

MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE  
June 15, 2016 at 6:00 pm  
ELLCOTTVILLE TOWN HALL

<b><u>Present:</u></b>	Mathew McAndrew	Supervisor
	Ken Hinman	Councilman
	Rick Jackson	Councilman
	Steve Crowley	Councilman
	Greg Fitzpatrick	Councilman
	Robyn George	Town Clerk
	Mark Alianello	Town Engineer
	Kathleen Moriarty	Attorney for Town
	Don Auge	Officer in Charge
	Tom Scharf	Highway Superintendent

**Also Present:** Jann Wiswall and John Thomas, Press, Glenda Jackson, Kevin and Morgan Morton

**Call meeting to order:**

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

**Public Hearing**

Supervisor McAndrew opened the public hearing on:

Local Law No. 3 - 2016 Entitled  
A Local Law to Override the Tax Levy Limit for Fiscal Year 2017.

There were no comments from the public so the public hearing will remain open.

**Approve Minutes**

- Town Board Meeting -May 18, 2016
- Town Board Special Meeting - June 2, 2016

On motion by Mr. Fitzpatrick and second by Mr. Crowley the minutes of the May 18, 2016 Board meeting and minutes of the June 2, 2016 Special Board meeting were

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

**Audit of Claims**

- Pay Town bills on Distribution Report #06-16

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

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

**Resolved** that the Town bills be paid on General Ledger Distribution Report 06-16 as follows:

001 - General Fund A:	\$ 12,069.15	
002 - General Fund B:	\$ 4,404.86	
		General Fund Total: \$16,474.01
003 - Highway DA	\$ 962.77	
004 - Highway DB	\$ 14,662.46	
Highway Fund Total:	\$ 15,625.23	
		006 - Water Fund Total <u>\$ 3,805.34</u>
		Grand Total:                      \$35,904.58

**Supervisor's Reports**

- Supervisor's Report

**On motion** by Mr. Crowley and second by Mr. Hinman the Supervisor's May 2016 Financial Report was

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

- Rotary Meeting - Memorandum of Understanding

A clause was added to the agreement requiring the Rotary Club to provide proof of adequate liability insurance for all Rotary sponsored events. It was noted that the agreement may be terminated by either party within 180 days. Both sides have agreed to the MOU and the Supervisor was authorized at last month's meeting to sign it.

- Nannen Arboretum Society Meeting

The Memorandum of Understanding between the Town and the Arboretum Society has been updated to include a few minor changes suggested by the Arboretum Society. It is still in draft form and will be presented once it's complete.

- Four Flushers Meeting

Supervisor McAndrew summarized the June 10th Four Flushers Meeting. The Village will be ordering the Tough Pads for the water department and the Town will pay half. Kevin Morton, Water Operator and Jigger Stokes, Sewer Operator, will be asked to attend future meetings. The Village was informed that the Town will be reviewing the Ellicottville Water Agreement. The damage done to Trillium Way due to construction of the Sewage Treatment Plant was discussed. The Town and Village Engineers will be reviewing the pre-construction photographs of the road to determine the damage. The next meeting is scheduled for July 12th at 8:00am.

- Youth Commission Meeting

The Superintendent of Ellicottville Central School, Mark Ward, Mayor Burrell, Tracy Stokes and Supervisor McAndrew met to discuss the Town's summer recreation program. The possibility of regionalizing the program to include Humphrey, Ashford, Mansfield and Great Valley was discussed. The Cooperative Extension service is interested in presenting programs to the children. Representatives from the Towns, School and Extension Service will be holding a meeting on August 16th to discuss the program.

- Code Enforcement Officer/Building Inspector Position

Tom Abriatis, Village and Town CEO/BI, informed the Village that he intends to resign his position with the Village in the fall. He would like to keep his position with the Town. The Village would like to continue using the same CEO/BI as the Town in order to share expenses associated with the position. Supervisor McAndrew will set up a meeting with Mayor Burrell, Tom Abriatis and himself to discuss the options in more detail.

- Mayor Burrell Correspondence

The Village hired Gary Palumbo to be their planner. Mr. Burrell suggested that the Town and Village consider scheduling meetings on the same dates in order to save on travel expenses.

Mayor Burrell proposed that the Town pay half of the expense of rehabilitating the tennis at basketball courts at the Village Park. At this point, he has one quote for the project at about \$20,000.00.

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

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

Whereas, both Town and Village residents use the Village Park, and the tennis and basketball courts are in disrepair and

Whereas, the Town budgeted \$10,000.00 for such repairs,

Therefore, be it resolved that the Town pay for half of the proposed repairs on the tennis courts, up to \$10,000.00, after the Village satisfies the Town's procurement policy's requirement.

Mayor Burrell is asking the Town to consider contributing to the construction of the sidewalk that will be built from Fillmore to Mechanic Street. He suggested it would be part of the EV/GV Trail. The Board would like to see a cost estimate before they discuss it further.

- EV/GV Trail Head

Mr. Hinman reported that a BOCES class will be constructing the Trail Head and are only requesting a donation of 10% of the cost of materials.

- Proposed Zoning Law Amendment

The Planning Board has made some revisions to the Zoning Amendment and has sent it back to the Town Board for consideration. Town Planner, Gary Palumbo wrote that "the changes since January are relatively minor and can be summed up as simply trying to facilitate small business in the AR district."

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

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

Resolved that the Town of Ellicottville schedule a public hearing on the proposed zoning amendments to be held Wednesday, July 20, 2016 at 6:00pm.

### **Present Written Department Reports for Approval**

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

On **motion** by Mr. Hinman and second by Mr. Fitzpatrick the Clerk's Report, Justice Report, Building Inspectors Report, Planners and the Police Report were:

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

### **Department Heads**

#### **Don Auge – Police Department**

The Alarm Local Law was discussed. There are questions on how it is to be enforced. Also, the committee mentioned in the Law has never been set up. These issues will be looked into and it will be on next month's agenda.

#### **Tom Scharf- Highway Department**

- Pipe - Upper and Simmons Road

Mr. Alianello presented a quote from ISCO Industries of \$6,933.88 for the pipe needed for work on Upper Road. Since it is a quote that was "piggybacked" from the State bid, and it is within the Procurement Policy limit, no action is needed from the Board to accept it.

A bid of \$26,840.00 was presented for work on Simmons Road that was "piggybacked" from a County bid. The pipes are concrete and should last around 100 years. There is money in the budget for the project.

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

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

Resolved that the bid of \$26,840.00 for concrete pipe for work on Simmons Road be accepted.

- Highway Intern

Highway Superintendent Scharf and the Summer Intern attended training in Ithaca to learn the CAMP computer system. The program maps and evaluates roads and their conditions. It will assist in prioritizing projects and will help in preparing the budget for the Highway Department.

- Highway School

Mr. Scharf also attended the Highway School in Ithaca and reported it was very informational and well worth the trip.

### **Mark Alianello - Engineering Department**

- Booster Station #1

Mr. Alianello reported that there has been issues with the telemetry system. He will be meeting with Holiday Valley to discuss the building to house the equipment. Mr. Alianello has located a company that rents pumps that the Town could use in the event that the one functioning pump fails. He suggested that the Town bid out the pump and the contract separately.

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

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

Resolved that Mr. Alianello prepare and advertise the bids necessary for the pump and the Booster Station #1 project and have them available to award at the next meeting.

- HVAC System

Mr. Alianello has prepared a bid for a performance contract for the HVAC system at the Town Hall.

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

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

Resolved that Mr. Alianello advertise for bids on the Town Hall HVAC system.

### **New Business**

- Williamson Law Software Proposal

Clerk George presented a proposal for new software for Accounting, Payroll and Water billing. She outlined the advantages of the new system and the long term cost savings to the Town.

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

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

Resolved that the Town Clerk is authorized to enter into an agreement with Williamson Law Book for the Municipal Accounting/Budget Preparation Software, Payroll, and Water Billing Software Programs as presented.

- AUD Review

Supervisor McAndrew asked if there were any comments from the Board on the AUD. He will set up a meeting with the Accountant, Mr. Fitzpatrick and himself.

- Bryant Hill Cemetery

Mr. Hinman is setting up a meeting with Crandall's to go over the site.

- Ellicottville Water Agreement Review

The 5 year Water Agreement between the Town and the Village Water will expire in about a year. Mr. Alianello said that the Town has been buying water at a premium from the Village and thinks the contract needs to be reviewed. A meeting will be scheduled with Mr. Alianello, Ms. Moriarty, Mayor Burrell, Supervisor McAndrew and Village Engineer, Mike Smith to go over the contract.

### **Old Business**

- Procurement Policy Review

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

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

Resolved that the Procurement Policy be adopted as follows:

### **Procurement Policy**

Whereas, Section 104-B of the General Municipal Law requires every Town to adopt internal policies and procedures governing all procurement of goods and services not subject to the requirements of GML 103 or any other law; and

Whereas, the Town Council has been solicited from their officers of the Town involved with procurement; now, therefore, be it resolved; that the Town does

hereby adopt the following procurement policies and the Town does hereby adopt the following procurement policies and procedures:

1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103.
2. All purchases of:
  - a. Supplies or equipment which will exceed \$10,000 in the fiscal year
  - b. Public works contracts over \$30,000 shall be formally bid pursuant to GML 103.
3. All estimated purchases of:

Greater than \$20,000 require a formal bid.  
Less than \$20,000 but greater than \$3,000 requires a written request for a responsible formal proposal and written/electronic quotes from 3 vendors.  
Less than \$3,000 but greater than \$1,000 requires an oral request for the goods and oral/electronic quotes from 2 vendors.  
Less than \$1,000 are left to the discretion of the purchaser.

All estimated public works contracts of:

Less than \$30,000 but greater than \$10,000 require a written formal proposal and electronic/proposals from 3 contractors.

Less than \$10,000 but greater than \$3,000 require a written formal proposal and electronic/proposals from 2 contractors.

Less than \$3,000 are left to the discretion of the purchaser.

All Emergency Commodities for Public Work

Greater than \$10,000 require approval by Department Head and the Town Board.

Less than \$10,000 require approval by Department Head.

All Emergency Contracts Public Work

Greater than \$10,000 require approval from Department Head and Town Board.

Less than \$10,000 require approval from Department Head.

Services (other than Professional)

Greater than \$10,000 shall be formally bid.

Greater than \$5,000 but less than \$10,000 require 3 written quotes.

Greater than \$2,500 but less than \$5,000 require 2 written quotes

Greater than \$500 but less than \$2,500 require 2 documented verbal quotes

Less than \$500 require approval by Department Head

Any written quote shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/electronic/oral quotes offered.



All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

4. The lowest responsible proposal or quotes shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement. "Best value" is defined for this purpose as a basis for awarding contracts "to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers". Therefore, in assessing best value, non-price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts.
5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.
6. Except when directed by the Town Board no solicitation of written proposals or quotations shall be required under the following circumstances:
  - a. acquisition of professional services
  - b. emergencies
  - c. sale source situations
  - d. goods purchased from agencies for the blind or severely handicapped
  - e. goods purchased from correctional facilities
  - f. goods purchased from another government
  - g. goods purchased for less than \$1,000.00
  - h. public works contracts for less than \$3,000.00
7. This policy shall be reviewed annually by the Town Board at its Organization meeting or as soon thereafter, as is reasonably practicable.

#### Exceptions

1. The following are exceptions from the terms "purchase" and "contract for public works" and are not subject to the contract execution provisions of this Purchasing Policy, nor shall approval of the Town Board be required, as long as the cost for such expense is budgeted:
  - a. Maintenance repairs and parts up to \$5,000.00
  - b. Maintenance and service contracts up to \$5,000.00

#### Piggybacking on Certain Government Contracts

As an alternative to soliciting competition, the Town may "piggyback" on contracts that have been extended to local governments by other governments. Examples of these would include "piggybacking" on County Contracts and certain State contracts for the procurement of commodities, equipment, material, supplies, services and technology. These contracts may include awards for road salt and fuel, vehicles, heavy equipment, computer hardware and software and more.

- David Golley Memorial

The Highway Department has put top soil around the Highway facility. Supervisor McAndrew suggested that a site be located that would be conducive for a bench and planting of a tree.

- Close Public Hearing on Tax Cap Local Law

Motion by Mr. Crowley and seconded by Mr. Hinman to close the public hearing on Local Law No. 3. All Ayes. Carried.

On motion by Mr. Hinman and second by Mr. Crowley the following Local Law was accepted by roll call vote by the Town Clerk:

Councilman Hinman	Aye
Councilman Fitzpatrick	Aye
Councilman Crowley	Aye
Councilman Jackson	Aye
Supervisor McAndrew	Aye

**LOCAL LAW No. 3 - 2016 entitled  
"A Local Law to Override the Tax Levy Limit for Fiscal Year 2017"**

**SECTION 1. LEGISLATIVE INTENT.**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Ellicottville pursuant to General Municipal Law 3-c, and to allow the Town of Ellicottville to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal law 3-c

**SECTION 2. AUTHORITY.**

This Local Law is enacted pursuant to General Municipal Law Sec. 3-c (the "Property Tax Cap Law"), which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

### **SECTION 3. TAX LEVY LIMIT OVERRIDE.**

The Town Board of the Town of Ellicottville, County of Cattaraugus is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law 3-c.

### **SECTION 4. SEVERABILITY**

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order of judgment shall be rendered.

### **SECTION 5. EFFECTIVE DATE**

This Local Law shall take effect immediately upon its filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

- Town Center Dumpster

A spot for the dumpster has been located and will be included in the survey.

- Greystone Water Line

Mr. Alianello explained that there are some issues with the new proposed water line. He was looking for direction from the Board. The Board agreed that an unused fire hydrant can be used for the project.

### **Executive Session**

On Motion by Mr. Hinman and second by Mr. Fitzpatrick the Board went into executive session at 8:12pm to discuss EPOA contract negotiations. All Ayes. Carried.

On Motion by Mr. Crowley and second by Mr. Jackson the Board resumed regular session at 9:10pm. All Ayes. Carried.

Motion by Mr. Hinman and seconded by Mr. Jackson to have a special meeting on June 28, 2016 at 4:00pm. All Ayes. Carried.

**Adjournment**

Motion by Mr. Jackson and second by Mr. Hinman to adjourn the meeting at 9:11pm. 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 June, 2016, approved by said Board on the 20th day of July, 2016.

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Robyn A. George, Town Clerk