

**MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE  
May 20, 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	Highway Superintendent
	Don Auge	Officer-in-Charge
	Mark Alianello	Town Engineer
	Kathleen Moriarty	Attorney for Town
	Harry Weissman	Assessor

**Also Present:** Jann Wiswall & John Thomas, Press, Cheri Giancarlo, Glenda Jackson, Kate O'Stricker, Joe Wright, Jenny Acklin, John Buskermolen

**Call meeting to order:**

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

**Good News**

- Sales Tax Distribution

The Town received \$345,595.81 in sales tax distribution for the first quarter of 2015.

**Approve Minutes**

- Town Board Meeting – April 21, 2015

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

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

- Town Board Special Meeting –May 1, 2015

On motion by Mr. Fitzpatrick and second by Mr. Jackson the minutes of the May 1, 2015 Special Board Meeting were

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

**Privilege of the Floor**

- EVGV Recreational Trail

Joe Wright, the newly appointed Director of Business Development for the Trail, was introduced to the Board. He will be working approximately 10-15 hours per week on business development tasks and strategies for the EVGV Trail. His time will be underwritten by Jim Cornell of the EllicottVillas. He outlined his fundraising and marketing plans for the Trail.

- TIGER Grant

Kate O'Stricker made the pre-application deadline for the grant. She is working on finishing the actual application. She needs a Federal Wage Requirement Certificate from the Town which Supervisor Burrell will sign. She is also looking to get information on car and pedestrian accidents in the last several years. The Trail Committee still needs the sponsorship of the Town to apply for the grant but reported that it is possible that the 20% Town contribution requirement will be waived due to Ellicottville's rural status. If the requirement is not waived, the Trail Committee plans to come up with the money through its fundraising efforts..

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 the EVGV Recreational Trail Committee is authorized to submit a application for a TIGER Grant from the U.S. D.O.T. for \$1.8 million under the sponsorship of the Town of Ellicottville.

- Street Light - ElkCreek/Maples Rd.

John Busermolen thanked the Board for taking measures to alleviate some of the issues he had with the street light by his home.

MOTION by Mr. Hinman, second by Mr. Crowley to go into executive session at 6:20pm. All Ayes. Carried.

MOTION by Mr. Hinman, second by Mr. Crowley to resume regular session at 6:40pm. All Ayes. Carried.

**Audit of Claims**

- Pay Town bills on Distribution Report #04-15

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 04-15* as follows:

001 - General Fund A:	\$ 25,403.03	
002 - General Fund B:	\$ 3,910.96	
		General Fund Total: \$ 29,313.99
004 – Highway DB	\$ 17,580.50	
		Highway Fund Total: \$ 17,580.50
		006 - Water Fund Total \$ 4,612.83
		008 - Drainage Total \$ 111.38
		<b>Grand Total: \$ 51,618.70</b>

**Supervisor's Reports**

- Supervisor's Report

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

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

Some discussion followed regarding the Highway budget. Highway Superintendent Hovey left the meeting.

- Intermunicipal agreements - 1% Plan

Supervisor Burrell, Mr. Alianello, Village Mayor Coolidge and Mansfield Supervisor, Bob Keis, have been working on the documents that need to be submitted to comply with the State's Tax Freeze Tax Credit. All forms will be completed and submitted before the deadline of June 1st. The Ellicottville Library may be able to submit a savings plan in conjunction with the Town.

- Kelly Philipps RE: Animal Control

The Special Use Permit and Site Plan to allow a Municipal Holding Kennel on Kelly Philipps' property presented to the Town Planning Board was approved.

- Town Justice

John Karassik, newly appointed Town Justice, will not be able to perform his duties until he attends classes and is recertified by the State. In the mean time, Town Justice Stokes has agreed to handle both judge's duties.

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 Judge Andrew Stokes is authorized to fulfill the duties of both part-time judge positions until the newly appointed Judge, John Karassik, obtains his certification.

Further resolved that Judge Stokes be compensated at the same salary as resigned Judge Nelson, which is \$10,200.00 per year in addition to his current rate of pay until such time as Karassik gets his certification.

- Four Flushers

New rate schedules were proposed at the meeting and will be discussed further.

- Audit/Accountants

The Accountant's final audit should be ready by the June Board meeting.

- Health Insurance Renewal/Budget

Independent Health sent a notice of renewal and 2016 premium rates. The rate for next year shows an approximate increase of 5%. This increase should be offset by the new Health Insurance Buyout being offered to employees.

- County Supervisors Annual Christmas Party

Mr. Burrell said that the County Supervisors hold a Christmas party in June and invited all Board members to attend.

- Gazebo

Mr. Burrell announced that the Gazebo and bell have been power washed and painted. Landscaping will be added this week in time for Memorial Day.

### **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. 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**

- Kelly Philipps Letter

A Village resident wrote a letter to Officer Philipps thanking her for using her professional skills to defuse a situation regarding a dispute with a neighbor.

- Body Cameras

The Police Department has one body camera and a tentative policy for body camera use. Auge said the camera will be used on a voluntary basis. The Board will review the policy and it will be on next month's agenda.

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 members of the Ellicottville Police Department are authorized to use the body camera on a trial basis in accordance with the tentative written policy.

- Training

A training class for the use of NARCAN will be held at the Town Center.

- Executive Session - Personnel

MOTION by Mr. Fitzpatrick, second by Mr. Crowley to go into executive session at 7:33pm to discuss personnel issues. All Ayes. Carried.

MOTION by Mr. Hinman, second by Mr. Crowley to resume regular session at 8:06pm. All Ayes. Carried.

### **Highway Department**

- Gravel bids

Bids for processed gravel and limestone were received from Buffalo Crushed Stone, Machias Sand and Gravel and Gernatt Asphalt Products and opened on May18, 2015.

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

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

**Resolved** to table the awarding of the gravel and limestone bids until the Highway Superintendent is present.

- Townline/Stoney Lonesome Road

Mr. Alianello explained that there is a lot of work and expense involved in bringing the portion of the road in front of 5856 Townline Road up to Town Specifications. He went into some detail as to what would need to be done. The Board directed him to notify the property owners of the requirements and it would be up to them to hire engineers to draw up plans that would have to be approved by the Town Engineer.

- Dedicated Turnarounds

Mr. Alianello said that planning for and constructing of dedicated plow turnarounds are not in the budget for this year. Although initial planning may begin, it will be necessary to budget for them in the future.

- Inventory

Superintendent Hovey compiled a list of inventory belonging to the Highway Department for the Town's records and for insurance purposes.

### **Mark Alianello, PE – Engineering Department**

- East Tank

The Telemetry for the East Tank is in and running. Mr. Alianello was asked to remind the contractors that the finish work needs to be done by June 30th.

- Four Flushers - May 1st

The bids for the Village Waste Water Treatment Plant were above the amount that the Village had bonded for. They decided to modify the Plant's design and readvertise bids.

- Pumping station insurance claim

The insurance claim has been filed and the Town is expecting to be reimbursed approximately \$63,000.00. Adjustments to the budget will have to be made to reflect the expenses and revenue.

- Middle Zone Water Loop

The plans for the Middle Zone Water Loop have been approved by the County Health Department and materials are being delivered.

- Pump Station #2

The new pump at Station #2 failed and the backup pump was being rebuilt and reconditioned.. Fire trucks were brought in to fill the reservoir. It was discovered that there was a water leak in the lines going to the Westmont development. The valves to Westmont were shut down.

Mr. Alianello outlined two options and recommended Option 2:

1. Replace the damaged parts on the failed pump and reassemble it. Fluid Kinetics quoted \$7314 for this work.
2. Replace the entire rotating assemble as one. This option would include cleaning up the "old" shaft, stuffing box, and upper bearing assembly for the Town to have as spare parts (the value of these parts is approximately \$4,000). Fluid Kinetics would sell this to the Town at cost plus shipping charges and assemble it for free. The cost of this option 2 is \$6668. Delivery time is approximately 7 weeks.

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

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

Resolved that Mr. Alianello is authorized to order the work done on the water pump for Pump Station #2 as outlined in Option #2 immediately.

### **Harry Weissman - Assessor**

- Sales Analysis Report

Mr. Weissman reviewed his Sales Analysis Report with the Board. He also noted that there were very few grievances filed this year.

### **Town Clerk Audit**

Mr. Fitzpatrick performed an audit on the Town Clerk's account this week and reported that everything was in line. All of the deposits and checks were accounted for. The Annual 2013 and 2014 Clerk's reports were provided for review.

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

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

Resolved that the Town Board accept the audit by Mr. Fitzpatrick of the Town Clerk's account.

### **New Business**

- Championship Rodeo & Nightmare Hayrides

Ellicottville Championship Rodeo (John and Karen Kent) sent a letter announcing the plans for their annual Rodeo, July 2<sup>nd</sup> through July 5<sup>th</sup>. They have requested a Temporary Sign Permit and a Noise Permit until 1:00am. They also requested permission to put up signs in the Town of Ellicottville to help direct the traffic for their annual Nightmare Hayrides, Oct. 2<sup>nd</sup> through Nov. 1<sup>st</sup>. They are requesting sign permits starting the end of September to be removed Nov. 1<sup>st</sup>.

On **MOTION** by Mr. Hinman, seconded by Mr. Fitzpatrick, the Town Clerk is directed to issue a Noise Permit to the Ellicottville Championship Rodeo as requested. All Ayes. Carried.

It was noted that the Town Board is not responsible for issuing sign permits and directed the Town Clerk to notify the Kents that sign permits are under the Code Enforcement Officer's jurisdiction and he should be contacted directly.

**RESOLUTION ESTABLISHING A CAPITAL RESERVE FUND TO FINANCE A TYPE OF  
CAPITAL IMPROVEMENT  
BUILDINGS AND LAND USE**

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

Accepted      Ayes 5 - Burrell, Hinman, Crowley, Jackson and Fitzpatrick  
                    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 capital improvement. The type of capital improvement to be financed from the Reserve Fund is the construction, reconstruction, improvement, or acquisition of buildings or land.

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.

**Old Business**

- Alarm System Local Law

Attorney Moriarty presented an updated version of the Alarm System Local Law. Responsibility to administer the Law will lie with the Fire Company and the Police Department. The Review Board will consist of a member of the Police Department, Fire Company and Town resident. Ms. Moriarty will come up with a template for a general appearance ticket. The fee schedule will be attached in order to give the Board flexibility to amend the fees in the future. It was

suggested that the Village be contacted and asked to consider changing their Alarm Law to correspond to the Town's.

- Health Insurance Buyout

Attorney Moriarty provided a draft Local Law giving the Town authority to offer employees an option of accepting a cash buyout in lieu of Health Insurance Coverage. Employees must provide proof of coverage on another Health Care Plan to be eligible. The cash buyout has been set at \$4,500.00 and will be paid in equal, taxable installments each pay period.

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

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

Resolved that the Town Board hold a public hearing on Local Law No. 2 of the year 2015 entitled:

**A LOCAL LAW PERMITTING THE TOWN TO PROVIDE CASH PAYMENT IN  
LIEU OF CERTAIN HEALTH INSURANCE BENEFITS  
AUTHORIZING PUBLIC HEARING ON LOCAL LAW  
No. 2 - 2015**

**WHEREAS**, it is proposed that a local law be introduced before the Town Board of the Town of Ellicottville entitled, “**A Local Law permitting the Town to provide cash payment in lieu of certain health insurance benefits**”, 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 June 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.

**Adjournment**

Motion by Mr. Hinman and second by Mr. Fitzpatrick to adjourn the meeting at 9:44pm. 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 20th day of May, 2015, approved by said Board on the June 17th, 2015.