

7:00 PM

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

ALSO PRESENT: David Porter, Al Wager & Don Bigler, ZBA Members, M. Lombardo, J. Dzuroff, M.Painter, Townspeople and news media.

ABSENT: Town Comptroller, C.Hemphill

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

#1—MOTION TO APPROVE MINUTES

Motion by Higgins to approve the minutes from the joint Village/Town board meeting of June 16, 2004. 2nd by Potter. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

#2—MOTION TO APPROVE MINUTES

Motion by McMullen to approve the minutes from the June 24, 2004 regular Town Board Meeting with a wording correction on page 3 from Jason Crisafulli to “He had the Assessor go with him up to Hawthorn Lane and physically view some properties.” Also, per Supervisor Eaton, please add “The Assessor did go.” 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

AUDITED CLAIMS

Gen A	\$18,606.11	Hwy DA	\$ 6,309.38
Gen B	\$1,824.92	Hwy DB	\$41,499.10
Sp Dist	\$3,544.82		

MONTHLY REPORTS

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

***Councilman McMullen had questions for the Recreation & Parks Department about costs to repair the parking lots.

Town Justice E.Allen- report for June 2004-amount of check to Supervisor: \$6697.50
Town Justice A. Spears-report for June 2004 – amount of check to Supervisor: \$6895.00

CORRESPONDENCE

- Nb 1. Letter from James R. Elling to Town Board
Nb 2. Letter from Zoning Board of Appeals to Town Board.
3. Memo from Assessor to Town Board re RPS V4 Program.

7:00 PM

4. Copy of letter from W. Tuttle, Esq. to Carol Horowitz Re: River's Edge Subdivision/Planning Board (dated 6/28/04)
5. Letter from NYS Comptroller's Office dated 6/25/04 Re: Local Government Use of State Contracts for Vehicle Fuel. (Clerk has booklet)
6. Adelphia – letter dated 6/24/04 regarding CableCARD availability to customers.
7. NYMIR Handbook on Warm Weather Hazards
8. NYMIR Handbook on Improving Roadside Safety – Part II
- Nb 9. Letter dated 6/22/04 from West Valley Citizen Task Force
- Ub 10. Letter and other information from West Branch Road Residents regarding the dog kennel in a residential area and zoning issues.
- Ub 11. Letter to DCO and response from DCO on the dog issue of W. Branch Rd.
12. Mosquito Control Notice from Catt. Co. HD. Rec'd 6/24/04.
- Nb 13. Letter from Catt. Co. HD regarding Public Water System Asbestos Monitoring/Waiver. Letter dated 6/16/04
- Ub 14. Letter from Kavinoky & Cook, LLP on RB-3 Associates on Assessments. This letter dated 6/25/04.
- Ub 15. Letter from Kavinoky & Cook, LLP on RB-e Associates –vs- Town of Allegany, Index No. 67733. Dated 7/2/04. (request for 90-day extension by the Court).
16. NYMIR -- Important Service Announcement. – change of appraisal companies. Dated 6/28/04.
- Ub 17. Copy of letter from CEO to Benderson Development regarding the Wal-Mart Plaza Completion.
- Nb 18. Letter from Niagara Mohawk regarding the inventory of traffic control equipment and then providing that information to Niagara Mohawk.
19. copy of letter from Planning Board to Mr. Ken Taft of DEC regarding the Giardini Brothers Gravel Pit. (dated 6/30/04)
20. Letter from GAR Associates of completion of reassessment project. Dated 6/30/04.
- Ub 21. Letter from GAR Associates of the Annual Reassessment Proposal
- Nb 22. Letter from Planning Board on Countryside Properties Bond for road for Subdivision. Letter dated 6/30/04.
23. Letter from Planning Board in response to John Balacki's letter about Copper Ridge Dice Runs.
24. Letter from Planning Board to Supervisor in regards to noticing for public hearings for Zoning Ordinance Amendments.
25. Letter from GAR Associates on final installment payment for re-assessment.

Cattaraugus County Legislature Prefiled Resolution Summary dated 6/9/04. (1)

UNFINISHED BUSINESS

- Request by Jack McMullen of Attorney Tuttle to research the letter from Attorney Arthur J. Giacalone. He represents "Community First of Cattaraugus County". ***

Per Attorney Tuttle, she has drafted a letter to Atty. Giacalone and if the letter is okay with the Town Board, she will send it.

- Zoning Amendments - return of notice from Catt. Co. Planning Board.

#3—MOTION TO APPROVE THE ZONING ORDINANCE II AMENDMENTS

Motion by McMullen to accept and approve the amendments to the Zoning Ordinance II. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye.
CARRIED.

- #10 & #11 from above- West Branch Residents issue of the Dog Grooming/Kennel Facility *** A letter has been sent by the CEO to these people of the correct procedures to set up a dog kennel and the requirements that accompany it. ***
- #17 from above – letter from CEO to Benderson Dev. On Walmart Plaza work *** A letter has been sent to Benderson Development of the Violations at the Wal-Mart Plaza. There are 5 violations corrected and 3 more need to be reviewed. TABLE this issued to the next meeting to make sure that the violations are all corrected.***
- #21 from above – letter from GAR on Annual Reassessment Project *** TABLE TO NEXT MEETING. A decision must be made by October. ***
- #14 & #15 above- letters from Kavinoky & Cook, LLP on RB-3 Associates assessment petitions. *** Attorney Tuttle is working on this. There is a 90 day extension. ***

NEW BUSINESS

#1 from above -- Letter from James Elling, ZBA Chairman

This letter advises that Mr. Elling is to resign his Chair of the Zoning Board of Appeals. Supervisor Eaton mentioned the idea of a combined zoning and planning boards. This was discussed at budget time and perhaps this is the time to discuss it further.

#4—MOTION TO ACCEPT RESIGNATION

Motion by McMullen to accept the resignation of James Elling as the Zoning Board of Appeals Chairman per his letter. 2nd by Eaton. Discussion: Al Wager- Vice-chair of the ZBA: on behalf of the ZBA: concerned about enforcement of the ZBA conditions. Advised that Mr. Elling may reconsider. Dave Porter spoke on behalf of the ZBA also, and advised that Jim Elling has the best interest for the Town and Community at hand when he looks at or into any Town issue. Supervisor Eaton feels that there should be more communication between ZBA and Code Enforcement Officer. CEO used to attend the ZBA meetings, but it became a budget concern, so he quit attending. ROLL CALL VOTE: Higgins-nay, Potter-nay, McMullen-aye, Wolf-nay, Eaton-aye. NOT CARRIED.

***A letter shall be sent to MR. Elling and each Zoning Board of Appeals member to please attend the next Town Board Meeting on August 12, 2004 at 7PM.

#2 from above – letter from Zoning Board of Appeals Members

#9 from above- Letter from West Valley Citizens Task Force *** This will be TABLED TO NEXT MEETING***

#13 From above -- Catt Co. HD on waiver for water systems asbestos monitoring. *** John spoke with the County about this matter. Not really sure what procedure needs to be taken. He will check again with the County.***

#18 from above -- Niagara Mohawk inventory of traffic control equipment*** Al Wager will look into this and take care of it. ***

22 from above – letter from Countryside Properties on bond for road *** no price has been discussed with the Highway Superintendent as of this date. This shall be TABLED to the August 8,2004 meeting.

#3 from above –Town Assessor requests permission to install RPS V4 program on her home computer.

#5—MOTION TO SEND LETTER TO NANCY BARNEY

Motion by Potter to send letter to Nancy Barney seeking permission to install the RPS V4 program on Marsha Painter's home computer. 2nd by Higgins.

DISCUSSION: Jack McMullen: does not think this is a good idea to have Town information on a personal computer. This may be setting a precedent to allow an employee to have information at home. Higgins-aye, Potter-aye, McMullen-nay, Wolf-aye, Eaton-aye. CARRIED.

OTHER BUSINESS

** question about the Cranberry Court right of way. John Moshier and W. Tuttle have discussed this matter. Town Clerk has looked for a map. Per Mr. Moshier, perhaps it has been abandoned or maybe given to Cranberry Court. He has no paperwork on it. Town Clerk will search at the Town Hall for more information on this. ***

COMMITTEE REPORTS

- Jack McMullen – on Stayer Park playing fields: he attended a meeting for girls' softball. If they can prove a viable organization, he will present the information to the Town Board in support of it. He would recommend that both baseball and softball use the fields. Mr. McMullen gave a brief summary of the situation. He also suggested that he continue as coordinator of this program.

#6—MOTION TO DESIGNATE PLAYING FIELDS

Motion by McMullen for the Town Board to designate effective August 1, 2004 the Stayer Park playing fields as follows: #1, #2 & #3 for baseball only; #4 for softball only and #5 to be shared on the basis of softball only on even calendar dates and baseball only on odd calendar dates. 2nd by Eaton. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye. CARRIED.

- Joe Wolf- the roof work is coming on the Senior Center.
- W. Tuttle – next meeting she would like an Executive Session to discuss a Tax Assessment Case.

- M. Higgins- on the Intermunicipal Trail Committee-- would like someone official from the Town on the committee. Pat Eaton would be on as long as the meeting was at night.

From the Floor:

Mrs. Ellen Peck: The last meeting they attended they had questions of GAR regarding the assessments. They were told to wait until the end of the meeting to ask the questions. Well, the GAR representative and the Town Assessor left before the end of the meeting and they did not have the chance to question. The Supervisor advised Mrs. Peck that Marsha can help her, she should stop in to her office.

Jason Crisafulli: We have asked questions and still have not received answers.

Rosemary Ryan: Her assessment went up 400%. Her house she feels is OK, but her land is not. Why is all of the vacant land different in valuation? How did the company arrive at the figures?

Supervisor Eaton suggests that each person make an appointment with Marsha to get the answers to their questions.

Larry Kardos: Does the Town plan to hold revenues the same because of the reval? Per Supervisor Eaton: "Yes".

#7—MOTION TO ADJOURN TO EXECUTIVE SESSION ON LEGAL MATTERS

Motion by McMullen to adjourn to executive session to discuss a legal matter. 2nd by Eaton. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye.
CARRIED.

#8—MOTION TO ADJOURN EXECUTIVE AND REGULAR SESSIONS

Motion by McMullen to adjourn executive session and regular session, also. 2nd by Higgins. Higgins-aye, Potter-aye, McMullen-aye, Wolf-aye, Eaton-aye.
CARRIED.

Meeting Adjourned.

Respectfully submitted,

Mary M. Peck
Town Clerk

