

Town of New Albion
14 Main Street
Cattaraugus, NY 14719
Regular Board Meeting
February 18, 2019 7:00 p.m.

PRESIDING: Loyd Chilson, Supervisor

PRESENT: Councilmen: Cynthia Eaton, Norman Kazmark, Patrick Murphy, Dan Goss; David Rupp, Highway Supt., and Sherry Rupp, Town Clerk.

VISITORS: Jake Alianello, MDA Consulting Engineer; Adin Spina, Resident: Michael Ruperti, Protek Computer Solutions.

CALL TO ORDER: Supervisor Chilson called the meeting to order at 7:00 pm. Regular Meeting Minutes for January 21, 2019, The Assessor report, 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) Association of Towns/Governor's Proposal to gut AIM program funding to towns and villages
- b) 2019 Annual Survey/Animal Control-Rabies-Dog Licensing/Gave to Mary Dankert
- c) Board of Assessment Review Training/Notices are being sent out by the County to those who require training.
- d) Mr. Bogardus-Foil Request/Answered via email
- e) New Network/Phone Upgrade
- f) New IT Services

VISITOR: Jake Alianello, updated the board on the progress of the Water District and explained the next steps that needed to be taken in order to move forward. We reviewed the SEQR and passed a resolution making a negative declaration, and then passed the resolution regarding the meeting that formed the district subject to permissive referendum. Waiting to hear back from Ashley Milliman for clarification on the steps needed to be taken in order to move forward.

Resolution #14 - 2019 – Close-Proposed Establishment of Town of New Albion Water District

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

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

RESOLVED, with no one present for or against the Establishment of the Town of New Albion Water District, the Public Hearing is now Closed @ 7:30pm.

Resolution #15 – 2019 – Negative Declaration

**RESOLUTION WITH REFERENCE TO THE PROPOSED
TOWN OF NEW ALBION, CATTARAUGUS COUNTY, NY
FORMATION OF A WATER DISTRICT TO PARTICIPATE IN AN
EXISTING POTABLE WATER TRANSMISSION MAIN
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE**

WHEREAS, some of the residents of the Town of New Albion are served by a public potable water transmission main and that is operated and maintained by the Village of Cattaraugus; and

WHEREAS, the Board of the Town of New Albion has determined it is in the best interests of the Town to establish a water district in order for the residents to continue to be served by said system and provide a means to administer the residents served by said system in accordance with New York State Law; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617, hereafter called SEQRA, the Town Board has determined this action to be Unlisted because this action only creates a legal entity to oversee and administer continued service from a pre-existing potable water transmission main operated and maintained by the Village of Cattaraugus, and established itself as Lead Agency; and

WHEREAS, Involved Agencies have not been consulted with respect to the scope and nature of potential environmental impacts because the Town is the only Involved Agency. This action is limited to the

creation of a legal entity to oversee the administration of continued service from a pre-existing potable water transmission main operated and maintained by the Village of Cattaraugus that may be associated with the proposed project;

NOW, THEREFORE, be it RESOLVED as follows:

The Town Board of the Town of New Albion acting as Lead Agency determines the project will have no significant impact on the environment and issues a Negative Declaration as defined under SEQRA.

This resolution shall take effect immediately.

Dated: February 18, 2019

Introduced by: Patrick Murphy

Seconded by: Cynthia Eaton

Voting Aye: Cynthia Eaton, Dan Goss, Norman Kazmark, Patrick Murphy and Loyd Chilson.

Voting Nay: 0

Resolution #16 – 2019 – Approving Town of New Albion Water District No. 1

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

**RESOLUTION AND ORDER
OF THE TOWN OF NEW ALBION, NEW YORK,
ADOPTED FEBRUARY 18, 2019
APPROVING THE ESTABLISHMENT OF
TOWN OF NEW ALBION WATER DISTRICT NO. 1**

WHEREAS, the Town Board of the Town of New Albion (herein called "Town Board" and "Town", respectively), in the County of Cattaraugus, New York, adopted a resolution calling for a public hearing, pursuant to Section 209-d of the Town Law, regarding the establishment of the Town of New Albion Water District No. I as more specifically described in a Map, Plan, and Report prepared by Mark D. Alianello, P.E., dated January 21, 2019; and

WHEREAS, a Map, Plan and Report, dated January 21, 2019, was prepared by Mark Alianello, P.E., a competent engineer duly licensed by the State of New York; and

WHEREAS, such Map, Plan and Report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, the Town Board has reviewed the Map, Plan and Report and found it to be sufficient; and

WHEREAS, such Map, Plan and Report proposed the establishment of the Water District as well as incorporation of those areas served by the existing water transmission mains and providing an orderly plan of service; and

WHEREAS, it is proposed to use the existing facilities of the Village of Cattaraugus without constructing any new treatment facilities or mains; and

WHEREAS, it is proposed to expend no additional funds for capital facilities, and the only expenditures will be for engineering and legal services budgeted at \$9,000 total; and

WHEREAS, it is proposed that there will be a levy against all parcels in the District to recover the engineering and legal costs and that is estimated to be \$32.75 per served parcel and \$16.38 for unserved parcels; and

WHEREAS, it is proposed that there be no hook-up fees for most users since they are already hooked-up to the facilities; and

WHEREAS, the typical usage cost to one- and two-family homes will remain at the current level of approximately \$110 per calendar quarter based on actual metered usage; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single-family home) during the first year will be approximately \$472.75; and

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board has pursuant to an Order Calling for a Public Hearing, which Order was duly posted and published, held a public hearing on this date, February 18, 2019, to consider the creation of the proposed District, at which hearing all members of the public were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF NEW ALBION, as follows:

SECTION 1: The notice of hearing was published and posted as required by law, and is otherwise sufficient;

SECTION 2. All properties and property owners within the proposed District are benefitted thereby;

SECTION 3. All property and property owners benefitted are included within the limits of the proposed District;

SECTION 4: It is in the public interest to establish the Town of New Albion Water District No. 1;

SECTION 5: That there is no proposed capital expenditure there is no increased cost to the residents of the proposed Water District, and it does not constitute an undue burden on the properties in the proposed District.

SECTION 6: That the Town Board hereby approves the creation of the New Albion Water District No. 1, which shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of New Albion, County of Cattaraugus and State of New York, as shown on a map entitled "Town of New Albion Water District No. I - Final Map" prepared by Mark D. Alianello, P.E., dated January 21, 2019, and bounded and described as follows:

Being all of the parcels identified by the Tax ID numbers set forth herein, to wit:

Row	Name	Street Address		Tax ID
1	Cattaraugus us Rod & Gun Club	7732	NYS Route 353	35.004-1-2
2	Sawyer, Brandon D	7709	NYS Route 353	35.004-1-21
3	Harvey, Donald R. Jr	7719	NYS Route 353	35.004-1-22
4	Sawyer, Brandon D	7709	NYS Route 353	35.004-1-23.1
5	Harvey, Donald R. Jr	7719	NYS Route 353	35.004-1-23.2
6	Mercer, Beverly	7779	NYS Route 353	35.004-1-24.1
7	Ellis, Larr W.	7785	NYS Route 353	35.004-1-25
8	Bauer, David P.	7706	NYS Route 353	35.004-1-3
9	Kavanaugh, Jennifer	7700	NYS Route 353	35.004-1-4
10	Village of Cattaraugus		Skinner Hollow Rd	35.004-1-11
11	Patterson, Thomas N.	88	N Franklin St	35.004-1-12
12	Janora, John	84	N Franklin St	35.004-1-13
13	Wasiela, James E.	83	N Franklin St	35.004-1-34
14	Bradley, Brett	99	N Franklin St	35.004-2-12
15	Village of Cattaraugus	9516	Tanner Rd	44.002-3-20.4
16	George Borrowdale	9505	Tanner Rd	44.002-3-23.2
17	Wildwood Recreation, Inc.		Memorial Dr	44.002-3-12
18	Botsford, Robert P.	9782	Leon Rd	44.002-1-10.1
19	Botsford, Robert P.	9777	Leon Rd	44.002-1-10.2
20	Cattaraugus Central School	9762	Leon Rd	44.002-1-11
21	Composite Panel Solutions Inc	7167	NYS Route 353	44.002-1-12.1

22	NYS Electric & Gas Corp		Ritter Rd	44.002-1-17
23	Harvey, Frank D.	7239	NYS Route 353	44.002-1-6.2
24	Cattaraugus Christian Camp	9714	Leon Rd	44.002-1-8
25	Botsford, Robert P.		Leon Rd	44.002- 9
26	Easterly, Sharon M. (Life Use)	278	S Main St	44.002-2-1
27	Krug, Donald J.	7024	NYS Route 353	44.002-2-18
28	Wabik, Elizabeth	7063	Lovers Lane	44.002-2-19.1
29	Wompole, Annabelle	284	S Main St	44.002-2-2
30	Shultz, Patrick	6991	NYS Route 353	44.002-2-20
31	Town of New Albion		NYS Route 353	44.002-2-21
32	Gibbs, John A.	7094	NYS Route 353	44.002-2-22.1
33	Brumagin, Kirk L.	7121	NYS Route 353	44.002-2-22.2
34	Bailey, Richard E.	9759	Leon Rd	44.002-2-22.6
35	Stephens, Leonard	7166	NYS Route 353	44.002-2-24
36	Lenahan, Thomas	7186	NYS Route 353	44.002-2-25
37	Brumagin, Yvonne	7196	NYS Route 353	44.002-2-26
38	Brace, Laverne	7200	NYS Route 353	44.002-2-27
39	Frank, Amanda	282	S Main St	44.002-2-28
40	Bank of Cattaraugus	7232	NYS Route 353	44.002-2-3
41	Kaye, Eileen	7224	NYS Route 353	44.002- 2-4
42	Blackmar, Linda	7210	NYS Route 353	44.002-2-5.1
43	Village of Cattaraugus	7226	NYS Route 353	44.002-2-5.2
44	Pascarella, Anthony	9940	Leon Rd	44.003-2-14.3
45	Reed, David D.	9875	New Albion Rd	44.004-1-1.1
46	Bryant, Paul	9870	Leon Rd	44.004-1-1.3
47	Pierce, Todd A. Jr	9794	New Albion Rd	44.004-1-19
48	Skeels, Adam	9808	Leon Rd	44.004-1-2
49	stein, Wayne M	9926	New Albion Rd	44.004-1-21.2
50	Mikowicz, Paul		New Albion Rd	44.004-1-26
51	Brown, Curtis	9846	Leon Rd	44.004-1-3
52	Westfall, Dale S.	9797	Leon Rd	44.004-1-4
53	Woodring, Richard W. (Life Use)	9856	Leon Rd	44.004-1-5.1
54	Michnik, Henry		Ingersoll Rd	44.004-1-5.2
55	Bryant, Paul W.	9868	Leon Rd	44.004-1-5.3
56	Cobo, Gerald	6996	NYS Route 353	44.004-2-1.1
57	Village of Cattaraugus	6994	NYS Route 353	44.004-2-1.2
58	King, Robert	6619	NYS Route 353	44.004-2-10
59	Trenchard, Walter	6631	NYS Route 353	44.004-2-11
60	Emerson, Scott	6651	NYS Route 353	44.004-2-12
61	Cheryl Smith	6671	NYS Route 353	44.004-2-13
62	Briggs, Richard	6685	NYS Route 353	44.004- 14
63	Briggs, Richard		NYS Route 353	44.004-2-15.1
64	Chapman, Timothy	6717	NYS Route 353	44.004-2-15.2
65	Nichols, Tiffany	6737	NYS Route 353	44.004-2-17
66	Hannahs, David	6753	NYS Route 353	44.004-2-18
67	Hannahs, David	6779	NYS Route 353	44.004-2-19.2
68	Stokes, Matthew P.	6930	NYS Route 353	44.004-2-2
69	Borrowdale, Robert G.	6809	NYS Route 353	44.004-2-20
70	Schosek, Rebecca	6786	Sweeney Hill Rd	44.004-2-21
71	Rockwell, Sharon	6860	Sweeney Hill Rd	44.004-2-22
72	Preston Family Asset Prot Trust	6849	NYS Route 353	44.004-2-23.1
73	Cattaraugus Little Valley School District	9447	Pleasant valley Rd	44.004-2-23.3
74	Preston Family Asset Prot Trust		NYS Route 353	44.004-2-6.1
75	Deliman, John M	6718	NYS Route 353	44.004-2-6.2

76	Preston Family Asset Prot Trust	6736	NYS Route 353	44.004-2-6.3
77	Krager, Richard B.		NYS Route 353	44.004-2-7
78	Penn-York Resources, Inc.		NYS Route 353	44.004-2-9
79	Village of Cattaraugus	6539	NYS Route 353	45.003-2-6.1
80	Wagner, Alfred H.	6568	NYS Route 353	45.003-2-7
81	Brumagin, Kirk L.	6609	NYS Route 353	45.003-2-8.1
82	Smith, Crey	6577	NYS Route 353	45.003-2-8.2
83	Guadagno, Peter	6608	NYS Route 353	45.003-2-9.3
84	Baker, Kenneth W.	6371	Mayo Rd	53.002-1-1
85	Village of Cattaraugus		Mayo Rd	53.002-1-19.3
86	Navarre, Scott	6460	Mayo Rd	53.002-1-2.1
87	<u>Baker, David P.</u>		<u>New Albion Rd</u>	<u>53.002-1-2.2</u>
88	Minnick, Richard J.		Mayo Rd	53.002-1-2.3
89	Baker, Kenneth W.	6418	Mayo Rd	53.002-1-2.4
90	Susz, Jose h J.		Mayo Rd	53.002-1-20
91	Kilby, Herbert A.	6467	Mayo Rd	53.002-1-23
92	Stein, Tyler J.	6461	Mayo Rd	53.002-1-24

SECTION 7: That the maximum amount proposed to be expended for such Water Improvement is ZERO, since it is not anticipated to build any capital facilities or issue any serial bonds.

SECTION 8: That the permission of the State Comptroller is not required with respect to the establishment of the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller.

SECTION 9: That this resolution is subject to a permissive referendum in the manner provided in Article Seven of the Town Law and subdivision 3 of section 209-e of the Town Law.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

<u>Loyd J. Chilson</u>	Voting	<u>Aye</u>
<u>Cynthia Eaton</u>	Voting	<u>Aye</u>
<u>Daniel A. Goss</u>	Voting	<u>Aye</u>
<u>Norman J. Kazmark</u>	Voting	<u>Aye</u>
<u>Patrick J. Murphy</u>	Voting	<u>Aye</u>
	Voting	<u>Nay</u> 0

RESOLVED, the foregoing resolution was thereupon declared duly adopted. The Supervisor thereupon directed the Town Clerk and Special Counsel to the Town to publish the Legal Notice regarding the Permissive Referendum, as required by law.

REPORTS:

Justice: Shannon Goode's Monthly Report.

Highway Dept.: David Rupp reported that the weather conditions of the past month have kept the Town Highway Dept. busy with snow removal operations. The snowfall amounts and occasional bouts of rain and ice have resulted in a heavier demand on town materials. Hopefully the weather will begin to change for the better soon. Vehicle maintenance is being performed as needed, with a recent blown hydraulic line and fitting that needed to be repaired. In a recent conversation with Nova Site, they confirmed that they are confident they will be able to complete the Waverly St. Bridge this summer at cost. Nova expressed concerns that they would not start until the stream water levels are at a minimum flow. June or July is projected as a start date.

Assessor: Mary Bailey, Assessor reports, that FYI: Recent Sales: 6737 Route 353: sold for \$103,880 (11/2018) Dunn to Nichols. Exemption renewals seem to be coming in a bit slower than in previous years. Just a reminder, the deadline for all exemptions is March 1,2019.

Treasurer: Eugene Doucette, the town's annual report for 2018 has been sent to the state. Once I organize the 2018 books, they will be in the office for each board member to look at and sign off on after reviewing. Please sign and date. Gene discussed finances and his concerns regarding the bridge. Gene also requested that a motion be made to increase A510 Estimated Revenues-A2680 Insurance Recoveries and A960 Estimated Appropriations -A5132.4 Garage Expense in the amount of \$6,273.28.

Resolution #17 – 2019 – Motion to Increase Funds

On a motion by Councilman Goss, seconded by Councilman Murphy, the following resolution was
ADOPTED, Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
Nay 0

RESOLVED, A Motion has been made to increase A510 Estimated Revenues – A2680 Insurance Recoveries and A960 Estimated Appropriations – A5132.4 Garage Expense.

Eugene Doucette requested a transfer of funds from Savings to Checking for the following accounts:

- General A checking to Savings # 11712 - \$200,000.00
- General B checking to Savings # 11713 - \$7,500.00
- Highway Town wide Checking to Highway Town wide Savings # 11714- \$125,000.00
- Highway Outside Checking to Highway Savings # 11715 - \$150,000.00

Resolution #18 – 2019 – Transfer of Funds

On a motion by Councilman Eaton, seconded by Councilman Murphy, the following resolution was
ADOPTED, Aye 5 Chilson, Eaton, Goss, Kazmark, Murphy
Nay 0

RESOLVED, Gene is authorized to transfer funds.

Board:

Councilman Loyd Chilson – Commented on the roads and what a good job Dave is doing.

Councilman Norman Kazmark – None

Councilman Cynthia Eaton – None

Councilman Daniel Goss – Reported that the ambulance hall had a really nice turn out with the chicken fund raiser.

Councilman Patrick Murphy – Agreed with Mr. Chilson regarding the good job that Dave is doing.

Clerk Report: January 2019, Amount Collected \$ 335.00

Animal Population Control: Check # 2541 \$ 38.00

Cattaraugus County Check # 2542 \$ 112.80

NYS Environmental Conservation Check# EFT \$ 23.62

NYS Health Department Check# \$ 0.00

Town of New Albion Check # 2543\$ 160.58

Amount Paid Out \$ 335.00

Michael Ruperti from Protek Computer Solution installed the Towns new phone system and is our new IT guy. The Town of New Albion would like to Thank you! Great Job!

OLD BUSINESS:

- a) Joint Planning Board – Proposed Signage Law Tabled for JPB Response
- b) Tannery Street Bridge
- c) Waverly Street Project – Nova
- d) Mike Bogardus requested a meeting with Catt. County – Re: Drainage/Waiting on date.

NEW BUSINESS:

- a) Hazard Mitigation Project
- b) Water District Project

APPROVAL OF ABSTRACT:

Resolution # 19 - 2019 – Abstract # 2-2019 – February 18, 2019

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

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

RESOLVED, that Abstract # 2 -2019 in the following amounts is to be paid.

ACCOUNT	VOUCHER #	TOTAL EXPENDITURES
General A	11574-11590	\$ 204,641.03
General B	823-825	\$ 7,500.00
Highway DA	9107-9114	\$ 125,765.74
Highway DB	3092-3095	\$ 8,469.61
Highway Capital Bridge	101	\$ 1,317.50

With no further business to discuss, the meeting was adjourned at 8:32 pm.

Respectfully submitted,

Sherry Rupp
Recording Secretary
Town of New Albion Town Council

Next Meeting: Regular Board Meeting March 18, 2019 7:00 p.m.