

**MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE
APRIL 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	Highway Superintendent
	Don Auge	Officer-in-Charge
	Mark Alianello	Town Engineer
	Kathleen Moriarty	Attorney for Town

Also Present: Jann Wiswall & John Thomas, Press, Cheri Giancarlo

Call meeting to order:

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

Good News

- CHIPS, AIM & WRF

The Town will be receiving \$14,634.81 in Winter Recovery Aid in addition to the CHIPS Aid of \$103,910.17 and Aid & Incentives Aid of \$7,425.00. The Winter Recovery Aid is to help municipalities recover from the extreme winter cold and snow.

Approve Minutes

- Town Board Meeting –March 17, 2015

On motion by Mr. Crowley and second by Mr. Hinman the minutes of the March 17, 2015 Board Meeting were

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

- Town Board Special Meeting –March 31, 2015

On motion by Mr. Crowley and second by Mr. Hinman the minutes of the March 31, 2015 Special Board Meeting were

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

Privilege of the Floor

Cheri Giancarlo updated the Board on the logging operation in her area. She asked if the Town would facilitate a meeting between the land owner, the loggers and her so that she could be notified when they would be working. John Burrell said that he would talk to the land owner.

Audit of Claims

- Pay Town bills on Distribution Report #03-15

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 Town bills be paid on General Ledger Distribution *Report 03-15* as follows:

001 - General Fund A:	\$ 30,101.04	
002 - General Fund B:	\$ 1,063.76	
		General Fund Total: \$ 31,164.80
004 – Highway DB	\$ 38,967.07	
		Highway Fund Total: \$ 21,629.39
		006 - Water Fund Total \$ 38,532.74
		Grand Total: \$ 91,326.93

Supervisor's Reports

- Supervisor's Report

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

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

Nays 0

- 3/27/15 Meeting with Mayor and State Police

The State Police are interested in stationing 2 additional officers in Ellicottville. One problem is that their current office is not big enough. The possibility of using space at the Town Center was discussed. At this time it is not known whether or not there will be space available.

- 1% Seminar

Mr. Crowley attended the County's Informational meeting intended 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. Based on the Town's budget, the Town will have to show a savings of approximately \$6,895.00. Road plowing agreements with adjoining towns were discussed. Agreements will need to be memorialized.

- 4/13/15 Meeting with Dave Turner NYSIF

The Town can expect to save between 9% - 11% on the NYSIF policy this year because some old claims have come off the policy.

- 4/14/15 Meeting with Kelly Philipps RE: Animal Control

Kelly Philipps has applied to the Town Planning Board for a Special Use Permit to allow her to build a holding kennel for use as Dog Control Officer. Since it will be within 500' of the town line, the application will also be referred to the County for approval.

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. Jackson 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

- Thank you to Jim Bouchard

A man that was helped by Officer Bouchard sent a note commending his actions. Mr. Auge added that Bouchard did an outstanding job in solving a grand larceny case this last week which resulted in an arrest.

- PT Police Officer hire

Auge told the Board that he has interviewed Tysen Lincoln for the position of part-time police officer. Lincoln currently works for the Sheriff's Department and Auge thinks he would be a good fit for the Town's Department.

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

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

Resolved that on the recommendation of Officer in Charge Auge, Tysen Lincoln be hired in the position of part-time police officer at the rate of \$17.00 per hour.

The Police Department tried out a body camera on loan from another department. Auge said that the quality of the video was very good although it is little fuzzy at night. It was equipped with an infrared setting and a radio and is able to take still shots. One concern is the amount of space it takes to store the data. He has ordered one but will not put it into use until a policy is in place.

Highway Department

- Truck bid opening - April 17, 2015

Bids were opened for a heavy duty factory built 4x4 all wheel drive diesel powered cab and chassis. The results were as follows:

Hunter Buffalo Peterbilt	Model 367 Manual	\$144,712.00
	Allison Transmission	\$157,856.00
	348 Manual	\$110,121.00
	Allison	\$115,033.00
Buffalo Truck Center, Inc.	2016 Mack Gu712	\$150,600.00
	Manual	
	2016 Mack Allison	\$160,600.00
Fleet Maintenance, Inc.	Western Star 4800SB	\$149,984.00

After discussion on the pros and cons of the different trucks, Highway Superintendent Hovey recommended that the Town accept the bid from Hunter Buffalo Peterbilt for its Model 367, Allison transmission. It can be delivered mid June. It has the best warranty and is the size that the Highway Department is looking for.

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

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

Resolved that the Town accept the bid of \$157,856.00 for the Model 367 Peterbilt 2015 Heavy Duty Factory Built 4X4 all Wheel Drive Diesel Powered Cab and Chassis with Allison transmission.

- Ditch cleaning fill

The Highway Department published a notice for anyone interested in fill left over from ditch cleaning to contact them. So far they have received two calls.

- Townline/Stoney Lonesome Road

The owners of 5856 Townline Road would like to upgrade the road on their property to meet Town Specifications so it can be dedicated to the Town and therefore be maintained by the Town in the future. The Town Engineer and the Highway Superintendent were directed to come up with a plan and inform the property owners of the requirements.

- 2015 Highway School

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

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

Resolved that Highway Superintendent Loyd Hovey is authorized to attend the Highway School in June in Ithaca, NY.

- Dedicated Turnarounds

Town Attorney Moriarty and Town Engineer Alianello are working on setting up dedicated Town turnarounds. Property owners will need to be contacted and

surveys done. In the interest of saving money, Mr. Alianello recommended surveying all of the proposed locations at once and then doing the most critical ones first.

Mark Alianello, PE – Engineering Department

- East Tank update

After a walk through with the contractors, Mr. Alianello reported the site held up well over the winter and the contractors will be starting work in early May. The telemetry panel has been mounted and will be programmed soon.

- Change Order #3

The Board was presented with JD Northrup's Quote of \$2,600.00 to replace the meter Vault hatch at the E. Washington Street Meter Pit with a cast in place concrete collar with dowels and rebar. Mr. Alianello recommended that it be included in the East Tank project as Change Order #3 as presented.

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 the Town authorized the Adoption of Change Order No. 3 for \$2,600.00 into the contract with JD Northrup and authorized Supervisor Burrell to sign it.

- Holiville sewer

Mr. Alianello will be meeting with the contractor hired to replace the sewer drainage system this week.

- Street light at Elk Creek/Maples Rd.

National Grid rotated the light in question and "reinforced" the painting of the inside of the lens at no cost to the Town.

- Four Flushers - May 1st
- Water Supply line to Village reservoir

The County Health Department is requiring the Town to submit plans for the project. Depending on the cost of the project, it could be included as a Change Order in the East Tank project.

- Pumping station insurance claim

The insurance claim has been filed and the Town is expecting to be reimbursed approximately \$63,000.00

- Flood Plain Maps

Mr. Alianello reported that two residents requested elevation certificates from FEMA. Although the properties are adjacent, one home was deemed below flood level and the other above. He contends that the map has been misinterpreted by FEMA and the decisions are being appealed.

- Water System General Items

Mr. Alianello noted that the Upper Fox Ridge Pressure Reducing Station needs work. The 2015 budget includes funds to replace the PRV in the pit. He obtained a quote of \$2,688.00 to purchase the main 6 inch PRV. Other miscellaneous fittings and parts may be necessary.

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. Alianello be authorized to order the Singer valve at a cost of \$2,688.00.

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

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

Resolved that the Town authorizes full payment in the amount of \$1,155.00 to the Contractor, Gerwitz and McNeil Electric for the complete installation of the telemetry hardware for the East Tank.

New Business

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 Highway Superintendent Hovey is authorized to purchase pug mill and mixer.

Old Business

- Alarm System Local Law

Some details still need to be ironed out but a final draft should be ready for the next meeting.

- Recreational Trail Update

The 700 Club made a donation of \$1,000.00 to the recreational trail. The committee will begin holding regular monthly meetings.

- Health Insurance Buyout

Attorney Moriarty is working on drafting contracts for the Health Insurance Buyout.

- Create Accounts

**RESOLUTION ESTABLISHING A CAPITAL RESERVE FUND TO FINANCE A TYPE OF CAPITAL IMPROVEMENT OR EQUIPMENT
HIGHWAY EQUIPMENT**

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

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

RESOLVED, that pursuant to Gen. Mun. Law § 6-c, as amended, there is hereby established a capital reserve fund to be known as the Town of Ellicottville Capital Reserve Fund (“Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of equipment. The type of equipment to be financed from the Reserve Fund is the acquisition of necessary highway equipment (“Highway Equipment”).

The chief fiscal officer, or an officer designated by the Board, is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided in Gen. Mun. Law § 10. The Board may reinvest the moneys in the Reserve Fund in the manner provided in Gen. Mun. Law §11, and consistent with the investment policy of the Town. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Board, or its designated officer, shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the Board and such additional actions or proceedings as may be required by Gen. Mun. Law § 6-c and any other law.

The resolution was thereupon duly adopted.

**RESOLUTION ESTABLISHING A CAPITAL RESERVE FUND TO FINANCE A TYPE OF
CAPITAL IMPROVEMENT OR EQUIPMENT
POLICE EQUIPMENT**

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

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

RESOLVED, that pursuant to Gen. Mun. Law § 6-c, as amended, there is hereby established a capital reserve fund to be known as the Town of Ellicottville Capital Reserve Fund (“Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of equipment. The type of equipment to be financed from the Reserve Fund is the acquisition of necessary police equipment (“Police Equipment”).

The chief fiscal officer, or an officer designated by the Board, is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided in Gen. Mun. Law § 10. The Board may reinvest the moneys in the Reserve Fund in the manner provided in Gen. Mun. Law § 11, and consistent with the investment policy of the Town. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Board, or its designated officer, shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the Board and such additional actions or proceedings as may be required by Gen. Mun. Law § 6-c and any other law.

The resolution was thereupon duly adopted.

**RESOLUTION ESTABLISHING A CAPITAL RESERVE FUND TO FINANCE A TYPE OF
UNEMPLOYMENT INSURANCE**

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

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

RESOLVED, that pursuant to Gen. Mun. Law § 6-m, as amended, there is hereby established a reserve fund to be known as the Town of Ellicottville UnemploymentPayment Reserve Fund (“Reserve Fund”). The purpose of the Reserve Fund is to reimburse the State Unemployment Insurance Fund for payments made to claimants where the municipality has elected to use the “benefit reimbursement” method.

Expenditures may be made only as required by law to pay into the Unemployment Insurance Fund an amount equivalent to the amount of benefits paid to claimants and charged to the account of the Town in accordance with Labor Law § 581(1)(e).

The source of funds for the Reserve Fund shall be such amounts as may be provided by budgetary appropriation; amounts from certain other reserve funds, subject to permissive referendum; and other funds that may be legally appropriated.

The chief fiscal officer, or an officer designated by the Board, is hereby authorized and directed to deposit and invest the monies of the Reserve Fund in accordance with relevant sections of Gen. Mun. Law § 6-m and other applicable law. Any interest earned or capital gains realized on the money deposited or invested shall accrue to and become a part of the Reserve Fund. The separate identity of the Reserve Fund shall be maintained whether its assets consist of cash or investments or both.

If, at the end of any fiscal year, the moneys in such fund shall exceed the amounts required to be paid into the Unemployment Insurance Fund as described above, plus any additional amount required to pay all pending claims, the Board, within sixty (60) days of the close of the fiscal year, may:

- a. Transfer said excess, or any part thereof, to certain other reserve funds authorized by General Municipal Law or other relevant laws; and/or
- b. Apply all or part of the excess to the budget appropriation of the next succeeding fiscal year.

If the Board terminates its election to become liable for payments in lieu of contributions (i.e., elects to convert to “tax contribution” basis), moneys remaining in the fund may be transferred to certain other reserve funds, to the extent moneys in the fund exceed amounts sufficient to pay all pending claims.

The sum of \$10,000.00 is hereby appropriated to such fund, to be paid from the unappropriated fund balance.

The resolution was thereupon duly adopted.

- Park Program

The possibility of sharing costs with other municipalities for the Park program was brought up. Supervisor Burrell will bring up the subject with the Youth Commission.

Correspondence

- Great Valley Senior Group
- STW Certificate of Appreciation
- Ellicottville Chamber of Commerce

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

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

Resolved that the Ellicottville Chamber of Commerce be granted permission to use the Town Gazebo for this year's Gazebo Series starting Thursday, July 2nd and continuing Thursdays through August 6th with entertainment from 7pm-9pm.

Further resolved that the Chamber be allowed to use the Gazebo on July 3rd to 5th for the Summer Music Festival, July 25th for Jazz Festival, September 20th for Rock N Oldies Weekend, October 10th and 11th for Fall Festival, and December 5th for the Christmas Stroll.

MOTION by Mr. Hinman and second by Mr. Jackson to hold next month's Board meeting on Wednesday, May 20th at 6:00pm. ALL AYES. CARRIED.

- Public Hearing notice, Great Valley RE: Solar Energy Systems

Executive Session

MOTION by Mr. Crowley and second by Mr. Jackson to go into executive session at to discuss legal and personnel issues and contract negotiations at 8:13pm. ALL AYES. Carried.

MOTION by Mr. Crowley and second by Mr. Jackson to resume the regular meeting at 9:29pm. ALL AYES. Carried.

Adjournment

Motion by Mr. Hinman and second by Mr. Fitzpatrick to adjourn the meeting at 9:30pm. 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 April, 2015, approved by said Board on the May 20th, 2015.

Robyn A. George, Town Clerk