

MINUTES – TOWN OF ALLEGANY  
PUBLIC HEARINGS & REGULAR BOARD MEETING  
TUESDAY, JANUARY 11, 2022 7:00 PM BIRCH RUN

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**PRESENT:**

Supervisor Higgins  
Councilman Maguire  
Councilman Cooper  
Attorney Tuttle

Town Clerk D. Pinney  
Councilman Nazemetz  
Councilwoman Martin  
Hwy. Superintendent Moshier

**ABSENT:**

Comptroller D. Piccioli

**ALSO PRESENT:**

Stephanie Guthrie

**Salute to the Flag opened the meeting**

**#30-MOTION TO ACCEPT MINUTES FROM THE DECEMBER 28, 2021 REGULAR BOARD MEETING**

Motion by Supervisor Higgins to accept the minutes from the December 28, 2021 Regular Board Meeting as written. 2<sup>nd</sup> by Councilman Nazemetz. Higgins-aye, Martin-aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

**#31-MOTION TO ACCEPT MINUTES FROM THE JANUARY 3, 2022 ORGANIZATIONAL MEETING**

Motion by Supervisor Higgins to accept the minutes from the January 3, 2022 Organizational Meeting as written. 2<sup>nd</sup> by Councilman Maguire. Higgins-aye, Martin-aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

**AUDITED CLAIMS**

Gen A	\$	81,447.08
Gen B	\$	10,096.98
Hwy DA	\$	79,898.44
Hwy DB	\$	40,003.16
Spec Dist.	\$	375,963.74

**MONTHLY REPORTS**

Town Clerk  
Building & Zoning Depts.  
Highway Dept.  
Rec. Dept.  
Cemetery  
~~Assessor~~

Town Justice D. Porter – report for December 2021 – amount collected: \$ 3,988.00.  
Town Justice A. Spears – report for December 2021– amount collected: \$ 4,127.00.

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**CORRESPONDENCE - none**

**NEW BUSINESS**

1. Re-appoint Fair Housing Officer

**#32-MOTION TO RE-APPOINT FAIR HOUSING OFFICER**

Motion by Councilwoman Martin to re-appoint Rural Revitalization Corporation (RRC) as the Fair Housing officer for the Town of Allegany. 2<sup>nd</sup> by Councilman Nazemetz. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

2. Designate Section 3 Officer for the Town of Allegany

**RESOLUTION NO. 33 of 2022**

**RESOLUTION DESIGNATING A SECTION 3 OFFICER  
FOR THE TOWN OF ALLEGANY**

By: Supervisor Higgins Seconded by: Councilman Cooper

Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

WHEREAS, the Town of Allegany is a recipient of the Community Development Block Grant (CDBG) funding through the United States Department of Homes and Community Renewal, administered by the New York State Governor’s Office for Small Cities; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town of Allegany be responsible for ensuring compliance with Section 3 of the Housing and Urban Development Act of 1968, as amended, including the appointment of a Section 3 Officer to review and/or oversee compliance; now, therefore, be it

RESOLVED, that Jerry Dzurhoff, Town of Allegany Code Enforcement Officer shall be designated as the Section 3 Officer for the Town of Allegany for the 2022 Fiscal Year; and be it further

RESOLVED, that the position of Section 3 Officer shall be renewed annually.

RESOLVED, that the Town Board may, on its own initiative or on petition, amend, supplement, or repeal the provisions of this resolution in conformity with applicable rules and regulations and in their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the

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requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern; and be it further

RESOLVED, that this Resolution shall take effect immediately.

STATE OF NEW YORK)  
COUNTY OF CATTARAUGUS) SS:

THIS IS TO CERTIFY, that I the undersigned Clerk of the Town of Allegany, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Town Board of the Town of Allegany on the 11th day of January, 2022, a majority of all the Board Members voting in favor thereof, and that the same is a correct and true transcript of such resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Town of Allegany this 11th day of January, 2022.

\_\_\_\_\_  
Deryle Pinney, Clerk

3. Designate Labor Standards Officer for the Town of Allegany

**RESOLUTION NO. 34 of 2022**

**RESOLUTION DESIGNATING A LABOR STANDARDS OFFICER  
FOR THE TOWN OF ALLEGANY**

By: Supervisor Higgins      Seconded by: Councilwoman Martin

Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

WHEREAS, the Town of Allegany is a recipient of the Community Development Block Grant (CDBG) funding through the United States Department of Homes and Community Renewal, administered by the New York State Governor’s Office for Small Cities; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town of Allegany to be responsible for ensuring compliance with Davis Bacon and Related Labor Standards Acts including the appointment of a Labor Standards Officer to review and/or oversee compliance; now, therefore, be it

RESOLVED, that Deryle Pinney, Town of Allegany Town Clerk shall be designated as the Labor Standards Officer for the Town of Allegany for the 2022 Fiscal Year; and be it further

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RESOLVED, that the position of Labor Standards Officer shall be renewed annually.

RESOLVED, that the Town Board may, on its own initiative or on petition, amend, supplement, or repeal the provisions of this resolution in conformity with applicable rules and regulations and in their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern; and be it further

RESOLVED, that this Resolution shall take effect immediately.

STATE OF NEW YORK)  
COUNTY OF CATTARAUGUS) SS:

THIS IS TO CERTIFY, that I the undersigned Clerk of the Town of Allegany, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Town Board of the Town of Allegany on the 11th day of January, 2022, a majority of all the Board Members voting in favor thereof, and that the same is a correct and true transcript of such resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Town of Allegany this 11th day of January, 2022.

\_\_\_\_\_  
Deryle Pinney, Clerk

4. Accept Mike Higgins's resignation from the Planning Board

**#35-MOTION TO ACCEPT THE RESIGNATION OF MIKE HIGGINS**

Motion by Councilwoman Martin to accept the resignation of Mike Higgins from the Planning Board effective 12/31/2021 due to his election as Town Supervisor. 2<sup>nd</sup> by Councilman Cooper. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

5. Award 2021 Diesel Fuel bids for January 15, 2022 – January 14, 2023

**#31-MOTION TO AWARD THE HIGHWAY DIESEL FUEL BID TO RINKER OIL CORPORATION (only bid)**

Motion by Supervisor Higgins to award the Highway Diesel Fuel bid to Rinker Oil Corporation (#2 Diesel/ultra-low sulfur - \$2.7285 per gallon & Winter Blend 60/40

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\$2.8000 per gallon \*subject to weekly increase/decrease from suppliers. 2<sup>nd</sup> by Councilman Cooper. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

6. The board discussed cost & options for replacing the Town signs.

**OLD BUSINESS**

1. The board discussed the sewer district & the old cemetery adjacent to Allegany Crossings.

**OTHER BUSINESS - none**

**COMMITTEE REPORT**

1. Discuss Board committee appointments
  - a. Union Negotiation – Mike Higgins & Kathy Martin - Dave Koebelin will assist.
  - b. Personnel – Alex Nazemetz & Craig Maguire – nothing at this time
  - c. Highway – Mike Higgins & Andy Cooper – nothing at this time
  - d. Recreation – Alex Nazemetz & Andy Cooper – discussed the lease agreement & boosting after 1 school numbers
  - e. Building/Grounds & Safety – Kathy Martin & Mike Higgins – CO detector needed & hot water discussion
  - f. Water/Sewer – Kathy Martin & Craig Maguire – agreement talks with the Village are needed & watershed protection discussion
  - g. Technology – Craig Maguire & Andy Cooper – look into website options
  - h. Parks & Cemetery – Kathy Martin & Alex Nazemetz – discussed fence replacement (waiting on insurance)

**FROM THE FLOOR - none**

**#36- MOTION TO ADJOURN THE MEETING.**

Motion by Supervisor Higgins to adjourn the entire meeting at 7:38 pm. 2<sup>nd</sup> by Councilman Nazemetz. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

Respectfully submitted,

Deryle L. Pinney, Town Clerk  
1/11/2022