

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

**PRESIDING:** Patrick Murphy, Supervisor

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

**VISITOR:** Tom Pietras, resident.

**CALL TO ORDER:** Supervisor Murphy called the meeting to order at 7:00 pm. Followed by the Pledge to the American Flag. Regular Minutes for June 21st, 2021, Town Clerk Monthly Report, and the Register's Report were all approved as presented by the clerk.

**CORRESPONDENCE:**

- Letter regarding Waite Hollow
- The Pinsky Law Group
- Clean Energy Communities Grant

**VISITOR:**

**Tom Pietras** is here regarding the obscene flags that are being hung off homes in the town. Frank Watson told him that the town has nothing in the Zoning Laws regarding flags and offensive language. If classified as a sign they would need a Special Use Permit. The Zoning Law does not outline the content that should not be used on flags. If the Town would like to change the Zoning Laws there are steps that need to be taken. We must be very clear what words the town finds offensive. Frank Watson agrees with the nasty flags but what is the charge? The town will look into this matter and will be talking to the county.

**REPORTS:**

**Code Enforcer: Frank Watson**, said that he released the Stein's building permit. We have a solar panel permit for a residential home and one for a generator. A complaint has been received and I'm trying to clarify if the Town and the Village dog laws mirror each other but according to Dog Control Officer the Town dog laws supersede the Village dog laws. There is a kennel located in a residential neighborhood in the Village that is connected to the pet shop that they own. The Pet Shop is abiding by their Special Use Permit. Although the web-site states that they provide boarding it is not allowed at the Sam's Pet Salon. Therefore, the kennel that is located in the residential neighborhood is not only being used for his own personal use but also for business. Zoning Laws **definition of Kennel** is as follows: Any premise on which *four (4) or more domestic animals, excluding* livestock, are housed, **boarded**, trained, bred, or raised **for commercial purposes**. The term "kennel" shall not include the keeping of animals in a veterinary hospital for the purpose of observation and/or recovery necessary to veterinary treatment. The term "bred" shall not mean a household pet that has not more than one litter per year per household.

Complaints have come forth. I will talk to the owner and this matter will have to go in front of the Zoning Board.

**Highway Dept.: David Rupp**, the Town of New Albion highway department has been concentrating primarily on the road maintenance such as replacing culverts, pulling shoulders and fixing edge of pavement scour. The Dept. is getting ready to begin skid paving and patching roads as needed though out the remainder of the month of July. The weather has given the dept. a few setbacks, but the dept. is set to begin. Road side mowing is ongoing, so please be patient when encountering the mower. Numerous positive comments have been relayed to the dept. that the roads sides look great. The Town has received a reimbursement payment from FEMA on Waverly St, but no word has been offered as to the status of Jefferson as of yet. No word has been relayed to the dept. as of the status of the Waverly bond issue also. All indications are this may become a long process, which the Town will have to persevere through.

**Resolution #50– 2021 – Transfer of Fund**

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

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

**RESOLVED**, approved to transfer funds from Highway Road Repair Savings to Checking in the amount of \$50,000.

**Resolution #51– 2021 – Transfer of Fund**

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

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

**RESOLVED**, approved to transfer funds from Highway Outside Savings to Checking in the amount of \$25,000.

**Resolution #52– 2021 – Transfer of Fund**

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

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

**RESOLVED**, approved to transfer funds from General Town wide Savings to Checking in the amount of \$25,000.

**Resolution #53– 2021 – Transfer of Fund**

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

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

**RESOLVED**, approved to transfer funds from General Outside Savings to Checking in the amount of \$2,000.

**Resolution #54– 2021 – Early Payoff – Bond Anticipation Note**

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

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

**RESOLVED**, approved to pay off the BAN in the amount of \$349,400.57.

**Resolution #55– 2021 – Early Payoff – Revenue Anticipation Note**

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

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

**RESOLVED**, approved to pay off the RAN in the amount of \$78,545.13.

**Resolution #56– 2021 – Transfer of Funds**

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

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

**RESOLVED**, approved to transfer \$499,115.83 from Highway DB to Highway DA #5120.4.

**Resolution #57– 2021 – Transfer of Funds**

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

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

**RESOLVED**, approved to pay back the loan to Highway DB #5110.4 in the amount of \$30,000.00 that was borrowed to cover legal expenses associated with Waverly St. Culvert issues and failures.

**Resolution #58– 2021 – Transfer of Funds**

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

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

**RESOLVED**, approved to transfer funds from 1410.4 to 1410.1 in the amount of \$1,000.00.

**Resolution #59– 2021 – Transfer of Funds**

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

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

**RESOLVED**, approved to transfer funds from 1355.4 to 1410.1 in the amount of \$1,000.00.

**Assessor: Kate Harrington**, the June report is as follows

- The 2021 roll year has been finalized as of July 1, 2021. These are the assessments that will be used for all 2021 taxes. Changes can no longer be made to the roll, and any complaints will need to go through the Cattaraugus County Department of Real Property Tax Services. A copy of the 2021 Final Roll is available here: <https://www.cattco.org/real-property-and-gis/assessment-rolls>.
- Grievance Day was June 3; four properties were reviewed by the Board of Assessment Review.
- Corresponded with several property owners about their assessments, tax bills, and exemptions
- Added nine property transfers for the month of April and five for May.

## April & May Sales

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
03/26/21 04/06/21	Kehr Ashley Maloy Maloy LLC	48 South	35.082-5-24 20210 / 3699	210 / 220 57.75 / 132	43900 0	1 0	2 No
03/26/21 04/06/21	Kehr Ashley Maloy Maloy LLC	10 First	35.081-3-21.2 20210 / 3699	210 / 220 50.5 / 66	32000 0	1 0	2 No
04/08/21 04/08/21	Cattaraugus Local Development Corp The People of the State of New York	NYS Rte 353	44.002-1-16.2 20210 / 3786	300 / 682 0 / 0	2100 62.35	1300000 0	6 No
02/25/21 04/08/21	Charlesworth John Charlesworth John	New Albion	53.002-2-32.1 20210 / 3825	300 / 322 1250 / 0	34700 71.7	0 0	3 No
03/27/21 04/15/21	Wienk Jerith L. Ossont Jennifer Co- Trustee	36 Ellicott	35.082-4-15 20210 / 4061	210 / 210 57.5 / 256	54400 0	1 0	1 No
04/16/21 04/19/21	Alico Diana Eberlin Burroughs Michael	13 Ellicott	35.082-1-17 20210 / 4190	210 / 210 57.6 / 148	48100 0	70000 0	1 No
04/06/21 04/27/21	Pritchard Arvilla R. Pritchard Marc A.	7798 Otto	35.004-2-5 20210 / 4536	210 / 210 0 / 0	87500 9.69	1 0	1 No
04/27/21 04/27/21	Feuz Teresa, Executor Herzog Eugene P., Jr	183 Main	44.025-1-33 20210 / 4571	210 / 210 200 / 203.5	61000 0	105000 0	1 No
04/27/21 04/30/21	Johnson Brenda L. Auman Theodore R.	17Carter	35.074-2-13 20210 / 4761	210 / 210 66 / 250	31500 0	55000 0	1 No
05/04/21 05/04/21	Beckman Michael Janora John	10675Tug Hill	44.003-1-4.2 20210 / 4892	210 / 240 0 / 0	103333 19.89	268000 0	1 Yes
05/10/21 05/12/21	Jackson Rochelle LSOP Rentals Premier Asset Management LLC	35 Main	35.081-1-13 20210 / 5298	210 / 210 0 / 0	25000 1.3	1 0	1 No
05/20/21 05/20/21	Illas Christina Cattaraugus-Little Valley School District	41Carter	35.074-2-2 20210 / 5732	210 / 210 50 / 0	41000 3.3	40000 0	1 No
05/19/21 05/20/21	Naylor f/k/a Ambuski Rebecca D. Rolfe Tiffany N.	10 Lincoln	35.082-5-13 20210 / 5744	210 / 210 55.75/206.25	32400 0	38000 0	1 No
05/20/21 05/24/21	Swider Donald E. Clough Martin A.	88 Jefferson	35.074-3-7 20210 / 5971	210 / 210 66 / 140	36300 0	25000 0	1 No

### **Board:**

Councilman **Patrick Murphy** – None  
 Councilman **Daniel Goss** – None  
 Councilman **Michael Weishan** – None  
 Councilman **Norman Kazmark** – None  
 Councilman **Cynthia Eaton** – None

**Clerk Report:** June 2021, Amount Collected \$ 301.00

Animal Population Control: Check # 2638 \$ 38.00

Town of New Albion: Check # 2640 \$ 163.86

Cattaraugus County: Check# 2639 \$9.40

NYS DEC: EFT - \$89.74

Amount Paid Out \$ 301.00

**OLD BUSINESS:**

- a) Hazard Mitigation Project

**NEW BUSINESS:**

**APPROVAL OF ABSTRACT:**

**Resolution # 60- 2021– Abstract # 7-2021 – July 19, 2021**

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

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

**RESOLVED**, that Abstract # 7 -2021 in the following amounts is to be paid.

<b>ACCOUNT</b>	<b>VOUCHER #</b>	<b>TOTAL EXPENDITURES</b>
General A	12157-12175	\$ 2,639.71
General B	898-899	\$ 2,500.00
Highway DA	9370-9382	\$ 463,617.68
Highway DB	3296-3304	\$ 563,085.99

With no further business to discuss, the meeting was adjourned at 8:53 pm.

Respectfully submitted,

Sherry Rupp  
Recording Secretary  
Town of New Albion Town Council

Next Meeting: Regular Board Meeting August 16, 2021 7:00 pm.