

**MINUTES – TOWN OF ALLEGANY
PUBLIC HEARING & REGULAR BOARD MEETING
TUESDAY, FEBRUARY 14, 2023 7:00 PM TOWN HALL**

PRESENT:

Supervisor Higgins
Councilwoman Martin
Councilman Cooper
Attorney Tuttle
Comptroller Piccioli

Town Clerk D. Pinney
Councilman Maguire
Councilman Nazemetz
Hwy. Superintendent Moshier

ABSENT:

ALSO PRESENT:

Stephanie Guthrie

7:00 PM

Public Hearing - Town of Allegany proposed Water/Sewer rates

SEWER & WATER RATES - PROPOSED 10% INCREASE

WATER USED	VILLAGE RATE	OLD	TOWN RATE
<u>CUBIC FEET</u>	<u>\$/100 CF</u>	<u>RATE</u>	<u>\$/100 CF</u>
0-1,000	\$ 23.90	\$11.72	\$ 12.89(Min Charge)
1,001-40,000	\$ 2.39	\$ 1.07	\$ 1.18
40,001-100,000	\$ 1.96	\$.81	\$.89
>100,000	\$ 1.59	\$.53	\$.58

The Town of Allegany purchases their water from the Village of Allegany. Therefore, two water charges show on each quarterly bill. The Village rate is what the Town pays directly to the Village and the Town rate is what the Town charges for operation and maintenance of the water lines.

<u>SEWER RATES</u>		
1-1,000 c/f	\$ 36.85	\$ 40.54(Min Charge)
> 1,000 c/f	\$.0560	\$.0616

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

#39-MOTION TO CLOSE THE PUBLIC HEARING

Motion by Supervisor Higgins to close the public hearing at 7:02 pm. 2nd by Councilwoman Martin. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED

Salute to the Flag opened the meeting

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#40-MOTION TO ACCEPT MINUTES FROM THE JANUARY 10, 2023 PUBLIC HEARING & REGULAR BOARD MEETING

Motion by Councilman _____ to accept the minutes from the January 10, 2023 Public Hearing & Regular Board Meeting as written. 2nd by Councilman Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED

AUDITED CLAIMS

- | | | |
|--------------|----|-----------|
| • Gen A | \$ | 71,948.62 |
| • Gen B | \$ | 2,369.49 |
| • Hwy DA | \$ | 45,166.50 |
| • Hwy DB | \$ | 36,197.40 |
| • Spec Dist. | \$ | 6,234.10 |

MONTHLY REPORTS

Town Clerk
Building & Zoning Depts.
Highway Dept.
Rec. Dept.
Cemetery
Assessor

- All Board members have received & reviewed the income & expense reports for January 2023.

Town Justice D. Porter – report for January 2023 – amount collected: \$ 19,085.0.

CORRESPONDENCE

1. Giardini Bros. Mining permit
2. STW – Green Purchasing Communities
3. USDA Rural Development Funding Opportunities
4. JCC – Excel Course offered
5. OSC Local Government and School District Training - Upcoming Events
6. 3139 W. State St. IDA Exemption
7. STW - Climate Smart Communities (CSC) Program
8. NYS PSC – North American Numbering Plan
9. AOT – Update
10. NYS DPS – NYSEG & RGE Customer Service Issues
11. Gov. Hochul Resolution to ban Gas Heating

NEW BUSINESS

1. Assessor (Jason Mahar) to Address the Board
 - Jason reported on the status of assessing in the Town of Allegany. He also spoke about Ag Assessments & possible senior exemptions.
2. 10% Increase in Water/Sewer Rates

#41-MOTION TO INCREASE THE TOWN OF ALLEGANY WATER/SEWER RATES

Motion by Supervisor Higgins to increase the water & sewer rates for the Town of Allegany by 10%. 2nd by Councilwoman Martin. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED

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3. Olean Chamber of Commerce update

- Andy reported on The Olean Chamber of Commerce Board meeting & discussed the uses of Bed Tax.

4. Agreement to spend Town Highway Funds

#42- MOTION TO SPEND TOWN HIGHWAY FUNDS

Motion by Councilwoman Martin to approve the expenditure of Town Highway Monies for 2023 by Cattaraugus County. 2nd by Councilman Cooper. Higgins-aye, Martin-aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED

5. Purchase media equipment for video conferencing

#43- MOTION TO PURCHASE MEDIA EQUIPMENT FOR VIDEO CONFERENCING

Motion by Councilman Maguire to approve the purchase of media equipment for video conferencing from Databranch at a cost of \$3,539.00 using NYSERDA grant money. 2nd by Supervisor Higgins. Higgins-aye, Martin-aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED

6. Exterior Town Hall painting – discussion/tabled

OLD BUSINESS

1. Town Justice – Discussion of whether to have 1 or 2 Justices

#44-MOTION TO HOLD A PUBLIC HEARING ON PROPOSED RESOLUTION TO ABOLISH ONE ELECTED TOWN JUSTICE, SUBJECT TO PERMISSIVE REFERENDUM

Motion by Councilman Maguire to hold a public hearing on Tuesday March 14, 2023 at 7:00 pm on proposed resolution to abolish one elected Town Justice, subject to Permissive Referendum. 2nd by Councilman Nazemetz. Higgins-aye, Martin-aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED

As follows:

WHEREAS, the Town of Allegany, County of Cattaraugus and State of New York, currently has two (2) elected Town Justices; and

WHEREAS, the Town Board for the Town of Allegany has determined that it would be in the best interests of the Town of Allegany to reduce the number of Town Justices to one (1); and

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WHEREAS, the term of office of one of the elected Town Justices will expire on December 31, 2023, and

NOW, therefore be it

RESOLVED, that pursuant to the provisions of New York Town Law § 60-a(2), the Town of Allegany hereby reduces the number of elected Town Justices to one (1), subject to permissive referendum, with the Town Justice position having an elected term of office expiring on December 31, 2023 being eliminated; and be it further

RESOLVED, that this Resolution is subject to permissive referendum as provided by New York Town Law Article 7, § 90-94; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish notice of this resolution in the official newspaper of the Town, and post said notice on the official signboard of the Town, within ten (10) days of the adoption of this Resolution; and be it further

RESOLVED, that this resolution shall take effect thirty (30) days after adoption, or until approved by the affirmative vote of a majority of the qualified electors of the Town of Allegany, voting on such proposition, if within thirty (30) days after its adoption there be filed with the town clerk a petition signed by electors of the Town qualified to vote in number equal to at least five (5) per centum of the total vote cast for governor in the town at the last general election, but shall not be less than one hundred (100) in a town of the first class.

THIS RESOLUTION is hereby adopted by a majority vote of the Town of Allegany Town Board at a meeting held on the ____ day of _____, 2023, as follows:

OTHER BUSINESS

1. Schedule PH for Tax Cap override

#45-MOTION TO SET A PUBLIC HEARING FOR LOCAL LAW#2 OF 2023

Motion by Supervisor Higgins set a Public Hearing to discuss Local Law #2 Of 2023 Town of Allegany Tax Cap Override due to the increased cost of operating the essential services of the Town at 7:00pm on 3/14/2023. 2nd by Councilwoman MARTIN. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

2. Discussion of Grants & Purchase of AED
3. Gov. Hochul Resolution to ban Gas Heating – discussion

#46-RESOLUTION OPPOSING GOVERNOR HOCHUL'S BAN OF GAS STOVES AND OTHER NEW FOSSIL FUEL HEATING EQUIPMENT

Motion: Supervisor Higgins

2nd: Councilman Cooper

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WHEREAS, Governor Hochul's State-of-the-State address contained a proposal to prohibit the sale of new fossil fuel powered heating systems by 2030 for single-family homes and smaller buildings and by 2035 for commercial buildings and larger buildings, and

WHEREAS, Governor Hochul is further calling for zero-emission new construction, with no on-site fossil fuel combustion by 2025 for smaller buildings and by 2028 for larger buildings, and

WHEREAS, President Biden and the White House have come out against any prohibition
Of gas stoves, and

WHEREAS, the Governor's ban is intended to help address climate change, but this government mandate is more of a burden on our region's working-class residents and will have a devastating effect on restaurants, businesses and manufacturing facilities when they have to convert to all electric, and

WHEREAS, the cost to convert a house to electric will result in excessive costs to homeowners and would not include any kind of backup system in the event of a power outage, and

WHEREAS, the conversion to electric will create unnecessary and excessive financial burden and hardship for businesses that compete on a national or global level, and

WHEREAS, any such ban is likely to push many businesses out of the state which would contribute to accelerated population loss of those already burdened with high tax rates, the high cost of living, other unreasonable government mandates, reckless spending by the government, and unrealistic environmental mandates not consistent with our geographic region, and

WHEREAS, a ban on natural gas appliances and other fossil fuel heating equipment is not feasible for Western New York with its harsh winter weather and an exposed electrical infrastructure, and

WHEREAS, current technology that is expected to replace gas appliances, such as space heating, does not work well in our climate; this fact was noted in the recent Climate Action Council's report which proposed requiring two (2) heating sources for New York residents who live in areas that are frequently extremely cold, and

WHEREAS, electrical appliances have more moving parts, are expensive to maintain and repair and have been shown to be less efficient and therefore cost more to generate the same amount of heat than natural gas appliances, and

WHEREAS, mandating the purchase of electrical appliances is an unnecessary burden to be placed on families across New York State at a time when cost of living increases have significantly outpaced wage growth, and

WHEREAS, with higher costs across the board, energy bills will increase by excessive amounts for residents, further exacerbating the recent price spikes in food, transportation and general merchandise, and

WHEREAS, the costs to bury power lines, increase renewable energy infrastructure, and increase the capacity of transformers will be passed on directly to consumers in the form of increased energy costs, and

WHEREAS, the costs of upgrading in-home electrical panels will cause financial hardship on many homeowners, especially those owning older homes, in our geographical area, and

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WHEREAS, any proposed ban on fossil-fuel powered heating equipment and appliances will cause severe hardship on the home owners and commercial businesses within the Town of Allegany, the County of Cattaraugus and Western New York State, now, therefore, be it

RESOLVED, that the Town Board for Town of Allegany hereby opposes the Governor's plan to ban natural gas heating and appliances as not feasible or warranted for the Town of Allegany, County of Cattaraugus and Western New York State, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Hochul, the Western New York Delegation to the New York State Senate and Assembly, New York State Association of Towns, Association of Counties, and any other party deemed necessary and proper.

The Resolution as stated above is hereby adopted by a majority vote of the Town of Allegany Town Board at an official meeting held on the 14th day February, 2023, the ayes and nays as set forth below:

Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

4. Accept BWB Audit

#47-MOTION TO ACCEPT THE 2021 AUDIT REPORT FROM BWB

Motion by Supervisor Higgins to accept the 2021 Audit Report from BWB with recommendations. 2nd by Councilman Maguire. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

5. Supervisor Higgins will write a letter of Support to Cattaraugus County Economic Development, Planning & Tourism in support of an application to USDOT for the Rebuilding American infrastructure with Sustainability & Equity (RAISE) grants
6. The Board discussed 5-year plan options

COMMITTEE REPORTS

*** Committee Goals for 2023 at the next meeting**

- **Building/Grounds & Safety – Kathy Martin & Mike Higgins**
- Working on Hazzard Mitigation Plan with Catt. County
- **Highway – Mike Higgins & Craig Maguire**
- Discussion of possible grant for new equipment/water meters
- *
- **Parks & Cemetery – Kathy Martin & Alex Nazemetz**
- The excavator is working

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- **Personnel – Andy Cooper & Mike Higgins**
- none

- **Recreation – Kathy Martin & Andy Cooper**
- *

- **Technology – Craig Maguire & Andy Cooper**
- Craig is working with Databranch planning IT needs

- **Union Negotiation – Mike Higgins & Kathy Martin**
- none
-
- **Water/Sewer – Mike Higgins & Craig Maguire**
- *

FROM THE FLOOR - none

Executive session – legal

#48-MOTION TO ADJOURN TO EXECUTIVE SESSION FOR LEGAL REASONS.

Motion by Supervisor Higgins to adjourn to executive session at 8:56 pm for legal reasons. 2nd by Councilman Cooper. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED

#49- MOTION TO RETURN TO REGULAR SESSION.

Motion by Supervisor Higgins to return to regular session at 8:28 pm. 2nd by Councilman Nazemetz. Higgins-aye, Martin- aye, Cooper-aye, Maguire- aye, Nazemetz-aye. CARRIED

#50- MOTION TO ADJOURN THE MEETING

Motion by Councilman Maguire to adjourn the entire meeting at 8:30 pm. 2nd by Councilwoman Martin. Higgins-aye, Martin- aye, Cooper-aye, Maguire- aye, Nazemetz-aye. CARRIED

Respectfully submitted,

Deryle L. Pinney, Town Clerk
2/14/2023