

MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE  
FEBRUARY 15, 2017 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
	Don Auge	Officer in Charge

**Also Present:** John Thomas and Jann Wiswall, Press, Raymond Tylicki

**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 - January 18, 2017

On motion by Mr. Fitzpatrick and second by Mr. Jackson the minutes of the January 18, 2017 Board meeting were

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

**Privilege of the Floor**

Raymond Tylicki said that there is need for public transportation improvements in the Ellicottville area. He asked the Board to look into "Park and Ride" and commuter bus services between Ellicottville and other communities.

**Audit of Claims**

- Pay Town bills on Distribution Report #02-17

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 bills be paid on General Ledger Distribution Report 02-17 as follows:

001 - General Fund A:	\$ 24,870.13	
002 - General Fund B:	\$ 1,897.51	
		General Fund Total:\$ 26,767.64
004- Highway DB	\$ 55,173.42	
		Highway Fund Total:\$ 53,173.42
		006 - Water Fund Total <u>\$ 4,240.63</u>
		Grand Total: \$ 86,181.69

### **Supervisor's Reports**

- Supervisor's Report

**On motion** by Mr. Hinman and second by Mr. Fitzpatrick the Supervisor's January 2017 Financial Report was

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

- Town/Village Public Works Position - Meeting with Batavia Officials

Mayor Burrell, Greg Cappelli, Steve Crowley, Kathleen Moriarty, Mark Alianello, Andy Toth, Jeff Smith, Bob Keis and Supervisor McAndrew met with Steve Mountain and Greg Post from the Town of Batavia. The Batavia officials outlined the process of hiring a Public Works Director/Engineer. They explained how their Director has been instrumental in obtaining grants He is doing an inventory of the water system and GIS mapping. Batavia also provides services to other Towns and bills them for the work.

Supervisor McAndrew presented 2 proposals to the Board:

1. Hire Jeff Smith of Municipal Solutions and Steve Mountain, Town of Batavia Engineer, to search for grants to help pay for office set-up, software, etc. and assist the Town in the hiring process and job description. The Village has agreed to the proposal which would be paid out of the Sewer fund, not to exceed \$10,000. Since the Town contributes to the Sewer fund, the Town will also have to approve the proposal for it to move forward.
2. Prepare an Inventory of Assets. This is important to determine the value of assets of the Town and Village as we move forward in the joint venture.

Jake Alianello of MDA Consulting Engineers presented Phase 1 of a proposal to prepare an Inventory of Assets. The project would look at the infrastructure of the Water and Sanitary Sewer Systems. The Village tabled action on the proposal at their last meeting.

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

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

Resolved that the Town Supervisor is authorized to sign the agreement with MDA Consulting Engineers, PLLC "Inventory of Assets - Phase 1" and agree to pay one half of the expenses.

- County Wide Supervisor's Meeting

The County is currently providing assessing services to Otto and Great Valley.

The State is mandating that the County set up a Town efficiency plan to be administered by the County. The plan must be in place by June.

- Carlisle SynTec Roof System

The warranty on the Town Center roof expired 10/22/2016. Carlisle is offering to provide a no-obligation on-site roof evaluation. The Board agreed that there would be no harm in getting a free evaluation for informational purposes.

- Rte. 242 Sidewalk Project Reimbursement

The Town received a check for \$7,754.66 as reimbursement of the amount paid to the NYS DOT for the Route 242 Sidewalk project.

### **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**

- Alarm Tracking

Captain Butler from the County Sheriff's Department provided OIC Auge with reports showing the number of alarm calls and addresses of those calls. These reports can be generated daily, weekly or monthly. Details such as developing standardized forms and the collection of fines need to be worked out.

- Locker/Evidence Rooms

Kelly Fredrickson is putting together a materials list for the construction of the locker/evidence room.

- Letter - Catherine Glosser

Ms. Glosser wrote a letter praising Officer Spry and Ellicottville first responders for their conduct in a tragic situation.

### **Jake Alianello - Engineering Department**

- HVAC System

The following are bids received for the installation of the Town Hall HVAC system:

Mazza Mechanical Services	-	\$112,133.00
Southerntier Custom Fab,	-	\$149,000.00
Innovative Mechanical	-	\$ 93,900.00

Nussbaumer & Clarke reviewed with the apparent low bidder, their bid numbers and scope of work, and found them to be capable of completing this project and recommended that the Town award to project to Innovative Mechanical Systems, Inc.

After some discussion the Town Board did not act the matter.

Councilman Crowley will be looking into possible energy efficiency rebates.

### **New Business**

- Water Adjustments

Clerk George asked the Board to approve the following water billing adjustments:

Account # 0137 -	(\$ 7.15)
# 0418 -	(\$ 4.65)
# 0654 -	(\$ 7.94)
# 2507 -	(\$ 44.00)
Closed accounts #'s 0611, 0047, 0772 and 2379 -	(\$152.59)
Miscellaneous -	<u>(\$ 4.62)</u>
Total Adjustments -	<u>(\$220.95)</u>

She explained that most of the adjustments were carried forward from the last time the Town's utility billing system was changed and had the individual account information available for the Board's review.

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

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

Resolved that the Board approve the Water adjustments to the billing system as presented.

- WNY Southtowns Scenic Byway

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

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

Resolved that the Town of Ellicottville become a Municipal Member of the Western New York Southtowns Scenic Byway.

- NYSERDA Grant

Supervisor McAndrew presented an overview of the NYSERDA Grant. NYSERDA has identified ten high-impact actions that the Town can take to improve the environment and save money. By completing four of the ten, the Town could be eligible for a grant of \$50,000 with no local cost share. The Four high impact items that were identified as viable options are as follows:

**Clean Fleets - Installation an EV charging station.**

**Energy Code Enforcement Training**

This involves training code compliance officers in best practices in energy code enforcement through training, collaborative plans reviews, and joint onsite inspections of local construction projects. Kelly Fredrickson is looking into this.

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

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

### **Benchmarking: Cleaning Energy Communities Program**

#### **ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

**WHEREAS**, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Ellicottville is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Town of Ellicottville Town Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Ellicottville; and

**WHEREAS**, the Town of Ellicottville Town Board desires to establish procedure or guideline for Town of Ellicottville staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted;

#### **BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

##### **§1. DEFINITIONS**

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Ellicottville that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Town of Ellicottville Supervisor's Office.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

**§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

**§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

**§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

**§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.



(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town of Ellicottville Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

#### **§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

#### **§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The following resolution was offered by Mr. Crowley and seconded by Mr. Jackson:

#### **Unified Solar Permit: Cleaning Energy Communities Program**

A Resolution by the Town Board approving and endorsing the Town of Ellicottville in its application to the NYS Energy Research and Development Authority (NYSERDA) for funding under the Clean Energy Communities Program

**WHEREAS**, the New York State Energy Research & Development Authority (NYSERDA) has established a Clean Energy Communities Program (CECP), and

**WHEREAS**, the CECP provides rewards and recognition to municipalities that demonstrate clean energy leadership, and

**WHEREAS**, municipalities may earn the Clean Energy Communities designation by completing 4 out of 10 high-impact actions as identified by NYSEDA, and

**WHEREAS**, municipalities designated as Clean Energy Communities may be eligible for grant funding of up to \$250,000.00 with no local cost share to support additional clean energy projects, and

**WHEREAS**, the Town of Ellicottville intends to take part in the CECP program by completing 4 out of 10 high-impact actions, and

**WHEREAS**, adopting the New York State Unified Solar Permit is one (1) of the high impact actions identified by NYSERDA, and

**WHEREAS**; the purpose of adopting the NYS Unified Solar Permit is a standardized permit application designed to streamline the approval process for installing solar in the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Ellicottville adopts the New York State Unified Solar Permit application form and procedures for the installation of small-scale photovoltaic systems; and it is further

**RESOLVED**, the Town of Ellicottville Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application form and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems

The question of the adoption of the resolution was duly put to vote on roll call, which resulted as follows:

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

### **Old Business**

- EVGV Trail

Mr. Hinman reported that the drawings for the Town Center to Tim Horton's portion of the trail are almost complete. There will be a fund raiser in June at the American Legion.

### **Executive Session**

On Motion by Mr. Fitzpatrick and second by Mr. Hinman the Board went into executive session at 7:30pm to discuss contract negotiations and personnel. All Ayes. Carried.

On Motion by Mr. Hinman and second by Mr. Fitzpatrick the Board resumed regular session. All Ayes. Carried.

### **Adjournment**

Motion by Mr. Hinman and second by Mr. Jackson to adjourn the meeting at 8:10pm. 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 February, 2017, approved by said Board on the 15th day of March, 2017.

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Robyn A. George, Town Clerk