PRESENT WERE: Supervisor Eaton Councilman Jonak
Councilman Sendlakowski Councilman Hitchcock
Councilman Hare Hwy Superintendent Gleason
Comptroller C. Hemphill Town Attorney W. Tuttle
Town Clerk M. Peck


Salute to the Flag at 7PM opened the meeting.

Public Hearing on the Town of Allegany Comprehensive Plan – Supervisor Eaton opened the floor for comments on the Comprehensive Plan, a copy of which is on file in the Town Clerk’s Office for viewing. There were no comments, therefore:

#206-MOTION TO CLOSE PUBLIC HEARING
Motion by Jonak to close the public hearing on the Town of Allegany Comprehensive Plan. 2nd by Sendlakowski. Jonak-aye Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

Public Hearing was closed at 7:02 pm.

#207-MOTION TO APPROVE MINUTES
Motion by Hare to approve the minutes from the December 8, 2011 regular board meeting as written. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

CORRESPONDENCE

1. Town Of Allegany Planning Board minutes from 9/12/11 meeting.
2. Letter from NYS Homes & Community Renewal regarding project #18CP33-10.
5. NYS DEC – RE: Giardini Bros. Construction Co. – hours of operation issue
6. NYS Dept. of State – Division of Cemeteries (2) notice of monies to be received

UNFINISHED BUSINESS

1. Notice of Retirement of Town Clerk ***rescinded by Town Clerk*** no action taken
2. Zink Road speed limit issue – (Highway Superintendent) TABLE ***
3. Five Mile speed limit request (Highway Superintendent) *** County DPW is researching this issue – so this will be TABLED***
4. Home Depot water lines issue ***Attorney Greg Yaw is working on this***

NEW BUSINESS
1.  Catt. Co. IDA – Payment in Lieu of Tax Agreement for CASADENT, LLC

**#208-MOTION TO SET ORGANIZATIONAL MEETING DATE AND TIME**

Motion by Hare to set the Organizational Meeting for Monday, January 2, 2012 at 7:00 pm at the Town Hall. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

**#209-MOTION TO ACCEPT RESIGNATION**

Motion by Eaton to accept the resignation from Councilman John E. Hare effective 12/31/11. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

**#210-MOTION TO ACCEPT TRANSFERS**

Motion by Eaton to accept the transfers per the memo from Town Comptroller. (will be attached to the minutes) 2nd by Hare. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

**#211-MOTION TO APPROVE BUDGET ADJUSTMENTS**

Motion by Eaton to approve the following budget adjustments:

<table>
<thead>
<tr>
<th>Description</th>
<th>SS</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Revenues</td>
<td>510</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Sewer Rents</td>
<td>2120</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Appropriations</td>
<td>960</td>
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</tr>
<tr>
<td>Sewer CE</td>
<td>8110.40</td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>

2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

**#212-MOTION TO ESTABLISH NEGATIVE DECLARATION OF SEQR FOR COMPREHENSIVE PLAN**

Motion by Eaton that the Town Board establish a Negative Declaration on the SEQR for the Comprehensive Plan. 2nd by Hare. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

**#213-MOTION TO ADOPT COMPREHENSIVE PLAN**

Motion by Eaton WHEREAS, the Town board of the Town of Allegany appointed a Comprehensive Plan Advisory Committee to prepare a comprehensive Plan for the Town of Allegany to replace the Town’s Planning & Development Policies, which were first adopted on November 12, 1987 and amended on August 19, 1997, and WHEREAS, the Comprehensive Plan Advisory Committee prepared a proposed Comprehensive Plan and held a public information meeting and a duly noticed public hearing on the proposed Comprehensive Plan, and WHEREAS, on November 30, 2011 the Comprehensive Plan Advisory Committee by resolution recommended adoption of the Comprehensive Plan to the Town Board, and WHEREAS, as required by Section 239-m of General Municipal Law, the proposed Comprehensive Plan has been referred to and is recommended by the Cattaraugus County Planning Board, and WHEREAS, the Town Board held a duly notice public hearing on the proposed Comprehensive Plan as required by Town Law section 272-(a)(6)(b) and (c), and WHEREAS, the Town Board has conducted an environmental assessment of the proposed Comprehensive Plan and has determined that it will not have a significant adverse impact on the environment; now,
therefore, be it RESOLVED that the Town of Allegany Comprehensive Plan is hereby adopted. 2nd by Hare. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

OTHER BUSINESS

1. Request from Dan Spitzer, Esq. to upgrade the escrow agreement with Everpower
2. Request from Everpower to have option to use another hauling route

Dan Spitzer, Esq. addressed the Town Board regarding amendments to the Allegany Wind LLC Escrow Agreement. He handed out a copy of it to each board member with changes. These changes have to do with time limits, date changes, deposit insurance, etc.

#214-MOTION TO ACCEPT UPDATED ESCROW AGREEMENT WITH ALLEGANY WIND LLC
Motion by Sendlakowski to accept the updated escrow agreement with Allegany Wind LLC and to authorize the Town Supervisor to sign. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

- Kevin Sheen (of Everpower) – addressed the board regarding ongoing negotiations of haul routes, they are trying to split up traffic in various areas so as not to cause anymore congestion than needed. A First Amendment to the Host Agreement between the Town of Allegany and Allegany Wind LLC was provided to each board member.

#215-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS THE AMENDMENT TO THE HOST COMMUNITY AGREEMENT WITH ALLEGANY WIND LLC
Motion by Hare to adjourn to executive session to discuss the first amendment to the host community agreement between the Town of Allegany and Allegany Wind LLC. 2nd by Eaton. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

This portion of meeting adjourned at 7:29pm

#216-MOTION TO RE-OPEN REGULAR MEETING
Motion by Eaton to re-open the regular meeting. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

This issue will be TABLED as it is not fair to vote on something that has not been researched properly.

From the floor: Kelly Lent-Paul wants to know what is being done about the dog problem on her road? Attorney Tuttle: it is in the Court’s hands.

#217-MOTION TO ADJOURN
Motion by Jonak to adjourn meeting. 2nd by Eaton. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED

Meeting Adjourned at 8:54pm
Respectfully submitted,

Mary M. Peck, Town Clerk
1/5/2012