

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, SEPTEMBER 25, 2012 7:00 PM TOWN HALL

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

ALSO PRESENT: Atty. D.Spitzer, C.Horowitz, J.Dzuroff, T.Gilbert, F.DeFiore, H. Larson, J.Moshier,
K.Sager, and townspeople

ABSENT: Councilman Allen

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

AUDITED CLAIMS

Gen A	\$22,194.88	Hwy DA	\$ 1,962.07
Gen B	\$15,934.73	Hwy DB	\$94,747.25
Sp Dist	\$ 202.53		

#171-MOTION TO APPROVE MINUTES

Motion by Koebelin to approve the minutes from the Sept. 11, 2012 regular board meeting as written. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

#172-MOTION TO APPROVE MINUTES

Motion by Koebelin to approve the minutes from the Sept. 17, 2012 special board meeting as written. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

CORRESPONDENCE

1. Letter from G.Abraham, Esq. to Planning Board regarding Everpower request for change in turbine type. (dated 9/20/12).
2. Letter from CCCC (K.Boser) to Planning Board regarding Everpower DEIS, FEIS web availability. (dated 9/19/12).
3. Letter from Supervisor Hare to Chris Kamar, PE regarding Wal-Mart Plaza post development traffic study. (dated 9/19/12).
4. Letter from Young/Sommer LLC to Town Board regarding Allegany Wind Farm (dtd 9/17/12)
5. Letter from NYS DOS regarding 2010 population totals in New York State (Clerk has listing)
6. Letter from Supervisor Hare to NYS DOT regarding SEQR Neg Dec for Case #05-III-2470(dtd 9/14/12).
7. Letter from Supervisor Hare (Atty Tuttle) to Jeffrey Levy regarding auto sales on DDR premises in the Town of Allegany (dated 9/13/12)
8. Letter to Atty. Ward, and Kevin Sheen from Hodgson Russ regarding Escrow Agreement between Allegany Wind LLC and Town of Allegany (dated 9/13/12)/

UNFINISHED BUSINESS

#173-MOTION TO APPROVE THE SHARED SERVICES CONTRACT WITH THE TOWN OF OLEAN

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Motion by Hare to approve the shared services agreement with the Town of Olean. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

#174-MOTION TO RE-ADVERTISE FOR HIGHWAY DEPARTMENT PICK-UP TRUCK

Motion by Hare to run another local ad to sell the highway department pick-up truck. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

1. Foit-Albert & Assoc. issue with water model (Attorney Tuttle) ***Letter being sent to Foit-Albert & Assoc. regarding this issue***

#175-MOTION TO TABLE EVERPOWER REQUEST TO MODIFY PAYMENT SCHEDULE

Motion by Hare to table the matter regarding Everpower's request to modify the payment schedule in the Host Agreement. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

2. Waterline under the Railroad easement agreement (Attorney Tuttle) ***Attorney Tuttle to contact the Railroad to find out the specific type of easement needed ***

*** Before introducing the motion for Local Law # 2 of 2012, Supervisor Hare gave a brief history of the language in the wind section of the Town Zoning Ordinance II that allows for the creation of a wind overlay district such as the one created on August 29th, 2011 for the Chipmonk area.

#176-MOTION TO INTRODUCE LOCAL LAW #2 OF 2012 AMENDING ZONING MAP TO REMOVE WIND OVERLAY DISTRICT

Motion by Hare to introduce Local Law #2 of 2012 amending the Town Zoning Map to remove the Wind Energy Overlay District, and that the proposed Local Law be referred to the Town Planning Board, that the proposed Local Law be referred to the County Planning Board and that a public hearing on the proposed Local Law be held at the Town of Allegany Senior Center, 3790 Birch Run Road, Allegany, NY 14706 at 7:00 pm on Wednesday, October 10, 2012. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

OTHER BUSINESS

1. Austin Security Revised (9/12/12) key/lock list. (Town Hall Building)

#177-MOTION TO TABLE AUSTIN SECURITY PROPOSAL FOR KEYS AT THE TOWN HALL

Motion by Hare to table the proposal for keys at the Town Hall at this time. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

2. Status report of BWB audit of Town (Supervisor Hare & Comptroller) **Supervisor Hare gave a short summary of the audit. The finalized audit will be available in the Town Clerk's Office for review***

NEW BUSINESS

1. Software quote for KVS Information Systems, Inc. (dtd 3/15/12) (Update by Supervisor Hare & Comptroller) ***this issue will be researched further as it is not known if computers and the software are compatible.***

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2. Set budget work sessions for 2013 town budget
3. Presentation of grant opportunities by Carol Horowitz(supporting Board resolution)
4. Schedule Public Hearing concerning reversal of Chipmonk Area Overlay District

#178-MOTION TO SET BUDGET WORK SESSION FOR 2012 TOWN BUDGET

Motion by Hare to set a budget work session for Monday, October 1, 2012 at 1:00 pm in the Town Hall Conference Room. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

- Carol Horowitz gave a brief summary of a committee she is on regarding grant opportunities for five counties in Western New York

#179-MOTION TO SUPPORT POSSIBLE GRANT OPPORTUNITIES

Motion by Hare **WHEREAS** the Western New York Regional Sustainability Plan is actively seeking identification of projects that may be eligible for future grant opportunities, and **WHEREAS** the Town of Allegany Comprehensive Plan, adopted December 2011, identifies several projects that appear to meet the criteria for projects that may be funded under the Sustainability Plan, **NOW THEREFORE BE IT RESOLVED THAT THE** Town Board, Town of Allegany supports the submittal of Project Identification Forms for (a) a pedestrian/biking trail to connect the Village of Allegany with the Allegany Limestone Middle and High Schools, and (b) expansion of municipal sanitary sewer services to Exit 24, and **BE IT FURTHER RESOLVED** that the Town Board authorizes the Town Supervisor to work with the Village of Allegany, Allegany Limestone School District, Cattaraugus County DPW, Allegany River Trail Advisory Board and/or other agencies to advance these projects. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

- **Per Supervisor Hare, this grant opportunity will be at NO RISK to the Town.**

COMMITTEE REPORTS

- Councilman Hitchcock – has been working with recreation & parks department regarding the updating of fees for programs. He shall provide a proposed list of changes for the next meeting.

From the Floor: **Kelly Lent-Paul** – asked if there were any updates on the Carey Hollow matter that is in the Court's hands?

Attorney Tuttle – no not yet.

Kelly Lent-Paul – would like an update on the matter.

Mike Lippert – asked about the final deadline on the escrow payment by Everpower to the Town

Supervisor Hare – a letter has been sent to Everpower advising of this matter.

Mike Lippert – is this a breach of contract?

Dan Spitzer, Esq. – not necessarily

Kate Sager – the October 15th payment, what was it for?

Supervisor Hare – the first payment due under the host agreement.

Kate Sager, OTH – What will the public exactly be asked to comment on at the Public Hearing on the 10th?

Supervisor Hare – the Public will be asked to comment, pro or con, on the repeal of the special overlay district created in the Chipmonk area last August 29, 2011.

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#180-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL ISSUES AND PERSONNEL MATTERS

Motion by Hare to adjourn to executive session to discuss legal issues and personnel matters. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

Regular portion of meeting adjourned at 7:41 pm

#181-MOTION TO ADJOURN EXECUTIVE SESSION

Motion by Hare to adjourn the executive session. 2nd by Hitchcock. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED. (9:05 PM)

#182-MOTION TO RE-ENTER REGULAR SESSION AND ADJOURN ENTIRE MEETING

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

Entire meeting adjourned at 9:07 pm

Respectfully submitted,

Mary M. Peck, Town Clerk
9/26/12