

MINUTES – TOWN OF ALLEGANY  
REGULAR BOARD MEETING  
TUESDAY, DECEMBER 10, 2019 7:00 PM TOWN HALL

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**PRESENT:**

|                      |                             |
|----------------------|-----------------------------|
| Supervisor Martin    | Councilman Hitchcock        |
| Town Clerk D. Pinney | Councilman Parker           |
| Councilman Maguire   | Hwy. Superintendent Moshier |
| Attorney Tuttle      | Councilman Koebelin         |

**ABSENT:**

Comptroller D. Piccioli

**ALSO PRESENT:**

Dave Morris (DMD), Steven Morris (Dallas Morris Drilling), Nick Morris (Dallas Morris Drilling), Joe Fuoco (Dallas Morris Drilling), Tom Rasey, Jason Paul, Hugh & Kathy Paul, Michel Piette (Dimes Energy), Matt Leblanc (Dimes Energy), Betty D'Arcy, Philip & Tammy Gardner, Barbara Dyskant, Theresa Schueckler (LWV), Judy & Bill Capozzi, Ronald & Betty Volz, Shawn Woodring, Andrea Jones, Dan (illegible last name), Walter Hollamby, Dale & Nancy Shively, Jack Karl, Tim Zerfas (Catt. Cty. Health Dept.), Jared Capra, Andrew Cooper, A. & J.F. Godnet-Calogeras, Todd Watkins, William Capozzi, Kaitlyn Higby, Emmi Li and Mikayla King.

**Salute to the Flag opened the meeting**

**#213-MOTION TO ACCEPT MINUTES FROM THE NOVEMBER 26, 2019 REGULAR BOARD MEETING**

Motion by Councilman Parker to accept the minutes from the November 26, 2019 Regular Board meeting as written. 2<sup>nd</sup> by Councilman Koebelin. Martin- aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

**AUDITED CLAIMS**

|            |              |
|------------|--------------|
| Gen A      | \$ 66,530.07 |
| Gen B      | \$ 16,431.98 |
| Hwy DA     | \$ 52,296.31 |
| Hwy DB     | \$ 60,714.93 |
| Spec Dist. | \$ 13,343.42 |

**MONTHLY REPORTS**

Town Clerk  
Building & Zoning Depts.  
Highway Dept.  
Rec. Dept.  
Cemetery  
Assessor

Town Justice D. Porter – report for November 2019 – amount collected: \$ 10,305.00.  
Town Justice A. Spears – report for November 2019 – amount collected: \$ 6,011.00.

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**CORRESPONDENCE**

1. Gail Hammond Thank you card
2. Senator George Borrello, drilling response letter

**NEW BUSINESS**

1. New questions related to oil well drilling:
  - Judy Capozzi thanked Supervisor Martin for writing letters to the State Representatives asking for assistance in this matter.
  - New questions that were raised include: questions about the ongoing investigation, fracking, should there be a moratorium on drilling (it is not within the Town's jurisdiction because it is a DEC project) and concerns about property values (must be taken up with the Town Assessor).
  - Michel Piette (Dimes Energy) gave his heartfelt condolences to the Volz family. He also summarized many of the steps that his company has taken: plug old wells, reduce noise, bought a new street sweeper, he had hired the best of the best to run his operation as well as offer assistance in paying for water testing and looking into the noisy generators. He stated that he believes that the explosion of the Volz house was an unfortunate catastrophe and unrelated coincidence.
  - Mr. Piette stated Dimes Energy is selling the local oil to American Refining in Bradford which has been in business since 1881.
  - Tim Zerfas (Catt. Cty. Health Dept.) offered information on water well testing and sampling for different well types. If you are a well owner it is your responsibility to test it to be sure it is safe. Elements such as arsenic are naturally occurring and could be in the water. He also stated that dissolved gasses in well water are very common in this area. He also explained how to vent the gasses that may exist into the atmosphere. He welcomed the group to call his department anytime with questions and gave contact information and sampling recommendations.
  - David Koebelin asked Dimes Energy to consider subsidizing water testing. He also suggested the Board make the same request of Cattaraugus County.
  - Supervisor Martin urged the group to stay in touch with the DEC, the Health Dept. and Emergency Service.

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2. Accept the resignation of Connie Sue

**#214-MOTION TO ACCEPT RESIGNATION OF CONNIE SUE**

Motion by Councilman Hitchcock to accept the resignation of Connie Sue with regret effective 12/31/2019. 2<sup>nd</sup> by Councilman Maguire. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

3. Accept the resignation of Don Sue

**#215-MOTION TO ACCEPT RESIGNATION OF DON SUE**

Motion by Councilman Parker to accept the resignation of Don Sue with regret effective 12/31/2019. 2<sup>nd</sup> by Councilman Maguire. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

4. Set date for year-end meeting

**#216-MOTION TO SET YEAR END MEETING DATE**

Motion by Councilman Koebelin to set the year end meeting for 12/23/2019 at 7:00 pm. 2<sup>nd</sup> by Councilman Hitchcock. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

5. Set dates for organization meeting

**#217-MOTION TO SET ORGANIZATION MEETING**

Motion by Councilman Hitchcock to set the 2020 Organization meeting for Thursday 1/2/2020 at 4:30 pm. 2<sup>nd</sup> by Councilman Parker. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

6. St. Bonaventure Water Usage Determination – Schedule Appeal hearing

**#218-MOTION TO SET APPEAL HEARING FOR THE ST. BONAVENTURE WATER USEAGE DETERMINATION**

Motion by Councilman Maguire to set an appeal hearing for the St. Bonaventure Water Usage Determination pending approval by St. Bonaventure on 1/28/2020 at 7:00 pm. 2<sup>nd</sup> by Councilman Hitchcock. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

7. Road Bonding law - Schedule public hearing - tabled

8. Annexation request Rivera on Maple - tabled

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**OLD BUSINESS**

1. Supervisor Martin will be mailing the S.A.M. grant (\$50,000.00) for the Birch Run Emergency Generator tomorrow. There may be an overage amt. of \$4039.89 that may need to be covered by the Town. Total: 54,039.89

**#219-MOTION TO PAY OVERAGE OF COST OF EMERGENCY GENERATOR**

Motion by Councilman Parker to allow payment of potential overage cost of the Birch Run Emergency Generator of up to \$4036.89 from money market account. 2<sup>nd</sup> by Councilman Koebelin. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

2. Supervisor Martin reported that she, Attorney Tuttle and John Moshier met with Mayor Pearl and Kim Roth to discuss the Water Supply Agreement. They are still waiting on the updated draft from the Village Attorney

**OTHER BUSINESS - none**

**COMMITTEE REPORT**

1. Joe Higgins thanked the Highway Department for Brick Park stone installation.
2. Councilman Parker invited the Board to an upcoming meeting regarding GoBike Buffalo. A representative from the Board has been invited to attend
3. Councilman Maguire reported that he will be meeting with the Little League Association by their first meeting to discuss the Town's budget changes.
4. Councilman Maguire discussed the Town Noise Law and suggested that the Board may want to define the measurable criteria in the future (ex: dB).

**FROM THE FLOOR - none**

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**Executive session legal**

**#220-MOTION TO ADJOURN TO EXECUTIVE SESSION FOR LEGAL REASONS.**

Motion by Councilman Maguire to adjourn to executive session at 8:35 pm for legal reasons. 2<sup>nd</sup> by Councilman Parker. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

**#221- MOTION TO RETURN TO REGULAR SESSION.**

Motion by Councilman Parker to return to regular session at 8:51 pm. 2<sup>nd</sup> by Councilman Koebelin. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

**#222- MOTION TO TRANSFER \$125,000.00 FROM SEWER RESERVE FUND.**

Motion by Supervisor Martin to transfer \$125,000.00 from Sewer Reserve Fund to undesignated cash/sewer fund. 2<sup>nd</sup> by Councilman Hitchcock. Martin-aye, Koebelin-absent, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

**#223- MOTION TO ADJOURN THE MEETING.**

Motion by Councilman Maguire to adjourn the entire meeting at 8:54 pm. 2<sup>nd</sup> by Councilman Hitchcock. Martin-aye, Koebelin-absent, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

Respectfully submitted,

Deryle Pinney, Town Clerk  
12/10/2019