

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY, JUNE 8, 2021 7:00 PM TOWN HALL

PRESENT:

Supervisor Hitchcock	Dep. Town Clerk Carole Sandburg	
Councilman Maguire	Councilman Nazemetz	Councilwoman Martin
Councilman Cooper	Comptroller D. Piccioli	Hwy.Superintendent Moshier

ABSENT:

Town Clerk D. Pinney, Attorney Tuttle

ALSO PRESENT:

Salute to the Flag opened the meeting

#80-MOTION TO ACCEPT MINUTES FROM THE MAY 25, 2021 REGULAR BOARD MEETING

Motion by Councilman Maguire to accept the minutes from the May 25, 2021 Regular Board meeting as written. 2nd by Councilman Nazemetz. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-aye, Nazemetz-aye. CARRIED

AUDITED CLAIMS

Gen A	\$	33,315.66
Gen B	\$	6,719.07
Hwy DA	\$	23,446.84
Hwy DB	\$	12,216.84
Spec Dist.	\$	3,036.58

MONTHLY REPORTS

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

- All Board members have received & reviewed the income & expense reports for May 2021.

Town Justice D. Porter – report for May 2021 – amount collected: \$ 5,102.00.
Town Justice A. Spears – report for May 2021– amount collected: \$ 2,309.59.

CORRESPONDENCE - none

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NEW BUSINESS

1. Appoint Karen Wilder Recreation Department worker

#81-MOTION TO APPOINT RECREATION DEPARTMENT WORKER

Motion by Councilwoman Martin to appoint Karen Wilder as regular part-time Recreation Department worker at a rate of \$12.50 per hour subject to a 6-month probationary period beginning June 9, 2021. 2nd by Councilman Cooper. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-aye, Nazemetz-aye. CARRIED

2. Designate Section 3 Officer for the Town of Allegany

RESOLUTION NO. 82 of 2021

**RESOLUTION DESIGNATING A SECTION 3 OFFICER
FOR THE TOWN OF ALLEGANY**

By: Councilman Nazemetz

Seconded by: Councilwoman Martin

Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-aye, Nazemetz-aye. CARRIED

WHEREAS, the Town of Allegany is a recipient of the Community Development Block Grant (CDBG) funding through the United States Department of Homes and Community Renewal, administered by the New York State Governor’s Office for Small Cities; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town of Allegany be responsible for ensuring compliance with Section 3 of the Housing and Urban Development Act of 1968, as amended, including the appointment of a Section 3 Officer to review and/or oversee compliance; now, therefore, be it

RESOLVED, that Jerry Dzurhoff, Town of Allegany Code Enforcement Officer shall be designated as the Section 3 Officer for the Town of Allegany for the 2021 Fiscal Year; and be it further

RESOLVED, that the position of Section 3 Officer shall be renewed annually.

RESOLVED, that the Town Board may, on its own initiative or on petition, amend, supplement, or repeal the provisions of this resolution in conformity with applicable rules and regulations and in their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern; and be it further

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RESOLVED, that this Resolution shall take effect immediately.

STATE OF NEW YORK)
COUNTY OF CATTARAUGUS)SS:

THIS IS TO CERTIFY, that I the undersigned Clerk of the Town of Allegany, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Town Board of the Town of Allegany on the 8th day of June, 2021, a majority of all the Board Members voting in favor thereof, and that the same is a correct and true transcript of such resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Town of Allegany this 8th day of June, 2021.

Deryle Pinney, Clerk

3. Designate Labor Standards Officer for the Town of Allegany

RESOLUTION NO. 83 of 2021

**RESOLUTION DESIGNATING A LABOR STANDARDS OFFICER
FOR THE TOWN OF ALLEGANY**

By: Councilman Maguire

Seconded by: Councilman Cooper

Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-aye, Nazemetz-aye. CARRIED

WHEREAS, the Town of Allegany is a recipient of the Community Development Block Grant (CDBG) funding through the United States Department of Homes and Community Renewal, administered by the New York State Governor's Office for Small Cities; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town of Allegany to be responsible for ensuring compliance with Davis Bacon and Related Labor Standards Acts including the appointment of a Labor Standards Officer to review and/or oversee compliance; now, therefore, be it

RESOLVED, that Deryle Pinney, Town of Allegany Town Clerk shall be designated as the Labor Standards Officer for the Town of Allegany for the 2021 Fiscal Year; and be it further

RESOLVED, that the position of Labor Standards Officer shall be renewed annually.

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RESOLVED, that the Town Board may, on its own initiative or on petition, amend, supplement, or repeal the provisions of this resolution in conformity with applicable rules and regulations and in their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern; and be it further

RESOLVED, that this Resolution shall take effect immediately.

STATE OF NEW YORK)
COUNTY OF CATTARAUGUS)SS:

THIS IS TO CERTIFY, that I the undersigned Clerk of the Town of Allegany, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Town Board of the Town of Allegany on the 8th day of June, 2021, a majority of all the Board Members voting in favor thereof, and that the same is a correct and true transcript of such resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Town of Allegany this 8th day of June, 2021.

Deryle Pinney, Clerk

4. Bond Resolution

42396-2-500

BOND RESOLUTION 84 OF 2021
(Effective Immediately)

At a regular meeting of the Town Board of the Town of Allegany, Cattaraugus County, New York, held at Town Hall, in Allegany, New York, in said Town, on the 8th day of June, 2021, at 7 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Hitchcock, and upon roll being called, there were

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Supervisor Hitchcock Dept. Town Clerk Sandburg
Councilman Maguire Councilman Nazemetz Councilwoman Martin
Councilman Cooper Comptroller D. Piccioli Hwy.Superintendent Moshier

ABSENT: Town Clerk Pinney, Attorney Tuttle

The following resolution was offered by Councilwoman Martin, who moved its adoption, seconded by Councilman Cooper, to-wit:

BOND RESOLUTION DATED JUNE 8, 2021.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO AND RECONSTRUCTION OF THE TOWN HALL, IN AND FOR THE TOWN OF ALLEGANY, CATTARAUGUS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$501,800 AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$165,800 SERIAL BONDS OF SAID TOWN TO PAY PART OF THE COST THEREOF.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations, as such state that Type II Actions will not have a significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing thereof; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Allegany, Cattaraugus County, New York, as follows:

Section 1. The construction of improvements to and reconstruction of Town Hall, in and for the Town of Allegany, Cattaraugus County, New York, including original equipment,

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furnishings, machinery, apparatus, appurtenances, site improvement, and other incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$501,800.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) by the issuance of \$165,800 serial bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law;
- b) by the expenditure of \$287,000 Federal grants-in-aid monies to be received therefor, which expenditure is hereby authorized therefor; and
- c) by the expenditure of \$49,000 other monies of the Town hereby appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 25 years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

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Section 5. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said Town of Allegany, Cattaraugus County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution shall take effect immediately and the same shall be published in summary form in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____Hitchcock_____ VOTING ___Aye_____

_____Martin_____ VOTING ___Aye_____

_____Maguire_____ VOTING ___Aye_____

_____Nazemetz_____ VOTING ___Aye_____

_____Cooper_____ VOTING ___Aye_____

The resolution was thereupon declared duly adopted.

* * * * *

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OLD BUSINESS - none

OTHER BUSINESS – none

COMMITTEE REPORTS - none

FROM THE FLOOR - none

Executive session – personnel

#85-MOTION TO ADJOURN TO EXECUTIVE SESSION FOR PERSONNEL REASONS.

Motion by Councilman Cooper to adjourn to executive session at 7:26 pm for personnel reasons. 2nd by Councilman Nazemetz. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-aye, Nazemetz-aye. CARRIED

#86- MOTION TO RETURN TO REGULAR SESSION.

Motion by Councilman Nazemetz to return to regular session at 8:04 pm. 2nd by Councilwoman Martin. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-aye, Nazemetz-aye. CARRIED

#87- MOTION TO ADD RESPONSIBILITY & COMPENSATION TO KARI DUGAN.

Motion by Councilwoman Martin to add additional responsibilities to Kari Dugan's employment relating to Planning duties and compensate her an additional \$300.00 per month over her current hourly rate effective immediately. 2nd by Councilman Maguire. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-aye, Nazemetz-aye. CARRIED

#88- MOTION TO ADJOURN THE MEETING.

Motion by Councilman Cooper to adjourn the entire meeting at 8:07 pm. 2nd by Councilman Nazemetz. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-aye, Nazemetz-aye. CARRIED

Respectfully submitted,

Carole Sandburg, Deputy Town Clerk
6/8/2021