

May 11, 2015  
Town of Albion Regular Meeting

Agenda:

1. Call Meeting to Order
2. Pledge of Allegiance
3. Exit Message
4. FYI: Remind residents to sign attendance sheet
5. Roll Call
6. Public Comment
7. Motion to approve the agenda.
8. Motion to approve minutes of the April 20, 2015 meetings.
9. Resolution to approve vouchers
10. Motion to pay health care bills in the amount of \$7,438.67.
11. Proposal on Town hall roof sealing.
12. Motion to transfer from Unexpended balance B Fund to B7550.4, Celebration Contractual, \$3000.00
13. Discussion of the \$2.00 mailing fee for tax notices.
14. Resolution on property tax freeze
15. Resolution urging amendment to the electronic equipment and reuse law
16. Discussion of Town Historian
17. Executive Session

April 20, 2015

Town of Albion Town Board regular Board meeting held in the Town hall, 3665 Clarendon Rd.

Meeting called to order at 7:00 pm.

Pledge of Allegiance was said and the exit message was given.

Present were Councilperson Daniel Poprawski, Supervisor Matthew Passarell, Councilperson Jake Olles and Councilperson Todd Sargent. Absent was Councilperson Richard Remley.

Supervisor Matthew Passarell: I need a motion to approve the agenda.

**Motion was made by Councilperson Jake Olles and was seconded by Councilperson Matt Passarell approving the agenda with the addition of parking lot sealing. Motion carried by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

Supervisor Matthew Passarell: I need a motion to approve the minutes.

**Motion was made by Councilperson Jake Olles and was seconded by Councilperson Todd Sargent approving the minutes of the March 9<sup>th</sup> and March 23<sup>rd</sup> meetings as published and submitted. Motion carried by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

Supervisor Matthew Passarell: I need a resolution approving the vouchers.

**Resolution #49                      Payment of Claims**

**Whereas, the following are against the Town:**

<b>General A &amp; B #'s – 83 – 118</b>	<b>\$ 62,464.77</b>
<b>Highway DA &amp; DB #'s – 44 – 63</b>	<b>\$ 25,799.65</b>
<b>Water Districts #'s – 17 – 26</b>	<b>\$ 35,806.06</b>
<b>Sewer District #'s – 4 – 5</b>	<b>\$     64.90</b>
<b>For a grand total of</b>	<b>\$124,135.38</b>

**Motion was made by Councilperson Todd Sargent and was seconded by Councilperson Jake Olles approving the payment of the above listed claims. Resolution duly adopted by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

Supervisor Matthew Passarell: I need a motion for the health care bills.

**Motion was made by Councilperson Daniel Poprawski and was seconded by Councilperson Jake Olles authorizing the payment prior to abstract of the health care bills in the amount of \$7438.67. Motion carried by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

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Supervisor Matthew Passarell: I need a motion to advertise for the Historian position.

**Motion was made by Councilperson Daniel Poprawski and was seconded by Councilperson Jake Olles authorizing an ad the size of a business card to be placed in the Lake Country Pennysaver advertising for individuals interested in the Historians position. Said ad will run two consecutive weeks. Motion carried by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

Supervisor Matthew Passarell: I need a motion to create a line item number in the B fund.

**Motion was made by Councilperson Jake Olles and was seconded by Councilperson Todd Sargent authorizing the creation of the B7550.4, Celebration contractual budget line item. Motion carried by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

Supervisor Matthew Passarell: I need a motion to transfer \$3,000.00.

**Motion was made by Councilperson Daniel Poprawski and was seconded by Councilperson Jake Olles authorizing the transfer of \$3,000.00 into the B7550.4, Celebration contractual budget line item. Motion carried by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

Supervisor Matthew Passarell: I need a motion to approve the computer purchase for the court.

**Motion was made by Councilperson Daniel Poprawski and was seconded by Councilperson Jake Olles authorizing the Court to purchase a computer from Duplicating Consultants in the amount of \$961.37. Motion carried by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

Supervisor Matthew Passarell: I need a resolution regarding the star exemption.

Resolution #50      **RESOLUTION PETITIONING GOVERNOR CUOMO AND THE STATE LEGISLATURE TO DELAY PROPOSED LEGISLATION WHICH WOULD MOVE THE STAR EXEMPTION FROM A REAL PROPERTY TAX EXEMPTION TO A PERSONAL INCOME TAX CREDIT**

**WHEREAS, included in the 2015/2016 New York State Budget is a proposal to convert the STAR real property tax exemption to a Personal Income Tax (PIT) credit; and**

**WHEREAS, this transition is supported by both the New York State Assessors Association and the New York State Association of County Directors of Real Property Tax Services as New York State is better equipped to ensure the accuracy of this exemption; and**

**WHEREAS, this transition to a PIT credit would start with any STAR exemption that was granted for property owners that were not eligible as of March 3, 2014; and**

**WHEREAS, this transition would result in much confusion to the local property owner who has been under the assumption that they would be eligible for the exemption since they applied with their local Assessor; and**

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**WHEREAS, when additional confusion is added to an already complicated property tax system taxpayers become more frustrated with the whole tax system; and**

**WHEREAS, this transition will require the Assessors' offices in Orleans County to send out approximately 276 denial letters for this exemption which will increase the amount of phone calls, letters, and foot traffic to explain why the denial has to occur when an approval was already sent out; and**

**WHEREAS, this transition will result in either a shortage in their escrow account which would then have to be made up in double for the next escrow payment year or their anticipated tax bill will be approximately \$600 more with Basic STAR and \$1,400 more with Enhanced STAR than they budgeted on their own; and**

**WHEREAS, this additional tax amount might disqualify potential buyers of real property as it will put them over the 43% Debt to Income ratio established in the provisions of DODD FRANK that became effective January 2014; now therefore be it**

**RESOLVED, that the Albion Town Board on recommendation of the Orleans County Legislature petitions New York State to delay this transition to any STAR exemption that was granted after the 2015 Assessment Roll to more adequately inform the public of this important change in their taxes; and be it**

**FURTHER RESOLVED, that the Clerk of this Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Robert Ortt, New York State Assemblyman Stephen Hawley, Assemblywoman Jane Corwin and all others deemed necessary and proper.**

**Motion was made by Councilperson Jake Olles and was seconded by Councilperson Todd Sargent authorizing the adoption of this Resolution. Resolution duly adopted by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

Supervisor Matthew Passarell: I need a resolution opposing the closing of work centers.

#### **Resolution #51 OPPOSING NEW STATE'S PLAN TO CLOSE SKILL DEVELOPMENT CENTERS AND WORK CENTERS**

**WHEREAS, this Legislature believes that people have the right to participate in their community to their full ability; that people have the right to a supportive network of friends and advocates and that people have the responsibility to care for themselves and their neighbors in a safe, holistic, healthy community; and**

**WHEREAS people with intellectual and other developmental disabilities currently receive funding for employment in sheltered workshops also known as skill development centers. This means that a student transitioning out of high school with a disability are able to pursue employment and a paycheck in this vocational setting upon graduation; and**

**WHEREAS, the Orleans Enterprises (OE) workshop at 215 Washington Street opened in 1981 providing employment to hundreds of individuals leading with a mission to promote community inclusion through community based supported employment; and**

**WHEREAS, new vocational service recipients start in sheltered, many were found through vocational evaluation funded by VESID (Vocational and Education Services for Individuals with Disabilities a branch of State Ed now known as ACCESS-VR) to be appropriate for community based employment. Some individuals have chosen to stay in sheltered work, which is the right of every American to choose where they want to work and they are provided support and information to choose other options on a regular basis through case reviews; and**

**WHEREAS, the State's plan to close vocational workshops like the one operated by the ARC of Orleans will force those employed now to either stay home or participate in a Day Care program, thus removing the dignity associated with employment and taking away a vital step to community based employment; and**

**WHEREAS, The U.S. Supreme Court's decision in Olmstead v. L.C. recognized the right of the individual with developmental disabilities who are currently in a sheltered workshop to remain in that setting if they wish to do so; now be it**

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**RESOLVED**, that the Orleans County Legislature does hereby oppose the New York State's plan to close **SKILL DEVELOPMENT CENTERS AND WORK CENTERS**, thus removing this important step towards Community Based supported employment; and be it

**FURTHER RESOLVED**, that the Orleans County Legislature is requesting this plan to close the Center Based workshops to be rescinded and allow the funding of these Work Centers to continue allowing them to stay open and continue giving those working there the self-advocacy of choosing where they want to work; and be it

**FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to Governor Cuomo, Lieutenant Governor Kathy Hochul, Senator Robert Ortt, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin all Orleans County Towns and Villages, ARC of Orleans County all others deemed necessary and proper.

Motion was made by Councilperson Jake Olles and was seconded by Councilperson Todd Sargent authorizing the adoption of this Resolution. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye	Councilperson Richard Remley, absent
Supervisor Matthew Passarell, aye	Councilperson Jake Olles, aye
Councilperson Todd Sargent, aye	

Supervisor Matthew Passarell: I need a resolution for the opposition to Part W.

**Resolution #52 OPPOSING PART W OF GOVERNOR'S PROPOSED 2015 BUDGET CONCERNING LOCAL INDUSTRIAL DEVELOPMENT AGENCIES**

**WHEREAS**, Industrial Development Agencies (IDA) are an important economic development tool to promote job creation and retention in our communities and are the main source of economic development subsidies at the local and county level; and

**WHEREAS**, our Local IDA has been a driver of development in Orleans County, and we need to continue relying on them; and

**WHEREAS**, part of their success lies in the fact that they have the best knowledge of and interest in the areas that they serve; and

**WHEREAS**, Governor Cuomo's proposed Revenue Bill - Part W, as indicated in the State of the State, is set to add an additional layer of redundant paperwork and delays to projects utilizing IDA assistance; and

**WHEREAS**, Part W of this budget severely restricts the ability of Industrial Development Agencies to respond to the needs of businesses by removing home rule decisions and placing certain incentive decisions with the Regional Economic Development Council and Empire State Development; and

**WHEREAS**, allowing the State to have a larger role in approving IDA incentives will decrease the ability of local municipalities to decide how they plan to economically develop and replace that with the decisions coming from downstate; and

**WHEREAS**, Part W of this budget also grants the Authorities Budget Office greater power over local Industrial Development Agencies, inhibits County's ability to build industry clusters, and significantly slows Industrial Development Agencies ability to respond to "at the speed of business"; now, therefore be it

**RESOLVED**, that the Albion Town Board continues to support our local IDA and endorses their activities unburdened by additional State regulations and mandates; and be it

**FURTHER RESOLVED**, that the Albion Town Board joins with all local Local IDAs within the State of New York in their opposition to Governor Cuomo's proposal to add further paperwork to the IDA incentive process; and be it

**FURTHER RESOLVED**, copies of this resolution shall be sent to Governor Cuomo, Lieutenant Governor Kathy Hochul, Senator Robert Ortt, Assemblyman Steve Hawley, Assemblywoman Jane Corwin; Senator Philip Boyle, Chairman of the Senate Committee for Commerce, Economic Development & Small Business; Assembly Minority Leader Brian Kolb; Assemblyman Robin Schimminger, Chairman of the Assembly Committee for Economic Development, Job Creation, Commerce & Industry; Empire State Development Corporation; NYS Economic Development Council; Orleans County Economic Development Agency; NYSAC; InterCounty of Western New York; and all others deemed necessary and proper.

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Motion was made by Councilperson Jake Olles and was seconded by Councilperson Todd Sargent authorizing the adoption of this Resolution. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye	Councilperson Richard Remley, absent
Supervisor Matthew Passarell, aye	Councilperson Jake Olles, aye
Councilperson Todd Sargent, aye	

Supervisor Matthew Passarell: I need a resolution for the highway funding.

**Resolution #53 SUPPORTING THE NEW YORK STATE COUNTY HIGHWAY SUPERINTENDENT'S ASSOCIATION'S IDENTIFIED NEED TO IMMEDIATELY FUND HIGHWAY AND BRIDGE FUNDING**

WHEREAS, Governor Cuomo calls for a direct linkage between tourism, agriculture, and marketing the Upstate New York region as a whole in order to foster economic development; and

WHEREAS, Upstate New York relies solely upon safe and secure roads and bridges to move products to markets, produce food and fiber, and to receive tourists; and

WHEREAS, the lack of state and federal aid has impacted both the New York State Department of Transportation and local municipalities abilities to maintain and replace infrastructure, and

WHEREAS, aging bridges have been flagged, load posted, or restricted due to lack of funding; and

WHEREAS, such restrictions on the state highway system have had an impact on the delivery of agricultural products and good movements in general; and

WHEREAS, impacts have been realized in the form of ticketed vehicles or added time to deliver goods on long detours on local roads not intended for such heavy vehicles; and

WHEREAS, a significant investment has been made by the Governor's Office to support the expansion of agricultural products such as yogurt, barley, and wine as the hallmark of economic recovery in Upstate New York; and

WHEREAS, stagnant highway and bridge funding at the state level, especially for rural counties, has a significant impact on the Governor's plans for recovery and threatens the investment made in agriculture; and

WHEREAS, federal highway and bridge funding available for use by counties in New York has been reduced significant by the emphasis placed on interstate highways under the Moving Ahead for Progress in the 21st Century (MAP-21) Act and further impacted by the New York State Department of Transportation decision to allocate available federal construction funding towards the preservation of the state highway and bridge system; now, therefore be it

**RESOLVED**, that the Orleans County Legislature does hereby request that the Governor and the State Legislature immediately fund highway and bridges as to meet the needs identified by the New York State County Highway Superintendent's Association which calls for \$615 million in annual CHIPs funding and a \$500 million local road and bridge program funded over 5 years with funds to be distributed through the CHIPS formula; and be it

**FURTHER RESOLVED**, that the Orleans County Legislature does hereby request that Senator Schumer, Senator Gillibrand, and Congressman Collins work toward repairing the Dedicated Highway and Bridge Trust Fund and amending MAP-21 or its reauthorization to allow for more concentration of funding on Off-System Bridges rather than interstate maintenance; and be it

**FURTHER RESOLVED**, that copies of this resolution be sent to Senators Schumer and Gillibrand, Congressman Collins, Governor Cuomo, State Senator Ortt, Assemblyman Hawley, Assemblyman Corwin, NY Agriculture Society, and all Town and Village Highway/Public Works Superintendents.

Motion was made by Councilperson Jake Olles and was seconded by Councilperson Todd Sargent authorizing the adoption of this Resolution. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye	Councilperson Richard Remley, absent
Supervisor Matthew Passarell, aye	Councilperson Jake Olles, aye
Councilperson Todd Sargent, aye	

Supervisor Matthew Passarell: I need a motion to approve the purchase of dirt.

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**Motion was made by Councilperson Jake Olles and was seconded by Councilperson Daniel Poprawski authorizing the purchase of dirt in the amount of \$350.00 or 5 yards for the Town of Albion ball field. Motion carried by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

Supervisor Matthew Passarell: I need a motion approving the sealing of the parking lot.

**Motion was made by Councilperson Jake Olles and was seconded by Councilperson Todd authorizing the sealing of the parking lot by Luck of the Irish Blacktop Sealcoating in the amount of \$1,385.00. Motion carried by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

Supervisor Matthew Passarell: I need a motion for a 5 minute recess before executive session.

**Motion was made by Councilperson Jake Olles and was seconded by Councilperson Todd authorizing a five minute recess at 7:27 pm. Motion carried by the following vote:**

<b>Councilperson Daniel Poprawski, aye</b>	<b>Councilperson Richard Remley, absent</b>
<b>Supervisor Matthew Passarell, aye</b>	<b>Councilperson Jake Olles, aye</b>
<b>Councilperson Todd Sargent, aye</b>	

At 7:30 p.m. Executive Session began

Items Discussed:

- Discussion held on Pillars. Inspection due on April 25, 2015.
- 13783 West County House Road to be boarded up and pool filled in.

At 8:15 p.m. ended Executive Session.

At 8:16 p.m. Regular Session began.

- Send letter to external Code Officer to complete inspection on Pillars.

At 8:17 p.m. Regular Session ended.

Town of \_\_\_\_\_

Resolution:

**WHEREAS:** The State of New York has passed Property Tax Freeze legislation and

**WHEREAS:** The State of New York is allowing each of its municipalities to file Tax Freeze documentation (Government Efficiency Plans and certifications) using their County as Lead Entity rather than filing individually and

**WHEREAS:** The State of New York will consider plans submitted to the Lead Entity as having fulfilled the municipality filing requirements under the Tax Freeze legislation,

**THEREFORE:** The Town of \_\_\_\_\_ hereby resolves to recognize our county as Lead Entity and submit our documentation to them rather than directly to the State

## URGING STATE REPRESENTATIVES TO AMEND THE NEW YORK STATE ELECTRONIC EQUIPMENT RECYCLING AND REUSE ACT

WHEREAS, the main reasons for the adoption of the New York State Electronic Equipment Recycling and Reuse Act (Act) was to assist local governments with managing the fast growing end-of-life electronics waste stream by relying on electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

WHEREAS, the Act has succeeded in significantly increasing electronics recovery and recycling in the state, but unfortunately the collection infrastructure is rapidly shrinking as governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

WHEREAS, the consequence, specifically following the January 2015 Disposal Ban, is significant as a growing number of municipalities such as Orleans County are faced with bearing more of the financial responsibility for continued e-scrap collection in their communities; and

WHEREAS, the Act requires, and the state relies on, electronics manufacturers to fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state; and

WHEREAS, once manufacturers meet their performance standard (goal), which in a number of cases is midway through the year, they no longer provide financial support to continue their programs, thus shifting management costs to unsuspecting and cash strapped local governments; and

WHEREAS, the issue is exasperated by the fact that electronics currently sold today are much lighter than the obsolete CRT devices that make up about 70% of the weight of e-scrap generated, which are cost intensive to responsibly manage. As a result, many local governments across the state have grappled with the burden to fund or cease e-scrap collection, which has been particularly difficult in rural communities that do not benefit from retail collectors or economies of scale; now be it

RESOLVED, that the Orleans County Legislature does hereby call upon Governor Cuomo, the New York State Assembly, the New York State Senate, and the State Department of Environmental Conservation to improve the current law intended to build toward the long-term goals of creating a more stable and comprehensive, manufacturer implemented electronics recycling infrastructure by implementing actions to strengthen communication among stakeholders, clarify key statutory provisions in their present rulemaking efforts, and promote the adoption of the Proposed Statutory Changes to the Act to provide for year round, no-cost collection of electronics, consistent with convenience standards for both rural and urban populations—that help alleviate the immediate financial pressures faced by local governments; and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded to Governor Cuomo, Environmental Conservation Committee Chairman Thomas O'Mara, State Senator Robert G. Ort, Assemblyman Hawley, Assemblywoman Corwin, NYSAC, InterCounty Association, and all others deemed necessary and proper.