

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING TUESDAY, 12-16-08 7:00 PM TOWN HALL

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

Also Present: J.Dzuroff, R. Pearl-Lamphier, R. Kyser, Attorney Daniel Spitzer, J. Crisafulli

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

BIDS: Diesel Fuel Bids for 2009 *** One bid received from Rinker Oil.
#2 Diesel (Ultra Low Sulfur) \$1.759/gal
Winter Blend 60/40 \$1.789/gal **all weather diesel supreme. Delivered to: Town of Allegany Highway Garage, 3790 Birch Run Rd., Allegany, NY 14706. Bid is for 1/15/09 through 1/15/2010. A non-collusive bid certificate is included with bid.

Attorney Daniel Spitzer addressed the Board regarding Wind Energy Conversion Systems and Legal Services. He has represented all sides concerning Wind Energy Conversion Systems. Attorney Tuttle had some questions for him as did some of the board members. Mr. Spitzer's fees will be paid by the Wind Company in the escrow agreement. The escrow agreement will be reviewed by Attorney Tuttle and be on the agenda for the end-of-the- year meeting.

#1-MOTION TO ENTER INTO AGREEMENT WITH HODGSON/RUSS FOR WECS COUNSEL

Motion by Eaton to hire Daniel Spitzer, Esq. as the attorney for WECS Counsel. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

MONTHLY REPORTS

Town Clerk Highway Superintendent
Building & Zoning Recreation & Parks Dept.

Town Justice D. Porter – report for November 2008 – amount of check \$5820.00
Town Justice A. Spears – report for November 2008 – amount of check \$4591.75

AUDITED CLAIMS

Gen A	\$194,287.55	Hwy DA	\$22,784.07
Gen B	\$5,873.25	Hwy DB	\$7,846.42
Sp Dist	\$1,455.58		

#2-MOTION TO APPROVE MINUTES

Motion by Hitchcock to approve the minutes from the 11-18-08 regular town board meeting as written. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

CORRESPONDENCE

1. Time Warner Cable – Consolidated FCC 1205 form.

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2. Time Warner Cable – notice of Switched Digital Video (SDV)
3. Town of Allegany Planning Board minutes from 10-29-08 meeting.
4. Town of Allegany Planning Board minutes from 11-10-08 meeting.
5. Catt. Co. Youth Bureau- 2009 program application form & letter
6. NYS Dept. of Public Service – notice about electronic processes & documents
7. NYS Public Service Commission – notice of Technical Conference
8. NYS Municipal Workers’ Comp Alliance – funding renewal packet
9. Town of Allegany ZBA meeting minutes from 11-3-08 meeting.
10. Copy of letter from Senator Young to the Secretary of State regarding cemetery fund request.
11. Letter from Planning Board member Frank DeFiore about reappointment.
12. NYMIR – HANDBOOK Special Topics & General Liability (2)
13. Letter from Tom Windus, City of Olean regarding a meeting on 1/6/09 (water/sewer) ***
Councilman Hitchcock to attend this meeting with Supervisor Eaton. ***

OTHER BUSINESS

1. Memo from Town Engineer regarding change orders for Highway Garage

#3-MOTION TO APPROVE CHANGE ORDERS ON HWY GARAGE ADDITION

Motion by Jonak to approve the change orders #1 & #2 submitted by the Town Engineer for the highway garage addition/renovation. 2nd by Eaton. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

2. Update on the Hawthorn Lane Dedication *** **all conditions have been met, need description of the roadway. This will be on the January regular board meeting agenda. *****
3. Update on the Wal-Mart Certificate of Occupancy *** **there is a Temporary Certificate of Occupancy at this time as there is a disagreement/misunderstanding between Wal-Mart and DDR. Attorney Leslie Senglaub is to look into this issue. *****
4. Escrow Agreement with Everpower *** **Attorney Tuttle to take care of this and submit to the Board for approval. *****
5. Update on agreement with the Railroad concerning water main bore *** **Per Attorney Tuttle, it looks like this project may not be able to be completed due to insurance costs *****
6. Update on water expansion to Colonial Village *** **Per Supervisor Eaton, Harry Sicherman and John Sayegh are now in the process of having questionnaires filled out by the mobile home park residents. *****

UNFINISHED BUSINESS

#4-MOTION TO AUTHORIZE SUPERVISOR TO SIGN APPLICATION FOR PERMIT FOR WAL-MART SIDEWALKS WITH THE D.E.C.

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Motion by Wolf to authorize the Supervisor to sign the Applications for Permit for the sidewalk construction at Wal-Mart. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

NEW BUSINESS

#5-MOTION TO AUTHORIZE THE SUPERVISOR TO APPLY FOR NEW YORK STATE DEPT. OF STATE, DIVISION OF LOCAL GOVERNMENT EFFICIENCY IMPLEMENTATION GRANT FOR CONSTRUCTING A SHARED CITY/COUNTY, TOWN/VILLAGE SAND/SALT FACILITY

Motion by Jonak WHEREAS, funding is available through the New York State Department of State, Division of Local Government Efficiency Implementation Grant, and WHEREAS, the Town of Allegany, County of Cattaraugus, the City of Olean, which is a fiscally distressed city and the Village of Allegany are desirous of constructing a shared city/county/town/village sand/salt storage facility located at the Cattaraugus County Allegany Highway Barn, and WHEREAS, the Town of Allegany is desirous of applying jointly with Cattaraugus County, the City of Olean, and the Village of Allegany for the aforementioned grant, and WHEREAS, the amount requested for the grant is 90% of the \$660,000.00 project, with is \$594,000.00 and, WHEREAS, the local share is 10% which will be funded by Cattaraugus County (\$66,000), and WHEREAS, the Town of Allegany's share will be funded through savings in Cattaraugus County's sand/salt storage building program, and WHEREAS, the Cattaraugus County Department of Public Works would act as lead agency in the above-described project, and WHEREAS, the application deadline for this grant program is January 14, 2009, now, there, be it RESOLVED, that the Town of Allegany Supervisor be, and hereby is, authorized and directed to execute a grant application, on behalf of the Town of Allegany, with the New York State Department of State, in order to apply for the above-described grant from the Division of Local Government Efficiency Implementation Grant. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf –aye, Eaton-aye. CARRIED.

#6-MOTION TO AUTHORIZE SUPERVISOR TO SIGN RESOLUTION FOR YOUTH BUREAU FUNDING

Motion by Jonak to authorize the Supervisor to sign the Resolution to apply for youth bureau funding with Cattaraugus County and NYS Division for Youth. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED

#7-MOTION TO SET END-OF-YEAR-MEETING DATE/TIME

Motion by Eaton to set the End-of-the-Year meeting date to December 30, 2008 at 7:00 PM at the Town Hall Conference Room. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#8-MOTION TO SET ORGANIZATIONAL MEETING DATE/TIME

Motion by Eaton to set the Organizational Meeting date to January 5, 2009 at 7:00 PM at the Town Hall Conference Room. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#9-MOTION TO AWARD DIESEL FUEL BID FOR 2009

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Motion by Wolf to accept the diesel fuel bid from Rinker Oil Co., Inc. of Cuba, NY. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#10-MOTION TO AUTHORIZE SUPERVISOR TO SIGN WORKERS COMPENSATION RUNOFF MANAGEMENT AGREEMENT

Motion by Jonak to authorize the Supervisor to sign the 2009 Workers' Compensation Claims Runoff Management Agreement with Wright Risk Management. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#11-MOTION TO ACCEPT TRANSFERS FROM COMPTROLLER

Motion by Eaton to accept the following transfers per the Comptroller:

\$ 216.25 to A1355.40 Assessor CE from A1670.40 Printing & Mailing
\$ 2800.00 to A5182.40 Street Lighting from A1990.40 contingent
\$ 82.23 to A7110.13 Parks Maint PS from A7150.11 Sp Rec Facilities PS
\$ 2614.08 to A1315.10 Compt PS from \$1500.00 A1315.11 Dpty Compt PS
\$ 500.00 A1315.20 Compt EQ
\$ 614.08 A1315.40 Compt CE
\$ 2684.42 to A7310.10 Rec Dir PS from \$1161.34 A9010.80 NYS Ret
\$ 1523.08 A1990.40 Contingent
\$ 1894.29 to A9040.80 Workers' Comp from A9010.80 NYS Ret
\$ 3800.00 to B8010.10 CEO PS from \$3600.00 B9060.80 Med Ins.
\$ 200.00 B9010.80 NYS Ret
\$ 186.55 to B8010.12 ZBA Sect PS from B8010.13 ZBA PS
\$ 3387.61 to DA5130.10 Machinery PS from DA5142.10 Snow PS
\$ 756.92 to DA5130.40 Machinery CE from DA5142.10 Snow PS
\$ 9573.68 to DA5140.10 Brush PS from DA5142.10 Snow PS
\$ 5200.00 to DA5142.40 Snow CE from DA5142.10 Snow PS
\$ 361.11 to DA9060.80 Med Ins. From DA5142.10 Snow PS
\$ 1600.00 to DB5110.40 Gen Repair CE from DB5110.10 Gen Repair PS
\$ 550.01 to DB9040.80 Workers' Comp from DB5110.10 Gen Repair PS
\$ 665.16 to DB9060.80 Med Ins from DB5110.10 Gen Repair PS
\$.69 to SS8110.12 Dpty Sewer Clerk PS from SS8110.40 Sewer CE. 2nd by Sendlakowski.
Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

COMMITTEE REPORTS

- Councilman Hitchcock is to take over coordination of water issues to west end of town.
- Councilman Jonak is to take charge of the grant application for the Senior Center . A committee will be set up to gather information to file the application.

#12-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS UNION CONTRACT NEGOTIATIONS

Motion by Eaton to adjourn regular meeting to executive session to discuss union contract negotiations. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

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Regular meeting adjourned at 7:57 pm.

#13-MOTION TO ADJOURN EXECUTIVE SESSION AND REGULAR SESSION

Motion by Wolf to adjourn executive session and regular session. 2nd by Hitchcock. 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
Dec . 17, 2008