

DRAFT MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE NOVEMBER 15, 2017 at 6:00 pm  
ELLICOTTVILLE TOWN HALL

<b><u>Present:</u></b>	Mathew McAndrew	Supervisor
	Ken Hinman	Councilman
	Greg Fitzpatrick	Councilman
	Steve Crowley	Councilman
	Robyn George	Town Clerk
	Mark Alianello	Town Engineer
	Kathleen Moriarty	Attorney for the Town
	Tom Scharf	Highway Superintendent
	Rick Jackson	Councilman

**Also Present:** John Zerfas, John Thomas and Rich Place, Press

**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 - October 18, 2017
- Special Meetings -October 19 & 24, 2017, November 1 & 6, 2017
- Public Hearing on Preliminary Budget - November 8, 2017

On motion by Mr. Hinman and second by Mr. Crowley the minutes of the above Board meetings were

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

**Audit of Claims**

- Pay Town bills on Distribution Report #11-17

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

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

**Resolved** that the Town bills be paid on General Ledger Distribution Report 11-17 as follows:

001 - General Fund A:	\$133,406.32		
002 - General Fund B:	\$ 23,243.78		
		General Fund Total:	\$156,650.10
004 - Highway DB	\$175,508.95		
		Highway Fund Total:	\$175,508.95
		006 - Water Fund Total	<u>\$ 40,157.09</u>
		Grand Total:	\$372,316.14

### **Supervisor's Reports**

- Supervisor's Report

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

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

- Four Flusher's Meeting

There is concern about the potential for the piping in the East Washington meter pit to be forced apart due to water pressure. To address this safety issue, Mr. Alianello has told the water department that no one be permitted to enter the pit while the line is pressurized for any reason until permanent repairs are made. He will be putting together a Request for Proposals from contractors to re plumb the pit. Since it is considered part of the East Tank Project, the cost will be shared with the Village.

The minutes from the Four Flushers meeting were reviewed.

- Town/Village Public Work Works Position

Niles Pierson was offered the Town/Village Public Works position and has accepted. It was determined that he is highly qualified and has great leadership skills. He is expected to begin in March.

- Evidence/Locker Room

Work on the room has been completed. The wiring was done and heat installed. The Highway department addressed the drainage issue.

- Historical Building Exhibits

The Board has been invited to visit the Historical Building to view the exhibits after the meeting.

### **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, Jackson & Fitzpatrick  
                    Nays 0

### **Department Heads.**

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

- Highway Department Position - Nate Dunkleman

The hiring of Nate Dunkleman to a full-time position once Tammie McCulligh has been off on disability for one year was discussed. Mr. Scharf requested that he get a raise. The board decided that he would have to wait until he was hired on a full-time basis and then he would get the payrate as outlined in the Union Contract.

The drive leading to the tower on Jackman Hill needs to be re-graded. The owner of the tower will be contacted. The road to the East Tank needs to be cleaned up. The Town will coordinate with the Village to get that done.

The 550 truck should be delivered within 3 weeks. The 10-wheeler won't be available until sometime in January.

- Roof Ice Melt System

Mr. Alianello obtained a quote from S & T Construction to install a Roof Ice Melt System. It was deemed necessary in order to protect the building. Two options were discussed:

Option one: \$5840.00 - customized single wire system built into trim on East eave side of Town Garage. Rain diverter installed over main door.  
Option two: \$9940.00 - would include downspouts heated to ground destination.

Mr. Alianello and S & T Construction agreed that option one would be sufficient and gutters could always be added later.

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

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

Resolved that the Town hire S & T Construction to install a Roof Ice Melt System as outlined in Option one at a cost of \$5840.00.

- Culverts

Since there is money in this year's budget, the culverts on Witch Hollow Rd. and upper Poverty Hill Rd. will be ordered on County bid. Other priority culvert projects are 2 box culverts that are the same size, one under the driveway to the Highway Garage and the other on Sommerville Valley Road. It would be less expensive to order both of them at once but one would have to come out of next year's budget.

The Board could either change the 2018 budget, encumber the amount of the one culvert or do a budget modification in 2018.

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

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

Resolved that the line item 003.5120.0400 (Bridges - Contractual Expense) be increased by \$65,000 and Appropriated Fund Balance in DA Highway Townwide be increased by the same amount for the 2018 budget.

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

- Booster Station #1- Final Payment

STC Construction, Inc. has submitted their sixth and final application for payment (Payment Application No. 6) for the Town of Ellicottville - Booster Station No. 1 Project. The Contractor has completed all work under this contract, which has been confirmed by the Village of Ellicottville Water Department and the Town Engineer.

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

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

Nays 0

Resolved that the Board authorize the Town Supervisor to sign Change Order No. 2 which includes work associated with the furnishing and installing an enclosure for the booster pump soft starts, a modified method for abandonment of the old piping within the former booster pit, capping an abandoned line and a credit for unused electrical allowance. Change Order No. 2 results in a net increase in the Contract Price of \$4,328.00.

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

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

Resolved that the Town accept the work on Booster Station No. 1 as final and approve Payment Application No. 6 authorizing payment of \$28,405.00 which includes the net increase for Change Order No. 2.

- Valley Village

MDA Consulting Engineers, PLLC submitted a Civil Engineering Services Proposal for Valley Village Road Rehabilitation. After further consideration, it was decided that there needs to be a meeting with Valley Village Association, Holiday Valley and Town representatives. All parties involved would have input in defining goals and negotiating the cost responsibilities of each.

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

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

Resolved that the Engineering Proposal for Valley Village Road Rehabilitation be tabled pending a pre-preliminary design meeting.

- Upper Holiday Valley Road Engineering

MDA Consulting Engineers provided the Board with a proposal for Engineering Services related to drainage improvements and asphalt overlay that the Town plans on doing in 2018.

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

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

## Nays 0

Resolved that Supervisor McAndrew is authorized to sign the Civil Engineering Services Proposal Agreement with MDA Consulting Engineers, PLLC for Upper Holiday Valley Road - Drainage Improvements as presented.

- Booster Station Pressure

The Water Operator is concerned that low suction pressure will be a problem during peak season. Gerwitz & McNeil quoted \$5,183.00 to fix the problem by taking the existing soft starters out and replacing them with Variable Frequency Drive Starters. They will give a credit of \$1,200 for the existing starters. Mr. Crowley said that National Grid is offering a rebate for installing VFD's so he asked Mr. Alianello to look into that rebate. The Board acknowledged that Mr. Alianello should proceed with having Gerwitz and McNeil do this work as quoted.

### **New Business**

- Approve 2018 Budget

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

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

Whereas, notice of the completion of the preliminary budget for the fiscal year 2018 and notice of the public hearing on such budget was duly published and held according to Town Law,

Resolved that the preliminary budget for the fiscal year 2018 is adopted as amended.

Supervisor McAndrew said that the tax rate for 2018 is under the Tax Cap limit . It will be 1.27 per \$1,000.00 which is cheap in relation to other taxes and other Towns. He said it was a challenge keeping the taxes down while funding the new engineer position and maintaining fund balances. The newly developed 5 year plan will be a great planning tool. He thanked the Board, Mr. Alianello, Mr. Scharf, OIC Auge, Clerks Stokes and George for their work on the budget.

- Reappoint Nancy Rogan - BAR

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

Accepted: Ayes 5 - McAndrew, Hinman, Crowley, Jackson & Fitzpatrick

Nays 0

Resolved to reappoint Nancy Rogan to the Board of Assessment Review to a five year term ending 09/30/22.

- Water Bills Relevy onto 2018 Taxes

On **motion** by Mr. Crowley seconded by Mr. Fitzpatrick the following resolution was accepted:

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

**RESOLVED** that the Town Clerk is authorized to levy any and all water bills which are delinquent more than two (2) quarters onto the 2018 Town & County tax bills as presented in the amount of \$4,377.60.

- Retirement Resolution

**On motion** by Mr. Hinman and second by Mr. Fitzpatrick 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 7 hours per day and according to the results of the record of activities report 14.23 days per month to the NYS Retirement System.

Further resolved that the Town of Ellicottville hereby establishes the standard work day for the Town Engineer, Mark Alianello, at 8 hours per day and according to the results of the record of activities report 10.63 days per month to the NYS Retirement System.

- Town of Amherst Proclamation

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

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

**COMMEMORATING the 200th Anniversary of the Town of Amherst, New York**

**WHEREAS**, The Town of Amherst, New York celebrates its Bicentennial in the year of 2018 and it is fitting to recognize the Town of Amherst on the occasion of this special milestone and to applaud its distinguished history; and

**WHEREAS**, The Town of Amherst was officially created on April 10, 1819 from part of the Town of Buffalo (later known as the City of Buffalo), has a total area of 53.28 square miles, is the largest Town in Erie County, New York and includes the Village of Williamsville as well as the hamlets of Eggertsville, Getzville, Snyder, Swormville, and East Amherst; and

**WHEREAS**, In the nineteenth century Amherst was a prosperous farming community with seven grist mills, several saw mills, a tannery and boot and shoe factory and two forges with commercial activity centered in Williamsville; and

**WHEREAS**, The Town grew from being primarily a farming community to an urban community in the twentieth century with the creation of new subdivisions, the building of the University of Buffalo Campus in Amherst and the location of the Millard Fillmore Suburban Hospital within the Town; and

**WHEREAS**, The Town today is comprised of 125,000 residents and provides many facilities and attractions including: a four rink recreational facility that attract national and international ice tournaments, a state of the art senior center, three libraries, and a State Park; and

**WHEREAS**, The Town of Amherst will proudly mark its 200th Anniversary with a series of celebrations throughout its Bicentennial Year, beginning on January 1, 2018 with a 200th Birthday Party and continuing with a gigantic Parade, historic walking tours, slogan contest, Interclub Service Club Luncheon and Gala Bicentennial Ball; and

**WHEREAS**, In recognition of the Town of Amherst's rich history and enduring contributions, it is indeed an honor to pay tribute to this Town upon the occasion of its Bicentennial; now, therefore, be it

**RESOLVED**, That congratulations are sent to the Town of Amherst on their Bicentennial and the Town and its residents are to be enthusiastically recognized as they celebrate this auspicious occasion; and be it further

**RESOLVED**, That a copy of this Resolution, suitable engrossed, be transmitted to the Town of Amherst Bicentennial Commission.

- Review Draft IMA for Joint Engineer

The Board reviewed the draft agreement which was approved by the Village earlier in the week. A few questions came up that will be addressed at the next meeting.

### **Old Business**

- EVGV Trail

The Army Corp of Engineers has granted the Wetland Disturbance Permit. The Trail Committee is circulating the grading releases that need to be signed by the property owners.



- County Road 71 - Sugartown Road

The Co. DPW Commissioner responded to the Town's request for shoulders on Sugartown Road. He said the Department of Economic Development would assist the Town in obtaining grants for the project.

- Jefferson St. Cemetery

Crandall Memorials said that the Cemetery is on their project list but it may not be done until Spring.

- Code of Ethics

Ms. Moriarty presented the update Code of Ethics to the Board and reviewed the changes.

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

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

Resolved that the Town approve the changes and accept the Code of Ethics as presented.

On **motion** by Mr. Hinman seconded by Mr. Jackson the following resolution was accepted:

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

Resolved to hold a public hearing on Local Law No. 2 of the year 2017 entitled "Code of Ethics" on December 20, 2017 at 6:00pm at the Town Hall.

### **Correspondence**

- Marty Bentley - Fire Commission

Marty Bentley's appointment to the Joint Town and Village Fire Commission expires on December 31, 2017. He has submitted a letter indicating that he does not wish to be re-appointed.

### **Executive Session**

Motion by Mr. Hinman and second by Mr. Crowley to go into executive session at 7:45pm to discuss the Engineering position. All Ayes. Carried.

Motion by Mr. Hinman and second by Mr. Crowley to resume regular session at 8:10pm. All Ayes. Carried.

**Adjournment**

Motion by Mr. Hinman and second by Mr. Jackson to adjourn the meeting at 8:11pm. 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 November, 2017, approved by said Board on the 20th day of December, 2017.

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Robyn A. George, Town Clerk