

Town of New Albion
14 Main Street
Cattaraugus, NY 14719
Regular Board Meeting
December 16, 2019 7:00 p.m.

PRESIDING: Loyd Chilson, Supervisor

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

VISITORS: John Ridall, Resident (observing), and Michael Bogardus, Resident.

CALL TO ORDER: Supervisor Chilson called the meeting to order at 7:02 pm. Followed by the Pledge to the American Flag. Regular Meeting Minutes for November 18, 2019, Town of New Albion Justice court report, Treasurer, Town Clerk Monthly Report, and the Register's Report were all approved as presented by the clerk.

CORRESPONDENCE:

- a) Complaint from Michael Bogardus regarding FOILS
- b) Board of Assessment Review
- c) Risk Control Visit
- d) DEC-Intro to Tree & Plant Appraisal & Native Tree & Shrub Planting
- e) Free Rabies Clinic-January 4, 2020- Little Valley
- f) Complaint Letter from Sherry Rupp regarding Michael Bogardus
- g) Wilmington Trust Statement – 06/01/2018 – 11/30/2019
- h) Insurance Recommendations
- i) Disability Education & Awareness for Municipalities

Visitor: Michael Bogardus, came to voice his concerns about his FOILS and Complaints regarding Max Gross's property. He feels he has been denied access to records, copies of appeals within a timely manner. I informed the board that Mr. Bogardus has never been denied access to records or copies. I have answered all his FOILS and Complaints in a timely manner. He was advised that he would have to be more precise as to what he is looking for from the Joint Planning Board. "Signage" does not tell them what he is looking for. As for Max Gross, Mr. Bogardus wants proof that Max is able to live overhead a business. Mr. Bogardus was given a letter from the Town of New Albion that was dated January 19, 1993 that states that Max Gross on Sweeney Hill Road is in a zoning area allowing auto repair as a "Home Occupation". Mr. Watson the code enforcer stated that Max was grandfathered in due to he was given permission before the Zoning Laws were adopted in 2002. Mr. Watson went on to say that if by some chance Mr. Gross sold his property that his property would no longer be grandfathered in and would be subject to the current Zoning Laws. I told the board how Mr. Bogardus came into the Town/Village Hall yelling about how I supposedly did not answer his FOIL request the way he felt it should have been answered. I reiterated to Mr. Bogardus that I had given him everything that I had regarding Max Gross. Mr. Bogardus then said that he was going to sue the Town and that he would be calling his attorney and that the Town would have to pay for his attorney.

REPORTS:

Code Enforcer: Frank Watson, 29 permits for the year. 1 permit being pulled is from SAIA Communications on New Albion Road. SAIA Communications is currently under a STOP WORK ORDER. The Tower should be regulated. They claim they are grandfathered in but the Tower was dead when purchased. SAIA is a "for profit company". If SAIA Communications violates the STOP WORK ORDER then the Town will have to enforce the Towns Zoning Laws.

Justice: Shannon Goode's Monthly Distribution Report

Highway Dept.: David Rupp, reports that the Town of New Albion Highway Department spent the balance of the past month between equipment maintenance and snow removal operations. The weather saw a large amount of rain with mixed perspiration blended in. As the ground is still quite warm the roads are very soft still which has been hampering snow removal as needed. Vehicle maintenance is an ongoing task, cutting edges wear faster than normal in warm weather such as we have been experiencing. Also, winter tires were mounted on the smaller trucks as needed. The Jefferson Street Bridge is still in consideration by FEMA and NYSDHSES, hopefully a decision will be forthcoming soon. If not then we might have to put barricades and a closed sign on Jefferson Street. In addition, still waiting to hear back from IDA on repairing the tunnel which is falling down. David explained how the payment to Midland for the roller was going to mess up the ending balance in the budget. The ending balance in the Highway DA will not be what we had estimated it would be. CHIPS money was received today. David went on to talk about the budget and how the funding from CHIPS works. There is 1

payment left on the excavator and 2 payments left on the roller. There was a discussion on the replacement of the trucks and the rotation values. We must maximize the value. Start early making deals when there is still value in the equipment.

Assessor: Kate Harrington, the November report is as follows: Liz and Carrie attended an RPS V4 Custom Reports training on November 7 at the Office of Real Property Tax Services Western Region Office. This one-day class focused on the reporting capability in RPS V4, the database used for assessing in Cattaraugus County, including creating and designing reports, saving reports in other formats, and using the output in different applications such as Excel. Kate and Liz attended a three-hour training on November 19 in Randolph. This training, taught by Bob Wright, current ORPTS Central Region Director, provided a concise overview of the Agricultural assessment exemption, Agricultural Building Exemption, land values, definitions, legislation, and more. The Assessing Office corresponded with several property owners about their assessments, tax bills, and exemptions. Seven property transfers were added for the month October (next page). Thank you.

Sale Date Rec Date	Grantor (Seller) Grantee (Buyer)	Property Location	Map# Book/Page	PU/PC Front/Depth	Tot AV Acres	Sale Price Per Prop	# Parcel Split
10/02/2019 10/02/2019	The Upper New York Annual Conference of the Un Sandstrom, Darlene	28 Franklin	35.074-1-22 2019/10728	210/210 66/291	56300 0	63000 0	1 No
8/28/2019 10/3/2019	Phinney, Richard White, Brandy	9 Hoyt	35.074-1-15 2019/10732	210/210 145/62	48900 0	0 0	1 No
6/7/2019 10/3/2019	Hill, Rodney R&C Hill Family Trust I	42 West	35.081-1-35.3 2019/10800	210/240 0/0	108100 83.05	0 0	2 No
6/7/2019 10/3/2019	Hill, Rodney R&C Hill Family Trust I	42 West	35.004-1-18 2019/10800	210/105 0/0	18800 29.54	0 0	2 No
9/11/2019 10/4/2019	Nephew, Elizabeth Nephew, Elizabeth	10490 Mosher Hollow	44.001-1-23.6 2019/10820	210/270 0/0	41300 13	0 0	1 No
9/30/2019 10/22/2019	National Fuel Gas Bradfield Thomas E.	Jefferson	35.081-2-30 2019/12139	311/311 40/61	800 0	1500 0	1 No
10/25/2019 10/25/2019	Cotter Sandra F. Pratt Christopher W.	10325 42nd	35.003-1-4.4 2019/12599	210/210 0/0	38300 8.45	0 0	1 No

Board:

Councilman Loyd Chilson – Shared Services meeting David and I went to just took a vote. Discussed the cutting of the road sides and the trees hanging down loaded with snow in the road. David said might have to call in a tree service to cut the leaners. This is where we need the attachment to cut the trees.

Councilman Norman Kazmark – Discussed the prices on the truck box and alterations that would need to be done.

Councilman Daniel Goss – asked David about the truck box. David is still pricing.

Councilman Cynthia Eaton – None

Councilman Patrick Murphy – None

Clerk Report: November 2019, Amount Collected \$ 519.00

Animal Population Control: Check # 2576 \$ 52.00

Cattaraugus County: Check # 2577 \$ 75.20

Town of New Albion: Check # 2578 \$ 248.12

NYS Environmental Conservation: EFT \$143.68

State Health Dept. For Marriage Licenses: 0.00

Amount Paid Out \$ 519.00

Resolution # 66 2019 –

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

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

RESOLVED, Bruce Moody is reappointed to the Board of Assessment for the Term: 10/1/2019-09/30/2024.

Resolution # 67- 2019 – Transfer Funds

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

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

RESOLVED, \$15,389.76 will be transferred from Savings to Highway DA Checking.

Resolution # 68- 2019 – Transfer Funds

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

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

RESOLVED, \$2,500.00 will be transferred from Savings to General Outside Checking.

OLD BUSINESS:

- a) Roller Purchase
- b) Hazard Mitigation Project

NEW BUSINESS:

APPROVAL OF ABSTRACT:

Resolution # 69- 2019 – Abstract # 12-2019 – December 16, 2019

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

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

RESOLVED, that Abstract # 12 -2019 in the following amounts is to be paid.

ACCOUNT	VOUCHER #	TOTAL EXPENDITURES
General A	11757-11772	\$ 10,991.13
General B	846-849	\$ 1,592.02
Highway DA	9192-9204	\$ 19,166.57
Highway DB	3158-3167	\$ 50,879.13

With no further business to discuss, the meeting was adjourned at 8:16 pm.

Respectfully submitted,

Sherry Rupp
Recording Secretary
Town of New Albion Town Council

Next Meeting:	Organizational Meeting	January 2, 2020	6:00pm.
	Regular Board Meeting	January 20, 2020	7:00 pm.