

MINUTES – TOWN OF ALLEGANY SPECIAL BOARD MEETING, MONDAY, SEPT. 17, 2012 7:00 PM TOWN HALL

PRESENT WERE: Supervisor Hare Councilman Koebelin
Councilman O'Dell Councilman Hitchcock

ABSENT: Councilman Allen

Also present: B.Jordan, K.Boser, M.Kelly-Burns, C.Kelly-Ladd, C.Malcom, Esq. and Kelsey Boudin – OTH

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

Supervisor Hare: addressed the board members and the audience by advising them that the Rochester Court of Appeals has dismissed the lawsuit brought by CCCC against Everpower and the Town of Allegany. The Town of Allegany has sent Everpower and their legal counsel a letter indicating that the clock is ticking on money owed to the Town by Everpower under the terms of the Escrow Agreement.

Supervisor Hare: also advised that Daniel Spitzer, Esq. has sent him a proposed motion to act on in this matter if Everpower fails to comply with the current Agreement and fails to pay: "the board hereby authorizes the Town Supervisor to inform Everpower that their approvals have been deemed surrendered upon termination of the payment period of the escrow agreement without further action by the Town Board."

#167-MOTION TO SEND LETTER TO EVERPOWER

Motion by Hare that the board authorizes the Town Supervisor to inform Everpower that their approvals have been deemed surrendered upon the termination of the payment period of the escrow agreement without further action by the Town Board. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Hitchcock-aye, Hare-aye. CARRIED.

NEW BUSINESS

1. Update on Everpower Contract issues.
2. Executive session for legal advice.

Question from the audience regarding information regarding this matter on the Town web-site. Supervisor Hare advised that the information is in the process of being updated.

Question from the audience: can we speak regarding our interests: Ans: if we have a public hearing, yes. Persons may always send in written comments to the planning board or town board.

#168-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL ISSUES

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

Regular session adjourned at 7:12 pm

#169-MOTION TO ADJOURN EXECUTIVE SESSION

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

Executive Session adjourned at 8:25 pm

#170-MOTION TO ADJOURN ENTIRE MEETING

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

Entire meeting adjourned at 8:27 pm

Respectfully submitted,

Mary M. Peck, Town Clerk
9/18/12