

**MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE  
August 19, 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, Glenda Jackson, Jack Rogan, Kevin Morton, William and Raquel Burse, Cori Kowalski

**Call meeting to order:**

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

The newly hired full-time police officer, Cori Kowalski was introduced to the Board. He has previous experience with police departments in Salamanca, Franklinville and Buffalo. He currently resides in the Village of Ellicottville.

**Good News**

- NYSIF Audit

The New York State Insurance Fund performed their annual audit on August 6th. Total payroll expenditures were down from last year's audit.

- 07/27/15 Sales Tax Check

The Town received the sales tax check from the County in the amount of \$369,000.79 representing a 4.09% increase from the same period last year.

**Approve Minutes**

- Town Board Meeting –July 15, 2015

On motion by Mr. Fitzpatrick and second by Mr. Crowley the minutes of the July 15 , 2015 Board Meeting were

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

### **Privilege of the Floor**

- William Burse - Distillery

Mr. Burse would like to open a brewpub and small craft distillery at 6600 Route 219 and presented an overview of his plans. The current zoning does not address the possibility of a distillery at that location. The Board referred Mr. Burse to the Town Planning Board.

- Jack Rogan - Alarm Local Law

Mr. Rogan raised several concerns with the proposed Alarm Local Law and offered suggestions that were well-received by the Board. One suggestion was that there be one central coordinator to track tickets. He thinks that there needs to be written notification for the 1st and 2nd false alarms. He also said that he thinks a \$1000.00 fine for the fifth false alarm is excessive. The question arose as to whether or not the Local Law could be enforced in the Village as well as the Town. Attorney Moriarty will look into it.

Fire Warden Kevin Morton asked if a Fire Chief could issue tickets or summons, currently they do not have that authority. He also would like the Town to encourage Knox boxes and to make sure the key holders name and phone number are listed on the application.

Other changes to the proposed law were discussed and will be taken into consideration.

### **Audit of Claims**

- Pay Town bills on Distribution Report #07-15

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 Town bills be paid on General Ledger Distribution *Report 07-15* as follows:

001 - General Fund A:	\$ 20,810.21	
002 - General Fund B:	\$ 2,775.03	
		General Fund Total: \$ 23,585.24
003 - Highway DA	\$ 14,598.84	
004 - Highway DB	\$152,661.48	
		Highway Fund Total: \$167,260.32
		006 - Water Fund Total \$ 38,129.83
		007 - Sewer Fund \$ <u>1,547.50</u>
		<b>Grand Total: \$230,522.89</b>

**Supervisor's Reports**

- Supervisor's Report

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

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

- 2016 Budget Process

The budget process is underway. All Department heads have received their budget worksheets.

- Arboretum Mowing

Mr. Burrell presented the Board with a quote from D & J's Lawn Service for the lawn mowing and trimming at the Nannen Arboretum. He asked that the Board consider contracting the service and possibly include the expense in next year's budget. If the Board decides to hire lawn mowing service, it will be put out to bid.

- Dog Control

The Town received notice that the Department of Agriculture and Markets has inspected the newly constructed municipal Dog Shelter and it has passed. They also approved the appointment of Kelly Philipps as the Dog Control Officer for the Town and the Village.

**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**

- Speeding on Poverty Hill

Auge is aware of complaints of speeding on Poverty Hill and officers have been setting up radar on the road periodically. He has been asked to look into borrowing a speed radar trailer and he will check its availability.

#### **Loyd Hovey - Highway Department**

- Children at Play signs

A resident on Poverty Hill Road would like to have "Children at Play" signs put up in their area. The Board agreed that the Highway department could put them up if the resident pays for them.

Mr. Hovey updated the Board on the progress of the work on Sommerville Valley, Canada Hill and Holiday Valley Roads and the department's efforts to repair damage caused by last month's storms.

Mr. Burrell received a message from Tammy Hanft regarding removal of trees and asked Mr. Hovey to look into it.

- New Snowplow

The new snowplow has been delivered to VIKING. They will be attaching the plow before delivery to the Town.

- Deer Crossing Road

Deer Crossing and Upper Roads are in poor condition. There are plans to fill the pot holes before winter and the Town will look into a more extensive fix next year.

- Culverts

Mr. Alianello said that there is about \$30,000.00 left in the budget for culvert work. Although new culverts are needed on Scherer, Poverty Hill and Cotter Roads and Jed Lane, there is not enough in the budget this year. He recommended that since the two culverts on Kruse Cross Road are undersized and failing, we should replace those within the budget this year.

Mr. Hovey asked the Board about a \$1500.00 repair to the 1997 International truck and the Board authorized him to go ahead with the repair.

**Mark Alianello, PE – Engineering Department**

- East Tank Project update
- Application for payment No. 7

**On motion** by Mr. Hinman and second by Mr. Jackson 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 including Change Order No. 4 according to the contract specifications;

Resolved that the Town pay JD Northrup Construction Payment No. 7 in the amount of \$68,281.87 as submitted.

- BAN

A BAN of \$1.125 million to fund the East tank project will be out for bid on August 20th and is scheduled for closing on September 3rd. The necessary authorizations are in order. Since the total expenditures for the project are not yet complete, the Town has not received the anticipated grant payment and must cover that portion of the cost until payment is received.

**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 to loan \$250,000.00 from the General Fund to the Water Capital Project Fund for use on the East Tank Project. The loan shall be paid back from the anticipated Empire State Development Grant Proceeds (\$268,000.00) as soon as those funds are received and in any case within 1 year. If the grant

funds are not received within 1 year, the General Fund shall be repaid by funds otherwise borrowed by the Water Capital Fund.

- Water supply line to Village reservoir is complete.
- Middle Zone Water Loop

The materials for the Middle Zone Water loop are on site and work is planned to begin next week.

- Holiville Sewer

Materials have been delivered and work is scheduled for next week.

- Holiday Valley Road

The Holiday Valley Road reconstruction has seen progress. Paving is tentatively scheduled for the first part of September. Once complete, the Town will have to officially abandon the old road and dedicate the new one.

- Arboretum - Pond

The pond at the Arboretum is full of silt and needs work. Tom Reed is drawing up plans to remedy the problem which Mr. Alianello will review.

- US Rte. 219 Bridge

The NYS DOT has begun preliminary designs for the bridge on Rte. 219 over Crowley Creek. An email received by the DOT Highway Designer stated that the State is "not planning to include sidewalks as part of this bridge replacement project". Because of the heavy traffic on that portion of road, the community's Comprehensive Plan and the Recreational Trail Master Plan, Mr. Alianello and the Town Board disagree with this decision and will petition the State to include adequate room for a sidewalk. The Board directed Mr. Alianello to contact our State Representatives and request their support.

- Water Department Issues

Mr. Alianello will be presenting a schedule of Miscellaneous Charges for water issues (ie. - thawing of frozen pipes) at the next meeting. Lowering of the water lines on Leslie Road to prevent future freezing was discussed.

### **Harry Weissman - Assessor**

- Sales Analysis Report

Mr. Weissman presented a sales analysis report for the period of February through June. He also reported that the Town's equalization rate is officially at 100%.

### **New Business**

- Tennis Courts

The need for repair of the tennis courts at the Village Park was discussed. Although the courts are the responsibility of the Village, the courts are used by the entire community. Because the cost of repair is high, the possibility of sharing the cost with the Village was discussed. Research on the actual expense will be done and the issue will be revisited.

### **Old Business**

- Alarm Local Law

**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 table the vote on Alarm System Local Law #3 of 2015.

- Noise Ordinance Revisions

**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 to refer the Noise Ordinance revision process to the Town Planning Board as they may be more suited to address the issue of noise concerns in different districts.

- EV/GV Recreational Trail

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

The moving of the dumpster to accommodate the trailhead at the Town Center and how to pay for it was discussed.

- Audit Report

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 to approve the 2014 Financial Statements and Supplementary Information submitted by the auditors from Tronconi, Segarra & Associates.

### **Correspondence**

- Jim Allen, Western New York Bicycling Association

Mr. Burrell wrote a letter in support of the Association's effort to obtain a RTP grant construct multi-use trails in Allegany State Park.

- Mike Guercio, Ellicottville Joint Fire Commission

Mr. Burrell wrote to the Fire Commission to tell them that due to the refinancing of the loan for the Fire Hall at a better interest rate, the loan was paid off one year sooner than originally scheduled. Therefore, the Fire District will not have to budget approximately \$75,000 in their 2016 budget for the loan.

Motion by Mr. Crowley and second by Mr. Hinman to go into executive session at 8:47pm to discuss legal matters. All Ayes. Carried.

Motion by Mr. Hinman and second by Mr. Crowley to resume regular session at 9:39pm.

### **Adjournment**

Motion by Mr. Hinman and second by Mr. Jackson to adjourn the meeting at 9:40pm. 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 19th day of August, 2015, approved by said Board on the September 16, 2015.

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Robyn A. George, Town Clerk