

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE, August 18, 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
	Steve Crowley	Town Councilman

Others present: Paul Timkey, Zachary Carlson, Kathy Kellogg and David Parker, 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

- Paul Timkey

Paul Timkey, the Town's Dog Control Officer, recommended that the Town sign a contract with the SPCA. He does not think that the Town's shed built to house dogs is adequate. The contract does not cost anything and can be canceled at any time with 30 day notice. It simply ensures that they will take in dogs and spells out the terms and costs associated with surrendering them. The Town is waiting to get a contract and will review it at next month's meeting.

Mr. Timkey also told the Board that he has been frustrated with the long process of creating a sub-division and building a house on land he owns on Elk Creek. The Board will be making a resolution later in the meeting, and after the Engineer and County Health Department sign off, he should be able to move forward. Mr. Palumbo pointed out that the Planning Board has finished their review.

- Zachary Carlson

The recently hired Assistant Engineer, Zachary Carlson, was introduced to the Board.

Approve Minutes

- Town Board Meeting – July 21, 2021

On motion by Mr. Hinman and second by Mr. Zerfas the minutes of the July 21, 2021 Board meeting were:

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

Audit of Claims

- Pay Town bills on Distribution Report #08-2021

On motion by Mr. Fitzpatrick and second by Mr. Crowley 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 08-21 as follows:

001 - General Fund A:	\$ 27,804.51		
002 - General Fund B:	\$ 3,165.87		
		General Fund Total:	\$ 30,970.38
004 - Highway DB	\$111,906.59		
		Highway Fund Total:	\$111,906.59
006 - Water	\$ 27,152.15		
		<u>006 - Water Fund Total</u>	<u>\$ 27,152.15</u>
		Grand Total:	\$170,029.12

Supervisor's Reports

- Accept Supervisor's July 2021 Financial Report

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

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

Nays 0

- Small Cell Zoning

The Town received a letter from a law firm offering their services to update zoning for micro-cell equipment. Mr. Palumbo agreed that the Town should consider updating our zoning to address small cell and distributed antenna systems but believes the Town can handle it in house. He suggested that it be addressed along with other zoning updates that he will be working on (100' buffer, limited retail in the AR District, cannabis legislation).

- Gary Palumbo – Town Planner's report - reviewed
- Attorney Retainer Agreement

The Board reviewed the Retainer Agreement provided by the Law Firm of Richardson, Pullen & Buck, P.C. The Town intends to retain Seth Pullen as the Attorney for the Town upon Kathleen Moriarty's resignation. A question arose about the firm handling union contract negotiations. They will be asked for clarification and the agreement will be reviewed at next month's meeting.

- Annual Update Document

Tronconi, Segarra & Associates provided the Board draft copies of the Annual Update Documents for review.

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

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

Resolved that the Board approve the draft Annual Update Documents provided by Tronconi, Segarra & Associates.

The final reports will be provided upon notification of approval of the draft reports.

- Elk Creek Abandonment

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

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

Supervisor McAndrew offered the following resolution:

**RESOLUTION TO ABANDON CERTAIN TOWN INFRASTRUCTURE
RELATED TO ELK CREEK SUBDIVISION PHASE B**

The Town Board resolves to issue a Public Improvement Permit to allow Developer , Elk Creek Inc., to remove or relocate a small portion of formerly dedicated and installed roadway, curb, sidewalk, sanitary manhole and drainage inlets, as reflected on the attached surveys (see appendix), on the condition that Elk Creek, Inc. prepare and submit to the Town, Abandonment paperwork for a certain water main and supporting infrastructure as reflected on the attached surveys(see appendix), upon completion of Elk Creek Subdivision Phase B.

MOVED BY: Kenneth Hinman
SECONDED BY: Greg Fitzpatrick

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYE: Matthew McAndrew, Supervisor
Kenneth Hinman, Councilman
Steve Crowley, Councilman
Greg Fitzpatrick, Councilman
John Zerfas, Councilman

NO: 0

The resolution was duly adopted.

Present Written Department Reports for Approval

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

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

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

Department Heads

- **OIC Auge - Police Department – not present**

Auge did report to Supervisor McAndrew that there were no issues for the "Taste of Ellicottville" weekend.

- **Ben Slotman – Engineering Department**

Mr. Slotman was not present but did provide a monthly report.

The Holihuts HOA decided not to go forward with the plan presented by the Town to supply municipal water to the subdivision using WIIA Grant funds. They did have questions about adequate fire protection but if they are not willing to grant the Town easements for water lines, there is nothing the Town can do.

New Business

- Assistant Engineer Position

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 Town hire Zachary Carlson as Assistant Engineer effective August 16, 2021 at a rate of pay of \$22.00 per hour. Supervisor McAndrew is authorized to sign the formal written offer as presented. The position is provisional pending Civil Service eligibility.

- Town Center Asbestos Removal

Representatives from the Town and Cattaraugus County Cooperative Extension met with John Neeson to identify areas that need asbestos remediation. Asbestos will be mitigated in the Assessor's and Engineer/Building Inspector's offices prior to their move. Asbestos in common areas used by the Cooperative Extension (conference room and hallway) will also be removed. The cost of removal in those areas will be split between the Town and the Co-op.

- Request for Use of Soccer Field

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 Chamber of Commerce's request to use the Fireman's sports field for the Lacrosse tournament, September 24th through the 26th be approved. A Certificate of Insurance will be provided prior to those dates.

- DRI Application

A committee met to discuss the DRI application. This year there are 2 \$10 million grants being awarded. The 2018/2019 application is being revised. Diana Chihak has been hired on an hourly rate to help with the process. The application is due September 15th.

Old Business

- Out of District Water User agreement

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 the Town adopt the Out-of-District Water User Agreement as presented.

- Valley Village

Road turnover options, easements and ownership of the new Valley Village Road were discussed.

- Quackenbush Update

Attorney Moriarty has talked to the new property owner on Quackenbush Road. He seems happy to work with the Town but does not want the culvert removed. A meeting on site with him and the surveyor was suggested. Ms. Moriarty will follow-up.

- EVGV Trail

Southern Tier Trail Association is submitting the TAP Grant Application for the Trail. The Ralph Wilson Foundation has agreed to supply the 20% matching funds.

The following resolution was offered by Mr. Hinman and seconded by Mr. Zervas:

Authorizing an Application for Funding through the NYS Department Of Transportation to Support Southern Tier Trail Priority Project Ellicottville Great Valley Recreational Trail

WHEREAS, up to \$5,000,000 is available through the NYS Department of Transportation Alternatives Program (TAP) through the Federal Highway Administration, and

WHEREAS, the TAP funds will be awarded for planning, design and construction of on-road and off-road facilities for pedestrians, bicyclists and non-motorized transportation users, as well as conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists and non-motorized transportation users;

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 seeks to apply for the aforementioned TAP funding, and if awarded, will use the funding for the Southern Tier Trails Priority Project Ellicottville Great Valley Recreational Trail construction, and

WHEREAS, it is necessary to apply through the NYS Department of Transportation, TAP Grant Program for the aforementioned funding, and

WHEREAS, this program is 80% federally funded with a 20% match from other sources, now, therefore, be it

RESOLVED, that the Town Supervisor be, and hereby is, authorized and directed to execute a grant application, on behalf of the Town of Ellicottville, with the NYS Department of Transportation, in order to apply for the above-described funding, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the Town, in its sole discretion, may terminate the contract on thirty (30) days' written notice, and be it further

RESOLVED, that in the event of any such reduction, the Town Supervisor shall immediately add the matter to the agenda of the Town's next meeting.

The question of the adoption of the resolution was duly put to vote on roll call, which resulted as follows:

Ayes – 4 - Fitzpatrick, Crowley, Zerfas, McAndrew
Abstentions - 1 - Hinman
Nays – 0

- Catt County Extension Lease

The Town would like to have a lease agreement in place before the asbestos abatement.

- Fleet Lease

The possibility of entering into a Fleet Lease agreement will be discussed at budget meetings.

Adjournment

Motion by Mr. Hinman, seconded by Mr. Fitzpatrick 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 18th day of August, 2021, approved by said Board on the 15th day of September, 2021.

Robyn A. George, Town Clerk