

PRESENT WERE: Deputy Supervisor D.Potter Councilman Higgins
Councilman McMullen Councilman Wolf
Town Attorney Tuttle Hwy Superintendent Moshier
Comptroller C. Hemphill Town Clerk M. Peck
Also Present: M. Lombardo, J.Dzuroff, W.Brand, M.Painter, Planning & Zoning Board Members, townspeople and news media.

ABSENT: Supervisor Eaton.

Public Hearing on the Rezoning request of Don Benson Opened at 7:00 PM. Wendy Brand gave a summary of the request to the Town Board and public. There is about 19 acres. Deputy Supervisor Potter advised the public that the floor was opened for comment. **John Crisafulli:** stated that he knows where the property is and believes it to be a good idea to re-zone it.
No other comments, therefore at 7:05pm:

#1-MOTION TO CLOSE PUBLIC HEARING

Motion by Potter to close the public hearing. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye. CARRIED.

Salute to the Flag at 7:06 pm opened the regular meeting.

#2-MOTION TO CONGRATULATE BLAKE EATON

Motion by Potter to congratulate Blake Eaton on his NYS Shot Put and Discus throwing championship. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye. CARRIED.

#3-MOTION TO APPROVE MINUTES

Motion by McMullen to approve the minutes from the May 17, 2005 regular Town Board Meeting and meeting on Revaluation & Assessments as written. 2nd by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye. CARRIED.

#4-MOTION TO APPROVE MINUTES

Motion by Higgins to approve the minutes from the May 26, 2005 regular Town Board Meeting as written. 2nd by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye. CARRIED.

MONTHLY REPORTS

Town Clerk Recreation & Parks
Highway Department

Town Justice A.Spears-report for May 2005 - amount of check \$5460.00
Town Justice E.Allen - report for May 2005 - amount of check \$7572.50

AUDITED CLAIMS

Gen A \$15,609.55 Hwy DA \$50,399.41

Gen B	\$14,311.34	Hwy DB	\$31,690.27
Sp Dist	\$1,065.89		

CORRESPONDENCE

1. Southern Tier West - notice of project being developed to assist local municipalities in developing a stormwater management program.
 - a. Annual Drinking Water Quality Report for 2004 from the Village of Allegany *** per D.Potter, this information is on the Town/Village Website ***
2. Letter from John D. Brearley, GAR Associates, Inc. on the definition and information on "neighborhood"
3. State of New York State Board of Real Property Services - Notice of Tentative Equalization Rate - 100.00.
4. Syracuse University - notice of seminar on Wastewater for Local Representatives on July 18-19, 2005.
5. EAST Resources Inc., - notice of continuation to develop and Oil and Gas lease in Chipmunk Valley. (clerk has maps)
6. Memo from Assessor on number of Grievances

NEW BUSINESS

1. Village of Allegany notice of water/sewer rate increases. (TABLE) *** this is being tabled so that the water/sewer committee can review ***
2. NYS Public Employment Relations Board - request for updated information (TO TABLE for 6/23/05 meeting.) *** Comptroller is working on this ***
3. Request for speed limit posting on Nichols Run road. (Town or county road??) *** per Hwy Superintendent, Nichols Run is a county road, therefore, Town Clerk will send a letter to the County requesting a speed limit reduction. ***
4. Request for transfer from Recreation & Parks Director
5. Request for change in pay-schedule for summer Rec & Parks employees
6. Accept resignation of Marsha Painter.

#5-MOTION TO APPROVE RECREATION DEPT. TRANSFER REQUEST

Motion by Potter to accept the request for transfer of \$1,100.00 from the Recreation Contractual account to the Recreation Clerk account; transfer of \$300.00 from the Parks Personnel (maintenance) account to the Recreation Clerk account; and transfer \$1,900.00 from Parks Contractual account the Recreation Clerk account. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye. CARRIED.

#6-MOTION TO APPROVE SUMMER PAY PERIODS FOR PARKS/RECREATION

Motion by Potter to accept the summer two-week pay schedule for Recreation and Parks employees. After 8/18/05 the regular pay schedule will resume. 2nd by McMullen. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye. CARRIED.

#7-MOTION TO ACCEPT TRANSFER PER COMPTROLLER MEMO

Motion by Potter to accept the transfer of \$6617.05 from DA5130.4 Machinery CE to DA5130.2 Machinery EQ. 2nd by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye. CARRIED.

#8-MOTION TO ACCEPT RESIGNATION

Motion by Potter to accept the resignation of Marsha Painter effective July 10, 2005. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye. CARRIED.

UNFINISHED BUSINESS

- a) NYMIR - use of private vehicles by employees letter dtd 5/11/05 (was tabled)

#9-MOTION TO ADDRESS VEHICLE USAGE (PRIVATE/TOWN)

Motion by Higgins to add the following to the end of Section 507 Vehicle Usage of the Employee Handbook: **Private Vehicle Usage:** No town Employee while on town time shall transport in their private vehicle persons who are not officials or employees of the Town of Allegany, without direct authorization by the appropriate Department Head or the Supervisor. 2nd by Potter. DISCUSSION: Councilman Wolf questioned this issue. Attorney Tuttle explained that the Town has liability issues when a Town Employee uses their personal vehicle to transport a non-town employee on Town time. Vote: Higgins-aye, Potter-aye, McMullen-aye, Wolf-nay. CARRIED.

OTHER BUSINESS

- REMINDER OF Public Hearing for Adelphia Cable Contract for 6/23/05 at the Senior Center at 7:00 PM .
- Sign for " No Skateboarding on Town Property"

COMMITTEE REPORTS

- John Hare, Chairman of Town Planning Board: gave a brief overview of what is to be tentatively on the agendas for the next few months: Wal-Mart is going to apply most likely by August 2005; CORE Development, purchasers of the St. Bonaventure (Castle) property is going to submit paperwork some time this summer; Draft Noise Law Public Hearing by the Planning Board as the Town Board sent matter back for revisions.
- Councilman Wolf - the school committee has met a few times. He would like to speak in executive session on this issue. They are trying to keep on track and hope to have information ready for the next meeting.

- Councilman Higgins- also reminds people that if there is any input on keeping the current Town Hall for offices, please advise. There are also links on the town website for assessor information. Any questions, please call.
- Attorney Tuttle - advises that the agreement with EAST Resources to use Chipmunk Road while developing oil/gas leases there will be okay as long as the Bond is posted (\$25,000).

From the floor:

- 1) Mike Peck: questioned why does the board need to discuss things in executive session instead of in front of the public?
- 2) Attorney Tuttle - advised that some issues are entitled to the executive session under the law.
- 3) Judy Peck - believes that the townspeople should be able to say what they want to the town board as they work for the people. Ms. Peck also wanted to know when the agenda for the meeting was made so that she could find out what topics are going to be discussed. She was advised that 2 days prior to meeting the agenda is available, also is on the web-site.
- 4) Larry Kardos - questioned about a Gag Order: Attorney Tuttle explained the ability of the public to speak at open meetings and at Public Hearings.
- 5) Carl Kiffer - asked about the Buffalo Rd.: is it town or county? Why is it not striped? (county road, therefore, the county is responsible)
- 6) Mary Davis- Could the public know what the purchase price of the old high school is? Answer: it has not been discussed yet
- 7) Kyle Duggan - has the town discussed the replacing of the assessor? Answer: No.
- 8) R. Ryan - questioned the gas/oil line in Chipmunk, is it going in front of her house? Hwy Superintendent answered her questions.
- 9) J. Hyland: questioned if Wal-Mart is going to Olean? What is the Town Board's opinion? Have we started investigated starting a city? We should consolidate town and village to save money.
- 10) M.Davis - when will we get answers from our grievances? Ans: next week.
- 11) Jason Crisafulli: what about last year's property grievances? Why do we have to wait? Also, does the Board plan on having GAR back next year. Answer: the board does not know. Will the Town now go to the county to do assessments? Dept. Sup. Potter answered yes, but we don't know dates of the contact. July 1st is the date the final roll is to be certified.
- 12) Mel Duggan - based on the recommendations and costs presented by the town Engineer, has the town thought about fixing the present heating/cooling system? Perhaps the Town should contract with Mazza of Olean to fix it.
- 13) Councilman McMullen - there is a misunderstanding somewhere. The Town board is looking into the Old High School Bldg. and into repairs for the current Town Hall. The Board will take comments from the floor on this.

#10-MOTION TO ADJOURN TO EXECUTIVE SESSION ON REAL ESTATE

Motion by Higgins to adjourn to executive session on real estate matters. 2nd by
Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye. CARRIED. (7:45pm)

#11-MOTION TO ADJOURN EXECUTIVE SESSION AND REGULAR SESSION

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

Meeting Adjourned at 8:30 pm.

Respectfully submitted,

Mary M. Peck
Town Clerk