

TOWN OF NEW ALBION

14 Main Street
Cattaraugus, NY 14719

REGULAR BOARD MEETING & PUBLIC HEARING

October 19, 2015 7:00 p.m.

PRESIDING: Loyd Chilson, Supervisor

PRESENT: Councilmen: Daniel Goss, Dale Rogan, Michael Weishan, Thomas Young; Jerry Cobo, Highway Supt; Rose LaQuay, Recording Secretary

VISITORS: Per Sign Up Sheet - Mac Sabol & Steve Rice, Simmons Recovery Consulting; Dale Westfall, Resident; John Deliman, Resident; Susan Teel, Resident; Michael Bogardus, Resident; John Ridall, Resident; Shannon Goode, Town Justice; David Rupp, Resident; Paula Stockman, Catt. Cty. Legislator; Dick Klancer, Catt. Cty. Legislator; Kaitlyn Cooper, Resident; Megan Walker, Gowanda News

CALL TO ORDER:

Supervisor Chilson called the meeting to order at 7:00 pm and opened the Local Law 1-2015 Public Hearing. The minutes of the September 21, 2015 Regular Meeting, Assessor, Clerk, October 14, 2015 Joint Planning Board minutes and Court reports were approved as presented.

VISITORS:

1. Mac Sabol & Steve Rice, Simmons Recovery Consulting - Jefferson Street and Waverly Street culverts have been awarded. Draft RFP's presented for Town Board and Town Attorney review.
2. Dale Westfall & John Deliman - Received correspondence from Town Code Enforcement Officer. Permits applied for through previous Code Enforcement Officer. Clerk LaQuay and Councilman Rogan to research 2009 minutes and receipts.
3. Susan Teel - Received correspondence from Town Code Enforcement Officer, complaint.
4. Michael Bogardus - Complaint about Town Code Enforcement Officer.
5. John Ridall - Observing.
6. Shannon Goode - Received 2 estimates for JCAP grant proposal. Clerk LaQuay to contact Village Board for permission.
7. David Rupp - Observing.
8. Kaitlyn Cooper - Observing.
9. Megan Pankow-Walker - Attending for Gowanda News.
10. Frank Watson, Code Enforcement Officer - Permit activity light with a new build on County Road 5. Demo completed by Cattaraugus County. CEO to investigate Potmesil complaint. Councilman Weishan to contact Town Attorney regarding easement. Clerk LaQuay to submit CEO sign law proposal to JPB.

Resolution #53 - 2015 - Code Enforcement Officer Proposed Sign Zoning Law

On a motion by Councilman Weishan, seconded by Councilman Rogan, the following resolution was **ADOPTED** Aye 5 Chilson, Goss, Rogan, Weishan, Young
Nay 0

RESOLVED, to submit the Code Enforcement Officer's Proposed Sign Zoning Law to the Joint Planning Board for their review.

REPORTS:

Highway - Finished summer projects, patching, shoulder work and hauled sand. Assisted NYS DOT on Route 62 and received millings in return. Preparing trucks now for winter, 1 snow day to date. 1986 truck gone to municipal auction. CHIPS reimbursement to be requested November with payment in mid-December. Hwy. Supt. Cobo to investigate Ridall driveway.

Clerk - Clerk LaQuay reported hunt / fish license sales decreasing and presented correspondence from Cemetery Groundskeeper, Walter Gunther. Councilman Rogan to contact Mr. Gunther regarding ags. Clerk LaQuay to take vacation December 23 and December 28 - 31, 2015. Clarification on Court audit requested - Town Board performed 2014 Court audit March/April 2015.

Resolution #54 - 2015 - Authorization for Court Audit by Town Board

On a motion by Councilman Young, seconded by Councilman Weishan, the following resolution was **ADOPTED** Aye 5 Chilson, Goss, Rogan, Weishan, Young
Nay 0

RESOLVED, to repeal Resolution #49 and notify the NYS Unified Court System of Town Board audit completed and approved.

Clerk Report: September 2015	Check #	TOTAL
Amount Collected		\$7,082.00
Animal Population Control	2407	\$ 50.00
Cattaraugus County	2408	\$ 51.70
NYS Dept. of Conservation	ACH	\$6,396.98

Amount Paid Out**\$7,082.00**

Treasurer - Transfers requested for this evening's abstract: General Outside Savings to Checking \$2,000.00 and Highway DB Outside Savings to Checking \$80,000.00. Treasurer also requested resolutions to increase estimated revenues by \$63,660.98 (state aid \$60,508.50 and federal aid \$3152.48) and increase estimated appropriations by \$63,660.98 for DB8668.4 Engineering.

Resolution #55 - 2015 - Transfers

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

ADOPTED Aye 5 Chilson, Goss, Rogan, Weishan, Young
Nay 0

RESOLVED, to transfer \$2,000.00 from General Outside Savings to Checking and Highway DB Outside Savings to Checking.

Resolution #56 - 2015 - Increase Estimated Revenues

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

ADOPTED Aye 5 Chilson, Goss, Rogan, Weishan, Young
Nay 0

RESOLVED, to increase estimated revenues by \$63,660.98 reflecting state aid of \$60,508.50 and federal aid of \$3152.48.

Resolution #57 - 2015 - Increase Estimated Appropriations

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

ADOPTED Aye 5 Chilson, Goss, Rogan, Weishan, Young
Nay 0

RESOLVED, to increase estimated appropriations by \$63,660.98 for DB8668.4 Engineering.

CORRESPONDENCE:

1. Blue Cross Blue Shield - Fully executed Group Health Care Contract
2. NYS Homeland Security & Emergency Services - Time Extension
3. NYS OSC - State Aid Payment Advisory
4. Complaint from Lois Potmesil - Lovers Lane Road
5. NYS Dept. of Public Service - Info and Public Statement Hearings
6. Time Warner Cable - Expiring Agreements
7. Association of Towns - 2016 Training School and Annual Meeting
8. NYS Dept. of Public Service - Public Hearings - Reforming the Energy Vision
9. Joint Planning Board - October 14 Minutes
10. Usherwood Office Technology - Solicitation

Board Reports:

Supervisor Chilson - Checked town road conditions.

Councilman Weishan - Attended Village Board meeting regarding Washington Street property and Catt. Cty. Supervisor's meeting. Councilman Weishan and Clerk LaQuay to draft letter to Cattaraugus County requesting permanent easement for maintenance of culvert.

Councilman Goss - Questions on budget.

Councilman Young & Rogan - None.

OLD BUSINESS

1. Constable reclassification - Waiting on reclassification from New York State.
2. Tax Freeze Efficiency Plan - Councilman Rogan provided revised Plan to Clerk LaQuay.

NEW BUSINESS

1. Local Law No. 1 of the year 2015 - With no one in attendance for or against the proposed local law, the public hearing was closed at 8:39 pm

Resolution #58 - 2015 - Local Law 1-2015 Override the Tax Levy Limit

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

ADOPTED Aye 5 Chilson, Goss, Rogan, Weishan, Young
Nay 0

Resolved, to approve Local Law 1- 2015 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 2016 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 2016 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.

BUDGET WORK SESSION

The Board reviewed appropriations and revenues for General A Townwide, General B Outside, Highway DA Townwide and Highway DB Outside. Set next budget work meeting on October 29, 2015 at 7:00 pm.

APPROVAL OF ABSTRACT

Resolution #59 - 2015 - Abstract #10 - October 19, 2015

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

ADOPTED Aye 5 Chilson, Goss, Rogan, Weishan, Young
Nay 0

RESOLVED, that Abstract #10 - 2015 in the following amounts be paid:

ACCOUNT	VOUCHER #	TOTAL EXPENDITURES
General A	10872 - 10885	\$ 3,742.51
General B	705 - 707	\$ 37.11
Highway DA	8790 - 8796	\$ 824.36
Highway DB	2787 - 2797	\$ 115,928.87

With no further business to discuss, the meeting was adjourned at 9:26 p.m.

Respectfully submitted,

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

Next Meeting:	Budget Work Meeting	October 29, 2015	7:00 pm
	Budget Hearing	November 5, 2015	7:00 pm
	Regular Board Meeting	November 16, 2015	7:00 p.m.