

**TOWN OF NEW ALBION**  
14 Main Street  
Cattaraugus, NY 14719

**REGULAR BOARD MEETING**

September 16, 2013 7:00 p.m.

**PRESIDING:** Loyd Chilson, Supervisor

**PRESENT:** Councilmen: Pat Erhart, Dale Rogan, Michael Weishan; Jerry Cobo, Highway Supt; Rose LaQuay, Clerk

**ABSENT:** Eric Pritchard, Councilman

**VISITORS:** Michael Bogardus, Resident

**CALL TO ORDER:**

Supervisor Chilson called the Public Hearing for comments for or against the renewal of the Time Warner Cable Franchise Agreement to order at 7:00 pm. Supervisor Chilson called the Regular Board Meeting to order at 7:01 p.m. The minutes of the August 19, 2013 Regular Board Meeting, Assessor Report and Clerk Report were approved as presented.

**VISITORS:**

1. Michael Bogardus - Inquired as to status of Historian resignation and expressed interest in position. Mr. Bogardus questioned why no reporter was present at the meeting, Town Board indicated he should contact the newspaper with his concern. Complaint regarding Amish sign on telephone pole at New Albion 4 Corners. With board permission, Trustee Rogan to remove. Reported storm drain bridge to bridge at New Albion 4 corners plugged. Board indicated both roads at New Albion 4 corners are County roads and the storm drain would be County responsibility. Mr. Bogardus to contact Cattaraugus County to attend October meeting with proof of ownership. Mr. Bogardus requested refunds of 2 building permits applied for and approved that applied for work was not done. Town Board to research refund. Expressed concern that Lower Edgar cemetery equipment was being used on private property and requested Town cease funding that cemetery. Town Board informed Mr. Bogardus that the Town does not fund that cemetery. Complaint also expressed regarding behavior of Code Enforcement Officer - photos, time of day, light.

**CORRESPONDENCE:**

1. Complaint from Michael Bogardus - re: CEO Officer
2. Michael Bogardus - re: Historian position for Town of New Albion
3. Bly, Sheffield, Bargar & Pillittieri - Order re: Cattaraugus Manor, LP
4. Time Warner Cable - Expiring Agreements
5. Cattaraugus County - Receipt for Payment of Chargebacks
6. NYS Retirement - Projection February 1, 2015 Pension Payment (2)
7. NYS OSC - Property Tax Cap Webinar September 18
8. Catt. Cty. Dept. of Human Resources - Updated Billing (2)
9. Copy Letter to Catt. Cty. DPW Commissioner - Tug Hill Bridge Closure
10. Dirk Oudemool - Demand for Refund 2012-2013, 2013-2014
11. United States Bankruptcy Court - Residential Capital, LLC
12. Email Bly, Sheffield, Bargar & Pillittieri - Tug Hill Bridge Closure
13. Catt. Cty. Board of Elections - Town Proposition for Ballot
14. Catt. Cty. DPW Engineer Mark Burr - Tug Hill Bridge Closure
15. Evans Agency - Return Premiums due to Rating Error
16. NYS Dept. of Labor - Notice of Benefit Reimbursement Charges
17. Jason Scott - Mowing Cemetery behind Setterstix

**REPORTS:**

**Justice** - No Report

**Code Enforcement** - No Report

**Highway** - Work report: Hot patching, shoulder work, assisted Village of Cattaraugus and Conewango Valley, oil and stoning, new signage at New Albion 4 corners. No bids received on storage tank advertised. Reviewed information received on Tug Hill Bridge closure and recommendations from County Engineer Mark Burr. Gravel shoulder work still needs to be completed on Gowin Gulf and heavy rock set into voids. Councilman Weishan to check into process for requesting proposals on preliminary design work, funds should be budgeted into 2014.

**Clerk** - Clerk LaQuay contacted NYS Association of Tax Collectors and Receivers regarding outstanding check from 2012. Duplicate payment, never received. Per Board, no stop payment required, void Gen. A #10067. Board tabled discussion of surcharge fee for building without permit and associated buildings in Telecommuni-

cations Towers until Organizational Meeting in January 2014.

<b>August 2013</b>	<b>Check #</b>	<b>TOTAL</b>
<b>Amount Collected</b>		<b>\$3,643.00</b>
Animal Population Control	2345	\$ 79.00
NYS Department of Environmental Conservation	EFT	\$2,993.55
NYS Department of Health	2346	\$ 45.00
Town of New Albion	2347	\$ 525.45
<b>Amount Paid Out</b>		<b>\$3,643.00</b>

**Treasurer** - Transfers requested for \$30,000.00 from General A Savings to Checking and \$15,000.00 from Highway DA Savings to Checking to pay bills.

**Resolution #36 - 2013 – Transfers**

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

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

**RESOLVED**, to transfer \$30,000.00 from General A Savings to Checking and \$140,000.00 from Highway DB Savings to Checking to pay this evening's bills.

**Board Reports** - Trustee Rogan reported he had checked on condition of Tug Hill Cemetery, no further mowing required before winter. Trustee Rogan will invite Jason Scott to next month's meeting regarding the mowing job behind Setterstix and Tug Hill Cemetery.

**OLD BUSINESS**

1. Youth Council update - 2013 Swim Report distributed to Board member's mailboxes.
3. Constable reclassification - Waiting on reclass from New York State.
4. Town Board requested Clerk LaQuay notify NYS Dept. of Labor regarding no response from Cochise Redeye, including certified mail receipts.

**NEW BUSINESS**

No new business.

**APPROVAL OF ABSTRACT**

**Resolution #37 - 2013 - Abstract #9 - 2013 - September 16, 2013**

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

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

**RESOLVED**, that Abstract #9 - 2013 in the following amounts be paid

<b>ACCOUNT</b>	<b>VOUCHER #</b>	<b>TOTAL EXPENDITURES</b>
General A	10383 - 10401	\$ 12,531.99
General B	634	\$
Highway DA	8542 - 8548	\$ 7,672.80
Highway DB	2583 - 2590	\$ 41,377.36

With no one for or against the renewal of the Time Warner Cable Franchise agreement, the following resolution was made:

**Resolution #38 - 2013 – Renewal of Time Warner Cable Franchise Agreement**

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

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

**RESOLVED**, to renew the 2012 revised franchise agreement with Time Warner Cable as presented to the Town Board and reviewed by Attorney Milliman.

With no further business to discuss, the public hearing and board meeting were adjourned at 8:35 p.m.

Respectfully submitted,

Rose M. LaQuay  
Recording Secretary  
Town of New Albion Town Council

Next Meeting: Budget Work Meeting October 7, 2013 7:00 pm  
Regular Board Meeting October 21, 2013 7:00 p.m.