

**MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE  
MARCH 17, 2015 at 6:00 pm  
ELLICOTTVILLE TOWN HALL**

<b><u>Present:</u></b>	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
	Mark Alianello	Town Engineer
	Kathleen Moriarty	Attorney for Town

**Also Present:** Jann Wiswall & John Thomas, Press, Chris Brown, Jim Decker, Peter Widger, Michael Bloomfield-Brown, Kelly Bigos

**Call meeting to order:**

Supervisor Burrell called the meeting to order at 6:01 pm and led the Pledge to the Flag.

**Public Hearing:**

Supervisor Burrell opened the public hearing on:

**Local Law No. 1 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”**

The public hearing will remain open to allow possible comments from the public.

**Approve Minutes**

- Town Board Meeting –February 18, 2015

On motion by Mr. Crowley and second by Mr. Hinman the amended minutes of the February 18, 2015 Board Meeting were

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

Nays 0

**Privilege of the Floor**

Jim Decker of Elk Creek Drive addressed the Board regarding a proposed Townhouse development that has an application pending with the Village Planning Board. The proposed name of the Townhouse project is "Elk Creek Townhomes". Mr. Decker stated that he and his neighbors on Elk Creek Drive are opposed to the name of the project. He cited that since the name is so similar to Elk Creek Drive, there may be confusion with emergency services and delivery services. He requested the support of the Town Board.

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 Board make a recommendation to the Village Planning Board urging them to insist that the proposed "Elk Creek Townhomes" project rename it's development.

Chris Brown asked for clarification of the Flood Plain Law that is before the Board. He wondered why the Board was presenting essentially the same law as the State law.

Mr. Alianello said that the purpose of the proposed law is to update the current law to include the newly created flood maps that are now in effect. The State law is comprehensive and covers the points that are required. The new flood maps may change the need for flood insurance to many homeowners and lower the rates to others. .

**Audit of Claims**

- Pay Town bills on Distribution Report #03-15

On motion by Mr. Hinman and second by Mr. Crowley 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 03-15* as follows:

001 - General Fund A:      \$ 24,330.56

002 - General Fund B:	\$ 2,461.84	
		General Fund Total: \$ 26,792.40
004 – Highway DB	\$ 38,967.07	
		Highway Fund Total: \$ 38,967.07
		006 - Water Fund Total \$ 7,485.41
		<b>Grand Total: \$ 73,244.88</b>

### **Town Justices**

The judges were unable to attend the meeting because the regularly scheduled meeting was changed from Wednesday to Tuesday and they had conflicts. They will both be invited to next month's meeting.

### **Supervisor's Reports**

- Supervisor's Report

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

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

Discussion followed about setting up capital reserve accounts. Mr. Burrell said that the resolutions will be presented at next month's meeting after conferring with the Town Accountant and Town Attorney.

- Annual AUD Report

The Board was provided with copies of the Annual Update Document and notes from Mr. Burrell regarding it. The Town Accountant has been asked to attend the May Board meeting to answer questions that the Councilmen have after their review of the report. The possibility of setting up a work session was discussed.

- Highway Department Organization

Since the Highway Superintendent's position will be changed from a elected position to appointed on January 1, 2016, the title of "Highway Superintendant" can no longer be used. A committee of Ken Hinman, Greg Fitzpatrick and John

Burrell has been designated to explore the options and future role of the Highway Department.

- Audit

The Town's annual audit has been set up for the week of April 27th. The Historical Society will be included in this year's audit.

- Write-off

A discrepancy occurred in 2004 when the Town converted their water billing system. The Town accountants suggested that the amount be written off at this time.

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

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

Resolved that the difference between A/R detail and general ledger account of \$885.47 as a result of water billing system conversion in 2004 be written off.

- STW Conference

A conference will be held on May 6th at Houghton College.

- County 1% Seminar

Informational meetings are scheduled for Tuesday, March 24th in Little Valley and Tuesday, April 7th in Olean to help municipalities comply with the requirements that will allow their taxpayers to be eligible for the State's Tax Freeze Tax Credit. The deadline for submitting an Efficiency Plan to the State is June 1, 2015.

- Planning Board Position

The Town Planning Board may have a vacancy in the near future. Board members were asked to consider recommendations for the position.

- Audit of Town Center as poling site

The Town Center building has been audited to assess handicap accessibility which is required of a poling site. It passed the inspection and will now replace the Fire Hall as the poling site for Ellicottville beginning after this month's Village election.

- Cemetery Maintenance

On motion by Mr. Hinman, second by Mr. Fitzpatrick the following resolution was accepted:

Ayes – 5 Burrell, Hinman, Fitzpatrick, Crowley and Jackson  
Nays - 0

Resolved, that the Town of Ellicottville accept the offer of \$2,942.50 by D & J's Lawn Service & Snowplowing for Cemetery maintenance of Jefferson Street, Niles and Bryant Hill Cemeteries subject to the following:

- First clean up, mowing and trimming to be complete by May 8, 2015.
- Clean up, mowing and trimming three times per month in May, June and July.
- Clean up, mowing and trimming two times per month in for the remainder of the season.
- A certificate of insurance is to be provided with acceptance of this proposal.
- Submittal of vouchers for services each month must be received by the 15<sup>th</sup> of the month.

- Dog Control

Plans for a moveable kennel to be constructed at the residence of Kelly Bigos that would be compliance with the NYS Department of Agriculture regulations for the temporary housing of dogs picked up by Animal Control were presented . The total cost was quoted at \$3,041.39 of which the Village has agreed to pay half. One advantage of having a kennel in the Town of Ellicottville is that it will be available to police officers at all times. Mr. Alianello questioned whether zoning law would allow a kennel in Ms. Bigos district. He will look into it.

On motion by Mr. Jackson, second by Mr. Fitzpatrick the following resolution was accepted:

Ayes – 5 Burrell, Hinman, Fitzpatrick, Crowley and Jackson  
Nays - 0

Resolved that Kelly Bigos is authorized to buy the materials and construct the proposed dog kennel provided it conforms with the zoning regulations. The purpose of the kennel is to provide a holding facility for dogs that are in the Dog Control Officer's possession.

- Bigos Recognition

Officer-in Charge Auge presented Officer Philips with a life saving pin in recognition of her successful effort to save the life of David Golley.

### **Present Written Department Reports for Approval**

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

On **motion** by Mr. Hinman and second by Mr. Crowley 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

### **Department Heads**

#### **Don Auge – Police Department**

- Mardi Gras

Mardi Gras weekend was quiet this year. Auge said that there were about half as many people in town this year compared to last year.

- Alarm System Local Law

The draft of the Alarm System Local Law was presented. The practicality and expense of conducting inspections was discussed. Also discussed was the issue of enforcement and setting up a Appeals Commission.

#### **Highway Department**

- Advertise for bids -Gravel

**Motion** by Mr. Crowley and second by Mr. Jackson to authorize Mr. Hovey to advertise for bids for processed gravel and limestone. All Ayes. Carried

- Snow Plow and equipment bid

There were no bids offered at the March 16th bid opening for the advertise truck and chassis. Apparently, the specifications outlined in the bid are no longer available.

**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 new specs and place a new advertisement for bids on a new snowplow truck cab and chassis.

Viking-Cives was the sole bidder for the new plow and controls for the new snowplow truck. The bid of \$39,713.00 was about \$2,000.00 more than the one purchased in 2009. The plow and controls can be fitted to any snowplow truck that the Town purchases.

On motion by Mr. Crowley, second by Mr. Jackson the following resolution was accepted:

Ayes – 5 Burrell, Hinman, Fitzpatrick, Crowley and Jackson  
Nays - 0

Resolved that the Town accept the bid by Viking of \$39,713.00 for a custom-built hitch, hydraulics, plow, telestrut and wing installed on Town supplied chassis.

- Loader tires

Motion by Mr. Hinman and second by Mr. Crowley to authorize Mr. Hovey to purchase 4 Triangle Radial Tires for the new loader at a net cost of \$2,296.00. All Ayes. Carried.

- Overtime - Highway Department

Mr. Burrell prepared a memo outlining the dollar amount of overtime accrued by the highway employees to date. He also estimated the budget through the end of the year and determined that there is not enough in the highway budget to hire Tammie Doult full-time as requested by Mr. Hovey.

- "Local Roads Matter Conference"

Highway Superintendent Hovey attended the "Local Roads Matter Conference" in Albany, March 3rd -4th. He and around 700 other superintendents went to the capital and met with State representatives in an effort to secure additional funding for local roads.

- Dedicated Turnarounds

Mr. Hovey reported that snowplowing efforts are impeded on dead-end roads where there are no dedicated turnarounds. He would like the Town to look into the issue.

- Agreement to spend Town Highway Funds

On motion by Mr. Hinman, second by Mr. Jackson the following resolution was accepted:

Ayes – 5 Burrell, Hinman, Fitzpatrick, Crowley and Jackson  
Nays - 0

Resolved, that Pursuant to the provisions of Section 284 of the Highway Law, the Town Board agrees that money levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways shall be expended in the agreement sent forth by the Highway Superintendent, Loyd Hovey. Upon the signing by the Town Council, the Clerk is directed to forward a copy to the County DPW.

**Mark Alianello, PE – Engineering Department**

- Flood Plain Local Law

**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 to close the public hearing on Local Law No. 1 of the year 2015.

**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 to adopt Local Law No. 1 of the year 2015 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”**

- Street Light Elk Creek/Maples Rd.

Mr. Alianello met with a National Grid employee about minimizing the glare from the light in question. He said that the light could be swung around and/or the lens could be painted darker. National Grid will get back to Mr. Alianello with the cost involved.

- Holihuts Water

In the absence of a clear consensus from the Holihuts property owners, the Town is declining to put together a detailed description of the project intended to provide municipal water to the area at this time.

- Holiville Sewer

The Holiville homeowners association have agreed to replace the old sewer drainage system that has been freezing this winter.

- Four Flushers meeting - 3/13/15

Village and Town officials are working on developing a standard policy and fee schedule allowing the DPW to thaw frozen water lines. The Village purchased equipment that accelerates the thawing process and would waive the fee if it is determined that the problem is the Village's responsibility.

The East Tank project was also discussed at the Four Flusher's meeting. The project will be coming in approximately \$100,000.00 under budget. Since the grant covers 20% of a project up to the budgeted amount, a proposal to use the remaining funds to build a pipe line to the Village reservoir that would benefit the Town and Village water districts was discussed.

Mr. Alianello also informed the board that the original contract with Empire State Development for the East Tank project stipulated that all documentation for disbursement of the grant was required to be submitted no later than April 1, 2015. As a result of the suspension of the work last December, the Town has actually expended only approximately 82% of the project budget. He suggested that the Board request an extension of 5 months.

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

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

Whereas, there remains considerable final work and clean up to be completed and the Town is not in the position to provide complete documentation and request final disbursement of the grant at this time,

Resolved that the Town formally request an extension of 5 months to allow completion of the Town of Ellicottville Regional Water Project #139 and make final disbursements.

- Holiday Valley Road

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

Accepted      Ayes 4 - Burrell, Hinman, Fitzpatrick & Jackson  
                    Nays 0  
                    Abstention 1 - Crowley

Resolved that Supervisor Burrell is authorized to sign a Memorandum of Understanding with Win-Sum Ski Corp. stating that

1. .Win-Sum, by and through its contractor or contractors hired to relocate the Road, will construct the Water Line and reconstruct the Sewer Line; test and disinfect the Water Line; test the Sewer Line; maintain flow through the Sewer Line during the reconstruction; and restore all disturbed surfaces according to the site plan approved by the Town of Ellicottville and as approved by the Cattaraugus County Health Department. All non-paved and non-parking disturbed areas will be re-seeded.
2. Town shall pay for and supply all materials required to construct the Water Line and reconstruct the Sewer Line for the length identified.

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

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

Resolved that Mr. Alianello is authorized to advertise for bids to be opened March 31st at 10:00am for the materials needed for the water line to be installed in conjunction with the Holiday Valley Road realignment.

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

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

Resolved that the Town Board hold a special meeting on March 31, 2015 at 4:00pm for the purpose of awarding the bid for the water line materials for Holiday Valley Road.

### **Old Business**

- Health Insurance Buyout

Mr. Burrell showed the Board how much money could possibly be saved if employees were offered a buyout option for their health insurance coverage. If the four employees that have other insurance available were to accept a \$4,500.00 buyout, the Town could save over \$40,000.00 annually.

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

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

Resolved that the Town offer its eligible employees an annual Health Insurance buyout of \$4,500.00. Further resolved that Attorney Moriarty is authorized to draw up the necessary contracts to facilitate the offering.

### **Correspondence**

- Teamsters
- Harold Fisher

### **Adjournment**

Motion by Mr. Fitzpatrick and second by Mr. Jackson to adjourn the meeting at 9:13pm. 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 March, 2015, approved by said Board on the April 21st, 2015.

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Robyn A. George, Town Clerk