

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE, JULY 21, 2021 at 6:00 pm
HELD AT THE TOWN HALL

<u>Present:</u>	Matthew McAndrew	Supervisor
	Greg Fitzpatrick	Councilman
	Ken Hinman	Councilman
	John Zervas	Councilman
	Kathleen Moriarty	Attorney for Town
	Robyn George	Town Clerk
	Gary Palumbo	Town Planner
	Ben Slotman	Engineer
	Steve Crowley	Town Councilman
	Tom Scharf	Highway Superintendent

Others present: Oliver & Marcia Hazard, Shawn Lafferty, Brian Dickman, Kathy Kellogg, press

Call meeting to order:

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

Public Hearing Local Law No. 1

"A Local Law to Override the Tax Levy Limit for Fiscal Year 2022"

The Public Hearing on Local Law #1 was opened. There were no members of the public present to speak for or against the Local Law. The public hearing will remain open. The Board wanted to make it clear that passing the Local Law does not mean the tax cap of 2% will be exceeded. Having the law in place will give the Board some flexibility when preparing next year's budget.

Privilege of the Floor

- Oliver Hazard – Holihuts Water Hook-ups

Mr. Hazard said he appreciated the Town's effort to bring water to Holihuts. He is working to get majority approval from the members of the HOA. Many property owners are resisting hooking up to Town water. The stipulation of the water use law requiring properties to connect within 30 days of notification seems to be the primary concern. Communication with Canadian property owners has been difficult because they haven't been able to enter the country in over a year. The benefits of having municipal water were discussed. The project has been

submitted to the Health Department for review. Mr. Hazard is hoping to have an answer from the HOA in September.

Approve Minutes

- Town Board Meeting – June 16, 2021
- Special Meeting – June 23, 2021
- Special Meeting – July 1, 2021

On motion by Mr. Zerfas and second by Mr. Fitzpatrick the minutes of the June 16, 2021 Board meeting and the June 23rd and July 1st, 2021 Special Board meetings were:

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

Audit of Claims

- Pay Town bills on Distribution Report #07-2021

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

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

Resolved that the Town bills be paid on General Ledger Distribution Report 07-21 as follows:

001 - General Fund A:	\$ 27,900.88		
002 - General Fund B:	\$ 2,570.82		
		General Fund Total:	\$ 30,471.70
004 - Highway DB	\$ 42,687.96		
		Highway Fund Total:	\$ 42,687.96
006 - Water	\$ 23,236.88		
		<u>006 - Water Fund Total</u>	<u>\$ 23,236.88</u>
		Grand Total:	\$ 96,396.54

Supervisor's Reports

- Accept Supervisor's June 2021 Financial Report

On motion by Mr. Crowley and second by Mr. Hinman the Supervisor's June 2021 Financial Report was

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

Present Written Department Reports for Approval

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

On **motion** by Mr. Fitzpatrick and second by Mr. Zervas the Clerk's, Police, Building Inspector's, Justices and Planners reports were:

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

Department Heads

- **OIC Auge - Police Department**

The Police Department has openings for part-time and special police officers. OIC Auge would like to hire as soon as possible so they can begin training.

- **Gary Palumbo – Town Planner**

Mr. Palumbo reviewed his Planner's Report.

"Tiny Home Village" – 6881 Rt. 242 W. (cottage-style motel)

- Conditional approval was granted with modifications to site plan.

Elk Creek Subdivision – Phase 2 – Preliminary Plat and Subdivision Plans Review – Maples Rd:

- Final Plat approval was granted with conditions and modifications.
- PIP, Plat signatures and Building permits still pending Town Engineer approval.

Borrego Solar – Solar Farm - 6902 Simmons Rd. (Tier 3 Solar Farm)

Applicant is waiting for assurance from National Grid that they will have access to sub-station connection.

Now that Mr. Palumbo has completed his CEO training, he can get back to working on Zoning Amendments. He has been working on Great Valley's Zoning Amendments as part of the Shared Services Agreement with them.

- **Ben Slotman – Engineering Department**

- Monthly Report

- Mr. Slotman is still looking for an assistant engineer. The job has been posted.
- The estimated cost of asbestos remediation at the Town Center is \$28,500 - \$30,000. A meeting will be held with the Cooperative Extension to discuss sharing the costs.
- Four Flushers meeting scheduled for August 3rd at 4pm.
- Materials are being gathered and a steering committee is being put together as part of the DWSP2,
- Booster station pump has been repaired and installed.
- Out of District Water/Sewer Agreement is being finalized.
- WIIA grant extension has been approved through October 2nd.

- Village Reservoir

On their rounds Monday morning the Water Department discovered a break-in at the Village reservoir. The security fence was breached and the lock on the access hatch broken. They took the tank off line and are working with the Health Department to drain and disinfect reservoir and are taking water samples. It is unclear whether or not they actually gained access to the reservoir. New hardware (latches and locks) has been installed and Mr. Northrup will put a lock on the gate to the road. The goal is to have it operational by the end of next week.

- **Tom Scharf – Highway Superintendent**

- Crosswalk Safety- Holiday Valley Rd.

There are 2 crosswalks on Holiday Valley Road, one at Alpine Meadows and one at the Tamarack Club. There is concern that drivers are not heeding the signs and allowing pedestrians to cross. Setting up signs in the road was discussed but not practical, especially in the winter months. Stopping traffic is not an option due to safety concerns.

Work on Robbins Rd and Kruse Rd. has been delayed until August. Chip sealing of Jackman Hill and Townline Roads has been canceled, they are not ready. Mr. Scharf is proposing taking the money earmarked for those roads to chip seal Bryant Hill Rd. which is ready and needs it. He will get an estimate and see if the project will fit into this year's budget.

New Business

- Set Park Program Wages

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

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

Resolved that the wages for the Park Program employees will be as follows:
 Recreation Attendants: \$12.50 per hour
 Assistant Youth Director: \$15.00 per hour
 These wages will be retroactive for the 2021 season.

- Tax Cap Override

MOTION by Mr. Crowley seconded by Mr. Hinman to close the public hearing on Local Law #1 of 2021. All Ayes. Carried.

On motion by Mr. Fitzpatrick and second by Mr. Zervas the following Local Law was accepted by roll call vote by the Town Clerk:

Councilman Hinman	Aye
Councilman Fitzpatrick	Aye
Councilman Crowley	Aye
Supervisor McAndrew	Aye
Councilman Zervas	Aye

**. LOCAL LAW No. 1 - 2021 entitled
 “A Local Law to Override the Tax Levy Limit for Fiscal Year 2022”**

SECTION 1. LEGISLATIVE INTENT.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Ellicottville pursuant to General Municipal Law 3-c, and to allow the Town of Ellicottville to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal law 3-c

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to General Municipal Law Sec. 3-c (the “Property Tax Cap Law”), which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION 3. TAX LEVY LIMIT OVERRIDE.

The Town Board of the Town of Ellicottville, County of Cattaraugus is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law 3-c.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order of judgment shall be rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

- Court Clerk Training

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

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

Resolved that Court Clerk, Denise Richards, is authorized to attend the 2021 NYSAMCC Annual Conference, September 12-15th held in Albany, NY.

Old Business

- Valley Village

The Valley Village Resurfacing and Drainage Improvements Project was put out to bid with the following results:

Northeast Paving - \$186,950.00
Lakeshore Paving - \$191,084.00

The Town budgeted \$150,000 so after billing Valley Village HOA for the drainage work, it's close to what was budgeted. It will be done at the end of September.

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

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

Resolved that the Town accept the low bid by Northeast Paving of \$186,950 for the Valley Village project.

Easements will need to be drawn up.

- Quackenbush Update

The Assessor hasn't seen the transfer yet.

- EVGV Trail

Easements are under review. MDA Consulting Engineers will be doing the design work.

- Catt County Extension Lease – working on appraisal
- Fleet Lease

The Town's Accountant, Andy Toth, will have a report and recommendation for the Board by budget time. He will compare costs and benefits of leasing the Town's vehicles.

Executive Session

Motion by Mr. Hinman and seconded by Mr. Zervas to go into executive session at 7:20pm to discuss the Union Contract. All Ayes. Carried.

Motion by Mr. Hinman and seconded by Mr. Crowley to resume regular session.

Adjournment

Motion by Mr. Fitzpatrick, seconded by Mr. Hinman to adjourn the meeting at 8:20pm. 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 21st day of July, 2021, approved by said Board on the 18th day of August, 2021.

Robyn A. George, Town Clerk