

TOWN OF NEW ALBION
14 Main Street
Cattaraugus, NY 14719

REGULAR BOARD MEETING

October 20, 2014 7:00 p.m.

PRESIDING: Loyd Chilson, Supervisor

PRESENT: Councilmen: Daniel Goss, Dale Rogan, Michael Weishan, Thomas Young; Nathaniel Widrig, Dep. Hwy. Supt; Rose LaQuay, Recording Secretary

VISITORS: Duane Opferbeck, Resident; Jason Opferbeck, Resident; Michael Bogardus, Resident; Shannon Goode, Town Justice; Frank Watson, Code Enforcement Officer; Megan Pankow-Walker, Gowanda News

CALL TO ORDER:

Supervisor Chilson called the meeting to order at 7:00 pm and opened the public hearing on Local Law #1-2014 Tax Cap Override for 2015 Budget. The minutes of the September 15, 2014 Regular Board Meeting, October 6, 2014 Budget Work Meeting, Assessor, Justice September Report, and Clerk Report were approved as presented.

VISITORS:

1. Jason Opferbeck - In attendance regarding decision on whether North Franklin Street extension is a Town Road. Town attorney still waiting on easement from yard waste gate to Opferbeck driveway.
2. Duane Opferbeck - in attendance to observe.
3. Michael Bogardus - In attendance recording meeting.
4. Shannon Goode - Turned unclaimed bail money in to Town, submitted voucher for error in computation.
5. Frank Watson, Code Enforcement Officer - permits light. New pole barn on Lovers Lane. Walk through upcoming on new house build. Met with representative for Amish schools, inspection upcoming. Councilman Weishan requested posting of occupancy for Board Room.
6. Megan Pankow-Walker - In attendance representing Gowanda News.

CORRESPONDENCE:

1. Evans Agency - Governmental Disclosure Form
2. Time Warner Cable - Expiring Agreements (3)
3. NYS & Local Retirement - Projection for 2015 Payment
4. NYS OSC - AIM Payment
5. Mark Adamchik, CPA - Request for inclusion in RFP for audit services
6. Catt. Cty. Municipal Officials Assoc. - Oct. 9 in Franklinville
7. NYS OSC - Review of Corrective Action Plan
8. NYS OSC - Fiscal Stress Monitoring System
9. Shelterpoint - Disability Insurance Co. Name Change
10. NYS Unified Court System - Request for Audit of Justice Court
11. Email from Clerk to Board - Webinar Approval
12. Association of Towns - Municipal Energy Program

REPORTS:

Highway - Work report: Patching and blacktopping done for the year. Gravelling Skinner Hollow, Pepperdine and Peters Roads. Scrap Metal sold. Sold 2008 Ford F550 for \$18,600.00. New truck complete and in service. Front differential replaced in Gradall, back differential going. Prepping plows for winter.

Clerk - Clerk LaQuay requested direction from the Board for Webinar training.

Resolution #62 - 2014 - Webinar Approval

On a motion by Councilman Weishan, second by Councilman Rogan, the following resolution was

ADOPTED Aye 4 Goss, Rogan, Weishan, Young
Nay 0

Resolved, to approve the use of webinars presented by NYCOM, Association of Towns, NY Planning Federation, Southern Tier West and NYS Agencies and encourage participation to meet training requirements for employees and boards.

Resolution #63 - 2014 - Accept Agreed Upon Procedures for Town of New Albion

On a motion by Councilman Rogan, second by Councilman Young, the following resolution was

ADOPTED Aye 4 Goss, Rogan, Weishan, Young
Nay 0

Resolved, to accept the Agreed Upon Procedures performed by R.A. Mercer for the Town of New Albion.

Resolution #64 - 2014 - Accept Agreed Upon Procedures for Town of New Albion Clerk

On a motion by Councilman Young, second by Councilman Goss, the following resolution was

ADOPTED Aye 4 Goss, Rogan, Weishan, Young
Nay 0

Resolved, to accept the Agreed Upon Procedures performed by R.A. Mercer for New Albion Town Clerk.

Resolution #65 - 2014 - Authorization of Sale of Cattaraugus County Dump Tickets

On a motion by Councilman Weishan, second by Councilman Rogan, the following resolution was

ADOPTED Aye 4 Goss, Rogan, Weishan, Young
Nay 0

Resolved, to authorize the sale of Cattaraugus County Dump Tickets through the Town Clerk's office during regular business hours.

Clerk Report: September 2014	Check #	TOTAL
Amount Collected		\$7,966.00
Animal Population Control	2376	\$ 132.00
NYS Dept. of Conservation	ACH	\$6,838.07
Town of New Albion	2377	\$ 995.93
Amount Paid Out		\$7,966.00

Treasurer - Transfers requested to pay this evening's bills.

Resolution #66 - 2014 - Transfers

On a motion by Councilman Weishan, seconded by Councilman Rogan, the following resolution was

ADOPTED Aye 4 Goss, Rogan, Weishan, Young
Nay 0

RESOLVED, to transfer \$60,000.00 from Gen. A Savings to Gen. A Checking, \$15,000.00 from Hwy. DA Savings to Hwy. DA Checking to pay this evening's bills.

Resolution #67 - 2014 - Interfund Loan

On a motion by Councilman Rogan, second by Councilman Goss, the following resolution was

ADOPTED Aye 4 Goss, Rogan, Weishan, Young
Nay 0

Resolved, to loan \$45,000.00 from General A to Highway DB to pay this evening's bills.

Resolution #68 - 2014 - Sale of Truck

On a motion by Councilman Rogan, second by Councilman Weishan, the following resolution was

ADOPTED Aye 4 Goss, Rogan, Weishan, Young
Nay 0

Resolved, increase Appropriations Highway DA Equipment 5130.2 and Revenue Highway DA Sale of Equipment 2665, each by \$18,600.00.

Board Reports:

Supervisor Chilson - Reported Tug Hill Cemetery mowed.

Councilman Weishan - Discussion at County Supervisor's Meeting re ected surrounding towns facing same issues as Town of New Albion.

Councilman Goss - Submitted suggestions for budget reductions.

Councilman Young - No report.

Councilman Rogan - Ambulance building progressing.

OLD BUSINESS

1. Constable reclassification - Waiting on reclassification from New York State.

APPROVAL OF ABSTRACT

Resolution #69 - 2014 - Abstract #10 - October 20, 2014

On a motion by Councilman Weishan, second by Councilman Rogan, the following resolution was

ADOPTED Aye 4 Goss, Rogan, Weishan, Young
Nay 0

RESOLVED, that Abstract #10 - 2014 in the following amounts be paid with addition of #10661 General A payable to Highway DB in the amount of \$45,000.00 and hold Highway DB check #2696 in the amount of \$10,602.00 pending report by Simmons Recovery Consulting.

ACCOUNT	VOUCHER #	TOTAL EXPENDITURES
General A	10638 - 10661	\$ 63,129.75
General B	662 - 664	\$ 933.20
Highway DA	8664 - 8679	\$ 16,269.61
Highway DB	2688 - 2696	\$ 147,027.50

BUDGET WORK SESSION

Town Board reviewed Appropriations and Revenues for General A, General B, Highway DA, and Highway DB and made reductions accordingly. Next Budget Work Session scheduled for Special Meeting on Thursday, October 30, 2014 at 7:00 p.m. Advertisement and Posting as required by Town Clerk LaQuay.

NEW BUSINESS

1. Local Law 2-2014 Override Tax Cap for 2015 Budget. With no one present for or against Proposed Local Law 2-2014, the public hearing was closed at 9:21 p.m.

Resolution #70 - 2014 - Local Law 2 - 2014 Override Tax Cap for 2015 Budget

On a motion by Councilman Weishan, second by Councilman Rogan, the following resolution was

ADOPTED Aye 4 Goss, Rogan, Weishan, Young
Nay 0

Resolved, to approve Local Law 2 - 2014 as follows:

A Local Law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Town Board of the Town of New Albion, in the County of Cattaraugus, 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 New Albion, County of Cattaraugus pursuant to General Municipal Law §3-c, and to allow the Town of New Albion, County of Cattaraugus to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2015 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

The Town of New Albion is concerned about uncertainties in the existing tax cap law, including how uncertain expenditures mandated by law and uncertain expenditures and revenues controlled by the county and state interact with the tax cap. The town board is obligated to prepare a responsible budget, which meets the Town’s mandated obligations and provides beneficial services, while minimizing the tax burden on Town citizens.

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 sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of New Albion, County of Cattaraugus is hereby authorized to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. 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 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

2. Award of Consultant from RFP. No decision, tabled to October 30, 2014 Special Meeting.

With no further business to discuss, the meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Rose M. LaQuay
Recording Secretary
Town of New Albion Town Council

Next Meeting:	Special & Budget Work Meeting	October 30, 2014	7:00 p.m.
	Budget Hearing	November 6, 2014	7:00 p.m.
	Regular Board Meeting & Budget Adoption	November 17, 2014	7:00 p.m.