

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE JULY 19, 2017 at 6:00 pm
ELLICOTTVILLE TOWN HALL

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

Absent: Rick Jackson Councilman

Also Present: Jennifer Weber, Press, John Zerfas, Jeff Williams

Call meeting to order:

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

Public Hearing

Local Law # 1 of the year 2017 entitled:
"A Local Law to Override the Tax Levy Limit for Fiscal Year 2018"

MOTION by Mr. Crowley and seconded by Mr. Hinman to open the public hearing on Local Law #1 of the year 2017. All Ayes. Carried

Supervisor McAndrew explained that passing the law does not mean the Town intends to go over the Tax Levy Limit. It's a formality that gives the Town some flexibility with the budget. The public hearing will remain open.

Approve Minutes

- Town Board Meeting - June 21, 2017

On motion by Mr. Hinman and second by Mr. Fitzpatrick the amended minutes of the June 21, 2017 Board meeting were

Accepted Ayes 4 - McAndrew, Hinman, Fitzpatrick & Crowley
Nays 0

Privilege of the Floor

John Zerfas reported that he will be meeting with a Councilman from Ashford and a representative from the company currently installing the fiber cable in the Northeast corner of the town. He is looking for more information on the phase three plans to make internet available in the rest of the town, all part of the New York State Broadband Initiative.

Audit of Claims

- Pay Town bills on Distribution Report #07-17

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

Accepted Ayes 4 - McAndrew, Hinman, Fitzpatrick & Crowley
 Nays 0

Resolved that the Town bills be paid on General Ledger Distribution Report 06-17 as follows:

001 - General Fund A:	\$27,705.60	
002 - General Fund B:	\$ 2,807.42	
		General Fund Total: \$30,513.02
004 - Highway DB	\$51,151.13	
		Highway Fund Total: \$51,151.13
		006 - Water Fund Total <u>\$ 3,201.90</u>
		Grand Total: \$84,866.05

Supervisor's Reports

- Supervisor's Report

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

Accepted Ayes 4 - McAndrew, Hinman, Fitzpatrick & Crowley
 Nays 0

- Four Flushers Meeting

The minutes from the Four Flushers meeting were reviewed. Mr. Alianello explained that there is a need for sludge removal from lagoon No. 1. Originally it was to be done in conjunction with the updating of the Waste Water Treatment Plant but was taken out of the project to keep costs down. The Four Flushers are recommending it be done now at an approximate cost of \$400,000 to \$500,000. The 2015/16 Fund Balance for Sewer was \$855,867 with an expected balance of \$1,142,959 for 2016/17. The Board agreed that the Village should go forward with the project.

- Town/Village Public Works Position

The job description is complete and the grant application will be finalized next week. The budget for the Engineering Department was reviewed. Mr. Alianello suggested that if the grant is approved, it may be a good idea to hire an Engineering Assistant.

- Establish a Joint Engineering Dept.

On motion by Mr. Hinman and second by Mr. Fitzpatrick the following resolutions were:

Accepted Ayes 4 - McAndrew, Hinman, Fitzpatrick & Crowley
 Nays 0

WHEREAS, it is the desire of the leadership of both the Town and Village of Ellicottville to find efficiencies in government services offered to their residents; and

WHEREAS, the Town and Village of Ellicottville have identified efficiencies along with increased services for residents associated with establishing an engineering department for the Town; and

WHEREAS, the Village of Ellicottville desires to enter into a shared services agreement to utilize the services of the Town engineering department in order to realize these same savings and increased services; and

WHEREAS, both the Town and Village of Ellicottville anticipate savings and an increase in services resulting from this agreement, in areas such as, but not limited to:

- Conduct surveys to establish lines and grades in engineering projects;
- Act in an engineering advisory capacity to the town and village boards and departments;
- Assume responsibility for wastewater collection and treatment system;
- Assume responsibility for water supply and distribution system;
- Assume responsibility for Village Streets and Facilities;

Assume responsibility for Buildings and Grounds;
Supervise or undertake the preparation of contracts and the calling for bids for Public Works projects;
Supervise or undertake the requests for engineering consultant services and the resulting contracts;
Utilize computer applications such as spreadsheets, word processing, autocad software, storm water software, database software and other engineering software in performing work assignments;
Assist police, fire and emergency medical services for the Town and Village with any engineering services they may need to carry out their duties; and

WHEREAS, the engineering office, funded by the Town, shared by the Village, will participate in short and long-term planning along with the Town and Village Boards with the goals of implanting sustainability practices, ensuring the protection of natural resources in the Town and Village and coordinating and consulting on maximizing economic development opportunities; and

WHEREAS, surrounding municipalities that do not have their own engineering department may utilize the services of Ellicottville's engineering department for small project consulting, general advice and guidance.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Ellicottville will establish an engineering office; and be it further

RESOLVED, that the Village of Ellicottville will enter into a shared services agreement utilizing the services of the Town engineering office; and be it further

RESOLVED, that the Town and Village will apply for a local government efficiency grant from New York State to assist with the cost of equipping the engineering department, so it may provide the necessary level of services to both the Town and Village residents.

- Hire Engineer

WHEREAS, it is the desire of the leadership of both the Town and Village of Ellicottville to find efficiencies in government services offered to their residents; and

WHEREAS, the Town of Ellicottville has identified efficiencies along with increased services for residents associated with hiring a full-time engineer for the Town; and

WHEREAS, the Village of Ellicottville desires to enter into a shared services agreement to utilize the services of the Town engineer in order to realize these same savings and increased services; and

WHEREAS, both the Town and Village of Ellicottville would direct such Engineer to, under supervision of the Town and Village Boards, develop and maintain all infrastructure master plans and strategic funding plans to carry out the Boards visions. The Engineer will have the responsibility for planning, organizing and directing all engineering functions of the Town and Village's joint engineering department (to be established by Engineer). The Engineer shall determine and establish technical and administrative policies and procedures for the development, analysis and evaluation of infrastructure projects for final action. The Engineer shall determine and establish policies to insure the efficient operation and maintenance of all infrastructure, along with other duties; and

WHEREAS, the engineer, hired by the Town, shared by the Village, will participate in short and long-term planning; resulting in an increase in sustainability practices and the protection of natural resources in the Town and Village and coordinate and consult on projects that maximize economic development opportunities.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Ellicottville will hire an engineer; and be it further

RESOLVED, that the Village of Ellicottville will enter into a shared services agreement utilizing the services of the Town of Ellicottville's engineer.

The job opening will be advertised.

- Evidence/Locker Room

The need for air circulation in the highway barn was discussed. Mr. Alianello is working on a plan to alleviate the problem. When the plan is finalized and an electrician hired, the electrical work in the Evidence room will be done.

- County Town Supervisor's Meeting - Shared Services

The Supervisors have come up with 28 possible proposals for shared services. Supervisor McAndrew said that 5 or 6 of these may be plausible for the Town. There is an August 1st deadline to get these to the County so he would like to set up a workshop meeting with the Board, Engineer, Assessor and Highway Superintendent. The meeting will be scheduled for July 26th at 4:00pm.

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. Fitzpatrick the Clerk's Report, Justice Reports, Building Inspectors Report, Planners and the Police Reports were:

Accepted Ayes 4 - McAndrew, Hinman, Crowley & Fitzpatrick
 Nays 0

Department Heads

Harry Weissman - Assessor

Mr. Weissman reviewed his Sales Analysis report with the Board. He reported that sales are up. The Board of Assessment Review handled 12-13 grievances, 6-8 correction of errors and 4 stipulations.

The level of assessment went down to 99% this year. Mr. Weissman plans to work with ORPS to ensure they use representative properties for next year's valuation.

Don Auge – Police Department - not present

Tom Scharf - Highway Department

- Sommerville Valley Rock Job

There are several spots on Sommerville Valley Road where the stream is cutting into the road bank. It was estimated that the job would require around 750 tons of stone. Since the Highway Department doesn't have time to do the project, Mr. Scharf asked that it be put out for bid.

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

Accepted Ayes 4 - McAndrew, Hinman, Crowley and Fitzpatrick
 Nays 0

Resolved that the Sommerville Valley Road project to fix the part of the road that is damaged by the stream be put out to bid.

- Canada Hill Road Culvert

A pre-construction meeting was held and work is expected to begin next week.

- Valley Village Road - Association Letter

Jeffrey Williams, President of the Valley Village Association, Inc. wrote a letter to the Town Board offering possible solutions to deal with the deteriorating Valley Village Drive. He wrote:

"We would like to discuss the possibility of either:

- Sharing the cost to pave Valley Village Rd. and you retain ownership.
- The town paves and redesigns Valley Village Rd and then abandons in place.
- Some other hybrid solution that is agreeable to the Town and the owners of Valley Village Association, Inc.(Valley Village).
- Or let current conditions continue and just re-chip and tar same."

The Board agreed that the road is in need of attention and is willing to work with the Association to find a solution that would be beneficial to both parties. The road has always been difficult to maintain so abandoning it may benefit the Town in the long run. Discussion followed.

Mark Alianello - Engineering Department

- HVAC System Update

The HVAC system seems to be working well in spite of a few glitches which are being addressed.

- Booster Station #1
-Payment Application #4

STC Construction has submitted their fourth application for payment for the Booster Station No. 1 Project. The Contractor has completed the majority of construction on this project, including installation of the booster pumps. 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. Crowley and second by Mr. Hinman the following resolution was

Accepted Ayes 4 - McAndrew, Hinman, Fitzpatrick & Crowley
 Nays 0

Resolved that the Town approve Payment Application No. 4 as submitted by STC Construction, Inc. for work on the Booster Station No. 1 Project in the amount of \$27,265.00.

- Water Leak

A 6' section of pipe had to be replaced on Holiday Valley Road due to holes in the existing pipe. It is the 3rd time this year that there has been a leak in that area.

- Upper Holiday Valley Rd.

The survey has been completed. The Board directed MDA Engineers to prepare a proposal for the project.

- Inventory of Assets

Mr. Alianello reviewed a spreadsheet with the data collected of the Town's and Village's water and sewer assets. Once complete, the data can be imported into a GIS system. The County will manage the service and provide IT back-up. Mr. Alianello suggested hiring someone to populate the data base which he added to the budget in the grant application.

New Business

- Retirement Resolution

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

Ayes 4 -McAndrew, Hinman, Fitzpatrick and Crowley
Nays 0

Be it RESOLVED, that the Town of Ellicottville hereby establishes the standard work days for these titles and will report the officials to the NYS and Local Retirement System based on their record of activities as follows:

Justice - Andrew Stokes SWD - 6 hours ROA 4.12
Engineer - Mark Alianello SWD - 8 hours ROA 3.93

- Water Bill Adjustments

Because of some issues with the new water billing system, several water bills needed adjustments.

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

Accepted Ayes 4 - McAndrew, Hinman, Fitzpatrick & Crowley
Nays 0

Resolved that the Board approve the following water bill adjustments:

Acct. #0292	\$ 40.00
0434	\$160.00

0649	\$ 40.00
0707	\$ 40.00
0384	\$ 80.00
2044	(\$293.73)

- Town Hall Locked Doors

A previous resolution to lock the Town Hall on certain festival weekends was vague. The Town Clerk will propose a more detailed resolution and present it for discussion at next month's meeting.

- Fire Commissioner Appointments

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

Accepted Ayes 4 - McAndrew, Hinman, Fitzpatrick & Crowley
 Nays 0

Whereas, it has come to the attention of the Town and Village Boards that the terms of office for the Ellicottville Joint Fire Commissioners have been skewed and that the terms of office should be staggered so that one Commissioner's term expires each year,

Therefore, in an effort to clarify the terms of office,

The Town hereby **resolves** to ratify the appointments of the current Commissioners with their terms of office to expire as follows:

John Rogan	12/31/2020
Mike Guercio	12/31/2021
Marty Bentley	12/31/2017
Sean Lowes	12/31/2018
Mike Timkey	12/31/2019

MOTION by Mr. Fitzpatrick seconded by Mr. Hinman to close the public hearing on Local Law #1 of 2017. All Ayes. Carried.

On motion by Mr. Hinman and second by Mr. Fitzpatrick the following Local Law was accepted by roll call vote by the Town Clerk:

Councilman Hinman	Aye
Councilman Fitzpatrick	Aye
Councilman Crowley	Aye
Supervisor McAndrew	Aye

. LOCAL LAW No. 1 - 2017 entitled

“A Local Law to Override the Tax Levy Limit for Fiscal Year 2018”

SECTION 1. LEGISLATIVE INTENT.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Ellicottville pursuant to General Municipal Law 3-c, and to allow the Town of Ellicottville to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal law 3-c

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to General Municipal Law Sec. 3-c (the “Property Tax Cap Law”), which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION 3. TAX LEVY LIMIT OVERRIDE.

The Town Board of the Town of Ellicottville, County of Cattaraugus is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law 3-c.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order of judgment shall be rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

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

Ayes 4 - McAndrew, Hinman, Fitzpatrick and Crowley
Nays 0

A RESOLUTION TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED

IN GENERAL MUNICIPAL LAW 3-C

WHEREAS, the Town of Ellicottville deems it necessary to override the tax levy limit in order to meet contractual obligations, and

WHEREAS, this resolution is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the Town board to override the tax levy limit by the adoption of a resolution approved by vote of sixty (60%) of the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Ellicottville, County of Cattaraugus is hereby authorized to adopt a budget for the fiscal year 2018 on behalf of the Town of Ellicottville that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal law 3-c.

Executive Session

MOTION by Mr. Hinman, second by Mr. Fitzpatrick to go into executive session at 8:20pm to discuss contract negotiations. All Ayes. Carried.

Adjournment

Motion by Mr. Hinman and second by Mr. Crowley to adjourn the meeting at 8:55pm. 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 19th day of July, 2017, approved by said Board on the 16th day of August, 2017.

Robyn A. George, Town Clerk