

**Village of Ellicottville Board Meeting and Public Hearing via Phone**

**July 21, 2020**

<b>Attended:</b>	<b>John Burrell</b>	<b>Mayor</b>
	<b>Greg Cappelli</b>	<b>Trustee</b>
	<b>Patra Lowes</b>	<b>Trustee</b>
	<b>Doug Bush</b>	<b>Trustee</b>
	<b>Richard Stanton</b>	<b>Attorney</b>
	<b>Mary Klahn</b>	<b>Clerk</b>

**Also attended:** Gary Palumbo, Lynda Neuwirth, Mark Chudy, Ed Imhoff, John Thomas, Caitlan Croft and Bill Coolidge.

**Call meeting to order at 6:01pm**

**Good News**

**Local Law No 2. 2020 (Solid Waste Management)**

Mayor Burrell opened the public hearing and kept it open. No comments.

**Business from the Floor**

**Bill Coolidge Questions – Question 1** – Why is it that Finnerty’s is utilizing the parking spaces still when there is inside dining aloud? Is the Village responsible if someone gets injured or worse? I know you all know I am very much against those spots to begin with as are many Village residents? Mr. Bush addressed Finnerty’s dining. We received guidance from the state and as of right now they are still at 50 percent occupancy. The Village supplied everyone with Café permits and they needed to meet certain requirements. Some businesses have not even opened. Mr. Coolidge asked what happens if someone gets hurt. Mr. Stanton addressed the concern by saying, in case of an accident; the primary liable person would be the driver of the car. “That’s why we have auto insurance”. Mr. Coolidge stated that he is not happy with the parking. Feels it’s unsafe. Mr. Cappelli stated that drinking outside the business area is controlled by the State Liquor Authority.

**Question 2** – Why are we paying Niles still when he’s serving for the coast guard? Why are we not letting him go and filling his spot if that’s what is needed? \$1000 a week is a lot of money to pay someone that’s remotely working. Also is it a conflict for him to be doing both? Mayor Burrell stated that funds to pay Pierson had been established in the budget and the inter-municipal agreement, with the Town paying half the part-time pay. What about conflict of interest asked Coolidge? Mr. Cappelli responded; Mr. Pierson’s commanding officer had permitted him to retain the post. We are in the process of hiring Pierson’s replacement. Ms. Lowes asked is it \$500 or \$1000 a week. We pay half. Mayor Burrell also stated that he would have to speak with the Town Supervisor for the Town’s decisions.

**Question 3** – I would like to know what is happening with the Burrell cutlery property. Why do we own it and are we responsible for the toxic cleanup? Also are we responsible for the back taxes? There is a lot of questions regarding this property. Also is it a conflict as well? Mr. Cappelli asked why is this a conflict. His conflict is the Mayor owning the property prior. Mr. Cappelli stated that the property was prior owned by J & B Capital Partners who defaulted the taxes. In a 2018 resolution by the county, the property was deeded to the Village for public parking, and the back-taxes were forgiven. Mr. Cappelli pointed out all of that information is public domain and is on the county website. Cappelli also stated that the county had done two environmental studies on the lot and declared it a Brownfield. If the lot is used for public parking, no clean-up is needed. In answer to why the Village owns it, Cappelli pointed out the property had not been generating any tax revenue for years and was becoming an eyesore. Mr. Coolidge continued saying, “My point is that the sitting Mayor of the Village of Ellicottville just had his business taxes, that he owed to the county, forgiven.” Mr. Cappelli pointed out that Mayor Burrell was not the owner at the time that again J & B Partners owned the property; Mayor Burrell was not part of the discussion regarding the county’s forgiveness of the taxes and the transfer of the property. Mr. Stanton added that in 2002 NYS legislation created the Brownfield Clean Up Program (BCP) which creates as-or-right tax credits to developers between 12-24% of the total cost of redeveloping contaminated property, capped at 3 times the actual clean up costs. In other words for every \$1 you spend on remediation you get \$3 back from the State for an amount that can equal up to 24% of the total investment in building your building and all the depreciable equipment of fixtures built into it. What will it cost us to tear the buildings down asked Mr. Coolidge. The quote is private and we will not release for future quotes replied Mr. Cappelli. Our idea was to put it into public parking for the Village. Rich said real property tax law. A new owner would have bought the back taxes. New owner takes it over as a lean.

**Question 4** – Why are we paying overtime to DPW full time guys to come in and water the flowers over the weekend? I was told that the lesser paid part time workers do the work of the higher paid guys during the week so we save money and it’s more cost efficient that way. So

are the higher paid workers not working? Are we not paying them still? Yes it's confusing but that's how it was explained to me. Clarification was asked by the Board to the nature of the question. Coolidge asked to explain how the duties are administered and why part time help doesn't perform these smaller tasks all week. Mark Chudy fielded this question and advised there is a rotating schedule for employees who work weekends and extended hours. Chudy also advised that the one seasonal employee would not want to come in 7 days a week nor would any full time employee. That is why there is a rotating schedule.

**Question 5** – Garbage is not getting picked up probably. I have seen many instances when garbage bags rip open and it's everywhere. They leave it on the road as well. I'm not apposed to the garbage rate increase but I believe we should be what we pay for. Ms. Lowes stated that currently today we are addressing a new Refuse Law that will give "teeth" to enforcing the garbage problem the village has.

**Question 6** – I would ask that the Village make Rockwell a no heavy truck street. Semis come up and down the road and can't make the turn at either end so they cut the corner and either take out the sign on Mill and Rockwell or they go over the catch basin at park and Rockwell. Trucks have a perfect and save route from Mill to Maple and can turn around on Park and head back the same way. The Board advised they would look into this matter and get some answers for Mr. Coolidge.

**Mr. Coolidge** thanked the Board for their time and advised he had to sign off for another meeting and would be looking into any questions he had further.

**Caitlan Croft** spoke to thank the board in regard to the work the engineering department has done. Over the years she saw how forming a standalone engineering department freed up functionality of the board and allowed for better budgeting as Nussbaumer & Clarke was not charging for services per project. She also noted how from a Planning perspective the GIS program and project Pierson spearheaded is invaluable for future projects.

### **Approve Minutes**

**Motion:** by Ms. Lowes to approve the June 16 minutes.

**Second:** by Mr. Cappelli All ayes. Carried

Ms. Lowes questioned the amount billed. She thought it was \$40 and \$20 for seniors. Last month it was proposed as \$30 and \$15 and that is what was recorded. We may have to raise it again added Lowes. Some discussion on procedures.

Change the date to the 16<sup>th</sup> on the front page.

## **June Financial Report**

**Motion:** by Mr. Bush to approve.

**Second:** by Ms. Lowes All ayes. Carried

**General - \$148,225.85**

**Sewer - \$165,991.00**

**Motion:** to pay the bills by Mr. Cappelli

**Second:** by Mr. Bush All ayes. Carried

## **Mayor's Report**

Conference Call – Engineer – We are in the process to hire an engineer.

## **Department and Committee Reports for Approval**

### **Planning**

**Motion:** by Mr. Cappelli to approve the Planning report.

**Second:** by Mr. Bush All ayes. Carried

Ms. Lowes asked about 20 Washington for EBC – Dumpster – Not a site plan review. Mr. Palumbo will check into it.

16 Washington – Adventure Bound – Special use permit – meeting will be held on July 28 stated Mr. Palumbo and refuse will be addressed.

13 Elizabeth Street - Design – Mr. Cappelli asked how much extra effort is spent on certain projects and who will be responsible. Question on who pays the extra fees. Mr. Stanton stated that professional fees have to be billed to the applicant if we get beyond what is a typical amount. Mr. Palumbo will report on it next month.

### **Engineering**

#### **Parks-Patra Lowes**

Get the opening regulations from Tracy and give to Ms. Lowes.

**Sidewalk at City Garage.** As soon as Mr. Chudy approves the final job the clerk will send out the check.

### **Beautification**

**Special Events** – Mayor Burrell stated that we need to find a new board member to serve as the head of the special events committee since former Trustee, Spencer Murray’s resignation.

### **Refuse**

**Motion:** to close the public hearing by Mr. Cappelli

**Second:** by Ms. Lowes All ayes. Carried

Date should be on August 1<sup>st</sup>. 2020. Last paragraph

**Motion:** to adopt local law #2 2020 by Mr. Bush

**Second:** by Mr. Cappelli All ayes. Carried

1). Put the changes paragraph #4 b is rates and should read \$30 and \$15

2). Effective date for fee schedule Oct 1 2020

3). #18 after its filing with sec of state on August 1<sup>st</sup>.

Ms. Lowes asked about rate changes, Mr. Stanton responded that we reserve the power to amend by resolution.

**Roll call vote, Patra – Yes, Greg – Yes, Doug – Yes, Mayor Burrell - Yes**

### **Parking**

### **Village Clerk**

### **Old Business**

**Town/Village Prosecutor** - Need name and rate would work stated Mr. Stanton. We can write tickets but courts are not open yet. We will need a prosecutor on our own. Attorney as a prosecutor has been sent out by Mr. Stanton. Mr. Cappelli said it’s possible that the Town would want to go together with the same person. Could the person be a judge in another jurisdiction? That would not be a conflict stated Mr. Stanton. A former prosecutor may want

to take it, and would already have experience. No one has seen the resolution yet. Let's give Mr. Stanton the authority to appoint a designee.

**Motion:** By Mr. Cappelli to give Mr. Stanton the authority to appoint a designee.

**Second:** by Mr. Bush All ayes. Carried

**Short Term Rentals (Renew Moratorium)** Van Buren is Allowed and feels the moratorium is expired. Need to extend it. It was the 1<sup>st</sup> of April and was for 90 days. Mr. Cappelli stated that we should extend until the end of the year. I have had numerous phone calls from people coming into town from states that should not be coming stated Mr. Cappelli.

**Motion:** to make a Resolution to renew the Short Term Rental Moratorium and extend until December 31th, 2020 by Mr. Cappelli.

**Second:** by Mr. Bush All ayes. Carried

**Benches** – Should we put out asked Ms. Lowes? Not until we have a protocol stated Mr. Cappelli. We cannot abide the cleaning protocol and need to hold off on how to make it safe.

### **New Business**

Joe Nosbisch – Resignation from ZBA

#8 McGorry - 26 Elizabeth Street Water/Sewer Bill – Not allowed to gift. Denied

Bandits Baseball Tournament at the Village Park – Playing fields are not ready for a tournament.

The board agreed to decline the request.

Colin Clark/Holiday Park – Water/Sewer Bill – Never went down the sewer. Request is to credit the sewer bill. He had affidavits from workers and neighbors.

**Motion:** to send Greg Kerl a check to reimburse from the sewer account that the water did not go down the sewer. Amount and late fee should be waived. Ms. Lowes asked who is responsible for problems over at Sun-up. Mr. Stanton added that we have an agreement and Greg Kerl is liability and he is responsible.

**Motion:** by Mr. Bush to waive the fee being it did not go down the sewer.

**Second:** by Ms. Lowes All ayes. Carried

Marys insurance – Will remain as is.

Matt McAndrew's plan for building rental exchange

Ms. Lowes would like to see some numbers and this should be put on next month's agenda.

Contract with Energy Mark – time to renew and John is suggesting not renewing with him at this time. Mr. Cappelli would like to see what the savings is in changing from Energy Mark. Mr. Burrell will check into it.

August 18<sup>th</sup> meeting - Mr. Burrell would like to have by teams again. Mr. Palumbo will set up. Mr. Stanton said we should revisit it before hand.

Ms. Lowes asked if we needed a plan with Fall festival being cancelled? Police wise? It will be up to the Town board to schedule police for that weekend. Can we make a request? Regulate the tent permits? Need to keep on top of. Holiday Valley still is doing chair lift rides. We need to keep it on our radar stated Mr. Bush. Mr. Cappelli stated we have time to investigate what we can do legally and make a proposal. Mayor Burrell asked Ms. Lowes if she would research and get back to the board. We need to follow the Governors' orders and will be in touch with Mr. Stanton. Ms. Lowes agreed with Mr. Bush's help.

### **Correspondence**

National Endowment for the Arts

### **Adjournment**

**Motion:** to adjourn by Mr. Cappelli

**Second:** by Mr. Bush All ayes. Carried