

Town of New Albion  
14 Main Street  
Cattaraugus, NY 14719  
**Regular Board Meeting**  
February 17, 2020 7:00 p.m.

**PRESIDING:** Patrick Murphy, Supervisor

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

**VISITORS:**

**CALL TO ORDER:** Supervisor Murphy called the meeting to order at 7:02 pm. Followed by the Pledge to the American Flag. Regular Meeting Minutes for January 20, 2020 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) The Garas Law Firm – Zoning Board – 9420 New Albion Rd.
- b) Formal Complaint against Fidurko Brothers Construction
- c) James Musacchio's letter of Resignation from the Town of New Albion
- d) Introduction of Proposed Law – Board of Assessment Review – Grievance Date changed
- e) State of New Work Unified Court System/Audit Report
- f) BCBS Insurance Increase as of April 2020
- g) Wilmington Statement 06/10/2018 – 01/31/2020

**REPORTS:**

**Code Enforcer:** Frank Watson, there are a few things going on; a hunting cabin with a shed and two houses almost completed, one on State-land and the other on Dutch Hill. Discussed issues regarding finding an attorney.

Supervisor Patrick Murphy said he will look into finding a new attorney.

**Justice:** Shannon Goode's Monthly Distribution Report

**Highway Dept.:** David Rupp, reports that the Town of New Albion has been kept busy with winter snow removal operations. The changing weather patterns have given the dept. many challenges due to ice and soft road conditions. The dirt roads have been quite soft this year, due to the warm weather and excessive moisture this winter. The dept. has been attempting to patch potholes with cold patch as the weather permits. Please be patient, the dept. will get to the remainder of the holes as we can. Cattaraugus County has informed the town that the Tannery St. bridge is slated to begin construction the first of May. The contractor is Edbaure Construction. Ryan Frykholm of Municipal Disaster Solutions has been in contact with the town dept. and states that NYSDESH and FEMA are processing the Waverly St. bridge paperwork and hopes to be done soon. Also, no determination on Jefferson St. as of yet. The Board authorized the Highway Superintendent David Rupp to submit bids for replacement of the 1-Ton Plow Truck. We also have an offer on our loader. The Town Board Authorized Highway Superintendent to secure offer on new loader.

**Resolution # 11 2020 – Secure New Proposal with Trade and 3 Year Lease on NEW 2020 John Deere 624L**

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

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

**RESOLVED,** Highway Supervisor is authorized to enter into Lease Purchase Agreement with 5 Star Equipment.

**Assessor:** Kate Harrington, The January report is as follows: Completed renewal applications for the Senior Citizen Exemption, Agricultural Assessment, and Exemption for Nonprofit Organizations are being returned to our office. Because these renewals are due by March 1<sup>st</sup>, notices will be mailed mid-February to all applicants who have not yet given us a renewal. Property owners should contact our office with any questions about these exemptions or the application process. The Assessing Office corresponded with several property owners about their assessments, tax bills, and exemptions. Five property transfers were added for the month December.

| Sale Date<br>Rec Date    | Grantor (Seller)<br>Grantee (Buyer)                   | Property<br>Location | Map#<br>Book/Page           | PU/PC<br>Front/Depth | Tot AV<br>Acres | Sale Price<br>Per Prop | # Parcel<br>Split |
|--------------------------|---|----------------------|-----------------------------|----------------------|-----------------|------------------------|-------------------|
| 10/31/2019<br>12/2/2019  | Fuller Estate of Joanne B.<br>Pascarella Raymond J.   | 135 South            | 44.033-1-4<br>2019/15562    | 210/210<br>156/0     | 83300<br>1.03   | 1<br>0                 | 1<br>No           |
| 12/3/2019<br>12/3/2019   | Wienk-Ossont Jennifer<br>Fruehauf Taylor              | 23 Franklin          | 35.082-4-7.1<br>2019/15618  | 210/210<br>106/155   | 40000<br>0.23   | 69430<br>0             | 1<br>No           |
| 12/16/2019<br>12/16/2019 | Frentz James A.<br>Raber Adam                         | 10194<br>Chautauqua  | 53.001-2-10.2<br>2019/16764 | 100/112<br>0/0       | 89900<br>51.14  | 67000<br>0             | 1<br>Yes          |
| 12/17/2019<br>12/23/2019 | Catanzaro Dennis J<br>Catanzaro Dennis J &<br>Beverly | Chautauqua           | 53.002-1-11<br>2019/17183   | 210/270<br>0/0       | 24000<br>20     | 1<br>0                 | 1<br>No           |
| 12/27/2019<br>12/30/2019 | Botsford Robert P.<br>Wakefield Bradley S.            | 9782 Leon            | 44.002-1-10<br>2019/17333   | 210/240<br>0/0       | 107500<br>87.91 | 271000<br>0            | 1<br>No           |

I have received Board of Assessment Review (BAR) dates from all 13 of our towns. New Albion's current date, the First Monday in June, is changing to the **First Thursday in June**.

**Resolution # 12 2020 – Supervisor Murphy has introduced for consideration pursuant to the provisions of the New York Municipal Home Rule Law and the New York Real Property Tax Law Town of New Albion Local Law No. 1 of 2020 entitled A LOCAL LAW TO CHANGE THE DATE FOR THE TOWN OF NEW ALBION BOARD ASSESSMENT REVIEW TO HEAR COMPLAINTS IN RELATION TO TAX ASSESSMENTS; be it therefore;**

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

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

**RESOLVED**, that the Town of New Albion shall conduct a public hearing at our Regular Town Meeting on March 16<sup>th</sup>, 2020 at 7:00 pm to consider the adoption of said introduced Local Law No. 1 of 2020, said Local Law to read as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF NEW ALBION AS FOLLOWS:

**SECTION 1. Intent.** The intent of this Local Law is to change the date on which the Board of Assessment Review of the Town of New Albion shall meet to hear complaints in relation to tax assessments.

**SECTION 2. Authority.** Because the Town of New Albion Assessor also serves as the Assessor for the County, with the date for hearing tax assessment complaints currently set forth for the first Monday in June of each year, thereby creating a conflict for the Assessor to appear at the hearings of both such Boards, Real Property Tax Law § 512 (1-a) authorizes the governing body of such an assessing unit to adopt a local law establishing a different date for the meetings of the Board of Assessment Review other than the first Monday in June.

**SECTION. Change in Date.** By reasoning of the foregoing, the Town of New Albion Board of Assessment Review shall no longer initially hear complaints in relation to tax assessments on the First Monday in June of each year, but shall instead initially hear complaints in relation to tax assessments on the First Thursday in June of each year.

**SECTION 3. Filing.** This Local Law shall be filed as required by Real Property Tax Law §512 (1-a).

**SECTION 4. Severability.** The adoption of this Local Law shall in no way otherwise affect the duties and responsibilities of the Assessor or the Board of Assessment Review of the Town of New Albion under any applicable law or regulation.

**SECTION 5. Effective Date.** This local law shall take effect immediately upon the completion of all filing required by the Municipal Home Rule Law or by Real Property Tax Law § 512 (1-a).

And it is further

**RESOLVED**, that the Town of New Albion Clerk shall cause notice of such public hearing to be published at least once in the official Town newspaper in accordance with all legal requirements.

**Board:**

Councilman Patrick Murphy – None

Councilman Norman Kazmark – None

Councilman Daniel Goss – None

Councilman Cynthia Eaton – None

Councilman John Ridall – January 21<sup>st</sup> I stopped by the Highway Dept. and took a ride with Highway Super. David Rupp and some of the roads are disastrous and I looked at the box on the 1-ton plow truck and the box is junk and should be replaced. There is a 6-wheeler in the garage that should be junked out, frame is rusted out and shouldn't be driven anymore. There were also some parked cars on dead end roads, Linlyco Lake and Blendinger Rd. making it hard for the truck to turn around. David will stop by and remind the residents not to park in the road way during winter.

**Clerk Report:** January 2020, Amount Collected \$ 330.00

Animal Population Control: Check # 2582 \$ 38.00

Cattaraugus County: Check # 2583 \$ 131.60

Town of New Albion: Check # 2584 \$ 160.40

NYS Environmental Conservation: EFT \$0.00

State Health Dept. For Marriage Licenses: 0.00

Amount Paid Out \$ 330.00

**Resolution #13 – 2020 – Board Audits of Court and Town Clerk Books**

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

**ADOPTED** Aye 5 Murphy, Eaton, Goss, Kazmark, Ridall  
Nay 0

**RESOLVED**, that the Town Board completed the audit and approved the 2019 books for both the Town Clerk and Town Court of New Albion as of February 17, 2020.

Last month, Michael Bogardus came to voice his concerns regarding Max Gross's property. 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". This letter was not good enough for Mr. Bogardus he wanted to see a permit. Supervisor Murphy told Mr. Bogardus he would talk to Frank Watson and the Town clerk will continue her search in the archives. After searching in the archives, I found a box of old permits. It was in that box that I found an APPLICATION FOR BUILDING PERMIT and/or CERTIFICATE OF ZONING COMPLIANCE TOWN OF NEW ALBION for Max Gross on Sweeney Hill Rd. Approved and dated May 20<sup>th</sup> 1991.

The Town Clerk was asked by a town resident if the Town offered any additional Disability Veteran Exemptions. The Town Board answered no.

**Resolution #14 – 2020 – New York State TOWN CLERKS ASSOCIATION Conference**

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

**ADOPTED** Aye 5 Murphy, Eaton, Goss, Kazmark, Ridall  
Nay 0

**RESOLVED**, that the Town Clerk is authorized to attend the training conference at the Desmond Hotel and Conference Center in Albany, NY between April 26-29<sup>th</sup>, 2020.

**Resolution #15 – 2020 – Transfer of Funds**

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

**ADOPTED** Aye 5 Murphy, Eaton, Goss, Kazmark, Ridall  
Nay 0

**RESOLVED**, the town board authorizes Eugene Doucette to transfer \$125,000 from General A Checking to Savings.

**Resolution #16 – 2020 – Transfer of Funds**

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

**ADOPTED** Aye 5 Murphy, Eaton, Goss, Kazmark, Ridall  
Nay 0

**RESOLVED**, the town board authorizes Eugene Doucette to transfer \$5,000 from General B Checking to Savings.

**Resolution #17 – 2020 – Transfer of Funds**

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

**ADOPTED** Aye 5 Murphy, Eaton, Goss, Kazmark, Ridall  
Nay 0

**RESOLVED**, the town board authorizes Eugene Doucette to transfer \$175,000 from HWY DA Checking to Savings.

**Resolution #18 – 2020 – Transfer of Funds**

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

**ADOPTED** Aye 5 Murphy, Eaton, Goss, Kazmark, Ridall  
Nay 0

**RESOLVED**, the town board authorizes Eugene Doucette to transfer \$200,000 from HWY DB Checking to Savings.

There will be an increase in the health insurance premiums for the year 2020. The 2.6 percent increase caused the health insurance to go over the budget by \$905.12. Therefore, the highway town employees will have to make a small contribution towards their medical insurance premium for the fiscal year 2020.

**Resolution #19 – 2020 – Increase in Health Insurance Rates / Employee Contribution for Fiscal Year 2020**

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

**ADOPTED** Aye 5 Murphy, Eaton, Goss, Kazmark, Ridall  
Nay 0

**RESOLVED**, Town of New Albion Highway employees will have to contribute to their health insurance for the fiscal year 2020.

**OLD BUSINESS:**

- a) Hazard Mitigation Project

**NEW BUSINESS:**

**APPROVAL OF ABSTRACT:**

**Resolution # 20- 2020 – Abstract # 2-2020 – February 17, 2020**

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

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

**RESOLVED**, that Abstract # 2 -2020 in the following amounts is to be paid.

| <b>ACCOUNT</b> | <b>VOUCHER #</b> | <b>TOTAL EXPENDITURES</b> |
|----------------|------------------|---------------------------|
| General A      | 11795-11816      | \$ 154,379.04             |
| General B      | 853-856          | \$ 5,294.00               |
| Highway DA     | 9212-9218        | \$ 176,039.35             |
| Highway DB     | 3172-3177        | \$ 210,084.17             |

With no further business to discuss, the meeting was adjourned at 8:23 pm.

Respectfully submitted,

Sherry Rupp  
Recording Secretary  
Town of New Albion Town Council

Next Meeting: Regular Board Meeting/ Public Hearing March 16<sup>th</sup>, 2020 7:00 pm.