

# MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, JUNE 19, 2012 7:00 PM TOWN HALL

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PRESENT WERE: Supervisor Hare Councilman Koebelin  
Councilman O'Dell Councilman Hitchcock  
Councilman Allen Attorney W. Tuttle  
Comptroller Hemphill Town Clerk M. Peck

ALSO PRESENT: S.Guthrie, J.Moshier, D.Sue, H. Larson, T.&R. Gilbert, F.Defiore, C. Boser, L. Johnson, J.Guthrie, J.Dzuroff, D. French

ABSENT: None

Salute to the Flag at 7:00 PM opened the meeting.

## AUDITED CLAIMS

Gen A	\$55,147.20	Hwy DA	\$12,588.13
Gen B	\$24,172.35	Hwy DB	\$31,640.23
Sp Dist	\$45,721.63		

## MONTHLY REPORTS

Town Clerk	Recreation & Parks
Building & Zoning	

Town Justice D. Porter – report for May 2012 – amount collected: \$10,215.00

Town Justice A. Spears – report for May 2012 – amount collected: \$4,683.00

## #118-MOTION TO APPROVE MINUTES

Motion by Hitchcock to approve the minutes from the May 15, 2012 regular board meeting as written. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## CORRESPONDENCE

1. Letter from Bonagany Chairperson requesting funds.

## #119-MOTION TO DONATE TO BONAGANY

Motion by Hare to continue to donate \$1000.00 to the BONAGANY as in the past. 2<sup>nd</sup> by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

2. Town of Allegany Planning Board Minutes from the 5/14/12 meeting.
3. National Grid – spring tree planting
4. Catt. Co. Health Dept. – letter regarding summer program at park
5. Catt. Co. Health Dept. – Larvicide Notice for mosquito spraying. \*\*\*MAPS IN CLERK'S OFFICE
6. Time Warner Cable – notice of program changes

## NEW BUSINESS

1. St. Bonaventure Univ. – proposed supplement 3 to Public Access Improvement Contract

## #120-MOTION TO AUTHORIZE SUPERVISOR TO SIGN SUPPLEMENT 3 FOR ST. BONAS TRAIL

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Motion by Koebelin to authorize the Town Supervisor to sign the Proposed Supplement 3 to the agreement between the Town and Fisher Associates regarding the St. Bonaventure Access Improvement Contract as this will be at NO cost to the Town. 2<sup>nd</sup> by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

2. Resignation from Romayne Gilbert as Deputy Town Clerk – she has new employment

## #121-MOTION TO ACCEPT RESIGNATION WITH REGRET

Motion by Hare to accept with regret the resignation from Romayne Gilbert as Deputy Town Clerk as she has found other employment. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

3. Request from Recreation Director regarding recreation center hours for summer\***TABLE**\*
4. Service Contract for 2012 with Databranch, Inc.

## #122-MOTION TO AUTHORIZE SUPERVISOR TO SIGN SERVICE CONTRACT WITH DATABRANCH FOR 2012

Motion by Koebelin to authorize the Town Supervisor to sign the Service Contract with Databranch for 2012 with the \$5000.00 prepayment option. 2<sup>nd</sup> by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #123-MOTION TO AUTHORIZE SUPERVISOR TO SIGN 2012 MOSQUITO SPRAYING CONTRACT

Motion by Allen to authorize the Town Supervisor to sign the 2012 mosquito spraying contract with Cattaraugus County. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

5. Award Cemetery Fencing Bid

- **Per Councilman Allen:** we received four (4) bids for the cemetery fencing at the Five Mile Cemetery: 1) Allegany Fence & General Contracting. Bid #1- \$24,480.00; Bid #3- \$27,250.00 2) Hillside Landscaping & Peterson: Bid #1 - \$22,350.00; Bid #2-\$19,125.00; Bid #3- \$24,210.00. 3) Lotter & Lotter; Bid #1-\$22,660.00; Bid #2- \$21,280.00; Bid #3-\$23,840.00. 4) New York State Fence Co.: Bid #1- \$17,688.00; Bid #2-\$16,262.00; Bid #3-\$18,350.00.

## #124-MOTION TO AWARD CEMETERY FENCING BID

Motion by Allen to accept cemetery fencing bid #2 from New York State Fence Co. in the amount of \$16,262.00. References were called and no complaints received. 2<sup>nd</sup> by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

6. Letter of Gary Abraham, Esq. o/b/o CCCC dated June 4, 2012
  - **Supervisor Hare** gave a summary of what has happened in past and requests the board member's ideas regarding Attorney Abraham's Letter. **Councilman Koebelin** – has a concern about the money and how the town spends it. There is no change on his views regarding wind issues. He would like to have more discussion. **Councilman Hitchcock**- also would like to send letter back to Attorney Abraham as most of this information has already been decided and determined, plus the cost of this research is an issue. **Councilman O'Dell** – does not see why to use CRA as they have been there before. Perhaps a different wind-study group could be used. **Supervisor Hare** – felt more secure with what was already on the books, than with the new

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items added. (40dba) **Councilman Allen** – where does this end? i.e. when we receive a letter and we go research, if we receive another letter, will we go again to research?, etc. etc., etc. .  
**Councilman Hare** – was anything overlooked? Should we set a maximum height on turbines?  
**Attorney Tuttle** – suggests that the board get Atty. Dan Spitzer’s written response to items in Attorney Abraham’s letter and have Attorney Spitzer prioritize the issues. Therefore, this issue will be **TABLED** so that the Board can have further discussions with Attorney Spitzer.

7. Executive Session to discuss personnel matters.

## UNFINISHED BUSINESS

1. Contract for shared highway services (Town of Olean & Town of Allegany)(Atty. Tuttle)  
\*\*\* Attorney Tuttle advises that she has not heard back from the Town of Olean Attorney as of today.

### #125-MOTION TO AUTHORIZE SUPERVISOR TO SIGN SHARED SERVICES AGREEMENT

Motion by Hitchcock to authorize the Town Supervisor to sign the Shared Services Agreement between the Town of Allegany and the Town of Olean. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

2. Debit/Credit card machine(Supervisor Hare & Carolyn)  
\*\*\* Per Comptroller Hemphill – she had inquired around at some municipalities and the only place that uses credit card payments for everything is the City of Olean. This also costs the City money. After much discussion, it was decided that the Town of Allegany will not pursue this issue at this time.

### #126-MOTION TO CEASE CREDIT CARD USE INQUIRY

Motion by Hare that the Town of Allegany not pursue the use of a credit/debit card machine at this time. 2<sup>nd</sup> by O’Dell. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

3. Basketball resurfacing\*\*\* We received four (4) proposals for this: 1) G.Davis - \$11,000.00; 2) Wilby - \$7850.00; 3) R.Peck - \$13,518.00; and 4) Kingsview - \$7500.00. We shall accept low bid, and references will be checked on the two low bids.
4. Contract with Patricia Williams, Assessor’s Aide

### #127-MOTION TO HIRE ASSESSOR’S AIDE

Motion by Allen that we shall hire Patricia Williams as an Assessor’s Aide effective 6/19/12 to 12/31/12 at \$15.00/hr not to exceed \$700.00. 2<sup>nd</sup> by O’Dell. DISCUSSIONS WERE HAD. Supervisor Hare was uncomfortable with the hourly rate as there are employees here now that do not make that much. Koebelin-aye, O’Dell-aye, Hitchcock-aye, Allen-aye, Hare-nay. CARRIED.

## OLD BUSINESS

- Home Depot water line dedication (Atty. G. Yaw)(Supervisor Hare to sign and paperwork will be returned to Attorney Greg Yaw to file.

### #128-MOTION TO APPROVE TRANSFER PER COMPTROLLER MEMO

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Motion by Hitchcock to approve the transfer of \$2500.00 from At010.10 to A5010.40 to transfer from personnel account to contractual account for consulting fees. 2<sup>nd</sup> by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #129-MOTION TO APPROVE TRANSFER PER COMPTROLLER MEMO

Motion by Hitchcock to approve the transfer of \$700.00 from Assessor PS Cont. A1355.11 to Assessor Aide A1355.4. 2<sup>nd</sup> by Allen. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED

## COMMITTEE REPORTS

- **Councilman Allen** – there are some items that are needed at the cemeteries, i.e. compressor, water lines, etc.. Stephanie is researching these items and costs. Money can be taken from contingency account for these items.
- **Comptroller Hemphill** – Hot Dog Fest at the Fireman's Park on August 2<sup>nd</sup> at 6PM. Would like volunteers to help serve hot dogs and soda.

## #130-MOTION TO APPROVE REQUESTS TO ATTEND CATT. CO. PLANNING BOARD DINNER/MEETING

Motion by Hare to approve the requests to attend the Cattaraugus County Planning Board dinner/meeting. 2<sup>nd</sup> by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

**From the Floor:** Lynn Johnson (o/b/o BONAGANY) Thank you for your donation for the BONAGANY Festival.

## #131-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS A PERSONNEL & A LEGAL ISSUE

Motion by Hare to adjourn to executive session to discuss a personnel issue and a legal issue. 2<sup>nd</sup> by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

Regular meeting adjourned at 8:14 PM

## #132-MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION

Motion by Koebelin to adjourn executive session and return to regular session. 2<sup>nd</sup> by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

## #133-MOTION TO ADJOURN REGULAR MEETING

Motion by Hitchcock to adjourn regular meeting. 2<sup>nd</sup> by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Allen-aye, Hare-aye. CARRIED.

Entire meeting adjourned at 9:07 PM

Respectfully submitted,

Mary M. Peck, Town Clerk  
June 27, 2012

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