

**MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE
JANUARY 21, 2015 at 6:00 pm
ELLICOTTVILLE TOWN HALL**

<u>Present:</u>	John Burrell	Supervisor
	Ken Hinman	Councilman
	Rick Jackson	Councilman
	Steve Crowley	Councilman
	Greg Fitzpatrick	Councilman
	Robyn George	Town Clerk
	Loyd Hovey	Deputy Highway Superintendent
	Don Auge	Officer-in-Charge

Also Present: Jann Wiswall & John Thomas, Press, Jim Bouchard, Larry Spry, Matt Albanese, Kelly Bigos, Jake Alianello, Derek Rule, Cheri Giancarlo, Amber Graham, Kevin Morton, Lori Rushok, Ron Depke, John and Evelyn Buskermolen,

Call meeting to order:

Supervisor Burrell called the meeting to order at 6:05 pm and led the Pledge to the Flag.

Good News

- FEMA Reimbursement

The Town was notified that it is eligible for reimbursement of expenses incurred as a result of the November 18-22 snowstorm. The Supervisor and Officer-in-Charge, Don Auge, have put together the numbers and the Town will be receiving approximately \$5,000.00. The Village incurred expenses while maintaining the parking lot used by stranded semis. The Town will claim these expenses on behalf of the Village and reimburse them.

Approve Minutes

- Town Board Meeting – December 17, 2014

On motion by Mr. Hinman and second by Mr. Crowley the minutes of the December 17, 2014 Board Meeting were

Accepted Ayes 5 - Burrell, Hinman, Crowley, Fitzpatrick & Jackson
 Nays 0

- Town Board Organizational Meeting – January 7, 2015

On motion by Mr. Fitzpatrick and second by Mr. Hinman the minutes of the January 7, 2015 Organizational Board Meeting were

Accepted Ayes 5 - Burrell, Hinman, Crowley, Fitzpatrick & Jackson
 Nays 0

Privilege of the Floor

- Street light at corner of Maples Rd. & Elk Creek

John Buskermolen owns a house on Maples Road and asked the Board to do something about a street light that was recently installed at the intersection of Maples Road and Elk Creek. He stated that the light is extremely bright and shines directly into his house and has ruined his quality of life at the house. A neighbor was present to support his claim that the light is extremely bright and another neighbor wrote a letter in support of Buskermolen.

The Board said that the light had been requested by the developer of the community as a safety measure, however, they were sympathetic to the resident's concerns and agreed to investigate options to alleviate the problem. Some suggestions were to lower the wattage of the bulb or place a shield on it to minimize the effect on homes.

- Noise Complaint

Cheri Giancarlo told the Board that the noise associated with logging on the property across from her home is intolerable. It's been going on for years and the loggers work from early in the morning until late at night.

She was told that the town's noise ordinance does limit construction activities to between 7:30am and 8:00pm and that if the logging is happening outside these hours she should contact the police department.

- 24/7 Police Coverage

Kevin Morton, Chief of the Fire Department, asked the Board to consider 24 hour police coverage. He said that the fire department often needs local police assistance and that having them available to respond promptly would provide the fire department volunteers with needed protection.

Lori Rushok also spoke in support of 24 hour police coverage. She said that the sheriff response time is not fast enough. Cheri Giancarlo agreed that the safety of all residents is the Town's first responsibility.

Supervisor Burrell reported that the regular police schedule covers 20 hours per day. The only time not covered is from 4:00am to 8:00am. He added that since the possibility of adding 24 hour coverage was just raised at the last meeting, there has not been enough time to gather all of the information necessary for the Board to make a decision. The actual need for the additional coverage and budget constrictions must be considered.

Audit of Claims

- Pay Town bills on Distribution Report #01-15

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

Accepted Ayes 5 - Burrell, Hinman, Fitzpatrick, Crowley & Jackson
 Nays 0

Resolved that the Town bills be paid on General Ledger Distribution *Report 11-14* as follows:

001 - General Fund A:	\$ 37,042.64	
002 - General Fund B:	\$ 4,204.95	
		General Fund Total:\$ 41,247.59
004 – Highway DB	\$ 59,934.41	
		Highway Fund Total: \$ 33,276.92
		006 - Water Fund Total \$ 36,916.16
		008- Drainage \$ 2,548.04
		Grand Total: \$113,988.71

Supervisor’s Reports

- Supervisor's Report

Mr. Burrell pointed out that yearend adjustments still need to be made to finalize the report.

- Holihuts meeting 01/04/15

Mr. Alianello and Mr. Burrell met with the Board of Directors of Holihuts. The homeowners have expressed interest in connecting to the town water system.

The project would be done at the expense of the property owners to the Town's specifications. An informational meeting with Holihut's HOA will be set up.

- Parking Tickets

Mr. Burrell said that the police department is doing a good job enforcing parking regulations in the Town and the Village.

- Dog Control

The Town has had a contract with Mary Dankert as Dog Control Officer for a fee of \$2,600.00 per year. There have been several incidences where her response time has been unacceptable. Police officer Kelly Bigos has expressed interest in the job. Setting up a kennel on a skid at her house was discussed. It was suggested that Ms. Bigos contact her neighbors for their input.

- SPCA

The Erie County SPCA sent a copy of an agreement to the Town to provide their services to accept stray dogs picked up in the Town.

Motion by Mr. Crowley and second by Mr. Hinman to table the decision of signing a contract with the Erie County SPCA until a final decision is made regarding the Dog Control Officer.

- Cooperative Extension Meeting 1/21/15

The County has not renewed its contract with the 4H at the Ellicottville Cooperative Extension. Consequently, the Cooperative Extension is not using all of the space allotted to them at the Town Center. They are exploring the possibility of subletting the unneeded space to generate some revenue. The agreement the Town has with the Cooperative Extension does not expressly address this issue. The Town attorney will be asked to look into the matter.

Present Written Department Reports for Approval

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

On **motion** by Mr. Crowley and second by Mr. Fitzpatrick the Clerk's Report, Justice Report, Building Inspectors Report, Police Report, and the Planners Report were:

Accepted Ayes 5 - Burrell, Hinman, Crowley, Fitzpatrick & Jackson
 Nays 0

The Board discussed the ongoing problem of no Town judges available for call out for arraignments by the police.

Motion by Mr. Fitzpatrick and second by Mr. Jackson to request that both of the Town Justices attend the next regular Town Board meeting. ALL AYES.
CARRIED.

Department Heads

Don Auge – Police Department

- Plate Reader

109 tickets were a direct result of hits from the plate reader in the last 9 months.

- Training Protocol

The appropriate training to protect the officers and the Town was discussed. Officer Auge said that since the Town's police department is not an accredited agency, actual training requirements are minimum.

- Body Cameras

Mr. Auge said that the use of body cameras by police officers has been discussed at the Chief's Association meetings. There is general consensus that there needs to be a standard policy throughout the county.

Highway Department

- Agreement to Spend Town Highway Funds

Before the agreement can be signed, Mr. Hovey needs to provide a list of the major projects the highway department will be doing in 2015.

- Ratify Shawn Lafferty hire

Mr. Burrell and Mr. Hovey interviewed 3 people for the position of driver/laborer for the Highway department and agreed to offer Shawn Lafferty the position.

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

Accepted Ayes 5 - Burrell, Hinman, Fitzpatrick, Crowley & Jackson
 Nays 0

Resolved that the Town Board ratifies the appointment of Shawn Lafferty as a Commercial Driver Class B and laborer for the Town Highway department at an hourly rate of \$15.32 and further resolved that Lafferty undergo a complete physical to include a drug test and baseline hearing test.

- New Snowplow

There is \$200,000.00 in the 2015 budget to replace the old snowplow.

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

Accepted Ayes 5 - Burrell, Hinman, Fitzpatrick, Crowley & Jackson
 Nays 0

Resolved that Mr. Hovey is authorized to prepare the specs and place an advertisement for bids on a new snowplow which will be opened before the next regular Board meeting.

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

Accepted Ayes 5 - Burrell, Hinman, Fitzpatrick, Crowley & Jackson
 Nays 0

Resolved that Mr. Hovey is authorized to prepare the specs and place an advertisement for bids on a new plow and controls for the new snowplow truck which will be opened before the next regular Board meeting.

- Property Owner Complaint

A property owner adjacent to the highway garage claims that some materials and culvert pipes stored by the highway department infringe on his property. After the snow melts, the Board will see if they can find the survey markers to see if there is any merit to his claim.

- Tire Changer

Mr. Hovey would like to buy a tire changer for the highway department. Aside from the convenience it would provide, in the long run it could save money. He was told to get 3 quotes in writing according to Town policy.

Mark Alianello, PE – Engineering Department

- East Tank Update

Mark Alianello was not present but was represented by Jake Alianello.

- Application for payment No. 5

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

Accepted Ayes 5 - Burrell, Hinman, Fitzpatrick, Crowley & Jackson
 Nays 0

Whereas, JD Northrup Construction has made application and Certificate for payment for work completed on the East Tank Project according to the contract specifications;

Resolved that the Town pay JD Northrup Construction Payment No. 5 in the amount of \$68,975.31 as submitted.

Discussion followed regarding a request by JD Northrup Construction to release part of the retainage that the Town is holding until completion of the project. It was decided that the standard 5% retainage is reasonable and will ensure that the work is completed in a timely manner.

Old Business

- Alarm System Local Law

Mr. Jackson provided the Board with a draft Alarm System Local Law. The law is intended to reduce false alarm calls and will require property owners to obtain permits and ensure maintenance of their systems. Mr. Jackson reported that the police department responded to 210 false alarms in the last year. One property alone had 11 false alarms. The draft law will be given to the Town Attorney for review.

- Recreational Trail Update

Mr. Hinman reported that he and Kate O'Stricker attended a Cattaraugus County Trail System meeting. The county is preparing a survey of all existing and proposed trails. He also reported that the committee has received and is reviewing applications for its fundraising director opening.

Correspondence

- Thank you from Golley family

Executive Session

Motion by Mr. Hinman and seconded by Mr. Crowley to go into executive session at 8:40pm to discuss contract issues. All Ayes. Carried.

Motion by Mr. Hinman and seconded by Mr. Crowley to resume regular session at 10:24pm. All Ayes. Carried.

Adjournment

Motion by Mr. Hinman and second by Mr. Jackson to adjourn the meeting at 10:25pm. 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 21st day of January, 2015, approved by said Board on the February 18th, 2015.

Robyn A. George, Town Clerk