

MINUTES – TOWN OF ALLEGANY  
REGULAR BOARD MEETING & PUBLIC HEARING  
TUESDAY, MAY 12, 2026, 6:00 PM TOWN HALL

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**PRESENT WERE:**

|                             |                                 |
|-----------------------------|---------------------------------|
| Supervisor McPherson        | Town Clerk G. Straub            |
| Councilman Nazemetz         | Councilman Cooper               |
| Councilman Giardini         | Councilman Maguire              |
| Hwy. Superintendent Moshier | Cemetery Superintendent Guthrie |

**ABSENT:** Comptroller D. Piccioli

**ALSO PRESENT:**

**6:00 – PUBLIC HEARING ON LOCAL LAW 3 of 2026 – PROHIBITING DATA CENTERS IN THE TOWN OF ALLEGANY**

The Public Hearing will remain open

**6:05 – PUBLIC HEARING ON COMPREHENSIVE PLAN DRAFT**

The Comprehensive Plan final draft has been submitted by CPL. The Town Board has reviewed this draft and plans to adopt it.

**#70 - MOTION TO CLOSE THE PUBLIC HEARING AT 6:06 PM**

Motion by Supervisor McPherson to close the Public Hearing on the Comprehensive Plan Draft at 6:06 PM. 2<sup>nd</sup> by Councilman Cooper. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

**Salute to the Flag opened the meeting**

**AUDITED CLAIMS**

|            |    |            |
|------------|----|------------|
| Gen A      | \$ | 35,130.10  |
| Gen B      | \$ | 1,789.10   |
| Hwy DA     | \$ | 174,787.44 |
| Hwy DB     | \$ | 13,403.65  |
| Spec Dist. | \$ | 40,873.58  |

**MONTHLY REPORTS**

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

All Board members have received & reviewed the income & expense reports for April 2026.

Town Justice D. Porter – report for April 2026 – amount collected: \$15,053.00

**#71 – MOTION TO APPROVE MINUTES FROM THE APRIL 28, 2026, REGULAR BOARD MEETING AND PUBLIC HEARING**

Motion by Supervisor McPherson to approve the minutes from the April 28, 2026, Regular Board Meeting and Public Hearing. 2<sup>nd</sup> by Councilman Maguire. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

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**NEW BUSINESS**

- Motion to adopt the Comprehensive Plan final draft

**#72 – MOTION TO ADOPT THE COMPREHENSIVE PLAN FINAL DRAFT**

Motion by Supervisor McPherson to adopt the Comprehensive Plan Final Draft. 2<sup>nd</sup> by Councilman Nazemetz. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

- Accept BAR resignation for Jim Hitchcock

**#73 - MOTION TO ACCEPT BAR RESIGNATION FOR JIM HITCHCOCK**

Motion by Supervisor McPherson to accept the letter of resignation from the BAR committee from Jim Hitchcock. 2<sup>nd</sup> by Councilman Maguire. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

**#74 – MOTION TO APPOINT JUANITA REID TO FILL THE BAR MEMBER VACANCY**

Motion by Supervisor McPherson to appoint Juanita Reid to fill the BAR member vacancy. 2<sup>nd</sup> by Councilman Giardini. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

- Resolution for mosquito spraying with Cattaraugus County

**#75 -RESOLUTION TO APPROVE MOSQUITO SPRAYING WITH CATT COUNTY**

Motion: Supervisor McPherson

2<sup>nd</sup>: Councilman Cooper

**CONTRACT BETWEEN COUNTY OF CATTARAUGUS  
AND TOWN OF ALLEGANY FOR MOSQUITO SPRAYING**

**THIS AGREEMENT** made 05/14/2026, by and between the COUNTY OF CATTARAUGUS, a municipal corporation organized and existing under the laws of the State of New York, having its county seat and principal offices at 303 Court Street, Little Valley, New York 14755, hereinafter referred to as “County”, and TOWN OF ALLEGANY, a municipal corporation organized and existing under the laws of the State of New York, having its principal offices at 52 West Main Street, Allegany, New York 14706, hereinafter referred to as “Town”.

**W I T N E S S E T H :**

WHEREAS, the County will contract with a certified applicator for provision of mosquito control services in certain areas of the County, and

WHEREAS, the Town is desirous of providing partial payment to the County for the aforementioned services to be rendered in the Town, and

WHEREAS, this contract is authorized by Act 136-2026 of the Cattaraugus County Legislature, and

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Resolution No. 75 of the Town Board dated 5/12/2026, now, therefore,

FOR GOOD AND VALUABLE CONSIDERATION, the parties do hereby agree as follows:

1. **Term.** The term of this contract shall commence May 1, 2026 and terminate December 31, 2026.
2. **Amendment or Termination.** This contract may be amended at any time during the term hereof by mutual written agreement of the parties. This contract may be terminated at any time by either party upon the giving of thirty (30) days written notice to the other party; however, in the event the Town defaults in the performance of any of its obligations under this contract, the County may terminate the contract effective upon written notice at any time. However, any termination of this contract shall not relieve the Town of its duty to defend, indemnify and hold harmless the County as set forth herein.
3. **Scope of Services.** The County will contract with a certified applicator for the provision of certain mosquito eradication services in various areas of the County, which contract is available upon request.
4. **Payment.** In consideration for payment by the County to the applicator for certain mosquito eradication services provided in the Town, the Town agrees to pay to the County an amount of Eighteen Thousand, Seven Hundred Three Dollars and 48/100 (\$18,703.48). Payment shall be made by the Town to the County within thirty (30) days after receipt by the Town from the County of a request for payment. The Town shall not be responsible for making any payments to the County hereunder, if the County incurs no expenses for mosquito spraying in the Town during the term of this contract.
5. **Corporate Compliance and Medicaid Fraud Detection Policies.**
  - 5.1 The County has adopted Corporate Compliance and Medicaid Fraud Detection Policies, copies of which are available from the County Administrator's Offices in Olean and Little Valley, or the County's web site at: [www.cattco.org](http://www.cattco.org).
  - 5.2 The Town has reviewed the standards of conduct and policies and procedures in the Corporate Compliance and Medicaid Fraud Detection Policies.
  - 5.3 The Town will require compliance with such standards of conduct and policies and procedures by all persons who provide services to the County on behalf of the Town.
  - 5.4 The Town shall ensure that each individual providing services under this contract is provided with a copy of the Corporate Compliance and Medicaid Fraud Detection Policies, or given access to such policies.
6. **Digital Signatures and Document Storage.** Each party may affix a digital signature to this Agreement by electronic means. By affixing a digital signature, the parties are affirming they have authority to enter into this Agreement, and that this Agreement executed by digital signature or other electronic means shall be legally binding and effective. Each party also agrees that this Agreement, and any document including or relating to this Agreement, may be imaged and stored electronically and

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may be introduced as evidence as original business records and neither party shall contest their admissibility.

7. **Execution in Counterparts.** This Agreement, and any amendment or modification, may be signed in counterparts, each one of which is considered an original, but all of which constitute one and the same instrument. The exchange of copies of signature pages by scanned portable document format (PDF) email attachment, or through any digital signature program, shall constitute effective execution of this Agreement, and PDF copies of this Agreement shall have the same force and effect as an original.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their duly authorized officers the day and year first above written.

- Motion to set public hearing to override tax cap limit

**#76 - MOTION TO SET PUBLIC HEARING FOR 6/9/2026, AT 6 PM FOR LOCAL LAW 4 OF 2026 TO OVERRIDE THE TAX CAP LIMIT**

Motion by Councilman Cooper to set a Public Hearing for 6/8/2026, at 6:00 PM, for Local Law 4 of 2026 to override the tax cap limit. 2<sup>nd</sup> by Councilman Maguire. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

- Dan Brown to discuss flood plain management

FEMA and DEC require a Floodplain Administrator to oversee permit applications in floodplain areas.

**#77 – MOTION TO UPDATE TO NYS FLOODPLAIN DEVELOPMENT PERMIT APPLICATION**

Motion by Supervisor McPherson to update to NYS Floodplain Development Permit Application. 2<sup>nd</sup> by Councilman Nazemetz. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

**#78 – MOTION TO APPOINT DAN BROWN TO FLOODPLAIN ADMINISTRATOR**

Motion by Councilman Cooper to appoint Dan Brown as Floodplain Administrator. 2<sup>nd</sup> by Councilman Maguire. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

**Other Building/Zoning projects:**

- Walmart renovation has started
- Keim Hollow Solar application has gone through the State-level review process\*
- Burger King renovation is in progress
- 7Brew will be going in at the Shults Resale Center property
- Many porch and roof permits have been given

\*Revised for clarity by Motion #120 of 2026

- Allegany carnival sponsorship discussion

The Town of Allegany is not able to be a sponsor for the carnival but can help out with volunteering and advertisement.

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**OLD BUSINESS**

- None

**COMMITTEE REPORT**

Highway – Chris & Craig

- New pickup trucks have been ordered

Parks & Cemetery – Greg & Alex

- Cemetery mower will be traded in, with a cost of around \$8,000. This has been budgeted for.

Water/Sewer – Chris & Craig

- The Town is looking for grants that can be applied to a further water and sewer extension on Route 417.

FROM THE FLOOR - none

**#79 - MOTION TO ADJOURN THE ENTIRE MEETING AT 6:27 PM**

Motion by Supervisor McPherson to adjourn the entire meeting at 6:27 PM. 2<sup>nd</sup> by Councilman Nazemetz. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

Respectfully Submitted,

Grace C. Straub, Town Clerk

5/12/2026