

Town of New Albion
P.O. Box 265
Cattaraugus, NY 14719
Regular Board Meeting
April 19th, 2021 7:00 p.m.

PRESIDING: Patrick Murphy, Supervisor

PRESENT: Councilmen: Norman Kazmark, Cynthia Eaton, Daniel Goss, Michael Weishan; David Rupp, Highway Superintendent; Frank Watson, Code Enforcer and Sherry Rupp, Town Clerk.

VISITOR: Doug Johnson, Village Resident.

CALL TO ORDER: Supervisor Murphy called the meeting to order at 7:01 pm. Followed by the Pledge to the American Flag. Regular Minutes for March 15, 2021, Town Clerk Monthly Report, and the Register's Report were all approved as presented by the clerk.

CORRESPONDENCE:

- a) County/Solar/Wind Energy
- b) BAR Member
- c) Public Health Law 4122.1/Deputy Registrar
- d) Cattaraugus Free Library to host Community Meeting
- e) Contract for Shared Highway Services (2021-2025)
- f) Catt. Cty. Economic Development, Planning & Tourism
- g) NYSAC – Marijuana Regulation & Taxation Act Summary
- h) Nominations for the Richard L. Murphy Citizenship Award for 2021

VISITOR: Doug Johnson said he is here regarding the Waverly Street Bridge. Highway Superintendent David Rupp said that an Engineer Firm is looking at the Waverly St. Bridge and that the Town is going after the Performance Bond. We are waiting for the Engineer's report and what action will need to be taken next. Doug asked if we are looking at another year? Highway Super replied I hope not but if it goes into litigation, it might take a year. The Snyder Hill Cemetery needs a 4ft. chain link fence and asked if David Rupp knew of anyone and David said yes. What is going on with the Jefferson Street Bridge? Highway Super replied that once the Town gets 3 bids, we the Town will put up an 8ft. fence to block off Jefferson St. Bridge. Doug went on to say that he wanted to thank Colleen Young for helping to find funding for the Liberty Park Cemetery. The donations will help to keep the Cemetery going for 1 more year.

REPORTS:

Code Enforcer: Frank Watson, starting to get more calls regarding Solar farms in the area for Commercial residents. SECTION 9.22, Article 9 was drawn up regarding Zoning laws for the Solar Energy Systems which will separate the Residential residents from the Commercial residents. This plan will differentiate the two zones. As for complaints, there are three of them that I am working on. One has to do with cleaning up of the property, the second one is the collection of cars and the third one we had an agreement but they did not follow through. Property on Sweeney Hill Rd. and Rt. 353 actively pursuing the demolition and clean up of the unsafe structure. CEO talked with the homeowner and has declared that he will apply for demolition permit. I have talked with Ms. Luce and she has full intentions on cleaning up the property. The Telecommunication Tower located on New Albion Rd. is slowly advancing. SAIA wants a meeting but there is still no Lease Agreement in place. I'm working on a few permits at this time. A Public Hearing will be scheduled to adopt a Local Law for this Zoning regarding Solar Energy Law pursuant to section 261-263 of the Town Law of the State of New York.

Highway Dept.: David Rupp, the Town of New Albion highway department has been concentrating primarily on maintenance of snow removal equipment. The plows and wings are off of the tandem trucks, sanders have been serviced and oiled up for the summer season. Summer tires are soon to be rotated onto the trucks also. The Dept. has been sweeping the Town roads as weather permits, the best time is during rain as to cut down on dust. Pot holes are being addressed as the weather also improves. Shoulders and ditching will begin soon also so please be patient as the trucks will be in the roadways. This year's CHIPS project will be on Waite Hollow Road starting in May. Again, please be patient with the crew. The Waverly Street Bridge was recently inspected by an engineer from Foit/Albert Associates, the inspection was to determine the extent and cause of the failure of the project. The Town awaits the report and will proceed accordingly. The Town also is awaiting a determination on Jefferson Street. NYSDEHS is planning to re-evaluate the project SOW and establish a timeline of completion. The discussion of CHIPS funding was discussed and having to use the Highway Special Reserves and then replace it. Supervisor Patrick Murphy said to get all your numbers together and we will get together with Eugene Doucette (Treasurer) to discuss. Two quotes have been obtained on the Pay star Box, will be using CHIPS money to pay

for the box. Highway Super said that he would like to go with Valley Fab. The Town is working on collecting Covid expenses and loss of revenue so that we can apply for the American Rescue Plan.

Assessor: Kate Harrington, the March report is as follows

- The 2021 exemption deadline was March 1. Reminders were mailed to all Agricultural Assessment and applicants who had not returned their renewal mid-February. This notice reminded applicants that renewals would not be accepted after the deadline. Two Agricultural Assessments were removed. Additionally, all properties in county-assessed towns that held a Real Property Exemption for Nonprofit Organizations were asked to update their information via a renewal application. Several were unable to provide information providing continued eligibility, including Upper New York Conference of UMC in Cattaraugus. The exemption has been removed and the \$600,000 assessment (\$1,034,500 full market value) has been lowered to \$55,400 to better reflect its current market value, estimated at \$95,500.
- Twenty-Two building permits were reviewed for 2020. Additionally, 6 property owners requested an assessment review, which will take place in April, along with 5 internal reviews.
- Please let me know if the town of New Albion would like to change how the 2021 Board of Assessment Review is held. Many towns are holding Grievance Day normally, but some have chosen to hold it by phone or web meeting, which makes social distancing easier. If the town of New Albion chooses to hold it by phone, web meeting, or even in-person but by appointment, I need to know soon so that I can make this information available to the public.
- I have completed the requirements of the basic training for the designation of State Certified Assessor pursuant to the Real Property Tax Law and 20 NYCRR 8188. A copy of the certification has been given to your office.
- Eight property transfers were added for the month of February.

Sale Date Rec Date	Grantor (Seller) Grantee (Buyer)	Property Loc.	Map # Book/Page	PU/PC Front/Depth	Tot AV Acres	Sale Price Per Prop	# Par Split
01/08/21 02/09/21	Briggs Richard R&J Briggs Family Trust I	6685 NYS Rte 353	44.004-2-14 20210 / 1491	210 / 210 0 / 0	120400 4.7	0 0	1 No
12/30/20 02/12/21	Rogala Estate of James Rogala Michael C.	Scott Hollow	34.004-2-8 20210 / 1681	311 / 314 0 / 0	4600 1.95	1 0	1 No
02/16/21 02/16/21	JPI, LLC Dolgen New York, LLC	216 Main	44.025-1-28 20210 / 1699	400 / 484 0 / 0	357900 1.4	10 0	1 No
01/06/21 02/06/21	Gogel Douglas D. Wright Lori	26 Jefferson	35.081-2-2 20210 / 1701	210 / 210 100 / 94	23000 0	5000 0	1 No
01/15/21 02/17/21	Hurst James P. Hurst Nancy A.	150 Main St.	35.073-1-27.1 20210 / 1787	210 / 210 0 / 0	54300 7.7	1 0	2 No
01/15/21 02/17/21	Hurst James P. Hurst Nancy A.	150 Main	35.004-1-35 20210 / 1787	210 / 311 205 / 136	200 0	1 0	2 No
11/17/20 02/23/21	Kaczmarek Stanley Kaczmarek Stephen Stanley	NYS Rte 353	45.003-2-4 20210 / 2061	311 / 322 0 / 0	4200 13.38	1 0	2 No
11/17/20 02/23/21	Kaczmarek Stanley Kaczmarek Stephen Stanley	NYS Rte 353	45.003-2-5.3 20210 / 2061	311 / 312 0 / 0	5400 9.55	1 0	2 No

The Town Office Trailer and the Highway Department should not combine expenses seeing the expenditures are not related to transportation activities. Therefore, the electric bill will need to be split in half seeing that there is only one meter. The last three months are as follows: January – 73.86, February - \$56.20, and March - \$64.36 totaling \$194.42.

Resolution #25– 2021 – Transfer of Funds

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

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

RESOLVED, approved to transfer funds from the 1620.4 to the 5132.4 in the amount of \$194.42 for reimbursement for the office trailer’s half of the electric bill for the last three months.

Resolution #26– 2021 – Transfer of Funds

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

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

RESOLVED, approved to transfer funds from the Contingent Account 1990.4 to the Building Account 1620.4 in the amount of \$5,000. To cover future expenditures for the Office Trailer.

Resolution #27– 2021 – Purchase 2020 F550 1-Ton Dump Truck and Box

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

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

RESOLVED, that the Town of New Albion Board approved the specifications for the 2020 F550 1-Ton Dump Truck less the trade in of the 2012 F150 Pickup. Town Board Authorized the purchase of the 2020 F550 1-Ton Dump Truck and Box. Purchase price \$57,564.00.

Resolution #28– 2021 – Purchase 2021 3500 Dodge Pickup Truck

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

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

RESOLVED, that the Town of New Albion Board approved the specifications for the 2021 3500 Dodge Pickup Truck less trade in of the 2014 Dodge 5500 1-Ton Dump Truck. Town Board Authorized the purchase of the 2021 3500 Dodge Pickup Truck. Purchase price \$5,222.50.

Resolution #29– 2021 – Transfer of Funds

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

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

RESOLVED, approved to transfer funds from the Highway Town wide Savings to the Highway Town wide Checking in the amount of \$75,000.00.

Resolution #30– 2021 – Replacement of Truck Box

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

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

RESOLVED, that the Town of New Albion Board approved the replacement of the International Pay Star Box through Valley Fab.

Resolution #31– 2021 – Shared Highway Services (2021-2025)

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

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

RESOLVED, approved to enter into contract for Shared Highway Services (2021-2025) with the Cattaraugus County DPW.

Resolution #32– 2021 – Richard L. Murphy Citizen of the Year Award

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

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

RESOLVED, to award the 2021 Richard L. Murphy citizen of the Year Award to Paul and Linda Macakanja.

Resolution #33– 2021 – Board of Assessment Review

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

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

RESOLVED, approved Elizabeth Fox to fill the position that was formally held by James Agnew. The term runs from 10/01/2020-09/30/2025.

Board:

Councilman **Patrick Murphy** – None

Councilman **Norman Kazmark** – Dan Goss will supply Norman with a list of Grants

Councilman **Daniel Goss** – Discussed the possibility of the Town absorbing the cemetery

Councilman **Cynthia Eaton** – None

Councilman **Michael Weishan** – Road around with Highway Super David Rupp, there is a bridge located on Gowan Gulf Rd. that needs to be inspected due to deterioration and liability

Clerk Report: March 2021, Amount Collected \$ 414.00

Animal Population Control: Check # 2627 \$ 50.00

Town of New Albion: Check # 2629 \$ 218.14

Cattaraugus County: Check# 2628 \$112.80

NYS DEC: EFT - \$33.06

Amount Paid Out \$ 414.00

CLERKS REPORT:

The Town of New Albion would like to pass 2 Local Law’s the first one is Local Law 1-2021 regarding the intent to opt out from any exemption from taxation as authorized in Real Property Tax Law Section 487.

The second one is Local Law 2-2021 which authorizes the Town of New Albion to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provisions for, so far as conditions permit, the accommodations of solar energy systems and equipment and access to sunlight necessary therefore.”

There will be a Public Hearing on May 17th at 6:30 pm. Location: 7151 Route 353, Cattaraugus, NY 14719 at the Town of New Albion Office Trailer.

According to the Public Health Law 4122.1 it requires that each local registrar appoints a deputy registrar to fill in when the local registrar is not available.

Resolution # 34 - 2021–Hire Town Deputy Registrar

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

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

RESOLVED, approved, Elizabeth Fox will be the new Town of New Albion Deputy Registrar as of 04/19/2021.

Resolution # 35 - 2021–Hire Town Deputy Clerk- Part-Time

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

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

RESOLVED, approved, Elizabeth Fox will be the new Part-Time Town of New Albion Deputy Clerk as of 04/19/2021.

The Cattaraugus Free Library is having a meeting on May 7th, 2021 @ 3pm. Located at the Roberts Memorial Methodist Church to discuss Revitalizing the Village of Cattaraugus.

OLD BUSINESS:

NEW BUSINESS:

- a) RAN / BAN Note tabled until May’s Meeting
- b) NYS Marijuana Regulation & Taxation Act tabled
- c) Hazard Mitigation Project

APPROVAL OF ABSTRACT:

Resolution # 36- 2021– Abstract # 4-2021 – April 19, 2021

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

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

RESOLVED, that Abstract # 4 -2021 in the following amounts is to be paid.

ACCOUNT	VOUCHER #	TOTAL EXPENDITURES
General A	12085-12110	\$ 2,009.08
General B	886-888	\$ 21.55
Highway DA	9335-9348	\$ 77,435.46
Highway DB	3269-3275	\$ 15,497.91

With no further business to discuss, the meeting was adjourned at 9:18 pm.

Respectfully submitted,

Sherry Rupp
Recording Secretary
Town of New Albion Town Council

Next Meeting:	PUBLIC HEARING	May 17 th , 2021	6:30 pm.
	Regular Board Meeting	May 17 th , 2021	7:00 pm.