

7:00 PM

PRESENT WERE: Supervisor Eaton                      Councilman Higgins  
                    Councilman Potter                      Councilman Hitchcock  
                    Councilman Wolf                      Attorney W. Tuttle  
                    Town Clerk M. Peck

ALSO PRESENT: R. Pearl-Lamphier, M. Lombardo, L. Senglaub, Esq., and  
townspeople

ABSENT: Hwy. Superintendent J. Moshier, Comptroller C. Hemphill

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 August 10, 2006 Public Hearings and regular Town Board Meeting as written. 2<sup>nd</sup> by Hitchcock. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED

#### CORRESPONDENCE

1. Catt. Co. Treasurer's Office - Sales tax receipts comparison for 2003, 2004, 2005, 2006.
2. National Grid - tree planting program \*\*\*Councilman Hitchcock believes we should send a support letter to the Village about this. Councilman Higgins advises that Mike Blumenthal has been working on this Tree Planting Issue and will take care of it, most likely. \*\*\*
3. Time Warner Cable notice they are replacing Adelphia
4. NYMIR - reply from Thomas M. Weisbeck on our computer systems and internet services policy.
5. NYS ORPS - Memorandum Additional State Aid Availability
6. Notice of road work on Chipmunk Road in August 2006.
7. NYS Executive Chamber - notice of more grant money availability for "Restore New York"
8. Letter from Village of Allegany regarding their increase in water rates of 250% \*\*\* per Supervisor Eaton, the 7<sup>th</sup> street residents will need to petition the town to form a water district. \*\*\*
9. NYS Dept of State - Division of Local Gov't. Services - Teleconference on Community Partnerships (9/27/06)
10. NYMIR - Letter and CD of Recreation and Risk Handbook.
11. Time Warner Cable - notice of Town Hall Meetings and Debates on Channel 6.

#### NEW BUSINESS

1. Catt. Co. DPW - letter and maps regarding Blair Road. \*\*\* Attorney Tuttle and Hwy. Superintendent Moshier will continue to work on this and take care of this matter. \*\*\*

2. Letter from Dennis Eames, AFSCME \*\*\* Per Supervisor Eaton, there has been a mere miscommunication and he shall take care of this. \*\*\*
3. AON Surety - New Bond since Adelphia is no longer the cable carrier (needs supervisor signature)

#2-MOTION TO AUTHORIZE SUPERVISOR TO SIGN

Motion by Higgins to authorize the Supervisor to sign the AON Surety Bond Release to the Travelers Casualty and Surety Company of America. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

4. Hydraulic pipe network flow study - from Town Engineer

#3-MOTION TO AUTHORIZE FOIT ALBERT ASSOCS. TO DO WATER STUDY

Motion by Eaton to approve Foit-Albert Associates to conduct a hydraulic pipe network flow study according to their contract; the Village of Allegany paying ¼ cost, Wal-Mart paying ¼ cost, DDR paying ¼ cost and the Town of Allegany paying ¼ cost and the work will not start until all money is in escrow. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

5. Resolution to abandon Cranberry Road right of way

#4-MOTION TO ADOPT PLANNING BOARD SEQR FINDINGS

Motion by Eaton that the Town Board approve the issue of SEQR findings concerning the abandonment of Cranberry road as per the Planning Board SEQR findings dated 8/21/06. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#5-MOTION TO APPROVE THE ABANDONMENT OF A PORTION OF CRANBERRY ROAD

Motion by Eaton to approve the abandonment of a portion of Cranberry Road and to authorize John Moshier to sign certificate of abandonment with current survey map with an amendment to extend the portion to Independence Drive. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

6. Consolidated Assessment Program (CAP) \*\*\* **the assessment committee to set up a meeting with the Towns included and Mr. Fisher of NYS ORPS. (9/12/06 at 10:30 am) \*\*\***

TABLED BUSINESS (from 8/10/06 meeting)

1. Catt. Co. Board of Elections - agreement for use of polling site (Hwy Garage Court Room) \*\*\* **Attorney Tuttle sees no problem with letting the County use the court room for voting as they have been in the past. Supervisor to sign and Clerk to send to Board of elections \*\*\***
2. Polling site accessibility (Highway Garage/Court Room) \*\*\* **Hwy Superintendent to take care of this matter \*\*\***

#6-MOTION TO AUTHORIZE SUPERVISOR TO SIGN VILLAGE WATER AGREEMENT

Motion by Potter to authorize the Supervisor to sign the Village of Allegany water agreement dated 7/1/06 by the Village and 8/24/06 by the town. 2<sup>nd</sup> by Hitchcock. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

3. CEO mileage memo \*\*\* **this will be addressed at budget time.** \*\*\*

#7-MOTION TO SIGN EMPIRE ZONE CORP. CONTRACT

Motion by Potter to authorize the Supervisor to sign the Cattaraugus Empire Zone Corp. contract for 2006 in the amount of \$8500.00. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

4. Reassessment revaluations

#8-MOTION TO ACCEPT J.D. BREARLEY LLC AS CONTRACTOR FOR ANNUAL REASSESSMENT SERVICES FOR 2007

Motion by Potter that the Town Board accept J. D. Brearley LLC as the contractor for the annual reassessment services for 2007 in the amount of \$14,500.00 annual fee. 2<sup>nd</sup> by Eaton. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

5. **Catt. Co. DPW Shared Services Contract \*\*\* per Attorney Tuttle, she has spoken with Hwy. Superintendent Moshier and does not recommend that the Town sign this contract. She is working on a contract with different language for shared services. This does not seem to be a "mutual" agreement. TABLE \*\***
6. NYMIR - handbook review \*\* per NYMIR, our computer section in the handbook is okay as it is written \*\*\*
7. Dog Shelter Construction \*\*TABLE\*\* (town clerk is working on this )
8. Local Law for Board of Assessment Review Date change \*\*TABLE\*\* being worked on now.
9. Worker's Compensation Ins. - transfer to NYMIR \*\* per Supervisor Eaton, the Town shall send a letter to the Board of Fire Commissioners that they will need to get their own compensation insurance.

COMMITTEE REPORTS

- Councilman Wolf - fire alarm system at Highway Garage \*\* per Councilman Wolf, he has looked at the system at the highway garage and there is no control panel, no heat or smoke detectors. He will need to speak with Bldg Inspector and also believes repairs will need to be put into this next budget.
- Agreement with Sheriff Dept. for road patrol \*\* per Supervisor Eaton, this has already been implemented. Mr. Eaton is to contact Sheriff John after the 1<sup>st</sup> of September to see how things are going.

From the floor: **Ellen Peck - extended her thanks to the Town Board for writing the letter to the Cattaraugus County Legislature regarding the surplus monies.**

#9-MOTION TO ADJOURN TO EXECUTIVE SESSION ON LAND CONTRACTS

Motion by Eaton to adjourn to executive session to discuss a land contract issue. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Executive session entered at 7:43 pm.

#10-MOTION TO ADJOURN EXECUTIVE SESSION, RE-ENTER REGULAR SESSION AND ADJOURN REGULAR MEETING.

Motion by Potter to adjourn executive session, re-enter regular session and adjourn regular meeting. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Meeting adjourned at 8:05 pm.

Respectfully submitted,

Mary M. Peck,  
Town Clerk  
8/30/06