

**Board of Trustees Minutes
March 19, 2007**

The regular meeting of the Board of Trustees was opened with a salute to the flag led by Mayor Richard Lamberson.

Present: Mayor Lamberson; Trustees: Daniel Gleason, Robert Driscoll, Diana Rzepka, and James Rouleau

Also present: Rena Flynn, Clerk Treasurer; Dominic Papasergi, Police Chief and DPW Superintendent

The meeting is dedicated to Bea Lippert, long time area resident and Russell Wilber, former village employee who recently passed away.

**RESOLUTION #2007-027
ACCEPT MINUTES OF MARCH 5, 2007**

On motion made by Trustee Driscoll, second by Trustee Gleason, resolved to accept the minutes of March 5, 2007. Aye-all. Nay-none.

**TREASURERS REPORT
AS OF MARCH 16, 2007**

	CHECKING	SAVINGS	RESERVES BUILDING	RESERVES EQUIPMENT	RESERVES POLICE
GENERAL	\$3,444.00	\$677,476.00	\$7,446.00	\$ 89,885.00	\$ 1,996.00
WATER	\$580.00	\$247,786.00	\$38,961.00	\$ 44,938.00	
SEWER	\$1,052.00	\$193,234.00	\$22,590.00	\$ 13,162.00	
LIBRARY	\$24,197.00				
T&A	\$4,228.00				
WATER BOND		\$6,251.00			
TOTALS	\$33,501.00	\$1,124,747.00	\$68,997.00	\$ 147,985.00	\$ 1,996.00

RECEIPTS:

Judge Fines/fees	\$6,380.00
Inspections	\$120.00
ZBA/PB Hearing fees	
Court Security	\$144.00
Clerk fees	\$130.00
Reimbursements	\$5,231.00
Vital Stats	
Utility Tax	
Unmetered Water	

Building/Sign permit	\$103.00
Zoning fees	\$20.00
Police Contract	
Sales Tax	
Water-Qtr Town	
Juvenile Officer	
Franchise Fees	\$5,833.00
Bid Deposit	
Backflow testing	
Property Taxes	
Games of Chance	
Town Sewer Payment	
Municipal Tax	
Mortgage Tax	
DWI funds	
Fire Inspections	\$500.00
CHIPS	
Total	\$18,461.00

RESOLUTION #2007-028

ACCEPT TREASURER'S REPORT AND PAY CURRENT BILLS

On motion made by Trustee Rouleau, second by Trustee Gleason resolved to accept the Treasurer's Report and pay current bills. Bills paid by abstract #20000351 for \$2456.89 and #20000352 for \$11,919.68. Aye-all. Nay-none.

- Chris Kambar, Engineer and Leslie Senglaub, Attorney for Wal-Mart were here to discuss the Request for Waiver of Section 7A of the Water System Modification Agreement.
- Mr. Kambar is in agreement with Kirk Wilson's (Foit-Albert engineer) findings on the Hydraulic Flow Water Study. This study will become a part of the Water System Modification Agreement.
- Cattaraugus County Health Department issues are being addressed by Mr. Kambar. He is in the process of getting entitlements in order with the county.

RESOLUTION #2007-029

AGREE TO WAIVE SECTION 7A OF THE WATER SYSTEM MODIFICATION AGREEMENT

On motion made by Trustee Driscoll, second by Trustee Gleason resolved to waive section 7A of the Water System Modification Agreement in accordance with the findings of the Water Study prepared by Town Engineer Kirk Wilson (Foit-Albert). This study will become an addendum to the agreement. Aye-all. Nay-none.

March, 8, 2007

Village of Allegany Richard J.
Lamberson, Mayor 106 East
Main Street Allegany, New
York 14706

Re: Fire flow issue at Wal*Mart expansion site related to Wal*Mart's requested waiver of
Article 7 A in the Water System Modification Agreement
F-A Project No. 06001.02

Dear Mayor Lamberson:

We have reviewed the Hydraulic Flow report submitted by APD Engineering (APD) on behalf of Wal * Mart and the proposed expansion of the existing store to a "Superstore" on Route 417 in the Town of Allegany, New York.

Wal*Mart is proposing the following water system modifications:

- Place pressure sensors and telemetry equipment on the water system in the vicinity of the proposed expansion to read a drop in water system pressure and automatically turn on all three water pumps such as would occur if the proposed fire sprinkler system activated within the building;
- Provide additional water volume capacity to the expanded Wal*Mart by installing a new 10" diameter water pipe from the existing water line on Independence Drive westward into the site, connecting into the existing water line supplying the site from Cranberry Road.

After discussing the hydraulic report with APD engineers, suggesting several modifications to their modelling of the portion of the water system of interest to their project, and comparing the information they provided after implementing our suggestions with early results from the network analysis we are preparing for the Village/Town water supply system, we find that APD's partial model generates flow results consistent with the system wide model. To determine whether the existing system of pipes can supply adequate water volume to meet Wal*Mart's fire flow requirement of 1800 gallons per minute with the improvements and modifications Wal*Mart is proposing for the site, we ran the system wide model under the following scenarios:

- Scenario 1: Estimated peak hour usage, with all three Village water pumps on and the water tank three quarters full;
- Scenario2: Estimated peak hour usage, with Village water pumps 1 and 2 on and the water tank three quarters full;
- Scenario 3: Estimated peak hour usage, with Village water pumps 2 and 3 on, and the water tank three quarters full.

We offer the following results for your consideration:

- Under scenarios 1 and 3, with Wal*Mart's improvements to the supply lines, the system can deliver the required 1800 gallons per minute (gpm) to the building to meet the fire flow requirements set by Wal*Mart. These scenarios both provide a residual pressure in the system of 20 pounds per square inch (psi), a generally accepted and recognized minimum residual pressure.
- Under scenario 2, with Wal*Mart's improvements to the supply lines, the system cannot deliver 1800 gpm and maintain 20 psi within the system. Several points in the vicinity of Wal*Mart will experience pressures as low as 11 psi. The maximum estimated volume the system can deliver and maintain 20 psi throughout the Town and Village is 1600 gpm.

We also offer the following facts for your consideration in this matter:

- All the analyzed conditions estimate the need for the full fire flow occurring at a time when the estimated water usage throughout the Town and Village is at its peak, placing the greatest demand on the entire system, in short, the estimated worst case of demand.
- Our consultation with APD on this issue, and their subsequent correspondence with the designers of the sprinkler system, indicate the required water volume for the design system is approximately 1520 gpm, below Wal*Mart's requirement of 1800 gpm but still within the 1600 gpm we estimate the modified system can deliver.

As you can see from the above stated information, while we believe the water system will not fully meet Wal *Mart' s underwriting requirement of 1800 gpm, we believe it does meet the design needs of 1520 gpm indicated by the sprinkler system designers. Perhaps the Village should discuss this matter further with Wal*Mart's representatives to determine the applicability of the 1800gpm requirement in this specific case.

We trust this answers any questions you may have whether the existing water system, modified as Wal*Mart proposes, is able to deliver the fire flow Wal*Mart requires for their site. If you have any questions or require any clarification of any point discussed herein, please contact me at 716-856-3933 at your convenience.

Very truly yours;

Kirk D. Wilson, PE
Project Manager
Town Engineer, Town of Allegany

Cc: P.Eaton, Supervisor, Town of Allegany
W. Tuttle, Attorney, Town of Allegany
J. Fodor, Attorney, Village of Allegany, Wagner & Hart
C. Kamar, APD Engineering
Neal Madden, Harter, Secrest & Emery

Barbara J. Hastings, RN, BSN, MSN
Public Health Director

CATTARAUGUS COUNTY

HEALTH DEPARTMENT

Eric W. Wohlers, P.E. *Director of
Environmental Health*

Established 1923

"Public Health for Healthy Communities"

1 Leo Moss Drive, Suite 4010
Olean, New York 14760-1154
Telephone: (716) 373-8050 Fax
No. (716) 373-0942

March 5, 2007

Mr. Christopher Kamar
APD Engineering
3445 Winton Place, Suite 208
Rochester, New York 14623

RE: Plan Review Comments
Backflow Preventer Installations
Water System Modifications
Wal-Mart Plaza/Expansion
Town of Allegany, N.Y.

Dear Mr. Kamar:

I have had an opportunity to perform a preliminary review of the various engineering plans and submittals received by this office in recent weeks relative to proposed backflow preventer installations for the Wal-Mart Supercenter expansion in Allegany, New York. These submissions are incomplete and/or deficient as follows:

Wal-Mart Water Services (Cross Connection Control)

1. The application form (DOH-347) was incomplete. Boxes 2,3,8, 12, and 13 were either not completed or incomplete. Boxes 7 and 14 were not endorsed by necessary representatives of the owner and water supplier.
2. The plans were not accompanied by an appropriate engineering report (see enclosed outline).
3. A \$25 plan review fee was received for one service. The application shows that backflow prevention devices (BPD) are proposed on three services (i.e. additional \$50 due).
4. Specifications and cut-sheets for the proposed model BPD's were lacking.
5. The plan sheets submitted (C1, AI, PI, FP3 as sealed by L. D. Craighead, R.A.) lacked any vertical section drawings for each service documenting all required clearances, etc.

BJ's Fire Service (Cross Connection Control)

1. Plan sheets C1, M1, M2, E1, and E2 as prepared by Wade Trim Company and received from you on February 14, were unsealed and unaccompanied by any application, fee, report, or specifications. Kindly prepare a complete submittal package for review (blank forms enclosed). Remember, the application must be endorsed by the owner, design consultant, and Town Water Superintendent.

Mr. Christopher Kamar
APD Engineering March 5,
2007
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Wal-Mart Plaza Water System Modifications

1. The set of Wal-Mart Expansion site development plans prepared by APD Engineering were unaccompanied by any application, fee, report, or specifications for the proposed water system modifications (forms enclosed). Therefore a thorough review could not be performed.
2. The Utility Responsibility Matrix presented on the cover sheet says the "Contractor" is responsible for:
 - a) installing all water mains per Wal-Mart plans and specifications.
 - b) coordinating required inspection services with the Town of Allegany DPW and the Department of Health (see utility plan, *C4*, for requirements).

Be advised that to date no Wal-Mart plans and specifications have been submitted to the Town or Health Department for review. The contractor may only work from plans approved by the Town's engineer and the Health Department. Furthermore, inspection services and formal written certification will be the responsibility of the design consultant (i.e. NYS licensed P.E.).

3. Likewise on utility plan sheet *C4*, site utility notes 17, 19, and 20 shall be modified. Contrary to notes 17 and 20, the subject design report and materials/installation specifications must be submitted by a NYS Licensed Professional Engineer to the Town and Health Department for formal approval. Concerning note 19, the subject detailed watermain test and disinfection specifications must also be submitted to the Town and Health Department for prior approval and the necessary inspections/certification will be required of the design engineer.
4. Also, on utility plan *C4*, notes F and G on the utility legend incorrectly reference the Village of Allegany Water Department instead of the Town. Again, such notes cannot simply reference local water department requirements and specifications which most likely do not exist. The design consultant must fully identify all such specifications in detail and submit them for approval.
5. Utility legend note F also references the existing meter and BPD pit located at the SW corner of the Wal-Mart site. No details of the proposed modifications to this pit are given or shown.
6. It is my understanding that under the new fire service arrangement for this development, it is proposed that the Town of Allegany accept dedication of certain private mains previously owned by the site developer. What proof is there that such mains were built and tested to municipal standards? I will require written documentation from the Town that they are willing to accept dedication of same. New pressure and leakage testing, and disinfection, will be required before the Health Department would consider issuing a Completed Works Certificate.
7. It is also my understanding the new fire service arrangement will include new controls that will interface with the Village of Allegany well pump controls. Detailed plans and specifications for all of this work, sealed by a P.E., must be submitted to the Town, Village, and Health Department for formal approval also. Nothing has been submitted to date,

Mr. Christopher Kamar
APD Engineering March
5, 2007
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In light of the present apparent lack of coordination of the design, formal review, and approval of these water system improvements, I am strongly suggesting that you promptly schedule a meeting between all involved parties to accurately scope the design work that remains to be done, and also identify what the various approval procedures will be. Kindly contact me with prospective dates for such a meeting, or if you would like to discuss any of these issues in greater detail in the interim.

Sincerely yours,

Eric W. Wohlers, P.E.
Environmental Health Director

EWV /kh

Enc.

cc: Mr. Eaton, Allegany (T) Supv.
Mr. Moshier, Allegany (T) Hwy. Supt.
Mr. Dzuroff, Allegany (T) BCEO
Mr. Lamberson, Allegany (V) Mayor
Mr. Jobe, Allegany (V) DPW
Mr. Payne, P.E.; Rogers, AR
Mr. Craighead, R.A.; Dallas, TX
Mr. Wilson, P.E., Foit-Albert Assoc.
Mr. Madden, Harter Secrest & Emery

The following correspondence was reviewed and put on file:

1. Eric Wohlers, Catt. Co. Health Dept.-Wal-Mart water plan review comments
2. Kirk Wilson, Foit-Albert Assoc.-Fire flow issue at Wal-Mart expansion site
3. Lyndon VFC-Convention support
4. Congressman Randy Kuhl-thank you
5. Planning Board Minutes of Feb. 21, 2007
6. A.L. Blades & Sons-I86 reconstruction

- There is damage on North 1st St. caused from the I-86 construction vehicles using the road to transport supplies to the worksite. Mayor will contact Senator Young.
- There was a water main break at the St. Bonaventure Cemetery/ Clubhouse. The Town is working to make repairs along with some village personnel.
- Attorney Fodor to continue with the paperwork necessary for obtaining the easement for Fourth & Maple. A specific form needs to be filed with the county to record the easement.
- Supt. Papasergi will check further into the pipe that was discovered near SBU in order to drain the swamp area.
- Police Union contract will be reviewed by Joseph Braccia, Hodgson & Russ.
- Mayor Lamberson will contact Senator Young on meeting web casting.
- Preliminary budget for 2008 was reviewed. Will meet again on Monday, 3/26/07 at 4:00 pm.

RESOLUTION #2007-030

APPROVAL FOR HODGSON & RUSS TO REVIEW POLICE UNION CONTRACT

On motion made by Trustee Driscoll, second by Trustee Rzepka resolved to approve Hodgson & Russ to review the Police Union contract at a legal rate to be determined. Aye-all. Nay-none.

RESOLUTION #2007-031

ADJOURN MEETING

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to adjourn at 10:00 pm. Aye-all. Nay-none.

Respectfully submitted,

Rena Flynn
Clerk Treasurer