of fuel. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

2. Applications for zoning board of appeals and planning board vacancies **\*\*\* the personnel committee is to review the applications and also meet with the Chairmen of each board to discuss \*\*\***

#### #5-MOTION TO REFER RE-ZONING OF PROPERTY TO PLANNING BOARD

Motion by Eaton to refer to the Planning Board the Bly property on Route 417, parcel #94.061-1-41 to rezone to commercial from residential. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#### #6-MOTION TO INCREASE TOWN WATER RATES

Motion by Eaton to increase the town water rates by 20% effective January 1, 2006. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#### #7-MOTION TO INCREASE TOWN SEWER RATES

Motion by Eaton to increase the town sewer rates by 10% effective January 1, 2006. 2<sup>nd</sup> by Potter. Higgins-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#### UNFINISHED BUSINESS

#### #8-MOTION TO RESCIND MOTION

Motion by Eaton to rescind the motion #8 of the October 27, 2005 Public Hearing and Regular Board Meeting. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#9-MOTION TO RESCIND APPOINTMENT OF HIGHWAY EMPLOYEE DATE

Motion by Eaton to rescind the motion #5 of the 11/10/05 regular town board meeting as the starting date of employment is incorrect. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#10-MOTION TO APPOINT HIGHWAY EMPLOYEE

Motion by Eaton to appoint Gary Ayers as a Town highway employee effective November 14, 2005 at a starting pay of \$15.50/hr plus benefits. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#11-MOTION TO ADJUST MEDICAL INSURANCE INCENTIVE

Motion by Eaton to put into the employee handbook that the Town will increase the health insurance incentive for people not taking health insurance from \$2500.00 per year to \$3500.00 per year effective 12/8/05. 2<sup>nd</sup> by McMullen. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#12-MOTION TO ACCEPT TRANSFERS FROM COMPTROLLER

Motion by Eaton to accept the following transfers from comptroller:

\$7092.52 from A1990.4 Contingent Acct	\$1,528.64 to A1315.1 Comptroller PS
	\$1,600.00 to A1440.4 Engineer CE
	\$1,792.00 to A1450.1 Elections PS
	\$ 600.00 to A5010.1 Hwy Super PS
	\$1,571.88 to A7310.1 Rec Director PS
\$10,000.00 from A1355.1 Assessor PS	\$10,000.00 to A1355.4 Assessor CE
\$ 70.00 from A7150.4 SP Rec CE	\$ 70.00 to A7150.1. Sp. Rec PS
\$3,000.00 from A9060.8 Health Ins.	\$1,000.00 to A1315.1 Comptroller PS
	\$1,000.00 to A5010.1 Hwy Supt. PS
	\$1,000.00 to A7310.1 Rec Director PS
\$5,000.00 from B9060.8 Health Ins	\$2,500.00 to B8010.1 Zoning Off PS
	\$2,500.00 to B8010.11 Zoning Clk PS
\$ 200.00 from B1990.4 contingent	\$ 200.00 to B8010.1 Zoning Off PS
\$ 601.87 from B8010.13 ZBA PS	\$ 601.87 to B8010.12 ZBA Sect PS
\$8,000.00 from DA5142.1 Snow PS	\$8,000.00 to DA5130.1 Machinery PS
\$2,500.00 from SS8130.4 Treat & Disp	\$2,500.00 to SS8110.4 Sewer CE

2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye.  
CARRIED

COMMITTEE REPORTS

- Councilman Wolf - the asbestos in the Town Hall has been removed. Also, he has spoken with the Fire Department and they agreed to do safety training which will help the compensation insurance. Also, it has been a requirement since 2003 that each home have a 911 number visible. It is a difficult thing to have everyone comply. Any ideas on how to get this accomplished would be appreciated. Perhaps the newspaper will be helpful in printing this information.

- Attorney Tuttle - needs to speak with someone at Niagara Mohawk (National Grid) regarding the damage bill by a town truck. Also, she needs a description from Glenn Cooley on the sidewalk requests for Wall-mart.
- Hwy Superintendent Moshier - diesel fuel bids are going out and will be opened after the public hearing at the next meeting (12/22/05) This is the fuel for 2006.

From the floor: Rick Kavanagh: believes that the Town should look at the success rate of the engineering firm.

#13-MOTION TO ADJOURN MEETING

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

Meeting adjourned at 7:55 pm

Respectfully submitted,

Mary M. Peck  
Town Clerk