

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: townspeople, town assessor, board of assessment review members
and news media

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

#1-MOTION TO APPROVE MINUTES

Motion by Wolf to approve the minutes from the May 12, 2005 town board meeting. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

CORRESPONDENCE

1. Town of Allegany Zoning board of Appeals minutes from 5/2/05 meeting.
2. VARNUM - memorandum on Federal threat to cable & telephone franchises, fees, cell tower zoning - email alert.
3. NYMIR - 2004 Annual Report

UNFINISHED BUSINESS

1. NYMIR - use of private vehicles by employees letter dtd 5/11/05. *** this will be TABLED to the June 9, 2005 meeting. ***
2. Audit proposals and comptroller memo *** Mercer has additional charges whereas, BWB covers it in the quoted price. ***
3. letter/photos to C.E.O. from town resident on "Old State Road" and Route 417 properties. *** C.E.O. has sent a letter to owners ***
4. Lotter & Lotter fencing payment *** J. Wolf to look into ***

#2-MOTION TO RESCIND MOTION FROM ORGANIZATIONAL MEETING

Motion by Eaton to rescind the motion from the organizational meeting of 1/4/05 wherein the wages for the Board of Assessment Review were set at \$50.00 for the 1st day of grievance and then \$10.00/hr for times after grievance day. 2nd by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#3-MOTION TO RETAIN WAGES FOR B.A.R.MEMBERS

Motion by Eaton to retain the wages for the Board of Assessment Review members at \$10.00 per hour for all sessions. 2nd by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#4-MOTION TO ACCEPT AUDIT BID

Motion by McMullen to accept the bid of \$7200.00 from Buffamante, Whipple & Buttafaro, PC to do the Town Audit. This price includes the initial GASB 34 conversion which cost a minimum of \$1500 to \$2000. 2nd by Eaton. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#5-MOTION TO PAY LOTTER & LOTTER FENCING

Motion by Wolf to transfer \$3006.50 from A1990.4 Contingency to A7110.2 Parks Equipment to pay for the fencing on the new softball field. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#6-MOTION TO SET PUBLIC HEARING ON ADELPHIA CONTRACT

Motion by Eaton to set a Public Hearing on the Adelphia Contract for Thursday, June 23, 2005 at 7:00 PM . 2nd by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

NEW BUSINESS

1. Catt. Co. DPW - Snow & Ice Control Contract letter to Hwy Superintendent (5/9/05) ***Hwy Superintendent Moshier suggests this be sent back to the County requesting a 3% increase due to the increased costs of salt, sand, labor, etc. ***

#7-MOTION TO APPROVE ALCS USE OF TWO VOTING MACHINES

Motion by Eaton to approve the request of the Allegany-Limestone Central School to use two (2) voting machines on June 21, 2005 from noon-9pm for another vote on the school buses. 2nd by McMullen. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

2. Info. From Attorney Tuttle on assessment issues:
 - a) Discuss/vote to keep revaluation at 100% (or not)
 - b) Discuss/vote to keep revaluation in the future or not (yearly)
 - c) Discuss any methods of keeping assessment at 100%
 - d) Discuss possibility of appointed -v- elected assessor position
 - e) Discuss the issue of whether or not the assessor is fulfilling her duties as Town Assessor based on public request.

*** on a & b, these items will be kept on back burner and researched and discussed.

*** on c, Town Board is to check with the New York State ORPS on this.

*** on d - Town Law Section 20 states that a 1st class town has to have an appointed assessor.

*** on e - Personnel committee met with Marsha Painter and she will do all she can to help the property owners. Must prove just cause; a review process must be followed. RPTL 324 - prove illegality, not making current changes, repeated offenses, pattern of behavior of blatantly not doing her job, etc. The Town Board would need a hearing

advising of this. Councilman McMullen asked the personnel committee if they felt there was "just cause" and Councilman Higgins replied "No".

COMMITTEE REPORTS

**REMINDER OF PUBLIC HEARING on June 9th, 2005 for rezoning of property owned by Don Benson off of W. Fall Rd.

Technical committee -- the information regarding grievance forms can be put on the Town web-site.

Old high school committee -- meeting on 6/7/05 at 7:00 and they should have a tentative report for the 2nd meeting in June.

Supervisor Eaton - Wal-Mart update:: they are to submit an application to the Town by Labor Day.

Attorney Tuttle -- would like to adjourn to executive session on litigation matters

Councilman McMullen - would like to adjourn to executive session on personnel matters

From the floor: Judy Peck - would like to thank Councilman McMullen for his questions regarding the revaluation and assessment. However, she is not happy with the personnel committee on their decisions regarding the assessor.

Larry Kardos: recommends that the Town Board set up an outreach for people to understand assessment/revaluation process. He also questioned about putting a Cap on the assessment ??

Mel Duggan: advised that he felt very satisfied in his dealings with the Board of Assessment Review. They listened to what he had to say on all of his properties and he felt they dealt with him on the same level. He went on to say that he has complied with the Town's advisement to put in writing what he was not happy with and then he would be answered in writing. He has not received an answer from the assessor's office even though it was addressed in writing. He is not happy with the assessor's office not getting back to him. It took him and his son all day to compile the information they needed for grievance day. Luckily, his son could operate a computer. He felt it was too bad for those people that do not know how to get this information because they are going to be paying way too much money.

Jason Crisafulli: questioned the numbers on the changes for the reassessment. GAR said it was 1/3 reduced, 1/3 stayed the same and 1/3 increased. Where is the numbers on this? Has not been able to get this information from the assessor's office. Mr. Fisher from NYS ORPS mentioned the coefficient is more equal now, but where is the paperwork in black & white to uphold this?

Larry Kardos: where did GAR come up with the criteria to determine "neighborhood"? Also, can there be a cap on the % of property tax increase?

Councilman McMullen: replied that there cannot be a cap. He has researched this issue.

Jason Crisafulli: questioned the Town Board if they saw this assessment issue as a problem of the Town, or if it was just a problem of a select few?

Supervisor Eaton: replied that it is definitely a Town problem and the Board is trying to address it the best way they can. The system is flawed, but if the kinks can be worked out, then perhaps it will even itself out and the system eventually will be beneficial.

#8-MOTION TO ADJOURN TO EXECUTIVE SESSION ON LITIGATION AND PERSONNEL MATTERS

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

#9-MOTION TO ADJOURN EXECUTIVE SESSION AND REGULAR SESSION

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

Meeting Adjourned at 9:15pm

Respectfully submitted,

Mary M. Peck
Town Clerk