

MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE JUNE 17, 2020 at 6:00 pm  
ELLICOTTVILLE TOWN HALL

<b><u>Present:</u></b>	Matthew McAndrew	Supervisor
	Ken Hinman	Councilman - via phone
	Greg Fitzpatrick	Councilman
	Steve Crowley	Councilman
	John Zervas	Councilman
	Kathleen Moriarty	Attorney for Town
	Robyn George	Town Clerk
	Don Auge	Officer in Charge - via phone
	Tom Scharf	Highway Superintendent - phone

**Others present:** John Thomas via phone, press, Brenda and Chris Perks

**Call meeting to order:**

Supervisor McAndrew called the meeting to order at 6:00pm and led the Pledge to the Flag. The meeting was closed to the public due to the Covid 19 pandemic. The public does have access via teleconferencing.

**Privilege of the Floor**

Brenda Perks is among a group that is advocating that a Skatepark be built in Ellicottville. She explained that the group applied for grants from the Tony Hawk and Ralph C. Wilson, Jr. Foundations. Together, the foundations are offering matching construction grants, dollar-for-dollar, up to \$250,000. They have until November 30, 2020 to raise the match. She is asking the Town for support. The Supervisor explained that the Town did not budget for any donation in the 2020 budget. Ms. Perks said that a letter of commitment to donate funds would satisfy the conditions of the grant. The Board decided to discuss the possibility of including a donation in the 2021 budget.

**Approve Minutes**

- Town Board Meeting - May 20, 2020

On motion by Mr. Crowley and second by Mr. Hinman the amended minutes of the May 20th Board meeting were:

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

**Audit of Claims**

- Pay Town bills on Distribution Report #06-2020

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

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

**Resolved** that the Town bills be paid on General Ledger Distribution Report 06-20 as follows:

001 - General Fund A:	\$ 23,509.85		
002 - General Fund B:	\$ 4,355.28		
		General Fund Total:	\$ 27,865.13
004 - Highway DB	\$ 64,791.47		
		Highway Fund Total:	\$ 64,791.47
006 - Water	\$ 20,667.25		
		006 - Water Fund Total	\$ 20,667.25
007 - Sewer	\$ 1,661.00		
		007 - Sewer Fund Total	<u>\$ 1,661.00</u>
		Grand Total:	\$114,984.85

**Supervisor's Reports**

- Accept Supervisor's May 2020 Financial Report

**On motion** by Mr. Crowley and second by Mr. Zerfas the Supervisor's May 2020 Financial Report was

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

- Catt. Co. Cooperative Extension Meeting

A meeting was held with the Cooperative Extension for the use of space at the Town Center building. The Cooperative Extension has decided to put the process on hold while they explore their funding and need for space.

- NYS Funding - CHIPS, PAVE NY & EWR

The Supervisor was notified that funding by CHIPS, PAVE-NY and EWR may be subject to a 20% reduction this year with an additional 20% possible.

- Teamsters Contract

The Highway Contract will expire at the end of the year. The Supervisor received notification from the Teamsters Union requesting that negotiations begin. Supervisor McAndrew and Councilman Zerfas will set up a date to meet with them.

### **Present Written Department Reports for Approval**

- Clerk's, Building Inspector's, Justice, Engineering and Planner's Reports

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

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

### **Department Heads**

#### **Don Auge - Police Department**

OIC Auge reported that it will be difficult to cut the Police Budget by 25%, as requested. 76% of his budget goes to payroll. He will do his best to cut contingency and contractual costs and reduce overtime.

The school is planning a vehicle parade and has asked the Ellicottville Police Department to provide traffic control. In light of budgetary concerns, Auge is hesitant to call in officers and pay overtime. The Board suggested that the school request aid from the Sheriff's Department and/or the State Police. Either way, Auge will make sure they get the help they need to hold the parade.

#### **Niles Pierson – Engineering Department**

- Pass Down Report

Mr. Pierson prepared a "Pass-down" report outlining systems, software, pending projects, etc. as a tool to help the Town's transition when a new engineer is hired.

#### **Tom Scharf - Highway Department**

The following represents the new road/project plan for 2020:

- Simmons Road - Chip seal
- Witch Hollow Road - Chip seal
- Jackman Hill Rd. - Chip seal
- Northwood Dr. - Cold Mix Asphalt Pave
- Holiday Valley Rd. - Rock Line Ditch as part of Drainage Project - Phase 1

**New Business**

- Swimming Lessons/Park Program

Tracy Stokes, Director of the Park Program, has asked the Board to rescind its decision to cancel the Park Program. She said, " Mentally and physically the children need the Park Program due to Covid 19.". She has proposed that there will be no trips and no indoor activities. The Town's insurance agent was contacted and provided policies and guidelines for operating the program. He said that no waiver is necessary.

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

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

Resolved that the Town re-instate the Park Program for the 2020 season (4-6 weeks) while following the NYS safety guidelines.

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 Recreation Attendants for the Park Program be paid minimum wage.

- Water Maintenance Pay Increase

According to the IMA agreement with the Village, the Town must approve the wages of employees of the Water Department. The Village set the wages for their fiscal year as follows:

Water Operator, Jesse Klahn	- \$56,925.00/yr
Assistant, Bryan Clark	- \$21.22/hr

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

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

Resolved, that the Town approve the wages for the Water Department employees as set by the Village Board.

- Tax Cap Override

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

Ayes 5 -McAndrew, Hinman, Fitzpatrick, Zerfas and Crowley  
Nays 0

AUTHORIZING PUBLIC HEARING ON  
LOCAL LAW NO. 3 - 2020

**WHEREAS**, there has been duly presented and introduced at a meeting of the Town Board of the Town of Ellicottville held June 17, 2020 a proposed Local Law entitled

“A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT  
FOR FISCAL YEAR 2021”

**WHEREAS**, no Local Law shall be adopted until a Public Hearing thereon has been held by the Town Board of the Town of Ellicottville upon at least five (5) days notice, now, therefore, be it

**RESOLVED**, that a Public Hearing shall be held on the said proposed Local Law by this Board on the 15th day of July, 2020 at 6:00 o'clock pm at the Town Hall, Town of Ellicottville, NY, and that at least five (5) days notice of such Hearing shall be given by the Town Clerk by the due posting thereof upon the Bulletin Board of the Town and by publishing such notice at least once in the official newspaper of the Town.

- Budget Reductions - 2020

Mr. Pierson developed a plan that would reduce expenditures by the Highway, Code Enforcement and Engineering Departments by \$260 - 290,000.00. The Town Accountant will be meeting with the Supervisor to come up with spending projections.

- Niles Resignation and Continuing Employment

Niles Pierson has officially resigned as full-time Town/Village Engineer effective June 30th. He has been asked and agreed to work remotely on a part-time basis to help find his replacement and wrap up projects.

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

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

Resolved to accept the resignation of Niles Pierson and authorize Supervisor McAndrew to sign the following agreement:

**AMENDMENT TO INTERMUNICIPAL AGREEMENT FOR SHARED SERVICES OF AN ENGINEER, DATED JANUARY 23, 2018**

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This Intermunicipal Agreement for Shared Services of a Town and Village Engineer (“Agreement”) is entered into by the Town of Ellicottville, New York, a municipal corporation having an address of 1 W. Washington Street, PO Box 600, Ellicottville, New York; the Village of Ellicottville, New York, a municipal corporation having an address of 1 W. Washington Street, PO Box 475, Ellicottville, New York; and Niles C. Pierson, having an address of 7054 High Meadows, Ellicottville, New York (collectively, “Parties”), under the following recitals, terms and conditions.

**WHEREAS**, the Town of Ellicottville (the “Town”) is a lawfully incorporated municipality of the State of New York and is governed by the Town Board of Ellicottville;

**WHEREAS**, the Village of Ellicottville (the “Village”) is a lawfully incorporated municipality of the State of New York and is governed by the Village Board of Ellicottville;

**WHEREAS**, the Town and Village hired Niles C. Pierson (“Pierson”) as a Town employee to act as their Joint Engineer in or about March 2018;

**WHEREAS**, Pierson desires to terminate his employment as the Joint Engineer to the Town and Village, but parties agree that Pierson will stay on as a Town employee until the Town and Village are able to find a suitable replacement;

**NOW THEREFORE**, Parties agree that:

1. The Town shall compensate Pierson in the gross amount of \$1,000 per week (“Interim Pay”), commencing July 1, 2020 and until such time as a suitably qualified engineer is hired in his place, as mutually agreed upon by the Town and Village;
2. The Village agrees to reimburse the Town for half the cost of Pierson’s Interim Pay, together with any associated payroll costs;

**Old Business**

- Town Hall Grant - nothing new
- Valley Village

Attorney Moriarty will touch base with the Association.

- Quakenbush Update - County Directives

The County suggested that the Town file a Certificate of Discontinuance with regard to Quakenbush Road so that the County can issue a directive under County Highway Law 147. Ms. Moriarty said that would require approval from the neighbors, which is unlikely. She suggested the Town prepare a Certificate of Abandonment saying that the portion of Quakenbush in question is not, and has never been a Town Road. She will prepare a resolution for next month's meeting.

- EVGV Trail

Grant funding for the Trail is non-existent for this year. The Committee will continue working on the section that is currently being developed.

- Canada Hill Property

The Town has been looking into obtaining the gravel pit owned by Cold Spring Construction for tree debris disposal. Issues have come up that warrant further investigation.

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 Supervisor is authorized to investigate further and see if an agreement can be made to obtain the Canada Hill property.

### **Correspondence**

- Ellicottville Memorial Library

The Library wrote a letter to the Town thanking them for continuing support. They provided a statistical summary showing the continual increase in both the usage of the building as well as the circulation of materials.

- July Meeting

The July 15th meeting will be open to the public. Masks will be required.

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**Attorney/Client Privilege**

The Board went into Attorney/Client Privilege.

**Adjournment**

Motion by Mr. Crowley and second by Mr. Hinman to adjourn the meeting at 7:35pm. 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, 2020, approved by said Board on the 15th day of July, 2020.

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Robyn A. George, Town Clerk