

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING & PUBLIC HEARING
TUESDAY, JUNE 9, 2026, 6:00 PM TOWN HALL

PRESENT WERE:

Supervisor McPherson	Town Clerk G. Straub
Councilman Nazemetz	Councilman Cooper
Councilman Giardini	Councilman Maguire
Comptroller D. Piccioli	Hwy. Superintendent Moshier
Cemetery Superintendent Guthrie	

ABSENT:

ALSO PRESENT: Kathy Martin (ZBA), Susan Ashby (Climate Smart)

6:00 – PUBLIC HEARING ON LOCAL LAW 4 OF 2026 – A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT

There were no comments from the public.

#80 – MOTION TO CLOSE THE PUBLIC HEARING AT 6:02 PM

Motion by Supervisor McPherson to close the public hearing at 6:02 PM. 2nd by Councilman Nazemetz. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

6:05 - *REMAINS OPEN FROM LAST MEETING* PUBLIC HEARING ON LOCAL LAW 3 OF 2026 – A LOCAL LAW TO PROHIBIT THE DEVELOPMENT OF DATA CENTERS AND CRYPTO CURRENCY FACILITIES IN ZONING CODE

There were no comments from the public

#81 – MOTION TO CLOSE THE PUBLIC HEARING AT 6:09 PM

Motion by Supervisor McPherson to close the public hearing at 6:09 PM. 2nd by Councilman Maguire. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

Salute to the Flag opened the meeting

AUDITED CLAIMS

Gen A	\$	38,931.33
Gen B	\$	2,604.45
Hwy DA	\$	17,511.13
Hwy DB	\$	61,947.97
Spec Dist.	\$	2,922.01

MONTHLY REPORTS

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

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

Town Justice D. Porter – report for May 2026 – amount collected: \$12,756.00

#82 – MOTION TO APPROVE MINUTES FROM THE MAY 12, 2026, REGULAR BOARD MEETING AND PUBLIC HEARING

Motion by Supervisor McPherson to approve the minutes from the May 12, 2026, regular board meeting and public hearing. 2nd by Councilman Giardini. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

**MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING & PUBLIC HEARING
TUESDAY, JUNE 9, 2026, 6:00 PM TOWN HALL**

NEW BUSINESS

- Vote on Data Centers/Cryptocurrency Mining (Local Law 3 of 2026)

Local Law No. 3 of the Year 2026

**Amending the Zoning Code to prohibit Data Centers and Cryptocurrency Data Mines in
the Town of Allegany**

Town of Allegany, New York

Be it enacted by the Town Board of the Town of Allegany, County of Cattaraugus and State of New York, to protect the health, safety and welfare of the residents of the Town of Allegany, as follows:

Section 1. Legislative Intent and Findings.

The Town Board of Allegany finds that the development, construction and operation of Data Centers and Cryptocurrency Data Mines may pose significant threats to the health, safety and welfare of the residents of the Town of Allegany. Accordingly, it is the intent of this Local Law to protect the health, safety and welfare of the residents of the Town of Allegany by prohibiting Data Centers and Cryptocurrency Data Mines. Data Centers and Cryptocurrency Data Mines cause significant adverse environmental, aesthetic, health and safety impacts, including but not limited to, noise pollution, light pollution, higher energy consumption, higher energy costs, contamination of freshwater, increased air emissions, elimination of farmland, and rural character of the Town of Allegany.

Section 2. Authority.

This section is adopted pursuant to New York State Municipal Home Rule § 10(ii)(a)(12) which authorizes the Town of Allegany to adopt and amend local laws that are not inconsistent with the State Constitution nor general law and that are related to the government, protection, order, conduct, safety, health, and well-being of persons or property of the Town. This section is also adopted pursuant to the Town's general power to enact local laws relating to the government, protection, order, conduct, safety, health, and well-being of persons or property within a municipality granted directly to local governments by the people of the State of New York through Article IX, § 1(a), 2(c), and 3(c) of the New York State Constitution.

Section 3. Text of Local Law.

§ 3.1. Definitions.

Section 2-2 is hereby amended to add the following definitions:

**MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING & PUBLIC HEARING
TUESDAY, JUNE 9, 2026, 6:00 PM TOWN HALL**

ACCESSORY DATA CENTER — A building, or structure, or partial use of a building or structure, used to store, manage, process or transmit digital data for business uses, including computers, network equipment, systems, servers, and other associated components related to the digital data storage and operations that is secondary, subordinate and customarily incidental to and located on the same lot as the principal use of a property. Such a use cannot dominate the property or operate as an independent principal use.

DATA CENTER — An industrial use facility that is primarily used for the storage, management, processing, and transmission of digital data, and which houses computer or network equipment, systems, servers, appliances, and other associated components related to the digital data storage and processing as a principal land use on a parcel. Equipment and accessories customary to data centers including but not limited to air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure shall also be considered part of a data center.

CRYPTOCURRENCY - A digitally generated currency secured in a manner making it difficult to counterfeit or double spend.

CRYPTOCURRENCY DATA MINE - A specific type of data center using a facility or use of land, buildings, or structures where computing equipment is used to solve complex mathematical algorithms in connection with verifying and adding transactions to a blockchain or other distributed ledger, commonly known as cryptocurrency mining. For purposes of this law, a cryptocurrency data mining operation shall be considered a distinct land use, different from a data center as defined in this section.

§ 3.2. Prohibition of Data Centers and Accessory Data Centers.

Section 5.26 of the Zoning Code, entitled, “Prohibition of Data Centers and Accessory Data Centers.”, is hereby added to read as follows:

No person shall construct, operate, or maintain a Data Center or an accessory Data Center as defined in this Local Law within the Town of Allegany. Data Centers shall be considered a prohibited principal use in all districts.

§ 3.3. Prohibition of Cryptocurrency Data Mines.

Section 5.27 of the Zoning Code, entitled, “Prohibition of Cryptocurrency Data Mines.”, is hereby added to read as follows:

No person shall construct, operate, or maintain a Cryptocurrency Data Mine as defined in this Local Law within the Town of Allegany. Cryptocurrency Data Mines shall be considered a prohibited principal use in all districts.

Section 4. Severability.

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING & PUBLIC HEARING
TUESDAY, JUNE 9, 2026, 6:00 PM TOWN HALL

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.

#83 – MOTION TO ISSUE THE SEQRA NEGATIVE DECLARATION

Motion by Supervisor McPherson to adopt the State Environmental Quality Review Act (SEQRA) Negative Declaration for Proposed Local Law 3 of 2026. 2nd by Councilman Cooper. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

#84 – MOTION TO ADOPT LOCAL LAW 3 OF 2026

Motion by Supervisor McPherson to adopt Local Law 3 of 2026, Amending the Zoning Code to prohibit Data Centers and Cryptocurrency Data Mines in the Town of Allegany. 2nd by Councilman Maguire. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

- Vote on Tax Cap Override (Local Law 4 of 2026)

**TOWN OF ALLEGANY LOCAL LAW NO. 4 of 2026
A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT**

ESTABLISHED IN NEW YORK STATE GENERAL MUNICIPAL LAW §3-C

WHEREAS, according to New York State's Property Tax Cap legislation, if a town government decides to adopt a budget with a property tax levy that exceeds the level set by the State, the town government must pass a local law to override that cap, and;

WHEREAS, adopting said local law is not predictive of the final tax levy but will provide the Allegany Town Board flexibility to exceed the Property Tax Cap if it is deemed necessary, and to ensure that any State recalculation of the applicable limit will not make the Town inadvertently out of compliance, and;

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING & PUBLIC HEARING
TUESDAY, JUNE 9, 2026, 6:00 PM TOWN HALL

WHEREAS, a public hearing was held before the Allegany Town Board on June 9, 2026, to hear all persons interested in proposed Local Law No. 4 of 2026, now therefore

Be it enacted by the Allegany Town Board as follows:

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Allegany pursuant to General Municipal Law §3-C, and to allow the Town of Allegany to adopt a budget for the fiscal year beginning January 1, 2027 and ending December 31, 2027 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-C.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-C, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of at least 60% of the Town Board

Section 3. Tax Levy Limit Override: The Allegany Town Board, County of Cattaraugus, is hereby authorized to adopt a budget for the fiscal year 2027 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-C.

Section 4: Legal Notice. The Allegany Town Clerk shall publish in the official newspaper of the Town a notice of adoption containing a synopsis of said local law and shall within twenty days file one certified copy with the New York State Secretary of State.

Section 5. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date: This Local Law shall take effect upon filing with the New York State Secretary of State.

**MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING & PUBLIC HEARING
TUESDAY, JUNE 9, 2026, 6:00 PM TOWN HALL**

#85 – MOTION TO ISSUE THE SEQRA NEGATIVE DECLARATION

Motion by Councilman Cooper to adopt the State Environmental Quality Review Act (SEQRA) Negative Declaration for Proposed Local Law 4 of 2026. 2nd by Councilman Nazemetz. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

#86 – MOTION TO ADOPT LOCAL LAW 4 OF 2026

Motion by Supervisor McPherson to adopt Local Law 4 of 2026, A Local Law to Override the Tax Levy Limit. 2nd by Councilman Cooper. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

**#87 – MOTION TO ACCEPT THE RESIGNATION OF RECREATION WORKER
DILLON WAGNER**

Motion by Supervisor McPherson to accept the resignation of recreation worker Dillon Wagner, effective 5/13/2026. 2nd by Councilman Nazemetz. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

- Speed reduction request on Five Mile Rd (CR19) near Allegany-Limestone Central School

Resolution #88 of 2026

WHEREAS: residents are concerned with the continued high rate of traffic speed on Five Mile Road (CR 19) between the beginning of the school zone and end of the school zone for Allegany-Limestone Middle-High School.

WHEREAS: the procedure is for the Town to request by resolution and a completed Form TE 9c for the County Commissioner of Public works to proceed with a request to the New York State Department of Transportation for a regional traffic engineer study, and

WHEREAS: the residents feel that a possible speed reduction should be investigated,

THEREFORE: the Allegany Town Board resolves that a request for a traffic study be completed on Five Mile Road (CR 19) between the beginning of the school zone and end of the school zone for Allegany-Limestone Middle-High School and that the Town Clerk complete and submit a Form TE 9c to the County Commissioner of Public Works

Motion: Supervisor McPherson

2nd: Councilman Maguire

McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING & PUBLIC HEARING
TUESDAY, JUNE 9, 2026, 6:00 PM TOWN HALL

- Discussion on Planned Unit Development

The Town Board discussed amending the Town Zoning Code to include provisions for Planned Unit Developments (PUDs). The discussion focused on incorporating standards and procedures for PUDs into the Zoning Code for future consideration.

#89 – MOTION TO SET A PUBLIC HEARING TO AMEND THE ZONING CODE FOR PLANNED UNIT DEVELOPMENT

Motion by Supervisor McPherson to set a public hearing on July 14, 2026, at 6:00 PM to amend the Zoning Code to include PUDs. 2nd by Councilman Cooper. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

- Ralph Wilson funding for Summer Rec

Discussion was tabled until the next regular Town Board meeting.

- Highway Department truck rotation

The Town Board discussed the Highway Department's truck replacement schedule with the Highway Superintendent. The Superintendent explained that the current replacement cycle is too long, resulting in increased maintenance and repair costs as the fleet ages. He noted that new trucks are covered by a 5-year warranty, the oldest truck is a 2014 model, and the lead time from order to delivery is approximately two years. The Board discussed the importance of planning for future truck replacements to manage maintenance costs.

- Sales tax discussion

The Town Board discussed the distribution of county sales tax revenues and the current allocation received by the Town. The Board noted that sales tax collected within the Town is remitted to the County and redistributed to the municipalities. Board members discussed the Town's increasing costs associated with commercial development and expressed interest in requesting that the County consider increasing the Town's share of the sales tax distribution.

- New Veteran Exemption for 2026 Taxes

The Town Board received correspondence from Cattaraugus County regarding a newly authorized property tax exemption for veterans who are 100% permanently and totally disabled. The Board authorized scheduling a public hearing to consider a local law establishing the exemption.

#90 – MOTION TO SCHEDULE PUBLIC HEARING ON A LOCAL LAW TO IMPLEMENT CHANGES TO THE ALTERNATIVE VETERANS EXEMPTION

Motion by Supervisor McPherson to schedule a public hearing for July 14, 2026, at 6:05 PM on a local law to implement changes to the Alternative Veterans Exemption. 2nd by Councilman Nazemetz. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING & PUBLIC HEARING
TUESDAY, JUNE 9, 2026, 6:00 PM TOWN HALL

- Resolution to adopt Cattaraugus County Hazard Mitigation Plan

TOWN OF ALLEGANY, NEW YORK

RESOLUTION NO. 91 OF 2026

A RESOLUTION OF THE TOWN OF ALLEGANY ADOPTING THE Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan

WHEREAS the Town Board of the Town of Allegany recognizes the threat that natural hazards pose to people and property within the Town of Allegany; and

WHEREAS the Town of Allegany has prepared a multi-hazard mitigation plan, hereby known as the **Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan**, updated July 8, 2025, in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS the **Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan** identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the Town of Allegany from the impacts of future hazards and disasters; and

WHEREAS adoption by the Town Board of the Town of Allegany demonstrates their commitment to hazard mitigation and achieving the goals outlined in the **Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan**, updated July 8, 2025.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF ALLEGANY, NEW YORK, THAT:

Section 1. The Town Board of the Town of Allegany adopts the **Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan**, dated July 8, 2025. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

ADOPTED by a vote of 5 in favor and 0 against, and 0 abstaining, this 9th day of June, 2026.

Motion: Supervisor McPherson

2nd: Councilman Maguire

McPherson – aye, Nazemetz – aye, Maguire – aye, Cooper - aye, Giardini – aye. CARRIED

FROM THE FLOOR

Susan Ashby of the Climate Smart Committee attended the Planning Board meeting. The Committee is working through invoices from the Town Hall renovation to get information on energy saving measures taken during the remodel. This information is being used to gain a higher certification in the NYS CSC program, to help the Town develop successful climate action plans, and provide access to grants.

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING & PUBLIC HEARING
TUESDAY, JUNE 9, 2026, 6:00 PM TOWN HALL

#92 - MOTION TO ADJOURN TO EXECUTIVE SESSION AT 6:58 PM

Motion by Supervisor McPherson to adjourn to executive session for legal reasons. 2nd by Councilman Nazemetz. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

#93 - MOTION TO RETURN TO THE REGULAR MEETING AT 7:15 PM

Motion by Supervisor McPherson to return to regular session at 7:15 PM. 2nd by Councilman Cooper. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

#94 - MOTION TO ADJOURN THE ENTIRE MEETING AT 7:15 PM

Motion by Councilman Nazemetz to adjourn the entire meeting at 7:15 PM. 2nd by Councilman Giardini. McPherson-aye, Nazemetz-aye, Maguire-aye, Cooper-aye, Giardini-aye. CARRIED.

Respectfully Submitted,

Grace C. Straub, Town Clerk

6/9/2026