

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE JULY 17, 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
	Gary Palumbo	Town Planner

Others present: John Thomas and Caitlyn Croft, press, Joseph Mendelsohn and Cory McCandless, Omni-Navitas, Sharon Mathe, Ginger Schroeder, Al Stocker

Call meeting to order:

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

Public Hearings

- Consolidated Water District No. 1

At 6 o'clock p.m. (prevailing time) or shortly thereafter, the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Cattaraugus, New York to consider the Increase and Improvement of facilities of the Consolidated Water District No. 1 (the "District"), in said Town.

The Supervisor state that the Public Hearing on the Increase and Improvement of the facilities of the Consolidated Water District No. 1 in the Town of Ellicottville, was now open and asked if there was any interested person who desired to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

- Establishment of Extension No. 1 to Consolidated Water District No.1

At 6 o'clock p.m. (prevailing time) or shortly thereafter, the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in

said Town, in the County of Cattaraugus, New York to consider the establishment of the Town of Ellicottville Extension No. 1 to the Consolidated Water District No. 1 (the "Extension No.1"), in said Town. The Town Clerk presented affidavits showing that certified copies of the Order Calling said Public Hearing had been published and posted pursuant to the provisions of Article 12-A of the Town Law.

The Supervisor stated that the Public Hearing on the establishment of the Town of Ellicottville Extension No. 1 to the Consolidated Water District No. 1 in the Town of Ellicottville, was now open and asked if there was any interested person who desired to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

Privilege of the Floor

- Candidates for Legislature

Mike Brisky, Ginger Scroeder and Sharon Mathe, who are all running for the Legislature, introduced themselves. Sharon Mathe said they think it's important for there to be a connection between the Towns and the Legislature. She also reported that she conducted an informal survey at a senior center recently. The number one concern of those polled was road conditions, followed by Broadband access, jobs, environment, taxes, centers for seniors and dedicated ambulance services.

- Solar Farm Presentation

Cory McCandless of Omni-Navitas gave a presentation giving the background of the company and their plans in the Ellicottville area. They have secured a tentative agreement for leasing 25 acres of land between Dooley and Simmons Roads. The proposed solar farm is a 5 megawatt ground mounted system that would provide enough energy for 660 homes. The project would have minimal impact to the land and would come with a decommissioning clause to return the property to its previous condition. A Community Services Plan would allow residents to get a 10-15% discount on their National Grid bills.

Approve Minutes

- Town Board Meeting - June 26, 2019

On motion by Mr. Zerfas and second by Mr. Hinman the minutes of the June 26, 2019 Board meeting were

Accepted Ayes 5 - McAndrew, Crowley, Zerfas, 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:	\$ 38,354.07		
002 - General Fund B:	\$ 1,849.95		
		General Fund Total:	\$ 40,204.02
003 - Highway DA	\$ 138.54		
004 - Highway DB	\$108,626.80		
		Highway Fund Total:	\$108,765.34
006 - Water	\$ 44,383.85		
		006 - Water Fund Total	\$ 44,383.85
		Grand Total:	\$193,353.21

Supervisor's Reports

- Supervisor's Report

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

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

- CHIPS Aid

The Town will receive the following aid from the State:

- Actual (19-20) CHIPS Aid: \$103,940.74
- Actual (19-20) PAVE-NY Aid: \$23,725.51
- Actual (19-20) Extreme Winter Recovery Aid: \$19,025.26

- DRI Presentation

Diana Cihak presented the Town and Village's proposal for the grant on July 8th. It will be awarded sometime in October.

- Financial Statement and Justice Court Yearend 2018 were distributed to the Board.

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. Fitzpatrick the Clerk's Report, Justice Report, Building Inspectors Report and the Police Report were:

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

Planner's Report

Gary Palumbo reviewed his report. He reported that solar isn't listed in the land use tables. He said that if the Town Board wishes to support solar farms (in appropriate places), a zoning amendment could be prepared to incorporate Solar into the Zoning Ordinance. The amendment could address specific standards and criteria to review applications (districting, overall size, footprint, access, visual impact, soil impacts, clearing, fencing, screening and application procedures). He has a model solar ordinance from NYSERDA, as a place to start. He suggested that a committee be formed consisting of Town and Planning Board members. Councilman Zervas and Supervisor McAndrew volunteered to represent the Town Board on the Committee. Supervisor McAndrew asked that Engineer Pierson and CEO Frederick also be involved.

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

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

Resolved that a committee be formed to begin the process of formatting a zoning amendment to address solar farms.

On motion by Mr. Zervas and second by Mr. Hinman the Planners Report was

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

Department Heads.

Don Auge - Police Department

- Part-time Hire

OIC Auge reported that he hired Ronald Smith as a part-time police officer. He will be starting as soon as his uniform and equipment come in.

Niles Pierson - Engineering Department

- Street Light Conversion

Mr. Pierson has been looking into the conversion of the Street Lights to LED. There are two options. One is that the Town buy the lights and convert them ourselves. The Town would be responsible for maintenance. The payback would be up to 20 years. The other option is having National Grid handle the conversion and maintain ownership. Since the payback would be only one year, and the Town would not be responsible for maintenance, he is recommending this option.

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

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

Resolved that Mr. Pierson have the authority to work with National Grid to convert the Street Lights to LED as opposed to buying the lights outright.

- Sommerville Valley/Jed Lane Box Culvert - to be installed the week of August 8th.
- Street Sign Inventory

The Assistant Engineer, Brandon Moore, has currently inventoried 700 street signs and is working on the storm sewer system inventory.

- NYSERDA Town Center Project

The window installation is approximately 30% complete. Expected completion is the end of August.

- SAM Grant

The \$250,000 grant for the windows at the Town Hall should allow that project to move forward next year.

Tom Scharf - Highway Department

The Department has been busy clearing culverts and driveways due to excessive storm water.

Executive Session

MOTION: by Mr. Crowley and seconded by Mr. Hinman to go into executive session regarding personnel. All Ayes. Carried.

MOTION: by Mr. Fitzpatrick and seconded by Mr. Zervas to resume regular session. All Ayes. Carried.

The Highway Superintendent and Deputy Highway Superintendent will be out on medical leave simultaneously over the next few months.

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

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

Resolved, that during the absence of Highway Superintendent, Scharf, and Deputy Superintendent, Raab, Sean Lafferty take on the duties of Deputy Highway Superintendent and be compensated an extra \$1.00 per hour during that time period as per Union Contract.

New Business

- Public Hearing - Establishment of Extension No. 1

The following resolution was moved by Mr. Hinman and seconded by Mr. Zervas

In the Matter
of the

Establishment of the Town of Ellicottville
Extension No. 1 to the Consolidated Water District No. 1
in the Town of Ellicottville, County of Cattaraugus, New York,
pursuant to Article 12-A of the Town Law.

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**RESOLUTION CREATING THE TOWN OF ELLICOTTVILLE
EXTENSION NO. 1 TO THE CONSOLIDATED WATER DISTRICT NO. 1
IN THE TOWN OF ELLICOTTVILLE,
SUBJECT TO PERMISSIVE REFERENDUM**

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);

WHEREAS, the Town Board has pursuant to an Order Calling for a Public Hearing, which Order was duly posted and published, held a public hearing on July 17, 2019 to consider the creation of the proposed Extension No. 1, at which hearing all member of the public were given an opportunity to be heard.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ELLICOTTVILLE as follows:

The Board hereby determines:

1. That the notice of public hearing was duly published and posted as required by law, and is otherwise sufficient.
2. That all properties and property owners benefited by the Extension No. 1 are included in the proposed Extension No. 1.

3. That all properties and property owners included in the proposed Extension No. 1 are benefited thereby.
4. That it is in the public interest to establish the proposed Extension No. 1.
5. That in the opinion of the Town Board, none of the properties included in the proposed Extension No. 1 will be unduly burdened by the creation of the Extension No. 1.

RESOLVED that the Town Board hereby approves the creation of The Town of Ellicottville Extension No. 1 to the Consolidated Water District No. 1 in the Town of Ellicottville and shall be the entire area of the Village of Ellicottville; and be it

FURTHER RESOLVED, that the estimated maximum amount 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 the benefit conferred upon the same, except as provided by law; and be it

FURTHER RESOLVED that this resolution is subject to a permissive referendum; and be it

FURTHER RESOLVED, that the Town Clerk shall, within ten days after the adoption of this Resolution, publish a public notice 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, in the Form of Exhibit A to this Resolution, stating the adoption of this Resolution subject to permissive referendum, and the Town Clerk shall cause to be prepared and have available for distribution proper forms for the petition requesting a referendum and shall distribute a supply to any person requesting same; and be it

FURTHER ORDERED, that if the time for filing a petition requesting that the matter be submitted to a referendum of the properly owners expires without such a petition be filed, the Town Clerk shall file a certificate stating such fact in the office of the county clerk; and be it

FURTHER ORDERED, that if such petition is filed, after such referendum is held the Town Clerk shall file a certificate stating that a petition was filed and a

referendum held and certifying the results of the vote on the proposition submitted at such referendum in the office of the county clerk

The question of the foregoing resolution (creating the Town of Ellicottville Extension No. 1 to the Consolidated Water District No. 1, subject to permissive referendum) 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 resolution was thereupon declared duly adopted.

- EPOA Workshop

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

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

Resolved that the Town Board hold a special meeting at 4pm on July 31st at the Town Hall to discuss contract negotiations for a new EPOA agreement.

- Rate of Pay - Stang and Timkey

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

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

Resolved that Michael Stang and Paul Timkey be paid \$50/hour for the work they are doing at the Town Center installing windows and lighting. This pay is retroactive to June 17, 2019.

Old Business

- 28 Parkside

The Boundary Line Agreement was discussed. Attorney Moriarty was asked to have the property staked and the East boundary flagged. She will look into whether there are any irrigation ditches on the property that would affect the Arboretum.

- EVGV Trail

There was a regional meeting with Olean, Salamanca, Great Valley, Ellicottville and Hinsdale regarding trails. A grant may be available through the Ralph Wilson Fund but a commitment is needed from the Towns . Application is due in September.

- Cemetery Maintenance - completed
- Grass mowing and the problems with Valley Village was discussed.

MOTION: by Mr. Hinman and seconded by Mr. Zerfas to go into executive session at 8:10pm.

MOTION: by Mr. Crowley and seconded by Mr. Hinman to resume regular session at 8:40pm

- **Adjournment**

Motion by Mr. Hinman and second by Mr. Crowley to adjourn the meeting at 8:40pm. 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 June, 2019, approved by said Board on the 21st day of August, 2019.

Robyn A. George, Town Clerk