

MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING THURSDAY, APRIL 9, 2009 7:00 PM TOWN HALL

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

ALSO PRESENT: M.Lombardo, R.Pearl-Lamphier, J.Dzuroff, R.Lamberson, J.Rouleau,C.Fortuna

ABSENT: Comptroller C.Hemphill

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

MONTHLY REPORTS

Town Clerk	Highway Superintendent
Recreation & Parks	Building & Zoning

#69-MOTION TO APPROVE MINUTES

Motion by Wolf to approve the minutes from the February 12, 2009 Public Hearing & Regular Board Meeting as written. 2nd by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#70-MOTION TO APPROVE MINUTES

Motion by Hitchcock to approve the minutes from the March 12, 2009 regular town board meeting as written. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#71-MOTION TO APPROVE MINUTES

Motion by Hitchcock to approve the minutes from the March 26, 2009 Public Hearing & Regular Board Meeting as written. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Town Justice D. Porter report from March 2009 – amount of check \$8055.00

Town Justice A. Spears report from March 2009 – amount of check \$8485.00.

CORRESPONDENCE

1. Copy of executed agreement w/ Allegany Wind LLC
2. Zoning Board of Appeals minutes from the March 3, 2009 meeting.
3. US Dept of the Interior – regarding wind energy development
4. Letter from Village of Allegany regarding Rte 417 water line construction & SEQR
5. Time Warner Cable – notice of “spin-off” completion.
6. Time Warner Cable – notice of upcoming changes in channels and charges
7. NYS ORPS – 2008 Annual Aid Certification (\$15,160.60 for 3094 parcels)
8. Catt. Co. Legislature – American Recovery and Reinvestment Act
9. NYS Dept. of State – Div of Cemeteries – notice of monies to be received.
10. Conestoga-Rovers – copy of letter to Planning Board Re: Allegany Wind Project
11. Notice of Decision from Allegany P.B. – Re: Daniel Carter application #135-08.

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12. Notice of Decision from Allegany P.B. – Re: Kinley Corp on application #03-09.
13. Village of Allegany Resolution #2009-044 regarding billing for backflow testing of town water customers.
14. Town of Allegany Planning Board minutes from 2/9/09 meeting.
15. Annual Report Synopsis Comparison for 1999 – 2008. (from Comptroller)
16. Association of Towns – letter regarding water billing for(Motherhouse)
17. Copy of letter from Atty Greg Yaw to Village Attorney J.Fodor (dtd 3/30/09)
18. NYMIR – Handbook – Pool & Spa safety Act – regulatory information
19. NYMIR – Handbook – Slip & Fall Accidents – Prior Written Notice Laws – Part II
20. Village of Allegany Resolution #2009 – 065 – share cost of water meter reader
21. Village of Allegany Resolution #2009 -066 – Water Metering Pit requirement for future
22. Village of Allegany Resolution #2009-068 – village take over Motherhouse water/sewer billing.
23. Letter to customers of water/sewer on First Street from Village DPW & Water Superintendent
24. Greg Yaw letter regarding Exit 24 LLC sewer district and water service (dtd 4/1/09)
25. Street sweeper bid

#72-MOTION TO ADVERTISE FOR BIDS FOR TREE/STUMP REMOVAL IN ALLEGANY CEMETERY

Motion by Eaton that the Town of Allegany advertise for bids for tree/stump removal in the Allegany Cemetery. 2nd by Hitchcock. Discussion: bids will be opened at the 5/14/09 meeting at 7PM. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

NEW BUSINESS

#73-MOTION TO AUTHORIZE TRAINING FOR PLANNING AND ZONING BOARD MEMBERS

Motion by Eaton:

WHEREAS Town Law Sections 267 and 271 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

WHEREAS the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS the above sections of state law provide that the legislative body of the town specified which activities qualify as training to satisfy the state requirements;

NOW, THEREFORE, BE IT RESOLVED, that the following list of agencies, commissions, associations, universities and other organizations and persons are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1) The NYS Department of State: Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; and Office of Parks, Recreation, and Historic Preservation; and
- 2) The New York State Association of Town, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections, and the Metro New York Chapter of the American Planning Association and its sections; and

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- 3) The Capital District Regional Planning Commission, Central New York Regional Planning and Development Board, Herkimer-Oneida Counties Comprehensive Planning Program, Lake Champlain-Lake George Regional Planning Board, Long Island Regional Planning Board, Southern Tier Central Regional Planning and Development Board, Southern Tier East Regional Planning and Development Board, **Southern Tier West Regional Planning & Development Board**, Genesee-Finger Lakes Regional Planning Council, Hudson Valley Regional Council, Tug Hill Commission, and Adirondack Park Agency; and
- 4) The Cattaraugus County Planning department; the Cattaraugus County Health Department; and the Cattaraugus County Soil & Water Conservation District; and
- 5) The Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension; and
- 6) On-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, **the New York Planning Federation, American Planning Association**, and the Lincoln Institute of Land Use Policy;
- 7) Training provided by the Town Planner and Town Attorney, when approved in advance by the Town Supervisor.
- 8) One hour of training provided on March 16, 2009 to the Planning Board by Daniel Spitzer, Esq., regarding SEQR review issues.

AND LET IT FURTHER BE RESOLVED, that other training activities may be approved on a case-by-case basis by the Town board upon the request of a planning board or zoning board of appeals member; and

BE IT FURTHER RESOLVED, for any new member appointed to fill an unexpired term, when the appointment begins in the last six 6 months of calendar year, the new member shall not be required to have attended training during that calendar year, but must thereafter comply with the municipal training policy as provided elsewhere herein; and

BE IT FURTHER RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and

BE IT FURTHER RESOLVED, that the Town Clerk shall create and maintain a system of tracking the training that individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointment. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#74-MOTION TO AUTHORIZE TO ADVERTISE FOR BIDS FOR FIRST STREET WATER PROJECT MATERIALS

Motion by Sendlakowski to authorize the Highway Superintendent to advertise for bids for materials for the First Street water project. 2nd by Wolf. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED. Bids to be accepted & opened 4/23/09 at 3pm at the Town Hall.

#75-MOTION TO DISCHARGE TRIPLE C CLEANING

Motion by Jonak to discharge Triple C Cleaning Services effective April 30, 2009. 2nd by Eaton. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

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#76-MOTION TO AWARD STREET SWEEPER BID

Motion by Wolf to award the bid for the street sweeper (only bid rec'd) to Joe Johnson Equipment, Inc. , 62 LaGrange Ave., Rochester, NY 14763 in the amount of \$151,452.00 per bid spec.; a non-collusive bid certificate included. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

UNFINISHED BUSINESS

- **Railroad bore project** *** per Attorney Tuttle, spoke with Carl Belke and they are working on a modified agreement without the Railroad protection insurance in it. Hwy. Superintendent is to get more information from Town Engineer on the survey, plus we need a map/plan and report on this issue.
- **Union Contract** *** Executive Session ***

OTHER BUSINESS

#77-MOTION TO AUTHORIZE TOWN ENGINEER TO DO MAP,PLAN&REPORT FOR RR BORE

Motion by Eaton to authorize the Town Engineer to do design for water line under the railroad tracks from St. Bonaventure property to Constitution Ave. along Route 417. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#78-MOTION TO AUTHORIZE TOWN ENGINEER TO START PLAN FOR SENIOR CENTER EXPANSION

Motion by Eaton to authorize the Town Engineer to start the engineering plan for the Senior Center expansion. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

COMMITTEE REPORT

- Councilman Jonak – Recreation & Parks department are taking the lowest bid to do the dugouts at Stayer Park. Also, it seems that people with metal detectors are all over the baseball/softball fields and are digging them up when they find things. People with dogs are also letting them run loose and they mess all over. There will be signs installed regarding no at loose dogs and no metal detectors.

From the Floor: nothing

#79-MOTION TO ADJOURN TO EXECUTIVE SESSION ON UNION CONTRACT

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

Regular session ended at 8:10 pm.

#80-MOTION TO RE-ENTER REGULAR SESSION

Motion by Eaton to re-enter regular session. 2nd by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

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#81-MOTION TO ACCEPT UNION CONTRACT

Motion by Eaton to accept the union contract for the period 1/1/09 through 12/31/2011. 2nd by Wolf. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#82-MOTION TO ADJOURN MEETING

Motion by Eaton to adjourn meeting. 2nd by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Meeting Adjourned at 8:35 pm

Respectfully submitted,

Mary M. Peck,
Town Clerk
4/20/09

Adjourn