

Board of Trustees Meeting Minutes

May 17, 2010; 7:00 pm

Present: Mayor Richard Lamberson; Trustees: Dan Gleason, Diana Rzepka, and Jim Rouleau

Absent: Trustee Charlie Fortuna

Also Present: Rena Flynn, Clerk Treasurer; Dominic Papasergi (DP), Police Chief & DPW Supt.; Rhea Carls (R Carls), Planning Board; Bob Parker, ZBA, and Janine Fodor (JF), Attorney

RESOLUTION #2010-102

ACCEPT MINUTES OF MAY 3, 2010

On motion made by Trustee Rzepka, second by Trustee Gleason resolved to accept the minutes of May 3, 2010. Aye-all. Nay-none.

TREASURERS
REPORT
As of May 17, 2010

	CHECKING	SAVINGS		
GENERAL	\$3,465.00	\$776,116.00		
WATER	\$630.00	\$309,194.00		
SEWER	\$3,458.00	\$402,200.00		
LIBRARY	\$38,489.00			
T&A	\$6,962.00			
WATER BOND		\$6,286.00		
TOTALS	\$53,004.00	\$1,493,796.00		
	RESERVES	RESERVES	RESERVES	TOTAL
	GENERAL	WATER	SEWER	
EQUIPMENT	\$148,975.00	\$ 53,395.00	\$ 15,898.00	\$218,268.00
POLICE UNIFORMS	\$5,424.00	\$		\$5,424.00
BUILDING	\$38,150.00	\$ 39,530.00	\$ 22,927.00	\$100,607.00
POLICE EQUIPMENT	\$26,144.00			\$26,144.00
CURBING & STORM SEWER	\$34,188.00			\$34,188.00
GENERAL	\$30,046.00			\$30,046.00
WELL HOUSE PUMP ROUTINE MAINT		\$ 1,010.00		\$1,010.00
WELL/WATER BLDGS/TANK MAINT		\$		
		10,329.00		\$10,329.00
METER PIT		\$		
LIFT STATION, PITS, PUMP		11,583.00		\$11,583.00
			\$ 4,010.00	\$4,010.00
		\$		
	\$282,927.00	115,847.00	\$ 42,835.00	\$441,609.00

RECEIPTS:

Building/Sign/Pool permit	
Bid Deposit	
Backflow testing	350.00
Clerk fees	
CHIPS	
Code Violation fees	
Court Security	
Court Fines/fees	6206.00
Class Action	
Donation	500.00
DWI funds	
Equipment sales	
Franchise Fees	
Fire Inspections	25.00
Gaming License	
Grants	312.00
Inspections-c/o	
Insurance refund	
Juvenile Officer	
Lawn mowing	
Municipal Aid	
Mortgage Tax	
Police Contract	
Property Taxes	
Property Taxes-Penalty	
Rent-WCB	
Reimbursements	1.00
Sales Tax	52824.00
Scrap metal	
Town Sewer Payment	
Utility Tax	
Unmetered Water	
Vehicle repair rebate	
Vital Stats	50.00
Water-Qtr Town	
Water meter	
Zoning fees	
ZBA/PB Hearing fees	

Total 60268.00

DISBURSEMENTS: from 6/1/09-present

GENERAL	\$ 534,448.00
WATER	\$ 165,717.00
SEWER	\$ 216,275.00
LIBRARY	\$ 27,176.00
TOTAL	\$ 943,616.00

ACCEPT TREASURER'S REPORT AND PAY BILLS

On motion made by Trustee Rouleau, second by Trustee Gleason resolved to accept the Treasurer's Report and pay bills. Bills paid by abstract #20000553 for \$6,688.71, #20000554 for \$22,891.12 and #20000555 for \$3,269.07. Aye-all. Nay-none.

TANGLEWOOD SUBDIVISION

In attendance:

Aaron Tiller (AT)	Sue Bischof
Christopher Sanzo (CS)	Chuck Bischof (CB)
Terry Brairton	Kathy Eggert (KE)
Melissa Meyers (MM)	Cynthia Bielecki
David Meyers (DM)	Ron Cecchi (RC)
R. Gulati	R. Patel

Doug Borromeo

- Melissa Meyers (MM) submitted to the Board a letter from Dave & Denise Domboski, 5 St. Johns Drive regarding the Tanglewood Subdivision. She also submitted photos that were taken of the rubbish, abandoned equipment and dilapidated buildings on the property.
- MM had purchased her property (corner of St. Johns & St. Joes) because of the dead ends, underground utilities, etc.
- She attended the Town Planning Board hearing where Tanglewood preliminary plat was approved with 9 stipulations.
- MM is concerned with the water/sewer access and how that will be achieved
- Will village deed the end of St. Johns to the town for the new development or will there be a hammerhead?
- Village neighborhood abutting Tanglewood has lots of opposition; more traffic, school buses, construction equipment and materials, noise, and dust.
- Village cannot control what is going on in the town even though it will greatly affect the residents in the St. Mary's Subdivision.
- She feels there is no need to open Tanglewood up through St. Johns Dr.
- Chris Sanzo (CS) of 2 St. Joe's Dr. also attended the Town Planning Board hearing. He is concerned that the standards of Tanglewood will not meet the standards of St. Mary's. Would there be modular homes, minimum lot sizes, sidewalks?
- Tiller can capitalize on connecting to the St. Mary's division at the expense of those property owners, town and village have different laws, i.e. leash law.

- CS is all for progress, and the tax revenue could help, but feels Tiller needs to build to the standards of St. Mary's with street lighting, sidewalks, home size in order to connect at St. John's.
- Doug Borromeo of 7 St. John's Dr. is a doctor on call 24/7 and gets emergency calls all the time. He needs to get to the hospital immediately and feels the extra burden of traffic will delay him; he needs to respond to calls in minutes.
- Ron Cecchi echoes Mr. Sanzo in his concern for connecting both neighborhoods. It would definitely affect the character of St. Mary's subdivision with more traffic, a thru street.
- Chuck Bischof (CB) also agreed that St John's should not be opened to the town. There is a division between both and if they want to connect, then they should annex into village.
- Kathy Eggert (KE) is concerned about the increased traffic of 32-48 additional vehicles utilizing St. Mary's. This is a peaceful neighborhood now and will change permanently in the future if allowed to go through on St. John's. She does not want to change the neighborhood.
- KE asked about where the water and sewer would come from, she is experiencing low water pressure now.
- Mayor Lamberson (RL) said the developer is responsible for putting in water lines-they have to meet village specs and a meter pit is also required to meter the water leaving the village.
- KE wondered who would inspect the homes; Mayor stated it is the Town Building Inspector for Town projects.
- RL stated the village will contract with the town to sell water and the village contracts with the City of Olean to send sewage. Sewage will need to be metered also. Village investment in wells is the reason the village charges outside customers (town) 1 ¼ times the village customer rate for water.
- RL stated the lines were tested and there is appropriate pressure to extend outside the village.
- RL talked with Aaron Tiller (AT) about annexing. AT can put a hammerhead in and build to town specifications, different from village. In order for the street to be connected, Village Planning Board needs to get involved.
- RL suggested that if both subdivisions attach, it be delayed until after the construction period.
- Trustee Dan Gleason (DG) said that both neighborhoods would not be connected for a long time.
- RL said in order to annex in, there has to be a benefit to the village to allow the annexation, village can then demand certain rules and regulations.
- RC said the connection should not take place now, possibly down the road. The benefit for the village would be that they would have to adhere by village standards for the neighborhood.

- RL said after project is done and there is a connection, they would have to meet village standards.
- DG stated that in order to connect, they would have to meet our standards, no way would they annex unless they would meet village standards.
- RL said the village has the right to deny anyone annexation
- RL warns that you can't expect the town to make changes particular to the village if they are not annexed.
- RL said the Village Planning Board and Zoning Board can make stipulations.
- MM asked if the Planning Board and Zoning Board enforce ordinances.
- Village Attorney Janine Fodor (JF) said village has no jurisdiction over town property. Because the proposed subdivision is in the town and abuts the village (2 municipalities), it needs to be referred to the Cattaraugus County Planning Board as well as both municipality's boards. Currently there is no motion to annex; they could decide to only extend St. John's Dr.
- MM wondered what role the County Planning Board has.
- JF stated there is a referral process on the part of the village Planning Board.
- Rhea Carls (RCarls), Village Planning Board stated that because the village and town abut, the county has to review the plan. The local planning board refers it to the County Planning Board. They can approve/disapprove but the local planning board can override their review.
- JF said the decision to have the road connect needs to be referred to the county in writing. It will then come back to the local planning board to make their decision, final approval lies with the Village Board of Trustees.
- CB said that this is not the first attempt for AT to put in a development and link the road. He hopes the village will keep subdivisions separate.
- AT said it is the 2nd time actually and he had approval.
- RL said if village had same amenities, how could it change the character?
- RC said a dead end cul-de-sac could make their neighborhood discreet.
- CS stated that the equivalent should be the bare minimum of St. Mary's subdivision and a risk of that not taking place should be avoided.
- MM purchased her property because of the dead end street, kid's play on the street because it is safe and neighbors are used to travelling slow because of the quantity of the children. Neighborhood has turned over once and there are many new, young families. It is a huge deal to open up St. John's as it will change the complexion of the neighborhood completely.
- AT said the character would be an improvement over St. Mary's because the homes will be new and high end. He plans on street lighting and sidewalks. The original plan for St. Mary's subdivision shows St. Joe's Dr. looping back onto N. 7th St. Feels the garage at the end of St. Joe's is illegal. There is a real safety issue; fire equipment could not go through to N. 7th St. Village subdivision does not provide through traffic.

- AT says there will not be much impact if the street doesn't go through, if no access through St. John's, then he'll put in the hammerhead.
- RC asked if there will be restricted deed covenants.
- RL said village is losing out on bringing new homes in, cheaper water. Does it help to have 16 more homes-to help with taxes? He said the village board is drooling.
- DG realizes the safety issue is definitely something to think about. It may be beneficial for safety purposes to connect the streets.
- RC asked if the portion could be annexed in, further in the future.
- RL said he doesn't want the village to continue to be helter-skelter will boundaries going all over the place, rather see the village boundaries be squared off.
- R Carls said there was no village subdivision law when village put Hoop (St. Mary's) subdivision in.
- DP said the St. Mary's subdivision helped to create the subdivision laws, it caused for a need for law regulating subdivisions.
- RL said storm water can cause problems, the more development and blacktop, the more run off.
- CS said he feels AT has the best of Intentions and will make Tanglewood as nice as St. Mary's; although he said the asking price of \$50-60,000 for ½ acre lots is a concern. Will he drop it to \$10-15,000 if the demand is not there? He has to do something if he has money tied into the development.
- RL said it is not his job to ask for paperwork at this time, call Town Code Enforcement Officer and show him the pictures of the junk on the property to be developed.
- KE stated that anything can go in there with a minimum of 1,050 square feet for a home.
- RL has nothing more to say about project unless AT wants to annex into village. Talk to Town personnel with your concerns.
- AT said he has a condition to put a gate up at St. John's to block access.
- AT's developer is John Northrop of Ellicottville.
- AT said the minimum house size in his covenant is 2500 SF.
- AT mentioned having a homeowners association.
- DM said he has a covenant document which he will provide to RL at his request.

RESOLUTION #2010-104

REFER TANGLEWOOD SUBDIVISION PLANS TO VILLAGE PLANNING BOARD

On motion made by Trustee Gleason, second by Trustee Rzepka resolved to refer the Tanglewood Subdivision plans to the Village Planning Board. They are asked to also advise on connecting St. John's Drive to the new subdivision. Aye-Gleason, Rzepka, and Lamberson. Nay-none. Abstain-Rouleau.

POLICE

- St. Bonaventure University has ended the semester; things were quiet during graduation weekend.

DPW

- Sweeper was brought to Portville Truck, problems with air tubing. Mayor asked about dust problem again. DPW Supt. Papasergi said there was a hydraulic problem and had the sweeper serviced.
- Town has been helping on repairing the dump truck.
- Trustee Rouleau asked about the water hydrant out back of village property, mentioned that opposite end of the meter was leaking and told Frank & Tim. Was told Town, County and State were getting water. Papasergi asked state to clean storm drains on Main St. in exchange for water.
- Mayor wondered if summer help could work on weekends.
- Bricks in Main St. areas need fixing, lifting and sand replaced to rebalance them.
- Painting could also be done.
- Supt. Papasergi said spraying of weeds on Main St. was needed, but all property owners needed to be initially notified and it was a hassle. Suggested that property owners purchase some weed killer and do the work in front of their homes/businesses.
- Mayor, Trustee Gleason, Jay McIntosh of National Grid will trim Main St. trees on Saturday morning about 6:30-7:00. Can use a truck from DPW to haul limbs in, dump limbs on village site to dispose of Monday. Will not cut the tops of trees, trim away from lights.
- Supt. Papasergi will contact the NYSDOT regarding the Concerned Citizens and Business's Committee of Allegany, NY issue of the danger at the intersection at North 1st St. and NYS Rt. 417.
- Will possibly appoint 2 additional seasonal DPW workers after June 1st.
- Papasergi said that the ground up and reutilize method of resurfacing a road was not a good one, N. 2nd St. resurfacing using that method was pretty much washed away. He would not recommend it for future resurfacing jobs.
- Mayor will look into the reinstallation of the street light on St. Mary's Drive.

VILLAGE PLANNING BOARD

- Asked for direction in establishing what the village intends for changes in the village parking law, also for trailer parking.
- Trustee Rouleau said that gravel is ineffective in driveways as it goes all over the place.
- Attorney Fodor mentioned a product she's seen that there's a flat, water-absorbing surface laid over 3-4" of gravel.
- Supt. Papasergi said it may be prohibitive in this area weather-wise.
- Papasergi will send Fodor the Local Law for one-way street.

SEWER

- Attorney Fodor met with Town of Allegany and City of Olean Attorneys to discuss the annual sewer bill and the Sewer Contract.

- She feels that progress was made: some items of question (personnel numbers) will have to be researched; City attorney will provide additional information.
- There are 2 construction positions budgeted for-for the sewer plant. Board wondered what City will do to get the proper allocation, need personnel hours and job description/responsibilities at the plant.
- There was no resolution to the question of the City Bonding of East Olean Bridge. It is considered infrastructure for the City, not plant. Attorney Fodor stated that the City was required by the DEC to replace the bridge in order to keep the plant open, so it causes a very gray area.
- Trustee Rouleau asked if the dollars could be backed out for the city infrastructure.
- Attorney Fodor will question City Attorney Peterson what exactly is in the bond.
- Attorney asked if there is consent among the Mayors and Town Supervisor that if there is an impasse on the issue, ask the State Comptroller?
- Supt. Papasergi feels it is worthwhile to possibly contract with Peter Marcus, former City of Olean Director of Public Works to assist the village and town on this matter and interpretation.
- Mayor asked if past bonding had been charged to the village.
- Attorney Fodor stated that City Director of Public Works Kapoor and Attorney Peterson are exploring the option of rewriting the sewer contract. More along the lines of charging a certain percentage to the village annually instead of basing the cost on total flow.
- Trustee Rzepka stated that the City does not follow the contract now.
- Attorney Fodor said everything is based on interpretation.
- Trustee Gleason said in no way would he advise changing the contract. Supt. Papasergi agreed and said that the City wanted to change the contract because it wasn't more beneficial to them.
- Attorney Fodor said she is not convinced to **not** change the contract. She doesn't feel we should micromanage/challenge every line item.
- Supt. Papasergi said it is our responsibility to the village sewer users to question the costs charged to village to treat sewer. We don't charge the town for costs that do not directly affect the town users.
- Attorney said what it costs to operate is not easy to answer. It is not unreasonable to say that some bonds should/should not be shared.
- It is a gray area, is it appropriate/inappropriate to allocate bonding to the village?
- Attorney said if City is going to push everything through the sewer plant, it is better to renegotiate the contract.
- Trustee Gleason said that what the city initially benefited from was because of Allegany's ties to it.
- Attorney Fodor stated that City taxpayers absorbed initial costs at the outset that they are unable to recoup.
- Mayor said the city has its own constituents to answer to.

- Flynn stated that as Village Mayor, he has the identical responsibility to his constituents. Fodor said there is no permanent agreement on the contract. Arbitrary decisions will be made on what goes into treatment.
- Trustee Rouleau asked what the village's advantage is to what Fodor is saying.
- Fodor believes City will keep costs down by a new contract, if the expenses increase, their costs also increase, and village would pay the price tied to Olean's price. There is nothing received in writing from the State Comptroller's office on their findings, orally only.
- If taken further, it would be a Supreme Court Judge from Cattaraugus County.
- Contract is 30 years old.
- Plan on creating a capital fund for one sewer unit for all areas.
- Mayor said we could bargain on a condition of strength.
- Attorney feels some consensus can be made. It may be up to the State Comptroller to make a decision on the interpretation; all those bound to contract will need to follow decision.
- Papasergi will contact Peter Marcus, why things are/are not being charged. Feels it will not hurt us to ask him questions.
- Mayor Lamberson said the City is looking for any way to increase revenues.
- Supt. Papasergi said that the village should not be responsible for the city's ineptness of not being fiscally sound for the past 40 years.
- The attorneys will meet again on Wednesday, May 1^{9th}.

The following correspondence was reviewed and put on file:

1. Melissa Meyers-Letter on Tanglewood
2. Terence Brairton-Letter on Tanglewood
3. The Concerned Citizens and Business's Committee of Allegany, NY-intersection 1st & Main Sts.
4. Website notes-5/11/2010
5. GOACC Clambake-June 9, 3:30-8:30
6. State of NY Div. of Criminal Justice Services-Narcotic Detection Canine Certification Test
7. "Sneak Peek" Open House along the Amish Trail
8. ZBA Hearing Findings-Quattrone
9. ZBA Hearing Decision-Quattrone

RESOLUTION #2010-105

VILLAGE TO PICK UP COST OF GOACC CLAMBAKE FOR FULL TIME EMPLOYEES AND BOARD MEMBERS

On motion made by Trustee Rouleau, second by Trustee Gleason resolved to approve the village to pick up the cost of attendance of full time employees and board members to the GOACC clambake to be held June 9 in Olean. Aye-all. Nay-none.

RESOLUTION #2010-106

WAIVE OPEN CONTAINER LAW DURING OLD HOME WEEK

On motion made by Trustee Gleason, second by Trustee Rzepka resolved to waive the open container law during Old Home Week festivities. Aye-all. Nay-none.

RESOLUTION #2010-107

WAIVE VENDING FEES DURING OLD HOME WEEK

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to waive the vending fees during Old Home Week due to the Allegany Engine Company approving the vending during that period. Aye-all. Nay-none.

RESOLUTION #2010-108

APPROVE THE APPOINTMENT OF HECTOR MARTINEZ, JR. FOR SEASONAL DPW EMPLOYMENT

On motion made by Trustee Rouleau, second by Trustee Gleason resolved to approve the immediate appointment of Hector Martinez, Jr. for seasonal DPW employment. He will become active upon receipt of employee paperwork. Aye-all. Nay-none.

RESOLUTION #2010-109

APPROVE THE APPOINTMENT OF CASEY ENSELL FOR SEASONAL DPW EMPLOYMENT

On motion made by Trustee Rouleau, second by Trustee Gleason resolved to approve the immediate appointment of Casey Ensell for seasonal DPW employment. He will become active upon receipt of employee paperwork. Aye-all. Nay-none.

RESOLUTION #2010-110

APPROVE THE INSURANCE PROPERTY VALUATION AND EQUIPMENT SCHEDULE FOR PC SOLUTIONS FOR FY 2011

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to approve the insurance property valuation and equipment schedule for PC Solutions for Fiscal Year 2011. With increased property values due to the appraised figures and additional equipment purchased and insured, the cost increase will be approximately \$1400.00. Aye-all. Nay-none.

RESOLUTION #2010-111

ENTER EXECUTIVE SESSION

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to enter executive session at 8:48 pm to discuss personnel issues. Aye-all. Nay-none.

RESOLUTION #2010-112

CLOSE EXECUTIVE SESSION

On motion made by Trustee Rzepka, second by Trustee Rouleau resolved to close the executive session at 9:03 pm. Aye-all. Nay-none.

RESOLUTION #2010-113

ACCEPT ANTHONY BARTUCCA'S LETTER OF RESIGNATION

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to accept the resignation of Anthony Bartucca with the attachment of letter drafted in response to him by Attorney Fodor. Aye-all. Nay-none.

RESOLUTION #2010-114

ENTER PARTNERSHIP AGREEMENT WITH ST. BONAVENTURE UNIVERSITY FOR AN EMERGENCY MANAGEMENT HIGHER EDUCATION (EMHE) GRANT

On motion made by Trustee Rouleau, second by Trustee Rzepka resolved to enter a partnership agreement with St. Bonaventure University for an Emergency Management Higher Education Grant for Emergency Services. Aye-all. Nay-none.

RESOLUTION #2010-115

ADJOURN MEETING

On motion made by Trustee Gleason, second by Trustee Rouleau resolved to adjourn at 9:04 pm. Aye-all. Nay-none.

Respectfully Submitted.

Rena Flynn

Clerk Treasurer