

7:00 PM

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

ALSO PRESENT: J. Dzuroff, M.Lombardo, M.Painter, J.Elling, D.Porter,  
townspeople and news media.

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

To be heard: Raymond O'Brien of Castle Drive, Allegany (Olean mailing).. Dennis O'Brien of Castle Drive in Allegany addressed the Board. He spoke about all night parties that take place at the Castle Apts.. These apartments house Bonaventure Students. The residents have approached the landlords of this apartment building and have been told to call the police. The police advise the residents that there is nothing that they can do as there is no noise ordinance in effect there (town). The residents are asking the Town Board for help to enact a noise ordinance and that would hopefully give the police something to work with. They even suggested a "seasonal noise ordinance". Supervisor Eaton advised the O'Briens that he has already spoken with some of the Village Police and this matter will be passed on to the Planning Board to look into. The matter will also need to be reviewed by the Town Attorney and Town Planner, and then back the Town Board for a public hearing and a vote.

John Sayegh, Cattaraugus Empire Zone Corp.-- Mr. Sayegh provided handouts to the Board members regarding the Cattaraugus Empire Zone Corp. He provided a summary of the goals and objectives of the Corp. along with some of it's background and history. Mr. Sayegh also provided some long-range plans and strategies of the Empire Zone Corp. He also was willing to answer any questions that anyone may have.

#### #1—MOTION TO APPROVE MINUTES

Motion by Potter to approve the minutes from the September 23, 2004 regular Town Board meeting as written. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#### AUDITED CLAIMS

Gen A	\$64,496.13	Hwy DA	\$10,809.70
Gen B	\$1,209.63	Hwy DB	\$71,299.15
Sp Dist	\$875.87		

#### MONTHLY REPORTS

Town Clerk	Hwy Superintendent
Recreation & Parks	Building & Zoning Office
Assessor's (8/04 & 9/04)	

Town Justice E.Allen- report for September 2004, amount to Supervisor - \$4110.00

Town Justice A.Spears- report for September 2004, amount to Supervisor - \$3846.00

CORRESPONDENCE

- Nb
1. Letters from Raymond O'Brien and other Castle Drive residents on noise.
  2. Letter from Allegany Engine Co., Inc. on Old Home Week parade for 2005
  3. Cattaraugus Co. Real Property Services – infor about 2005 tax collection
  4. Town of Allegany Planning Board minutes from 8/9/04 meeting.
  5. NYS ORPS – 2004 Triennial Aid for Town of Allegany application info.
  6. NYMIR – Handbook for September 2004.
- Nb
7. Copy of letter from Carol Horowitz to Ms. Fodor of St. Bonaventure regarding the job description for internship of records organization
  8. Letter from St. Bonaventure to Supervisor Eaton regarding the Allegany River Valley Trail contribution for 2003 and 2004. (rec'd \$2000.00)
  9. NYS OFT – RE: Draft Generic Environmental Impact Statement for the Statewide Wireless Network
  10. Letter from resident on Sheldon Drive regarding planting trees and shrubs
  11. NYS Comptroller's office – Notice of teleconference on 10/14/04 entitled “Cheaper by the Dozen: Procurement Cost Saving Tips for Local Governments.”
  12. Listing of Town Official Salaries for Cattaraugus County for 2004
  13. Catt. Co. Real Property Services – letter dtd 10/1/04 regarding Special Districts and Town Budgets.
  14. Catt. Co. Office of Emergency Services – Hazard Mitigation Projects associated with FEMA 1534-DR-NY Disaster Declaration. (funds available)  
\*\* Councilman Wolf is to check with the Board of Fire Commissioners regarding this issue. \*\*
  15. NYS ORPS – Distribution of 2004 STAR Administrative Aid for Town of Allegany.
  16. NYS Comptroller's Office – NYS Rail Infrastructure Investment Act of 2002
  17. NYS Comptroller's Office – Homeland Security Aid
  18. VARNUM – September 2004, Model Cable Franchises Information
  19. Catt. Co. DPW – Letters of Intent for Hazard Mitigation Projects. (deadline is October 29, 2004)

Cattaraugus County Legislature Prefiled Resolutions & Summary (2) Clerk has on file.

UNFINISHED BUSINESS

- Info from Attorney Tuttle on Kinley Corp. and the waiver of fees. \*\*\* Attorney Tuttle has looked into this issue and is not aware of any other fees that need to be paid. She believes that the fees already paid by the Kinley Corp. have covered what is necessary. A letter will be sent to Jason Crisafulli on this. \*\*\*
- Info from Attorney Tuttle on the Concerned Citizens Coalition (she has had no response yet and is to contact their attorney)
- Info from Attorney Tuttle on the Farmersville Dump Opposition \*\*\* Attorney Tuttle does not have enough information on this issue to take any action.. \*\*\*

- Approval of the Salt Storage Building shed bid from the 9/23/04 meeting by the Highway Superintendent. (Board approved upon H.S. approval) \*\* per Highway Superintendent J. Moshier, the bid on the Salt Storage Bldg. Is okay. \*\*\*
- Old Mobil Station site -- the Allegany Board of Fire Commissioner's request of the Town's approval to purchase. \*\*\* DISCUSSION\*\*\* Attorney Tuttle advises that she has spoken with both the DEC and Attorney Backhaus. The clean-up order issued by the DEC covers ongoing liability by the Town. Water contamination issues by the village may be the only issue .\*\*\*

#2—MOTION TO APPROVE PURCHASE OF OLD MOBIL STATION SITE

Motion by Eaton to approve the request to purchase the Old Mobil site by the Allegany Board of Fire Commissioners on the conditions that the DEC clean-up order be complied with to the fullest extent possible. 2<sup>nd</sup> by Wolf, Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.  
(clerk to send letter to B of FC secretary)

- Nancy Barney, of the Cattaraugus County Real Property Tax Office gave a presentation to the Board on the costs associated with contracting with Cattaraugus County to take over the Town Assessor's Office. She also provided a handout. This information was similar to the information she presented at a previous board meeting. \$12.65 per parcel, 1 day/wk most of year, 2 days/wk in Jan & Feb..

NEW BUSINESS

#3—MOTION TO ENTER INTO EXECUTIVE SESSION ON PERSONNEL ISSUES

Motion by Eaton to enter into executive session to discuss personnel issues. 2<sup>nd</sup> by McMullen. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye.  
CARRIED.

#4—MOTION TO ADJOURN EXECUTIVE SESSION AND RE-ENTER REGULAR SESSION

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

WHEREAS, the Town of Allegany wishes to minimize cost and Real Property Tax Law 1537 authorizes municipalities to enter into an agreement with a county for assessor services... therefore,

#5—MOTION TO OUTSOURCE THE TOWN ASSESSOR POSITION

Motion by Potter to outsource the position of Town Assessor to Cattaraugus County by municipal cooperative agreement pursuant to Real Property Tax Law 1537 which is subject to a 45-day permissive referendum. 2<sup>nd</sup> by Higgins. Roll

Call Vote:     Higgins                             aye  
                  Potter                             aye  
                  McMullen                         aye  
                  Wolf                                 aye  
                  Eaton                               aye.

CARRIED.

#6—MOTION TO ABOLISH FULL-TIME POSITION OF RECREATION DIRECTOR

Motion by McMullen that in order to achieve a cost reduction through outsourcing of services, the Town Board abolish the full-time position of Recreation Director effective 12/31/04. 2<sup>nd</sup> by Eaton. DISCUSSION: McMullen: it is the intention of the Town Board that the Town's relationship with the following groups will remain unchanged: The Town Senior Center and the Allegany 60+ Club, the Allegany Little League, the Allegany Girls Softball Program, other groups who use the Town's playing fields in Stayer Park. It is the intention of the Town Board that the following programs will be among the programs that will be continued: summer recreation program in River Park, swimming programs, indoor soccer, and the renting of the pavilions in River Park.

Roll Call Vote:	Higgins-	abstain	
	Potter-	nay	
	McMullen-	aye	
	Wolf-	aye	
	Eaton-	aye.	<u>CARRIED.</u>

#7—MOTION TO HIRE PART-TIME ALLEGHENY RIVER VALLEY TRAIL MAINTENANCE PERSON

Motion by Higgins to hire Lynn Shaffer for the part-time Allegheny River Valley Trail maintenance person at \$7.00/hr under the supervision of Highway Superintendent John Moshier. 2<sup>nd</sup> by Eaton. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

- Appointment of Zoning Board Member to fill vacancy left by Al Wager \*\*\* this will be tabled to give board members time to review applications. \*\*\*

#8—MOTION TO REFER NOISE ORDINANCE REQUEST TO PLANNING BOARD

Motion by Higgins to refer the noise ordinance request to the Town of Allegany Planning Board for review. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#9—MOTION TO APPROVE ST. BONAVENTURE STUDENT USE FOR RECORDS REORGANIZATION

Motion by Eaton to approve the use of a St. Bonaventure student for records re-organization at no cost to the Town, under the supervision of Town Clerk, Mary Peck. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#10—MOTION TO SET PUBLIC HEARING ON 2005 BUDGET

Motion by Higgins to set the Public Hearing on the 2005 Town Budget for Monday, October 25, 2004 at 7:00 pm after which the regular meeting of Thursday, October 28, 2004 be held immediately following. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

OTHER BUSINESS

#11-MOTION TO APPROVE TRANSFERS

Motion by Potter to approve the following transfers as provided by the Town Comptroller: \$6,327.00 to A1620.2 Town Hall EQ from A1620.4 Town Hall Contractual, \$500.00 to B9901.9 Transfer to Other Funds from B9060.8 Med Ins., and \$500.00 to T15 Unemployment Reserve from B9901.9 Transfer to Other Funds. 2<sup>nd</sup> by Eaton. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

COMMITTEE REPORTS

John Moshier: middle of next week, the salt storage building is to be started.

Wendy Tuttle, Esq.: Adelpia, she has requested information from the Public Service Commission on other companies agreements. Information is to be presented very soon for a Public Hearing to be set on the matter.

From the Floor: Mr. Greco of Hawthorn Lane addressed the Board: Mr. Greco advises that Jason Crisafulli, obo Kinley Corp. approached the residents of Hawthorn Lane and would like them to agree to lifting the deed restrictions because of a new lot on top of the hill which is more than the other lots. The residents there have concerns about the road and future usage, road drainage issues, etc. They are looking to the Town board for some kind of response or what they can do next. Attorney Tuttle advised Mr. Greco and residents that the Planning Board has reviewed these issues and the Hawthorn Lane residents should speak to the Planning Board about it. The next Planning Board meeting is scheduled for November 15, 2004.

Mark Lombardo: He would like the Town Board to adjourn to executive session to discuss his personnel issues.

#12-MOTION TO ADJOURN TO EXECUTIVE SESSION ON PERSONNEL ISSUES OF MARK LOMBARDO

Motion by Eaton to adjourn to executive session to discuss personnel issues of Mark Lombardo. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#13—MOTION TO ADJOURN EXECUTIVE SESSION AND RE-ENTER REGULAR SESSION

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

#14—MOTION TO ADJOURN REGULAR MEETING

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

Meeting Adjourned.

Respectfully submitted,

Mary M. Peck  
Town Clerk  
10/20/04