

Town of New Albion
14 Main Street
Cattaraugus, NY 14719
Regular Board Meeting/Public Hearing
October 19, 2020 7:00 p.m.

PRESIDING: Patrick Murphy, Supervisor

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

ABSENT: Councilmen: John Ridall

VISITORS: Michael Bogardus

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 in honor of John Ridall. Regular and Special Meeting Minutes for September 19, October 7, and October 13, 2020, Town Clerk Monthly Report, and the Register's Report were all approved as presented by the clerk.

CORRESPONDENCE:

- a) John Ridall's Memorial Resolution.
- b) Public Hearing / Tax Cap Override
- c) Employer Mandatory Emergency Plan AOT

Memorial Resolution

Whereas, Almighty God in His infinite wisdom has removed
from our midst

John Ridall

In whose death we have lost a sincere and loyal friend, his community
a valued and respected citizen and his family a kind and devoted member,
and

Whereas, during the period of years we were privileged to know him,
he was a true and faithful citizen and by his constant devotion to the best
interests of our community endeared himself to his host of friends,
and

Whereas, we shall miss his pleasant companionship and good fellowship,
his wise council and participation in many activities, therefore,
be it

Resolved, that we mourn deeply the passing of our worthy and beloved
friend and extend this expression of heartfelt sympathy to his family in this
sad bereavement, confident in the knowledge that having reached his external
and glorified reward in Heaven, having heard the consoling words, of the
Master, "Well done, thou good and faithful servant!"

REPORTS:

Visitor: Mike Bogardus, asked if the Town was giving away money. Supervisor Pat Murphy informed Mr. Bogardus that there were several cuts made to the budget. In addition, Mr. Bogardus handed in some FOILS and Complaint forms and informed us that there were many more to come.

Highway Dept.: David Rupp, reports for the past month the Town highway dept. has concluded their fall road maintenance operations of hot top patching and the spreading and regrading of gravel roads due to the changes in the weather. The unusual warm weather this fall let the Dept. accomplish a lot of road maintenance with many roads seeing improvement. The Dept. concentrated on repairing many dirt roads that suffered damage during the heavy rains in July. For example, Ingersoll Hill, Tug Hill, Skinner Hollow, State Land Rd. and Snyder Hill to name just a few. Almost 5000 ton of gravel was emplaced and graded on the roads with many more still needed. Also, the stream on Fuss Rd. was realigned and rocked leading into the cross culvert with the loan of an excavator from Catt. Co. our Thanks to the County for the help. In addition, with the change in weather the Dept. is beginning to concentrate on maintenance of equipment and preparing for winter snow removal operations. Trucks are having oil and maintenance done as needed, snow tires are scheduled to be changed soon and ice sand still needs to be hauled to bring the towns total up to full. Snow plows and wings will be mounted soon to ready the department for the winter. No word has been issued as to the reimbursement of Waverly St. funds. The request has been forwarded to NYSDESH and FEMA and is awaiting final approval before reimbursement. Also, regarding the Waverly St. Insurance Bond Claim, the Town attorney has been in contact with the Dept. and has asked for a long list of items the Bonding agent would like. The Dept. is collecting the items and will forward them as they are located.

Code Enforcer: Frank Watson, property on Mosher Hollow Rd. was granted a permit for the foundation ONLY! also a new house is going up on New Albion Rd. In addition, 99 N. Franklin St. there is manufactured home with a deck. There is an easement for this property and it is for seasonal and recreational use only. This parcel is located in the Town of New Albion. I am working on some other things but other than that things are slowing down.

Assessor: Kate Harrington, the September report is as follows: The STAR checks delivery schedule is available online at <https://www.tax.ny.gov/pit/propeerty/star/star-check-delivery-schedule.htm>. Those who have not yet received a check can check the status there. The Assessing Office has corresponded with several property owners about their assessments, tax bills, and exemptions. Nine property transfers were added for the month of august (next page). Thank you.

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
8/12/2020 8/17/2020	Stein Wayne Lautson Courtney	75 South	44.025-1-6 2020 / 10026	210 / 210 66 / 132	36500 0	35000 0	1 No
7/22/2020 8/17/2020	County of Cattaraugus Ortego Randolph	14 Lincoln	35.082-5-11 2020 / 10041	210 / 210 75 / 141.75	30600 0	8437 0	1 No
7/22/2020 8/17/2020	County of Cattaraugus Halftown Steven	11 Scott	44.026-1-15 2020 / 10042	210 / 210 66 / 202	29000 0	8579 0	1 No
8/19/2020 8/21/2020	Williams Tammy K Williams Lloyd W	Lovers Lane	35.004-3-4.3 2020 / 10228	311 / 314 0 / 0	6400 4.95	1 0	1 No
8/27/2020 8/27/2020	Williams Eileen Aguilar Joseph	33 West	35.081-1-1.1 2020 / 10509	210 / 210 323 / 0	70000 1.03	108500 0	1 No
7/27/2020 8/4/2020	Eaton Cynthia Gunther Heather	19 Memorial	44.034-1-20 20200 / 9603	210 / 210 150 / 200	66000 0	1 0	1 No
8/5/2020 8/10/2020	Stephens Willis Stephens Laura A	6834 Snyder Hill	44.003-2-10.1 20200 / 9810	210 / 210 0 / 0	28000 8.4	1 0	1 No
7/20/2020 8/11/2020	Estate of Robert W. Weir Willis Andrea L	191 Jefferson	35.082-3-1 20200 / 9857	311 / 312 0 / 0	5500 3.62	0 0	1 No
8/5/2020 8/11/2020	Poitras Timothy L. Poitras Kimberly S.	7075 Lovers Lane	44.002-2-19.2 20200 / 9879	210 / 270 294 / 123	42500 0	1 0	1 No

1. Local Law No. 2 of the year 2020 – With only one person in attendance for or against the proposal local law, the public hearing was closed at 7:10pm.

Resolution #44 - 2020 –Local Law 2-2020 Override the Tax Levy Limit

On a motion by Councilman Kazmark, second by Councilman Goss, the following resolution was **ADOPTED** Aye 4 Eaton, Goss, Kazmark, Murphy
Nay 0

RESOLVED, to approve Local Law 2-2020 as follows:

A Local Law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Town Board of the Town of New Albion, in the County of Cattaraugus, as follows:

SECTION 1: LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of New Albion, County of Cattaraugus pursuant to General Municipal Law §3-c, and to allow the Town of New Albion, County of Cattaraugus to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

The Town of New Albion is concerned about uncertainties in the existing tax cap law, including how uncertain

Expenditures mandated by law and uncertain expenditures and revenues controlled by the county and state interact with the tax cap. The town board is obligated to prepare a responsible budget, which meets

the Town's mandated obligations and provides beneficial services, while minimizing the tax burden on Town citizens.

SECTION 2: AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

SECTION 3: TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of New Albion, County of Cattaraugus is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

SECTION 4: SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

Resolution # 45 - 2020- APPROVAL OF BUDGET

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

ADOPTED Aye 4 Eaton, Goss, Kazmark and Murphy
Nay 0

RESOLVED, to, approve the Town of New Albion Budget as presented for the fiscal year of 2021.

FUND	APPROP.	LESS EST REV.	LESS ENEXPEND BAL.	AMT. RAISED BY TAX
General A	\$278,150.00	\$40,325.00	\$60,000.00	\$177,825.00
General B	\$21,175.00	\$ 7,505.00	\$ 2,500.00	\$ 11,170.00
Highway DA	\$216,865.00	\$150.00	\$10,000.00	\$206,715.00
Highway DB	\$497,600.00	\$290,300.00	\$35,000.00	\$172,300.00
Capital	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL:	\$1,013,790.00	\$338,280.00	\$107,500.00	\$568,010.00

Town Councilman discussed the 2021 Town of New Albion Proposed Budget. The 2021 Fire District Budget totaled \$ 92,400.00 and the Fire Tax Rate per 1,000 is \$1.578000, an increase of \$0.004000. Board reviewed the proposed tax rates and levy as follows:

Town outside Tax Rate per 1,000	\$11.745868	0.699546 increase
Village Tax Rate per 1,000	\$6.669425	0.020172 increase
Tax Levy Limit	\$557,503 per NYS	
Proposed 2021 Town Tax Levy	\$568,010.00	

Resolution # 46 - 2020 – Close 2021 Proposed Town of New Albion Budget Hearing

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

ADOPTED Aye 4 Goss, Eaton, Kazmark and Murphy
Nay 0

RESOLVED, with only one person present for the 2021 Proposed Town of New Albion Budget, the 2021 Budget Public Hearing was closed at 7:10 pm.

Resolution #47- 2020 – Transfer of Funds

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

ADOPTED Aye 4 Murphy, Kazmark, Goss and Eaton
Nay 0

RESOLVED, approved to transfer funds from the Highway DB Savings to Highway DB Checking in the amount of \$20,000.

Board:

Councilman Patrick Murphy – None
Councilman Norman Kazmark – None
Councilman Daniel Goss – None
Councilman Cynthia Eaton - None

Clerk Report: September 2020, Amount Collected \$ 4,235.00

Animal Population Control: Check # 2607 \$ 50.00
Cattaraugus County: Check # 2609 \$37.60
Town of New Albion: Check # 2610 \$ 461.84
NYS Environmental Conservation: EFT \$3663.06
State Health Dept. For Marriage Licenses: #2608 \$22.50
Amount Paid Out \$ 4,235.00

CLERKS REPORT:

The AOT had a webinar which explained what needs to be implemented according to the New NYS Public Employer Mandatory Emergency Planning Requirement. This plan requires all public employers to create contingency operations plans to protect public workers in future health emergencies. (This policy must be in place by April 2021). We have to assemble a planning team.

Flowers were sent to John Ridall’s Family and a Memorial Resolution.

Update on Lovers Lane Hazard Mitigation Projects. On 9/18 I was notified that FEMA did not approve the Cattaraugus County Plan and to resubmit the Lovers Lane properties into another group of funding. LOI (Letter of Intent) were submitted on 9/28/2020 for all properties and now I’m preparing to resubmit all the required information again.

Attention Town of New Albion Residents due to the recent events regarding the Coronavirus we would like to limit the person to person contact. So, until further notice we would greatly appreciate it if you could use our drop box on the court door for the following transactions: Dog Licenses, Water Bills, Court Tickets, Etc.

OLD BUSINESS:

- a) Hazard Mitigation Project

NEW BUSINESS:

APPROVAL OF ABSTRACT:

Resolution # 48- 2020 – Abstract # 10-2020 – October 19, 2020

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

ADOPTED Aye 4 Murphy, Kazmark, Goss and Eaton
Nay 0

RESOLVED, that Abstract # 10 -2020 in the following amounts is to be paid.

ACCOUNT	VOUCHER #	TOTAL EXPENDITURES
General A	11937-11951	\$ 4,798.23
General B	871	\$ 0.00
Highway DA	9281-9291	\$ 78,872.87
Highway DB	3225-3232	\$ 70,521.90

With no further business to discuss, the meeting was adjourned at 7:45 pm.

Respectfully submitted,

Sherry Rupp
Recording Secretary
Town of New Albion Town Council

Next Meeting: Regular Board Meeting November 16, 2020 7:00 pm.