

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

**Also Present:** Jann Wiswall and John Thomas, Press, Teresa Wagner, Priscilla Snider, Betsey Peyser, Mary Kuhn, Brian Fuller, Greg Cappelli, Jack Luzier, Justin Dineen, Randy Glenn, Frank Moore

**Call meeting to order:**

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

**Approve Minutes**

- Town Board Meeting - March 16, 2016
- Town Board Special Meeting - April 6, 2016

On motion by Mr. Hinman and second by Mr. Jackson the amended minutes of the March 16, 2016 Board meeting and the April 6, 2016 Special Board meeting were

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

**Privilege of the Floor**

- Trap-Neuter-Return Program

Teresa Wagner and Betsey Peyser presented their group's plan to trap stray cats, have them spayed/neutered and release them. Ms. Peyser pointed out that the number of strays has been an ongoing problem in Ellicottville and there are currently no organizations that are able to help. The group is asking for

volunteers and donations. They are also requesting the use of the Town Center on August 5th to hold a fundraiser

- Holiday Valley Helpers "Boot Drive"

Priscilla Snider requested permission to hold a "Boot Drive" on behalf of the American Cancer Society's Relay For Life Committee on Saturday, April 30th in the Town of Ellicottville. She emphasized the important research of the Cancer Society and the support they provide for cancer victims.

The Board discussed the logistics of holding the drive and how the Town can help ensure safety.

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 Board supports the American Cancer Society's "boot drive" and authorizes the group to set up the drive on April 30th on the corner of Rte. 219 and Rte. 242 by the Catholic cemetery.

**Audit of Claims**

- Pay Town bills on Distribution Report #04-16

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 04-16 as follows:

001 - General Fund A:	\$ 32,860.32	
002 - General Fund B:	\$ 4,081.53	
		General Fund Total: \$36,941.85
004 - Highway DB	\$ 14,996.90	
		Highway Fund Total: \$14,996.90
		006 - Water Fund Total \$ 3,117.78

**Grand Total: \$55,056.53**

### **Supervisor's Reports**

- Supervisor's Report

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

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

- Town Insurance Revisions - Randy Glenn, Evans Agency

Randy Glenn provided the Board with an updated Insurance Policy. Coverage of the Arboretum was added to the Town's policy at no extra charge.

Mr. Glenn had suggestions to help protect the Town from liability when renting out the Town Center Auditorium for events, especially those where alcohol will be served. He emphasized that if there is going to be alcohol at an event, it needs to be provided by a licensed vendor and that vendor needs to provide their own certificate of insurance to the Town. Those renting the facilities should add the Town to their homeowner's insurance policy for the event and provide a copy to the Town. Commercial or Corporate clients need to list the Town as "additional Insured". Mr. Glenn also suggested posting rules for those using the facility and having all renters sign a "hold harmless " agreement. He will provide the Town with some sample agreements for Town attorney to review. After the paperwork is complete, the Town will set a date for implementation of the new policy.

- Rotary Meeting - Memorandum of Understanding

A meeting will be scheduled with Rotary Club to review the Memorandum of Understanding and the MOU will be presented at the next Board meeting.

- Nannen Arboretum Society Meeting

The agreement with the Arboretum Society will be ready for next month's meeting.

- Cemetery Mowing

Lawn mowing for the Town's cemeteries was advertised for bid. D & J's Lawn Service was the only one received.

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

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

Resolved, that the Town of Ellicottville accept the offer of \$3,000.00 by D & J's Lawn Service & Snowplowing for Cemetery maintenance of Jefferson Street, Niles and Bryant Hill Cemeteries subject to the following:

- First clean up, mowing and trimming to be complete by May 8, 2016.
  - Clean up, mowing and trimming three times per month in May, June and July.
  - Clean up, mowing and trimming two times per month for the remainder of the season.
  - A certificate of insurance is to be provided with acceptance of this proposal.
  - Submittal of vouchers for services each month must be received by the 15<sup>th</sup> of the month.
- Town Hall HVAC System

The Town received two quotes for the installation of a heating and cooling system for the Town Hall. MJ Mechanical Services quoted \$124,100.00 and RP Mechanical quoted 69,813.36. Mr. Alianello pointed out that the companies used different approaches in arriving at those amounts. If the Town decides to move forward, specs will need to be written and the project put out to bid. Mr. Alianello will look into it and have more information at the next meeting.

MOTION: by Mr. Hinman and seconded Mr. Jackson to table discussion on the installation of an HVAC system in the Town Hall until next month's meeting. All Ayes. Carried.

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

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

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

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

### **Department Heads**

## **Don Auge – Police Department**

- Storage for Body Cams

OIC Auge said that his computers are not able store all of the data recorded by the body cams. He is looking into buying an external hard drive or utilizing Cloud Storage.

## **Mark Alianello - Highway Department**

- Summer Intern - Highway

Supervisor McAndrew and Mr. Alianello appointed Justin Shumaker as a summer intern to aid in the implementation of the Cornell Asset Management Program. He has a degree in Civil and Environmental Engineering. Mr. Alianello will send in an application for him to attend training at the end of May.

- June 2015 Flood Damage

The Town was asked by Congresswoman Cathy Young's office to tabulate the costs for the 2015 Storm damage. Mr. Alianello and Supervisor McAndrew estimated the total damage to be \$773,018.70.

- Speed Limit Reduction - Holiday Valley area

The NYS DOT sent a letter stating that their records indicate "that Holiday Valley Road, Deer Crossing Road, Alley Village Road, Upper Road and Buchan Road are all located within an existing 35 MPH area speed limit." The Highway Department will determine where speed limit signs need to be installed.

- Highway School - Ithaca

**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 Highway Superintendent is authorized to attend the Highway School in June in Ithaca, NY from June 5th - 8th.

- CHIPS

The Town was notified that they will be receiving the following funding from NYS:

Actual (16-17) CHIPS Aid: \$103,902.52

Actual (16-17) PAVE-NY Aid: \$23,716.78  
Actual(15-16) Aid & Incentives Aid: \$7,425.00

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

- Four Flushers Meeting

The Town/Village Inter-municipal water agreement was discussed at the meeting.

- Booster Station #1

Mr. Alianello found a pump that he thinks is a good fit for replacing the damaged pump at the booster station. Because the pump must be replaced, it would be a good time to upgrade the system and get everything out of the pit. He is suggesting it be treated as a capital project and will have a proposal ready for next meeting.

- Drainage Issue at Pinetree

There is an ongoing drainage problem at Pinetree Village. Mr. Alianello and Deputy Highway Superintendent Moore will work on a solution and address the problem. It can be paid for out of the Drainage District Fund.

- EVGV Trail

The Trail Committee is applying for a TIGER Grant for \$1.8 million and are asking for the Town's sponsorship.

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

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

Resolved that the EVGV Recreational Trail Committee is authorized to submit an application for a TIGER Grant from the U.S. D.O.T. for \$1.8 million under the sponsorship of the Town of Ellicottville.

### **New Business**

- Town Center Dumpster and Driveway

Mr. Hinman said that he doesn't think that the driveway to the patio that the Arboretum is requesting would fit and there would be numerous obstacles to deal with if constructed.

Issues with the placement of the dumpster at the Town Center were also discussed.

- Arboretum Ditch Cleaning

Supervisor McAndrew and Mr. Hinman inspected the ditches at the Arboretum and agreed that drainage is a problem. A smaller machine is needed to do the job. It may be possible to rent a machine and combine this project with another one to make it cost effective.

- Standard Work Day and Reporting Resolution

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

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

Be it resolved that the Town of Ellicottville hereby establishes the standard work day for the Town Supervisor, Matthew McAndrew, at 6 hours per day and according to the results of the record of activities report 14 days per month to the NYS Retirement System.

- Document Storage - Laserfische

Robyn George has contacted Laserfische regarding the electronic storage of documents. She is awaiting more information from them.

- Chamber of Commerce Request

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

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

Resolved that the Ellicottville Chamber of Commerce be granted permission to use the Town Gazebo for this year's Gazebo Series starting Thursday, July 7th and continuing Thursdays through August 11th with entertainment from 7pm-9pm.

Further resolved that the Chamber be allowed to use the Gazebo on July 4th and 5th for the Summer Music Festival, September 18th for Rock N Oldies Weekend, October 8th and 9th for Fall Festival, and December 3rd for the Christmas Stroll.

Further resolved that the Chamber be required to provide the Town with an insurance certificate naming the Town as additional insured.

### **Old Business**

- Procurement Policy Review

Supervisor McAndrew and Engineer Alianello will review and update the Town's Procurement Policy and present the revisions at next month's meeting.

- David Golley Memorial

Supervisor McAndrew met with the Golley family and discussed creating some green space at the Highway Facility before holding the dedication ceremony. The possibility of holding an open house was also discussed.

### **Executive Session**

On Motion by Mr. Hinman and second by Mr. Jackson the Board went into executive session at 8:15pm to discuss EPOA contract negotiations, Highway Superintendent applicants and the Inter-municipal Water Agreement. All Ayes. Carried.

### **Resume Regular Session**

On Motion by Mr. Crowley and second by Mr. Jackson the Board resumed regular session at 9:18pm.

Motion by Mr. Crowley and second by Mr. Hinman to hold a special Board meeting on Weds. April 27th at 3:30pm for the purpose of hiring a Highway Superintendent. All Ayes. Carried.

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

Accepted      Ayes 4 - McAndrew, Hinman, Fitzpatrick & Crowley  
                    Nays 1 - Jackson

Resolved the Town extend the Inter-municipal Agreement between the Town of Ellicottville Consolidated Water District No. 1 and the Village of Ellicottville dated January 10, 2011 through May 31st, 2017.

Further resolved that the agreement is retroactive from January 10, 2016.

### **Adjournment**

Motion by Mr. Jackson and second by Mr. Hinman to adjourn the meeting at 9:20pm. 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 April, 2016, approved by said Board on the 18th day of May, 2016.

---

Robyn A. George, Town Clerk