

Board of Trustees Meeting Minutes
Joint Meeting –Town of Allegany with the Village of Allegany
Regarding Annexation of 3360 North7th Street Property
7/10/2018 7:00 PM

A special meeting with the Town of Allegany and the Village of Allegany was called to order at 7:00pm with a salute to the flag led by Town Supervisor John Hare.

Present: Village of Allegany Mayor: Gregory Pearl; Trustees: M. Meyers, J. Cummins, R. Barton

Present: Town of Allegany Supervisor: J. Hare; Trustees: J. Hitchcock, K. Martin, D. Koebelin, R. Parker

Also Present: Village Clerk Treasurer-K. Roth, Town Clerk D. Pinney, Town Attorney-W. Tuttle, Town Comptroller-D. Piccioli, Town Highway Superintendent-J. Moshier, Don Sue, Helen Larson, Cindy Nupp, Douglas and Susan Ashby, Frank DeFiore

Town Supervisor J. Hare opened the public hearing stating that a petition was made by Douglas and Susan Ashby to annex into the Village of Allegany.

Town Councilwoman K. Martin asked why the village dug up a town road to install a water line without permission?

Mayor G. Pearl stated that there was communication between both Department of Public Works departments and they were aware of the situation. The situation was that Douglas and Susan Ashby bought a house in the Town of Allegany. After buying the house they had their water tested twice and both times it did not pass. Eric Wohlers from the Cattaraugus County Health Department reached out to the Mayor and asked if there was something that the Village could do because they could not use their water. The mayor then contacted Town Supervisor J. Hare and let him know the situation. At that time the Town could not move quick enough to provide water services to the residents so Mr. and Mrs. Ashby filed the petition to annex into the Village. At such time the Village is obligated to provide water services to its customers.

Town Councilwoman K. Martin didn't like the fact that she feels the Village went ahead before anything was settled between the Village and the Town.

Mayor G. Pearl stated that the fact is that these new home owners could not use their water. First priority should be to the taxpayer.

Town Councilman J. Hitchcock asked why they didn't just drill another well.

Douglas Ashby stated that it would have been too costly. He stated that money was set aside in an escrow for known issues with the septic at the time of the sale. The water issue wasn't known until after the sale.

Town Supervisor J. Hare stated that he was aware that the property had septic problems prior to the sale of the property but was unaware of any water problems. He stated that he doesn't feel that drilling a new well would have been allowed because it would not give enough separation between the septic and well.

Town Councilman D. Koebelin stated that he understands why the water line was installed but did not agree in the way that it was done. He stated that he would not vote to approve the annexation.

Town Attorney W. Tuttle stated that a decision on the annexation does not have to take place at this time. It could be revisited at a later date. She feels that the reason for annexation isn't a valid one and didn't feel that the state would allow it. She also stated that annexations are not for individuals with specific problems.

There was discussion among the Town Board members that if the annexation is not granted what would happen to the water line.

Mayor G. Pearl stated that a bill would go to the Town for installation of the water line and something would have to be worked out regarding maintenance of the water line.

Town Supervisor J. Hare stated that if the annexation doesn't take place then the Town could in turn ask the residents to pay for part or all of the installation costs of the water line. As well as make payments to the Town for their water usage.

Town Attorney W. Tuttle stated that we do have a water district but do not have a user agreement to go along with the water district. So at this time no charges to the residents could take place until something is in place.

Town Councilman J. Hitchcock asked when could we expect a user agreement to be done?

Town Attorney W. Tuttle stated that they are in discussion with Tom to get recommendations.

No decision was made regarding the annexation of 3360 North 7th Street at this time.

RESOLUTION 2018-078 – ADJOURN MEETING

On motion made by Trustee J. Cummins, second by Trustee M. Meyers resolved to adjourn meeting. Aye-all, Nay-none.

Respectfully submitted.

Kimberly Roth/Clerk Treasurer