

MINUTES – TOWN OF ALLEGANY  
PUBLIC HEARINGS (3) & REGULAR MEETING  
TUESDAY, JUNE 14, 2022 6:30 PM TOWN HALL

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**PRESENT: Town Board**

Supervisor Higgins  
Councilwoman Martin  
Councilman Maguire  
Comptroller Piccioli  
Attorney Tuttle

Town Clerk D. Pinney/Deputy L. Dumas  
Councilman Nazemetz  
Councilman Cooper

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**ABSENT:**

Hwy. Superintendent Moshier

**ALSO PRESENT:**

Grif Jones – Clean Choice Energy (CCE), Edwin Becker, Stephanie Guthrie, Tami Covert & Chris Covert & John Krist (CEO)

**6:30 PM**

**Public Hearing 1 - Town of Allegany Solar Moratorium (to address battery storage)**

1. Supervisor Higgins opened the Public Hearing for public comment
2. Grif Jones from Clean Choice Energy spoke briefly about the existing Solar Law but did not comment on the Solar Moratorium.
3. Tami Covert spoke about the Solar farm on the River Road but did not comment on the Solar Moratorium.
4. There were no further comments from the public.

**#106-MOTION TO CLOSE THE PUBLIC HEARING**

Motion by Supervisor Higgins to close the public hearing at 6:39 pm. 2<sup>nd</sup> by Councilwoman . Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

**6:40 PM**

**Public Hearing 2 - Town of Allegany 2020 CDBG Grant - update**

1. Supervisor Higgins informed the public the purpose is to notify the public of project and status (95% completely) of it, acknowledge the funding sources the project utilized (mainly CDBG) and a discussion about any comments the public might have
2. Comptroller Piccioli informed that the grant would be closing at the end of the month.
3. Chris Covert asked what the grant was for. Supervisor Higgins responded for the Town Hall Renovations & Handicap accessibility.
4. There were no further comments from the public.

**#107-MOTION TO CLOSE THE PUBLIC HEARING**

Motion by Councilman Nazemetz to close the public hearing at 6:49 pm. 2<sup>nd</sup> by Councilman Maguire. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

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**6:50 PM**

**Public Hearing 3 – Adopt - Town of Allegany Building & Zoning Fee Schedules -**

1. Supervisor Higgins opened the Public Hearing for public comment
2. There were no comments from the public

**#108-MOTION TO CLOSE THE PUBLIC HEARING**

Motion by Councilman Maguire to close the public hearing at 6:59 pm. 2<sup>nd</sup> by Councilman Cooper. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

**Salute to the Flag opened the meeting**

- Moment of silence for the victims of the Buffalo Tops & Uvalde School shooting tragedies

**#109-MOTION TO ACCEPT MINUTES FROM THE MAY 10, 2022 REGULAR BOARD MEETING**

Motion by Supervisor Higgins to accept the minutes from the May 10, 2022 Regular Board Meeting as written. 2<sup>nd</sup> by Councilwoman Martin. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-abstain. CARRIED:

**AUDITED CLAIMS**

Gen A	\$	38,685.83
Gen B	\$	8,168.36
Hwy DA	\$	15,425.64
Hwy DB	\$	19,725.57
Spec Dist.	\$	8,068.25

**MONTHLY REPORTS**

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

- All Board members have received & reviewed the income & expense reports for May 2022.

Town Justice D. Porter – report for May 2022 – amount collected: \$ 5,888.00.

Town Justice A. Spears – report for May 2022– amount collected: \$ 4,766.00.

**CORRESPONDENCE**

1. Informational Webinar for Department of State Grant Opportunities
2. CPL – On Demand Planning Services Proposal
3. Environmental Conservation Law Legislation

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4. S2962B-which creates a cap and trade program to reduce carbon intensity of transportation fuel (will likely increase gas costs a few cents once phased in)
5. Belli S. Nine Mile speed complaint
6. Borrello Becker complaint – zoning
7. Round 12 of Regional Economic Development Council Competition Information Sessions
8. Hot Dog Fest – August 4<sup>th</sup>
9. GoBike – School to Village Trail letter
10. Mike Blumenthal – Road & Trail tree trimming concerns
11. Marcia Karl – S. Nine Mile speed limit concerns
12. PSC – Energy price awareness

**NEW BUSINESS**

1. Adopt Solar Moratorium (Local Law #2 of 2022) (to address battery storage)

**Motion # 110 of 2022**

Motion by: Supervisor Higgins 2<sup>nd</sup> by: Councilwoman Martin

**LOCAL LAW NUMBER 2 - 2022  
TOWN OF ALLEGANY, COUNTY OF CATTARAUGUS, NEW YORK**

A local law establishing a (1) year moratorium on applications, approvals and/or construction or installation of Commercial Solar Energy Facilities, and Battery Storage, Solar Farms in the Town of Allegany, New York.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALLEGANY NEW YORK AS FOLLOWS:

**Section 1. Title**

This Law shall be known as the “2022 Town of Allegany Commercial Solar Energy Facility, Commercial Solar Farm and Battery Storage Moratorium Law.

**Section 2. Purpose and Intent**

The Town of Allegany presently has an established Zoning Ordinance for the Town of Allegany, New York and a Solar Energy Local Law.

The Town Board of the Town of Allegany is concerned that the current Solar Energy Local Law does not adequately address set back and lot coverage requirements, glare concerns, security bonds or decommissioning plans, battery storage, etc.

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The Town Board of the Town of Allegany is of the opinion that the current Solar Energy Local Law should be reviewed in its entirety to better address the concerns outlined above and to clarify the application process.

The Town Board of the Town of Allegany finds that a moratorium is in the public interest and should be enacted to enable the Town of Allegany to review and reassess the application process for Commercial Solar Energy Facilities and/or Commercial Solar Farms in the Town of Allegany, New York.

Section 3. Moratorium

A. A Moratorium on the construction or installation or for issuing building permits, site plan approval and/or any zoning permits or variances for the installation, construction, modification, alteration, approval or extension of Commercial Solar Energy Facilities and/or Commercial Solar Farms and Battery Storage is hereby imposed for a period of one (1) year from the effective date of this Local Law. During the period of this moratorium the Town of Allegany, including but not limited to, the Code Enforcement Officer, Planning Board or Zoning Board of Appeals shall not accept any application for new construction or installation of Commercial Solar Energy Facilities and/or Commercial Solar Farms in the Town of Allegany.

B. For the purposes of this Local Law, the terms Commercial Solar Energy Facilities and/or Commercial Solar Farms are defined as follows:  
COMMERCIAL SOLAR ENERGY FACILITIES – any facility designed to generate electric power to be marketed, sold or used for other than the power demands of any improvements on the property in which such facility is located. Excluded from the definition and from the scope of this moratorium are Solar Energy Facilities which are residential or accessory uses as roof mounted on ground pole-mounted solar energy systems occupying ¼ acre or less of area for the site of installation.

COMMERCIAL SOLAR FARM – a collection of solar panels covering ¼ acre or more of land which are designed to capture sunlight and convert it into electricity. This shall include all freestanding and ground pole-mounted photovoltaic and parabolic solar installations.

C. This action is exempt under SEQRA pursuant to 6 NYCRR Section 617.5 (30) as a type 11 action involving the adoption on a moratorium on land development or construction, and the moratorium is enacted by the Town of Allegany pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

Section 4. Violation

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A violation of this law shall constitute an offense under the penal law. Any person convicted of violating this law shall be subject to a fine not exceeding \$1000.00 or ninety (90) days in jail or both.

Section 5. Enforcement

This Local Law shall be enforced by the Code Enforcement Officer for the Town of Allegany or such individuals as designated by the Town Board of the Town of Allegany, New York.

Section 6. Supersession

All Local Laws, ordinances, or parts of local laws and ordinances of the Town of Allegany that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the moratorium.

Section 7.

This Local Law shall take effect immediately upon filing with Secretary of State. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

2. Adopt Building & Zoning Fee Schedules

**#111-MOTION TO ADOPT BUILDING & ZONING FEES SCHEDULES**

Motion by Supervisor Higgins to adopt the following Building & Zoning Fee Schedules as follows. 2<sup>nd</sup> by Councilman . Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

FEE SCHEDULE FOR CONSTRUCTION AND DEMOLITION - TOWN OF ALLEGANY		
Effective June 14, 2022		
Commercial	New Building	\$.25 per sf plus \$25 each lumbin unit
Single family Residential	New Building	\$.20 per sf plus \$25 each plumbing unit
Floor area shall be based on outside dimensions of the structure including an accessory garage but not to include a non-habitable basement, includes agricultural buildings		
	Cost of Construction	Fee
	\$500 - \$1,000	\$75
Repair and/or alterations not involving any increase	\$1,001 - \$5,000	\$150
	\$5,001 - \$15,000	\$225

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in size based on cost of project including decks and porches	\$15,001 - \$25,000	\$250
	\$25,000 - \$50,000	\$300
	\$50,001 +	300 plus \$3.50 each additional \$1000
Replacement	Roof	\$50
	Woodstove	\$25
Fire Inspections	under 1500 sf	\$75
	over 1500 sf	125
Storage Buildings	up to 500 sf	\$50 minimum
	over 500 sf	Use Residential or Commercial Fees
Permits obtained after construction has been un	surcharge + cost of permit - doubled	\$75 surcharge plus double cost of permit
Permit Renewals	% of original fee	33% of original fee, can be renewed once
Sign Permits	up to 40 sf w/pole	\$200
	face sign up to 100 sf	\$225
	any variance	\$175
Flood Plain Development Permits	Residential	\$250
	Commercial	\$300
	Public Works	\$450
Swimming pools	Residential	\$50 above ground
		\$150 in ground
	Commercial	200
Demolition	Residential	\$200
	Mobile Home	\$75
Demolition Commercial	up to 2,000 sf	\$250
	over 2,000 sf	\$250 plus \$.05 each additional sf
911 Sign fee	includes installation	\$50
911 Sign Replacement	includes installation	\$40

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<b>FEE SCHEDULE FOR ZONING PERMITS- TOWN OF ALLEGANY</b>		
<b>Effective June 14, 2022</b>		
<i>(A) A fee, in accordance with the following schedule of amounts, shall be chargeable and accompany each application for a zoning permit. Such fees shall be paid into the General Fund of the Town whether the permit is approved, disapproved, or denied.</i>		
	<i>Single-Family Dwelling</i>	<b>\$100</b>
	<i>Two-Family Dwelling</i>	<b>\$150</b>
	<i>Multiple-Family Dwelling</i>	<b>\$200</b>
	<i>Structures Accessory to other principal uses</i>	<b>\$100</b>
	<i>Signs (all categories)</i>	<b>\$150</b>
	<i>Land use not involving structures (except agriculture)</i>	<b>\$100</b>
	<i>Commercial</i>	<b>\$250</b>
	<i>Industrial</i>	<b>\$300</b>
	<i>Structural Alterations</i>	<b>\$100</b>
	<i>Temporary Use</i>	<b>\$100</b>
	<i>Demolition</i>	<b>\$100</b>
	<i>All other principal structures</i>	<b>\$100</b>
	<i>Special Use Permit (residential use)</i>	<b>\$100</b>
	<i>Special Use Permit (non-residential use)</i>	<b>\$250</b>
	<i>Zoning Board of Appeals (for any reason)</i>	<b>\$250</b>
	<i>Planned unit development</i>	<b>\$375</b>
<i>Site Plan Review:</i>	<i>Up to and including 5 acres</i>	<b>\$300</b>
	<i>Greater than 5 acres</i>	<b>\$500</b>
<b>Planning Board SEQR Application/Review</b>		<b>\$250</b>
<i>(B) If, in the opinion of the Planning Board, the review of any permits submitted to said Board for any purpose including SEQR, requires review and comment by a consultant, the fee for said review shall be paid by the applicant.</i>		
	<i>Application for amendment to the zoning ordinance</i>	<b>\$350</b>
Temporary Permits:	Temporary Vehicle Sales Event Permit	<b>\$500</b>
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3. Accept annual Justice Court Fund Audit

**#112-MOTION TO ACCEPT THE ANNUAL JUSTICE COURT AUDIT REPORT FOR 2020 & 2021**

Motion by Councilman Maguire to accept the annual Justice Court Fund Audit for the years 2020 & 2021 as submitted and authorize to submit to the State on behalf of the Town by Comptroller Piccioli. 2<sup>nd</sup> by Councilman Nazemetz. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

4. Appoint Logan Andrus as PT recreation Worker

**#113-MOTION TO APPOINT RECREATION WORKER.**

Motion by Supervisor Higgins to appoint Logan Andrus as part-time Recreation Worker effective 6/15/2022 at a rate of \$15.00 hr., with a probationary period of 6 mos. 2<sup>nd</sup> by Councilman Cooper. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

5. Appoint Julia Brennan as PT recreation Worker

**#114-MOTION TO APPOINT RECREATION WORKER.**

Motion by Councilwoman Martin to appoint Julia Brennan as part-time Recreation Worker effective 6/15/2022 at a rate of \$15.00 hr., with a probationary period of 6 mos. 2<sup>nd</sup> by Councilman Maguire. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

6. Appoint Jacob Owen to a temporary summer highway position

**#115-MOTION TO APPOINT HIGHWAY WORKER.**

Motion by Councilman \_\_\_\_\_ to appoint Jacob Owen as part-time Highway Worker effective 6/15/2022 at a rate of \$16.00 hr., with a probationary period of 6 mos. 2<sup>nd</sup> by Councilman \_\_\_\_\_. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

7. Dog Enumeration – Discussion – last enumeration is unknown

**#116-MOTION TO CONTRACT FOR DOG EMNUMERATION**

Motion by Supervisor Higgins to contract for a by mail Dog Enumeration with DogEnumeration.com at a cost of \$1,851.98. 2<sup>nd</sup> by Councilman Cooper. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

8. Approve Michael Gleason Electrical Inspector

**#117-MOTION TO ACCEPT ELECTRICAL INSPECTOR**

Motion by Supervisor Higgins to accept Michael Gleason as an electrical inspector in the Town of Allegany as long as all requirements are met and as long as all pertinent



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paperwork is submitted. 2<sup>nd</sup> by Councilman Nazemetz. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

9. Approve Electrical Inspectors of WNY

**#118-MOTION TO ACCEPT ELECTRICAL INSPECTOR**

Motion by Councilman Maguire to accept Electrical Inspectors of WNY as an electrical inspector in the Town of Allegany as long as all requirements are met and as long as all pertinent paperwork is submitted. 2<sup>nd</sup> by Councilman Cooper. Higgins-aye, Martin-aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

10. Mosquito Spraying Contract

**#119-MOTION TO SIGN COUNTY MOSQUITO SPRAYING CONTRACT**

Motion by Councilman Maguire to allow Supervisor Higgins to sign contract to participate in the annual Cattaraugus County aerial mosquito spraying program for 2022. 2<sup>nd</sup> by Councilwoman Martin. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

11. Grant received from Ralph C Wilson, Jr. Legacy Funds administered by the Community Foundation for Greater Buffalo in the amount of \$49,165 for the Allegany Limestone School Trail Study.
12. Allegany Limestone School Trail Study - Project Agreement with GoBike, for a total of \$44,697.07.

**#120-MOTION TO SIGN TRAIL STUDY CONTRACT**

Motion by Councilwoman Martin to allow Supervisor Higgins to sign contract with GObike Buffalo to lead the Allegany Limestone School Trail Study Project. This is acceptable under the Towns Procurement policy to select a professional services vendor. 2<sup>nd</sup> by Councilman Maguire. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

13. Grant received from Ralph C Wilson, Jr. Legacy Funds administered by the Community Foundation for Greater Buffalo in the amount of \$49,165 for the Allegany Limestone School Trail Study. Proposing to approve the agreement with GObike Buffalo to provide the study for a total of \$44,697.07.

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14. Speed Study Request (Buffalo Rd.)

**#121-RESOLUTION FOR SPEED LIMIT REDUCTION (South Nine Mile Road)**

**Resolution made by:** Supervisor Higgins **Seconded by:** Councilwoman Martin

**WHEREAS:** residents are concerned with the continued high rate of traffic speed on the South Nine Mile Road between Valley View Trailer Park & the Lower Birch Run Road, and

**WHEREAS:** the procedure is for the Town to request by resolution and a completed Form TE 9a for the County Commissioner of Public Works to proceed with a request to the New York State Department of Transportation for a regional traffic engineer study, and

**WHEREAS:** the residents feel that a possible speed reduction be investigated,

**THEREFOR:** the Allegany Town Board resolves that a request for a traffic study be completed on the South Nine Mile Road between Valley View Trailer Park & the Lower Birch Run and that the Town Clerk complete and submit a Form TE 9a to the County Commissioner of Public Works

Councilman Nazemetz	Aye	X	Nay
Councilman Cooper	Aye	X	Nay
Councilman Maguire	Aye	X	Nay
Councilwoman Martin	Aye	X	Nay
Supervisor Higgins	Aye	X	Nay

The motion was carried.

Town Clerk Deryle Pinney 6/14/2022

The foregoing information is true and accurate of what is on file at the Town Clerk's Office, 52 W. Main St., Allegany, NY 14706.

**OLD BUSINESS**

1. Fourth & Maple Lease Agreement

**#122-MOTION TO SIGN 4<sup>TH</sup> & MAPLE LEASE AGREEMENT**

Motion by Councilman Nazemetz to allow Supervisor Higgins to sign the 4<sup>th</sup> & Maple Lease Agreement with Hall Development for 1/1/2022-12/31/2024. 2<sup>nd</sup> by Councilman Cooper. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

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2. Solar Law Seqr – Neg Declaration

**#123-MOTION TO ACCEPT THE SEQR & NEGATIVE DECLARATION**

Motion by Supervisor Higgins to accept the SEQR & Negative Declaration for the proposed Solar Law. 2<sup>nd</sup> by Councilwoman Martin. Higgins-aye, Martin- aye, Cooper-aye, Maguire-absent, Nazemetz-aye. CARRIED:

**OTHER BUSINESS**

1. Deer Crossing Sign Constitution Ave. – The Board discussed & Mike will talk to John Moshier about it.
2. Southern Tier Trail Study – discussion & map review
3. 5G development zoning – discussion & no action at this time
4. Discuss Town Sidewalk Maintenance – discussion of responsibility
5. Town Hall Grand Opening – discussion – latter this Summer
6. CPL – On Demand Planning Services Proposal – discussion
7. S. Nine Mile speed limit concerns – discussion & the Town will ask the County for a speed study

**COMMITTEE REPORTS**

1. Union Negotiation – Mike & Kathy
  - None at this time
2. Personnel – Alex & Craig
  - Will get Harassment training from Comp Alliance
3. Highway – Mike & Andy
  - Allegany Town Highway Barn, Court and Senior Center Updates

**#124-MOTION TO BID RENNOVATIONS & REPAIRS TO HIGHWAY & JUSTICE BUILDING**

Motion by Supervisor Higgins to bid needed Highway & Justice Building Renovations & Repairs. 2<sup>nd</sup> by Councilman Cooper. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

- Generator to go to bid for electric & gas connection
4. Recreation – Alex & Andy
    - The Board discussed fees for the after-school program
  5. Building/Grounds & Safety – Kathy & Mike
    - Town Hall Renovation is nearly complete

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6. Water/Sewer – Kathy & Craig

- DWSP2 – Supervisor Higgins to ask the Planning Board about an overlay district
- Exit 24 Sewer ext. – still working on it

7. Technology – Craig & Andy

- Emails & Service agreement - transferring to Microsoft emails

8. Parks & Cemetery – Kathy & Alex

- Town signs – Kathy provided the Board with 3 more options to consider
- Gazebo – ARPA funds will be used to purchase
- Drinking fountain & bike repair stand at Higgins Park – Highway will pour pad & install
- The Board discussed and will review options for abandoned cemeteries in the Town.

**FROM THE FLOOR - none**

**Executive session – personnel**

**#125-MOTION TO ADJOURN TO EXECUTIVE SESSION FOR PERSONNEL**

**REASONS.**

Motion by Supervisor Higgins to adjourn to executive session at 8:25 pm for personnel reasons. 2<sup>nd</sup> by Councilwoman Martin. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

**#126- MOTION TO RETURN TO REGULAR SESSION.**

Motion by Councilman Maguire to return to regular session at 8:49 pm. 2<sup>nd</sup> by Councilman Nazemetz. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

**#127- MOTION TO ADJOURN THE MEETING**

Motion by Councilman Cooper to adjourn the entire meeting at 8:50 pm. 2<sup>nd</sup> by Councilwoman Martin. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

Respectfully submitted,

Deryle L. Pinney, Town Clerk  
6/14/2022