

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

Also present: M. Lombardo and townspeople

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

#1-MOTION TO APPROVE MINUTES

Motion by Wolf to approve the minutes of the September 14, 2006 regular meeting as written. 2nd by Hitchcock. Higgins-aye, Hitchcock-aye, Wolf-aye, Potter-aye. CARRIED.

CORRESPONDENCE

1. YMCA - Invitation to the Activate Cattaraugus Key Leaders Forum on Thursday, October 5th, 2pm-4pm at JCC Cutco Theater.
2. NYS DEC - Notice of completion of SPDES Permit No. NY-0259012
3. Catt. Co. Risk Management - 2007 Workers' Compensation Program Charges
4. Letters from Attorney G. Yaw regarding water district

NEW BUSINESS

1. Letter from Dr. Michael Kelly regarding a right of way abandonment by the Town of Allegany. *** **Attorney Tuttle just rec'd information on this and she is going to contact Dr. Kelly about this matter.** *** **TABLE**

#2-MOTION TO ENTER INTO HAZARD MITIGATION PLAN

Motion by Hitchcock to enter into the Multi-Jurisdictional Hazard Mitigation Plan as submitted by Cattaraugus County DPW. 2nd by Higgins. Higgins-aye, Hitchcock-aye, Wolf-aye, Potter-aye. CARRIED.

#3-MOTION TO RE-NEW B.A.N

Motion by Potter to renew the B. A. N. at Five Star Bank for \$58,000.00 at an interest rate of 4.29%. 2nd by Wolf. Higgins-aye, Hitchcock-aye, Wolf-aye, Potter-aye. CARRIED.

#4-MOTION TO TRANSFER MONIES

Motion by Higgins to transfer \$34,180.00 from the building repair reserve to A1620.4 Town Hall Contractual in order to pay for the new HVAC system. 2nd by Wolf. Higgins-aye, Hitchcock-aye, Wolf-aye, Potter-aye. CARRIED.

UNFINISHED BUSINESS

- Dog Kennel Construction ***TABLE***
- Shared Services Contract (highway) *** Attorney Tuttle is working on this ***
- Local Law for Grievance Day *** TABLE ***
- Wal-Mart on escrow accounts *** Attorney Senglaub has forwarded all escrow agreements to both Carol Horowitz and Attorney Tuttle for their review. Attorney Tuttle has read them over and advises that they are acceptable.

#5-MOTION TO AUTHORIZE THE SUPERVISOR TO SIGN THE THREE ESCROW AGREEMENTS FOR THE PROPOSED WAL-MART EXPANSION

Motion by Potter to authorize the Town Supervisor to sign the three escrow agreements (Traffic Study, Sidewalk Construction and Water System Analysis) with Wal-Mart Real Estate Business Trust for the proposed Wal-Mart Expansion. 2nd by Higgins. Higgins-aye, Hitchcock-aye, Wolf-aye, Potter-aye. CARRIED.

#6-MOTION TO AUTHORIZE THE SUPVISOR TO SIGN THE WATER SYSTEM MODIFICATION AGREEMENT FOR THE PROPOSED WAL-MART EXPANSION

Motion by Potter to authorize the Town Supervisor to sign the Water System Modification Agreement with Wal-Mart Real Estate Business Trust for the proposed Wal-Mart Expansion. 2nd by Wolf. Higgins-aye, Hitchcock-aye, Wolf-aye, Potter-aye. CARRIED.

OTHER BUSINESS

- Budget work-session

COMMITTEE REPORTS

- Hwy Superintendent - we have no more sign posts to put the 911 signs up. Please put this information in the newspaper so that it will help educate the public as to why some people do not have their number yet. As soon as we get more posts, we shall put up the remainder of the signs. (Town Clerk to run a small new article to this effect)._ Also, Mr. Moshier met w/ Dominion Pipe Line Co. and they are to fix the roadway that they have been using next week.

#7-MOTION NOT TO PAY HWY CLEANER BI-WEEKLY

Motion by Potter not to pay the highway cleaner bi-weekly. 2nd by Higgins. Higgins-aye, Hitchcock-aye, Wolf-aye, Potter-aye, CARRIED.

#8-MOTION TO PAY HIGHWAY CLEANER MONTHLY

Motion by Potter to pay the highway cleaner on a monthly basis. 2nd by Higgins. Higgins-aye, Hitchcock-aye, Wolf-aye, Potter-aye. CARRIED.

Attorney Tuttle- would like to go into executive session to fill the board in on the assessment litigation actions.

From the floor: nothing from the floor

#9-MOTION TO ENTER INTO EXECUTIVE SESSION

Motion by Potter to enter into executive session to discuss assessment litigation matters. 2nd by Higgins. Higgins-aye, Hitchcock-aye, Wolf-aye, Potter-aye. CARRIED.

Regular session over at 7:25 pm

#10-MOTION TO ADJOURN EXECUTIVE SESSION AND REGULAR MEETING

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

Meeting adjourned at 8:00 pm

Respectfully submitted,

Mary M. Peck
Town Clerk
9/29/06