

**TOWN OF NEW ALBION**

14 Main Street  
Cattaraugus, NY 14719

**REGULAR BOARD MEETING**

September 18, 2017 7:00 p.m.

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

**PRESENT:** *Councilmen:* Cynthia Eaton, Daniel Goss, Mark Marcus, Patrick Murphy - left at 9:10 p.m.;  
David Rupp, *Highway Supt.*; Rose LaQuay, *Recording Secretary*

**VISITORS:** Ed Erhart, *Cattaraugus Library*; Shannon Goode, *Justice*; Frank Watson, *Code Enforcement*;  
Paula Stockman, *Catt. Cty. Legislator*

**CALL TO ORDER:**

Supervisor Chilson called the meeting to order at 7:02 p.m. The August 21, 2017 Regular Meeting minutes, Assessor, Clerk, Register and Court reports were approved as presented by the Clerk.

**VISITORS:**

1. Ed Erhart - In attendance to request 2018 contribution from library - same as 2017.
2. Shannon Goode - Lower number of court cases.
3. Frank Watson - Working with residents on current permits. Notices sent on shed builds.  
Town Board requested joint meeting with Town and Village Boards and Joint Planning Board.
4. Paula Stockman - In attendance to observe.

**REPORTS:**

**Highway** - Pothole work, skid patching, hot top and storm damage repair performed. Prep work begun on Chautauqua Road for next year and hauling of ice sand. The International truck is ready at Valley Fab for pickup. Nova is securing their bond and liability paperwork. Work is required on Gowin Gulf with possible grant assistance from Cattaraugus County Soil & Water Conservation. Tentative numbers include a cost of \$22,000.00 and assistance of \$16,000.00.

**Clerk** - Clerk and register reports distributed previously.

<b>Clerk Report: August 2017</b>	<b>Check #</b>	<b>TOTAL</b>
<b>Amount Collected</b>		<b>\$3,121.00</b>
Animal Population Control	2478	\$ 75.00
NYS DEC	ACH	\$2,508.32
NYS Dept. of Health	2479	\$ 45.00
Town of New Albion	2480	\$ 492.68
<b>Amount Paid Out</b>		<b>\$3,121.00</b>

**Treasurer** - Treasurer Doucette requested transfers to pay this evening's abstract.

**Resolution #51 - 2017 - Transfers**

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 transfer \$25,000.00 from General A Townwide Savings to General A Checking, \$25,000.00 from Highway DA Townwide Savings to Highway DA Checking to pay this evening's abstract.

**Board** - Councilman Eaton shared that Cattaraugus Ambulance is celebrating their 50th Anniversary on Sept. 24, 2017 with a chicken bbq and tour of their facility. Councilman Marcus requested the Highway Dept. check a diversion ditch off 42nd Street. Supervisor Chilson checked condition of town roads. Documentation received from Attorney Milliman detailing invoice charges.

**Resolution #52 - 2017 - Attorney Invoice**

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

**RESOLVED**, to pay Attorney Ashley Milliman's invoice as received for \$1,387.50 added to the September 18, 2017 abstract and request invoices be received on a quarterly basis.

**CORRESPONDENCE:**

1. Walter Gunther - Tug Hill Cemetery
2. J.R. Searles, Cattaraugus County (5) - Countywide Shared Services Initiative
3. Wendel Engineers - Notice of Award on Waverly Street Culvert Replacement
4. Cattaraugus County Soil & Water Conservation District - Lake Erie Watershed Protection
5. NYS Dept. of Financial Services - Vacant / Abandoned Properties
6. Restore NY Grant Opportunity - Round 5
7. Joint Planning Board - Proposed Comprehensive Plan
8. Email from John Charlesworth - Code Enforcement

9. Email from Michael Bogardus - Trespassing
10. NYS Homeland and Emergency Services - Quarterly Report due 10/10/17
11. Email from Matt Koerner - Quarterly Report
12. Walter Gunther - Resignation
13. Heather Gunther - Appointment

**Resolution #53 - 2017 - Appointment of Tug Hill Groundskeeper**

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 appoint Heather Gunther as Tug Hill Cemetery Groundskeeper.

**OLD BUSINESS**

1. Constable reclassification - Waiting on reclassification from New York State.
2. Joint Planning Board - Proposed signage law tabled for JPB response.
3. Tannery Street bridge - Cattaraugus County held Tannery Bridge Project Meeting.

**NEW BUSINESS**

1. Revenue Anticipation Note

**Resolution #54 - 2017 - Revenue Anticipation Note**

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

**ADOPTED** Roll Call Vote - Aye 5 Chilson, Eaton, Goss, Marcus, Murphy  
- Nay 0

REVENUE ANTICIPATION NOTE RESOLUTION DATED SEPTEMBER 18, 2017  
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 2017 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** 18 day of September, 2017,

**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, 2017. 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, 2017 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, 2017 and ending December 31, 2017. However, it is possible that the town may not actually receive all of such Revenues prior to December 31, 2017 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 prescribe 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.

### **BUDGET WORK MEETING**

Town Board reviewed General A, General B, Highway DA and Highway DB tentative appropriations.

### **APPROVAL OF ABSTRACT**

#### **Resolution #55 - 2017 - Abstract #9 - September 18, 2017**

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

**ADOPTED** Aye 4 Chilson, Eaton, Goss, Marcus  
Nay 0

**RESOLVED**, that Abstract #9 - 2017 in the following amounts be paid with the addition of payment to Ashley Milliman and the principal portion of the Revenue Anticipation Note:

<b>ACCOUNT</b>	<b>VOUCHER #</b>	<b>TOTAL EXPENDITURES</b>
General A	11268 - 11285	\$ 12,111.41
General B	776 - 777	\$
Highway DA	8982 - 8989	\$ 330,646.45
Highway DB	2977 - 2981	\$ 114,822.38

With no further business to discuss, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

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

Next Meeting: Joint Meeting with Village of Cattaraugus and Joint Planning Board TBD  
Regular Board Meeting & Budget Work Meeting October 16, 2017 7:00 p.m.