

**Village Board Meeting
August 13, 2018**

Attended:	John Burrell	Mayor
	Joe DiPasquale	Trustee
	Patra Lowes	Trustee
	Spencer Murray	Trustee
	Greg Cappelli	Trustee
	Niles Pierson	Engineer
	Kathleen Moriarty	Attorney
	Mary Klahn	Clerk

Also Attended: Arron Tiller, Mila Clauss, John Nelson, John Thomas, Doug Bush, Kaitlan Croft and John Rounds.

Call meeting to order

Pledge to the flag

Good News

New Street Sweeper has arrived.

Approve minutes from July 9th, 2018

Motion: by Ms. Lowes to approve the July 9th minutes.

Second: by Mr. Murray All ayes. Carried

Financial Report and Audit of Claims

Motion: by Mr. Cappelli to approve the Financial Report.

Second: by Mr. DiPasquale All ayes. Carried

General: \$147,098.99

Water: \$19,308.56

Sewer: \$120,840.88

Motion: by Mr. DiPasquale to pay the bills.

Second: by Mr. Cappelli All ayes. Carried

Motion: to do the budget modification from A917 Fund Balance \$101,307.33 to A5110.421 Maint of Roads and G915 Fund Balance \$101,307.33 into G8130.2 Treatment & Disposal – Equipment for new Dulevo Sweeper/Vac. By Mr. Cappelli.
Second: by Mr. DiPasquale All ayes. Carried

Business from the floor

Casella: Jerry Schnitzius spoke about the current contract regarding yard debris pick up. The current contract states that grass clippings and shrubbery should be picked up by Casella. Schintzius advised that horticultural waste is banned from landfills in New York State. The reason for looking into the contract is because Niles feels we are spending too much DPW time picking up and disposing of yard debris. Despite Casella having that clause in the current contract, Schnitzius advised that it has not been followed through on. Olean is the only municipality that currently has this service and Jerry stated it is a separate charge for yard debris pick up. Schnitzius informed the Village Board that he would put together a proposal for yard debris pickup.

Joe Backus – Boxing Seminar – Did not attend the Meeting

Aaron Tiller – Representing a project for 14 Monroe St. The Ellicottville Winery is proposing a second floor covered porch for dining that would cross over the sidewalk. They will also redo the sidewalk and apron installing a proper curb. There were concerns from Spencer Murray considering other projects have proposed this same improvement and have had trouble getting permission. Greg Cappelli stated the other projects are located on roads that need Department of Transportation approval. Monroe Street is under the Village Board’s jurisdiction.

Motion: to approve the Monroe Street covered porch by Mr. Cappelli.

Second: by Mr. DiPasquale Mayor Burrell - Yes, Ms. Lowes – Mr. Murray -No. 3 – 2 Vote.

Business from the Floor

Mayor Burrell appointed a commission for the Four Corners, John Burrell, Dawn Westfall, Matt McAndrew, Mike Nickolson and John Northrup. We have met and have so far come up with a vision statement.

Ski Tree – John and Sam Nelson were in attendance to discuss the fundraiser and further plans for the tree. At the fundraiser, enough money was raised to make the necessary repairs and relocate the ski tree to a proper foundation and location. They have also created a plan for proper upkeep and maintenance. It was advised that Niles should be consulted and Niles has requested the original engineering drawings and plans.

Motion: to allow the tree with an agreement in place for maintenance and engineering plan by running thru Niles by Mr. Cappelli.

Second: by Mr. DiPasquale All ayes. Carried

30 day rental law – Doug Bush discussed the current status of the law. The main concerns were that the law would push out full time residents even more. He has concerns on the amount of fewer than 30 day rentals. He is worried about the short term places can really change the quality of life in the Village. We should consider how it is going to impact the community. He is opposed as using a primary residences and

turning them into short term rentals. Mila Clauss spoke about a short time rental across the street from her property. Greg spoke about the proposal that has a neighbor complaint form. We have no way of patrolling it today? Can we outlaw it? We are looking to get a proper law first. Sean Lowes talked about his neighbors that have been renting in the past. It has been ok but definitely getting out of control. They feel that policing these short term rentals falls on the shoulders of a few full time residents, as they are the ones who call the police. This proposed law is what will help to control the short term rentals that are causing the problems. There will be fines, violation policies, and a neighbor complaint from incorporated into the laws. Kathleen Mariarty advised that this proposed law will give more teeth to penalization if the rules are not followed. Gary Palumbo added that this situation the Village faces with short term rentals is because they are a victim of their own success. John Rounds talked about other communities with this problem. Not new. Some have had significant progress, pros and cons. There are examples that we can get the best practices from those communities.

Motion: to take what we have now and have a public hearing to be held on Monday the 17th of September at 6:00pm on the local law by Mr. Murray.

Second: by Mr. Cappelli All ayes. Carried

Brian McFadden was in attendance to discuss private property vendors as there have been many inquiries with Fall Festival coming up. Ms. Lowes advised there is a Peddler's Permit that allows someone to sell goods on their private property. As of now it has been discussed that no permits will be given out.

Is the open Container law being in effect asked Brian. Let's take the time to really think about it.

Mayor's Report

6/14/2018 Joint Fire District Meeting Minutes

7/2/2018 R. A. Mercer meeting and 7/12 Mercer/Williamson Law meeting

8/7/2018 NYSIF Premium Audit – The Village owes just over \$6,600 in additional premium payments.

8/6/2018 Four Corners Commission Meeting – They have completed their mission statement.

9/6/2018 CCMOA Meeting. Ellicottville is Hosting at Steelbound Brewery.

Need for a Deputy Clerk

Open Container Wave – Waived for Summer Jazz & Blues Festival and the Village Board feels it went very well, the only complaints they received were from store owners that the alcoholic beverages were brought into the stores.

DRI Grant

Department and Committee Reports for approval

Planning – Gary Palumbo/Nancy Rogan

Planning Report

18 Fillmore Dr. – Single Family Residence
4 Monroe St – revised parking area
3 Washington St. – revisions to rear dick railing
37 Mill St. – Apartment and Retail/Office Space
14 Monroe St. – Winery – Balcony over Village Sidewalk
4 Washington St. – Ski Tree

Engineering – Niles Pierson

Baseball Field County Grant, there is a meeting scheduled where the three contractors working on the job will be in attendance to create a final plan.

Monroe Street Streetscape Project will move forward as Niles was able to negotiate down the cost of the project. It will cost about \$34,000 with the caveat that the DPW does the demolition of the sidewalk.

Motion: For Budget modification of \$20,000 from General Fund – Fund Balance to sidewalks by Mr. Cappelli.

Second: by Mr. Murray All ayes. Carried

Motion: to reward the project Wayside Nursery by Mr. Cappelli.

Second: by Mr. DiPasquale All ayes. Carried

We were advised that the Town/Village should apply for the New York State Environmental Facilities Grant. This will allow for many of the upgrades that need to be made in the Water Infrastructure Improvement Project. There are two resolutions needed by the board to proceed with the application. First, there needs to be a motion to determine this is a Type 2 Action under the State Environmental Quality Review.

Motion: for a resolution for attached SEQRA Type II determination for the water supply, treatment and distribution improvements projects by Mr. Cappelli.

Second: by Ms. Lowes All ayes. Carried

Second, we need a Bond Resolution

Motion: For a bond resolution for the Water System Improvements by Mr. Cappelli.

Second: by Mr. DiPasquale All ayes. Carried

Local Law #4 for Trash Pick Up – Mr. Cappelli is asking Ms. Moriarty to check into the grass and garden waste.

Motion: to set a public hearing on September 17th for the Trash Pick Up Local Law by Mr. Cappelli.

Second: by Mr. Murray All ayes. Carried

Parking: New York Commission of Mayors advised that by resolution the Village may establish speed limits and no parking signs.

Motion: to put up “no parking” signs on the eastern side of Monroe, between Martha and Rockwell by Ms. Lowes.

Second: by Mr. Murray All ayes. Carried

Chlorine gas leak accident at trailer park well. Tom Dineen’s bills would normally be a compensation case. These could be paid as we receive the bills as first aid. No decision was made.

Village Clerk – Mary Klahn

I have had a constant disagreement with the owners of the Gin Mill, Ed and Maribeth Rick regarding the water meter policy. I gave Kelly Fredrickson all of the Code information for the Town and Village and he informed the Ricks of the policy. Still more visits to my office. The Board advised that any further communication will now be between the Village counsel and the Ricks’ counsel.

Motion: to go into executive session by Mr. Murray

Second: by Ms. Lowes All ayes. Carried

Motion: by Mr. Murray to go out of executive session.

Second: by Ms. Lowes All ayes. Carried

Old Business

Short Term Rental Law (referred to Kathleen for review)

NY Unified Court System Audit (referred to Mr. Murray)

No Parking/Speed Limit signs on Monroe St. (referred to Kathleen for review)

IMA – Water Distribution System, town will look at on Wed night.

Ski Tree

Ask Kathleen to research the vendors on private property. What is our law and what do we do going forward.

Correspondence

Charter Communications

Elan City

Susan Gajewski

Cattaraugus County Land Bank

Bradley Tree

Adjournment

Motion: to adjourn at 9:10pm by Mr. Murray.

Second: by Mr. Cappelli All ayes. Carried