

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING AND PUBLIC HEARING ON WATER & SEWER RATE INCREASE THURSDAY, JANUARY 14, 2010 7:00 PM TOWN HALL

PRESENT WERE: Supervisor Eaton Councilman Jonak
Councilman Sendlakowski Councilman Hitchcock
Councilman Hare Hwy Superintendent Gleason
Attorney Tuttle Comptroller C. Hemphill
Town Clerk M. Peck

ALSO PRESENT: J.Dzuroff, M.Lombardo, D.Bigler, D.Sue, H. Larson, R.Kyser, G.Ayers, B.Boser, Clarkes, and Shivleys

ABSENT: NONE

Salute to the Flag at 7:00 PM opened the meeting.

PUBLIC HEARING ON WATER AND SEWER RATE INCREASES : Supervisor Eaton explained that the increase in the water and sewer rates were necessary so that the Town can meet the expenses of the water purchased from the Village, and sewer from the City of Olean. Supervisor Eaton asked for any comments from the public. There were none.

#35-MOTION TO CLOSE PUBLIC HEARING

Motion by Jonak to close the public hearing on the water and sewer rate increases. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

AUDITED CLAIMS

Gen A	\$6,227.24	Hwy DA	\$13,055.86
A.P.	\$23,050.79	A.P.	\$15,245.66
Gen B	\$2,378.46	Hwy DB	508.58
A.P.	5.54	Sp Dist	170.00
		A.P	\$3,480.00

MONTHLY REPORTS

Town Clerk	Highway Superintendent
Recreation & Parks	Building & Zoning

Town Justice Porter – Report for December 2009 – amount of check \$8834.00.

Town Justice Spears – Report for December 2009 – amount of check \$5922.50.

#36-MOTION TO APPROVE MINUTES

Motion by Sendlakowski to approve the minutes from the December 10, 2009 regular board meeting as written. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-abstain, Eaton-aye. CARRIED.

#37-MOTION TO APPROVE MINUTES

Motion by Hitchcock to approve the minutes from the December 29, 2009 end of the year meeting as written. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-abstain, Eaton-aye. CARRIED

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING AND PUBLIC HEARING ON WATER & SEWER RATE INCREASE THURSDAY, JANUARY 14, 2010 7:00 PM TOWN HALL

#38-MOTION TO APPROVE MINUTES

Motion by Hare to approve the minutes from the January 4, 2010 Organizational Meeting as written. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

CORRESPONDENCE

1. Letter from Town of Lyndon Supervisor regarding outdoor wood burners, etc.
2. Town of Allegany Planning Board Minutes from 11/9/09 meeting
3. Town of Allegany Planning Board Minutes from 12/7/09 meeting
4. Memo from Carol Horowitz to Town Board regarding wind energy overlay district *** **TABLE TO 1/28/10 MEETING*****
5. Time Warner Cable – FCC Form 1205 and 1240
6. Time Warner Cable – notice of rates and changes
7. Liquor License Renewal Notice received from K-Club, Birch Run Rd., Allegany, NY
8. Copy of Letter from Village of Allegany to City of Olean regarding sewer **agreement *** Supervisor Eaton advised of a meeting with the City on 1/25/10*****
9. Copy of Letter to Supervisor Eaton from Planning Board regarding Ozzella Special Use Permit
10. Letter from Allegany Hwy Superintendent to Carol Horowitz regarding Lead Agency for Bonaventure Square Project
11. Cattaraugus Co. Treasurer – Listing of payments to Allegany from the County for 2009
12. US Dept of HUD – notice of Authority to Use Grant Funds
13. USDA – Pre-Eligibility Determination Package for Storm Water Loans/Grants
14. USDA – Pre-application package for Rural Development Community Facility Loans to Public bodies for Real Estate Projects
15. Duggan & Duggan Gen. Contr. – Letter and invoice regarding Emergency roof replacement project

NEW BUSINESS

#39-MOTION TO SIGN AGREEMENT WITH CATTARAUGUS COUNTY TO SPEND TOWN HIGHWAY FUNDS

Motion by Jonak to sign the agreement with Cattaraugus County to spend Town Highway funds for 2010. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

#40-MOTION TO AUTHORIZE SUPERVISOR TO SIGN RECREATION DEPARTMENT RESOLUTION

Motion by Jonak to authorize the Supervisor to sign the resolution for Recreation Dept. division for youth. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

#41-MOTION TO INCREASE WATER AND SEWER RATES

Motion by Sendlakowski to increase water and sewer rates in the Town to: 0-1,000 water cubic feet to \$9.10 (min charge); 1,001-40,000- \$.83/cf; 40,001-100,000- \$.63/cf; and >100,000- \$.41/cf; sewer: 1-1,000c/f - \$44.89(min charge), > 1,000c/f - \$.07/cf. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING AND PUBLIC HEARING ON WATER & SEWER RATE INCREASE THURSDAY, JANUARY 14, 2010 7:00 PM TOWN HALL

1. Outdoor Wood Furnaces (letter from town resident) ***Resident Paul Clarke of the N. Nine Mile Road addressed the Board regarding the smoke from a neighbor's wood furnace. He advises that it bothers his and his wife's health. They cannot keep their windows open to get fresh air. There was much discussion about this between the board members. It was decided that this matter will need to be researched further to see if there is anything that can be done to limit excessive smoke in neighborhoods.

OTHER BUSINESS

1. **Sewer Use Law ***TABLE TO 1/28/10 MEETING*****
2. Dedication of Home Depot Water Lines *** **Atty. G.Yaw working on **table to 1/28/10**

#42-MOTION TO BORROW MONEY FOR TOWN HALL ROOF REPAIR

Motion by Eaton to borrow \$80,000.00 B.A.N. for the Town Hall roof repair. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

#43-MOTION TO TRANSFER FUNDS FOR TOWN HALL ROOF REPAIR

Motion by Hitchcock to transfer \$30,000.00 from building repair reserve to the general fund for the Town Hall roof repair bill. 2nd by Hare. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

3. Worker's Compensation Insurance & Volunteer Firemen
4. Letter from Planning Board regarding Lead Agency Status (recommendation desired by PB) *****Supervisor Eaton to send letter to Planning Board regarding this issue, Planning Board to be Lead Agency*****
5. Contract with Fourth & Maple, LLC for 2010. ***no signatures yet ***
6. Bed Tax – Wendy Tuttle, Esq to look into this **Per Attorney Tuttle, only counties, school districts and cities have authority to establish bed tax per Tax Law Sect 1202-u *****
7. Bond Forfeiture by St. George Ent. For Exit 24 water line bid (Attorney Tuttle)

#44-MOTION TO AUTHORIZE SUPERVISOR TO SIGN RELEASE FOR BOND FORFEITURE

Motion by Jonak to authorize the Supervisor to sign the release form for Surety Insurance for the bond forfeiture by St. George Enterprises for the Exit 24 water line bid. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

#45-MOTION TO ESTABLISH TOOL ALLOWANCE FOR HIGHWAY MECHANIC

Motion by Sendlakowski to take \$125.00 per month from Highway Equipment Fund to be used for mechanics tools. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

8. Executive Session – Contract with Ross-Wilson Assoc., Highway Dept. – Personnel/Litigation

From the Floor: Dale Shively asked what the process was for written complaints? Supervisor Eaton advised that the complaint will be directed to the specific committee and be reviewed by the committee, the department, the town board and Attorney if necessary. The complainant will be notified of the outcome.

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING AND
PUBLIC HEARING ON WATER & SEWER RATE INCREASE
THURSDAY, JANUARY 14, 2010 7:00 PM TOWN HALL

#46-MOTION TO ADJOURN TO EXECUTIVE SESSION ON PERSONNEL AND LITIGATION

Motion by Jonak to adjourn to executive session to discuss personnel issues, litigation and the Ross-Wilson & Assoc. Contract. 2nd by Eaton. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

Regular meeting adjourned at 7:53 pm

#47-MOTION TO ADJOURN EXECUTIVE SESSION AND REGULAR MEETING

Motion by Hitchcock to adjourn executive session and regular meeting. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Hare-aye, Eaton-aye. CARRIED.

Entire meeting adjourned at 9:35 pm.

Respectfully submitted,

Mary M. Peck, Town Clerk
1/15/2010