

**MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY, AUGUST 9, 2022 7:00 PM TOWN HALL**

PRESENT:

Supervisor Higgins
Councilwoman Martin
Councilman Cooper
Attorney Tuttle

Town Clerk D. Pinney
Councilman Maguire
Councilman Nazemetz
Hwy. Superintendent Moshier

ABSENT:

Comptroller Piccioli

ALSO PRESENT:

Stephanie Guthrie, John Krist

Salute to the Flag opened the meeting

#139-MOTION TO ACCEPT MINUTES FROM THE JULY 12, 2022 REGULAR BOARD MEETING

Motion by Supervisor Higgins to accept the minutes from the July 12, 2022 Regular Board Meeting as written. 2nd by Councilwoman Martin. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

AUDITED CLAIMS

Gen A	\$	99,319.86
Gen B	\$	1,181.76
Hwy DA	\$	90,108.30
Hwy DB	\$	256,615.25
Spec Dist.	\$	114,656.69

MONTHLY REPORTS

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

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

Town Justice D. Porter – report for July 2022 – amount collected: \$ 7,514.00.
Town Justice A. Spears – report for July 2022– amount collected: \$ 5,950.00.

CORRESPONDENCE - none

NEW BUSINESS

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1. Set Public Hearing to raise Tax Cap Levy

#140-MOTION TO SET A PUBLIC HEARING FOR LOCAL LAW#3 OF 2022

Motion by Supervisor Higgins set a Public Hearing to discuss Local Law #3 Of 2022 Town of Allegany Tax Cap Override due to the increased cost of operating the essential services of the Town at 7:00pm on 9/13/2022. 2nd by Councilwoman Martin. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

2. The Board discussed local Law #2 of 1981 regarding Town of Allegany Sewer Use ordinance.
3. Establish Clean Energy Communities - Bench Marking Resolution

RESOLUTION NO. 141-2022

Moved by: Supervisor Higgins Seconded by: Councilman Maguire

ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR
CERTAIN MUNICIPAL BUILDINGS

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Allegany is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Allegany Town Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Allegany; and

WHEREAS, the Allegany Town Board desires to establish procedure or guideline for Town staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

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BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Allegany that is 1,000 square feet or larger in size.

~~(5) “Department” shall mean the [Department selected to enforce the Benchmarking Policy].~~

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

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§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

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§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town of Allegany including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The vote on the foregoing resolution was as follows:

Mike Higgins, Town Supervisor	<u> Aye </u>
Kathy Martin, Councilwoman	<u> Aye </u>
Alex Nazemetz, Councilman	<u> Aye </u>
Craig Maguire, Councilman	<u> Aye </u>
Andy Cooper, Councilman	<u> Aye </u>

This resolution was adopted.

4. Proposed Sewer District #3

RESOLUTION NO. 142-2022

Moved by: Councilman Nazemetz 2nd by: Councilman Maguire

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**RESOLUTION PURSUANT TO TOWN LAW §209-B FOR THE PROPOSED
FORMATION OF THE ALLEGANY SEWER DISTRICT #3 IN THE TOWN OF
ALLEGANY**

WHEREAS, the Town Board of the Town of Allegany is interested in the establishment and creation of Sewer District # 3, a Special Improvement District, pursuant to Article 12-A of Town Law; and

WHEREAS, the said area to be included in Sewer District # 3 is totally located within the Town of Allegany and outside any incorporated village; and

WHEREAS, the said Town Board is desirous of preparing a general map, plan and report for providing sewer facilities in the foresaid area of Said Town to be serviced by the Sewer District # 3, and to appropriate a specific amount to pay the cost of preparing said general map, plan and report, and for other services in connection therewith.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Allegany as follows:

1. That the Town Board does hereby authorize Engineers, Clark, Patterson and Lee (CPL) to prepare a general map and plan for the formation of the Sewer facilities and services in the area of the Town of Allegany to be serviced by the Sewer District # 3, and for such other services as may be necessary in connection therewith.
2. That the Town Board does hereby appropriate the sum of \$2,000.00 to pay the cost of preparing the general map, plan and report for the creation of the new sewer district.
3. That CPL, be, and they hereby are, retained at a cost not to exceed \$2,000.00 to prepare a general map, plan and report for sewer facilities and services to the area to be known as Sewer District # 3.
4. That all maps and plans prepared by CPL shall conform with the requirements of Section 209-C of the Town Law, and shall be filed with the Town Clerk.
5. That the expense incurred by the Town for such map, plan and report and other services shall be a Town charge and shall be assessed, levied and collected in the same manner as other Town charges

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irrespective of whether or not the creation of said Sewer District # 3 is approved.

6. That in the event that the said Sewer District # 3 shall be created as herein proposed, and shall thereafter be approved pursuant to the provisions of the Town Law, the expense incurred by the Town for the preparation of the map, plan and report and other services therefor shall be deemed to be part of the cost of such improvement, and the Town shall be reimbursed the amount paid therefor, or such portion of that amount which the Town Board at the public hearing held pursuant to the Town Law shall allocate against such District.
7. That this resolution is subject to a permissive referendum pursuant to and in accordance with the provisions of Sections 209-b and 90 of the Town Law.
8. That within ten (10) days from the date of this resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify and state that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the Olean Times Herald, the official newspaper of the Town, and in addition, that the Town Clerk shall post or cause to be posted on the signboard of the Town of Allegany a copy of such notice within ten (10) days after the date of the adoption of this resolution.

Adopted the 9th day of August, 2022.

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

5. Resolution to partner with the County for Assessment Services

RESOLUTION NO. 143-2022

Moved by: Councilwoman Martin Seconded by: Councilman Cooper

RESOLUTION TO PARTNER WITH COUNTY FOR ASSESSMENT SERVICES

WHEREAS, the County of Cattaraugus and its municipalities are empowered to enter into joint service contracts pursuant to Article Five-G of the General Municipal Law, and

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WHEREAS, Real Property Tax Law Section 1537 makes provision for the County to provide assessing services to its municipalities.

NOW THEREFORE BE IT RESOLVED that the Town Supervisor of the Town of Allegany is hereby authorized to execute a contract with Cattaraugus County to enter into the above-named contractual arrangement for the term of August 15, 2022 through September 30, 2025.

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

6. Terminate Assessor position - Discussion

#144-MOTION TO TERMINATE ASSESSOR

Motion by Supervisor Higgins to terminate the Assessor for the Town of Allegany, Bobbie Elderkin with regret, effective 8/9/2022. 2nd by Councilman Cooper. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

7. Motion to accept American Rescue Plan Act (ARPA) Funds

#145-MOTION TO ACCEPT AMERICAN RESCUE PLAN ACT (APRA) FUNDS.

Motion by Councilwoman Martin to accept \$300,050.39 in Federal American Rescue Plan (APRA) funds. This second installment was issued July 28, 2022. Funding to be used as per federal guidelines. 2nd by Councilman Maguire. Hitchcock-aye, Martin-aye, Maguire-aye, Cooper- absent, Nazemetz-aye. CARRIED

8. Schedule 8/23/2022 meeting

#146-MOTION TO SCHEDULE TOWN BOARD MEETING ON 8/23/2022

Motion by Supervisor Higgins to schedule a Town Board meeting on 8/23/2022 at 6:00pm to conduct additional Town business. 2nd by Councilwoman Martin. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

OLD BUSINESS - none

OTHER BUSINESS - none

COMMITTEE REPORTS

1. Union Negotiation – Mike & Kathy
 - Will be happening soon
2. Personnel – Alex & Craig
 - none
3. Highway – Mike & Andy
 - Kel-Kur will install the generator in September

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4. Recreation – Alex & Andy

- none

5. Building/Grounds & Safety – Kathy & Mike

- Town Hall Renovation is nearly complete
- CPL is working on design for exterior of Highway Building
- Mike stated the Town Hall Exterior needs some work

6. Water/Sewer – Kathy & Craig

- Water shed update
- Exit 24 Sewer ext. – none

7. Technology – Craig & Andy

- Email update

8. Parks & Cemetery – Kathy & Alex

- Town signs are ready to pick up
- Gazebo – John M. will pour pad when time allows
- Water fountain – John M. will install when time allows
- Cemetery tree planting – Alex spoke about a grant for purchasing trees
- Abandoned Cemeteries – Kathy gave an update – Landowners will be contacted
- Conversation regarding ongoing prohibited 4-wheeler use on Town property
- A sign is need for the Cemetery

FROM THE FLOOR - none

#147- MOTION TO ADJOURN THE MEETING.

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

Respectfully submitted,

Deryle L. Pinney, Town Clerk
8/9/2022