

**MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE  
FEBRUARY 18, 2015 at 6:00 pm  
ELLCOTTVILLE TOWN HALL**

**Present:** John Burrell Supervisor  
Ken Hinman Councilman  
Steve Crowley Councilman  
Greg Fitzpatrick Councilman  
Robyn George Town Clerk  
Loyd Hovey Deputy Highway Superintendent  
Don Auge Officer-in-Charge  
Harry Weissman Assessor  
Kathleen Moriarty Attorney for the Town

**Absent:** Rick Jackson Councilman

**Also Present:** Jann Wiswall & John Thomas, Press, Jim Bouchard, Cheri Giancarlo, Lori Rushok, John Buskermolen

**Call meeting to order:**

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

**Good News**

- Sales Tax

The 2014 4th quarter sales tax check was \$353,280.07 bringing the total for the year to \$1,432,177.14. That is \$60,603.69 more than the Town received in 2013.

**Approve Minutes**

- Town Board Meeting – January 21, 2015

On motion by Mr. Hinman and second by Mr. Crowley the minutes of the January 21, 2015 Board Meeting were

Accepted Ayes 4 - Burrell, Hinman, Crowley and Fitzpatrick  
Nays 0

- Town Board Special Meeting – January 27, 2015

On motion by Mr. Fitzpatrick and second by Mr. Hinman the minutes of the January 27, 2015 Special Board Meeting were

Accepted Ayes 4 - Burrell, Hinman, Crowley and Fitzpatrick  
Nays 0

**Audit of Claims**

- Pay Town bills on Distribution Report #02-15

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

Accepted Ayes 4 - Burrell, Hinman, Fitzpatrick and Crowley  
Nays 0

**Resolved** that the Town bills be paid on General Ledger Distribution *Report 02-15* as follows:

001 - General Fund A:	\$ 19,173.63	
002 - General Fund B:	\$ 32,691.80	
		General Fund Total: \$ 51,865.43
003 - Highway DA	\$28,355.04	
004 – Highway DB	\$ 67,669.67	
		Highway Fund Total: \$ 96,024.71
		006 - Water Fund Total \$ 48,369.65
		<b>Grand Total: \$196,259.79</b>

**Supervisor's Reports**

- Supervisor's Report

The 2014 and January 2015 Supervisor's report will still have some yearend adjustments but will be finalized by the next meeting.

On motion by Mr. Fitzpatrick and second by Mr. Hinman the Supervisor's January 2015 Financial Report was

Accepted Ayes 4 - Burrell, Hinman, Fitzpatrick and Crowley  
Nays 0

- FEMA

A meeting with FEMA to discuss reimbursement for expenses incurred as a result of the November storm is scheduled for Thursday, February 19th.

### **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. Hinman the Clerk's Report, Justice Report, Building Inspectors Report, Police Report, and the Planners Report were:

Accepted      Ayes 4 - Burrell, Hinman, Crowley & Fitzpatrick  
                    Nays 0

### **Privilege of the Floor**

Cheri Giancarlo updated the Board on the ongoing noise issues caused by a logging operation in her area. She has called the police department to report noise that is in violation of the Town Noise Ordinance and the Officer warned the loggers about the noise. Although Ms. Giancarlo praised the police response, she would still like the Town to look into updating its noise ordinance.

### **Department Heads**

#### **Don Auge – Police Department**

- Training Protocol

Officer Auge said that since the Town's police department is not an accredited agency, no training is mandated. However, the department does require its officers to attend target practice at the range once a year. This month some officers were trained on the Datamaster and the fingerprinting equipment. Auge is looking into defensive tactics training.

- 24/7 Police Coverage

Mr. Burrell told the Board that if the Town added another full-time officer, Civil Service rules would require that the Town appoint a Chief of Police. It may also be necessary to have a memorandum of understanding with the EPOA to account for the new shift. Board members discussed the pros and cons of adding 24 hour police coverage. While it appears that many residents would be in favor of the added coverage, the general consensus was that the police department is doing a good job the way things are. Mr. Fitzpatrick pointed out that the police budget has risen about 46% from 2013 to 2015. A comment he

received from a taxpayer is that the Town's money may be put to better use by supporting emergency services.

- Reclassify Police Matron position

Since the Town no longer needs a Police Matron, Mr. Burrell suggested that the position be reclassified to allow another part-time police officer spot on our civil service list.

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

Accepted      Ayes 4 - Burrell, Hinman, Fitzpatrick, Crowley  
                     Nays 0

Resolved that the Town's civil service position of Police Matron be reclassified to the position of police officer.

- Body Cameras

Mr. Auge contends that there needs to be a standard policy in place to protect both citizens and police departments before considering buying cameras.

### **Highway Department - Loyd Hovey**

- Advertise for bids

The advertisement for bids for the 4x4 Heavy Duty diesel powered cab and chassis and snowplow equipment will be published this week and the bid opening is scheduled for March 16th at 10:00am.

Mr. Hovey said that the new loader has been delivered and is in operation.

He also reported that he talked to the project managers at Holiday Valley working on the new Holiday Valley Road and told them that they are responsible for the signage. They agreed that the Town will buy the signs and install them and they will reimburse the Town.

Mr. Hovey said that there is a problem with people depositing snow on the roads when clearing out their driveways. This is illegal and can create a driving hazard. He suggested putting something in the paper to notify people of their responsibility to clear the roads after they plow their driveways.

Mr. Hovey said that the two new highway employees are doing a really good job. He requested that Tammie Doult be hired on a full-time permanent basis. He

said that the Highway Department used to consist of 6 full-time employees. The Board said it would review the budget and consider Hovey's request.

Mr. Hovey also requested that Ms. Doutt be moved up a step in her pay rate. She started at step 1 on the union pay scale whereas the other new employees started at step 3.

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

Accepted      Ayes 4 - Burrell, Hinman, Fitzpatrick, Crowley  
                    Nays 0

Resolved that Tammie Doutt's pay be raised from \$13.94 per hour to \$14.63 per hour as requested by Highway Superintendent Hovey, effective February 19th.

**Mark Alianello, PE – Engineering Department**

- NYSDOT BDIS

NYSDOT Bridge Management Unit is going to BDIS software and is requesting that one person be designated as a contact and user of the software.

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

Accepted      Ayes 4 - Burrell, Hinman, Fitzpatrick, Crowley  
                    Nays 0

Resolved that Town Engineer, Mark Alianello be designated the contact and user of the NYSDOT BDIS software.

- Flood Plain Local Law

The Letter of Map Revision was issued on August 4, 2014. After the required 180 day public comment period, the revised Flood Insurance Rate Map became effective February 4, 2015. The Town's Local Law for Flood Damage Prevention must be revised to correspond to the changes. Mr. Alianello explained that there are 2 revisions involved. The first is in Section 3.2. We are adding paragraph (4) to list the new map panel revisions that took effect February 4th. The second is in Section 5.3-1 (1) where the language has been updated to correspond with the current NYS Building Codes.

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

Accepted Ayes 4 - Burrell, Hinman, Fitzpatrick, Crowley  
Nays 0

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW  
No. 1 - 2015**

**WHEREAS**, it is proposed that a local law be introduced before the Town Board of the Town of Ellicottville entitled, **“A Local Law for Flood Damage Prevention as authorized by the New York State Constitution Article IX, Section 2, and Environmental Conservation Law, Article 36 ”**, and

**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 proposed Local Law by this Board on March 17, 2015 at 6:00 p.m. at the Town Hall, Ellicottville, New York, 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 as required by law.

- Street Light at Elk Creek Rd. and Maples Rd.

Mr. Alianello followed up with National Grid after a complaint by John Buskermolen of 6542 Maples Road about the intensity of the light coming from the newly installed street light at the intersection of Elk Creek and Maples. National Fuel repositioned the light head down as far as they could and painted the inside of the lens black. Mr. Buskermolen said that the light is still too bright and he is asking if the light can be lowered or angled to minimize the impact of the light.

National Grid told Mr. Alianello that they would change the 100 watt bulb to a 70 watt one at a fee of about \$445.00. If the Town decided to remove the light, there would be a termination fee of approximately \$5,500.00. Mr. Alianello will talk to National Grid again to try to find a satisfactory solution.

- Sewer from Holiville

A private sewer at Holiville has had some issues with freezing and Village employees have flushed it out. Mr. Alianello suggested that a letter be written to put Holiville on notice that the DPW will no longer be fixing their sewer. The Board agreed that a joint letter with the Village should be prepared.

- Holihuts water

A public informational meeting is scheduled for April 4th at 4:00pm at the Town Center to discuss bringing municipal water to Holihuts homes. Attorney Moriarty

will look into the legality of creating a Special Benefit District that would be taxed to pay for the improvements.

- Booster Station No. 2

Mr. Alianello distributed a summary of costs associated with damage incurred from pit flooding on August 30, 2014.

- East Tank Grant disbursement

The agreement for the grant disbursement from Empire State Development is ready to sign. One requirement is the Town appoint a MWBE officer for the project.

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

Accepted      Ayes 4 - Burrell, Hinman, Fitzpatrick, Crowley  
                    Nays 0

Resolved that Supervisor John Burrell be appointed MWBE Officer for the East Tank project and that he is authorized to sign the agreement with Empire State Development for grant disbursement.

- Holiday Valley Road

The plans for the new Holiday Valley Road were reviewed. Holiday Valley related through Mr. Alianello that they believe that they can achieve the intent of the project and save money by modifying the original plan by leaving Deer Crossing Road alone. There were no major objections.

The water and sewer lines were discussed. A discussion has begun whereby the Town would buy the materials needed for both the sewer relocation and the Middle Zone Loop waterline and Holiday Valley's contractor will install them as part of the road project. All agreed that this was a reasonable proposal.

### **Harry Weissman - Assessor**

Mr. Weissman distributed a 4th quarter, 2014, Sales Analysis Report and reviewed it with the Board. He also explained differences between Condos, Co-ops and Town Houses from a taxing perspective.

### **Old Business**

- Alarm System Local Law

Kathleen Moriarty is reviewing the draft law and will be discussing some of her concerns with Rick Jackson.

- Recreational Trail Update

Mr. Hinman reported that the committee has received and is reviewing applications for its fundraising director opening.

### **Correspondence**

- Thank you from Alley Cats

### **Executive Session**

Motion by Mr. Hinman and seconded by Mr. Crowley to go into executive session at 9:03pm to discuss contract issues. All Ayes. Carried.

Motion by Mr. Hinman and seconded by Mr. Crowley to resume regular session at 9:15pm. All Ayes. Carried.

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

Accepted      Ayes 4 - Burrell, Hinman, Fitzpatrick, Crowley  
                    Nays 0

Resolved that the next 3 Board meetings will be held the 3rd Tuesday of the month at 6:00pm instead of the 3rd Wednesday. Therefore, the next 3 board meetings will be held on March 17th, April 21st and May 19th.

### **Adjournment**

Motion by Mr. Hinman and second by Mr. Fitzpatrick to adjourn the meeting at 9:20pm. 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 February, 2015, approved by said Board on the 17th day of March, 2015.

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Robyn A. George, Town Clerk