

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: P. Hellier, J.Dzuroff, M.Painter, townspeople and news media.

Salute to the Flag at 7:00 PM opened the meeting

Bids: Highway Department pick up trucks ¾ ton regular cab and ½ ton extended cab.  
Bids as follows: 1) on the 2002 Chevy 4X4 ½ ton extended cab pickup, from  
Jerry Linderman 1018 Bushey Road, Hinsdale, NY  
14743 716 968 3751 \$19,999.00  
2) on the 2002 Chevy 4X4 ¾ ton pickup regular cab from  
Boser Farms, 4224 Birch Run Road, Allegany, NY 14706 -  
\$18,837.00  
3) on the 2002 Chevy 4X4 ¾ ton pickup regular cab from  
Benson Const. PO Box 220, Allegany, NY 14706 716 372-  
1893 \$19,275.00.

#1—MOTION TO APPROVE MINUTES

Motion by Potter to approve the minutes from the March 11, 2004 regular board meeting as written. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#2—MOTION TO APPROVE MINUTES

Motion by Potter to approve the minutes from the March 18, 2004 emergency 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	\$18,291.10	Hwy DA	\$19,966.05
Gen B	\$1,830.75	Hwy DB	\$6,606.36
Sp Dist	\$2,470.62		

MONTHLY REPORTS

Town Clerk	Recreation & Parks
Town Assessor	Building & Zoning
Hwy Superintendent	

Town Justice E. Allen – report for March 2004- amount to Supervisor \$6150.00  
Town Justice E. Allen – report for February 2004 – amount to Supervisor \$4813.75  
Town Justice A. Spears – report for March 2004 – amount to Supervisor \$5129.00

CORRESPONDENCE

- ES
1. Memo from Attorney Tuttle to Supervisor Eaton dated 4/1/04.
  2. Letter from Attorney Tuttle to Attorney J. Michael Shane dated 3/24/04.
  3. Letter from Supervisor Eaton to Co. Treasurer, J. Keller dated 4/2/04
  4. Letter from NYS Taxation & Finance Dept. to Senator McGee dated 3/3/04.
  5. Letter from Senator McGee to NYS Dept of Taxation & Finance dated 3/18/04.
  6. Letter from RB-3 Attorneys to W.Tuttle, Esq. dated 2/23/04.
  7. Letter from Randy Korkowicz advising of renewal of liquor license for "Randy's Up The River".
  8. NYS Assoc. of Towns – notice & registration form for 4<sup>th</sup> Annual Town Finance & Management School ( 5/12 – 5/14/04 Saratoga Springs, NY.
  9. Adelpia letter to Supervisor Eaton about cable lineup change (dtd 4/2/04)
  10. Adelpia letter to Supervisor Eaton about change of address notification, dtd 3/09/04.
  11. Adelpia letter to Supervisor Eaton regarding recent changes to the costs for certain non-recurring charges eff. 3/1/04. (letter dated 3/9/04).
  12. Letter from Allegany resident regarding Penny Saver "hangings on mailboxes". \*\* Supervisor Eaton spoke with Postmasters about this and they advised him that the actual mailboxes cannot be tampered with, the post on which the mailboxes are on, do not come into play as far as mail goes. The Town cannot do anything about the blue bags hanging on them. Each person will have to call the Pennysaver to complain if they do not want delivery. \*\*\*
  13. Letter from NYS Municipalities Safety Group 497 regarding Quality Workers' Compensation Coverage for Your Municipality. (dated 3/31/04)  
\*\*Councilman McMullen is to look into this issue \*\*\*
- NB
14. Cattaraugus Co. Board of Elections – Polling Place accessibility compliance reports. Dated 3/29/04. \*\*\* Jack and Joe are to complete this \*\*\*
  15. Federal Emergency Management Agency – re: revision of National Flood Insurance Program in our community. (dated 4/1/04).
  16. NYS ORPS – regarding the recent reassessment (letter dated 4/2/04)
- NB
17. Letter from Planning Board Chairman to Supervisor Eaton and Town Board regarding recommended amendments to Zoning Ordinance II. (dated 4/1/04)
  18. Material Price List 2004 from Kinley Sand & Gravel.
  19. Copy of letter from Attorney Tuttle to NYS Public Work Wage Investigator dated 4/2/04.
  20. NYMIR – Risk Management Handbook on Seasonal Loss Exposures & Claims Managements. (March 2004)
  21. NYMIR – CD of NYMIR Land Use Training Program – 2<sup>nd</sup> Edition. Clerk has the CD and copies of the letter given to interested parties. (dtd 3/22/04)
  22. NYS Office for Technology – letter dated 3/26/04 on statewide wireless network – Notice of Segmentation Pursuant to 6NYCRR .....
  23. NYS Office for Technology – dtd 3/30/04 on Statewide Wireless Network – Notice of Scoping

- NB 24. Letter from Lance Jobe DBA Jess-Land on part-time code enforcement officer issues.
- NB 25. Catt. Co. DPW – Memorandum dtd 3/24/04 on County Wide Hazard Mitigation Plan. (requesting a reply by 4/9/04)
26. NYS Office of Public Security (dated 3/16/04) memo on reimbursement for Protection of Critical Infrastructure During National Orange Alert Period 3/17/03 – 4/16/03.
27. Letter from Catt. Co. DPW to Town Planner, C. Horowitz on Countryside Subdivision (dated 3/19/04).
28. Cattaraugus County Planning Board agenda & minutes dated 3/25/04.
29. Catt. Co. Board of Elections – letter about several election-related initiatives (letter is dtd 3/9/04)
30. Letter from R.Stevenson, Catt. Co. Board of Election Commissioner to Catt. Co. Legislature regarding possible changes in election operations for NYS. (dated 3/1/04).
31. Catt. Co. Community Action letter about the Summer Lunch Program (dtd 3/22/03?) rec'd 3/25/04.
- UB 32. Letter from Atty. Shane regarding the Former Mobile Station (dtd 3/19/04)
33. Town of Allegany Zoning Board of Appeals minutes from 3/15/04 meeting.
- NB 34. Catt. Co. Legislature RE: SEQR Lead Agency Request for Boundary Re-definitions.
35. NYMIR – copy of latest issue of “It’s Our Policy” newsletter.
36. Letter from Zoning Board of Appeals dated 3/19/04 to Town Supervisor and Town Board Members.
- NB 37. Letter from Allegany-Limestone School requesting use of voting machines for the annual budget and board member vote on 5/18/04 from noon to 9PM.
- NB 38. Cattaraugus Empire Zone Corp. letter dated 3/11/04 regarding inclusion of property in the Cattaraugus Empire Zone.
- NB 39. Memo from Town Assessor to the Town Supervisor and Board Members dated 3/31/04.  
Cattaraugus County Legislature Prefiled Resolutions & Summaries (4)  
(Clerk has if anyone would like to review them.)

### NEW BUSINESS

#### #3—MOTION TO ACCEPT PICKUP TRUCK BID (1/2 ton)

Motion by Potter to accept the bid of \$19,999.00 on the 2002 Chevy 4X4 ½ Ton pickup truck extended cab from Jerry Linderman of 1018 Bushey Road in Hinsdale, NY 14743. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#### #4--MOTION TO ACCEPT PICKUP TRUCK BID ¾ ton

Motion by McMullen to accept the bid of \$19,275.00 on the 2002 Chevy 4X4 ¾ ton pickup truck regular cab from Benson Const. Of Allegany, NY. 2<sup>nd</sup> by Higgins. Higgins-aye, McMullen-aye, Wolf-aye, Eaton-aye, Potter-abstain. CARRIED.

- (#14 above) Catt. Co. Board of Elections polling site accessibility report. Councilmen McMullen & Wolf are to complete this.
- (#17 above) Amendments to Zoning Ordinance II \*\* Pete Hellier gave a summary of some of the proposed changes and explained why the Planning Board made them. Some of the verbage has been changed, but the main intent is the same.
- (#24 above) Code Enforcement Officer , Lance Jobe \*\* This is TABLED to the next meeting ( April 22, 2004) \*\*
- (#25 above) Catt. Co. DPW – County-wide Hazard Mitigation Plan
- (#34 above) Catt Co. Legislature – SEQR Lead Agency Request for redefinition of Catt. Empire Zone Boundaries
- (#38 above) Catt. Empire Zone Corp. – inclusion of local properties
- (#39 above) Memo from Town Assessor \*\* This is TABLED to the next meeting (4/22/04) \*\*

#5—MOTION TO ALLOW USE OF VOTING MACHINES

Motion by McMullen to allow the Allegany –Limestone Central School use of the voting machine(s) for the Annual Budget Vote and Election of Board Members on May 18, 2004 from noon to 9pm. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED. \*\* Clerk will send letter advising M. Watson of vote \*\*

#6—MOTION TO AUTHORIZE SUPERVISOR TO SIGN KENNEL AGREEMENT

Motion by Potter to authorize the Supervisor to sign the agreement with Kistmet Kennels for the primary dog kennel effective 4/1/04 through 12/31/04. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

UNFINISHED BUSINESS

- (#32 above) Letter from Attorney J. Michael Shane on Former Mobil Station  
\*\* this will be discussed in Executive Session as possible litigation \*\*\*

OTHER BUSINESS

- The Town needs to do a complete dog enumeration this year (2004). Advertisement for a “dog enumerator” needs to be placed in the newspaper.
- “Prior Written Notice Law” \*\* Attorney Tuttle will look into this \*\*\*

COMMITTEE REPORTS

- Supervisor Eaton advised that he is working on trying to solve the sales tax problem with the Olean addressed Allegany businesses. He has spoken with a Kate Roy of the NYS Dept. of Taxation & Finance and she advises that she is aware of the problem and will help with this matter.
- Attorney Tuttle advises that she will look at the “Prior Written Notice Law” and will see what needs to be done with it.
- Attorney Tuttle advises that she will look at the Zoning Ordinance II and see where the problem may be with the regarding the enforcement of it.
- Discussion between the Board Members and CEO about the need for help in the code enforcement office and in the field.

From the Floor:

- Pete Hellier, Chairman of Planning Board advised that there was an article in the Times Herald about the Allegany County residents trying to develop land parallel to I-86 and the land needed water and sewer. We have the same problem with property here in Allegany. Perhaps a group needs to be set up to look at issues regarding this.

#7—MOTION TO ADJOURN TO EXECUTIVE SESSION ON UNION CONTRACT, LITIGATION AND PERSONNEL MATTERS

Motion by Eaton to adjourn to executive session to discuss litigation, union contract and personnel matters. 2<sup>nd</sup> by McMullen. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#8—MOTION TO ADJOURN EXECUTIVE SESSION AND REGULAR SESSION

Motion by Potter to adjourn executive session and regular session. 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  
4/13/04