

Town of New Albion
14 Main Street
Cattaraugus, NY 14719
Regular Board Meeting
October 15, 2018 7:00 p.m.

PRESIDING: Loyd Chilson, Supervisor

PRESENT: Councilmen: Cynthia Eaton, Norman Kazmark, Patrick Murphy, Dan Goss; David Rupp, Highway Supt.; Eugene Doucette, Treasurer; Frank Watson, Code Enforcer; and Sherry Rupp, Town Clerk.

VISITORS: Mark Burr, County Engineer; Karen Burr, Cattaraugus County; Kathy Ellis, Cattaraugus County Commissioner; Robert Botsford, Village Resident; Elizabeth Milewski, Town Resident; Paul Macakanja, Town Resident; and Ed Erhart, Village of Cattaraugus Library.

CALL TO ORDER: Supervisor Chilson called the meeting to order at 7:00pm with the Pledge to the American Flag. Regular Meeting Minutes for September 17, 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:

- a) Retirement Update Fall 2018
- b) Jake Alianello/ Re: Water District
- c) State Comptroller/Re: State Aid Payment
- d) Justice Court Report/Distribution Statement
- e) Southern Tier Grant Award
- f) F.O.I.L request from Mike Bogardus – Working on.
- g) Email from Mary Bailey/Report
- h) Phone call/Mark Burr/Working on the Hazard Mitigation Project.
- i) Eugene/Budget

VISITORS: **Mark Burr** explained that there is a call of Projects Nationwide Funding Source available regarding the Hazard Mitigation Project. The due date is October 24, 2018 for the Letter of Intent to be turned in. If our application is not accepted this time around, we are not to worry. There is a process and it takes time and we need to have patients; there are numerous pots of funding out there. Mark Burr went on to say that the County will work with Town of New Albion Supervisor, Mr. Chilson and the Town Clerk; Sherry Rupp to see the project through. This Project is voluntary. 75% of the project is a grant and the other 25% is the town's property owner's responsibility. The Town will put no money in the pot and will be held harmless as Mark has explained. There are 3 houses listed on the draft regarding the land slide on Lovers Lane so far. Once the Letter of Intent is approved there are steps that will need to be followed. Appraisals will be done, once approved there is a survey and closing costs. The homes will either be demolished or moved if the property owner so chooses. Once the homes are removed then site restoration will begin and the property will be made into green space. Mark explained the draft and the projects estimated cost which will be \$401,500.00. He went on to talk about the Proposed Mitigation Measure and how he reached the reasonable property value. Property owners interested in the Hazard Mitigation Project regarding Lovers Lane must sign a Voluntary Sheet. **Lover Lane residents** expressed their concerns about the gas lines and the safety of their homes. **Mark Burr** said that safety comes first and that the code enforcer should access the homes and makes an evaluation as to whether the homes are safe to live in. The code enforcer will need to turn in his report with the Letter of Intent. **Paul Macakanja** asked if the 25% is deducted from the resident's portion of the Property Relief Payment. Mark Burr answered yes. **Frank Watson** stated that he would visit each home and make his evaluation and recommendation. **Ed Erhart** was inquiring about the funding for the library for 2019.

REPORTS:

Justice: Shannon Goode's Monthly Report.

Code Enforcer: Frank Watson stated that we have a few permits, a shed, cabin and a pole barn. An inspection was done on the new home being built on Leon Rd. Mr. Bogardus is still not in compliance. Also Mr. Luce called and said that he is in receipt of the Violation Notice, he has 30 days to comply. If he does not become compliant he will be fined.

Highway Dept.: David Rupp reported that the Highway Dept. has kept busy this past month with road maintenance readying for the winter season. Road ditches and shoulders were pulled and cleaned as needed. Gravel was added in many places as was needed also. A driveway culvert was emplaced on Tug Hill Rd. for a new driveway next year. The unusual heavy rain for this time of year has created extra work for the Road Dept. Road scour eroded many shoulders causing gravel and debris on the roads, requiring the broom to clean off the

roads. Many ditches and culverts were also plugged, needing to be reopened. Ritter Rd. and maple Hill being the worst. The Dept. has been readying the plow trucks during acclimate weather days. Oil and filters have been changed. Sander chains have been oiled and adjusted for the coming season. Soon plows and wings will be mounted on the trucks. The heavy rains have also delayed the progress of Nova Site Contractors on the Waverly St. Bridge Project. The culvert is in place, with backfilling to be completed soon. The head walls have been poured, enabling back filling to be resumed as weather permits. Nova Site is still optimistic of a 10/31/18 finish with cooperation from the weather. Municipal Disaster Consultants has enquired about the status of the Jefferson St. culvert but has received no information from NYS Homeland Security as of yet.

Assessor: Mary Bailey, Assessor reports, regarding the change in the Enhanced Star exemption, I still plan on sending out renewals early, however this are differing opinions in the assessing community on just what the letters should say. There have been some drafts written up; I plan on taking the best info contained in those drafts and composing my own letter. It's a confusing time for seniors. This is the last year they renew Enhanced Star with the local assessor. Yet low income seniors (those with a total, not gross income, of less than \$26,000) still must file with their local assessor-and then with the State for their Enhanced Star. FYI recent sales: 6711 Sweeney Hill sold 9/28/10 for \$125,000 (Assessed value: \$61,400.00, Full Market Value: \$99,032) 31 South St. sold for \$53,200 and vacant lot adjacent (Lisjak Property).

Board:

Councilman Loyd Chilson – Discussed the necessity of overriding the 2 % tax cap.

Councilman Norman Kazmark – None

Councilman Cynthia Eaton – None

Councilman Patrick Murphy – Asked if Mary Bailey could attend our next board meeting to answer question regarding property re-evaluation.

Resolution #69 - 2018 –Transfer of Funds.

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

ADOPTED Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
 Nay 0

RESOLVED, it is authorized to transfer \$1000.00 from Town of New Albion General Outside Savings to Checking Outside.

Clerk Report: September 2018, Amount Collected \$ 4,940.00

Animal Population Control: Check # 2527 \$ 78.00

Cattaraugus County Check # 2529 \$ 14.10

NYS Environmental Conservation Check# EFT \$4,205.10

NYS Dept. of Health Check# 2528 \$45.00

Town of New Albion Check # 2530 \$ 597.80

Amount Paid Out \$ 4,940.00

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
- e) Mike Bogardus requested a meeting with Catt. County – Re: Drainage/Waiting on date.

NEW BUSINESS:

- a) Village Request for Water District/ Ashley is drafting up the agreement for the Town
- b) Mike Bogardus – F.O.I.L. request – Working on.
- c) Southern Tier Development Foundation / Water District Grant Award
- d) Public Hearing for Tax Cap Override 2019 Budget
- e) Eugene/Budget
- f) Mark Burr/Hazard Mitigation Project.

1. Local Law No. 1 of the year 2018 – With no one in attendance for or against the proposal local law, the public hearing was closed at 9:00pm.

Resolution #70 - 2018 –Local Law 1-2018 Override the Tax Levy Limit

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

ADOPTED Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
 Nay 0

RESOLVED, to approve Local Law 1-2018 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 2019 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 2019 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 and overriding the tax cap.

Resolution # 71 - 2018 – 2019 Tentative budget.

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

ADOPTED Aye 5 Chilson, Goss, Eaton, Kazmark, Murphy
Nay 0

RESOLVED, that the tentative budget for 2019 is approved.

APPROVAL OF ABSTRACT:

Resolution # 72 - 2018 – Abstract # 10-2018 – October 15, 2018

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

ADOPTED Aye 5 Chilson, Goss, Eaton, Kazmark, Murphy
Nay 0

RESOLVED, that Abstract # 10 -2018 in the following amounts is to be paid.

ACCOUNT	VOUCHER #	TOTAL EXPENDITURES
General A	11490-11507	\$ 4,215.90
General B	812-814	\$ 133.87
Highway DA	9075-9081	\$ 2,820.42
Highway DB	3066-3071	\$ 18,556.24
Highway Capital Bridge	134-135	\$ 149,362.71

With no further business to discuss, the meeting was adjourned at 9:00pm.

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

Next Meeting: Budget Hearing November 7, 2018 7:00 pm.
Regular Board Meeting November 19, 2018 7:00 p.m.