

**MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY, DECEMBER 23, 2019 7:00 PM TOWN HALL**

PRESENT:

Supervisor Martin
Town Clerk D. Pinney
Comptroller D. Piccioli
Councilman Maguire
Attorney Tuttle

Councilman Hitchcock
Councilman Parker
Councilman Koebelin
Hwy. Superintendent Moshier

ABSENT:

ALSO PRESENT:

Andy Cooper

Public Hearing - Town of Allegany Road Bonding Law (Local Law #4 of 2019)

1. Supervisor Martin opened the Public Hearing and asked if there were any comments or concerns from the floor. There were none.

#224-MOTION TO CLOSE THE PUBLIC HEARING (7:02)

Motion by Councilman Parker to close the public hearing. 2nd by Councilman Hitchcock. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye.
CARRIED

Salute to the Flag at 7:03 PM opened the meeting

#225-MOTION TO ACCEPT MINUTES FROM THE DECEMBER 10, 2019 REGULAR BOARD MEETING

Motion by Councilman Koebelin to accept the minutes from the December 10, 2019 Public Hearing and Regular Board meeting as written. 2nd by Councilman Maguire. Martin- aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

CORRESPONDENCE - none

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY, DECEMBER 23, 2019 7:00 PM TOWN HALL

NEW BUSINESS

1. Approve End-of-Year Payables/Comptroller

#226-MOTION TO APPROVE THE END-OF-YEAR PAYABLES AS SUBMITTED BY COMPTROLLER PICCIOLI

Motion by Councilman Parker to approve the end-of-year payables for 2019 as submitted by Comptroller Piccioli. 2nd by Councilman Maguire. Martin- aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

2. Approve End-of-Year Receivables/Comptroller

#227-MOTION TO APPROVE THE END-OF-YEAR RECEIVABLES AS SUBMITTED BY COMPTROLLER PICCIOLI

Motion by Councilman Koebelin to approve the end-of-year receivables for 2019 as submitted by Comptroller Piccioli. 2nd by Councilman Maguire. Martin- aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

3. Approve End-of Year transfers/Comptroller

#228-MOTION TO APPROVE THE END-OF-YEAR TRANSFERS SUBMITTED BY COMPTROLLER PICCIOLI

Motion by Councilman Parker to approve the end-of-year transfers for 2019 as submitted by Comptroller Piccioli. 2nd by Councilman Hitchcock. Martin- aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

4. Appoint Planning Board Chairman - tabled

5. Appoint ZBA Chairman – tabled

6. Appoint Deryle Pinney, Town Clerk “Keeper of the Keys

#229-MOTION TO APPOINT KEEPER OF THE KEYS

Motion by Councilman Hitchcock to appoint Deryle Pinney, Town Clerk as Keeper of the Keys. 2nd by Councilman Maguire. Martin- aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY, DECEMBER 23, 2019 7:00 PM TOWN HALL

7. Request by Phillips Lytle for conflict waiver regarding application by AZT Corp to re-subdivide/re-plat properties.
 - Discussion of conflict waver permitting Phillips Lytle to represent AZT Corp to re-subdivide/re-plat properties.

#230-MOTION TO AUTHORAZE WAIVER

Motion by Councilman Koebelin to authorize Supervisor Martin to sign waiver permitting Phillips Lytle to represent AZT Corp to re-subdivide/re-plat properties. 2nd by Councilman Maguire. Martin- aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

OLD BUSINESS

1. Adopt Local Law #4 of 2019 (Town of Allegany Road Bonding Law)

Local Law 4 – 2019

A Local Law establishing a policy to preserve Town roads and to establish a policy on bonding for excess damage to Town roads in the Town of Allegany

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALLEGANY, NEW YORK AS FOLLOWS:

Section 1. Title

This Law shall be known as the “Town of Allegany Road Preservation Law”.

Section 2. Purpose and Intent

The purpose of this law is to maintain the safety and general welfare of Town of Allegany residents by regulating commercial activities that utilize heavy equipment, over-weight vehicles or over-sized vehicles or vehicles carrying heavy loads or hauling heavy loads that have the potential to adversely impact town roads and town property.

Section 3. Legislative Authority

The Town Board of the Town of Allegany enacts this law under the authority granted by Section 10 of the New York State Municipal Home Rule Law, and the New York State Town Law and the New York State Vehicle and Traffic Law Sections 385 and 1660.

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY, DECEMBER 23, 2019 7:00 PM TOWN HALL

Section 4. Applicability

The Town Board of the Town of Allegany delegates to the Town of Allegany Highway Superintendent the duty of assuring that commercial activities do not have an adverse impact on town roads and property.

1. The Town of Allegany Highway Superintendent is hereby authorized to promulgate application and permit forms to be utilized to regulate heavy equipment, over-weight vehicles and over-sized vehicles and vehicles carrying heavy loads or engaged in heavy hauling on town roads.
2. An application for and issuance of a permit shall be required prior to use of town roads by heavy equipment, over-weight vehicles or over-sized vehicles or vehicles carrying heavy loads or hauling heavy loads.

Section 5. General Regulations

1. No person, corporation or other entity shall alter or disturb a town road or the area within a town road right of way without a permit issued pursuant to this local law.
2. No person, corporation or other entity shall operate heavy equipment or an over-weight or over-sized vehicle or vehicles carrying heavy loads or hauling heavy loads on a town road without a permit issued pursuant to this local law.
3. The application for a permit pursuant to this Local Law shall specify all town roads and adjacent lands that are proposed to be utilized. An application shall be accompanied by maps that meet with the Highway Superintendent's approval of all proposed routes.
4. A form of surety, through escrow, bond or the equivalent thereof, shall be established prior to the issuance of a permit. The Highway Superintendent, in his or her discretion, shall determine the amount of the required surety.
5. The permittee shall be responsible for the repair to town specifications of any and all damage done to town roads, bridges, driveways, culverts, ditches, curbs, sidewalks or other improvements and to the public utilities in the roadway and easement area
6. The surety shall be used to repair any and all damages, and to cover labor and materials at prevailing rates. Additionally, the surety shall cover the cost for the town road(s) to be restored and maintained for a period of one year from the date of any repairs.
7. The Town of Allegany Highway Superintendent shall have the authority to assess damages and to require the permittee to arrange for and pay for the cost of videotaping or otherwise documenting the condition of the town road(s) before the permittee uses the town road(s).
8. In the event that the surety established does not fully cover all costs to repair the town road(s) to town specifications, the permittee shall pay the difference to the Town of Allegany.

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY, DECEMBER 23, 2019 7:00 PM TOWN HALL

Section 6. Indemnity and hold harmless

The permittee shall be required to agree to fully indemnify, defend and hold harmless the Town of Allegany and all its departments, boards, officers, representatives and employees from and against any and all claims, costs, damages, expenses, charges, risks, losses, lawsuits, judgments, executions, penalties, fines, assessments, or any other liability of any type arising out of, occurring with, or resulting from any and all activity to be performed by permittee pursuant to the permit issued.

Section 7. Revocation of Permit

Upon violation of any provisions of a permit issued, as determined by the Town of Allegany Highway Superintendent, the Highway Superintendent may suspend the permit for no more than forty-five (45) days. Upon permit suspension, a permittee shall have the right to appear before and be heard at a hearing by the Town Board. The Town Board of the Town of Allegany may permanently revoke any permit for due cause following a hearing.

Section 8. Severability

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law.

Section 9. Effective Date

This Local Law shall take effect immediately upon filing with Secretary of State.

#231-MOTION TO ADOPT LOCAL LAW 4 OF 2019

Motion by Councilman Parker to adopt Local Law #3 of 2019 (Town of Allegany Farm Animal Control Law). 2nd by Councilman Maguire. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

OTHER BUSINESS - none

COMMITTEE REPORT

1. Councilman Parker reported to the Board regarding the \$287,000.00 grant that was awarded for Town Hall renovation & handicap accessibility.

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY, DECEMBER 23, 2019 7:00 PM TOWN HALL

2. Councilman Maguire reported that he had spoken to Bob Ryan from the Little League Association regarding costs of operation and funding changes in the 2020 budget.
3. Councilman Maguire reported on the County trail meeting that he attended on connecting existing trails from Buffalo to Salamanca & Rochester to Cuba. They are asking for \$2,500.00 from municipalities to fund the feasibility study.
4. Supervisor Martin thanked everyone for their work and assistance throughout the year.
5. Supervisor Martin informed the board that St. Bonaventure was good to schedule an Appeal Hearing for January 28, 2020.

FROM THE FLOOR =- none

#231- MOTION TO ADJOURN THE MEETING.

Motion by Councilman Koebelin to adjourn the entire meeting at 7:41pm. 2nd by Councilman Maguire. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

Respectfully submitted,

Deryle Pinney, Town Clerk
12/23/2019