

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

Also present: M.Lombardo, J. Dzuroff and townspeople

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

AUDITED CLAIMS

Gen A	\$53,364.60	Hwy DA	\$15,075.92
Gen B	546.35	Hwy DB	\$39,944.69
Sp Dist	\$47,891.09		

MONTHLY REPORTS

Town Clerk	Recreation & Parks
Building & Zoning	Highway Department

Town Justice D. Porter - report for April 2007 - amount of check \$11,237.50.

Town Justice A. Spears - report for April 2007 - amount of check \$9,942.50.

#1-MOTION TO APPROVE MINUTES

Motion by Potter to approve the minutes from the April 17, 2007 regular town board meeting as written. 2nd by Higgins. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

CORRESPONDENCE

1. Survey results from the Catt. Co. Assessors' Assoc. regarding V4 system.
2. Catt. Co. Health Dept. - Notice of Plan Approval for Wal-Mart
3. Catt. Co. Health Dept. - Larvicide Notice & Maps for mosquito spraying.
4. L.J.Stein - NYMIR renewal application (Carolyn & Pat working on this)
5. Foit-Albert invoice through 4/30/07.
6. Catt. Co. Risk Management - worker's compensation payment listing.
7. memo and letter to Catt. Co. DPW regarding S. Nine Mile Rd. & parking problem
8. NYS Dept. of State - Re: Municipal Code Enforcement Program.
9. ISO - Notification of Publication of BCEGS Classification
10. National Grid - Re: NYS High Voltage Proximity Act (Code Run 57)
11. Letter from Donald Black dtd 5/2/07 regarding wind energy.
12. Letters and petition from S. Nine Mile Rd. residents regarding IA Construction
13. NYS Gov. - notice of grant programs funding availability
14. Safety Comm solutions - notice of training session on 5/23/07 at Premier Banquet Center at 5:30pm
15. NYS ORPS - residential assessment ratio.
16. Catt. Co. DPW - reply regarding our request to fix Buffalo Road.

17. Notice of completion of BAR training - Mike Amore.
18. NYS Senate - C. Schummer - advising of funding applications acceptance
19. NYS Executive Chamber - Notice of executive order issued creating a Commission on Local Government Efficiency and Competitiveness.
20. Cattaraugus Co. Real Property Services - notice of cost of assessment services for 7/1/07 through 7/1/08 (3179 parcels_
21. NYS ORPS - 2007 Tentative Assessment Roll Town Totals
22. U.S. Senate - C. Schummer - advising of applications for funding for Weed & Seed Communities Competitive Program
23. U.S. EPA - Re: EPA Construction Grant C-36-1255-01
24. Town of Allegany Planning Board Minutes from 3/12/07 meeting.
25. Letter from Town Resident regarding the Nichols Run Road condition.
26. NYMIR - Notice of proposed rate adjustments for 2007
27. Collateral Source Bill - Senate Sponsor Request Letter
28. MEMO - from Carol Horowitz regarding Wind energy moratorium and proposed amendments to the Zoning Ordinance
29. Letter from Town resident, Terry Moore regarding the Dog Ordinance
30. Notice of Issuance of Magazine Certificate to Town Resident, William Splain

#2-MOTION TO CONTINUE ASSESSMENT SERVICES

Motion by Potter to send letter to Cattaraugus County Legislature to advise that the Town of Allegany is interested in continuing the assessment services with the county for the year 7/1/07 - 7/1/08 at a cost of \$15.24 per parcel. 2nd by Eaton. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

NEW BUSINESS

#3-MOTION TO ADJUST BUDGET (CHIPS)

Motion by Eaton to adjust budget as follows:

Increase Estimated Revenues	DB510 by \$10,400.92
CHIPS	DB3501
Increase Appropriations	DB960 by \$10,400.92
CHIPS	DB5112.2. 2 nd by Potter. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. <u>CARRIED.</u>

#4-MOTION TO DONATE TO BONAGANY FESTIVAL

Motion by Potter to donate to the BONAGANY FESTIVAL by transferring \$1000.00 from A1990.4 (contingency) to A7550.4 (celebrations). 2nd by Higgins. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#5-MOTION TO AUTHORIZE SUPERVISOR TO SIGN ESCROW FOR CULVERT CONSTRUCTION (Wal-Mart)

Motion by Potter to authorize the supervisor to sign the escrow agreement for culvert construction at Wal-Mart. 2nd by Wolf. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

- Letter and maps from Greg Yaw, Esq regarding H2O districts *** **this information will be on the agenda for May 29, 2007 for the special meeting to be held** ***
- Judge A. Spears - regarding Town Prosecutor *** **neither Justice could appear, therefore, this will be placed on the next regular town board meeting agenda** ***

#6-MOTION TO HOLD A SPECIAL MEETING

Motion by Eaton to hold a special meeting of the Town Board on May 29, 2007 at 7pm at the Town Hall with the Town Engineer, and Water Attorney (G.Yaw) and interested residents to discuss water/sewer and other districts. 2nd by Potter. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#7-MOTION TO ADJUST RECREATION SUMMER PAY PERIODS

Motion by Potter to approve the summer program pay periods for recreation dept as follows: #1- 6/22-7/5 paid on 7/12/07; #2- 7/6-7/19 paid on 7/26; #3- 7/20-8/3 paid on 8/9 and #4- 8/4 - 8/23 paid on 8/30. 2nd by Hitchcock. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#8-MOTION TO EXTEND WINDMILL MORATORIUM

Motion by Eaton to extend the windmill moratorium until 12/31/07 or until a new ordinance is in place or ratified by the Town Board, whichever comes first. 2nd by Higgins. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

UNFINISHED BUSINESS

#9-MOTION TO SEND LETTER TO CATT. CO. TO ADVISE OF WITHDRAWL

Motion by Eaton to send letter to Cattaraugus County to advise them that the Town of Allegany is going to withdraw from their workers compensation program effective in July of 2007. 2nd by Potter. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

1. Local Law Memo regarding NYS Uniform Fire Prevention & Bldg. Code
2. Updated floor plans for highway garage expansion (from K.Wilson)

#10-MOTION TO AUTHORIZE SUPERVISOR TO SIGN SHARED SERVICES AGREEMENT WITH VILLAGE OF ALLEGANY

Motion by Wolf to authorize the supervisor to sign the shared services agreement between the Town of Allegany and the Village of Allegany. 2nd by Hitchcock. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

3. Water district formation petitions and questions *** **this will be addressed at the special meeting on May 29th.** ***

OTHER BUSINESS

COMMITTEE REPORTS

- John Moshier - Ron Kyser, the Highway Garage Custodian has retired. Mr. Moshier would like the Town Board to approve the appointment of Terri Rogers as the new custodian. Also, there are 152 missing 911 signs and they will be put up as soon as the county makes them.
- Councilman Potter - (to Daniel Lai) Mr. Potter apologized for not getting back to him regarding Hawthorn Lane. Mr. Potter advised that he and other board members have gone up to Hawthorn Lane and checked out its condition. Mr. Potter also has a letter from Roy Rogers regarding bus pickup of Mr. Lai's children. They should not be walking, as the bus will pick them up at their house. The road is being taken care of as it should be. There are no curbs in a secondary road in the country.

#11-MOTION TO APPOINT HIGHWAY GARAGE CUSTODIAN

Motion by Eaton to appoint Terri Rogers as the new highway garage custodian effective immediately at a rate of \$9.70 per hour. 2nd by Wolf. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

- Attorney Tuttle - requests an Executive Session to discuss pending litigation.

From the Floor: Ron Kyser - thinks BONAGANY is a good thing for this area.

Also, Mr. Kyser volunteered to clean up the front of the Town Hall so that it will be neat and orderly for the Memorial Day Ceremonies.

#12-MOTION TO ADJOURN TO EXECUTIVE SESSION

Motion by Eaton to adjourn to executive session to discuss pending litigation. 2nd by Potter. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Regular meeting adjourned at 8:05 pm.

#13-MOTION TO ADJOURN EXECUTIVE SESSION AND REGULAR MEETING

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

Meeting adjourned at 8:15pm.

Respectfully submitted,

Mary M. Peck,
Town Clerk