

MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE  
May 17, 2017 at 6:00 pm  
ELLICOTTVILLE TOWN CENTER

<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, Tom Kneeland, Laura Kohler, Dan Minner, Patricia Wolf, Tammy Hanft, Kevin Walker, Patra Lowes, James Clauss, II, Grace Kell, Jodie Timkey, Spencer Timkey

**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 - April 19, 2017

On motion by Mr. Crowley and second by Mr. Hinman the minutes of the April 19, 2017 Board meeting were

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

**Privilege of the Floor - Wildlife Management Area**

Ten Town of Ellicottville residents were present to urge the Town to support DEC's proposed Wildlife Management Area on Poverty Hill. They all thought it would benefit the Town to preserve the integrity of the green space and have an area for outdoor recreation and enjoyment.

**Audit of Claims**

- Pay Town bills on Distribution Report #05-17

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 05-17 as follows:

001 - General Fund A:	\$ 26,096.99	
002 - General Fund B:	\$ 1,520.21	
		General Fund Total: \$27,617.20
004 - Highway DB	\$ 58,555.01	
		Highway Fund Total: \$ 58,555.01
		006 - Water Fund Total <u>\$ 3,860.24</u>
		Grand Total: \$90,032.45

### **Supervisor's Reports**

- Supervisor's Report

**On motion** by Mr. Crowley and second by Mr. Jackson the Supervisor's April 2017 Financial Report was

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

- Poverty Hill - DEC Wildlife Management Proposal

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 Supervisor McAndrew is directed to write a letter to the DEC stating that the Town Board is not opposed to their plans to create a Wildlife Management Area on Poverty Hill.

- Four Flusher's Meeting

Mr. Alianello reviewed the minutes of the meeting held on May 16th(attached).

- Town/Village Public Work Works Position

Supervisor McAndrew, Engineer Alianello, Councilman Crowley, Mayor Burrell, Trustee Cappelli, Steve Mountain, Jeff Smith and Grants writer, Diana Cihak met and toured the Town and Village Public Work's facilities. They discussed the job description for the Public Works Director, the department setup and the equipment requirements. Grants that could help fund equipment purchases and some of the cost of staff were also discussed.

- Water Agreement with Village

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 Intermunicipal Water Agreement between the Town of Ellicottville and the Village of Ellicottville originally dated December 31, 2010 and extended through May 31, 2017 be further extended until December 31, 2017.

- Evidence/Locker Room

The room itself is mostly complete although it needs power, heat and ventilation. OIC Auge says there may be a issue with water coming in through the back wall. The Highway Department will build a berm on that wall to alleviate the problem.

- County Town Supervisor's Meeting - Shared Services

Deputy Supervisor Hinman attended the meeting and provided the Board with a program overview. It will be run under the direction of the County Administrator. Supervisor McAndrew is asking the Board for ideas for shared services to forward to the County. Some of the new ideas that were brought up at the meeting were sharing software programs and making bulk energy purchases. The target date to do a public presentation of the plan is October 15, 2017.

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

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

On **motion** by Mr. Crowley 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**

- Relay for Life Boot Drive

OIC Auge reported that the American Cancer Society Boot Drive raised approximately \$2,800.

- Patrol Rifles

The patrol rifles and ammo have been delivered. Training is scheduled for next month. The new patrol vehicle is now in service.

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

- Gravel Bids

One bid for processed gravel and limestone was received from Machias Sand and Gravel and opened on May 2, 2017 at 10:00am. The Town also has the option of buying these products from the County bid.

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

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

**Resolved** that the Highway Superintendent, Tom Scharf, is authorized to choose the low bid for each product needed from either the County bid or Machias Sand and Gravel.

- Inventory of Assets

Mr. Scharf handed out a list of highway department equipment and assets with a condition rating of between 1-10. This will help in developing a long range plan of priorities for upgrades.

- New Truck Proposal

Mr. Scharf brought up the Vehicle Purchase Proposal for a 2017 Ford F-550 that he presented at the last meeting. He would like to order it so it will be delivered

before the winter season. It was determined that it is needed and it is in the budget.

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 Highway Superintendent, Tom Scharf, is authorized to order the 2017 Ford F-550 XL Reg Cab 4x4 145 WB for \$101,112.01 from Van Bortel Ford as quoted on the Onondaga Bid.

- Temporary Highway Employee

Mr. Scharf is asking for a pay raise for his temporary employee to make his rate comparable to the last employee in that position.

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** to pay Nathan Dunkleman, temporary highway laborer, \$14.00 per hour starting immediately.

Mr. Scharf was impressed with the way the rented broom worked and would like to work the purchase of one into next year's budget. He was also approached by Bob Poole about an agreement he and the Town had proposed a few years ago that would provide emergency access to the highway garage in case of a flood. The Town would trade surplus land for a permanent ROW. The issue will be reevaluated.

- Work Plan

Mr. Alianello, Mr. Scharf and Mr. McAndrew have been working on a schedule and cost estimate of the projects for the season. They would like to set up a work session to discuss it.

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 a Town Board Work Session be held on June 14th at 4:00.

**Mark Alianello - Engineering Department**

- HVAC System

The installation of the HVAC system is going well. The 2 furnaces have been installed and Mr. Alianello said that the quality of the work seems good.

- Booster Station #1

There have been issues with the Booster Station project. A fitting blew apart while pressure testing and flooded the pit, damaging the telemetry. The insurance adjuster has been contacted.

STC Construction has submitted their second application for payment for the Booster Station No. 1 Project. The Contractor has installed the underground piping, completed demolition of half of the existing booster station and excavated for the foundation of the new building. They have also taken delivery of the booster pump skid. MDA Consulting Engineers has reviewed and certified the payment application and agree with all percentage completed figures that the Contractor submitted.

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

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

Resolved that the Town approve Payment Application No. 2 as submitted by STC Construction, Inc. for work on the Booster Station No. 1 Project in the amount of \$39,330.00.

**New Business**

- Championship Rodeo Requests

Ellicottville Championship Rodeo (John and Karen Kent) sent a letter announcing the plans for their annual Rodeo, June 29th through July 2nd . They have requested a Noise Permit until 1:00am.

On **MOTION** by Mr. Hinman, seconded by Mr. Jackson, the Town Clerk is directed to issue a Noise Permit to the Ellicottville Championship Rodeo as requested. All Ayes. Carried.

The Kent's have also requested that the Town write a letter to the State Liquor Authority stating that the Town has no objection to them getting a temporary beer/wine permit for that weekend.

On **MOTION** by Mr. Jackson, seconded by Mr. Crowley, the Town Clerk is directed to write a letter to the State Liquor Authority stating that the Town has no objection to the Ellicottville Championship Rodeo's obtaining a temporary beer/wine permit for the weekend of June 29th through July 2nd. All Ayes. Carried.

- Town Clerk Audit

Mr. Fitzpatrick performed an audit on the Town Clerk's 2015 and 2016 accounts this week and reported that everything was intact and well-documented. The checking account zeroed out as it should. The Annual 2015 and 2016 Clerk's reports were provided for review.

Mr. Fitzpatrick also pointed out that were only 52 Alarm applications filled out and paid for in 2016. He suggested that a notice go out with the Town taxes to make property owners aware of the law. The clerk will look into it.

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

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

Resolved that the Town Board accept the audit by Mr. Fitzpatrick of the 2015 and 2016 Town Clerk's account.

- Court Audit

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

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

**Resolved** that the Supervisor is authorized to sign the agreement with Tronconi, Segarra & Associates to perform the audit of the Town Court records as required by the Uniform Justice Court for the year 2016 for a fee of \$1,400.

### **Old Business**

- EVGV Trail

The first leg of the trail between the Town Center and Tim Horton's is taking shape. The easements along that section need to be drawn up and signed but there is a question as to who the easements are to be granted to. Ms. Moriarty stated that the best option for the longevity of the trail would be if the property owners grant the easement to the Town. A plan for the maintenance of the trail was discussed.

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

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

**Resolved** that the property owners along the section of the trail from the Town Center to Tim Horton's, approximately 6/10th of a mile, grant the easement for the trail to the Town.

- NYSERDA Grant Update

NYSERDA notified the Town that they received submission of the High Impact Action: Energy Code Enforcement Training. They are reviewing the submission and will notify the Town by email in the next few weeks whether the submission is approved, or if it incomplete and needs to be resubmitted.

- Giannicchi Letter of Appreciation to Police Dept.

The Giannicchi's wrote a letter to the Police Department thanking them for their quick response to a 911 call from their daughter.

### **Executive Session**

On Motion by Mr. Crowley and second by Mr. Fitzpatrick the Board went into executive session at 7:55pm to discuss EPOA contract negotiations and the Booster Station. All Ayes. Carried.

On Motion by Mr. Hinman and second by Mr. Crowley the Board resumed regular session at 8:30pm. All Ayes. Carried.

### **Adjournment**

Motion by Mr. Hinman and second by Mr. Crowley to adjourn the meeting at 8:30pm. 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 May, 2017, approved by said Board on the 21st day of June, 2017.

---

Robyn A. George, Town Clerk