

# MINUTES – TOWN OF ALLEGANY PUBLIC HEARING & REGULAR BOARD MEETING THURSDAY, AUGUST 13, 2009 7:00 pm

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

ALSO PRESENT: Engineer-K.Wilson, Assessor-R.Pearl-Lamphier, C.E.O.-J.Dzuroff, W.Fox-Catt.Co.  
DPW, P.Winger-St.Bonas, H.Larsen, D.Sue, Jeff Levy - DDR.

ABSENT: None

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

Public Hearing opened on the Town of Allegany Dog Ordinance. Supervisor Eaton explained that the change to the Dog Ordinance is to add the activity of "training" in Section 2 (a). Comments from the floor were requested, and there were none.

## #121-MOTION TO CLOSE PUBLIC HEARING ON AMENDMENT TO DOG ORDINANCE

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

Public Hearing closed at 7:01 pm.

## AUDITED CLAIMS

Gen A	\$75,351.22	Hwy DA	\$12,984.14
Gen B	\$22,627.13	Hwy DB	\$94,490.40
Sp Dist	\$40,788.35		

## MONTHLY REPORTS

Town Clerk	Highway Superintendent
Building & Zoning	Recreation & Parks

Town Justice D. Porter –report for July 2009 – amount of check \$17,010.00.  
Town Justice A. Spears – report for July 2009 – amount of check \$15,385.00.

## #122-MOTION TO APPROVE MINUTES

Motion by Jonak to approve the minutes of the July 9, 2009 Regular Town Board Meeting as written. 2<sup>nd</sup> by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #123-MOTION TO APPROVE MINUTES

Motion by Wolf to approve the minutes from the July 21, 2009 Emergency Town Board Meeting as written. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## CORRESPONDENCE

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1. Town of Allegany Planning Board minutes from the 5/11/09 meeting.
2. Account Balances summary as of 7/16/09 as prepared by Comptroller
3. Catt. Co. DPW – notice of CR 60 Road Drainage Project
4. Notice of Liquor License Renewal from Allegany American Legion
5. Notice of Liquor License Renewal from Ho-Sta-Geh Restaurant
6. NYS Real Property Services – notice of final equalization rate: 100.00
7. NYS Office of Parks, Recreation & Historic Pres. – DOT/ waterline along Rte 417
8. Time Warner Cable – notice of changes for viewing
9. Catt. Co. Emergency Services – notice of Public Assistance Workshop – 8/26/09
10. US Dept. HUD – Small Cities Grant #B-95-DH-36-0099 & B-99-DH-36-0035
11. National Grid – Notice of billing surcharges \*\*\* **Councilman Sendlakowski would like to go on record to advise that he is opposed to NYS doing this as it is taking money from working people and retirees \*\*\***
12. Catt. Co. Treasurer – sales tax receipts amounts from 2006 thru 2009 1<sup>st</sup> half
13. Town of Allegany Planning Board minutes from 7/13/09 meeting.
14. NYS Unified Court System – regarding court records audit \*\*\* **Councilman Jonak questioned this and Comptroller advised that hopefully before budget she will take care of this. \*\*\***

## NEW BUSINESS

### #124-MOTION TO APPROVE AMENDMENT TO DOG ORDINANCE

Motion by Eaton to approve the amendment to the Dog Ordinance for the Town of Allegany, Section 2(a) to add “training” as an allowable activity. 2<sup>nd</sup> by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

1. Catt. Co. Real Property – Senior Citizens Exemptions \*\*\* **No change for Town of Allegany \*\*\***

### #125- MOTION TO APPROVE HIRING OF ENGINEER FOR OLD CASTLE PROPERTY PROJECT

Motion by Eaton to approve the hiring of Mark D. Alianello, P.E. as Town Engineer for the Old Castle Property Project, as Foit-Albert Assoc. is the Engineer for St. Bonaventure and this would be a conflict of interest. 2<sup>nd</sup> by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

### #126-MOTION TO AUTHORIZE SUPERVISOR TO SIGN SIDEWALK MAINTENANCE AGREEMENT(DDR)

Motion by Jonak to authorize the Town Supervisor to sign the Sidewalk Maintenance Agreement with DDR ( BG Olean). 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

### #127-MOTION TO AUTHORIZE TOWN ENGINEER TO SEND OUT BID SPECS FOR SIDEWALKS AT WAL-MART PLAZA

Motion by Eaton that the Town Board authorize the Town Engineer to send out bid-specs for the sidewalks at the Wal-Mart Plaza. 2<sup>nd</sup> by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

**\*\*pre-bid mtg on 8/21/09 @Town Hall, 11:00am, bid opening 9/1/09 @1:00pm at Town Hall\*\*\***

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## #128-MOTION TO AUTHORIZE TOWN ENGINEER TO SEND OUT BID SPECS FOR THE WATERLINE BORE UNDER THE RAILROAD TRACKS

Motion by Eaton to authorize the Town Engineer to send out bid-specs for the waterline bore under the railroad. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

**\*\*\*pre-bid mtg on 8/21/09 @1:00 Town Hall; bid opening 9/1/09 @ 2:00pm Town Hall\*\*\***

## #129-MOTION TO POST A TEMPORARY WEIGHT LIMIT ON KLICE CROSSROAD AT 8 TONS

Motion by Eaton to temporarily post an 8 ton weight limit on Klice Crossroad beginning in September 2009 and ending at the discretion of the Highway Superintendent. 2<sup>nd</sup> by Wolf. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #130-MOTION TO SET SPECIAL MEETING FOR AUGUST 27, 2009 AT 7PM TOWN HALL

Motion by Eaton to set a special meeting for August 27, 2009 at 7:00 pm at the Town Hall on the Wal-Mart/DDR dedications of utilities as by that time the issues at hand will be completed. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #131-MOTION TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT FOR POLLING PLACE

Motion by Jonak to authorize the Town Supervisor to sign the agreement with Cattaraugus County Board of Elections to use the Highway Garage/Court Room as a polling place for primary and general elections. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #132-MOTION TO APPROVE RECREATION & PARKS DEPT. TRANSFER REQUESTS

Motion by Hitchcock to approve \$230 from A7150.1 to A7310.4 to fund space rental cost incurred when the ALCS pool was suddenly shut down and had to rent Olean Middle School pool. And \$200 from A7150.1 to A7150.4 to repair mower. 2<sup>nd</sup> by Jonak. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #133-MOTION TO PURCHASE SECURITY CAMERAS AT HIGHWAY/COURT BUILDING

Motion by Jonak to purchase security cameras from Austin Security – 1 exterior and 1 interior camera at a cost of \$3170.43 to come out of contingency fund and to be reimbursed by grant money. 2<sup>nd</sup> by Eaton. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

**\*\*\*Supervisor Eaton explained the listing of costs from the Town Prosecutor court night to show how much money the Town can save/make by having a Town Prosecutor. Supervisor Eaton will ask Court Clerk to do another report in September/October to see how it reports. \*\*\***

## #134-MOTION TO AUTHORIZE TOWN SUPERVISOR TO BORROW FOR 1<sup>ST</sup> STREET WATER PROJECT

Motion by Jonak to authorize the Town Supervisor to sign a B.A.N. for \$48,000.00 at Five Star Bank at 2.85% for 1 year for the 1<sup>st</sup> Street Water Project. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

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## #135-MOTION TO AUTHORIZE TOWN SUPERVISOR TO BORROW FOR STREET SWEEPER

Motion by Hitchcock to authorize the Town Supervisor to sign a B.A.N. for \$145,300.00 at Five Star Bank at 2.80% for purchase of a street sweeper. 2<sup>nd</sup> by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## OTHER BUSINESS

## #136-MOTION TO UPDATE ALLIED ALARM TELEPHONE CONTACT LIST

Motion by Jonak to revise the contact list for Allied Alarm to Town Supervisor & Deputy Supervisor. 2<sup>nd</sup> by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED. (town clerk to send info to them)

## #137-MOTION TO SET PUBLIC HEARINGS ON EXIT 24 LLC WATER LINES

Motion by Eaton :

**Whereas**, the Allegany Town Board has caused the preparation pursuant to Town Law Sec 202-b by Foit-Albert Associates Architecture, Engineering and Surveying, P.C. of *Map, Plan and Report for the Construction of a Waterline along NYS Route 417 from the Village Line Westward to West Five Mile Road in the Town of Allegany, New York* dated August, 2009. **RESOLVED**, that the Allegany Town Board calls a Public Hearing on the Report to be held as follows: September 1, 2009 at 7:00 PM (EDST) at the Senior Center on Birch Run Road, Town of Allegany, County of Cattaraugus, State of New York. And be it further **RESOLVED**, that notice of the Public Hearing shall be given not less than ten (10) days nor more than twenty (20) days prior to the date thereof as follows: (1) by publication in the official paper of the Town, (2) by posting on the signboard of the Town maintained pursuant to Town Law sec 30 6 and (3) by mailing by first class mail to each owner of the parcels of real property identified by the Report to be benefitted by the Project in substantially the following form:

### **NOTICE**

PLEASE TAKE NOTICE THAT The Town Board of the Town of Allegany, on August 13, 2009 adopted a Resolution under Town Law Sec 202-b calling Public Hearing on a *Map, Plan and Report for the Construction of a Waterline along NYS Route 417 from the Village Line Westward to West Five Mile Road in the Town of Allegany, New York* prepared by Foit-Albert Associates Architecture, Engineering and Surveying, P.C. dated August, 2009 to construct approximately 3300 linear feet of water line and appurtenances thereto for a maximum amount of Five Hundred Four Thousand Four Hundred Dollars (\$504,400.00), such hearing to be held as follows: September 1, 2009 at 7:00PM (EDST) at the Senior Center, Birch Run Road in the Town of Allegany, County of Cattaraugus, and State of New York. 2<sup>nd</sup> by Sendlakowski. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #138-MOTION TO SET PUBLIC HEARING ON EXIT 24 LLC SEWER DISTRICT

Motion by Eaton **WHEREAS**, a written petition dated June 3, 2009 has been presented to and filed with the Town Board of the Town of Allegany praying that all of the land situate in the Town of Allegany, County of Cattaraugus and State of New York and more particularly bounded and described as follows:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Allegany, Cattaraugus County, State of New York, being part of Lots 10 and 11, Section 5, Township 2, Range 5 of the Holland Land Company's Survey bounded and described as follows: **Commencing** at a point in the northeasterly right-of-way of the West Main Street (NYS Route 417) which lies the following courses and distances from the intersection of the westerly right-of-way line of the former location West Five Mile Road (now known as

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Sheldon Drive) with the northeasterly right-of-way line of said West Main Street (NYS Route 417); North 73 degrees 01 minute 00 seconds West along the northeasterly right-of-way line of said NYS Route 417, a distance of 235 feet to a point; thence North 58 degrees 48 minutes 00 seconds West continuing along said northeasterly right-of-way of said NYS Route 417, a distance of 937.80 feet to a point; thence North 59 degrees 15 minutes 00 seconds West continuing along said northeasterly right-of-way line of NYS Route 417, a distance of 100 feet to the **point of beginning**. Thence from said point of beginning around the perimeter of the within premises the following courses and distances: North 59 degrees 04 minutes 49 seconds West, along said northeasterly right-of-way of NYS Route 417, a distance of 322.61 feet; thence North 25 degrees 43 minutes 12 seconds West, a distance of 153.41 feet; thence North 59 degrees 10 minutes 00 seconds West, a distance of 291.00 feet to a point in the southeasterly right-of-way on West Five Mile Road as it lies today; thence North 23 degrees 19 minutes 34 seconds East along the southeasterly right-of-way, a distance of 493.13 feet; thence North 47 degrees 20 minutes 00 seconds East, a distance of 281.40 feet; thence North 47 degrees 20 minutes 00 seconds East, a distance of 19.22 feet; thence North 46 degrees 33 minutes 54 seconds East, a distance of 87.09 feet; thence North 46 degrees 13 minutes 44 seconds East, a distance of 281.24 feet; thence South 83 degrees 13 minutes 00 seconds East, a distance of 254.61 feet' thence along a curve to the left having a chord bearing of North 85 degrees 42 minutes 14 seconds East, chord distance of 202.71 feet, arc length of 204.47 feet with a radius of 450 feet; thence South 06 degrees 19 minutes 24 seconds West, a distance 332.71 feet; thence South 06 degrees 24 minutes 49 seconds West, a distance 998.59 feet; thence North 58 degrees 52 minutes 30 seconds West, a distance of 169.89 feet; thence North 06 degrees 23 minutes 00 seconds East, a distance of 22.43 feet; thence North 58 degrees 48 minutes 00 seconds West, a distance of 159.84 feet; thence South 06 degrees 28 minutes 27 seconds West, a distance of 97.04 feet; thence North 59 degrees 10 minutes 21 seconds West, a distance of 99.92 feet; thence South 06 degrees 29 minutes 47 seconds West, a distance of 175.03 feet, to the Point or Place of Beginning. Be elected and established into the Exit 24 Sewer District, and Whereas, no improvements are proposed to be constructed, and Whereas, no hookup fees are proposed, and Whereas, the annual cost of the district to the typical property owner is estimated at Fifteen Thousand Four Hundred Thirty Dollars and Seventy-Six Cents (\$15,430.76). **ORDERED** that a Public Hearing be held at the Senior Center, Birch Run Road, Town of Allegany, County of Cattaraugus, State of New York on September 1, 2009 at 7:00 pm prevailing local time to consider the said petition and to hear all persons interested in the subject thereof concerning the same, and it is **FURTHER ORDERED** that the Town Clerk give notice of such hearing by publishing once in the *Olean Times Herald*, the official paper of the Town, a certified copy of this order, by posting a certified copy of the order on the sign board of the Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law and by causing a photo static certified copy of the Order to be transmitted by first class mail to the assessed owners of each of the properties within the boundaries of the Proposed District no less than ten (10) nor more than twenty (20) days before such hearing. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

## #139-MOTION TO SET PUBLIC HEARING FOR CHANGE OF USE OF HUD MONIES

Motion by Eaton to set a Public Hearing for the Change of Use of H.U.D. monies on September 1, 2009 at 7:00 pm at the Senior Center, Birch Run Road, Allegany, NY. 2<sup>nd</sup> by Hitchcock. Jonak-aye, Sendlakowski-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

1. Sanitary Sewer Dedication/ DDR Wal-Mart \*\*\* **TABLE to Special Meeting** \*\*\*
2. Water line dedication for Wal-mart \*\*\***TABLE to Special Meeting** \*\*\*

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3. Town Prosecutor -- **TABLE to review in October**

From the floor: nothing from the floor

#140-MOTION TO ADJOURN MEETING

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

Meeting adjourned at 8:24 pm

Respectfully submitted,

Mary M. Peck, Town Clerk  
8/18/09