

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE, JUNE 16, 2021 at 6:00 pm
HELD AT THE TOWN HALL

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

Others present: Tim Zerfas, Kristina Lettner, Enterprise Fleet Management Consultant, Kathy Kellogg, press

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

- Tim Zerfas – Drinking Water Protection Program Plan (DWSP2)

Tim Zerfas, Water Resource Specialist with Cattaraugus County Department of Health, told the Board that the last Drinking Water Protection Plan the Town has was drafted in 1994. In 2000, the State came out with a Source Water Assessment plan for all NYS municipalities that outlines the risks of contamination. He then explained how the DWSP2 would work. A consultant from the State will work with the Town to come up with a plan to protect water sources. A stakeholder group would be formed, goals would be determined, a drinking water source assessment formulated. The consultant would assist in creating maps, a contamination timeline and maintenance plan. After the plan was in place, it would be up to the Town to implement it. The Town could incorporate parts of the plan into their comprehensive and/or zoning plans.

- Enterprise Fleet Management

Kristina Lettner, from Enterprise Fleet Management, was present via zoom to explain their proposal to manage the Town's fleet of vehicles. They work within the Town's budget and identify the life cycle of the vehicles to determine when to upgrade the vehicle, saving money in the long run by lowering fuel and

maintenance costs. They also provide maintenance programs which could save hours of labor of the highway crew. They estimate that their plan could have an estimated annual savings of \$65k. The Board would like the Town's accountant to review the numbers and verify the potential savings to the Town.

Approve Minutes

- Town Board Meeting – May 19, 2021

On motion by Mr. Zervas and second by Mr. Hinman the minutes of the May 19, 2021 Board meeting were:

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

Audit of Claims

- Pay Town bills on Distribution Report #06-2021

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

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

Resolved that the Town bills be paid on General Ledger Distribution Report 06-21 as follows:

001 - General Fund A:	\$ 31,100.65		
002 - General Fund B:	\$ 2,411.20		
		General Fund Total:	\$ 33,511.85
004 - Highway DB	\$ 59,840.39		
		Highway Fund Total:	\$ 59,840.39
006 - Water	\$ 19,818.01		
		<u>006 - Water Fund Total</u>	<u>\$ 19,818.01</u>
		Grand Total:	\$113,170.25

Supervisor's Reports

- Accept Supervisor's May 2021 Financial Report

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

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

- Four Flushers Meeting

Options for funding the water capital project were discussed. The general consensus was that the fairest way to distribute the costs associated with the project is to add a special district tax and keep the water rates the same. That way, property owners who are not hooked into the water system will not get bills. Based on \$469 million in assessment, a special district tax would be .38 per thousand assessed value.

The Assessor said it is too late to add a special district tax to the 2022 tax roll. It can be added to the 2023 tax roll anytime after July (up until May). The Town should be able to cover the shortfall until 2023.

- Planning IMA with Great Valley

Great Valley approved the IMA with the Town. Mr. Palumbo will be going to their next Planning Board meeting.

- Supervisor's Association meeting

Supervisor McAndrew summarized the topics of discussion that took place at the meeting.

- American Rescue Plan Act

The NYS DOB announced that all NEUs must request or decline ARPA funding no later than Friday, July 9, 2021. The amount should be approximately \$60,000 this year and \$60,000 next year. Allocation for the village will be shared at a later date.

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

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

Resolved that the Supervisor is authorized to submit the request for funding under the American Rescue Plan Act.

Present Written Department Reports for Approval

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

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

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

Department Heads

- **OIC Auge - Police Department**

The new police vehicle is on the road and the old one was delivered to the Fire Department.

Most of the Police Department attended a training session with Cattaraugus County for Police Reform.

OIC Auge is working with Acme Business to get a proposal to upgrade their computer system and cameras at the Town Hall. Anti-viral protection is a priority.

The Departments FaceBook page is up and operational.

- **Gary Palumbo – Town Planner**

Mr. Palumbo reviewed his Planner's Report. He discussed how to handle Cannabis Legislation through zoning. Sale of cannabis could be treated like the Town currently treats the sale of liquor. He recommends a meeting with the Supervisor, Mayor, and both attorneys to discuss a common approach.

- Southern Tier Trail Resolution

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

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

TOWN OF ELLICOTTVILLE RESOLUTION 2021

AUTHORIZE SUPPORT OF SOUTHERN TIER TRAIL SYSTEM

WHEREAS Erie Cattaraugus Rail Trail(part of Southern Tier Trail System) has secured a long-term (90 year), interim use agreement with Buffalo-Pittsburgh

Railroad to convert its former 27-mile rail corridor-- extending from the Town of Orchard Park, NY in Erie County into the Town of Ellicottville in Cattaraugus County -- into a multi-use recreational trail.

WHEREAS Erie Cattaraugus Rail Trail has partnered with GObike Buffalo, the Ralph C. Wilson Foundation and Alta Design & Planning to undertake a feasibility study and community engagement process along a proposed 80-mile trail which incorporates the Erie Cattaraugus Trail and extends from Buffalo, NY to Olean, NY (DBA the Southern Tier Trail).

WHEREAS a goal of the Town of Ellicottville Comprehensive Plan is to expand opportunities for recreational tourism and supporting small business development, attracting beneficial investments, new residents, and visitors.

WHEREAS a goal of the Town of Ellicottville Comprehensive Plan is to support a healthy environment and the opportunities for a wide variety of outdoor recreational activities, which are identified as important characteristics of the Ellicottville community.

WHEREAS the Town of Ellicottville Comprehensive Plan recognizes recreational tourism as an important industry in the Town and to encourages its expansion and diversification. Trail support includes promoting multi-purpose trails throughout Cattaraugus County; and implementing the Ellicottville Great Valley Trail Master Plan, which ties into the Southern Tier Trail System.

NOW BE IT RESOLVED: The Ellicottville Town Board supports the efforts of Gobike Buffalo and the Ralph C. Wilson Foundation to facilitate the design, funding and construction of the proposed Southern Tier Trail, a multi-use recreational trail.

- **Ben Slotman – Engineering Department**
- Monthly Report

- Town Center

Mr. Slotman got IT proposals from Hurricane, to move IT service and work stations to the Town Center (\$10,400).

Connect to the Town Highway barn (\$2,300).

The work may be covered by the LGE grant.

Asbestos was found in the Town Center building. Mr. Slotman would like to hire John Neeson to inspect the areas, make a recommendation and estimate for remediation. It was suggested that a test for lead may be a good idea.

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

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

Resolved that the Town hire John Neeson to do an asbestos inspection on the Town Center areas of concern and make recommendations.

Putting a concrete slab in front of the dumpster at Valley Village was discussed. An RFP has been prepared to price drainage and pave.

The pump has been pulled at booster station #2. No word yet on its condition or cost of repairs.

- **Tom Scharf - Highway Department – absent**

Mr. Slotman reported that the Highway department has been working at Valley Village. The Grind went well and the drive has been shaped and rolled in.

New Business

- Charter Cable Contract Meeting

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

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

Resolved that the Board hold a special meeting on June 23rd at 4:00pm to discuss the Charter Franchise agreement which expires at the end of the year.

- Tax Cap Override

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

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

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NO. 1 - 2021

WHEREAS, there has been duly presented and introduced at a meeting of the Town Board of the Town of Ellicottville held June 16, 2021 a proposed Local Law entitled

“A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT
FOR FISCAL YEAR 2022”

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 21st day of July, 2021 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.

- Utility Moratorium

On May 11, 2021 Governor Cuomo signed into law amendments to the Public Service Law that prevent municipalities and public utilities from terminating water service provided to residents and small businesses for non-payment during the COVID-19 state of emergency. Additionally, the amendments prevent municipalities from re-levying previously accrued water/sewer charges on or after May 11, 2021 and adding any late fees or penalties until either the end of the COVID-19 State of Emergency or December 31, 2021, whichever is earlier.

- Hazard Mitigation Plan

A Letter of Intent has been submitted for a grant that would provide 75% reimbursement of the cost of a generator at the Highway Garage.

- Robbins Road

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

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

Resolved that the Supervisor is authorized to sign the turnaround easement between the Town of Ellicottville and Ellicottville Distillery, LLC on Robbins Road as presented.

Old Business

- Quackenbush Update – ongoing

- EVGV Trail

The Trail Committee received a check for \$50,000 to aid with the design for the portion of the trail from Town Center to Elizabeth St. 2 Village trustees are working with the committee. Attorney Moriarty is working on the easements.

- Catt County Extension Lease – waiting on appraisal
- SAM Grant – nothing new

Adjournment

Motion by Mr. Fitzpatrick, seconded by Mr. Hinman to adjourn the meeting and go into Attorney/Client Privilege at 8:25pm. 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 16th day of June, 2021, approved by said Board on the 21st day of July 2021.

Robyn A. George, Town Clerk