

**TOWN OF NEW ALBION**

14 Main Street  
Cattaraugus, NY 14719

**REGULAR BOARD MEETING**

August 17, 2009 7:00 p.m.

**PRESIDING:** Loyd Chilson, Supervisor

**PRESENT:** Councilmen: Patrick Erhart, Eric Pritchard, Michael Weishan; Jerry Cobo, Rose LaQuay,  
Recording Secretary

**ABSENT:** Marilyn Wasmund, Jerry Cobo, Highway Superintendent

**VISITORS:** Cort Wilkins, Code Enforcement; David Zuba, Larry & Lisa Bain, Bob Benevento, Henry  
Cuzydlo all of Tug Hill Road

**CALL TO ORDER:**

Supervisor Chilson called the meeting to order at 6:59 p.m.

The minutes of the July 20, 2009 minutes are accepted as presented.

**VISITORS:**

1. Larry & Lisa Bain - Why isn't Tug Hill Bridge / Road open? Has to ask for services. Access to Tug Hill is a problem requiring Emergency services to go the long way around. Flat bottom culvert with 8" pipe could be installed. Are there historical or federal monies we could ask for?
2. Dave Zuba - wants better access to his property on Tug Hill Road, must notify Highway Dept. for plowing.
3. Henry Cuzydlo - wants Tug Hill Road chipped and tarred. Where is the Tug Hill Extension? New Albion bridge lights are not flashing. The Town should get more money from the County.

Board would like the following information for next meeting:

\* Updated list of Town Taxes paid by Tug Hill residents for the January 2009 Town Tax.

Current list is out of date - possibly 2007 or 2008 showing total of \$7,706.71.

\*Last Tug Hill Bridge Inspection Report

\*Estimates the Town is in possession of for repair / replacement of Tug Hill Bridge.

4. Cort Wilkins - reported Verizon Cell Tower possible completion 2-3 weeks. Ron Wright obtaining demo permit for Snyder Hill property. Code Enforcement Officer, Cort Wilkins would like to begin doing electrical inspections throughout the Town of New Albion. The Town needs to set a schedule of fees.

**Resolution #37-2009 Electrical Inspections**

On a motion by Councilman Weishan, second by Councilman Erhart, the following resolution was

**ADOPTED** Aye 3 Erhart, Pritchard, Weishan  
Nay 0

That the Board authorize Code Enforcement Officer, Cort Wilkins to perform electrical inspections for the Town of New Albion in accordance with the New York Board of Fire Underwriters Fee Schedule.

**Resolution #38-2009 Division of Fees for Electrical Inspections**

On a motion by Councilman Weishan, second by Councilman Pritchard, the following resolution was

**ADOPTED** Aye 3 Erhart, Pritchard, Weishan  
Nay 0

That Code Enforcement Officer, Cort Wilkins received 65% of fees collected for electrical inspections performed by him to be paid by voucher.

**CORRESPONDENCE:**

1. Cattaraugus County Real Property Services - Email Address Request
2. Time Warner Cable - New interactive technology - Switched Digital Video (SDV)
3. Cattaraugus County Office of Emergency Services - Public Assistance Workshop on August 26, 2009
4. NYS Board of Real Property Services - Certificate - Final State Equalization Rate for 2009 Assessment Roll
5. Time Warner Cable - Expiring Agreements and Service Changes
6. United States Census Bureau - Targeted Non-Sheltered Outdoor Locations
7. Brian Davis, Catt. County Soil & Water Conservation - Potential Federal Assistance
8. James Poulin - Tug Hill Bridge
9. Karoline Ruper - Request for Damage Assessment for FEMA Meeting
10. Cattaraugus County Legislature - Request for Damage Assessment
11. State of New York Department of Transportation - New 5 Year Capital Program Mtg. on August 27, 2009

**REPORTS:**

**Justice:**

No Justice Report.

**Highway Superintendent:**

1. Patching done townwide.
2. Mowing roadsides.
3. Culvert replacement on Waite Hollow Road, 42nd Street.
4. Oil and stoned portion of Snyder Hill Road, Pepperdine Hill, all of Linlyco Lake, all of Tannery Street.
5. Hauled stone.
6. Dust control material applied.
7. Opened drainage tube and repaired shoulders from rain storms.
8. Assisted Towns of Otto and Dayton with flood damage repair.
9. Town of New Albion had minimal damage from rain and wind storms of August 9 & 10.
10. Insurance Equipment List updated.
11. CHIPS reimbursement claim sent in for \$51,522.48.

Clerk to notify Highway Superintendent to forward information on helping other towns including labor and materials to appropriate authorities for FEMA Assessment.

**Assessor:**

No Assessor's Report.

**Resolution #39-2009 Senior Sliding Scale Exemption**

On a motion by Councilman Pritchard, second by Councilman Erhart, the following resolution was

**ADOPTED** Aye 3 Erhart, Pritchard, Weishan  
 Nay 0

That the Town of New Albion accept Cattaraugus County's Sliding Scale for the Senior Citizen exemption. The maximum income eligibility is:

\$18,500 or less	=	50% of assessed value exempt
\$18,501 but less than \$19,500	=	45% of assessed value exempt
\$19,500 but less than \$20,500	=	40% of assessed value exempt
\$20,500 but less than \$21,500	=	35% of assessed value exempt
\$21,500 but less than \$22,400	=	30% of assessed value exempt
\$22,400 but less than \$23,300	=	25% of assessed value exempt
\$23,300 but less than \$24,200	=	20% of assessed value exempt

**Clerk:**

Clerk’s Report distributed to Board members. The following was received and disbursed from the Town Clerk account:

<b>JULY 2009</b>	<b>Check #</b>	<b>TOTAL</b>
<b>Amount Collected</b>		<b>\$331.50</b>
Cattaraugus County (Dog Licenses)	2199	\$ 73.62
Department of Environmental Conservation	Wire Transfer	\$ 17.95
NYS Department of Ag & Markets	2200	\$ 48.00
Town of New Albion (Local Share)	2202	\$146.93
Health Department	2201	\$ 45.00
<b>Amount Paid Out</b>		<b>\$331.50</b>

**Treasurer:**

Required Transfers need to be made to pay the bills this evening.

**Resolution #40-2009 Transfers**

On a motion by Councilman Pritchard, second by Councilman Erhart, the following resolution was

**ADOPTED** Aye 3 Erhart, Pritchard, Weishan  
Nay 0

That the Board make the following transfers as recommended by the Treasurer:

- General A: \$25,000.00 from General A Savings to General A Checking
- General B: \$ 1,000.00 from General B Savings to General B Checking
- Highway DB: \$15,000.00 from Highway DB Savings to Highway DB Checking
- General Capital: \$ 1,324.53 from Highway DB Checking to General Capital Checking

**Board:**

Councilman Erhart - No report.

Councilman Pritchard - No report.

Councilwoman Wasmund - No report.

Councilman Weishan - No report.

**Resolution #41-2009 Kennel Agreement**

On a motion by Councilman Weishan, second by Councilman Pritchard, the following resolution was

**ADOPTED** Aye 3 Erhart, Pritchard, Weishan  
Nay 0

This agreement made this 17th day of August 2009 between the Town of New Albion, hereafter known as the TOWN, party of the first part, and Mary Danker, party of the second part.

WHEREAS, the party of the second part performs general services of PROVIDING A KENNEL FOR THE DOGS IMPOUNDED IN THE TOWN OF NEW ALBION AREA,

AND WHEREAS, the Town is desirous of such services being performed,

THEREFORE, IN CONSIDERATION of the mutual covenant herein contained, the following is stipulated between parties:

- (A) The party of the second part shall continually perform such services on a yearly basis until termination by either party with an annual review of this document at the yearly organizational meeting.
- (B) The Town shall pay the party of the second part the sum of \$450.00 each year, to be reviewed annually, paid on or before December 31st each year for kennel rental in addition to fees collected by her from animal owners for the care and feeding of animals impounded.
- (C) Dogs impounded within the Town of New Albion shall be covered under the Town's liability insurance.
- (D) The party of the second part is authorized to issue court appearance tickets to animal owners not in compliance with the Dog Ordinance of the Town of New Albion and Article 7 of the NYS Agriculture and Markets Law. She will be paid \$5.00 for each summons issued.

WHEREAS, it is necessary for the Supervisor to sign for the Town of New Albion, now, therefore be it

RESOLVED, the Town Council does hereby authorize the Supervisor of the Town of New Albion to enter into the aforementioned agreement with the Animal Control Officer, Mary Dankert.

**Resolution #42-2009 Change in Local Law 1-94 Dog Control**

On a motion by Councilman Pritchard, second by Councilman Weishan, the following resolution was

**ADOPTED** Aye 3 Erhart, Pritchard, Weishan  
 Nay 0

That the Town increase animal court fines in Section 4 A of Town of New Albion Local Law 1-94 Dog Control as follows: A violation of this article shall constitute an offense and shall be punishable by a fine of not less than ten (\$10.00) dollars but no more than one hundred fifty (\$150.00) dollars for each violation. These penalties shall be in addition to any other penalty provided by law.

**OLD BUSINESS**

1. Resolutions showing the Sand Salt Storage Building as substantially complete needed by clerk to finish paperwork for grant.

**Resolution #43-2009 Sand Salt Storage Substantially Complete - Kingsview Enterprises**

On a motion by Councilman Weishan, second by Councilman Erhart, the following resolution was

**ADOPTED** Aye 3 Erhart, Pritchard, Weishan  
 Nay 0

That the Town accept the Sand / Salt Storage Building as Substantially Complete as of June 1, 2009 and authorize the Supervisor to execute the Certificate of Substantial Completion, final contract price \$199,000.00. Payment of all approved except for \$5,201.59 held until notification to release by New York State Department of Labor.

**Resolution #44-2009 Sand Salt Storage Substantially Complete - Eastern CoverAll**

On a motion by Councilman Pritchard, second by Councilman Weishan, the following resolution was

**ADOPTED** Aye 3 Erhart, Pritchard, Weishan  
 Nay 0

That the Town accept the Sand / Salt Storage Building as Substantially Complete as of June 1, 2009 and authorize the Supervisor to execute the Certificate of Substantial Completion, final contract price \$51,660.00. Payment of all approved.

2. Town Insurance Review - Old loader still listed. Terrorism coverage is rejected. Paid \$15,436.85 in 2008, 2009 premium is \$15,395.15. Voucher in Abstract 8 - August 17, 2009.

**Resolution #45-2009 2009 Town Insurance**

On a motion by Councilman Weishan, second by Councilman Pritchard, the following resolution was

**ADOPTED** Aye 3 Erhart, Pritchard, Weishan  
Nay 0

That the Town accept 2009 Town Insurance coverage subject to change in loaders and terrorism rejection waiver signature.

**APPROVAL OF ABSTRACT**

**Resolution #46-2009 Payment of Abstract #8 - 2009**

On a motion by Councilman Weishan, second by Councilman Pritchard, the following resolution was

**ADOPTED** Aye 3 Erhart, Pritchard, Weishan  
Nay 0

RESOLVED, that Abstract #8 - 2009 in the following amounts be paid:

<b>ACCOUNT</b>	<b>VOUCHER #</b>	<b>TOTAL EXPENDITURES</b>
General A	9467 - 9481	\$16,804.76
General B	500 - 503	\$ 191.60
Highway DA	8134 - 8143	\$ 1,473.69
Highway DB	2233 - 2244	\$50,584.43
General Capital	197 - 198	\$ 6,526.12

With no further business to discuss, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Recording Secretary  
Town of New Albion  
Town Council

**NEXT MEETING:** September 21, 2009 at 7:00 p.m.