

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, JUNE 11, 2013 7:00 PM TOWN HALL

PRESENT WERE: Supervisor Hare Councilman Koebelin
Councilman O’Dell Councilman Hitchcock
Councilman Allen Hwy Superintendent Moshier
Attorney W. Tuttle Comptroller C. Hemphill
Town Clerk M. Peck

ALSO PRESENT: G.Ayers, D. Sue, K. Lent-Paul, F.Defiore, J.Dzuroff, R.Parker, E. Peck, G.Abraham, Esq.

Salute to the Flag at 7:00 pm opened the meeting

MONTHLY REPORTS

Town Clerk	Building & Zoning
Highway Dept.	Mark Lombardo – Recreation & Parks

Town Justice D. Porter – report for May 2013 – amount collected: \$5430.00.
Town Justice A. Spears – report for May 2013 – amount collected: \$4525.00

#124-MOTION TO APPROVE MINUTES

Motion by Hare to approve the minutes from the May 28, 2013 regular board meeting. Councilman Allen had a correction in the committee reports: he and Councilman Hitchcock met with the Village Police regarding the police emergency services contract. This has been corrected by the Town Clerk. 2nd by Koebelin. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

CORRESPONDENCE

1. “Looking for comments” memo from Supervisor Hare regarding Senior Center development
2. Time Warner Cable – (2) notices regarding programming changes
3. Catt. Co. Youth Bureau – notice of funding allocation for Town of Allegany: \$2119.00.
4. Notice from NYS Dept. of Tax & Finance – ORPS – Assessor terms dates
5. Town of Allegany Account report for May 2013 (submitted by Comptroller)
6. Letter to Town Board from Barry Jordan regarding Allegany Wind LLC
7. Town of Allegany Planning Board Minutes from 4/8/13 meeting.
8. Town of Allegany Planning Board Minutes from 5/13/12 meeting.

NEW BUSINESS

#125-MOTION TO CLARIFY SECTION 811 OF EMPLOYEE HANDBOOK

Motion by Hare to clarify the language in Section 811 of the Employee handbook for full time salaried employees: in the absence of a purchased disability policy, the Town will pay these full time salaried employees at 50% of their regular salary during their periods of disability. Those employees will have the option of utilizing their accumulated vacation, personal and sick time before requesting disability payments. The criteria for continuing disability payments will be the same as those utilized for the Town’s hourly employees. The maximum benefit for this program is 26 weeks. 2nd by Koebelin. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye, CARRIED

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, JUNE 11, 2013 7:00 PM TOWN HALL

UNFINISHED BUSINESS

1. Update on Cemetery Funds release – (Attorney Tuttle)
2. Exterior Town Hall repair (brickwork) update

OTHER BUSINESS

1. Summer meeting schedule
2. Update on Emergency Response Center @ Birch Run – (Supervisor Hare)

#126-MOTION TO ADJUST SUMMER TOWN BOARD MEETING SCHEDULE

Motion by Hare to cancel the regularly scheduled June 25th meeting, and have one meeting in July, on the 16th, and have one meeting in August on the 13th. We shall call a meeting if necessary. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye.

CARRIED.

#127-MOTION TO RESCIND MOTION #109 OF 2013

Motion by Hare to rescind motion #109 of 2013 regarding the borrowing of funds for the plow truck which was made at the May 14, 2013 meeting. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#128-MOTION TO RESCIND MOTION #111 OF 2013

Motion by Hare to rescind motion #111 of 2013 regarding the borrowing of funds for the comptroller software purchase which was made at the May 14, 2013 meeting. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#129-MOTION TO APPROVE BOND RESOLUTION FOR PLOW/TRUCK

Motion by Hare to purchase a new highway plow truck for the Town of Allegany, Cattaraugus County, New York, including incidental equipment and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$195,000. **Section 2:** the plan for financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$195,000 serial bonds of said Town, hereby authorized to be issued therefor pursuant to the provision of the Local Finance Law PROVIDED, HOWEVER, that is expected to be received by the Town, \$33,000 Highway Reserve Fund monies therefore and the serial bonds to be issued shall be reduced by any such reserve fund monies received therefor. **Section 3:** It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$162,000 serial bonds of the Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law. **Section 4:** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will not exceed five years.** **Section 5:** The faith and credit of said Town of Allegany, Cattaraugus County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, JUNE 11, 2013 7:00 PM TOWN HALL

principal of and interest on such bonds as the same become due and payable. **Section 6:** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law. **Section 7:** All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law. **Section 8:** The validity of such bonds and bond anticipation notes may be contested only if: 1) Such obligations are authorized for an object of purpose for which said Town is not authorized to expend money, or 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or 3) Such obligations are authorized in violation of the provisions of the Constitution. **Section 9:** this resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in the resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein. **Section 10:** This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#130-MOTION TO APPROVE BOND RESOLUTION FOR COMPTROLLER'S SOFTWARE

Motion by Hare: **Section 1:** The purchase of accounting software for Financial Management for the Town of Allegany, Cattaraugus County, New York, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$28,000. **Section 2:** It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$28,000 serial bonds of the Town hereby authorized to be issued thereof pursuant to the provisions of the Local Finance Law. **Section 3:** It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 81(b) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will not exceed five years.** **Section 4:** the faith and credit of said Town of Allegany, Cattaraugus County, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, JUNE 11, 2013 7:00 PM TOWN HALL

payable. **Section 5.** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law. **Section 6.** All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law. **Section 7.** The validity of such bonds and bond anticipation notes may be contested only if: 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or 3) Such obligations are authorized in violation of the provisions of the Constitution. **Section 8.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein. **Section 9.** This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law. 2nd by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

COMMITTEE REPORTS

#131-MOTION TO SEND CONGRATULATORY LETTER

Motion by Allen that the Town send a letter to Mary Frances Potter for being named "A Woman of Distinction in Cattaraugus County". 2nd by Hare. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

From the floor: Kelly Lent-Paul – questioned when her FOIL request paperwork would be ready as she needs it tomorrow. Advised her that what I have will be ready tomorrow (Town Clerk)

#132-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION

Motion by Hare to adjourn to executive session to discuss litigation. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

Regular portion of meeting adjourned at 7:45 PM

#133-MOTION TO ADJOURN EXECUTIVE SESSION

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, JUNE 11, 2013 7:00 PM TOWN HALL

Motion by O'Dell to adjourn executive session and re-enter regular session. 2nd by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

#134-MOTION TO ADJOURN ENTIRE MEETING

Motion by Hare to adjourn entire meeting. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

Meeting adjourned at 8:21 PM

Respectfully submitted,

Mary M. Peck, Town Clerk
6/18/13