

Town of New Albion
14 Main Street
Cattaraugus, NY 14719
Regular Board Meeting
January 18, 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: Tom Patterson

CALL TO ORDER: Supervisor Murphy called the meeting to order at 7:00 pm. Followed by the Pledge to the American Flag and a moment of silence for Mr. Chilson. Regular Minutes for December 21, 2020, and Special Meeting on December 29, 2020. Town Clerk Monthly Report, and the Register's Report were all approved as presented by the clerk.

CORRESPONDENCE:

- a) Webinar Schedule for 2021 due to Houghton being unsure they can host the Annual Local Government Conference in June.
- b) Cattaraugus County Legislature regarding the closing of Gowanda Correctional Facility
- c) Board of Elections Update for phone book
- d) Complaint from Town Resident regarding an Inappropriate Flag.
- e) FOIL's from Jason Crawford

VISITOR: Tom Patterson said that although he is not on the Village Board, he is taking up David Rupp's invitation to attend the Town meeting in order to keep cooperation between the Village and the Town.

David Rupp stated that he had attended the Village Board Meeting on January 11, 2021 and he mentioned to the Village Board that "In the spirit of cooperation, I'm inviting the Village Board members to attend the Town Meetings because we need to work together."

REPORTS:

Code Enforcer: Frank Watson, we have a variance on Leon Rd and I will be stopping to look at the new office trailer. I agree we need to have harmony between the Village and the Town. Norman Kazmark mentioned to Frank Watson that Scott Hollow Rd. is getting away again, the cars are growing, Frank said that he will look into this. Frank went on to say that he received a complaint involving an inappropriate flag. It looks like a civil matter because the only Town ordinance we have has to do with signs, there is nothing regarding flags.

Highway Dept.: David Rupp, the Town of New Albion highway department has been concentrating primarily on snow and ice removal. The weather has been unusual resulting in rain and ice, making the roads hazardous to all. Please be patient and drive safely. Maintenance has also been an on-going task for the Dept. The Dodge one-ton sander required a complete rebuild as the sander chain had broken. While the sander was apart the dept. rebuilt from the floor up, chain bearings and adjusters. NYSDESHES has been in contact and has relayed that the paperwork has been forwarded to FEMA for finalization and payment of Waverly Street. No time schedule was announced as to when payment is to be expected. No progress has been reported on the Waverly Bridge Claim. It is in review by the Insurance bonding company. The weather has slowed progress on the temporary office building, the front ramp and roof is to be completed and interior repairs and painting is yet to be done. David went on to say that Mr. Stanton will be the Town's litigation attorney for Waverly St. Bridge. Also, David went on to thank Norman Kazmark for his assistance in helping with the Town move.

Assessor: Kate Harrington, the December report is as follows

- The state government changed the Senior Citizen Exemption renewal process again by passing the COVID-19 Emergency Eviction and Foreclosure Prevention Act. Here’s a summary of this law and what it means for us:
 - Requires local governments to carry-over Senior Citizen exemptions from the 2020 assessment roll to 2021.
 - If you haven’t already passed the resolution described in Executive Order 202.83 you no longer have to.
 - Requires localities to provide renewal applications, via electronic or postal mail, for those individuals who may be eligible for a larger exemption in 2021.
 - We are contacting all current applicants to see if they are eligible for a larger exemption.
 - Requires localities to pass a resolution that allows us to remove exemptions due to: 1) owner death, 2) a new owner added to the deed, 3) owner changed their primary residence, or 4) the property transferred to a new owner.

Mow we are asking you to pass a different resolution that allows us to remove an exemption or require a renewal application for applicants we think are no longer eligible. If this is not passed, then new property owners, no matter their age or income, will be allowed to keep exemptions that they would otherwise not be entitled to.

- Annual renewal applications for the Agricultural Assessment have been mailed. As a friendly reminder, Enhanced STAR exemptions are now renewed automatically-applicants will not be receiving renewal applications.
- The assessing Office has corresponded with several property owners about their assessments, tax bills, and exemptions.
- Eight property transfers were added for the month of November.

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
01/01/00 11/09/20	Miller Ervin New Generation Farms, Inc	9527 New Albion	53.002-2-35.1 2020 / 13075	210 / 240 0 / 0	106200 122.79	320000 0	1 No
01/01/00 11/09/20	Dankert William Dankert Randal	10294 Leon	53.001-1-13.2 2020 / 13089	210 / 210 0 / 0	38100 3.65	41000 0	1 No
01/01/00 11/10/20	Fernandes Tammy Whalen Cameron	53 Franklin	35.074-2-39 2020 / 13094	210 / 210 57.75 / 212	30000 0	47500 0	1 No
01/01/00 11/10/20	Hemenway Linda Mowry Matthew	9336 New Albion	53.002-2-15.1 2020 / 13102	210 / 280 0 / 0	62500 9.6	20000 0	1 No
10/14/20 11/12/20	Brumagin Estate Yvonne Hegner Justin Rae	7196 NYS Rte. 353	44.002-2-26 2020 / 13165	210 / 210 100 / 320	58600 0	95700 0	1 No
10/16/20 11/13/20	Streid-Mullen Jennifer Barrus Kelsey	Linlyco Lake	54.029-3-6 2020 / 13243	311 / 314 40 / 229.15	4100 0	78000 0	1 No
01/01/00 11/18/20	RFEC II Investments LLC JPI LLC	216 Main	44.025-1-28 2020 / 13457	400 / 484 0 / 0	357900 1.4	1074907 0	1 No
10/26/20 11/25/20	Fenar Lewis Fenar Lewis	Tug Hill	43.004-2-4.2 2020 / 13749	311 / 322 0 / 0	17200 38.7	1 0	1 No

Resolution #07- 2021 – EXEMPTIONS

On a motion by Councilman Eaton, second by Councilman Goss, the following resolution was **ADOPTED** Aye 5 Eaton, Kazmark, Murphy, Weishan and Goss
Nay 0

RESOLVED,

- I. **WHEREAS**, on December 20, 2020, Governor Andrew M. Cuomo signed into law the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020, and
- II. **WHEREAS**, such law states, “Notwithstanding any other provision of law, in the interest of the health and safety of the public due to the novel coronavirus, COVID-19 pandemic, every governing body of an assessing unit and local assessor shall extend to the 2021 assessment roll, the renewal of the exemptions received on the 2020 assessment roll pursuant to sections 467 and 459-c of the real property tax law, relating to persons age sixty-five and older and for certain persons with disabilities and limited income, and no renewal application shall be required of any eligible recipient who received either exemption on the 2020 assessment roll in order for such eligible recipient to continue receiving such exemption at the same amount received on the 2020 assessment roll, except as here-in provided. Provided however, that the local assessor shall make available renewal applications through postal mail or electronic means in order for eligible recipients to file renewal applications in

the event that such eligible recipient determines his or her income has changed in a manner that would grant him or her a greater exemption than what was present on the 2020 assessment roll; and provided further that such governing body may adopt a local law or resolution which includes procedures by which the assessor may require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died; and provided further that no governing body of an assessing unit or local assessor may require eligible recipients to appear in person to file a renewal application for any reason.

This act shall take effect immediately and shall expire May 1,2021. This act shall be deemed to have been in full force and effect on and after March 7,2020.” And

- III. **WHEREAS**, the town is desirous in adopting the described resolution, allowing the assessor to require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died, now, therefore, be it
- IV. **RESOLVED**, that the Town Board is authorized to pass such resolution, and that the assessor is instructed to take any such necessary actions in the above-described directives.

Resolution # 08 - 2021– OPPOSING CLOSURE OF GOWANDA CORRECTIONAL FACILITY

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

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

- I. **WHEREAS**, the NYS Department of Corrections and Community Supervision announced that Governor Cuomo is closing the Gowanda Correctional Facility in ninety (90) days, and
- II. **WHEREAS**, this action was taken without notice or opportunity for community input, and
- III. **WHEREAS**, the closure of the Gowanda Correction Facility was part of a shadow budget that lacked transparency and does not account for the two (2) adjacent facilities, and
- IV. **WHEREAS**, the closure of the Gowanda Correctional Facility will impact more than 500 NYS Correctional Officers and Police Benevolent Association (NYSCOPBA) positions, disrupt the family lives of thousands and devastate communities, and
- V. **WHEREAS**, while upstate communities were struggling even before the onset of COVID-19, removing hundreds of jobs within Cattaraugus County will serve a crippling financial blow, and
- VI. **WHEREAS**, the NYSCOPBA has for years been calling on the State Legislature and the Governor to refrain from prison closures before an adequate assessment of safety within the prison system occurs, and
- VII. **WHEREAS**, prison violence is at near record levels and the closure of this correctional facility will only serve to condense the prison population, further jeopardize the safety of NYSCOPBA members and the inmate population as a whole, and
- VIII. **WHEREAS**, the NYSCOPBA has urged the Governor and the State Legislature to halt any closure plans and address violence escalation within the prison system, and
- IX. **WHEREAS**, the closure of the Gowanda Correctional Facility will have a drastic and devastating impact on individuals and communities in Cattaraugus County, now, therefore, be it
- I. **RESOLVED**, that the Town of New Albion hereby strongly opposes the closure of the Gowanda Correctional Facility and urges Governor Cuomo to reverse this action and keep our corrections officers, and their families and our communities safe by keeping this essential facility open.

Resolution #09– 2021 – Transfer of Funds

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

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

RESOLVED, approved to transfer funds from the Highway Outside Savings to the Checking in the amount of \$25,000.00

Resolution # 10 - 2021– Transfer of Funds

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

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

RESOLVED, approved the transfer of funds from General Outside Savings to Checking in the amount of \$2,000.00.

Resolution # 11 - 2021– Transfer of Funds

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

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

RESOLVED, approved the transfer of funds from General Town wide Savings to Checking in the amount of \$50,000.00.

Resolution # 12 - 2021– Refund the Capital Building Reserve

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

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

RESOLVED, approved to reimburse the General Town wide Capital Building Reserve in the amount of \$14,104.46.

Resolution # 13 - 2021– Board Audit of Court & Town Clerk Books

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

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

RESOLVED, the Town Board has Completed the audit and approved the 2020 books for both the Town Clerk and the Town Court of New Albion as of January 18, 2021.

Board:

Councilman **Patrick Murphy** – None

Councilman **Norman Kazmark** – had questions regarding the budget. David Rupp discussed his ending balance and the money that he turns over to General A. He went on to say that the Town truck is 9 years old and how the Village trades theirs every 3 years. David Rupp mentioned that maybe part of his ending balance could be used towards saving or building up the Capital Reserve Fund. Tom Patterson added his input and understands David’s frustrations regarding the budget and ending balances.

Councilman **Daniel Goss** – None

Councilman **Cynthia Eaton** – None

Councilman **Michael Weishan** – mentioned to David Rupp that he will be in touch to arrange a time to go around to look at the roads with him.

Clerk Report: December 2020, Amount Collected \$ 470.00
Animal Population Control: Check # 2618 \$ 43.00
Cattaraugus County: Check # 2619 \$159.80
Town of New Albion: Check # 2620 \$ 201.07
NYS Environmental Conservation: EFT \$66.13
State Health Dept. For Marriage Licenses: \$0.00
Amount Paid Out \$ 470.00

CLERKS REPORT:

As of 1/15/2021 I have collected \$472,534.72 in taxes. It has been a very busy month so far.

I explained to Tom Patterson that Jason Crawford has turned this office upside down and he is the reason that the working environment is the way it is. He crossed the line from being a concerned citizen to making it work place harassment!

Resolution # 14 - 2021– Enter Executive Session / Employee Legal Advice

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

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

Resolution # 15 - 2021– To Come Out of Executive Session

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

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

OLD BUSINESS:

NEW BUSINESS:

- a) Hazard Mitigation Project

APPROVAL OF ABSTRACT:

Resolution # 16- 2021– Abstract # 1-2021 – January 18, 2021

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

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

RESOLVED, that Abstract # 1 -2021 in the following amounts is to be paid.

ACCOUNT	VOUCHER #	TOTAL EXPENDITURES
General A	12001-12025	\$ 49,040.68
General B	877-880	\$ 2,335.00
Highway DA	9314-9318	\$ 1,726.06
Highway DB	3254-3258	\$ 6,263.08

With no further business to discuss, the meeting was adjourned at 8:39 pm.

Respectfully submitted,

Sherry Rupp
Recording Secretary
Town of New Albion Town Council

Next Meeting: Regular Board Meeting February 15, 2021 7:00 pm.