

MINUTES – TOWN OF ALLEGANY  
REGULAR MEETING  
TUESDAY, JULY 12, 2022 7:00 PM TOWN HALL

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**PRESENT: Town Board**

Supervisor Higgins	Town Clerk D. Pinney
Councilwoman Martin	Councilman Nazemetz
Councilman Maguire	Councilman Cooper
Comptroller Piccioli	Hwy. Superintendent Moshier
Attorney Tuttle	

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**ABSENT:**

**ALSO PRESENT:**

Stephanie Guthrie

**Salute to the Flag opened the meeting**

**#128-MOTION TO ACCEPT MINUTES FROM THE JUNE 14, 2022 PUBLIC HEARINGS & REGULAR BOARD MEETING**

Motion by Councilman Cooper to accept the minutes from the June 14, 2022 Public Hearings & Regular Board Meeting as written. 2<sup>nd</sup> by Councilman Nazemetz. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

**AUDITED CLAIMS**

Gen A	\$	76,384.01
Gen B	\$	6,896.90
Hwy DA	\$	25,381.53
Hwy DB	\$	60,087.68
Spec Dist.	\$	5,838.28

**MONTHLY REPORTS**

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

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

Town Justice D. Porter – report for June 2022 – amount collected: \$ 6,553.00.  
Town Justice A. Spears – report for June 2022– amount collected: \$ 4,244.00.

**CORRESPONDENCE**

1. Restore New York Communities Initiative webinar
2. Whitney Annual Visit – Cemetery note – Great job Stephanie
3. Nine Mile Rd. speed reduction - NYS

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**NEW BUSINESS**

1. Appoint John Krist Section 3 Officer
  
1. Designate Section 3 Officer for the Town of Allegany

**RESOLUTION NO. 129 of 2022**

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

Motion by: Supervisor Higgins

Seconded by: Councilwoman Martin

Higgins-aye, Martin- aye, Maguire-aye, Cooper-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 John Krist, 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 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 12th day of July,

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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 12th day of July, 2022.

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

2. Appoint Carole Sandburg as Deputy Clerk to replace Laurie Dumas

**#130-MOTION TO APPOINT DEPUTY TOWN CLERK**

Motion by Supervisor Higgins to appoint Carole Sandburg as part-time Deputy Town Clerk to replace Laurie Dumas effective 6/27/2022 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:

3. Approve CPL to do design work for Highway Renovation

**#131-MOTION TO APPROVE CPL TO DO HIGHWAY BUILDING DESIGN WORK**

Motion by Councilman Maguire to allow Supervisor Higgins to sign an agreement for Clark Patterson Lee to do the design work for the Highway Building Renovation at a cost of \$21,650.00. 2<sup>nd</sup> by Councilman Nazemetz. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

4. Councilman Cooper to join Olean Chamber of Commerce Board
- The Board discussed that this would be an advantage for the Town & it's tourism.
  -
5. Award bid for Generator Installation – review & discussion

Bid opening for: **Installation of an emergency stand-by generator, ATS and appurtenances** for Town Highway Garage/Community Building located at 3790 Birch Run Road, Allegany, New York The Generator and ATS have been acquired by the Town and are currently stored in the Highway Garage Building Thursday July 8, 2022 until 2:00 p.m. publicly opened and read aloud.

Date	Time	Bidder	Bid	Statement non- Collusion
7/8/2022	8:57am	Kel-Kur Electric	\$ 39,700.00	X
7/8/2022	11:30am	BECC Electric	\$ 65,770.00	X
7/8/2022	1:34pm	Benson Construction & Development	\$ 61,675.00	X
7/8/2022	1:48pm	Industrial Power & Lighting Corp.	\$ 79,000.00	X

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**#132-MOTION TO AWARD THE BASE BID FOR THE BIRCH RUN GENERATOR INSTALLATION**

Motion by Councilwoman Martin to award the bid for the Generator Installation at Birch Run to Kel-Kur Electric with a bid of \$39,700.00. 2<sup>nd</sup> by Councilman Maguire. Hitchcock-aye, Martin- aye, Maguire-aye, Cooper-aye, Nazemetz-aye. CARRIED

6. Comprehensive Plan Grant Application

**Resolution #133 – Application for Smart Growth Comprehensive Planning Grant Program**

Motion by: Supervisor Higgins                      Seconded by: Councilman Maguire

**Whereas**, the Town of Allegany (“the Town”) currently has a Comprehensive Plan for the community that was created and adopted in 2011; and

**Whereas**, the Town believes that proactive planning is a valuable tool to provide guidance and direction to Town elected officials, staff, Board volunteers, and the community at-large; and

**Whereas**, an updated Comprehensive Plan will allow the community to provide direct involvement and input into the vision for the future along with goals and recommendations/actions to achieve that vision; and

**Whereas**, the NYS Department of State (NYSDOS) is currently offering State assistance to municipalities for 2022-2023 Smart Growth Comprehensive Planning grants (Planning Grant) through the Consolidated Funding Application (CFA) and the Town deems it to be in the public interest and benefit to utilize this funding source to carry out an update to the Town’s Comprehensive Plan; and

**Whereas**, it is anticipated that the Comprehensive Plan update would cost between \$50 and \$60,000 according to the Town’s engineering consultants; and

**Whereas**, the Planning Grant will fund up to 90% of the project costs, resulting in a State request of up to \$54,000; and

**Whereas**, the Town has allocated \$10,000.00 to be put towards project, which will be utilized as matching funds and more than the minimum 10% required for a local match.

**Now, Therefore, Be It Resolved** that the Town of Allegany authorizes Supervisor Mike Higgins to submit an application through the CFAs for a Planning Grant for an update to the Town’s Comprehensive Plan; and

**Be it Further Resolved**, that the Town will provide a \$10,000.00 match to be put towards the project.

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

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**OLD BUSINESS**

1. Dog Enumeration – Dog Enumeration notices will go out the first of August & information will be put in the newspaper as well as the Town’s website.
2. Purchase Cemetery Fence
  - The Allegany Cemetery has been damaged from being struck by a vehicle & needs to be replaced.

**#134-MOTION TO PURCHASE CEMETERY FENCE**

Motion by Supervisor Higgins to purchase Cemetery fencing through State Contract at an estimated cost of \$12,154.47. 2<sup>nd</sup> by Councilwoman Martin. Higgins-aye, Martin-aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

**OTHER BUSINESS**

1. The Board discussed the possibility of raising the Tax cap to satisfy the needs of the Town.

**COMMITTEE REPORTS**

1. Union Negotiation – Mike & Kathy
  - Union negotiations will start in August
2. Personnel – Alex & Craig
  - none
3. Highway – Mike & Andy
  - Allegany Town Highway Barn, Court and Senior Center Updates
  - Generator installation bids are complete
4. Recreation – Alex & Andy
  - Updated fees for the after-school program
5. Building/Grounds & Safety – Kathy & Mike
  - Town Hall Renovation is nearly complete
6. Water/Sewer – Kathy & Craig
  - DWSP2 – There is a meeting with the Mayor tomorrow
  - Exit 24 Sewer ext. – the County will vote on 7/27-22 on funding for the project
7. Technology – Craig & Andy
  - Emails & Service agreement - transferring to Microsoft emails
8. Parks & Cemetery – Kathy & Alex
  - Town signs – 4 signs will be ordered at \$540.00 ea.

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- Gazebo – still planning the design
- Drinking fountain & bike repair stand at Higgins Park – Highway will pour pad & install when they can
- GoBike will be donating 6 bike racks to be installed at various Town locations
- There are many trees that need to be removed & trimmed at the Cemetery

**#135-MOTION TO BID TREE REMOVAL**

Motion by Councilwoman Martin to get bids for the needed tree removal at the Allegany Cemetery. 2<sup>nd</sup> by Supervisor Higgins. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

- The Board discussed abandoned Cemeteries (at least 4) in the Town & its plans to properly treat them under NYS regulations

**FROM THE FLOOR – none**

**Executive session – personnel**

**#136-MOTION TO ADJOURN TO EXECUTIVE SESSION FOR PERSONNEL REASONS.**

Motion by Supervisor Higgins to adjourn to executive session at 7:37 pm for personnel reasons. 2<sup>nd</sup> by Councilman Maguire. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

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

Motion by Councilman Maguire to return to regular session at 7:54pm. 2<sup>nd</sup> by Councilman Cooper. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

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

Motion by Councilman Nazemetz to adjourn the entire meeting at 7:55 pm. 2<sup>nd</sup> by Councilman Maguire. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

Respectfully submitted,

Deryle L. Pinney, Town Clerk  
7/12/2022