

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE JUNE 26, 2019 at 6:00 pm
ELLICOTTVILLE TOWN HALL

<u>Present:</u>	Mathew McAndrew	Supervisor
	Ken Hinman	Councilman
	Greg Fitzpatrick	Councilman
	Steve Crowley	Councilman
	John Zervas	Councilman
	Niles Pierson	Town Engineer
	Tom Scharf	Highway Superintendent
	Kathleen Moriarty	Attorney for Town
	Robyn George	Town Clerk
	Don Auge	Officer in Charge

Others present: John Thomas and Caitlyn Croft, press

Call meeting to order:

Supervisor McAndrew called the meeting to order at 6:00pm and led the Pledge to the Flag.

Approve Minutes

- Town Board Meeting - May 15, 2019

On motion by Mr. Zervas and second by Mr. Hinman the minutes of the May 15, 2019 Board meeting were

Accepted Ayes 5 - McAndrew, Crowley, Zervas, Hinman & Fitzpatrick
 Nays 0

Audit of Claims

- Pay Town bills on Distribution Report #06-19

On motion by Mr. Crowley and second by Mr. Fitzpatrick the following resolution was

Accepted Ayes 5 - McAndrew, Crowley, Zervas, Hinman & Fitzpatrick
 Nays 0

Resolved that the Town bills be paid on General Ledger Distribution Report 05-19 as follows:

001 - General Fund A:	\$ 48,557.28		
002 - General Fund B:	\$ 8,099.93		
		General Fund Total:	\$ 56,657.21
004 - Highway DB	\$162,004.26		
		Highway Fund Total:	\$162,004.26
006 - Water	\$ 14,576.70		
		006 - Water Fund Total	<u>\$ 14,576.70</u>
		Grand Total:	<u>\$233,238.17</u>

Supervisor's Reports

- Supervisor's Report

On motion by Mr. Zervas and second by Mr. Fitzpatrick the Supervisor's May 2019 Financial Report was

Accepted Ayes 5 - McAndrew, Crowley, Zervas, Hinman & Fitzpatrick
 Nays 0

- Supervisor's Annual Dinner Meeting

Shared services meetings will begin soon. Regional trail systems were discussed.

- Cemeteries

Mr. Crowley and Mr. McAndrew met with Levi Wolcott of WNY Cemetery Service at the Jefferson Street and Bryant Hill Cemeteries. They provided a quote of \$4,900.00 to do needed restorations to each cemetery. There is \$7,500.00 budgeted for cemetery restoration and WNY Cemetery Service has the expertise and seem to be the only ones in the area that provide restoration services.

On motion by Mr. Zervas and second by Mr. Hinman the following resolution was

Accepted: Ayes 5 - McAndrew, Hinman, Crowley, Zervas & Fitzpatrick
 Nays 0

Mr. Crowley suggested installing precast vertical curb along the edge of the Bryant Hill Cemetery to protect it. The Board asked Mr. Pierson to survey the area and estimate the cost of such a project.

Present Written Department Reports for Approval

- Clerk's , Justices', Building Inspector's, Planners and Police Reports

On **motion** by Mr. Crowley and second by Mr. Hinman the Clerk's Report, Justice Report, Building Inspectors Report, Planners and the Police Report were:

Accepted Ayes 5 - McAndrew, Hinman, Crowley, Zervas & Fitzpatrick
 Nays 0

Department Heads.

Don Auge - Police Department

- Radar Signs

OIC Auge received quotes for radar speed signs. Although the consensus was that it would be a good idea to get the sign(s), Auge is not sure he has the money in his budget this year. Supervisor McAndrew suggested getting DOT approval this year and budgeting for the sign(s) in next year's budget. Auge will know where this year's budget stands within the next few months.

- Cale Benjamin Resignation

On motion by Mr. Zervas and second by Mr. Hinman the following resolution was

Accepted: Ayes 5 - McAndrew, Hinman, Crowley, Zervas & Fitzpatrick
 Nays 0

Resolved that the Town accept the resignation of Part-time Police Officer Cale Benjamin.

The Police Department now has 2 openings for part-time officers and have interviewed 4 candidates. Auge would like to fill these positions as soon as possible.

On motion by Mr. Hinman and second by Mr. Fitzpatrick the following resolution was

Accepted: Ayes 5 - McAndrew, Hinman, Crowley, Zervas & Fitzpatrick
 Nays 0

Resolved that Officer in Charge Auge is authorized to hire 2 part-time police officers at the starting rate of \$18.74/hour.

Niles Pierson - Engineering Department

- Street Light Conversion

A meeting was held with NYPA to discuss the conversion of street lighting to LED. Mr. Pierson expects to have a recommendation at next month's meeting.

- Sexual Harassment Training - July 9th at 9am and 5pm
- Dude Solutions

Dude Solutions implementation for Building Inspection/Code Enforcement and Asset/Work Order management is ongoing. Software programs will be ready to "go-live" in August.

- Town Center Project

The first section of the windows has been installed as well as the LED lights throughout.

- Donlen Drive House

CEO Fredrickson has issued a warning to the Bank that is responsible for the abandoned house on Donlen Drive regarding the need for a new roof and the necessity of getting a permit for the project.

Tom Scharf - Highway Department

The department has been cleaning ditches and culverts due to the many washouts.

Mr. Scharf met with Megan Boberg, Cattaraugus Count Soil and Water Conservation, about a grant worth \$20,000 to be used to install limestone rip-rap in some of the vulnerable roadside ditches around Town. The Town would have to pay up front and be reimbursed. They agreed to start with Townline Road and then Quackenbush. Holiday Valley Road could be the next priority.

A culvert on private property on Quackenbush Road is causing extensive damage to the rest of the road. The culvert is damaged and not the right size. The Board decided that the property owner needs to be contacted and given the option of upgrading the culvert or have it torn out. Mr. Scharf will check the road inventory to determine where the Town's portion of the road ends.

New Business

- Public Hearing - Establishment of Extension No. 1

The following order calling for a public hearing was moved by Mr. Hinman and seconded by Mr. Zerfas

In the Matter of the

Increase and Improvement of Facilities of the
Town of Ellicottville Consolidated Water District No. 1
in the Town of Ellicottville, County of Cattaraugus, New York,
pursuant to Section 202-b of the Town Law.

-----X

**ORDER CALLING PUBLIC HEARING TO BE HELD ON
ON JULY 17, 2019
REGARDING THE PROPOSED
ESTABLISHMENT OF EXTENSION NO. 1
TO THE CONSOLIDATED WATER DISTRICT NO. 1**

WHEREAS, pursuant to Town law, the Village Board of Trustees of the Village of Ellicottville (the "Village Board" and Village," respectively) adopted a resolution, subject to permissive referendum, granting permission for the Town of Ellicottville, Cattaraugus County, New York (the "Town") to create and extension of a water district within the Village; and

WHEREAS, such permissive referendum period has elapsed without the filing of a petition; and

WHEREAS, the Town Board of the Town of Ellicottville (the "Town Board") has, pursuant to Town Law Article 12-A, caused MDA Consulting Engineers, PLLC competent engineers duly licensed by the State of New York, to prepare a preliminary map, plan and report for the establishment of Extension No. 1 to the Town of Ellicottville Consolidated Water District No. 1 (the "Extension No. 1") and

WHEREAS, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, such project will generally consist of the preparation of a map, plan and report for the purpose of establishing a water district Extension No. 1 to the Consolidated Water District No. 1 in order to maximize the efficiency and streamline the administration and management of the water treatment and distribution system with the Ellicottville (Town and Village) water systems, as more fully identified in (or contemplated by) such map , plan and report referred to above, including all related ancillary work, preliminary costs and costs incidental thereto (collectively referred to herein as the "Project"; and

WHEREAS, the proposed Extension No. 1 consists of the entire Village of Ellicottville; and

WHEREAS, the Town Board proposes to assess the properties in the proposed Extension No. 1 on a benefit assessment basis computed upon "equivalent dwelling units" ("EDU's"); and

WHEREAS, the maximum amount proposed to be expended for the Project is estimated to be \$40,000; and

WHEREAS, in light of the overall benefit the Project will have to Extension No. 1 and to the existing Consolidated Water District No. 1 (the 'CWD'), the Town Board has determined to allocate approximately 60% (approximately \$24,000) of the cost of the Project to residents in the CWD through a separate Town proceeding and intends, to the extent necessary, to levy special assessments against the properties in the CWD as determined by law; and

WHEREAS, Extension No. 1 discussed herein will only be responsible for approximately 40% (approximately \$16,000) of the total cost of the Project; and

WHEREAS, the cost of the Project attributable to the residents in the proposed new Extension No. 1 is \$16,000 and unless such estimated maximum cost is to be paid from other sources or charges (including, but not limited to, water rents), such cost will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Extension No. 1 which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, except as provided by law; and

WHEREAS, the Town Board does not anticipate the need for the issuance of bonds, notes or other obligations of the Town for the creation of Extension No. 1 or the Project; and

WHEREAS, the Town Board may establish water rents as provided in paragraph (d) of subdivision three of Town Law Section 198; and

WHEREAS, the cost of the establishment of the Extension No. 1 per EDU in the Extension No. 1 is approximately \$21; and

WHEREAS, the annual amount that a typical property pays for water usage is approximately \$210; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed Extension No. 1 during the first year will

be approximately \$231 (such amount includes costs associated with the establishment of Extension No. 1 and estimated annual water usage cost);

NOW, THEREFORE BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 1 West Washington Street, Ellicottville, New York, on July 17, 2019 at 6:00 o'clock p.m. (Prevailing Time) to hear all person interested in the Establishment of the Town of Ellicottville Extension No. 1, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED., that the Town Clerk publish at least once in the newspapers designated as official newspapers of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and be it

FURTHER ORDERED, that the Town Clerk shall file a certified copy of this Order with the Office of the State Comptroller, on or about the date of publication of this Order.

The question of the adoption of the foregoing order was duly put to vote on a roll call, which resulted as follows:

AYES: Matthew McAndrew	Town Supervisor
Steven Crowley	Councilman
Ken Hinman	Councilman
Greg Fitzpatrick	Councilman
John Zervas	Councilman

The foregoing order was thereupon declared duly adopted.

- Public Hearing - Consolidated Water No. 1

The following was order calling for a public hearing was moved by Mr. Hinman and seconded by Mr. Zervas

In the Matter of the

Increase and Improvement of Facilities of the
Town of Ellicottville Consolidated Water District No. 1
in the Town of Ellicottville, County of Cattaraugus, New York,
pursuant to Section 202-b of the Town Law.

-----X

**ORDER CALLING PUBLIC HEARING FOR THE
CONSOLIDATED WATER NO. 1
TOWN BE HELD ON JULY 17, 2019**

WHEREAS, the Town Board of the Town of Ellicottville (herein called "Town Board " and "Town", respectively), in the County of Cattaraugus, New York, has, pursuant to Town Law, created the Town of Ellicottville Consolidated Water District No. 1 (the "CWD"); and

WHEREAS ,the Town Board has directed MDA Consulting Engineers, PLLC, competent engineers licensed in New York, to prepare a map, plan and report for a project involving the CWD; and

WHEREAS, such project will generally consist of the preparation of a map, plan and report for the purpose of establishing a water district Extension No. 1 to the Consolidated Water District No. 1 in order to maximize efficiency and streamline the administration and management of the water treatment and distribution system with the Ellicottville (Town and Village) water systems, as more fully identified in (or contemplate by) such map, plan and report referred to above, including all related ancillary work, preliminary costs and costs incidental thereto (collectively referred to herein as the "Project"); and

WHEREAS, the total maximum amount proposed to be expended for the Project is estimated to be \$40,000; and

WHEREAS, in light of the overall benefit the Project will have to the existing CWD and proposed Extension No. 1 users, the Town Board has determined to allocate approximately 40% (approximately \$16,000) of the cost of the Project to residents in the proposed Extension No. 1 through a separate Town proceeding and unless paid for from other charges, intends to levy special assessments against the properties in the proposed Extension No. 1 as determined by law; and

WHEREAS, the CWD discussed herein will only be responsible for approximately 60% (approximately \$24,000) of the total cost of the Project; and

WHEREAS, the Town Board does not anticipate the need for the issuance of bonds, notes or other obligations of the Town for the Project; and

NOW, THEREFORE , BE IT

ORDERED that a meeting of the Town Board of the Town of Ellicottville will be held at the Town Hall, One West Washington Street, Ellicottville, New York, on July 17, 2019 at 6:00p.m. o'clock (Prevailing Time) or shortly thereafter

to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, the balance of the cost of the Project attributable to the residents in the CWD is \$24,000 and unless such estimated maximum cost is to be paid from other sources or charges, such expense of said increase and improvement of the facilities will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the CWD which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, except as provided by law: and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

The question of the adoption of the foregoing order was duly put to vote on a roll call, which resulted as follows:

AYES: Matthew McAndrew	Town Supervisor
Steven Crowley	Councilman
Ken Hinman	Councilman
Greg Fitzpatrick	Councilman
John Zerfas	Councilman

The foregoing order was thereupon declared duly adopted.

- SEQRA Water District Extension

On motion by Mr. Crowley and second by Mr. Fitzpatrick the following resolution was

Accepted: Ayes 5 - McAndrew, Hinman, Crowley, Zerfas & Fitzpatrick
Nays 0

**TOWN OF ELLICOTTVILLE RESOLUTION # 2019-06-26
SEQRA UNLISTED ACTION - NEGATIVE DECLARATION DETERMINATION FOR
TOWN CONSOLIDATED WATER DISTRICT EXTENSION**

WHEREAS, the Town of Ellicottville Board in cooperation with the Village of Ellicottville Board has determined that the Town of Ellicottville Consolidate

Water District No. 1 should be extended to include the properties within the Village of Ellicottville; and

WHEREAS, pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA"), the Town of Ellicottville must consider pursuant to criteria set forth in SEQRA the environmental implications of such projects; and

WHEREAS, certain actions are classified under SEQRA as unlisted actions; and

WHEREAS, Unlisted actions are those actions, or classes of actions, that do not meet or exceed a threshold contained in the Type I SEQRA action list, or one that is on an agency's locally adopted Type I list, and is not contained in the Type II action list.

WHEREAS, unlisted actions usually require the preparation of an Environmental Assessment Form (EAF); and

WHEREAS, the Town has considered under SEQRA the action described, prepared a full EAF, and finds that this project will result in no significant adverse impacts on the environment, and , therefore, an environmental impact statement does not need to be prepared.

NOW, THEREFORE, BE IT

RESOLVED, that the project discussed above hereby is determined to constitute a SEQRA Unlisted Action and the Town has decided to declare a negative declaration to this action.

- Clerk's Audit

As required by the State, Mr. Fitzpatrick performed an internal audit of the Town Clerk's account for the years 2017 and 2018. He found that everything was in order and there was sufficient documentation to back up the bookkeeping and accounts.

On motion by Mr. Crowley and second by Mr. Zervas the following resolution was

Accepted: Ayes 5 - McAndrew, Hinman, Crowley, Zervas & Fitzpatrick
Nays 0

Resolved that the Town Board accept the audit of the Town Clerk's account as presented.

- Set Park Wages

On motion by Mr. Hinman and second by Mr. Zervas the following resolution was

Accepted: Ayes 5 - McAndrew, Hinman, Crowley, Zervas & Fitzpatrick
Nays 0

Resolved that the Town set the Park Program regular employees wages at \$11.10/hour and the Assistant Director's wage at \$11.50/hour.

Old Business

- 28 Parkside, Survey

According to the survey that was just received, it appears that the triangular section of the parcel in question belongs to the Town. Attorney Moriarty will draw up a realignment agreement to be signed by the adjoining property owner(s).

- EVGV Trail

The permit came through to allow for tree cutting along the trail. It is good for 2 years. A grant may be available through the Ralph Wilson Fund. Application is due in October.

- Northwood Village Drive

Because of the ongoing issue contacting one of the property owners, Attorney Moriarty recommended that the Town record it with what we have.

On motion by Mr. Hinman and second by Mr. Zervas the following resolution was

Accepted: Ayes 5 - McAndrew, Hinman, Crowley, Zervas & Fitzpatrick
Nays 0

Resolved the Tamarack Drive is re-named Northwood Drive.

- DRI Meeting - July 8th in Buffalo

- **Adjournment**

Motion by Mr. Hinman and second by Mr. Zervas to adjourn the meeting at 7:15pm. All Ayes. Carried.

I, Robyn A. George, Clerk of the Town of Ellicottville, County of Cattaraugus, State of NY, do hereby certify that the foregoing constitutes the complete minutes of the Town Board Meeting held on the 17th day of July, 2019, approved by said Board on the 21st day of August, 2019.

Robyn A. George, Town Clerk