

**Regular Meeting  
of the Village Board  
June 12, 2017**

<b>Attended:</b>	<b>John Burrell</b>	<b>Mayor</b>
	<b>Spencer Murray</b>	<b>Trustee</b>
	<b>Patra Lowes</b>	<b>Trustee</b>
	<b>Greg Cappelli</b>	<b>Trustee</b>
	<b>Joey DiPasquale</b>	<b>Trustee</b>
	<b>Harold Morton</b>	<b>DPW Superintendent</b>
	<b>Nick Dobmeier</b>	<b>Engineer</b>
	<b>Kathleen Moriarty</b>	<b>Attorney</b>
	<b>Mary Klahn</b>	<b>Clerk</b>

**Also attended:** Kelly Fredrickson, Caitlan Croft, Dan Mergenhagen, Judy DiPasquale, Nick and Kendra Pitillo, John Rounds and John Thomas.

**Call meeting to order**

At 6:09pm

**Pledge to the flag**

**Public Hearing – Proposed Local Law – Code of Ethics**

Mayor Burrell opened the public hearing

John Rounds spoke that he is trying to understand the purpose of the Code of Ethics. In 2012 the Village was supposed to put a Code of Ethics in place responded Mayor Burrell. What is the discussion if we have to adopt it? As proposed we have to act on it. John Rounds is stating that it should be adopted.

Kendra Pitillo asked if we got fined. No, responded Burrell but we need to put it in place.

Nick Pitillo asked what happened to cause this urgency and why now. Mayor Burrell stated that he discovered in April that we did not have one. Mr. Murray has made some changes in section 7 of the Town of Ellicottville Code of Ethics adopted by the Town in 2012 when Mayor Burrell was Town Supervisor. Mayor Burrell read for the attendees the changes made by Mr. Murray.

Nick asked what brought this on. The state does not address nepotism. The Mayor then read the Town's version of section 7.

Dan Mergenhagen said we are on the right track.

Judy DiPasquale asked that the board go over all of the Code of Ethics? How will we vote? According to an attorney from NYCOM the board cannot adopt it, it has to go to a referendum stated Burrell. The board will have to have a resolution to have a referendum. Mr. Cappelli stated that he is not sure that is what we need to do. We need to discuss the actual code of ethics. The reason it was brought up was over a certain incident. We may or may not go to referendum.

Mayor Burrell presented an opinion from Hodgson Russ regarding the need for a Referendum to incorporate the change proposed to the code of ethics.

Mr. Cappelli asked who paid for this opinion?

Mayor Burrell stated that the Village did.

Mr. Cappelli asked who approved this expenditure?

Mayor Burrell said that the board requested it at the last meeting.

Mr. Cappelli stated that he did not recall that and it was not in the minutes of that meeting.

Mayor Burrell said that they must have been as he recalls reading it in the paper and asked John Thomas of the Villager to check his notes.

Mr. Murray stated that if we did not change and adopt what the Town Code of Ethics states would be fine. Did you say that Murray asked Burrell? Mayor Burrell replied yes.

What is the difference in the Town's that is causing such a stir asked Pitillo? Mayor Burrell replied that the verbiage that Murray added was different than the Town's and he asked NYCOM if it was ok. NYCOM said it diminished the power of the Mayor and Deputy Mayor and that is why the referendum.

Mayor Burrell also sent the new section 7 to Hodgson Russ.

John Rounds asked if we could adopt the Town's version. Burrell stated yes.

Rounds also asked if we could vote on the Town's code of ethics with the changes that Murray made. Kathleen Moriarty stated that we can vote tonight and take the chance that it would be challenged.

The Town's wording has recusal but does not take into consideration appointments. The new version is specific to appointments.

It's concerning to John Rounds that it seems to be a majority of the board in favor of Murray's proposal but without a vote we cannot say. Thru your position stated Rounds to the Mayor the situation will be thrown into a costly referendum.

Mr. Pitillo stated that we will still be in violation if we drag this out. June 20<sup>th</sup> 2012 was when the Town adopted the Code of Ethics.

The planning board's decisions are the planning board's decisions. The Village board cannot tell either of the boards what to do.

John Rounds proposed that we close the public hearing and vote and get it in place for the process.

Mr. Cappelli stated that as we left the special meeting on the 30<sup>th</sup> of May it was stated that we would vote next month but it was not included in the minutes. John Thomas is looking into his article.

### **Good News**

Mortgage Tax from County \$5,997.04

Anderson vs. Village 5/04/2017 Decision to dismiss.

Decision from petition from Elizabeth St. – They had a number of deadlines that the plaintiff did not fulfill stated Kathleen

At Spencer's request, NYMIR has reduced our insurance premium by \$605.00

### **Approve minutes**

Minutes from May 1st Regular meeting

Motion: by Ms. Lowes to accept the minutes.

Second: by Mr. Murray All ayes. Carried

### **Special Minutes from May 30<sup>th</sup>**

Mr. Cappelli asked a question about the minutes. He pointed out that we had decided then that we would vote at the July meeting on the Code of Ethics and it was not put in the minutes. He continued to ask Mayor Burrell how many people did you have interested in being a Planning Board member? Mayor Burrell stated that he had 2 people interested and he decided to appoint the one that had 35 years experience. And Mayor Burrell chose his appointment to be Sheila Burrell based on the 35 years experience.

Motion: by Mr. Cappelli to approve the minutes.

Second: by Mr. Murray All ayes. Carried

### **Financial Report**

RA Mercer cannot provide us with a report. Jenn Morey is having trouble with the Williamson Law program.

## **Audit of Claims**

**General Fund - \$73,029.25**  
**Water Fund - \$17,816.12**  
**Sewer Fund - \$52,187.07**  
**Sewer Cap. - \$4,261.10**

We need to have a budget modification being we added to NYMER's quote the cyber coverage and we went over budget.

Motion: by Mr. Cappelli to move \$250 from unexpended balance and add to Insurance line A, F and G funds

Second: by Mr. DiPasquale All ayes. Carried

Motion: by Mr. Murray to pay the bills

Second: by Mr. Cappelli All ayes. Carried

## **Mayor's Report**

Governor's Countywide Shared Services Initiative (May4, Fredonia)

5/4/17 attended CFA Workshop - Fredonia

5/7/17 attended NYCOM- Saratoga Springs

5/10/17 attended Local Gov. Conf. - Houghton

5/11/17 Cattaraugus County Municipal Officials Association Meeting – S. Dayton

5/16/17 Four Flushers meeting

5/19/17 NYCOM Workshop in Orchard Park

5/25/17 Countywide Shared Services Initiative Meeting – Town Center

5/31/17 CFA Workshop – Holiday Valley

6/6/17 Countywide Shared Services Initiative Meeting – Town Center

6/8/17 WNY South towns Scenic Byway – Springville

Grants writer update

Governor's Countywide Shared Services Initiative (May 1<sup>st</sup>. Fredonia)

Grants writer has been working with us and met with the CCIDA. Proposal needs to go thru the state to help with grants.

## **Department and Committee Reports for approval**

### **Planning Report**

23 Washington St. (Change in Use and Addition)

11 Rockwell Avenue – Home Occupation

8-10 Washington St. – Professional Office

16 Rockwell Ave – Accessory Apartment

54 Mill St. – SUP for Home Occupation – Hair Salon

Tee Bar Projecting Sign  
M & T Bank – 49 Washington St.

Motion: by Ms. Lowes to accept the planning report.  
Second: by Mr. Murray All ayes. Carried

We received a petition for rezoning from Christopher Perks

Motion: by Ms. Lowes to refer the petition to the Planning Board  
Second: by Ms. Cappelli All ayes. Carried

### **DPW Report**

1. Cleaned the parking lot in the back of the 1887 Building.
2. Trimmed the trees at the Village Park.
3. Removed the trees Parkside and Fillmore.
4. Picked up the brush around the Village.
5. Removed the trees by the American Legion and planted new ones.
6. Hot patched Monroe Street and Mechanic Street.
7. Started work on Parkside for parking.
8. Hauled 10 more benches to Springville for repair.
9. Brought back 10 benches set out at the Town and Village Hall.
10. Put out the flower pots.
11. Mowed at the Park and Main Street when needed.

Motion: by Mr. DiPasquale to accept the report.  
Second: by Mr. Cappelli All ayes. Carried

Mr. Morton also stated that the DPW just put in a drinking fountain in the dog park.

Harold Morton announced that he is officially retiring on August 31<sup>st</sup>.

Spencer Murray added that he thinks the flower pots are dangerous at the end of Elizabeth and Washington Streets.

### **Engineers Report**

#### **Wastewater Treatment Plant**

1. A final site walkthrough was performed on May 8, 2017 with NYSERDA representative, William Schukraft of M/E Engineers, as required for the completion of the incentive program application. Nussbaumer completed an

- incremental cost analysis and Mr. Schukraft submitted the application on May 22, 2017. The Village can expect to receive the incentive check late June/early July.
2. 2016 NYSDEC Annual Flow Certification submitted to the NYSDEC Albany and Region 9 Office on May 18, 2017. No response from the DEC has been received to date.
  3. NYS DEC Notice of Violation for DMR submission presumably has been resolved by the wastewater treatment plant operator. Jiggs filled out the necessary paperwork and sent it via mail on June 2, 2017.
  4. Hydraulic Study on the SAGR system is ongoing. Nussbaumer is coordinating with Nexom. Nexom recommended the Village flush the primary and secondary influent distribution laterals.
  5. CUPPS program asset database is complete. Performing dry runs and working out bugs. Implementation plan needed.

Stillhouse Brewery – Reviewed, Pending Board Approval

CRC Engineering, PLLC submitted a completed permit application for a wastewater discharge permit with all attendant documentation on March 30, 2017. Review was completed on April 24, 2017. Nussbaumer requested additional information; CRC submitted additional information on May 8, 2017. Nussbaumer sent a letter of recommendation to the Village for the approval of the wastewater discharge permit application on May 24, 2017. Pending Village Board decision.

## **Proposals**

Nussbaumer & Clarke, Inc. – Sewer Use Law Update/Fee Rate Schedule, \$5,500.00, was submitted on June 7, 2017. Pending Village Board decision.

Motion: by Mr. DiPasquale to approve the Engineer's Report  
Second: by Mr. Cappelli All ayes. Carried

Mr. Cappelli asked about the rates for the new brewery bills. Mayor Burrell does not believe we can do anything to recoup the money for the engineering. We currently have nothing in effect. Mr. Cappelli stated that we need to hire someone to come up with a new schedule. Need to get a consultant on board.

Previously Nussbaumer played a big role for projects. Item #11 is a proposal for the sewer use law and ad a fee rate schedule. Nick could expand the scope on it. Something needs to be done. Sewer part has been addressed in Nick's proposal #8. #9 is on the Still House Brewery and it's rather pressing. Based on what has been submitted a schedule is enclosed and Nick feels that it can handle the additional flow.

Motion: to approve #9 on the agenda for Still House Brewery by Mr. Murray  
Second: by Mr. DiPasquale All ayes. Carried

SPEDES Permit – Has Jiggs sent it out? Nick will check on it

\$5,500.00 proposal to update our sewer use law. Once the Town and Village get a new person in place which is July our new Engineer can oversee.

### **Jiggs Report**

1. **Did a walk around/inspection w/Nussbaumer Reps & NYSERDA Rep.**
2. **Rick Calmes from Nelson Engineering was on site gathering information on the SAGR system and how well it is doing it's job. (Very Good)**
3. **Cleaned the filters on the blowers.**
4. **Ordered and received the air filters for the blowers.**
5. **Sent wet testing results to Albany.**
6. **Worked w/Tom Dineen on the water system a lot.**
7. **Switched over the e0mailing the DMR from net DMR (DEC) to the CDX system (EPA)**
8. **Matt (Kaman) was here to check on the blower #3. He found a bad relay and will get one and install when he gets it. Rebooted the SCADA computer to fix the screen & other status problems.**
9. **Sent the DMR's and we are all caught up and hopefully things smooth out.**
10. **Scheduled the last wet testing for the week of 7/10/17.**

Motion: by Mr. Murray to accept the sewer report.

Second: by Mr. DiPasquale All ayes. Carried

### **Code Enforcement Report**

Kerl	\$148.00	20 Sun-up Park	Addition and Deck
Iskalo	\$50.00	49 Jefferson St.	Remove Porch
Nelson	\$75.00	8-10 Wash. St.	Replace Stairs
Kelly	\$53.00	79 Elizabeth St.	Rebuild Porch
Lowes	\$25.00	35 Mechanic St.	Extend roof
Kreinheder	\$100.00	28 Monroe St.	Tent
Burnell	\$100.00	16 Rockwell	Remodel Demo.
Cornellius	\$25.00	4 Monroe St.	Enclose Dumpster

Mr. Fredrickson stated that he would like to make more improvements on his report. Mr. Cappelli asked at the last meeting if the Brickstone suites had a new roof? Mr. Fredrickson replied no.

Motion: by Mr. Murray to accept the Code Enforcement Report.

Second: by Ms. Lowes All ayes. Carried

### **Parks**

Patra asked if we had any update on the grants. Nothing new stated Mayor Burrell. We have discussed removing the boards on the stadium and replacing them. We have 3 quotes on replacing all boards. Culpepper was the lowest bid at \$5,108.64

Motion: by Mr. DiPasquale to accept the Culpeper bid for \$5,108.64.  
Second: by Mr. Murray All ayes. Carried

Ticks at the Village Park – Mayor Burrell called Dr. Green Lawn and they measured and quoted \$2250.00 for 7 or 8 weeks. Discussion about well-head protection.

### **Beautification – Joey DiPasquale**

Flowers are out.

Mr. Murray asked about the quotes for the cement. We did not receive a quote stated Mr. DiPasquale

Mr. Murray would like to work with Ms. Lowes on the sidewalk committee and get quotes. Ms. Lowes stated that she is going to get input and talk with the Alley Katz, and get back to us next meeting.

**Benches** – The Lion’s club has finished 30 out of 50 benches. Approximately \$125 per bench for upgrades stated Mr. Cappelli the cost should be \$600 for a new bench.

Mr. Cappelli asked Ms. Moriarty to draw up a contract on the benches and we need to get in touch with all of the clients and inform them that we have a new contract in place.

Motion: by Mr. Cappelli to have the final 20 benches worked on by the Lion’s Club.  
Second: by Mr. Murray All ayes. Carried

### **Special Effects**

None

### **Parking**

None

New Engineer to look at the High consumption

Motion: to close the public hearing by Mr. DiPasquale  
Second: by Mr. Murray All ayes. Carried

### **Old Business**

LaCross Tournament – 22 thru 24<sup>th</sup> of September

Resolution: To accept Tom Abriatis retirement amount of days worked changes by Mr. Murray  
Second: by Mr. DiPasquale All ayes Carried

Mayor Burrell is looking for commissioners for the following;



Zoning & Planning

None

Water

None

Sewer

None

Noise

None

Special Events

None

Parking

None

Mr. Cappelli asked to see job descriptions

**New Business**

Court Audit – R. A. Mercers is not interested in doing the Court Audit and Mayor Burrell will find someone to do it.

Ms. Lowes asked about Café Permits being in order for the season.

It will be the same as last year stated Mayor Burrell. Mayor Burrell stated that Dina's is asking for information on permit.

Motion: by Mr. Murray to adjourn at 8:25pm.

Second: by Mr. DiPasquale All ayes. Carried