

MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE APRIL 17, 2019 at 6:00 pm  
ELLICOTTVILLE TOWN HALL

<b><u>Present:</u></b>	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, Sharon Mathe, Collette Schoening

**Call meeting to order:**

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

**Privilege of the Floor**

Sharon Mathe and Collette Schoening introduced themselves as candidates for County Legislator. They were present to learn about the concerns of the Town Board.

**Approve Minutes**

- Town Board Meeting - March 20, 2019

On motion by Mr. Hinman and second by Mr. Zervas the minutes of the March 20, 2019 Board meeting were

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

**Audit of Claims**

- Pay Town bills on Distribution Report #04-19

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 04-19 as follows:

001 - General Fund A:	\$ 31,017.59		
002 - General Fund B:	\$ 31,592.33		
		General Fund Total:	\$ 62,609.92
004 - Highway DB	\$ 36,734.56		
		Highway Fund Total:	\$ 36,734.56
006 - Water	\$ 9,076.16		
		006 - Water Fund Total	<u>\$ 37,599.44</u>
		Grand Total:	<u>\$136,943.92</u>

### **Supervisor's Reports**

- Supervisor's Report

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

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

- 3 + 1 Financial Meeting - May

Supervisor McAndrew met with Financial Advisor Alex DeRosa whose company manages municipality's interest revenue. The Batavia Supervisor recommended the company, reporting that Batavia's interest revenue went from \$8,000 per year to about \$125,000. Mr. DeRosa will give a presentation at the next Board meeting.

- Local Leader's Conference - April 2nd and 3rd

Supervisor McAndrew reported that the conference was very informative. Of particular interest was the information provided on grant opportunities and State and Federal Funding.

- Engineering Grant

Mr. Pierson talked to Chris Grant from the NYSDOS at the Conference. He said that the Town should have a signed final engineering grant contract in 4 weeks. In the meantime, Grant sent documents that will need to be completed and submitted once the contract is received.

- Bond Counsel

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

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

Resolved, that Hodgson Russ LLP is hereby appointed Bond Counsel for the Town's water system capital improvements project, initiated in 2019, pursuant to the terms set forth in the engagement letter as presented.

- Arbor Day Celebration

There will be an Arbor Day Celebration at the Nannen Arboretum on April 26th. The Supervisor and Deputy Supervisor both have conflicts that day so Mr. Fitzpatrick volunteered to represent the Town at the event.

### **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, Zerfas & Fitzpatrick  
                    Nays 0

### **Department Heads.**

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

The new car is being outfitted. OIC Auge will look into obtaining a radar traffic sign.

#### **Niles Pierson - Engineering Department**

- Sexual Harassment Training

Mr. Pierson attended "Train the Trainer" sexual harassment training in West Seneca. It was suggested that the training of Town Employees and volunteers be scheduled in late June.

- Sommerville Valley/Jed Lane Culvert

The culvert installation is out to bid. The results will be in the 1st week in May. The Catt. Co. DPW will be assisting with the design and installation of the guiderail.

- Historical Society Building

BJ Quinn of BJ's Plumbing and Heating submitted a quote of \$4,950. 00 to install a mini-split A/C system and seal the floors in the Historical Society Building. Discussion followed on the placement of the A/C unit and whether it would be adequately protected from the snow and ice off the roof. Mr. Pierson will look into that. He was also asked to look into installation of insulation under the floor and the placement of the electrical line running to the "ski tree".

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

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

Resolved that the Town accept BJ's Plumbing and Heating bid of \$4,950.00 as presented.

- Water Report

This quarter was the best in recent history. 83% of water production was metered.

- NYSEDA Town Center Project

The design to replace the windows at the Town Center and convert the lights in the auditorium to dimmable LED lights is complete. The greatest cost savings will be realized if Mike Stang and Paul Timkey go on Town payroll and perform the labor as Town employees. They estimate they can do it for approximately \$45-\$50,000. The total estimated cost of the project, including design and contingency is \$140,000.00. The grant from NYSEDA is \$50,000 and the Town budgeted for an additional \$50,000. Mr. Pierson is asking that the remainder of the cost be taken out of reserve funds.

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

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

Resolved that the project move forward contingent on there being enough money in the reserve account.

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

The Highway department has been sweeping roads, cutting trees and ditching. The materials have been ordered for Simmons Road. The cost of the pug mill will be split with Mansfield. Holiday Valley Road will be striped in 2-3 weeks.

- Northwoods Driveway

Mr. Scharf reported that after a heavy rain in April a considerable amount of material washed out of driveway(s) on Northwood Drive and blocked the roadside drainage swale. This is occurring at many locations in Town as a result of driveways needing to be re-graded and constructed to allow for proper storm drainage runoff. This issue has the potential to threaten the integrity of the public road and storm drainage. A letter will be sent to property owners in an effort to remedy the problem.

- Request for Reduced Speed

A homeowner has asked OIC Auge to request a reduced speed limit for Witch Hollow Road. The first step to start the process is for the homeowner to write a letter to the Highway Superintendent requesting such a reduction.

### **New Business**

- Cemetery Mowing Bids

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

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

Whereas, the Town has been satisfied with the work of D & J's Lawn Service and the Town's Procurement policy does not require bids for Maintenance and service contracts less than \$3,000,

Be it resolved that the Town hire D & J's Lawn Service at a cost of \$2,999.00 for maintenance of the Jefferson Street, Niles and Bryant Hill cemeteries for the 2019 season and authorize the Supervisor to sign a contract with them.

- Chamber Request

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

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

Resolved that the Ellicottville Chamber of Commerce be granted permission to use the Town Gazebo for this year's Gazebo Series starting Friday, July 4th and continuing Thursdays through August 1st with entertainment from 7pm-9pm. Further resolved that the Chamber be allowed to use the Gazebo July 5th and 6th for the Summer Music Festival, September 15th for Rock N Oldies Weekend, October 12th and 13th for Fall Festival, and December 7th for the Christmas Stroll.

Further resolved that the Chamber be required to provide the Town with an insurance certificate naming the Town as additional insured.

### **Old Business**

- 28 Parkside, Legal Description Revision

The surveyors are waiting on a search from the County.

- EVGV Trail

Insurance quotes have been sent to property owners. There has been more regional interest in trail connection which may be beneficial for the EVGV Trail.

- Joint Water District Meeting - March 21st at 1:30pm

There was a very productive meeting with Mayor Burrell, Greg Cappelli, Mark Alianello, Steve Crowley, Supervisor McAndrew, Attorney Moriarty, John Alessi and Jeff Smith concerning the legal process of setting up the Joint District. Everyone seems to be on the same page and things are moving faster than expected.

- Northgate Village Drive

Draft documents have gone out to the property owners involved.

- Planning, ZBA & BAR Elected Procedures

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

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

**BE IT RESOLVED** that the Ellicottville Town Board hereby adopts these rules and procedures regarding membership and appointments to the Planning Board, Zoning Board of Appeals and Board of Assessment Review:

**TOWN OF ELLICOTTVILLE  
ADVISORY BOARDS  
MEMBERSHIP**

**1. Intent.**

A. These rules and procedures are intended to provide a detailed process for the Ellicottville Town Board to follow in filling the membership of the following advisory boards: Zoning Board of Appeals, Planning Board and Board of Assessment Review. It has been determined that these Rules and Procedures are in conformance with Town of Ellicottville Zoning Law, as amended through August 17, 2016 and New York State Town Law Sections §267-a (Zoning Board of Appeals) and §271 (Planning Board).

B. Establishment of Zoning Board of Appeals and Terms of Office:

Having adopted a zoning local law, the Town Board must establish a Board of Appeals consisting of five (5) members and designated the chairperson thereof. The terms of office shall be five years. Members of the Town Board are not eligible for membership on the Zoning Board of Appeals. Zoning Board of Appeals members shall be residents of the Town or Village of Ellicottville.

C. Establishment of Planning Board and Terms of Office:

In accordance with New York State Town Law Section § 271.1 the Town Board has established a Planning Board consisting of seven (7) members and designated the chairperson thereof. The terms of office shall be seven (7) years. All terms of office shall expire at the end of the calendar year. Members of the Town Board are not eligible for membership on the Planning Board. Planning Board members shall be residents of the Town or Village of Ellicottville.

D. Establishment of Board of Assessment Review and Terms of Office

In accordance with New York State Real Property Tax Law Section 523, the Town Board has established a Board of Assessment Review consisting of five (5) members. The terms of office shall be five (5) years. All terms of office shall run from October 1 through September 30 the following year. Members of the Town Board, and the Assessor are not eligible for membership on the Board of Assessment Review. Members of the Board of Assessment Review shall be residents of the Town or Village of Ellicottville.

#### E. Reappointment of Members and Vacancies:

Members of the Zoning Board of Appeals and Planning Board shall hold their appointment until the end of the year that their term expires and members of the Board of Assessment Review shall hold their appointment until September 30 of the year their term expires. Sitting members or their successors shall then be reappointed for terms which shall be equal in years to the number of members of the board.

If a vacancy occurs otherwise than by expiration of term, the Town Board shall appoint the new member to fill the unexpired term.

Prior to the annual organization meeting, the Town Supervisor, or his designee, may query the Zoning Board of Appeals and Planning Board members whose terms are expiring about their interest in remaining on the Zoning Board of Appeals or Planning Board for another term.

The Town Clerk shall keep a role of current membership of the Zoning Board of Appeals, Planning Board and Board of Assessment Review, as well as their appointment date(s) and the date their term expires.

#### F. Appointment of the Chairperson and Vice-Chairperson:

The Town Board shall designate the Chairpersons and Vice-Chairpersons of the Zoning Board of Appeals and Planning Board at the Town Board's organizational meeting held annually in January. Prior to the annual designations, the Town Supervisor, or his designee, may query the Chairperson and Vice-chairperson of the Zoning Board of Appeals and Planning Boards to confirm their interest in remaining in their position for the following year. In the absence of a Chairperson, the membership may designate a member to serve as acting chairperson.

Only the Board of Assessment Review shall elect a Chairperson from among their appointed members.

#### G. Training:

In making such appointments, the Town Board requires Zoning Board of Appeals and Planning Board members to complete training and continuing education courses in the amount of four hours of training a year, as required by New York State Sections §267-a (Zoning Board of Appeals) and §271 (Planning Board).

Board of Assessment Review members shall attend a training course provided by the County Director of Real Property Tax Services. New or reappointed

Board of Assessment Review members who do not attend the training course, and who do not receive a notice of extension from the New York State Office of Real Property Tax Services - Educational Services cannot be counted in determining whether a quorum is present at a meeting of the Board of Assessment Review.

#### H. Compensation:

The Town Board may provide for compensation to be paid to members of the Zoning Board of Appeals, Planning Board and Board of Assessment Review, Chairperson and Vice-chairperson, experts, clerks and a secretary only for the meetings that they attend. The Town Board may also provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Town Board for such purpose.

#### I. Removal:

The Town Board shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals, Planning Board or Board of Assessment Review for cause. Any member may be removed for non-compliance with minimum requirements relating to meeting attendance (missing 3 consecutive meetings), not completing minimum training requirements or other requirements as established by the Town Board by local law or ordinance.

### **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 April, 2019, approved by said Board on the 15th day of May, 2019.

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Robyn A. George, Town Clerk