MINUTES –TOWN OF ALLEGANY REGULAR BOARD MEETING.
TUESDAY, MARCH 27, 2012 7:00 PM SENIOR CENTER

PRESENT WERE:
Supervisor Hare
Councilman O’Dell
Councilman Allen
Acting Hwy. Supt. Lowe
Councilman Koebelin
Councilman Hitchcock
Comptroller Hemphill
Attorney Tuttle

ABSENT:
Town Clerk M. Peck

ALSO PRESENT:
Planning Board Members F. DeFiore; H. Larson; R. Kavanagh; ZBA Member D. Sue

Meeting was opened with a Salute to the Flag at 7:00 pm

#87-MOTION TO APPROVE MINUTES
Motion by Koebelin to approve the minutes from the 3/13/12 regular board meeting, as written. 2nd by O’Dell. Koebelin-aye, O’Dell-aye, Allen-aye, Hitchcock-aye, Hare-aye. CARRIED.

CORRESPONDENCE

1. Municipal Shelter Inspection Report from NYS Agriculture Dept. dated 3/8/12
2. Letter from Sue Fries, Commissioner of Elections, to M. Peck on fall elections dated 3/9/12
3. Letter from NYS DOT on change in Highway System Designation for Constitution Ave. dated 3/15/12
4. Letter from C. Horowitz to NYS DEC concerning DOT parcel on Constitution Ave. dated 3/15/12
5. Letter from NYS Dept of Ag to Town concerning Dog Control Ordinance dated 3/15/12
6. Courtesy copy of municipal agreement for maintenance of River Trail within the Town (from Joe Higgins)
7. Letter from NYS DEC concerning Town approval of State purchase of Rehler tract on N. Nine Mile adjacent to State Forest Land dated 3/13/12
8. Minutes from Town ZBA Meeting from 3/5/12
9. Minutes from Town Planning Board Meeting from 2/13/12
10. Numerous additional written comments from public on “Moratorium”

UNFINISHED BUSINESS

1. Discussion of Wind Moratorium (Local Law #1 of 2012)
   Supervisor Hare indicated that back in mid February, the Board felt that they were at a critical juncture with regard to the impact of New York State’s Article X that was due to go into effect this fall. The rules and procedures are still being developed by the NYS agencies charged with administering this law. DEC published their rules last week and they are out there for comment. The Public Service Commission still hasn’t published their anticipated rules but they are in the process of doing so. Given the Board’s questions and concerns at the time, we thought it prudent to start a moratorium process. As a result of the public hearing on February 28th and all the information received and gathered over the past six to seven weeks, the need for the moratorium doesn’t appear to be as necessary as originally thought. We have a lot more information now than we did in February. In many ways we achieved a good deal simply by putting this idea on the table because of all the discussion and comments this has generated. As we sit here tonight there are no new windmill projects before the Town. Additionally, we have learned under the State’s enabling legislation that the Everpower Project that was approved by the Town last summer would not be subject to an Article X proceeding when that Board first convenes sometime this fall. The only way the Article X process would apply to the Everpower Project would be
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if Everpower surrendered all of the Town’s approvals and permits, withdrew its application and literally began
the whole process over again. That is not a very likely scenario nor is it one that the Town would like to see
happen. The Town should now continue to do their due diligence in whatever it deems necessary without the
protection of a moratorium process.

Councilman Allen commented that with his experience in accounting and as a former Town Justice, he had to
agree with the many letters and comments received. He believes the Town has a valid contract with Everpower
and they had better honor it. Councilman Koebelin thanked each and everyone who wrote a letter or comment,
no matter the view. He was impressed with all the communication – people for it and people against it. He felt
there were some new communication channels opened. Councilman O’Dell questioned as to whether after
learning more about Article X and the Board had questions and/or concerns, they might not look at a
moratorium at a later date. The Board agreed.

#88-MOTION TO DISCONTINUE THE MORATORIUM PROCESS
Motion by Hare to discontinue the moratorium process at this time and that the Board reject Local Law #1 of
2012 (aka “Moratorium Law”). 2nd by Allen. Councilman Koebelin requested clarification on an aye and a nay vote.
Supervisor Hare explained that an aye vote would be choosing not to enact the moratorium into law. Hare-aye; Allen-
aye; Hitchcock-aye; O’Dell-aye; Koebelin-aye. CARRIED.

FROM THE FLOOR
1. Karen Mossman asked when the Board is going to make a decision on the road use agreement.
2. Kate Day-Sager asked if Everpower has indicated which alternate routes they are planning on using.
3. Kathy Boser stated that Everpower was asked to do a study on Chipmonk Road and hasn’t come back to the
   Town Board with that study yet.

NEW BUSINESS

#89-MOTION TO CONGRATULATE THE LADY BONNIES
Motion by Hare to congratulate the Lady Bonnies on their fantastic season and to making it to the Sweet 16
Tournament. 2nd by Allen. Hare-aye; Allen-aye; Hitchcock-aye; O’Dell-aye; Koebelin-aye. CARRIED.

#90-MOTION TO APPOINT ZBA CHAIRMAN
Motion by Hare to appoint John Jones as Chairman of the Zoning Board of Appeals for 2012. 2nd by Hitchcock.
Hare-aye; Hitchcock-aye; Allen-aye; Koebelin-aye; O’Dell-aye. CARRIED.

CORRESPONDENCES
#7 Supervisor Hare expressed his concern about this parcel coming off the tax roll if the State
bought it. Assessor Pearl assured him it would not.
#6 Councilman Allen asked if this was for informational purposes only and Supv. Hare said yes.

MORE UNFINISHED BUSINESS

#91-MOTION TO PURCHASE TRUCK
Motion by Hare to purchase truck from Kenworth of Buffalo for $119,419. 2nd by Hitchcock. Hare-aye;
Hitchcock-aye; Koebelin-aye; O’Dell-aye; Allen-aye. CARRIED.

#92-MOTION TO PURCHASE BOX, PLOW AND SANDER
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Motion by Hare to purchase a box, plow and sander from Henderson Equipment for $73,353. 2\textsuperscript{nd} by Hitchcock. Hare-aye; Hitchcock-aye; Allen-aye; Koebelin-aye; O’Dell-aye. CARRIED.

\#93-MOTION TO FINANCE TRUCK
Motion by Hare to finance the truck by transferring $25,000 from Highway Equipment Reserve, bonding $157,775 and selling the old truck for $10,000. 2\textsuperscript{nd} by O’Dell. Hare-aye; O’Dell-aye; Koebelin-aye; Allen-aye; Hitchcock-aye. CARRIED.

OTHER BUSINESS

- The Board discussed the future financing of vehicles and the allocation of funds from the special districts. It was suggested that we keep track of the actual hours that the highway equipment is used by either the sewer or water district and charging that back to the appropriate district.

- Councilman Hitchcock complimented the highway department and crew on the nice job they did on the new shed that they erected at the Five Mile Cemetery.

\#94-MOTION TO CANCEL APRIL MEETING
Motion by Hare to cancel the April 10\textsuperscript{th} and the April 24\textsuperscript{th} Board Meetings and have only one meeting on the 17\textsuperscript{th} of April. 2\textsuperscript{nd} by Koebelin. Hare-aye; Koebelin-aye; O’Dell-aye; Allen-aye; Hitchcock-aye. CARRIED.

- The Board discussed the Hodgeson Russ bills received for the Everpower Project and the moratorium. There was one small charge that Supervisor Hare was going to have clarified on the moratorium bill that he believed should be divided between the Town and Everpower.

\#95-MOTION TO TRANSFER MONEY
Motion by Hare to transfer $5000 from A1990.4 Contingency Acct. to A1420.4 Attorney Contractual Acct. 2\textsuperscript{nd} by Hitchcock. Hare-aye; Hitchcock-aye; Koebelin-aye; Allen-aye; O’Dell-aye. CARRIED.

\#96-MOTION TO PUT FENCE OUT FOR BID
Motion by Allen to put the Five Mile Cemetery fence out to bid. 2\textsuperscript{nd} by Hare. Allen-aye; Hare-aye; Hitchcock-aye; O’Dell-aye; Koebelin-aye. CARRIED.

COMMITTEE REPORTS

- Councilman O’Dell informed the Board that he and Councilman Allen will be meeting this week with Stephanie Guthrie at the cemetery to discuss cemetery issues.

- Supervisor Hare told the Board that the annual AUD has been completed by the Comptroller and he and Councilman Allen would review it and discuss it with them at a later date.

FROM THE FLOOR

✓ Planning Board Chairman-Frank DeFiore informed the Board that the Wal-Mart traffic study has been completed and will be forthcoming.

\#97-MOTION TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL
Motion by Hare to adjourn into executive session to discuss personnel and then resume the meeting. 2\textsuperscript{nd} by Koebelin. Hare-aye; Koebelin-aye; Hitchcock-aye; Allen-aye; O’Dell-aye. CARRIED.
#98-MOTION TO COME OUT OF EXECUTIVE SESSION
Motion by Koebelin to come out of executive session and resume the regular meeting at 8:10 pm. 2nd by O'Dell. Koebelin-aye; O'Dell-aye; Allen-aye; Hitchcock-aye; Hare-aye. CARRIED.

#99-MOTION TO DENY ASSESSOR'S REQUEST
Motion by O'Dell to deny the request from Assessor Pearl to hire an aide/clerk. 2nd by Koebelin. O'Dell-aye; Koebelin-aye; Hare-aye; Allen-aye; Hitchcock-aye. CARRIED.

#100-MOTION TO PROVIDE PERSONNEL TO ASSESSOR
Motion by Koebelin to provide part-time help, when needed, by existing personnel for the assessor's office. 2nd by O'Dell. Koebelin-aye; O'Dell-aye; Allen-aye; Hitchcock-aye; Hare-aye. CARRIED.

#101-MOTION TO ADJOURN
Motion by Hitchcock to adjourn the meeting at 8:25 pm. 2nd by Allen. Hitchcock-aye; Allen-aye; Hare-aye; Koebelin-aye; O'Dell-aye. CARRIED.

Respectfully submitted,

[Signature]

Carolyn Hemphill, Acting Secretary
3/27/12