

**Board of Trustees Meeting Minutes**

**September 20, 2010; 4:00 pm**

RESOLUTION #2010-188

OPEN PUBLIC HEARING FOR LOCAL LAW #1-2010

BAN ON OUTDOOR WOOD-BURNING FURNACES

On motion made by Trustee Rzepka, second by Trustee Fortuna resolved to open the Public Hearing for LL#1-2010 for Ban on Outdoor Wood-Burning Devices. Aye-all. Nay-none.

RESOLUTION #2010-189

CLOSE PUBLIC HEARING FOR LOCAL LAW #1-2010

BAN ON OUTDOOR WOOD-BURNING FURNACES

On motion made by Trustee Fortuna, second by Trustee Rouleau resolved to close the Public Hearing for LL#1-2010 for Ban on Outdoor Wood-Burning Devices. Aye-all. Nay-none.

The regular meeting of the Board of Trustees was called to order at 4:05 pm with a salute to the flag led by Mayor Richard Lamberson

Present: Trustees: Dan Gleason, Charlie Fortuna, Diana Rzepka, and Jim Rouleau

Also Present: Rena Flynn, Clerk Treasurer, Dominic Papasergi, Police Chief & DPW Supt., Janine Fodor, Village Attorney; Rhea Carls, Planning Board

RESOLUTION #2010-190

ACCEPT MINUTES OF AUGUST 16, 2010

On motion made by Trustee Gleason, second by Trustee Fortuna resolved to accept the minutes of August 16, 2010. Aye-all. Nay-none.

TREASURERS REPORT

As of Sept. 16, 2010

	CHECKING	SAVINGS
GENERAL	\$2,313.00	\$1,118,357.00
WATER	\$685.00	\$323,803.00
SEWER	\$1,096.00	\$471,792.00
LIBRARY	\$40,417.00	

T&A	\$7,012.00	
WATER BOND		\$6,289.00
<b>TOTALS</b>	<b>\$51,523.00</b>	<b>\$1,920,241.00</b>

	RESERVES GENERAL	RESERVES WATER	RESERVES SEWER	TOTAL
EQUIPMENT	\$179,266.00	\$ 53,453.00	\$ 15,921.00	<b>\$248,640.00</b>
POLICE UNIFORMS	\$5,431.00			<b>\$5,431.00</b>
BUILDING	\$38,202.00	\$ 39,573.00	\$ 22,959.00	<b>\$100,734.00</b>
POLICE EQUIPMENT	\$26,179.00			<b>\$26,179.00</b>
CURBING & STORM SEWER	\$34,234.00			<b>\$34,234.00</b>
WELL HOUSE PUMP ROUTINE MAINT		\$ 1,011.00		<b>\$1,011.00</b>
WELL/WATER BLDGS/TANK MAINT		\$ 10,340.00		<b>\$10,340.00</b>
METER PIT		\$ 11,596.00		<b>\$11,596.00</b>
LIFT STATION, PITS, PUMP			\$ 4,016.00	<b>\$4,016.00</b>
ENGINEERS		\$ 5,001.00		<b>\$5,001.00</b>
	<b>\$283,312.00</b>	<b>\$120,974.00</b>	<b>\$42,896.00</b>	<b>\$447,182.00</b>

RECEIPTS:		DISBURSEMENTS: from 6/1/10 to present	
Building/Sign/Pool permit	80.00	GENERAL	\$ 198,377.00
Bid Deposit		WATER	\$ 44,258.00
Backflow testing	50.00	SEWER	\$ 6,619.00
Clerk fees	3.00	LIBRARY	\$ 17,524.00
CHIPS		TOTAL	<b>\$ 266,778.00</b>
Code Violation fees			
Court Security	155.00		
Court Fines/fees	8,402.00		
Class Action			
Donation			
DWI funds			
Equipment sales			
Franchise Fees	6,046.00		
Fire Inspections			
Gaming License			
Grants	577.00		
Inspections-c/o	1,280.00		
Insurance refund			

Juvenile Officer	
Lawn mowing	
Municipal Aid	
Mortgage Tax	
Police Contract	
Property Taxes	12,859.00
Property Taxes-Penalty	778.00
Rent-WCB	220.00
Reimbursements	4,933.00
Sales Tax	
Scrap metal	
Town Sewer Payment	
Utility Tax	7.00
Unmetered Water	
Vehicle repair rebate	
Vital Stats	
Water-Qtr Town	
Water meter	68.00
Zoning fees	10.00
ZBA/PB Hearing fees	
<b>Total</b>	<b>35,468.00</b>

RESOLUTION #2010-191

ACCEPT TREASURER'S REPORT AND PAY BILLS

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to accept the Treasurer's Report and pay bills. Bills paid by abstract #20000570 for \$2,913.45, #20000571 for \$30,285.04, #20000572 for \$1,643.13, and #20000573 for \$14,246.09. Aye-all. Nay-none.

## DPW REPORT FOR THE MONTH OF AUGUST 2010

- Cleaned tops of catch basins as needed.
- Lance did Code as needed – see Code Enforcement Blotter.
- Cut grass as needed.
- Did water, sanitary sewer and storm sewer locates as needed.
- Flushed sewer mains – monthly sewer flush.
- Swept streets with street sweeper.
- Continued working on repairing cracks on roadways in village.
- Continued working on locating water main shutoffs, hydrant shutoffs, storm sewer clean outs, storm sewers etc. in the hill area, in preparation for future GIS Data collecting.
- Worked on cleaning storm sewer catch basins.

- Put weed killer down in brick paved subway areas along Main Street. After weeds died, used a torch to burn dried out weeds.
- Picked up trees and branches that were put out to subway areas by residents throughout village. Tress and branches were damaged due to the results of an F-1 Tornado which touched down in area last month.
- Continued trimming trees that had branches blocking street signs in areas around village.
- Worked on patching pot holes on village streets.
- Removed stone from roadways that were resurfaced last month.
- Put “No Parking This Side” signs up on Maple Avenue in front of Elementary School area.
- Put “No Parking This Side” signs up on Maple Avenue and North Fifth Street in area of Absolute Care Nursing Home for town.
- Painted crosswalks on Maple Avenue, North Third Street, Pine Street, Elm Street, Chestnut Street and Spruce Street as roadways were resurfaced last month.
- Replaced a broken water service shutoff in front of 218 East Union Street.
- Put “No Parking Here to Corner” signs up on North Third Street.
- Pulled weeds from planters on Main Street.
- Replaced two storm sewer catch basins on Harriet Street.
- Worked on cleaning out roots and debris from storm sewer main line on Harriet Street.
- Painted parking lines for town at town hall building and town highway garage.

## **VILLAGE OF ALLEGANY POLICE DEPARTMENT**

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### **CHIEF'S MONTHLY REPORT**

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MONTH OF:	<b>August</b>	<b>2010</b>
Complaint Calls		44
Miscellaneous Calls		77
Larceny Complaints		3
Attempted Larceny Complaints		0
Burglary Complaints		0
Attempted Burglary Complaints		0
Vehicle & Traffic Tickets Issued		18
D.W.I. Arrests		0
Felony Arrests		0
Misdemeanor Arrests		5
Violation Arrests		15
Local Law Arrests		6
Accidents Investigated	P.I.	0
	P.D.	1
Parking Tickets Issued		23
Town Calls		10

Other

(Identify): Tuesday August 17, 2010 -Officer's attended weapons and Article 35 Training

Wednesday August 25, 2010 - Officer's attended weapons and Article 35 Training.

Friday August 27, 2010 - Sr. Patrolman Peterson and Village Justice Brennan talked to the SBU

Freshman Class about police, laws and court process.

The following representatives from the Town of Allegany were present to discuss the **sewer/water** hookup for the **Tanglewood** property:

Rodney Gleason

Hans Sendlakowski

Ray Jonak

Jim Hitchcock

Town Attorney Wendy Tuttle

Aaron Tiller

## **SEWER**

- All board members but Rzepka were aware of the meeting held last Thursday at the town hall regarding the Tanglewood sewer hookup.
- There are capacity concerns at 5<sup>th</sup> St. if there is the possibility of hooking the sewer into St. Johns Dr.
- There have been 3 studies done for the site for sewer capacity. 1. Tiller's engineer (Mark Alianello), 2. Mark Johnson of the DEC who reviewed Alienello's study (did not go to sites to observe), and 3. Kirk Wilson, Town Engineer (this study has not yet been completed ).
- Attorney Fodor stated the village cannot make a decision based only on whether or not Tiller annexes into the village. It is a breach of agreement with the town.
- Flow is .6-.64 cf/sec Lines are at 55% capacity.
- DPW Supt. Papasergi stated that once we let someone hook onto our sewer line, we no longer have control over it. He has said this from the beginning.
- Fodor said the village has to have control, Planning Board would consider it.
- Fodor was questioned about how village Planning Board could consider anything in the town.
- R. Gleason said that anything from here on in will be on the up and up as far as hooking up town services to village services.
- Papasergi said there are problematic areas along the sewage lines where project proposes to hook up and there are many issues that need to be discussed pertaining to running sewer into village lines to lift station #1-
  - How do we charge the town for lines used sending sewer to LS #1?
  - Usage of LS #1, utility charges, maintenance charges, etc?
  - All Town sewer currently goes into #2 and they are charged accordingly

- Papasergi said the village water/sewer customers have invested in the infrastructure, if lines or services need to be replaced, who pays for it but village customers. An agreement needs to be made addressing this issue if the town will be utilizing the village infrastructure.
- Papasergi's comments are for what's in the best interest for the village customers, which is his job to do.
- Fodor said Village/Town tax base should be expanded, don't create problems that don't currently exist.
- Everyone is in agreement with expanding, but not as a direct hit to the village taxpayers or water/sewer customers.
- Board feels 3 engineering studies are enough to make a determination on where to hook up sewer. Papasergi feels the village should hire an independent engineer to study the capacity and address the problematic issues that pertain to village sewer customers.
- Papasergi has not received a study addressing the problematic issues in that area of the sewer hookup project..
- Wilson needs to contact Papasergi to review the areas of concern for the study to be completely reflective of the sewer system.
- Papasergi feels that the sewer hookup should be at 7<sup>th</sup> St. if Tiller decides not to annex.

## **WATER**

- R. Gleason-Town wants village to create a waiver to allow the construction of town water lines hooking to village, he feels village should grant waivers for small scale projects
- Attorney Tuttle wondered how to distinguish Tanglewood project from any other project
- Further development can be looked at, there is a lot of open land in the area
- Who will pay for the water pit?
- Papasergi said that in all fairness to village, water pits need to be installed and billing should be accomplished by the water meters installed.
- There is a resolution for installing water pits for any water going out of the village, what good are resolutions if they are not followed?
- Village was accused of having an exorbitant amount of unaccounted-for water loss in the past and this would start to remedy the issue as any problems with water issues in the town cannot be accounted for, also hydrant flushing and unknown water leaks.

## **TANGLEWOOD**

- Rouleau asked Tiller if he is planning on annexing or not, he stated that he is currently going through the options and is heading that way(towards annexation).
- Fodor said if he annexes into the village, village will get him better hookup location for sewer.
- Papasergi said she just insulted every village taxpayer with that comment. He is looking out for the best interests of the village taxpayers, water and sewer customers to see that everything is fair and that the village people aren't paying again for infrastructure due to town expansion.

- Papasergi stated that village spends a great deal of money on overtime wages to maintain the water/sewer on weekends and holidays as a man has to be scheduled to check the well houses and lift stations.

#### DPW

- Sewer manhole that the town has been complaining about at St. Bonaventure is not in as bad of shape as the town states and is not in any worse shape than some other manholes.
- Yard waste ad will be in the newspaper next week. Pickup will begin approximately Oct. 1. Asking that leaves and other debris be separated in order to use the new leaf vacuum.
- Storm sewer is in at Harriet St., need paver to finish the job.
- Street lights are being changed on Main St. today
- Tim Peterson Lawn Care submitted a certificate of Liability Insurance as consideration for the Lawn Maintenance bid he submitted in May. Board advised that since the mowing season is coming to an end that he rebid for next year.

#### City of Olean Sewer Bill

- Once again, Attorney Fodor stated that she needs to separate herself from the sewer issue with the city as her firm is the City of Olean's attorney and there is a conflict of interest.
- Currently the village has no legal representation on this issue.
- Fodor has met with city and town attorneys about this issue in the past and has stated that the main issues are bonds and payroll.
- Fortuna will schedule a tour of the sewer facility with Jim Finch
- Fodor received a letter from Attorney Peterson regarding the sewer issue of which she will forward to Rena

#### OTHER

- Board would like to have a **joint meeting** with the town in the near future, early December
- Rena asked again - upon the suggestion of the insurance company about **sidewalks**, who is responsible for the liability if someone gets injured while walking on the sidewalks? It is ultimately the responsibility of the property owner to maintain and repair sidewalks in front of their property. The village plows the sidewalks in the winter and therefore has joint liability with the property owner. Insurance company suggested we modify our local law to state that the sidewalk plowing is done as a **courtesy** to village taxpayers. There is no adjustment in premium either way but in the event of a legal issue, the village would be in a more favorable position of not having a larger premium increase. **Village board said to keep the law as it is.**
- **Local Law #2-2010 Traffic Law**-there are still concerns of parking in subways at any time of the year. Mayor asked if No Parking signs could be bagged to allow parking in the street in the event of graduation parties, etc. Chief Papasergi recommends that a temporary permit be issued from the clerk's office for parking in the subways for sealing of driveways, construction, and /or gatherings or events. The issue is primarily for enabling emergency vehicles to safely

drive down the street if necessary and that some village streets are so narrow that this has been a major problem of safety for area citizens.

- **Municipal Building Locks**-Because of the turnover of employees, Papasergi would like to have new lock cylinders installed at the municipal building and other high security areas. The keys would then be numbered and distributed. Board would like him to inquire about 1 master key.
- **Christmas in Allegany**-Rena spoke with the insurance company representatives about using a portion of the property owned by St. Elizabeth's but granted full use to St. Bonaventure Church as an additional space for the Christmas in Allegany event. Insurance reps thought village attorney was somewhat conservative in feeling that it shouldn't be used because the village would be endorsing the Christian faith. Reps were also informed that this event has been held on village property in the past with no problems of endorsing a certain faith. Insurance covers functions of the village taking place in the village as long as the village endorses it. Utilizing adjacent property is ok to do.
- **Trustee Fortuna stated that our board should be working for the village and if board members and those working for the village cannot support the village as they were elected or hired to, then go to the town.**

#### RESOLUTION #2010-192

METER PIT WILL BE INSTALLED BY TOWN OR DEVELOPER OF TANGLEWOOD DEVELOPMENT OR ANY OTHER POTENTIAL FUTURE DEVELOPMENT BEFORE HOOKING ONTO VILLAGE WATER LINES

On motion made by Trustee Rouleau, second by Trustee Fortuna resolved to approve that a meter pit be installed at the expense of the town or the developer of Tanglewood Properties or any other potential future development before allowing hookup to village lines. Aye-all. Nay-none.

The following correspondence was reviewed and put on file:

1. Planning Board Minutes 7/21/10
2. Cattaraugus County Planning Board Minutes 8/26/10
3. State of NY-Dept. of Agriculture & Markets-dog licensing
4. Municipal Clerks Assoc-dog licensing
5. NYS Retirement-option to amortize annual pension costs (ERS AND P&F)
6. US Bankruptcy Court-Application to Abandon Property
7. Time Warner Cable-changes in service
8. American Legion Aux. Post 1640-The Vietnam Moving Wall
9. National Grid Small Business Program
10. TVGA Municipal Dollars and Sense Workshop
11. Court Fine and Fee Breakdown
12. State of NY Public Service Commission-National Grid to increase electric rates



Rzepka will contact Bob Wenzel regarding the Vietnam Moving Wall.

RESOLUTION #2010-193

APPROVAL FOR VILLAGE TO CLOSE MAIN STREET FOR THE BONAGANY EVENT

On motion made by Trustee Rzepka, second by Trustee Rouleau resolved to approve the closing of Main St. from 7 am to 7 pm on September 25, 2010 for the Bonagany event. Proper permit from NYSDOT has been obtained. Aye-all. Nay-none.

RESOLUTION #2010-194

APPROVAL FOR VILLAGE TO HANG BONAGANY BANNER

On motion made by Trustee Gleason, second by Trustee Rzepka resolved to approve the hanging of a street banner near the 5<sup>th</sup> St. & Main St. intersection for the annual Bonagany event. Proper permit from NYSDOT has been obtained. Aye-all. Nay-none.

RESOLUTION #2010-195

APPOINT MATTHEW RADO AS PART-TIME POLICE OFFICER

On motion made by Trustee Fortuna, second by Trustee Rouleau resolved to approve the appointment of Matthew Rado as a part time police officer. His actual appointment date is August 27, 2010. Aye-all. Nay-none.

RESOLUTION #2010-196

ACCEPT RESIGNATION OF MEGAN SALADA FROM LIBRARY STAFF

On motion made by Trustee Rzepka, second by Trustee Fortuna resolved to accept the resignation from Megan Salada of the Library staff effective 8/13/2010. Aye-all. Nay-none.

RESOLUTION #2010-197

APPROVAL TO INQUIRE ABOUT GASB 45 OF ACCOUNTANT OR ACTUARY

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to approve the inquiry of an accountant or actuary about Governmental Accounting Standards Board Statement 45 (GASB 45) to recognize the liability for post retirement benefits. Aye-all. Nay-none.

RESOLUTION #2010-198

CARRYOVER \$17,000 FROM 2010 STREET MAINTENANCE BUDGET

On motion made by Trustee Rouleau, second by Trustee Gleason resolved to carryover \$17,000 from the 2010 Street Maintenance budget for 2011 Aye-all. Nay-none.

RESOLUTION #2010-199

CARRYOVER \$5,000 FROM 2010 TREE CONTRACTUAL BUDGET

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to carryover \$5,000 from the 2010 Tree Contractual budget for 2011 Aye-all. Nay-none.

RESOLUTION #2010-200

ACCEPT SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT 2011 FOR \$1,500

On motion made by Trustee Rzepka, second by Trustee Fortuna resolved to accept the 2011 NYS STEP Grant for \$1,500 effective 10/1/2010. Aye-all. Nay-none.

RESOLUTION #2010-201

APPROVAL TO APPLY FOR 2010 JUSTICE COURT ASSISTANCE PROGRAM GRANT

On motion made by Trustee Rzepka, second by Trustee Rouleau resolved to apply for the 2010 JCAP Grant. Aye-all. Nay-none.

RESOLUTION #2010-202

APPROVAL TO USE ST. BONAVENTURE CHURCH (ST. ELIZABETH) PROPERTY FOR CHRISTMAS IN ALLEGANY

On motion made by Trustee Fortuna, second by Trustee Gleason resolved to approve the use of the St. Bonaventure Church (St. Elizabeth) property for Christmas in Allegany. Papasergi will compose an agreement for the planned use. Aye-all. Nay-none.

RESOLUTION #2010-203

ACCEPT TREE REMOVAL BID FROM COVEY TREE INC.

On motion made by Trustee Fortuna, second by Trustee Rzepka resolved to accept the tree removal bid from Covey Tree Inc. for cutting dangerous trees in the village area and removing stumps. Price per his proposal is \$4205.00 Aye-all. Nay-none.

RESOLUTION #2010-204

APPROVAL FOR MUNICIPAL BUILDING DRIVEWAY AND PARKING LOT TO BE SEALED

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to approve the sealing of the municipal building driveway and parking lot. Identical quotes for \$500 were received from 2 local businesses and it was left up to Papasergi to choose either business. Aye-all. Nay-none.

RESOLUTION #2010-205

ACCEPT BID FOR LEAF MULCHER/VACUUM FROM ODB FOR \$16,840

On motion made by Trustee Fortuna, second by Trustee Gleason resolved to accept the bid for the leaf mulcher/vacuum from ODB for \$16,840.00. Aye-all. Nay-none.

RESOLUTION #2010-206

ACCEPT BID FOR LEAF COLLECTOR BOX FROM VALLEY FAB & EQUIPMENT FOR \$3,959

On motion made by Trustee Rzepka, second by Trustee Rouleau resolved to accept the bid for the leaf collector box from Valley Fab & Equipment for \$3,959.00. Aye-all. Nay-none.

RESOLUTION #2010-207

ACCEPT BID FOR LEAF CONVEYOR TYPE HOPPER BODY SPREADER FOR SALT & SAND FROM BRADCO SUPPLY FOR \$10,745

On motion made by Trustee Fortuna, second by Trustee Rouleau resolved to accept the bid for the conveyor type hopper body spreader for salt and sand from Bradco Supply for \$10,745.00. Aye-all. Nay-none.

RESOLUTION #2009-208

PROCLAIM OCTOBER 8, 2010 AS ALCS WALL OF FAME DAY

On motion made by Trustee Rouleau, second by Trustee Rzepka resolved to proclaim October 8, 2010 as Allegany Limestone Wall of Fame Day honoring the following 2010 inductees: Chris Blocher, Emily (Camberg) Conklin, Richard Lauser, and Art Mohagen. Aye-all. Nay-none.

RESOLUTION #2009-209

APPROVE LOCAL LAW #1-2010 BAN ON OUTDOOR WOOD-BURNING DEVICES

On motion made by Trustee Fortuna, second by Trustee Gleason resolved to approve Local Law #1-2010 Ban on Outdoor Wood-Burning Devices. This law becomes effective upon filing with the NYS Department of State. Aye-all. Nay-none.

RESOLUTION #2010-210

ADJOURN MEETING

On motion made by Trustee Gleason, second by Trustee Rzepka resolved to adjourn at 6:50 pm. Aye-all. Nay-none.

Respectfully Submitted.

Rena Flynn, Clerk Treasurer