

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

ALSO PRESENT: Co. Legislator-J. Boser, townspeople, news media

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

To be heard: Mel J. Duggan of Duggan & Duggan, Inc. \*\*\* Mr. Duggan spoke about the matter on the W. Five Mile Road and explained that he will correct the problem that his workers made while doing construction work on a neighboring parcel. \*\*\*

Also heard: Bob Wenzel on behalf of the Board of Fire Commissioners regarding the purchase of the old Mobile Gas Station site. The fire department would like to pursue the purchase of the site and they would like to have the Town Board's approval. The Town Board, upon the advice of Attorney Tuttle advised Mr. Wenzel that once something is received from the DEC and Exxon Mobil Corp. in writing that they shall absorb all costs that are associated with the clean-up of this site, the Town will act on the request.

#### #1—MOTION TO APPROVE MINUTES

Motion by Potter to approve the minutes from the January 8, 2004 regular board meeting as written. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#### CORRESPONDENCE

1. Zoning Board of Appeals minutes from Jan. 5, 2004 meeting.
2. Catt. Co. Treasurer's Office – 2003 Town/Village Payments
- Nb 3. Catt. Co. DPW – Agreement to Spend Town Highway Funds – 2004
- Nb 4. Appointment of Chairman of the Zoning Board of Appeals – 2004
- Nb 5. Appointment of Chairman of the Planning Board – 2004
6. Resignation from BAR member, Helen Monroe.
- Nb 7. Referral from Planning Board on the Rhema Christian Church re-location
8. NYMIR – bi-annual loss report for the period 7/1/03 – 12/31/03.
9. FAX memo from Assemblywoman C. Young on the 2004 Community Development Block Grant Small Cities Program.
10. Allegany Planning Board minutes from the 12/8/03 meeting.
11. Rural Revitalization Corp. – request for letter of support. \*\* Mike Higgins is to write a letter of support for this. \*\*
12. Catt. Empire Zone Corp. – Board of Directors meeting minutes 12/03.
13. Catt. County Legislature - Notice of appointment of Patrick H. Eaton, Sr. as a Cattaraugus Empire Zone Corp. Board of Directors member. \*\* Pat advised that there will be some meetings he cannot make, so he would like to have someone attend in his place. \*\*

14. United States Senate – C. Schumer – notice of funds to become available for bulletproof vests.
15. United State Senate – C. Schumer – notice of 2 day forum on homeland security
16. Letter from Attorneys Kavinoky & Cook, LLP to Wendy Tuttle, Esq. on RB – 3 Associates.
17. Listing of Per Diem rates for New York State.
18. Copy of letter from Duggan & Duggan to Charles Cornish.

One Resolution Summary listing from the Cattaraugus County Legislature 1/7/04. (Clerk has original if anyone wishes to review) no copies made.

### UNFINISHED BUSINESS

#### #2—MOTION TO ACCEPT RESIGNATION

Motion by McMullen to accept the resignation of Jim Hitchcock from the Board of Assessment Review. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#### #3—MOTION TO ACCEPT RESIGNATION

Motion by Potter to accept the resignation of Helen Monroe from the Board of Assessment Review. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

- ◆ Police Contract -- Wendy Tuttle is to review and possibly amend some of the language in it. Also, perhaps the school and village should meet with the Town prior to voting/agreeing on a police contract.
- ◆ Adelphia -- Local town and village attorneys are still negotiating with Adelphia. There is a 2/4/04 meeting and the contract is being revised, again. Wendy Tuttle will keep town board advised on progress.
- ◆ Dump truck – highway department -- cost will be approximately \$95,000.00. this will be put on the next agenda to discuss: 1) do we want to buy, 2) how will we pay for it?
- ◆ On the APS Contract, it was discussed that Carol Horowitz will create a check-list on what should be done for planning and the Town Board would like to have her up-date the board every 2-3 months on what is taking place.

### NEW BUSINESS

#### #4—MOTION TO SIGN AGREEMENT WITH COUNTY

Motion by McMullen to sign the agreement with Cattaraugus County to spend Town highway funds for the year 2004. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#5—MOTION TO APPOINT ZONING BOARD OF APPEALS CHAIRMAN

Motion by Potter to appoint Jim Elling as the Chairman of the Zoning Board of Appeals for the year 1/1/04 – 12/31/04. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#6—MOTION TO APPOINT PLANNING BOARD CHAIRMAN

Motion by Higgins to appoint E. Peter Hellier as the Chairman of the Planning Board for the year 1/1/04 – 12/31/04. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#7—MOTION TO APPOINT BOARD OF ASSESSMENT REVIEW MEMBER

Motion by Potter to appoint Wendy M. Brand as a Board of Assessment Review Member. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#8—MOTION TO SET PUBLIC HEARING ON RHEMA CHRISTIAN REQUEST

Motion by Eaton to set a Public Hearing on Thursday, February 12, 2004 at 7:15 PM upon the request from Rhema Christian to re-locate their facility to the old “Allegany Drive-In” site on Route 417 in the Town of Allegany. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

OTHER BUSINESS

- ◆ Dog Control Officer contract/agreement
- ◆ SPCA secondary kennel agreement \*\*\*\*\* table these two items \*\*\*\*\*

COMMITTEE REPORTS

From the Floor : Rita Bielinski: would like to say that the Dog Control Officer, in her opinion is not doing his job. She claims she called him 15 – 20 times and he failed to respond. She wants to know what the Town is doing about it. The Town Clerk advised her that if she has a complaint, to first call the Town Clerk’s office and advice of the problem. The Town Clerk will notify the owner and then action will be taken if the problem is not resolved.

Charles Cornish: he owns property in Allegany and he wants to know why the Code Enforcement Officer is not doing his job? He wants the zoning in Allegany enforced. Town Attorney advised Mr. Cornish that we (the Town) are looking into the problem in question.

#9—MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS UNION NEGOTIATIONS

Motion by Higgins to adjourn to executive session to discuss Union Negotiations. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

\*\*\* The Board came out of executive session and discussed briefly the presentation by GAR on the re-evaluation/assessments which will be at the February 12, 2004 meeting \*\*\*

#10—MOTION TO ADJOURN MEETING

Motion by Potter to adjourn meeting. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

Meeting Adjourned.

Respectfully submitted,

Mary M. Peck  
Town Clerk

Adjourn