

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE
AUGUST 17, 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, Justin Dineen, Margaret LaCroix, Rose Kelly, Barb Sergel

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. 5 - 2016 Entitled
"A Local Law Granting Partial Exemption on Real Property Taxation to Certain Senior Citizens and Repealing Local Law No. 2 - 2009."

There were no comments from the public so the hearing remained open.

Approve Minutes

- Town Board Meeting - July 20, 2016

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

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

Privilege of the Floor

- Intersection of Rt. 219 & Rt. 242

Margaret LaCroix expressed concern about the intersection of Route 219 and Routed 242. She said that it is dangerous because many cars do not come to a complete stop and the traffic on 242 does not have to stop. She suggested that something be done to improve safety. One suggestion was a sign be erected warning drivers that "cross traffic does not stop".

The Board explained that both roads are state roads so the town does not have any authority to make changes. They can, however, request that the state do a traffic study to determine if something needs to be done. Ms. LaCroix was asked to write a letter explaining the problem she experienced and then Mr. Alianello will write a letter to the NYS DOT forwarding her letter and requesting that they look into the matter. Officer-in- Charge Auge said he would have the police department monitor the intersection as much as possible.

- Parking at National Fuel Building

Rosie Kelly informed the Board that semi trucks park at the National Fuel property on Route 219/242. They are often there overnight. Mr. Alianello will write to his contacts at National Fuel and see if they can do something to stop this practice.

Audit of Claims

- Pay Town bills on Distribution Report #08-16

On motion by Mr. Crowley and second by Mr. Jackson 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:	\$ 23,257.76	
002 - General Fund B:	\$ 4,554.70	
		General Fund Total: \$27,812.46
004 - Highway DB	\$ 83,802.92	
		Highway Fund Total: \$83,802.92
		006 - Water Fund Total <u>\$ 2,471.12</u>

Grand Total: \$114,086.50

Supervisor's Reports

- Supervisor's Report

On motion by Mr. Fitzpatrick and second by Mr. Hinman the Supervisor's July 2016 Financial Report was

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

- Justin Dineen - Town Center

Justin Dineen reported ongoing problems with the vendor that supplies paper, bathroom and cleaning products to the Town Center. He is willing to give them another month but is not sure they will live up to their obligations.

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

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

Resolved to authorize the Town Supervisor to dissolve the contract with the vendor, Cintas, if Justin Dineen recommends doing so.

Mr. Dineen reported that all is going well with the rental of the Town Center auditorium. The Rotary Club has provided 60" round fold up tables for events.

- Four Flushers

The major topic at the last Four Flushers meeting was replacing personnel in the water/sewer departments. Supervisor McAndrew has set up a meeting with Eric Wohlers of the County Health Department to discuss requirements of these positions. He has also been in contact with the County Civil Service Department.

Other topics discussed at the meeting were meter replacements and the Joint Water District.

- Gladfelter Worker's Comp. Policy

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

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

Resolved that the Town Supervisor is authorized to enter into an agreement with the Evans Agency, LLC., in which the Town has appointed the said agency as its sub-agent to the Glatfelter Brokerage Services on this policy effective 7/25/16. As the Town's agency, they have the authority to act for the purpose of planning, negotiating and writing insurance of any type with the Glatfelter Brokerage Services and its affiliates or subsidiaries.

- East Tank BAN - Sept. 1st

The BAN for \$1,065,000 is scheduled to close on September 1st.

Municipal Solutions, Inc. who have been providing the financial services associated with the East Tank borrowing have submitted a two-year contract renewal to become effective at the expiration of their current contract.

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

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

Resolved that the Town Supervisor is authorized to sign a two-year contract with Municipal Solutions, Inc. as submitted.

- Equalization Rate

The Town has been notified that its tax equalization rate will remain at 100%.

Mr. Crowley requested that the Assessor, Harry Weissman, be asked to come to the next meeting.

- Youth Recreation Meeting

Recreation Director Tracy Stokes, Supervisor McAndrew and Mayor Burrell met to discuss ideas for the Summer Recreation Program. Mayor Burrell suggested that the school and other Towns become involved since the program attracts children not only from Ellicottville, but from adjoining Towns. Supervisor McAndrew will set up another meeting to get input from other Towns and the School Administrator, Mark Ward.

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

Officer Auge reported that Special Officer Ashley Vogl resigned. He would like to hire Jessica Pierce as a Special Officer. She would be doing her field training at no expense to the Town.

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

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

Resolved that the Board accept the appointment by Officer Auge of Jessica Pierce as Special Police Officer..

Officer Auge informed the Board that the State will no longer be providing patrols for Fall Festival weekend.

Tom Scharf- Highway Department

- Fuel Station Structure

Koller Carpentry and S & T Construction submitted bids for the Fuel Station Structure of \$28,000.00 and \$28,500.00 respectively. Since only \$15,000 was budgeted for the project, the possibility of only housing the electronics and the tank was discussed. The specifications could be re-scoped before putting the project out for bid again.

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

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

Resolved to reject all bids for the Fuel Station Structure at the Highway Garage.

- Accept Frank Moore's resignation

Motion by Mr. Hinman and second by Mr. Jackson to accept the resignation of Frank Moore effective August 27, 2016.

- Advertise for Highway Dept. Employee

An advertisement for the position in the Highway Department will be placed in the paper.

- Update Pick-up Truck

The purchase of a new pick-up truck was budgeted in this year's budget. Mr. Scharf will report on whether he wants to put it out to bid or piggyback on other bids. He will update the Board at the next meeting.

Mark Alianello - Engineering Department

- Booster Station #1

The county Health Department has approved the Town's plans and specs for Booster Station #1 and the project is ready to be put out for bid.

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

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

Resolved that the Board authorize Mr. Alianello to advertise for bids on the construction of Booster Station #1 with a bid opening date of September 16th at 10:00AM.

- Highway Inventory - Summer Intern

A meeting is scheduled with an Engineer from the Cornell Asset Management Program to review the efforts of the Summer Intern to organize maintenance of the Town's highways. Mr. Alianello will report on the results next meeting.

- HVAC System

The Board discussed hiring a mechanical engineer to put together specs for the bid of the Town Hall HVAC System. Mr. Alianello will be getting a list from the County and will ask for a proposal from the engineers.

- Tank Inspection
-

The Town Water tanks by Holimont and Tanenbaum were inspected and are both in relatively good shape.

- Local Law No. 4 - 2016

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 based on review of Short Environmental Assessment Form Parts 1 and 2 the Town Board makes a Determination of Non-significance documenting that the proposed action (adopting amendments to the zoning coded dated July 20, 2016) will not result in significant adverse environmental impacts, and issues a Negative Declaration.

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

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

Resolved that the Town adopt Local Law No. 4 - 2016 - Zoning Law Amendment as follows:

Local Law No. 4 - 2016 Amendments to the Town of Ellicottville Zoning Law

Amendments to Article 2-Definitions

Add the following definitions to Article 2, Definitions:

Artisan's Workshop: A commercial establishment that serves individual households and offices by providing repair and replacement services of furnishings, such as upholstered furniture and draperies. Examples of an artisan's workshop include, but are not limited to, furniture repair, antiques repair and refinishing, metalworking, upholstery shop, and a drapery shop, where made-to-order drapes and curtains are fabricated.

Business Support Services: A commercial establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, mailing services, business equipment rental and leasing,

employment agency, building maintenance and janitorial services, small business machine repair services, and/or protective services.

Contractor's Shop: A commercial establishment used for the indoor use and storage of a contractor's equipment, supplies, and materials. . A contractor's shop may also be used for preliminary custom work, such as woodworking, milling, fabrication and/or painting or staining of items that are delivered to a client off-site. In the General Commercial District and Industrial District all custom work shall be conducted entirely within an enclosed building.

Farm Stand: A permanent building or structure used for the retail sale of agricultural products, whether produced on the site or off the site on which the stand is located, provided that products offered for sale are locally grown in the Western New York region. A Farm Stand may be seasonal or may operate year-round. Agricultural products may include fruit, vegetables, flowers, herbs, plants, Christmas trees, eggs, and similar items. Sales of home-processed food products such as jams, jellies, pickles, sauces or baked goods, which are prepared at a location other than the Farm Stand, may be allowed; however no food for sale may be cooked or prepared at a farm stand. No commercially processed or packaged foodstuffs shall be sold at a farm stand. A farm stand shall not exceed 15 feet in height and shall conform to all required setbacks for the zoning district in which it is located.

Parking: Off-street parking shall be provided outside the road right-of-way.

Signs: Signs for a Farm stand shall comply with the requirements of Section 12.1 of this Zoning Law. If the signs are permanent, a sign permit shall be required.

(Also see "Produce Stand.")

Farmers' Market: A temporary use where, on designated days and times, growers and producers of horticultural and agricultural products sell their products directly to the public from vehicles or temporary (seasonal during farmers' market) stands. Products may include items such as fruits, vegetables, herbs, spices, nuts, live plants, flowers, honey, maple syrup, eggs, meat, poultry, dairy products, baked goods, jams and jellies, and similar products. Products may also include arts and crafts items produced by the vendor. Items for sale may also include prepared food and beverages, whether for consumption on-site or off-site.

Food Stand: A temporary, commercial, food service establishment, which is open seasonally on designated days and times in the same, permanent location. The operator of a Food Stand shall comply with all state and county health department regulations concerning food preparation and sales. A food truck, which is mobile, is not a "food stand."

Micro-brewery: A small-scale production facility at which beer is produced and bottled and at which wholesale and retail storage and distribution may occur.

The volume of production of such facility may not exceed 15,000 barrels or 465,000 gallons per year. The facility may have a tasting room for the consumption and sales of products produced on site.

Micro-distillery: A small-scale, craft alcohol production facility, which may include the production of distilled spirits, hard ciders, and/or wine. The volume of production of such a facility may not exceed 35,000 gallons per year. The facility may have a tasting room for the consumption and sales of products produced on site.

Produce Stand: A seasonal stand, tent, structure, or building, not to exceed a gross floor area of 500 square feet, from which seasonal agricultural products are sold. Agricultural products may include fruit, vegetables, flowers, herbs, plants, Christmas trees, eggs and similar items. For purposes of this definition "premises" may include abutting parcels under the same ownership. No more than one produce stand can be located on any one premises. A produce stand is an accessory use to the primarily agricultural use of the property. A produce stand shall not exceed 15 feet in height and shall conform to all required setbacks for the zoning district in which it is located, except that it may encroach into the front yard setback; however, the stand shall be set back a minimum of 15 feet from the road right-of-way.

Parking: Off-street parking shall be provided outside the road right-of-way. The parking area need not be paved.

Signs: A produce stand may have a total of two temporary ground identification signs, which shall conform to the requirements for temporary signs in Section 12.1C(1) of the Zoning Law. Such signs do not require a sign permit; however, they may not be located off-premises and they shall be removed when the produce stand closes for the season.

(Also see "Farm Stand.")

Amendments to Article 3, Section 3.8, Schedule of Requirements-Land Use Table

Amend Article 3 by deleting the existing Land Use Table and substituting the following Land Use Table.

LAND USE TABLE

USE – DESCRIPTION	C	A-R	LD	MD	HD	GC
<hr/>						
<i>Residential and Quasi-Residential Uses</i>						
Single family detached dwelling P	P	P	P	P	P	S
<hr/>						
Two family dwelling; duplex S P		S	P	P	P	P
<hr/>						
Three family dwelling; triplex Four family dwelling; fourplex NP	NP	S	S	S	S	S
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Multiple family dwelling, more than four dwelling units NP	NP	S	NP	S	S	S
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Accessory Apartments NP	S	S	S	S	S	S
<hr/>						
Rental of dwellings for periods less than 30 days NP	P	P	P	P	P	P
<hr/>						
Rental of dwellings for periods of 30 days or longer NP	P	P	P	P	P	P
<hr/>						
Manufactured Homes/Mobile homes as a single family home on one lot NP NP		NP	P	S	NP	NP
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Manufactured Home Parks Mobile home parks NP	NP	NP	NP	NP	NP	NP
<hr/>						
Bed & Breakfast establishments NP	NP	S	S	S	S	S
<hr/>						
Boarding houses with fewer than						

6 rooms available for rent NP	NP	S	S	S	S	S
<hr/>						
Boarding houses with more than 5 rooms available for rent NP	NP	NP	NP	S	S	S
<hr/>						
Hotel, motel, inn NP	NP	NP	NP	S	S	S
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USE – DESCRIPTION	C	A-R	LD	MD	HD	GC
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Master Planned Developments

Master Planned Development with Residential Uses only S NP		NP	S	S	S	S
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Master Planned Development with residential and transient lodging (hotel, motel, inn) uses only S NP		NP	S	S	S	S
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Master Planned Development, with residential and/or transient lodging, that includes one or more of the following: support commercial facilities and/or commercial recreation facilities NP	NP	S	S	S	S	S
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Master planned development with Residential and/or transient lodging that includes one or more of the following: commercial uses designed for general public use rather than support commercial facilities and/or commercial recreation facilities NP	NP	NP	NP	NP	S	S
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Master Planned Development with commercial uses only, (No residential or transient lodging uses) S NP	NP	NP	NP	NP	S	S
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USE – DESCRIPTION I	C	A-R	LD	MD	HD	GC
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Public and Quasi-public uses

Public and quasi-public uses, such as: churches and other houses of worship; public schools; private schools with curriculum similar to public schools, civic facilities
S

NP S S S S S

Essential municipal and public utility uses, facilities, services and buildings (provided business offices, and repair, storage, and/or production facilities not included)
S

S S S S S S

Group care facilities, including halfway houses, rehabilitation centers, group foster care, senior citizen group homes
S NP

NP S S S S S

Colleges
NP

NP S S S S S

Parks
NP

S S S S S S

Agricultural and Related Uses

Agriculture and forest land, but not keeping of livestock, and not retail sales
P

P P P P P P

Keeping of livestock
S

P P P S NP NP

Activities for conservation of

soil, water and wildlife P	P	P	P	P	P	P
Produce Stand P P		P	P	P	P	P
Plant nursery S	S	P	S	S	S	S
Greenhouses S S		S	P	S	S	S
Kennels NP	S	S	S	NP	NP	NP
USE – DESCRIPTION I	C	A-R	LD	MD	HD	GC

Commercial, Service and Commercial Recreation Uses

Professional offices, medical and dental clinics, business offices S	NP	S	S	S	S	S
Commercial parking lot or garage S	NP	NP	NP	S	S	S
Commonly owned garage for four or more cars, above grade or below, and not connected to dwellings or commercial structures S S		NP	NP	NP	S	S
General Retail establishments limited to the following and similar uses: antique store, art gallery, art supply store, bakery, book store, camera store, clothing store, candy store, tobacco and cigarette store, florist, grocery store, gift shop, liquor store office supply store, pharmacy, sporting goods store, hardware store, department store and variety store S	NP	NP	NP	NP	S	S

Service Retail establishments such as financial institutions; travel agency, copy shop and business support services	NP	NP	NP	NP	S
S S					

Bulk merchandise retail establishments, automobile sales establishments, and Service commercial establishments limited to the following and similar uses: automobile rental customer outlets;	NP	NP	NP	NP	NP
S S					

Arts and crafts studios	NP	P	S	S	S
S S					

Artisan's Workshops	NP	P	NP	NP	NP
S S					

Personal service establishments, including barber& beauty shops; tailoring; shoe repair; jewelry repair; dry cleaning pick-up station; Laundromat and similar services	NP	NP	NP	NP	S
S S					

USE – DESCRIPTION	C	A-R	LD	MD	HD	GC
I						

Commercial, Service and Commercial Recreation Uses (Continued)

Service commercial establishments limited to the following and similar uses: catering service, mortuary, and radio or television broadcast facility (but not including transmission towers)	NP	S	S	S	S	S
S						

Service commercial establishments limited to the following & similar uses: automobile repair shop; car wash vehicle customizing shop (but not an automobile body shop); small engine repair; commercial dry cleaning						
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and laundry establishments; and auto rental storage lot S	NP	S	NP	NP	NP	S
Shopping plaza S	NP	NP	NP	NP	NP	S
Animal hospital S	NP	S	S	S	S	S
Gasoline service station S	NP	NP	NP	NP	NP	S
Restaurant NP	NP	S	NP	NP	S	S
Restaurant, outdoor dining NP	NP	S	NP	NP	S	S
Restaurant, drive in, or drive up window NP	NP	S	NP	NP	S	S
Bar, tavern, fraternal organization, brew pub NP	NP	S	NP	NP	S	S
Micro-brewery Micro-distillery S	NP	S	NP	NP	NP	S
Movie theater, Performing arts center NP	NP	S	NP	NP	S	S
USE – DESCRIPTION I	C	A-R	LD	MD	HD	GC
Commercial, Service and Commercial Recreation Uses (Continued) Indoor commercial recreation facilities, such as bowling alleys, skating rinks and similar facilities NP	NP	S	NP	NP	S	S

Outdoor commercial recreation facilities, such as ski resorts, water parks, snow tubing parks, tennis courts, and similar facilities, but not including facilities for riding ATVs S	S	S	S	S	S	S
Golf courses S	S	S	S	S	S	S
Passenger tramway stations and base facilities S S		S	S	S	S	S
Lift way, no loading or unloading S	S	S	S	S	S	S
Riding stables, riding academy NP	S	S	S	NP	NP	NP
Campgrounds NP NP		NP	S	S	NP	NP
Athletic club, racquet club, gymnasium, spa, and similar facilities S	NP	S	S	S	S	S
Recreation facilities owned by a private home owner for own use P	P	P	P	P	P	P
Recreation facilities owned by property owners association for private use by members, including tennis court and swimming pool S	S	S	S	S	S	S
Adult Uses, including the following and similar uses: Adult Entertainment Cabaret, Adult Theater, Adult Arcade, Adult Massage Establishment, Adult Motels or Hotels, Adult Movie Theater, Adult Retail Store, Adult Body Painting Studio, or Adult Model Studio NP	NP	S	NP	NP	NP	NP

USE – DESCRIPTION I	C	A-R	LD	MD	HD	GC
Commercial, Service and Commercial Recreation Uses (Continued)						
Self-Service Storage Facility S S		NP	NP	NP	NP	NP
Building supply store; sales of home, garden and farm supplies, with associated storage S	NP	S	NP	NP	NP	S
Trade schools; Art schools S S		NP	NP	NP	NP	NP
Automobile Body Shop S	NP	NP	NP	NP	NP	NP
Farm Stand S	S	P	S	S	S	S
Farmers' Market S	NP	S	S	S	S	S
Food Stand S	NP	S	NP	NP	NP	S

USE – DESCRIPTION I	C	A-R	LD	MD	HD	GC
<i>Industrial and Related Uses</i>						
Sawmills S	NP	S	NP	NP	NP	NP
Lumber drying kilns Lumber milling and storage NP S		NP	S	NP	NP	NP
Mining, sand & gravel extraction Commercial Mining Incidental Mining NP	NP	S NP	NP S	NP NP	NP NP	NP NP
Agricultural Processing S	NP	S	NP	NP	NP	NP
Food Processing Establishments S	NP	NP	NP	NP	NP	NP
Bulk fuel storage S	NP	S	NP	NP	NP	NP
Junk Yard NP	NP	NP	NP	NP	NP	NP
Recycling Facility S	NP	NP	NP	NP	NP	NP
Truck and cargo terminals S	NP	NP	NP	NP	NP	NP
Warehouse Wholesale business S	NP	NP	NP	NP	NP	S
Contractors' yard S	NP	P	NP	NP	NP	NP

Contractor's Shop S	NP	P	NP	NP	NP	S
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Printing plant Publishing and engraving enterprises S S		NP	NP	NP	NP	NP
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Product assembly S	NP	S	NP	NP	NP	S
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Machine Shop S S		NP	S	NP	NP	NP
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Research and Development facility NP S		NP	S	NP	NP	NP
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USE – DESCRIPTION I	C	A-R	LD	MD	HD	GC
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Accessory Uses

Accessory building and/or use on the same lot as the principal use P P		P	P	P	P	P
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Accessory building and/or use not on the same lot as the principal use. S	S	S	S	S	S	S
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Home occupations, Major NP	S	S	S	S	S	S
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Home occupations, Minor NP	P	P	P	P	P	P
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Home Retail & Service Trade S NP		S	S	S	S	S
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USE – DESCRIPTION I	C	A-R	LD	MD	HD	GC
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Temporary Uses

Temporary building for construction project management and equipment storage, after issuance of building permit P	S	P	P	P	P	P
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Temporary sales office and/or model home, on site of approved subdivision or other residential development NP	S	S	S	S	S	S
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Temporary building or trailer for living purposes during the period that construction work on a residence under a valid building permit is in progress, for a period not to exceed that of the validity of the building permit NP	S	P	P	S	NP	NP
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Recreation and vacation trailers used for temporary habitation (See Section 12-3) NP	NP	S	NP	NP	NP	NP
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USE – DESCRIPTION I	C	A-R	LD	MD	HD	GC
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Miscellaneous uses

Day care centers, for children and adults; and Child nurseries S	NP	S	S	S	S	S
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Hospital, Nursing Homes NP	NP	S	NP	NP	S	S
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Cemetery NP S S NP NP NP
NP

Commercial and Private Airports NP S NP NP NP NP
NP

Telecommunications Towers NP S NP NP NP
NP S

Utility-scale Wind Energy Conversion System (WECS) NP S * NP NP NP NP
NP

* not allowed on ridgelines designated as significant on Comprehensive Plan Map

Small-scale Wind Energy Conversion System (WECS) NP P/S * NP NP NP NP
NP

* Permitted when meet certain criteria, as specified in Section 12.13 of this Law; otherwise requires special use permit. However, not allowed on ridgelines designated as significant on Comprehensive Plan Map

- Comprehensive Plan Review

The Planning Board is looking at the scope of the review and will report to the Board next month.

New Business

- Local Law No.5

Motion by Mr. Hinman and second by Mr. Fitzpatrick to close the public hearing on Local Law No. 5-2016. All Ayes. Carried.

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

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

Resolved that the Town adopt Local Law No. 5 as follows:

**LOCAL LAW NUMBER 5 - 2016
TOWN OF ELLICOTTVILLE**

ELLCOTTVILLE, NY

Pursuant to Section 467(1)(b) of the Real Property Tax Law.

**A LOCAL LAW GRANTING PARTIAL EXEMPTION ON REAL PROPERTY
TAXATION TO CERTAIN SENIOR CITIZENS AND REPEALING
LOCAL LAW NUMBER 2-2009**

BE IT ENACTED by the Town Board of the Town of Ellicottville as follow:

SECTION 1. Legislative Intent. It is the intent of this legislation to continue to provide a real property tax exemption to certain senior citizens in accordance with Section 467 of the Real Property Tax Law and to distribute the exemption in a more equitable manner. It is the intent of this legislation to add Option #2 to the current senior citizen exemption.

SECTION 2. Senior Citizen Real Property Tax Exemption. Effective January 1, 2017, the Town of Ellicottville shall grant real property tax exemption to certain individuals sixty-five (65) year of age or over, in accordance with Section 467(1)(b) of the Real Property Tax Law.

SECTION 3. Maximum Income Eligibility Level. Effective January 1, 2017, the maximum income eligibility level as described in Section 467 of the Real Property Tax Law is hereby established as follows:

\$18,500 or less	=50% of assessed value exempt
\$18,501 but less than \$19,500	=45% of assessed value exempt
\$19,500 but less than \$20,500	=40% of assessed value exempt
\$20,500 but less than \$21,500	=35% of assessed value exempt
\$21,500 but less than \$22,400	=30% of assessed value exempt
\$22,400 but less than \$23,300	=25% of assessed value exempt
\$23,300 but less than \$24,200	=20% of assessed value exempt

Option 2

\$24,200 but less than \$25,100	=15% of assessed value exempt
\$25,100 but less than \$26,000	=10% of assessed value exempt

SECTION 4. Real Property Tax Law. All other provisions of Section 467 of the Real Property Tax Law of the State of New York shall be in effect for the purposes of Town real property taxation in the Town of Ellicottville, Cattaraugus County.

SECTION 5. Repeal of Local Law Number 2-2009. Local Law Number 2-2009 entitled "A Local Law Granting Partial Exemption on Real Property Taxation to Certain Senior Citizens" is hereby repealed, effective January 1, 2017.

SECTION 6. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 7. Effective Date. This Local Law shall take effect immediately.

- Comprehensive Plan Review

The Planning Board is looking at the scope of the review and will report to the Board next month.

Old Business

- David Golley Memorial

Mr. Crowley is working on the funding for the memorial.

- Bryant Hill Cemetery

Mr. Hinman reported that Crandalls Memorial has not presented an estimate for the work at the cemetery yet.

- EV/GV Trail Head

The survey is finished from the Town Center to the East. It is now in the design phase. .

- Highway Contract Review Workshop

Motion by Mr. Crowley and second by Mr. Jackson to schedule a Special Meeting of the Town Board on Weds., August 31st at 4:00pm to discuss Highway Contract Negotiations. All Ayes. Carried.

Executive Session

On Motion by Mr. Hinman and second by Mr. Fitzpatrick the Board went into executive session at 8:10pm to discuss contract negotiations and personnel issues. All Ayes. Carried.

On Motion by Mr. Crowley and second by Mr. Hinman the Board resumed regular session at 9:05pm. All Ayes. Carried.

Adjournment

Motion by Mr. Crowley and second by Mr. Jackson to adjourn the meeting at 9:06pm. 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 August, 2016, approved by said Board on the 21st day of September, 2016.

Robyn A. George, Town Clerk