

**MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE
July 15, 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, Tracy Stokes, Bookkeeper to the Supervisor, Glenda Jackson, Cheri Giancarlo, Dick Young

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. 3 of the year 2015 entitled
"Local Alarm Law"

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.

Approve Minutes

- Town Board Meeting –June 17, 2015

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

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

Audit of Claims

- Pay Town bills on Distribution Report #06-15

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 bills be paid on General Ledger Distribution *Report 06-15* as follows:

001 - General Fund A:	\$111,400.78	
002 - General Fund B:	\$ 1,810.46	
		General Fund Total: \$113,211.24
003 - Highway DA	\$ 5,449.13	
004 - Highway DB	\$ 21,243.53	
		Highway Fund Total: \$ 26,692.66
		006 - Water Fund Total \$ 2,669.90
		Grand Total: \$142,573.80

Supervisor's Reports

- Supervisor's Report

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

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

- Meeting with Teamsters

Mr. Burrell, Mr. Hovey and Frank Moore met with two Teamsters representatives on July 2nd to discuss contract negotiations.

- Meeting with Mike Guercio, Fire Commission

Mr. Burrell met with Fire Commissioner Mike Guercio on July 9th. The Ellicottville Fire Company is in negotiations with the Town of Mansfield regarding taking over some of Mansfield's Fire district's territory.

- Meeting with Arboretum and Rotary

Mr. Burrell met with representatives from the Arboretum and the Rotary Club on July 9th. Drainage issues around the pond are a concern. Mr. Burrell requested that Mr. Alianello look into the issue and determine what can be done and who is responsible for the costs involved.

Privilege of the Floor

Dick Young addressed the Board regarding damage to property at 6921 Horn Hill Road due to water run-off. He said that the property owner has spent 1,000's of dollars in an attempt to resolve the issue, but it continues to be a problem. He asked that the Town look into the matter and the Board agreed that the Highway Superintendent and Town Engineer would investigate when time allowed. The Board pointed out that the recent severe storm caused a lot of damage to roads and safety issues must be a priority.

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

Tracy Stokes - Youth Recreation

Ms. Stokes said that about 100 kids have signed up for the park program and everything is going well. Swim lessons were not offered this year because there were not enough certified swim instructors that applied for the job. The possibility of the Town training instructors for next year's program was discussed.

Don Auge – Police Department

- Matt Albanese resignation

Matt Albanese submitted a resignation from the police department effective July 28th..

Motion by Mr. Hinman and second by Mr. Crowley to go into executive session regarding personnel. All Ayes. Carried.

Highway Department

Highway Superintendent Hovey reported that the culvert on Sommerville Valley Road has been installed and the Road should be opened soon. He also reported on the extent of the damage done to area roads due to the intense storm. He estimates that there is as much as \$400,000 worth of damage. He is preparing repair estimates and documenting the damage to submit to FEMA in hopes of some reimbursement. He brought seasonal employee, Tammie Doutt, back to work to help with the additional work.

Discussion followed regarding run-off problems caused by some driveways.

Mark Alianello, PE – Engineering Department

- Stoney Lonesome Road

Owners of Stoney Lonesome Road have contacted Mr. Alianello to see how to proceed in their efforts to turn their driveway into a Town Road. Mr. Alianello provided them the names of several engineering firms in the area.

- East Tank Project update

Mr. Alianello stated that the storm water control safeguards in place at the East Tank project site did work, however the storm did cause some problems.

Discussion followed on the BAN, grant moneys and tax levies that are funding the project.

- Application for payment No. 6

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

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

Whereas, JD Northrup Construction has made application and Certificate for payment for work completed on the East Tank Project according to the contract specifications;

Resolved that the Town pay JD Northrup Construction Payment No. 6 in the amount of \$93,375.05 as submitted.

- Middle Zone Water Loop

The connections at the top and the bottom of the water loop are expected to be done in September.

- Holiville Sewer

The project is expected to be underway in August.

- Holiday Valley Road

The Holiday Valley Road reconstruction has experienced some delay due to weather.

- Rte. 242 Sidewalk Project

Mr. Alianello will be attending a Final Inspection meeting with the NYS DOT regarding the 242 sidewalk project next week. He asked that if the Board has any concerns about the project to contact him.

- Planning Board request

Margaret Signore, Chair of the Town Planning Board, submitted a letter to the Town Board. The planning board believes that there are two issues that are not adequately addressed in the Town's Zoning Ordinance. The issues are farm stands and food trucks. The Planning Board is requesting that the Town Board authorize the Planning Board to review these issues.

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

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

Resolved the Town Board authorize the Planning Board to review and investigate the criteria for farm stands and food trucks, and if appropriate, develop amendments to the Zoning Law, for the Town Board's review.

Harry Weissman - Assessor

Mr. Burrell reported that he has talked to Mr. Weissman who will present the quarterly sales report at next month's meeting.

Old Business

- Noise Ordinance

Cheri Giancarlo made suggestions as to what she would like to see included in an updated noise ordinance. A committee consisting of Councilman Crowley, Supervisor Burrell and Town Attorney Moriarty are working on a Noise Ordinance revision and will take Ms. Giancarlo's suggestions into account.

- EV/GV Recreational Trail

Mr. Hinman reported that there has not been any news on the TIGER grant. Fundraising efforts continue.

Mr. Burrell said that Rick LaFever gave him a video showcasing the Pat McGee Trail that he will share with the EV/GV Trail Committee.

- Donlen Drive

Mr. McGillicuddy contacted Mr. Fitzpatrick about the vacant home on Donlen Drive. Mr. McGillicuddy reported that "burrowing animals" are a nuisance on the property and the property goes for weeks without being mowed. He asked Mr. Fitzpatrick to look into the matter. Mr. Fitzpatrick contacted the Building Inspector who reported the problem to the County and is in the process of trying to reach the Mortgage Company responsible for the vacant property.

New Business

- **Ribbon Cutting Ceremony**

A Ribbon Cutting Ceremony will be held when the Rte. 242 Sidewalk Project is completed.

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

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

Resolved to close the Public Hearing on Local Law #3 entitled "Alarm Local Law".

The Alarm Local Law will be on the agenda for next month's meeting.

Motion by Mr. Fitzpatrick and second by Mr. Hinman to go into executive session at 8:45pm to discuss contract negotiations. All Ayes. Carried.

Motion by Mr. Fitzpatrick and second by Mr. Crowley to resume regular session at 9:14pm.

Adjournment

Motion by Mr. Hinman and second by Mr. Jackson to adjourn the meeting at 9:15pm. 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 15th day of July, 2015, approved by said Board on the August 19th, 2015.

Robyn A. George, Town Clerk