

**TOWN OF NEW ALBION**

14 Main Street  
Cattaraugus, NY 14719

**REGULAR BOARD MEETING**

September 19, 2016 7:00 p.m.

**PRESIDING:** Loyd Chilson, *Supervisor*

**PRESENT:** *Councilmen:* Cynthia Eaton, Daniel Goss 7:10 p.m., Mark Marcus, Patrick Murphy; David Rupp, *Hwy. Supt.*; Rose LaQuay, *Rec. Sec.*

**VISITORS:** Joseph Pillittere, *Catt. Cty. DPW*; Edward Erhart, *Catt. Library*; Daniel LaQuay, *Resident*; Shannon Goode, *Town Justice*; Frank Watson, *Code Enforcement*

**CALL TO ORDER:**

Supervisor Chilson called the meeting to order at 7:00 p.m. The August 15, 2016 Regular Board Meeting minutes, Assessor, Clerk and Court reports were approved as prepared.

**VISITORS:**

1. Joe Pillittere, *Catt. Cty. Public Works Commissioner* - Reviewed resident concerns with Town Board.
2. Shannon Goode - Submitted budget request and still working on collection of past due fines.
3. Ed Erhart, *Cattaraugus Library* - Requested increase in library contribution in 2017 Town budget.
4. Daniel LaQuay - In attendance to observe.
5. Frank Watson - CEO recommends extension of original approved permit. Several new permits and Zoning Board of Appeals meeting scheduled for Variance and Special Use permits in process. All training hours completed. Update to Code includes no junk cars allowed at all.

**Resolution #59 - 2016 - Approval of Extension**

On a motion by Councilman Eaton, second by Councilman Murphy, the following resolution was  
**ADOPTED** Aye 5 Chilson, Eaton, Goss, Marcus, Murphy  
Nay 0

**RESOLVED**, to approve the extension of the original approved permit for AT & T to change antennas.

**REPORTS:**

**Highway** - Cleared culverts and ditches, shoulder brush cutting, reshaped Skinner Hollow grades and drainage. Assisted other towns with paving and stone projects - 6 days. Wendell has submitted plans to Sup. Rupp with cost projection of \$753,000.00 for Jefferson vs. FEMA estimate of \$228,000.00. Simmons Recovery Consulting to submit a scope of work change.

**Resolution #60 - 2016 - Approval to Separate Culvert Projects**

On a motion by Councilman Murphy, second by Councilman Marcus, the following resolution was  
**ADOPTED** Aye 5 Chilson, Eaton, Goss, Marcus, Murphy  
Nay 0

**RESOLVED**, to allow the separation of the Waverly Street and Jefferson Street Culvert projects and allow bidding for Waverly Street Culvert separately from Jefferson Street Culvert.

**Resolution #61 - 2016 - Transfer for Payment of Cat Excavator**

On a motion by Councilman Marcus, second by Councilman Goss, the following resolution was  
**ADOPTED** Aye 5 Chilson, Eaton, Goss, Marcus, Murphy  
Nay 0

**RESOLVED**, to transfer \$25,000.00 from Highway DA Reserve to Highway DA Checking and add Highway DA Voucher #8870 for \$25,000.00 to Southworth Milton to the September 19, 2016 abstract.

**Resolution #62 - 2016 - Transfers for Bridge Project**

On a motion by Councilman Murphy, second by Councilman Goss, the following resolution was  
**ADOPTED** Aye 5 Chilson, Eaton, Goss, Marcus, Murphy  
Nay 0

**RESOLVED**, to transfer \$74,925.91 from Highway DB to Highway Capital Bridge Project and then to transfer \$19,000.00 from Highway Capital Bridge Project to Highway DA Checking and \$35,200.00 from Highway Capital Bridge Project to Highway DB Checking.

**Clerk** - Register Report for August 2016 deposits distributed previously. Reviewed clerk health coverage and hours. Board requested additional coverage on Friday afternoons, Clerk to relay request to Village.

| <b>Clerk Report: August 2016</b> | <b>Check #</b> | <b>TOTAL</b>      |
|----------------------------------|----------------|-------------------|
| <b>Amount Collected</b>          |                | <b>\$3,149.00</b> |
| Animal Population Control        | 2441           | \$ 53.00          |
| Cattaraugus County               | 2442           | \$ 47.00          |
| NYS DEC                          | ACH            | \$2,635.69        |
| NYS Dept. of Health              | 2443           | \$ 22.50          |
| Town of New Albion               | 2444           | \$ 390.81         |
| <b>Amount Paid Out</b>           |                | <b>\$3,149.00</b> |

**Treasurer** - Transfer to pay this evening's bills requested.

**Resolution #63 - 2016 - Transfers**

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

**ADOPTED** Aye 5 Chilson, Eaton, Goss, Marcus, Murphy  
Nay 0

**RESOLVED**, to approve the following transfers of \$2,300.00 from Highway DA Savings to Checking.

**Board** - Councilman Eaton shared Walter Gunther had mowed Tug Hill Cemetery 3 times this year and planned to mow once more. Councilman Goss requested Clerk copy 2015 Town Budget to Board members and Board members review tentative budget for October 11, 2016 Budget Work Meeting at 7:00 p.m.

**CORRESPONDENCE:**

1. NYS Dept. of Transportation - Transportation Alternatives Program
2. NYS Unified Court System - Justice Audit
3. Email from Ashley Milliman - RAN
4. Email from Dan Goss - RAN
5. NYS OSC - Fiscal Stress Management System Status Notification - No Designation
6. Email from Simmons Recovery Consulting - Progress Payment for Culvert Projects

**OLD BUSINESS**

1. Constable reclassification - Waiting on reclassification from New York State.
2. Joint Planning Board - Awaiting JPB response to proposed Signage Law
3. Revenue Anticipation Note - Discussion regarding proposed Revenue Anticipation Note.

**Resolution #64 - 2016 - Revenue Anticipation Note**

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

**ADOPTED** Aye 5 Chilson, Eaton, Goss, Marcus, Murphy  
Nay 0

**REVENUE ANTICIPATION NOTE RESOLUTION DATED SEPTEMBER 19, 2016**

**AUTHORIZING THE ISSUANCE OF REVENUE ANTICIPATION NOTES OF THE TOWN OF NEW ABLION, NEW YORK, IN THE COUNTY OF CATTARAUGUS, PURSUANT TO THE PROVISIONS OF THE LOCAL FINANCE LAW OF THE STATE OF NEW YORK AND PURSUANT TO APPLICABLE PROVISIONS OF THE TOWN LAW OF THE STATE OF NEW YORK IN AN AMOUNT NOT TO EXCEED \$300,000.00 FOR THE PURPOSE OF THE JEFFERSON STREET AND WAVERLY STREET CULVERT PROJECTS.**

**WHEREAS**, the Town Board of the Town of New Albion County of Cattaraugus, New York, has heretofore at this meeting adopted a resolution authorizing the issuance of a revenue anticipation note of the Town of New Albion, New York, in the County of Cattaraugus, in the sum of \$300,000.00 for the purpose of financing certain expenses in anticipation of the collection of revenues other than real estate taxes or assessments to be collected during the fiscal year 2016 for the Jefferson Street and Waverly Street Culvert projects;

**WHEREAS**, no other outstanding obligations of the Town of New Albion, New York have been previously issued by the Township for or with respect to such purpose; and

**WHEREAS**, the Town Board of the Town of New Albion, New York, now desires to provide for the issuance of a Revenue anticipation note of the Town of New Albion, New York;

**BE IT, THIS** 19th day of September, 2016,

**RESOLVED**, by the Town Board of the Town of New Albion, County of Cattaraugus, New York as follows:

**Section 1.** The Town of New Albion, in the County of Cattaraugus, New York, shall issue its Revenue anticipation note (the "Note") in the principal amount not to exceed the sum of \$300,000.00, pursuant to the Local Finance Law of the State of New York including but not limited to Section 24.00 of such Local Finance Law, in order to finance the specific purpose hereinafter described.

**Section 2.** The specific purpose to be financed pursuant to this resolution is to finance the Jefferson Street and Waverly Street Culvert Projects of the Town that and the Note which is being issued in anticipation of revenues to be received from the United States of America, through its Federal Emergency Management Agency (FEMA) and the New York State Division of Homeland Security and Emergency Services which shall be due and payable to the Town of New Albion during the fiscal year ending December 31, 2016. The town anticipates that it will receive the revenues pursuant to a grant from FEMA under which the federal government agrees to fund the Jefferson Street and Waverly Street Culvert projects. Such revenues are anticipated to be received from the collection of revenues other than real estate taxes or assessments, and will originate from federal allocations made to provide assistance to communities recovering from the effects of Hurricane Irene. The revenues which the town expects to receive from the United States of America are in total amount of at least \$300,000.00; the town anticipates that the revenues will be received by the town prior to December 31, 2016 or prior to the maturity of the obligations authorized by this Resolution. Such revenues are due and payable in the town's fiscal year commencing January 1, 2016 and ending December 31, 2016. However, it is possible that the town may not actually receive all of such Revenues prior to December 31, 2016 but may receive the same prior to the maturity

date of the obligations authorized by this resolution.

Section 3. The maximum estimated cost of such purpose as estimated by the Town Board is \$300,000.00 and the plan of financing thereof is by the issuance of a maximum of \$300,000.00 in a Revenue anticipation note, no alternate source of financing being available.

Section 4. The period of maturity of the Note will not exceed one year. The Note may be renewed from time to time, but each renewal shall be for a period not exceeding one year and in no event shall the Note or the renewal thereof, extend beyond the close of the second fiscal year succeeding the fiscal year in which the note is issued. The note shall not be renewed in an amount in excess of the difference between the amount of uncollected or unreceived revenue in anticipation of which they were issued and the amount of any other outstanding revenue anticipation notes issued in anticipation of the collection or receipt of such revenues.

Section 5. Subject to the terms and conditions of this resolution, and the Local Finance Law of the State of New York, the power to authorize the Note authorized by this resolution and the renewal of said Note and the power to prescribed the terms, form and contents of such Note, and the power to sell and to deliver such Note is hereby delegated to the Town Supervisor as the Chief Fiscal Officer of the Town of New Albion, County of Cattaraugus and State of New York. The Chief Fiscal Officer of the Town of New Albion is hereby authorized to sign any Note, and the Town Clerk is hereby authorized to affix the corporate seal of the Town of New Albion, New York, to any Note and to attest such seal.

Section 6. The faith and credit of the Town of New Albion, New York is hereby irrevocably pledged for the payment of the principal of and interest on the Note as the same shall respectively become due and payable.

Section 7. This resolution or a summary hereof shall be published by the Town Clerk of the Town of New Albion, County of Cattaraugus, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York. The validity of the Note and renewal thereof may be contested only if:

A. Such obligation is authorized for an object or purpose for which said Town is not authorized to expend money, or

B. If the provisions of law which should have been complied with as of the date of publication of such resolution were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

C. Such obligation is authorized in violation of the provisions of the Constitution.

Section 8. The Project has been considered under SEQR and the Town board finds and determines that it meets the requirements for a Type II action.

Section 9. This resolution is not subject to referendum pursuant to Section 35.00 of the Local Finance Law of the State of New York and Article 7 of the Town Law of the State of New York.

**NEW BUSINESS**

- 1. 2017 Budget - Tentative Budget distributed to Board members.

**APPROVAL OF ABSTRACT**

**Resolution #65 - 2016 - Abstract #9 - September 19, 2016**

On a motion by Councilman Murphy, second by Councilman Marcus, the following resolution was

**ADOPTED** Aye 5 Chilson, Eaton, Goss, Marcus, Murphy  
Nay 0

**RESOLVED**, that Abstract #9 - 2016 in the following amounts be paid:

| <b>ACCOUNT</b>         | <b>VOUCHER #</b> | <b>TOTAL EXPENDITURES</b> |
|------------------------|------------------|---------------------------|
| General A              | 11082 - 11098    | \$ 6,616.73               |
| General B              | 740 - 741        | \$ 11.11                  |
| Highway DA             | 8864 - 8870      | \$ 42,479.45              |
| Highway DB             | 2888 - 2897      | \$ 93,244.60              |
| Highway Capital Bridge | 103 - 104        | \$ 54,200.00              |

With no further business to discuss, the meeting was adjourned at 9:17 p.m.

Respectfully submitted,

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

|               |                       |                  |           |
|---------------|-----------------------|------------------|-----------|
| Next Meeting: | Budget Work Meeting   | October 11, 2016 | 7:00 p.m. |
|               | Regular Board Meeting | October 17, 2016 | 7:00 p.m. |