

**BOARD OF TRUSTEE MINUTES**

**March 19, 2012 7:00 pm**

The regular meeting of the Board of Trustees was called to order at 7:00 pm with a salute to the flag led by Mayor Richard Lamberson.

Present: Mayor Lamberson; Trustees: Jim Rouleau, Alex Nazemetz, Bob Parker, and Dan Gleason

Also Present: Dominic Papasergi, Chief of Police and DPW Supt., Rena Flynn, Clerk Treasurer and Janine Fodor, Attorney

RESOLUTION #2012-045

ACCEPT MINUTES OF MARCH 5, 2012

On motion made by Trustee Rouleau, second by Trustee Parker resolved to accept the minutes of 3/5/12. Aye-all. Nay-none.

TREASURERS REPORT

As of March 15, 2012

	CHECKING	SAVINGS		
GENERAL	\$3,718.00	\$822,147.00		
WATER	\$1,066.00	\$403,123.00		
SEWER	\$1,770.00	\$439,455.00		
LIBRARY	\$44,348.00			
T&A	\$10,951.00			
WATER BOND		\$6,302.00		
<b>TOTALS</b>	<b>\$61,853.00</b>	<b>\$1,671,027.00</b>		
	RESERVES	RESERVES	RESERVES	TOTAL
	GENERAL	WATER	SEWER	
EQUIPMENT	\$180,485.00	\$ 41,761.00	\$ 8,984.00	<b>\$231,230.00</b>
POLICE UNIFORMS	\$5,450.00			<b>\$5,450.00</b>
		\$	\$	
NEW BUILDING & BLDG REPAIR	\$38,330.00	39,705.00	23,043.00	<b>\$101,078.00</b>
POLICE EQUIPMENT	\$31,279.00			<b>\$31,279.00</b>
CURBING & STORM SEWER	\$39,361.00			<b>\$39,361.00</b>
		\$		
WELL HOUSE PUMP/ROUTINE MAINT		1,014.00		<b>\$1,014.00</b>
WELL & WATER TANK BLDGS/TANK MAINT		\$ 10,375.00		<b>\$10,375.00</b>
		\$		
METER PITS		14,141.00		<b>\$14,141.00</b>
			\$	
LIFT STATION, PITS, PUMP MAINT			4,030.00	<b>\$4,030.00</b>

ENGINEERS		\$			\$5,018.00		\$5,018.00
		\$				\$	
	\$294,905.00		112,014.00			\$	36,057.00
							\$442,976.00

RECEIPTS:				DISBURSEMENTS: from 6/1/11 to present	
AIM State Aid					
Building/Sign/Pool permit	40.00			GENERAL	\$ 608,948.00
Bid Deposit/Award				WATER	\$ 94,115.00
Backflow testing	150.00			SEWER	\$ 288,115.00
Clerk fees	3.00			LIBRARY	\$ 23,009.00
CHIPS				TOTAL	\$1,014,187.00
Code Violation fees					
Court Security					
Court Fines/fees	7,508.00				
Calibration-Pressure Bldg					
Donation					
DWI funds					
Equipment sales					
Franchise Fees					
Fire Inspections	200.00				
Gaming License					
Grants					
Inspections-c/o	120.00				
Insurance refund					
Lawn mowing					
Municipal Aid					
Mortgage Tax					
Police Contract					
Police Fees					
Pop machine	33.00				
Property Taxes					
Property Taxes-Penalty					
Rent-WCB	110.00				
Reimbursements	1.00				
Sales Tax					
Scrap metal					
Sewer Payment-Town					
Utility Tax	277.00				
Unmetered Water					
Vending permit					
Vital Stats	10.00				
Water-Qtr Town					

Water meter  
Zoning fees  
ZBA/PB Hearing fees

**Total** **8,452.00**

RESOLUTION #2012-046

ACCEPT TREASURERS REPORT AND PAY CURRENT BILLS

On motion made by Trustee Parker, second by Trustee Nazemetz resolved to accept the Treasurers Report and pay current bills. Bills paid by Abstract #64972039 for \$21,374.39, #64972040 for \$116.88, #64972041 for \$2,113.45, and #64972042 for \$12,506.78. Aye-all. Nay-none.

The following correspondence was reviewed and put on file:

1. Glatfelter Claims Management Inc.-Town of Allegany Fire District Notice of Claim
2. Catt Co Sheriff's Office-Tactical Paramedic
3. Time Warner Cable-agreement extensions/renewals
4. Greater Buffalo Building Owners & Managers Assoc-Clean Indoor Air Act

## **POLICE**

- Trustee Rouleau said that on the Daily Police Reports, the persons using CO-11 were the only ones making out the reports. Papasergi will check into it.
- Daily Police Reports need to be signed by Sgt. McGraw.
- Trustee Parker asked how St. Patrick's Day was; Papasergi said it went well and without any major incidents. Officer Baker, Mayor Lamberson and Chief Papasergi checked out some hot spots, but nothing was out of control. There were 4 officers out most of the time with a 2 hour stretch of 5 officers out.
- Rouleau said he received a phone call from someone who complained about loud music in his vicinity around midnight Saturday night. He observed 2 police cars going by, but not stopping at the location. Chief said the patrols may have thought the band was not bothering anyone. Chief and Rouleau will talk with Sgt. McGraw about the situation.
- Rouleau said that some residents call the State Police directly instead of calling APD and wondered if it was a lack of confidence in the department. Chief said there shouldn't be a lack of confidence and felt that maybe the last time the person called the department that our patrol was tied up with a situation and couldn't answer the call, therefore prompting the answering

machine which advises to call the NYSP. NYSP would call our car if available and if not the NYSP or CCSD would respond.

- Papasergi advised that the only way for residents to talk to a member of our department when calling the police phone would be to go to a 24 hour coverage police department. Papasergi reminded board that there are some days when an officer is available to answer calls only 8 hours in a 24 hour period. Papasergi suggested that Rouleau have the resident contact him so he could look into matter and try to resolve it. Rouleau advised that he heard it from someone other than the residents.
- Rouleau asked if the noise law is enforced from 11pm to 7am. Chief said the noise law is in effect at all times but is emphasized from 11pm to 7am.
- Chief will schedule a police meeting soon.

## **DPW**

- Rouleau questioned the status of the GPS. Supt. Papasergi said most data is in; Southern Tier West personnel are working on a program to organize the collected data which will be at no cost to the village.
- Papasergi said some of the parking lot blocks located at the municipal building lot will need to be replaced. Was questioned if they could be painted yellow for more visibility. Advised they could be and was going to check to see if the fire department had anymore extra blocks before we purchased any.
- Garage heat bills averaged \$1,400 this winter. Rouleau asked if the walls could be insulated or the building be split to save on fuel costs. Papasergi said the heater in the back is usually kept low to keep bills down, will check to make sure it didn't get turned up. Advised the building was in terrible shape and does not feel it would be cost effective to repair the building due to its poor condition and expressed the need to consider replacement.
- Lamberson asked about the status of the emergency siren that used to be in village. Papasergi said the sirens got old and were not replaced. Fire Department had control over the emergency alerts and in the past few years, texting by cell phone through the 911 center has become the method of alerting people. Lamberson asked if a siren could be hooked into our SCADA system at the water tank to alert the public in the case of an emergency. Papasergi will check with Chris Short on same and get a cost estimate if it is possible.
- Yard waste will be picked up beginning April 2 through the end of April. The nice weather has prompted people to clean up their properties and yard waste is already on the streets. Papasergi worries about a late season snowfall with plowing needed, throwing the yard waste back into people's yards.
- All the streets have been swept. Subways will not be broomed this year due to the smaller amount of sand put down and light plowing of snow this winter. There may be just a couple of areas that could use some sweeping.
- Papasergi will contact Jim Hannon, Hannon Engineering and City of Olean to finalize scheduling for putting a camera in the sewer lines. Plans are tentatively set for later this week as the city's camera was down.

- Papasergi expressed the importance to finish the Water and Sewer Agreements with the Town.
- Papasergi has been looking into the availability of a DPW truck and so far there are no regular ½ Ton trucks on the NYS Office of General Services state bids at this time, only ½ Ton extended cab, ¾ Ton and 1 Ton. Advised we may have to go out to bid locally. The water truck is not usable now and Papasergi does not feel we should put money into it for repairs needed.
- Bucket truck is an item that is on the Catt. Co. Grant for shared equipment.
- Lamberson said contractors were recently working on electrical and phone lines and blocking traffic, suggestion is to require a flagman. Asked Chief to keep eye on situation.

## **OTHER**

- Trustee Parker will provide the Allegany Public Library's deed to Attorney Fodor in order to determine the insurance requirements.
- Parker asked why the Reserve for Police Equipment remained the same since some of the reserve was needed for the replacement of a vehicle from the car fire. Flynn stated she was waiting to receive the insurance payments first, then will transfer the balance needed to cover the expenses.
- Reorganization meeting will be held on April 2, 2012 at 4:20 prior to the regular board meeting.

## **SIDEWALKS**

- Nazemetz and Parker will walk the village to see what sidewalks need to be replaced or repaired, they will mark those blocks that need the work.
- Nazemetz suggested a 3 year plan for repairing.
- Papasergi will check with Tom Windus to see the City of Olean's bid.
- Flynn will provide copy of the sidewalk law to Fodor, Parker and Nazemetz.
- Bid opening scheduled for May 21, 2012 at 6:55 pm.

## **SALE OF WATER TO OUTSIDE SOURCES**

- Discussion was held regarding the sale of water to entities like Triana (Marcellus Shale project) and Aquarius Water.
- Triana is planning on building 6 pads near Bradford, PA for the Marcellus Shale project and is in the need of purchasing potable water.
- Limestone is unable to meet their demands and the Village of Allegany expressed their willingness to enter an agreement with them.
- Currently the cost of purchasing water is up to \$12.50 per 1000 gallons.
- Most favorable location to obtain water would be at the former K-Mart Plaza (Don Benson property) off Rt. 86 exit 24. Former Town Highway Sup. Gleason gave Triana the coordinates

and former Town Supervisor Eaton spoke with Don Benson. Need to have at least a 2" line tapped in. Lamberson will meet with Don Benson in the near future.

- Another suggestion would be to look at the property across the roadway from Benson's to see if they would be willing to lease property to permit us to sell water from that area.
- Papasergi said village could sell enough water and make earnings for future water development, infrastructure repair and replacement and use to help with reducing taxes for taxpayers.
- Village would sell treated water.
- Jobe said selling period would be probably 6 months/year.
- Cattaraugus County Health Department has indicated village has ample source of water, there will be a stipulation put in the Triana contract that if there is a drought or other burden that could affect the current customers, that we can discontinue selling to them.
- A concern would be road infrastructure with trucks coming back and forth all day from Bradford.
- An arrangement needs to be made with Town of Allegany, Don Benson, Village, and Triana for the most feasible way to obtain/sell water.
- Papasergi recommended a committee be set up to make recommendations of what water sales revenue should be used for.
- As far as setting an equitable price, a suggestion was to charge an entity a higher cost if the water is used out of the local districts, i.e. those not on Allegany's connective system.
- Town is one big external user; other buyers could have a different price component.
- As far as the water contract for Aquarius Water Delivery, they are currently purchasing water at the town rate of \$23.90 per 1000 cubic feet. Their purchases total approximately \$500 per year and everything has run smoothly thus far.
- Is there a way to charge them a price for the pools filled in the Allegany water districts and another price for taking the water out of district locations? Aquarius Water Delivery would need to provide a signed receipt for the Allegany properties serviced.
- The Fire Department no longer fills pools.
- Board suggests that Aquarius Water Delivery be grandfathered in for this upcoming contract period at the same price as in the past.

## **HEALTH INSURANCE**

- Lamberson suggested that non-union employees will pay \$300 plus 5% of the policy cost per year for the Teamsters health plan.
- Teamsters currently charge a 5% handling fee to non-union members. Rouleau is upset with the additional fee.
- Papasergi asked if it is legal to charge a single or couple coverage at the cost of family coverage.
- Fodor said the village pays a composite rate as it was the cheaper rate for the coverage.
- Papasergi said when negotiating the health insurance coverage's in the past, Teamsters was the only option employees had for health insurance and all employees, union and non-union were required by previous agreement between the village and the union to take the coverage

provided by the union. Non-union members had no say in the matter. Now after they get you on their policy, they throw in the additional 5% for non-union employees. This is not good faith bargaining and felt it was not fair that non-union employees be required to pay more out of pocket for insurance than union employees do.

- Board wants to look into “apples to apples” coverage with another plan in order to get the cost down.
- Fodor stated it is NYS law to seek spouse coverage availability and cost of obtaining health insurance from their employer. Papasergi advised other companies or businesses health insurances that he is aware of do not require it and questioned the NYS law she was referring to.
- All non-union employees are in agreement of looking at lower costs, but don’t feel they should be told by the board what they are to pay in the future before allowing employees the benefit of negotiating something that will work for all, and not just accepting what is in place now.
- Jobe and Papasergi asked the Board and/or Attorney Fodor to provide in writing the following:
  - rates available for single/2 person/family coverage’s and the composite rate
  - is it legal to charge taxpayers family plan rates when the employee is only getting a single plan or married only plan
  - is it legal to charge an additional 5% for non-union employees after union required non-union employees to take their health plans in prior negotiations
  - if a sub-group (non-union) has to be in the composite group
  - the fact that insurance has to be taken by all new full time employees, union or not
  - the NYS law pertaining to spousal coverage and having to obtain it if it is less expensive

#### RESOLUTION #2012-047

#### SUPPORT THE CATTARAUGUS COUNTY SHERIFF OFFICE TACTICAL PARAMEDIC

On motion made by Trustee Nazemetz, second by Trustee Rouleau resolved to support the Cattaraugus County Sheriff’s Office request for a Tactical Paramedic to provide medical care under austere conditions while ensuring the safety of traditional EMS personnel. Aye-all. Nay-none.

#### RESOLUTION #2012-048

#### APPROVE WATER CONTRACT WITH AQUARIUS WATER DELIVERY

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to approve the Water Contract with Aquarius Water Delivery for the upcoming season with no changes in contract terms. Aye-all. Nay-none.

#### RESOLUTION #2012-049

#### APPROVE SHAWLEY CASH REGISTER MAINTENANCE AGREEMENT

On motion made by Trustee Gleason, second by Trustee Parker resolved to approve the cash register maintenance agreement with Shawley Office for an annual cost of \$89.00. Aye-all. Nay-none.

RESOLUTION #2012-050

APPROVE UNION RETROACTIVE PAY OFFSET BY ANNUAL INSURANCE DEDUCTION

On motion made by Trustee Parker, second by Trustee Gleason resolved to approve the union contract retroactive pay offset by the annual health insurance deduction for 2011. This includes both DPW and Police. Aye-all. Nay-none.

RESOLUTION #2012-051

ACCEPT RESIGNATION OF KIMBERLY SENDLAKOWSKI FROM LIBRARY STAFF

On motion made by Trustee Parker, second by Trustee Gleason resolved to accept the resignation of Kimberly Sendlakowski from the Allegany Public Library staff. Aye-All Nay-none.

RESOLUTION #2012-052

APPROVE HOUGHTON COLLEGE CONFERENCE FOR EMPLOYEES AND BOARD MEMBERS

On motion made by Trustee Parker, second by Trustee Gleason resolved to approve the upcoming annual conference at Houghton College for employees and board members wishing to attend. Aye-All Nay-none.

RESOLUTION #2012-053

RESCIND RESOLUTION #2012-027 DATED FEB. 13, 2012 FOR APPROVAL TO APPLY FOR A CATTARAUGUS COUNTY SHARED SERVICE GRANT FOR EQUIPMENT

On motion made by Trustee Parker, second by Trustee Gleason, resolved to rescind the resolution (#2012-027) for the Cattaraugus County Shared Service Grant for equipment in favor the of following resolution. Aye-all. Nay-none.

RESOLUTION #2012-054

APPROVE CO-APPLICATION FOR CATTARAUGUS COUNTY SHARED SERVICE GRANT FOR VEHICLES/EQUIPMENT

On motion made by Trustee Nazemetz, second by Trustee Parker, resolved to approve the co-application for the Cattaraugus County shared service grant for vehicles and equipment. If awarded the grant, village cost will be 10% or approximately \$4,750. Aye-all. Nay-none.

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING  
THROUGH THE New York STATE DEPARTMENT OF STATE FOR  
THE 2011-2012 LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM**

Pursuant to Section 450 of the County Law.

- I. WHEREAS, funding is available through the New York State Department of State for the 2011-2012 Local Government Efficiency Grant Program, and
  - II. WHEREAS, the Local Government Efficiency (LGE) program provides financial and technical assistance to local governments, to implement projects that produce positive taxpayer impacts, and
  - III. WHEREAS, the goal of the Local Government Efficiency (LGE) Grant program is to reduce municipal expenses and property taxes by helping local government entities plan for and implement new service delivery efficiencies, and
  - IV. WHEREAS, the County Department of Public Works is desirous of applying for the aforementioned funding, now, therefore, be it
- I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the New York State Department of State, in order to apply for the Local Efficiency Grant, in accordance with the above-described terms.

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Daniel Gleason

Deputy Mayor, Village of Allegany

\_\_\_\_\_

Date

Tonight's meeting was in memory of Edward Wintermantel who passed away recently. Ed was a long term resident of Allegany and father of Peter and Michael, current business owners and residents of the Village of Allegany, with Peter serving as a prior Village Board Member for many years.

Tonight's board meeting is dedicated to the St. Bonaventure University Men's Basketball Team who has finished a 20-12 season under the direction of Coach Mark Schmidt and staff. The Bonnies competed in the NCAA Tournament, losing in the first round to Florida State University after obtaining an automatic bid by winning the Atlantic 10 Championship. Congratulations are in order for the unprecedented display of support by the fans of the community and for the success of the team.

RESOLUTION #2012-055

ADJOURN MEETING

On motion made by Trustee Gleason, second by Trustee Parker resolved to adjourn meeting at 9:32 pm.  
Aye-All Nay-none.

Respectfully submitted,

Rena Flynn, Clerk Treasurer