

Town of New Albion
14 Main Street
Cattaraugus, NY 14719
Regular Board Meeting
July 16, 2018 7:00 p.m.

PRESIDING: Loyd Chilson, Supervisor

PRESENT: Councilmen: Cynthia Eaton, Daniel Goss, Norman Kazmark; Sherry Rupp, Clerk.

VISITORS: Mark Alianello and Wirt Smith

CALL TO ORDER: Supervisor Chilson called the meeting to order at 7:00pm. Regular Meeting Minutes for June 18, 2018, The Assessor report, Town of New Albion Justice court report, Town Clerk Monthly Report, and the Register's Report were all approved as presented by the clerk.

CORRESPONDENCE:

1. Email from Post Journal, Public Hearing Notice
2. Email from Post Journal, Assessment Roll Filing Complete
3. Email's from Mike Bogardus, Numerous Complaint's
4. Email's from Mike Bogardus, Numerous FOIL Request's
5. Email from New Freedom of Information Law, FOIL Request
6. Email from New Freedom of Information Law, FOIL request satisfied.
7. Email from Sarah Phearsdorf, Planning and Zoning Training/Forwarded to Frank Watson
8. Email from Mark Meyerhofer, Cable Franchise Agreement/Mark is unable to attend
9. Email from EDRS, Death Registration System/Going Live August 23, 2018
10. Email from Mary Bailey, Monthly Report
11. Email from NYSDOH, Security Agreement for EDRS
12. Email from BAS, Tracking Dangerous Dogs/Instructions
13. R.A. Mercer & CO., P.C., Terms of Agreement/Signature required
14. Received Certificate of NYS Workers' Compensation Insurance Coverage for dba Verizon Wireless
15. Received Certificate of Liability Insurance for Verizon Communications
16. Received Certificate of Liability Insurance for Cello Partnership dba Verizon Wireless

VISITORS: Mark Alianello informed the board that he would help us in preparing a letter to Southern Tier West regarding applying for grants to help with the Water District. The Town board has asked Mark Alianello to be the engineer on the Water District Project, Mark has agreed. In addition, Mark discussed the waterline easement and the board is in favor of the easement with the contingency that the Highway Superintendent approves. **Wirt Smith** offered to help the town with the cost of the water district project by creating an Inter-municipal Agreement, loaning the town money.

Resolution #43 - 2018 – Mark Alianello is authorized to draw up a letter to Southern Tier West.

On a motion by Councilman Eaton, seconded by Councilman Kazmark, the following resolution was

ADOPTED Aye 4 Chilson, Eaton, Goss, Kazmark
Nay 0

RESOLVED, Mark Alianello is authorized to draw up a letter to Southern Tier West on behalf of the Town of New Albion regarding applying for grants for the Water District.

Resolution #44 - 2018 – Mark Alianello is authorized to be the engineer on the Water District Project for the Town.

On a motion by Councilman Goss, seconded by Councilman Kazmark, the following resolution was

ADOPTED Aye 4 Chilson, Eaton, Goss, Kazmark
Nay 0

RESOLVED, Mark Alianello is authorized to be the engineer for the Town of New Albion regarding the Water District.

Resolution #45 - 2018 – Placement of Waterline Easement.

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

ADOPTED Aye 4 Chilson, Eaton, Goss, Kazmark
Nay 0

RESOLVED, Mark Alianello is authorized to go ahead with the waterline easement placement on contingency that the highway superintendent approves.

REPORTS:

Justice: Shannon Goode

Highway Dept.: David Rupp stated that they are concentrating on grading the dirt roads, potholes and skid patching, while weather permits. Also, Nova will not begin Waverly Bridge until August 6th, 2018.

Code Enforcer: Frank Watson

Assessor: Mary Bailey reported that while NYS has yet to complete their new Enhanced Renewal forms (and hopefully in it an explanation of how they are taking over the Enhanced Star program), all we know is that we will send the renewal forms out as usual when they are finalized, along with an Income Verification Program form (IVP) that all seniors MUST fill out.

This IVP form will have to be input to the NYS Dept. of Taxation and Finance Website, and that is how NYS will keep track of Enhanced renewals. Those that don't fill out the form won't receive their Enhanced Star. Low income seniors that qualify for the senior citizen exemption will still have to apply and renew with the assessor. It will probably cause some confusion.

Treasurer: Eugene Doucette presented a fiscal report and required a signature on the Cemetery account. Gene states, that with the possible expenditures for this budget he would suggest that the board and departments start to gather information for the 2019 budget and to also look into the timeframe for budget and property tax cap. In addition, Gene wanted to know what is going on with the bond anticipation note. Are we renewing it?

Gene is asking for a motion to transfer from savings to checking to pay abstract:

General Townwide, #11712 to 698-01018-3 / \$30,000.

Highway - Townwide, #11714 to 698-01019-1 / \$50,000.

Highway - Outside, #11715 to 698-01091-4 / \$105,000.

The highway outside checking account will still be deficient after the above transfer. Gene suggests making a motion to transfer \$50,000 dollars From the Highway Road Repair savings #11823 to Highway Outside checking account. This amount is to be reimbursed back once CHIP funds are received.

Resolution #46 - 2018 – Renew Bond Anticipation Note.

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

ADOPTED Aye 4 Chilson, Eaton, Goss, Kazmark
 Nay 0

RESOLVED, Loyd Chilson is authorized to sign the bond anticipation note for renewal.

Resolution #47 - 2018 – Transfer of Funds.

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

ADOPTED Aye 4 Chilson, Eaton, Goss, Kazmark
 Nay 0

RESOLVED, Gene Doucette is authorized to transfer money to the following accounts:

General Townwide #11712 to 698-01018-3 - \$30,000

Highway Townwide #11714 to 698-01019-1 - \$50,000

Highway Outside #11715 to 698-01091-4 - \$105,000

Highway Road Repair Savings #11823 to Highway outside checking # 11715 - \$50,000

Board:

Councilman Loyd Chilson – None

Councilman Daniel Goss – None

Councilman Norman Kazmark – None

Councilman Cynthia Eaton - None

Clerk: I have received numerous complaints and Foil's from Mr. Bogardus. I have forwarded the complaints and Foil's to the appropriate departments and I have informed Mr. Bogardus that I will notify him once I have received the information he requested. Here are the answers to the following complaints:

Complaint: Regarding Max Gross auto shops zoning.

Answer: In a letter dated January 19, 1993, it states that property owned by Max Gross on Sweeney Hill Road is in a zoning area allowing auto repair as a "Home Occupation", in the Town of New Albion.

Complaint: Mike Bogardus wants to see permission given to Max Gross in the Town minutes and when did the zoning change for Max Gross regarding junk yard/auto.

Answer: As stated above according to a letter dated 1/19/1993 Max Gross has previous allowances given.

Complaint: Why wasn't it in the minutes regarding the town not being interested in renting Mike Bogardus building?

Answer: The reason your offer wasn't in the minutes is because we were not and are not currently looking to relocate.

Complaint: Mike Bogardus would like to see the answers to his complaints in the minutes.

Answer: I believe we have addressed this complaint and will continue to answer his complaints in the minutes. Also we invite Mike Bogardus to come to the town meetings and place your questions and concerns in person to the board members.

Complaint: What is Max Gross grandfathered for?

Answer: Once, again Max Gross was granted previous allowances as stated in the letter dated 1/19/1993.

Complaint: Is the town paying the village more for renting the town hall?

Answer: The current budget has not increased.

Clerk Report: June 2018, Amount Collected \$ 685.00
Animal Population Control: Check # 2514 \$ 68.00
Cattaraugus County Check # 2517 \$ 47.00
NYS Environmental Conservation Check# EFT \$226.74
NYS Dept. of Health Check# 2515 \$22.50
Town of New Albion Check # 22516 \$ 320.76
Amount Paid Out \$ 685.00

Resolution #48 - 2018 – Cable Franchise Agreement.

In the matter of the Granting of a Cable Television Franchise Held by **Time Warner Cable Northeast LLC** in the **Town of New Albion, County of Cattaraugus, New York.**

An application has been duly made to the Board of the **Town of New Albion, County of Cattaraugus, New York**, by **Time Warner Cable Northeast LLC**, l/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Time Warner Cable’s cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission commencing with the date of approval by the Public Service Commission.

The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended and certain court rulings.

A public hearing was held in the Town of New Albion, New York on July 16, 2018 at 7:00 P.M. and notice of the hearing was published in the Post Journal on July 2, 2018.

NOW, THEREFORE, the Board of the Town of New Albion finds that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the **Town of New Albion** hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the **Town of New Albion** for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

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

ADOPTED Aye 4 Chilson, Eaton, Goss, Kazmark
 Nay 0

RESOLVED, that the Board of the **Town of New Albion** hereby confirms acceptance of this Franchise Renewal Agreement.

OLD BUSINESS:

- a) Constable Reclassification – Waiting on Reclassification from NYS
- b) Joint Planning Board – Proposed Signage Law Tabled for JPB Response
- c) Tannery Street Bridge
- d) Waverly Street Project – Nova anticipating start date 8/6/2018
- e) Paper work regarding rent increase.

NEW BUSINESS:

- a) Charter Franchise Agreement
- b) Village Request for Water District
- c) Property Tax Cap

APPROVAL OF ABSTRACT:

Resolution # 49 - 2018 – Abstract # 7-2018 – July16, 2018

On a motion by Councilman Chilson, seconded by Councilman Kazmark, the following resolution was

ADOPTED Aye 4 Chilson, Goss, Eaton, Kazmark

Nay 0

RESOLVED, that Abstract # 7-2018 in the following amounts is to be paid.

ACCOUNT	VOUCHER #	TOTAL EXPENDITURES
General A	11441-11454	\$ 4,393.40
Highway DA	9054-9062	\$ 23,993.85
Highway DB	3044-3051	\$ 115,885.03
Highway Capital Bridge	128-130	\$ 49,868.49

With no further business to discuss, the meeting was adjourned at 8:48 PM.

Respectfully submitted,
Sherry Rupp
Recording Secretary
Town of New Albion Town Council

Next Meeting: Regular Board Meeting August 20, 2018 7:00p.m.