

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

Also present: G. Dzuroff, K. Sheen of Everpower, townspeople and newsmedia

Supervisor Eaton opened the Public Hearing on the Moratorium for the construction of windmills in the Town of Allegany at 7:00 pm. Supervisor Eaton gave a small summary of why the Public Hearing is being held: to allow the Planning Board look into this matter and incorporate information regarding windmills into our Zoning Ordinance. A question was asked if this refers to windmill farms, or individual windmills. **Supervisor Eaton** advised it is for any windmills. Each issue will be addressed by the Planning Board. **Kevin Sheen**, a representative of Everpower spoke about this issue. They are looking at windpower in the Town of Allegany. The process has just begun and it is usually a 3 year process. They have a permit for this already. An anemometer is used to study the wind for about 12 - 18 months. Mr. Sheen will answer any questions that anyone may have. **Ellen Peck** - asked why some places are against windmills? **Kevin Sheen** - some people don't like the looks of them; there are various other reasons. He is to send some information regarding the studies done concerning windmills and birds, wildlife, etc. **Jason Crisafulli** - questioned about the number of windmills in a cluster? **Kevin Sheen** - it depends on the specific area, but usually about 25 - 35. **John Williams** - asked if the Coldspring project has been started yet? **Kevin Sheen** - yes, it has, but the wind never blew there enough. They will know more after the wind is studied. The current place in Chipmunk for the anemometer is on Norton Land Company property. **Jason Crisafulli** - believes that this should be for windmill farms, not ornamental ones.

The Public Hearing on the Moratorium on windmill construction was closed at 7:16 PM.

The Public Hearing on the increase of water rates in the Town of Allegany was opened by Supervisor Eaton at 7:16pm. **Supervisor Eaton** explained that the current water rates will increase 3% as recommended by our auditing firm. **Supervisor Eaton** welcomed comments from the public. No comments, therefore, **Supervisor Eaton** closed the Public Hearing on the increase of water rates for the Town of Allegany at 7:17 PM.

Salute to the Flag at 7:17 PM opened the regular town board meeting.

Paul Donovan & Lee Stein of NYMIR to address the Town Board: Paul Donovan, Lee Stein and Karen Buckley of NYMIR were present to address the Town Board and answer questions.

Paul Donovan - addressed the Town Board. He advised that NYMIR is a not for profit organization owned by participating municipalities. Mr. Donovan provided handouts and advised that the Board of NYMIR wanted Mr. Donovan to go to all subscribers and meet with them to discuss any issues. There are currently 607 subscribers.

Lee Stein - introduced himself and gave a brief talk on how he and his office are always available to help our municipality if needed.

Supervisor Eaton - advised that we would very much like to get out of the Cattaraugus County worker's compensation fund and into the NYMIR funding. This issue will be looked into in the future.

MONTHLY REPORTS

Town Clerk Recreation & Parks Dept.	Highway Superintendent Building & Zoning Dept.
Town Justice D. Porter- July 2006-	amount to Supervisor \$8034.00
Town Justice A. Spears - July 2006 -	amount to Supervisor \$8275.00

AUDITED CLAIMS

Gen A	\$42,958.02	Hwy DA	\$15,726.41
Gen B	\$2,922.27	Hwy DB	\$96,100.67
Sp Dist	\$49,628.41		

#1-MOTION TO APPROVE MINUTES

Motion by Potter to approve the minutes from the July 13, 2006 regular town board meeting as written. 2nd by Wolf. Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

CORRESPONDENCE

1. NYS ORPS - notice of the Town of Allegany's application for Annual Reassessment Aid.
2. Letter from Atty. G. Yaw (dtd 7/28/06) regarding the Wiltsie Crsrds Water dist.
3. Letter from Atty. G. Yaw (dtd 7/28/06) regarding legal procedures for the formation of a water district.
4. Letter from Atty. G. Yaw (dtd) 8/1/06) regarding services for water district
5. Kinley Corp. letter dtd 7/31/06 regarding Wiltsie Crsrds water district. *** Jason Crisafulli advised that the requested information has not been received from the Town - John Moshier advised that the information has been sent and the specific matter has been taken care of. Mr. Yaw will be notified. ***
6. Resolution from the Village of Allegany regarding the small trail to be constructed in the wooded area behind the transfer station. **New Business**
7. NYMIR - bi-annual loss report 1/1/06 - 6/30/06.
8. copy of letter from City of Olean to Village of Allegany regarding the annual sewage payment due.
9. NYMIR - Recommendations for Town of Allegany resulting from the Loss control Specialist's survey conducted.
10. Memo from CEO to supervisor advising that one recommendation per the insurance survey has been completed. Occupancy signs at Birch Run facility
11. generic agreement for employees that use computers, internet and e-mail.

12. Memo from Supervisor Eaton to Bldg & Grds. Committee regarding fire alarm system at the Senior Center on Birch Run Road.
13. Catt. Co. Board of Elections - polling site accessibility survey and need for adjustment. **New Business**
14. Catt. Co. Board of Elections - contract for use of our facilities for voting - **New Business**
15. Recreation & Parks Dept. - Two (2) requests for \$\$ transfers. (7/27/06 & 8/3/06)
16. Catt. Co. DSS - letter regarding their " Mobile Work Crews"
17. NYS Board of Real Property Services - Final state equalization rate: 100.00
18. NYS Association of Towns - notice of 2007 dues.
19. Time Warner Cable - notice of their replacing Adelphia.
20. Village of Allegany - water supply agreement **New Business**
21. Memo from CEO, J. Dzuroff to Town Board regarding mileage **New Business**
22. Memo from CEO and Peddler's Permit application from T. Payne requesting relief from peddler's permit application fee.
23. NYS Dept. of State - CD on planning & zoning issues and Municipal Control of signs.
24. Town of Allegany Zoning Board of Appeals minutes from 7/10/06 meeting.
25. FAX from NYS ORPS - grant applications availability
26. Catt. Empire Zone Corp. - 2006 contract & voucher **New Business**
27. Annual reassessment proposal for 2006 from GAR **New Business**
28. Annual reassessment proposal for 2006 from JD Brearley Consultants, **New Business**

NEW BUSINESS

- #6 above - Small Trail by transfer station **** this has been approved by the Village *****
- #13 above - Catt. Co. Board of Elections polling site accessibility adjustment **** this will be looked into *****
- #14 above - Catt. Co. Board of Elections contract for use of voting sites *****TABLE*****
- #20 above - water supply agreement with Village of Allegany *****TABLE*****
- #21 above - memo from CEO regarding mileage reimbursement ***** at budget time, this will be looked at to see what can be done to secure a vehicle *****, also, CEO to bring in numbers regarding insurance, gas, oil, etc. ******
- #26 above - Catt. Empire Zone Corp. - 2006 Contract & payment *****TABLE*****
- Appoint Joyce Kibler as Deputy Court Clerk

#2-MOTION TO APPOINT DEPUTY COURT CLERK

Motion by Potter to appoint Joyce Kibler as Deputy Court Clerk effective immediately at \$9.25/hr. 2nd by Hitchcock. Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

- Proposals for annual reassessment (GAR and JD Brearley) #27 &28 above ****To committee for review *****
- Vote on moratorium for windmills

#3-MOTION TO HAVE A MORATORIUM ON WINDMILLS

Motion by Eaton that the Town of Allegany impose a moratorium on the construction of new windmills effective immediately and to expire 7/31/07. 2nd by Wolf. Potter-abstain, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#4-MOTION TO INCREASE TOWN WATER RATES

Motion by Eaton to increase the town water rates 3% from the current rate effective September 1, 2006. 2nd by Potter. Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

- #11 above - generic agreement for employees and computer use ***** this is in the employee handbook, and we shall send it to NYMIR to see if it is okay or if it needs to be adjusted *****
- #15 above - transfer requests for Rec & Parks dept. (included in comptroller's memo)
- #22 above - memo from CEO on Peddler's Permit request ***** per discussion of the board, the peddler permit fee will remain in effect as is, there will be no waiver. (letter to be sent to applicant)**

UNFINISHED BUSINESS

- Catt. Co. DPW - contract for shared services (dated 6/15/06)*** **TABLE*****

OTHER BUSINESS

- Dog kennel construction. ***** a brief summary was given by the Town Clerk advising that NYS Dept. of Ag & Markets will be mandating municipal owned shelters down the road. We may be able to save money if we maintain our own shelter as far as paying kennel costs, paying SPCA and mileage. This will be looked into further. *****
- 1992 IH 6man cab w/ snow plow & 10' dump box to auction as high bidder, Scott Nunweiler backed out of bid.(from 7/13/06 meeting)

#5-MOTION TO WITHDRAW MOTION

Motion by Eaton to withdraw the motion of the July 13, 2006 meeting motion #2 which read "to accept the high bid of \$7500 from Scott Nunweiler for the 1992 IH 6 man cab/snow plow & 10'dump box" as Mr. Nunweiler advised that he cannot afford the truck as expected at this time. He is sorry. 2nd by Potter. Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED. (the truck will be sent to auction)

#6-MOTION TO AUTHORIZE AUDIT

Motion by Potter to authorize audit by Buffamante-Whipple-Buttafaro, PC to audit the financial statements of the town as of December 31, 2005 at a cost not to exceed \$6800.00. 2nd by Hitchcock. Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Supervisor Eaton - the Final Environmental Impact Study for the proposed Wal-Mart expansion is on his desk. If anyone wishes to review it, they may do so. The Planning board will need to be made aware of their requests.

#7-MOTION TO ACCEPT TRANSFERS FROM COMPTROLLER

Motion by Eaton to accept the following transfers from the Comptroller's Memo:
\$2000.00 from A1355.12 BAR PS to A1355.40 Assessor CE
\$2000.00 from A1990.40 Contingent to A1410.11 Deputy Town Clerk PS
\$3600.00 from A1990.40 Contingent to A1420.40 Attorney CE (Greg Yaw)
\$150.00 from A3310.20 Traffic Control EQ to A3310.40 Traffic Control CE
\$500.00 from A6772.11 Sr. Citz Supv. PS to A6772.40 Sr. Citizens' CE
\$100.00 from A7110.20 Parks EQ to A7110.14 Parks Maintenance PS (per Mark)
\$600.00 from A7110.20 Parks EQ to A7110.40 Parks CE (per Mark)
\$3000.00 from B1990.40 Contingent to B8020.40 Planning CE
\$35,000.00 fro DB5110.10 Gen Repair PS to DB5110.40 Gen Repair CE
\$4000.00 from SS8130.40 Sewer Treatment & Disposal CE to SS8110.40 Sewer
CE
\$500.00 form A1990.40 Contingent to A1110.12 Deputy Court Clerk PS 2nd by
Potter. Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED

#8-MOTION TO AUTHORIZE BUDGET ADJUSTMENT

Motion by Eaton to Increase DA510 Estimated Revenues (DA2665 Sale of Equipment) \$9000.00 thereby increasing DA960 Appropriations (DA5130.2Machinery EQ) \$9,000.00 to allow the expenditure of the additional monies received. 2nd by Potter. Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

COMMITTEE REPORTS

- Councilman Wolf - looking into the fire alarm at the Senior Center.
- Councilman Hitchcock - new bleachers @ Stayer Park, there are installed. Kayaking and Climbing wall are not good things for the town to begin as there is much liability involved. Also, the brick park at the end of Constitution Avenue needs work done to it. He has spoken to Mark about it.
- Supervisor Eaton - he has spoken with Mike Watson about the 4th street gym. Perhaps the ALCS and the Town can split the cost of the gym and both use it. Also, there is a meeting on 8/14/06 at the Village Hall at 7:30 regarding the water issues with Wal-Mart.
- Councilman Potter - BONAGANY is set for Sept. 30, 2006. Plan B is Fireman's Park if it rains. Also, NYS is soon to mandate that salt piles be covered. (This should not bother Town)
- Highway Superintendent - Chipmunk Road will have a box culvert replacement and there will be one-lane road instead of detour around. Also, requests to go to fall hwy superintendent conference.
- Supervisor Eaton - Sheriff John to meet with him at Town Hall on Monday, 8/14/06 at 1:00 to discuss road patrols.

From the Floor:

- Ron Kyser - how about trying to get volunteers to do work at the brick park? He really doesn't want taxes to keep going up. He believes that the recreation department should be looked into.
- Jason Crisafulli - asked about having the City of Olean and Allegany using Gargoyle Park for Basketball, roller skating, etc. . Councilman Hitchcock is to look into this issue.
- Ellen Peck - read a newspaper article in the Times Herald that the County has a very large surplus. Why do they keep raising our taxes if they have so much money? What are they doing with our money?
- Supervisor Eaton - we shall write a letter to the Legislature and find out.

#9-MOTION TO ADJOURN MEETING

Motion by Potter to adjourn meeting. 2nd by Hitchcock. Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Meeting adjourned at 8:20 pm

Respectfully submitted,

Mary M. Peck
Town Clerk
8/17/06