

# MINUTES-TOWN OF ALLEGANY PUBLIC HEARING AND REGULAR BOARD MEETING, THURSDAY 10-22-09 7PM TOWN HALL

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

Also present:            J.Rouleau, H. Larson, D.Sue, B. Phillips, J. Hare, C.Horowitz, M. Lombardo, J. Boser, M.Black, R. Sandburg, K.Chaffee, L. Connelly.

Absent:                    Attorney W. Tuttle

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

**Public Hearing on the 2010 Town Budget** – Supervisor Eaton advised that the increase for this budget is 1.54% increase. Supervisor Eaton asked for comments from the public. There were none. Public Hearing closed at 7:01pm.

## #181-MOTION TO CLOSE PUBLIC HEARING ON THE 2010 TOWN BUDGET

Motion by Jonak to close the public hearing on the 2010 Town Budget. 2<sup>nd</sup> by Wolf. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED

**To be heard:** SPCA in Cattaraugus County – Liz Connelly, Vice-Chair of SPCA read a letter to the board. They are offering dog control services to the Town of Allegany for \$4500.00 per year.

**Michelle Black** – addressed the board regarding incidents with dogs on Church Road. She advised how she phoned the dog control officer, the troopers, the SPCA to help a dog that was tied up unnaturally. The dog died later that day. Ms. Black also advised that she has been in numerous times regarding the owners of this deceased dog’s yard, and how it is full of junk. Supervisor Eaton advised that he will speak with the Justices and see what is going on with junk yard summonses and dog control officer tickets.

**Legislator Jim Boser** – addressed the Town Board regarding the grant money that Cattaraugus County is to donate for the water/sewer extension. He suggested that the Town send a letter to John Sayegh to request a six-month extension due to the fact that the original date was 12/31/09 and there have been unforeseen circumstances that have held up the project.

## #182-MOTION TO SEND LETTER TO CATTARAUGUS COUNTY

Motion by Eaton that the Town Board send a letter to Cattaraugus County requesting a six-month extension of the \$200,000.00 grant for infrastructure expansion. 2<sup>nd</sup> by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #183-MOTION TO APPROVE MINUTES

Motion by Sendlakowski to approve the minutes from the October 5, 2009 Special Board Meeting as written. 2<sup>nd</sup> by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

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## #184-MOTION TO APPROVE MINUTES

Motion by Jonak to approve the minutes from the October 8, 2009 regular board meeting as written. 2<sup>nd</sup> by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #185-MOTION TO APPROVE MINUTES

Motion by Wolf to approve the minutes from the October 12, 2009 special meeting on wind energy as written. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## CORRESPONDENCE

1. US Dept. of HUD – response from request to change use of monies (UCC Bldg. Sale)
2. Info from Nancy Barney, Catt. Co. Real Property Director of assessment workshops
3. Catt. Co. Real Property Services – invoice for printing 2009 T & C tax bills & printing
4. Copy of Town Engineer's letter to US Dept of HUD regarding Exit 24 waterline construction..
5. NYS DEC – response for SEQR solicitation for sewer district formation and construction
6. Catt. Co. Youth Bureau – notice of annual reports deadline reporting
7. Notice of Decision from Town of Allegany Planning Board for Countryside Properties, LLC
8. Memo from C. Horowitz regarding the Sanitary Sewer line, Exit 24

## NEW BUSINESS

### #186-MOTION TO APPROVE 2010 TOWN BUDGET

Motion by Eaton that the Town of Allegany accept the Tentative Budget as the 2010 Town Budget. 2<sup>nd</sup> by Jonak. DISCUSSION: Jonak- would like to reduce Contingency to \$65,000.00 from \$70,000.00. Eaton – would like to leave it there. It was decided to change Contingent CE A1990.400 to \$65,000.00 and to put \$25,000.00 into Trsfr to Capital Reserve A9950.900. Roll Call Vote: Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

### #187-MOTION TO CHANGE ROAD NAME

Motion by Eaton that pursuant to the Highway Superintendent's request, The Town of Allegany shall rename a portion of the W. Five Mile Road, where the new Carter Auction House is located to "West Five Mile Extension". The road is located approx. 950' north of I-86 westbound, Exit 24 off ramp. It extends 1000' south, back toward I-86 and terminates at a cul-de-sac. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

### #188-MOTION TO REFER WIND ENERGY OVERLAY ZONES TO PLANNING BOARD

Motion by Eaton that the Town Board refer the Draft Ordinance for the Wind Energy Overlay Zones to the Planning Board for determination. 2<sup>nd</sup> by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

### #189-MOTION TO ACCEPT DOCUMENT FOR WATERLINE TO W. FIVE MILE ROAD

Motion by Eaton that the Town accept the Short Environmental Assessment Form for the construction of waterline to the W. Five Mile Road and that it will not result in any significant or

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adverse impacts on the environment. 2<sup>nd</sup> by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #190-MOTION TO AUTHORIZE TOWN SUPERVISOR AS CERTIFYING OFFICIAL

Motion by Wolf to authorize the Town Supervisor to be the certifying official for the NEPA Environmental Assessment Checklist for the waterline to W. Five Mile Rd. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #191-MOTION TO DECLARE NEGATIVE DECLARATION ON EXIT 24 WATER PROJECT

Motion by Eaton that the Town of Allegany make a finding of no significant impact for the NEPA Environmental Assessment Checklist. 2<sup>nd</sup> by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Carol Horowitz advised that a letter requesting a release of funds, a copy of the notice of publication, and an affidavit of publication needs to be sent in along with these completed forms.

## #192-MOTION TO ESTABLISH LEAD AGENCY IN SEQR FOR SEWER LINE TO EXIT 24

Motion by Eaton that the Town of Allegany be the lead agency for SEQR study for the Exit 24 sewer line. 2<sup>nd</sup> by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #193-MOTION TO APPROVE BUDGET ADJUSTMENTS PER MEMO FROM COMPTROLLER

Motion by Eaton to approve the following budget adjustments: Increase Estimated Revenues DB510 by \$266.05, CHIPS DB3501 \$266.05; Increase Appropriations DB960 by \$266.05, CHIPS DB5112.2 \$266.05. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED

## #194-MOTION TO APPROVE TRANSFERS PER MEMO FROM COMPTROLLER

Motion by Eaton to approve the following transfers:  
\$ 265.00 from A1315.40 Comptroller CE to A1315.20 Comptroller EQ  
\$ 70.68 from A1315.40 Comptroller CE to A1340.11 Dpty Budget Officer PS  
\$3050.00 from A1990.40 Contingent to A1620.10 Town Hall Cleaner PS  
\$1400.00 from A1990.40 Contingent to A3510.40 Dog Control CE  
\$ 188.81 from A1910.40 Unallocated Ins. To A4050.40 Public Health CE  
\$6000.00 from A1990.40 Contingent to A5132.40 Hwy Garage CE  
\$1000.00 from A1910.40 Unallocated Ins. To A7620.40 Adult Rec CE  
\$7980.21 from A8810.10 Cemetery PS to A8810.40 Cemetery CE  
\$1395.00 from A1910.40 Unallocated Ins. To A9040.80 Workers' Comp  
\$21,218.67 from A1990.40 contingent to A9060.80 Health Ins.  
\$2000.00 from B1990.40 contingent to B9040.80 Workers' Comp  
\$2000.00 from B1990.40 Contingent to B9901.90 Trsfr to Other Funds  
\$15,000.00 from DA5142.10 Snow PS to DA5140.10 Brush PS  
\$ 930.39 from SW8310.20 Water EQ to SW9030.80 Soc. Sec.  
\$ 221.09 from SW8310.20 Water EQ to SW9035.80 Medicare  
\$2000.00 from B9910.90 Trsfr to Other Funds to T15 Unemployment Ins. 2<sup>nd</sup> by Wolf. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

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## UNFINISHED BUSINESS

1. Letter from Jack Sutley, Past President of Allegany Cemetery – Councilman Sendlakowski to take care of this issue.
2. Knox-Box Rapid Entry System – fire alarm box – Councilman Wolf is working on this.

## OTHER BUSINESS

## COMMITTEE REPORTS

From the floor: nothing from the floor

### #195-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER

Motion by Sendlakowski to adjourn to executive session to discuss a personnel matter. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Regular meeting adjourned at 8:23 pm

### #196-MOTION TO ADJOURN EXECUTIVE SESSION AND REGULAR MEETING

Motion by Hitchcock to adjourn executive session and regular meeting. 2<sup>nd</sup> by Wolf. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Entire meeting adjourned at 8:30 pm

Respectfully submitted,

Mary M. Peck, Town Clerk  
10/23/09