

MINUTES – TOWN OF ALLEGANY  
REGULAR BOARD MEETING & PUBLIC HEARING  
TUESDAY, JANUARY 23, 2024 7:00 PM TOWN HALL

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**PRESENT:**

|                             |                      |
|-----------------------------|----------------------|
| Councilwoman Martin         | Town Clerk G. Straub |
| Councilman Cooper           | Councilman Nazemetz  |
| Comptroller D. Piccioli     | Councilman Maguire   |
| Hwy. Superintendent Moshier | Supervisor McPherson |

**ABSENT:**

**ALSO PRESENT:** Stephanie Guthrie

**7:00**

**Public Hearing – Proposed Local Law No. 1 of 2024 – Amendment to the Town of Allegany Zoning Ordinance III adding a section titled ‘Aquifer Protection Overlay District’**

1. Supervisor McPherson opens the Public Hearing for public comment.
2. There were no comments from the public.

**#41 – MOTION TO CLOSE THE PUBLIC HEARING**

Motion by Supervisor McPherson to close the public hearing at 7:01 PM. 2<sup>nd</sup> by Councilman Nazemetz. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

**7:05**

**Public Hearing – Proposed Local Law No. 2 of 2024 – Amendment to the Town of Allegany Zoning Map adding an Aquifer Protection Overlay District**

1. Supervisor McPherson opens the Public Hearing for public comment.
2. There were no comments from the public.

**#42 – MOTION TO CLOSE THE PUBLIC HEARING**

Motion by Supervisor McPherson to close the public hearing at 7:06 PM. 2<sup>nd</sup> by Councilman Nazemetz. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

**Salute to the Flag opened the meeting**

Approval of minutes from the January 9, 2024, Regular Board Meeting.

**#43 – MOTION TO APPROVE MINUTES FROM JANUARY 9, 2024 REGULAR BOARD MEETING**

Motion by Councilwoman Martin to approve the minutes from the January 9, 2024 Regular Board Meeting. 2<sup>nd</sup> by Councilman Maguire. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

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**CORRESPONDENCE**

1. Library Agreement with the Village of Allegany

**#44- MOTION TO ACCEPT LIBRARY AGREEMENT WITH VILLAGE OF ALLEGANY**

Motion by Supervisor McPherson to accept Library agreement with the Village of Allegany. 2<sup>nd</sup> by Councilwoman Martin. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

2. Police Emergency Services Agreement with the Village of Allegany

**#45 - MOTION TO ACCEPT POLICE EMERGENCY SERVICES AGREEMENT WITH VILLAGE OF ALLEGANY**

Motion by Supervisor McPherson to accept Police Emergency Services agreement with the Village of Allegany. 2<sup>nd</sup> by Councilman Nazemetz. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

3. Court Security Agreement with the Village of Allegany

**#46 - MOTION TO ACCEPT COURT SECURITY AGREEMENT WITH VILLAGE OF ALLEGANY**

Motion by Councilman Maguire to accept Court Security agreement with the Village of Allegany. 2<sup>nd</sup> by Councilman Cooper. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

**NEW BUSINESS**

1. CD Renewal
  - a. CDs up for renewal on the 23<sup>rd</sup>, the projected interest rate is 5.10%
2. Agreement to Spend Town Highway Funds

**#47 – MOTION TO ACCEPT AGREEMENT TO SPEND TOWN HIGHWAY FUNDS**

Motion by Supervisor McPherson to accept the agreement to spend Town Highway funds. 2<sup>nd</sup> by Councilman Nazemetz. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

3. CPL Planning Services/Billing

**#48 – MOTION TO ACCEPT CPL BILLING RATES**

Motion by Supervisor McPherson to accept CPL billing rates. 2<sup>nd</sup> by Councilman Maguire. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

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4. Approve Fuel Bid

**#49 – MOTION TO APPROVE RINKER OIL FUEL BID**

Motion by Councilman Maguire to accept the Rinker Oil Highway Fuel Bid. 2<sup>nd</sup> by Councilman Cooper. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

5. Comprehensive Plan Steering Committee

The committee will meet 2x per month for 12 months. Advertisement for committee members posted in the Olean Times Herald.

6. Tax Cap Limit - Discussion

**#50 – MOTION TO SCHEDULE PUBLIC HEARING FOR TAX CAP OVERRIDE**

Motion by Supervisor McPherson to schedule a public hearing to override the tax cap limit on February 13, 2024, at 7:00 PM. 2<sup>nd</sup> by Councilwoman Martin. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

**OLD BUSINESS**

1. Dog Kennel

**OTHER BUSINESS**

**COMMITTEE REPORT**

Building/Grounds & Safety – Kathy & Chris

- AED Training – February 13<sup>th</sup> at 9AM
- \*

Highway – Chris & Craig

- \*
- \*

Parks & Cemetery – Kathy & Alex

- \*
- \*

Personnel – Andy & Chris

- \*
- \*

Recreation – Kathy & Andy

- Kathy Martin met with Rec Director Libby Acevedo. She says all is going well with the rec program, and Libby is planning to attend a board meeting.
- \*

Technology – Craig & Andy

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- Craig Maguire has been in contact with ACME in regards to setting up a livestream camera at the Town Hall to be streamed on the website.

- \*

Union Negotiation – Chris & Kathy

- \*

- \*

Water/Sewer – Chris & Craig

- SEQR – APOD

**RESOLUTION #51 of 2024** OF THE TOWN BOARD FOR THE TOWN OF ALLEGANY, COUNTY OF CATTARAUGUS AND STATE OF NEW YORK ISSUING A NEGATIVE DECLARATION PURSUANT TO SEQR REGARDING LOCAL LAW 1 OF 2024 AMENDING THE TOWN OF ALLEGANY ZONING ORDINANCE III TO ADD THE AQUIFER OVERLAY PROTECTION DISTRICT AND LOCAL LAW 2 OF 2024 AMENDING THE TOWN OF ALLEGANY ZONING MAP TO ADD THE AQUIFER OVERLAY PROTECTION

Motion by: Supervisor McPherson

2<sup>nd</sup> by: Councilwoman Martin

Whereas, the Allegany Town Board, pursuant to a recommendation from the Town of Allegany Planning Board, has proposed the enactment of Local Law 1 of 2024 amending the Town of Allegany Zoning Ordinance III to add the Aquifer Overlay Protection District and Local Law 2 of 2024 amending the Town of Allegany Zoning Map to add the Aquifer Overlay Protection; and

Whereas, the enactment of Local Law 1 of 2024 amending the Town of Allegany Zoning Ordinance III to add the Aquifer Overlay Protection District and Local Law 2 of 2024 amending the Town of Allegany Zoning Map to add the Aquifer Overlay Protection is a Type 1 Action pursuant to 6 NYCRR 617.4(b)(2) because both, related local laws involve “the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;” and

Whereas, the Allegany Town Board is the Lead Agency and sole Involved Agency pursuant to SEQR because the Allegany Town Board is the sole government entity with approval power of the enactment of both local laws, therefore no Coordinated Review is required; and

Whereas, a Public Hearing on both local laws was held on January 23, 2024.

Now, Therefore, Be It Resolved, by the Allegany Town Board that:

1. a Negative Declaration pursuant to SEQR is hereby issued upon the finding that Part 2 of FEAR did not identify any potentially adverse environmental

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impacts and no potentially adverse environmental impacts were identified through public comments. Additionally, the enactment of Aquifer Protection Overlay District and corresponding enactment amending the Town Zoning Map to include the Aquifer Protection Overlay District is intended to protect the environment by restricting or not allowing potentially adverse land uses; and

2. Town Supervisor Chris McPherson is authorized to execute Part 3 of the FEAF.

McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye.  
CARRIED.

FROM THE FLOOR – none

**#52 – MOTION TO ENTER EXECUTIVE SESSION**

Motion by Supervisor McPherson to enter executive session for personnel reasons at 7:37 PM. 2<sup>nd</sup> by Councilman Nazemetz. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

**#53 – MOTION TO RETURN TO REGULAR MEETING**

Motion by Councilman Nazemetz to return to regular session at 8:18 PM. 2<sup>nd</sup> by Councilwoman Martin. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

**#54 – MOTION TO ADJOURN THE MEETING**

Motion by Supervisor McPherson to adjourn the entire meeting at 8:19 PM. 2<sup>nd</sup> by Councilman Maguire. McPherson – aye, Martin – aye, Maguire – aye, Cooper – aye, Nazemetz – aye. CARRIED

Respectfully Submitted,

Grace C. Straub, Town Clerk  
2/13/2024