

**MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE
June 17, 2015 at 6:00 pm
ELLCOTTVILLE 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, Tracy Stokes, Bookkeeper to the Supervisor, Andy Toth, Ron Green

Call meeting to order:

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

Public Hearing

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"

Supervisor Burrell opened the public hearing at 6:01pm. There was no one in attendance to comment on the proposed law. The public hearing will remain open.

Good News

- NYSIF Worker's Comp - 22.5% Dividend (7-1-13 to 7-1-14) \$9,690.18
- NYSIF Worker's Comp. premium (7-1-15 to 7-1-16) -\$55,274.89 Est. compared to premium 7-1-14 to 7-1-15 of \$63,603.52 Est., down \$8,328.63 or 13%
- Insurance check \$63,362.12 received for damage of pumping station #2
- Tentative Equalization Rate

The Town received notice of its 2015 Tentative State Equalization Rate from NYS Department of Taxation and Finance and Ellicottville is again at a 100% Equalization Rate.

Approve Minutes

- Town Board Meeting – May 20, 2015

On motion by Mr. Hinman and second by Mr. Crowley the amended minutes of the May 20, 2015 Board Meeting were

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

Audit of Claims

- Pay Town bills on Distribution Report #05-15

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 bills be paid on General Ledger Distribution *Report 04-15* as follows:

001 - General Fund A:	\$ 27,528.66	
002 - General Fund B:	\$ 2,967.08	
		General Fund Total: \$ 30,495.74
004 – Highway DB	\$ 15,591.01	
		Highway Fund Total: \$ 15,591.01
		006 - Water Fund Total \$ 17,595.54
		Grand Total: \$ 63,682.29

Supervisor's Reports

- Supervisor's Report

Mr. Burrell pointed out that the report is now formatted so that the funds are listed in the same order as they are in the budget. The new format was well

received. Mr. Fitzpatrick suggested that a column be added to show the current month's activity. Ms. Stokes said she could do so in the next report.

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

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

- Intermunicipal agreements - 1% Plan

The Town submitted all documents needed to comply with the State's Tax Freeze Tax Credit. The agreements were in conjunction with the Town of Mansfield, Village of Ellicottville and the Ellicottville Library. That will mean that property taxpayer's in these districts will qualify for a tax rebate. Mr. Burrell expressed appreciation to Mansfield Town Supervisor, Bob Keis, for all the work he did to facilitate the agreements and for filing of the agreements.

- Kelly Philipps RE: Animal Control

Ms. Philipps is in the process of buying the materials she needs to construct the Municipal Dog Shelter. If a shelter is needed prior to its completion, Great Valley has offered temporary use of their shelter.

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

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

Resolved that Kelly Philipps be appointed Dog Control Officer effective July 1, 2015 at a yearly rate of pay of \$2,600.00.

- Highway Superintendent Appointment

Supervisor Burrell informed the public that he will not be appointing the new Highway Superintendent for 2016. The appointment will be a Board decision.

- 6-10-15 Meeting with Teamsters

Mr. Burrell met with the Teamsters' Business Representative, Teamsters Union steward, Frank Moore and Highway Superintendent Loyd Hovey. The representative outlined the Union's proposed contract. The contract will be reviewed in executive session.

- Gazebo/Bell/Landscaping

The painting of the gazebo and bell are complete and the new landscaping is in.

- 6-4-15 Meeting with Tracy, Andy, Loyd, Greg and Frank

Auditor Andy Toth met with Supervisor Burrell, Councilman Fitzpatrick, Clerk Stokes, Highway Superintendent Hovey and Highway employee, Frank Moore to review the budget process for the Highway Department. The meeting was very informative.

- Fee for small meeting room in Town Center

There has been some interest in renting the small meeting room at the Town Center. The Board set the rental fee at \$50.00 per use.

Present Written Department Reports for Approval

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

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

A.U.D./Audit/Accountant's Report

The firm of Tronconi, Segarra & Associates performed the annual audit of the Town for the year 2014 and presented the Town Board with a draft of the audit and a letter summarizing their findings. Chief Auditor Ron Green reported that the audit went well and that Town funds are in good health. He added that they found nothing that would warrant adjustments to the A.U.D. submitted to the State. The Board will review the audit before they vote on accepting it at the next meeting.

Mr. Green added that the Court audit will be available next month.

The Town's Accountant, Andy Toth, was also present to brief the Board on its financial status. He reiterated that the Town is on solid financial ground. The only "negative" comment that the State may have is that the Town's fund balance is high. Capital Reserve funds were set up for 2015 which addressed those concerns. He also said that many long outstanding receivables have been cleared up.

Mr. Burrell presented his calculations to the Board which show that the year end fund balances have increased by 249.13% from the end of 2007 to the end of 2014.

Department Heads

Don Auge – Police Department

- Body Cameras - Policy

There was some discussion on whether or not the use of body cameras should be voluntary or mandatory. Attorney Moriarty researched the subject and found that the policy Auge submitted for review was consistent with other policies that are in use.

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 approve the adoption of the Mobile Audio/Video Recorder Policy as presented by Officer-in-Charge Auge.

- Training

A training class for the proper administration of NARCAN (a medication used to counter the effects o opiod overdose) was held at the Town Center. Five Town Police Officers attended. Those who have been trained are now equipped with their own kits to administrate the NARCAN..

- Resignations and Appointments

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 accept the resignation of part-time Police Officer Tysen Lincoln.

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 to accept the resignation of Special Police Officer Tim Marsh.

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 to ratify Auge's hiring of Mathew Cross as Special Police Officer.

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

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

Resolved that the Highway Superintendent, Loyd Hovey, is authorized to choose the low bid for each product needed.

- Townline/Stoney Lonesome Road

Mr. Alianello notified the property owners of 5856 Townline Road and outlined what would have to be done to bring the existing driveway up to the standards of a Town Highway. So far, he has not received a response from them.

- Excavator lease

Hovey obtained quotes for renting an excavator needed in road and culvert construction on Sommerville Valley from several companies.

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

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

Resolved that Hovey is authorized to rent an excavator from Admar, Inc. who was the low bidder at \$2,500 per week including delivery.

- Dicky John Valve amplifier

The new snowplow and one of the older ones need a dicky john amplifier to control sand flow. The specific parts that Mr. Hovey wants are no longer being manufactured but Viking Cives has 10 in stock. Hovey requested that he be authorized to buy two immediately and order one more to come out of next year's budget.

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

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

Resolved that Mr. Hovey is authorized to order 2 dicky john valve amplifiers now and request one be held by Viking Cives for delivery next year.

Mark Alianello, PE – Engineering Department

- East Tank

There is some progress on the restoration work at the East Tank site but the wet weather is slowing things down.

Aqualogics has submitted an invoice for the supply of the telemetry hardware, the programming of the telemetry system and the start-up of the system. The requested payment of \$16,500.00 matches the approved quote dated November 25, 2014. Since the telemetry system is complete and fully functional at this time, Mr. Alianello recommended that the Town pass a resolution authorizing payment.

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

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

Resolved that Invoice No. IN15-012-01, dated May 21, 2015 submitted by AquaLogics Systems, Inc. in the amount of \$16,500.00 be paid in full.

- Water Supply line to Village reservoir

Mr. Alianello said that he is waiting on a quote for the work needed to connect the water supply line.

- Middle Zone Water Loop

Holiday Valley is underway with construction to relocate Holiday Valley Road and, in conjunction with the construction the Town is installing the Middle Zone Water Loop and relocating a section of the existing sewer. Under an agreement with Holiday Valley, the Town is responsible for supplying the materials for the Middle Zone Water Loop and Holiday Valley's contractor will do the installation work. The materials bid in the contract for the supply of the pipe and accessories has been delivered to the site and provided to the contractor. The supplier, Lock City supply has submitted an invoice for payment.

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

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

Whereas, the pipe and accessories have been delivered and the invoice requesting payment of \$19,449.22 is concurrent with the accepted bid amount,

Resolved that the invoice from Lock City supply, Inc. for the amount of \$19,442.22 be paid in full.

Further resolved that the invoice for additional material necessary for this project in the amount of \$374.40 from Lock City Supply be paid.

Some discussion followed on problems with the Holiville Sewer and the Route 242 sidewalk project and installation of the water upgrade.

New Business

- Mill Street Extension

There have been some drainage issues on the Mill Street Extension due to the filling in of a drainage ditch. Mr. Hinman pointed out that the problem is on private property and is in the Village. Mr. Burrell will talk to the property owner.

- Budget Resolutions - Water Fund

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 a Water Fund revenue account (006.0006.2680 - Insurance Recoveries) be set up to record the receipt of insurance proceeds.

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 2015 Water Fund budget be adjusted to reflect the receipt of the insurance proceeds and unexpected expenditures as follows:

Increase 006.0006.2680	Insurance Recoveries	\$63,630.00
Increase 006.8340.0201	Equipment	\$45,360.00
Increase 006.8340.0203	Improvements	\$12,500.00
Increase 006.8340.0402	Repairs	\$ 5,500.00

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 following entries be made by the Supervisor's Clerk to increase the Water Fund General budgetary accounts:

006-0006-0510	Estimated Revenues	\$63,360.00
006.0006.0960	Appropriations	\$63,360.00

Motion by Mr. Fitzpatrick and second by Mr. Hinman to close the public hearing on Local Law #2 of the year 2015. All Ayes. Carried.

Motion by Mr. Fitzpatrick and second by Mr. Jackson that the following local law be enacted:

LOCAL LAW NO. 2 - 2015

A LOCAL LAW PERMITTING THE TOWN TO PROVIDE CASH PAYMENT IN LIEU OF CERTAIN HEALTH INSURANCE BENEFITS

Pursuant to Mun. Home Rule Law § 10:

BE IT ENACTED by the Town Board (“Board”) of the Town of Ellicottville, New York (“Town”) as follows:

Article I. Statement of Purpose. The Board finds that it is in the best interests of the Town and its residents to allow employees to take a cash payment in lieu of certain health insurance benefits (“Buyout”). This procedure was established by resolution of the Board on May 20, 2015. This policy results in a savings of health insurance costs to the Town and a cash benefit to eligible town employees (“Employee(s)”).

Article II. Waiver of Town-provided Coverage in Exchange for Buyout. Any Employee who is eligible to receive Town-provided health insurance coverage (“Coverage”), and who provides proof of alternate health insurance coverage and benefits, may elect to waive (“Waiver”) Coverage in exchange for a Buyout in the amount of \$4,500.00 per year, or as adjusted by the Board. This Local Law specifically excludes elected officials.

Article III. Plans included. The health insurance plans which are subject to this Local Law include general medical insurance coverage and benefits; this Local Law does not cover dental or vision coverage and benefits. In the event that additional health insurance plans are added to those offered to Employees, the Board may extend this Local Law to apply to additional health insurance plan(s) by passing a resolution to that effect.

Article IV. Procedure; resumption of coverage. Any Employee who wishes to take advantage of the Buyout must obtain a Waiver of Health Insurance form from the Town Clerk. Payment will begin the first payroll of the month following the employees request and pending confirmation of Health Insurance cancelation. An Employee’s Buyout will be pro-rated each pay period until such time that an Employee terminates his employment or notifies the Town Clerk in writing of his/her desire to resume Coverage. Employees may resume Coverage at any time, subject to any re-enrollment deadlines or restrictions; Buyout payments will continue to be pro-rated until the date of resumed coverage. Any payments made pursuant to this Local Law will be net of any taxes or other required deductions; employees are solely responsible for any tax consequences of receiving the Buyout.

Article V. Effective Date. This local law shall become effective immediately.

The motion was put to a roll call vote and passed

Voting Record:

Supervisor John A. Burrell	AYE
Deputy Supervisor Kenneth D. Hinman	AYE
Councilman Steven J. Crowley	AYE
Councilman Gregory J. Fitzpatrick	AYE
Councilman Richard Jackson	AYE

- Park Program

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

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

Whereas, Park Director Tracy Stokes has hired Samantha Woodin to be second in charge of the park program,

Resolved that Samantha Woodin be compensated at \$11.78 per hour.

- Highway Barn

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

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

Resolved that the newly built facility on Bryant Hill Road which houses the Highway Department shall be named for the former Highway Superintendent, David Golley.

- Auditorium Lights

The Rotary Club has requested that the Town replace the existing lighting in the auditorium at the Town Center with dimmable lights.

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

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

Resolved that the lights in the Town Center Auditorium be replaced with dimmable light.

Old Business

- Alarm System Local Law

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. 3 of the year 2015 entitled:

**LOCAL ALARM LAW
AUTHORIZING PUBLIC HEARING ON LOCAL LAW
No. 3 - 2015**

WHEREAS, it is proposed that a local law be introduced before the Town Board of the

Town of Ellicottville entitled, “**A Local Alarm Law**”, 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 July 15, 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.

Motion by Mr. Hinman and second by Mr. Crowley to go into executive session at 8:00pm to discuss contract negotiations. All Ayes. Carried.

Motion by Mr. Hinman and second by Mr. Crowley to resume regular session at 8:17pm.

Adjournment

Motion by Mr. Hinman and second by Mr. Jackson to adjourn the meeting at 8:18pm. 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 June, 2015, approved by said Board on the July 15th, 2015.

Robyn A. George, Town Clerk