

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE
JULY 20, 2016 at 6:00 pm
ELLICOTTVILLE TOWN HALL

<u>Present:</u>	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, John Zerfas

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. 4 - 2016 Entitled
Zoning Law Amendment

Town Planner, Gary Palumbo, reviewed the proposed amendment to the Zoning Law. New definitions were added and land use tables were updated. Some of these changes were made to make it easier for small businesses to operate in the AR district. The Board questioned why an Artisan's Workshop is a permitted use in the AR district but an Arts and Crafts Studio requires a Special Use Permit in the same 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 Arts and Crafts Studios be a permitted use in the AR district and the land use table in the Zoning Law Amendment be updated to reflect this change.

Motion by Mr. Crowley, second by Mr. Hinman to close the public hearing on Local Law No. 4 at 6:12pm. All Ayes Carried.

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

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

Resolved that Mr. Palumbo is instructed to complete the SEQR documentation and referral for the Local Law and forward them to the County for approval.

Approve Minutes

- Town Board Meeting - June 15, 2016
- Town Board Special Meeting - June 28, 2016

On motion by Mr. Hinman and second by Mr. Crowley the minutes of the June 20, 2016 Board meeting and minutes of the June 28, 2016 Special Board meeting were

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

Privilege of the Floor

Planning Board member, John Zerfas, suggested that the Town look into updating the Comprehensive Plan. Supervisor McAndrew said the Planning Board should review the Plan and identify areas that need attention. This will give the Town an idea of how much time it will take to do the updates and how much the process will cost so the Town can budget for it.

Audit of Claims

- Pay Town bills on Distribution Report #07-16

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:	\$ 22,709.40	
002 - General Fund B:	\$ 6,388.46	
		General Fund Total: \$29,097.86
003 - Highway DA	\$ 89.90	
004 - Highway DB	\$106,615.58	
Highway Fund Total:	\$106,705.48	
		006 - Water Fund Total <u>\$ 4,574.83</u>
		Grand Total: \$140,378.17

Supervisor's Reports

- Supervisor's Report

On motion by Mr. Crowley and second by Mr. Jackson the Supervisor's June 2016 Financial Report was

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

- Nannen Arboretum Agreement

The Town and the Arboretum Society have agreed to the terms of the agreement and the Supervisor has been authorized to sign it.

- East Tank BAN

The payment of the BAN for the East Tank Project is due September 3, 2016. Mr. Alianello explained that although the interest rate on the BAN is relatively low, the closing costs on a BAN over \$1 million are approximately \$10,000.00. Closing costs drop significantly once less than \$1 million is owed. He recommended paying this year's BAN and budgeting enough next year to get the BAN below \$1 million.

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 take out a Bond Anticipation Note (BAN) for \$1,065,000.00 for 2016-2017 for the East Tank Capital Project and directed Mr. Alianello to contact Municipal Solutions to prepare the necessary paperwork.

- Four Flushers Meeting

The areas of Trillium Way that were damaged due to the construction of the Sewage Treatment Plant will be cut out and the pavement will be patched.

- Joint Water District

The possibility of creating a Joint Water District with the Village was discussed. There are many issues to consider but the Board agreed that the Town should continue its dialogue with the Village.

- AUD Review

Clerk Stokes, Councilman Fitzpatrick and Supervisor McAndrew met with the auditors to discuss the AUD. Overall, the results of the audit were positive.

- Alarm Local Law

The enforcement of the Alarm Local Law was discussed. Forms, tickets and administration of the law need to be addressed. The judges need to be informed of the law. A data base to enter the homeowners with alarms and track the number of false alarms would be helpful. The Supervisor and Town Attorney will look into solutions to the issues.

- Tennis Court Repair

The tennis court is being repaired. The contractor guarantees his work to be free of cracks for 2 years.

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. Jackson 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

OIC Auge pointed out that he will be using Cori Kowalski as a part time officer and he will be paid at the same rate as the lowest part time officer which is \$17.65 per hour.

Tom Scharf- Highway Department

- Canada Hill Road Culvert

Mr. Alianello presented the Board with 2 proposals to complete necessary culvert work on Canada Hill Road. The first proposal is to remove the existing pipe and replace it with new concrete pipe. This would require environmental permits, including stream disturbance and wetlands permits. It would require a road closure of approximately one week and pavement would have to be replaced.

The second proposal would be to line the existing pipe with HDPE. This work could be considered maintenance of an existing culvert and may not need environmental permitting. This could be done without excavating the road and would be less expensive than the first option.

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

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

Resolved that the Board authorizes the Highway Department to pursue the less expensive option of lining the existing pipe with HDPE as outlined in Mr. Alianello's Proposal 2 and to purchase the necessary pipe from the NYS OGS bid list.

- Road Work and Highway updates

Superintendent Scharf reported that the work to the culvert on Holiday Valley Road is complete. Upper Road work will begin on August 1st. He also informed the Board of a Snow and Ice Control seminar in Genesee County on October 4th. He and highway employees will be attending. Mr. Scharf reported that he has not been able to find anyone to construct the roof over the fuel storage site. There are also fuel pump issues that are being worked on. To update the system would be around \$12,000.00.

The contractors for projects on Poverty Hill Road have been required to put up Road bonds. It was suggested that pre-construction pictures of the roads be taken.

Mark Alianello - Engineering Department

- Booster Station #1

Mr. Alianello reported that he has not yet advertised for bids on the Booster Station project. He expects to have the bid specs before next month's meeting. In the meantime, he has arranged to have a rental pump available as back-up.

- HVAC System

At the time of the bid opening for a performance contract for the HVAC system, there were no bids. However, RJ Mechanical did submit a bid which arrived by FedEx an hour after the scheduled bid opening.

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

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

Resolved that the Town rejects any and all bids for the Town Hall HVAC system installation.

Mr. Alianello suggested that the project be re-bid and include a long term for completion to allow potential bidders to fit the project into their schedule.

- Parkside Drive sidewalk/EVGV Trail

Mayor Burrell had asked the Town to consider contributing to building an eight-foot wide sidewalk along Parkside Drive that would be part of the EV/GV Trail. Mr. Alianello estimated that the materials alone would be about \$55,000.00. One of the issues that the Board had with the plan as presented was that a row of shade trees along Parkside Drive would have to be removed. The board suggested that the Trail Committed consider rerouting the trail and decided they did not want to commit funds toward the project as submitted.

New Business

- Senior Citizen Exemption - Real Property Taxes

The Cattaraugus County Legislature voted to modify their current local law pertaining to the Senior Citizen Exemption. They pointed out that consistency with exemptions between communities make it less confusing to the tax payers. The proposed law adds an additional exemption for seniors who earn between \$24,200 and \$26,000 annually that was not in the original law passed in 2009.

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

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

Resolved that the Town Board hold a public hearing on Local Law No. 5 of 2016 entitled "A Local Law Granting Partial Exemption on Real Property Taxation to Certain Senior Citizens and Repealing Local Law No. 2-2009" on August 17, 2016 at 6:00pm at the Town Hall.

Old Business

- David Golley Memorial

Mr. Crowley presented a proposal for construction of a 12' by 20' patio with paver bricks on which a bench could be placed in memory of David Golley. He estimated that the total cost of the project would be around \$3,800.00 and is looking into ways of funding it.

- Bryant Hill Cemetery

Mr. Hinman reported that Crandalls Memorial is looking at Bryant Hill Cemetery and will be sending an estimate for the restoration work needed.

- EV/GV Trail Head

Mr. Hinman told the Board that BOCES has sawed the lumber for the Trail Head construction and will begin work on it in September. By then, the dumpster will have been moved. Mr. Hinman will be presenting a plan for the enclosure around the dumpster at the next meeting. Plans will be submitted to the Planning Board for a courtesy review.

Executive Session

On Motion by Mr. Crowley and second by Mr. Hinman the Board went into executive session at 8:45pm to discuss position of Town Attorney. All Ayes. Carried.

On Motion by Mr. Hinman and second by Mr. Crowley the Board resumed regular session at 8:55pm. All Ayes. Carried.

Adjournment

Motion by Mr. Crowley and second by Mr. Jackson to adjourn the meeting at 9:00pm. 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 July, 2016, approved by said Board on the 17th day of August, 2016.

Robyn A. George, Town Clerk