

MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE FEBRUARY 21, 2018 at 6:00 pm  
ELLICOTTVILLE TOWN HALL

<b><u>Present:</u></b>	Mathew McAndrew	Supervisor
	Ken Hinman	Councilman
	Greg Fitzpatrick	Councilman
	Steve Crowley	Councilman
	John Zervas	Councilman
	Robyn George	Town Clerk
	Kathleen Moriarty	Attorney for the Town
	Don Auge	Officer in Charge
	Gary Palumbo	Town Planner

**Also Present:** John Thomas & Kathy Kellogg, Press, Niles Pierson via phone

**Call meeting to order:**

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

**Public Hearing on Local Law No. 1 - 2018**

The public hearing was opened on Local Law No. 1 of 2018 entitled "A Local Law Amending Local Law No. 1 - 2009 Granting a Partial Exemption from Town Real Property Taxes for Cold War Veterans". It was noted that the new law simply extends the law that was enacted in 2009.

**Approve Minutes**

- Town Board Meeting - January 17, 2018
- Special Meeting - January 29, 2018

On motion by Mr. Crowley and second by Mr. Zervas the minutes of the January 17th and the January 29th, 2018 Board meetings were

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

**Privilege of the Floor**

- Gary Palumbo - Zoning Amendment

Town Planner, Gary Palumbo, is in the process of amending the Town Zoning Law in an effort to define message board signs and clarify where they are

allowed and the types of signs that are acceptable. There was discussion about the how often the message may be changed and if that should be based on the speed limit of the road that it is visible from. The Board agreed that blinking, flashing, etc. signs should not be allowed and that the signs should not be allowed in residential neighborhoods. Mr. Palumbo will take the Board's suggestions back to the Planning Board for review.

### **Audit of Claims**

- Pay Town bills on Distribution Report #02-18

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

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

**Resolved** that the Town bills be paid on General Ledger Distribution Report 02-18 as follows:

001 - General Fund A:	\$21,222.24		
002 - General Fund B:	\$ 6,994.83		
		General Fund Total:	\$28,217.07
004 - Highway DB	\$142,884.87		
		Highway Fund Total:	\$142,884.87
		006 - Water Fund Total	<u>\$ 5,239.71</u>
		Grand Total:	\$176,341.65

### **Supervisor's Reports**

- Supervisor's Report

**On motion** by Mr. Hinman and second by Mr. Zervas the Supervisor's January 2018 Financial Report was

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

- Four Flusher's Meeting

The minutes from the Four Flushers meeting were reviewed.

- Supervisor's Association Meeting

The County Land Bank Program was discussed at the meeting. Supervisor McAndrew said that none of the properties in Ellicottville qualify under the program. Also discussed was that the County is now providing Assessing services to municipalities.

### **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. Zerfas the Clerk's Report, Justice Report, Building Inspectors Report, Planners and the Police Report were:

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

### **Department Heads.**

#### **Mark Alianello (Absent) - Engineering Department**

- Town Hall Windows and Doors Replacement

Niles Pierson said that Mark met with an Architectural firm who gave an estimate on how much the project would cost. He said that the Town may be looking into a State Municipal Facility Program Grant to help pay but that could take 2 years. The Supervisor will confer with the Grant's writer.

- GIS Data Base

Mr. Pierson reported that a physical inventory of Public Works assets needs to be done and then entered into the GIS data base. Mr. Alianello will draft a RFP for the physical inventory to present at next month's meeting.

- Valley Village Update

Freeman and Freeman have been contacted to lay out the R.O.W. on Valley Village Road but the Town has not been contacted with the details.

- Meeting with Potomologist

The Potomologist visited 3 sites and will be providing a report on how to stabilize these sites and will be coordinating the culvert design.

#### **Don Auge - Police Department**

- 2018 Ford Explorer

The new vehicle was delivered and is fully equipped and in operation

- New Hire

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

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

Resolved that the Town ratify the appointment of David Tobia as a part-time Town Police Officer at the rate of \$18.37 per hour.

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

- Agreement to Spend Highway Funds

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

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

Resolved that the Town Board authorize the 2018 Agreement to Spend Highway Funds as presented.

### **New Business**

- Paid Family Leave

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

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

Resolved that as a public sector employer the Town has opted out of the Paid Family Leave rider on the NY DBL policy with First UNUM until further notice.

- Court Audit

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

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

Nays 0

Resolved that the Supervisor is authorized to sign the contract with Tronconi, Segarra & Associates to perform the audit of the 2017 Town Court records for \$1,450.00 as presented.

- Municipal Electric & Gas Alliance (MEGA)

MEGA estimates that the Town will save approximately \$43,753.90 over the duration of a 2 year contract. An added benefit is that since the County is with MEGA, the Town will get a shared services credit.

Mr. Hinman stressed the importance that the Village keep all of the sidewalks cleared as a matter of public safety. Up until now, this has not been the case.

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

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

Resolved that the Town sign the Intermunicipal Agreement for Shared Services for Snow Removal and Spring Clean up as amended.

- Salary Adjustment - Mark Alianello

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

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

Whereas, it has been brought to the Board's attention that Mark Alianello's bi-weekly salary was miscalculated for the year 2017 and he was not given a 2% raise over his 2016 salary;

Be it resolved that the Clerk is authorized to pay him the difference of \$4,711.02 and that a journal entry be done so it will come out of the 2017 budget.

- Cold War Veteran's Exemption Adoption

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

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

Resolved the Public Hearing on Local Law No. 1 of the year 2018 be closed.

**On motion** by Mr. Fitzpatrick and second by Mr. Zervas the following Local Law was

Adopted Ayes 5 - McAndrew, Hinman, Fitzpatrick, Crowley & Zervas  
Nays 0

**TOWN OF ELLICOTTVILLE  
LOCAL LAW NO. 1 - 2018  
A LOCAL LAW AMENDING LOCAL LAW NO. 1 - 2009  
GRANTING A PARTIAL EXEMPTION FROM TOWN  
REAL PROPERTY TAXES FOR COLD WAR VETERANS**

BE IT ENACTED by the Town Board of the Town of Ellicottville, County of Cattaraugus, NY as follows:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Town of Ellicottville to amend Local Law No. 1-2009 which grants an exemption of fifteen percent (15%) of the assessed value of qualified residential property, as defined in Real Property Tax Law Section 458-b(2)(a)(i) to Cold War Veterans, as defined in Real Property Tax Law Section 459-b(1)(a).

SECTION 2. AMENDMENT TO LOCAL LAW NO. 1 - 2009. Local Law No. 1 - 2009 is hereby amended by adding a new Section 3 which eliminates the ten (10) year exemption for qualifying property owners, as follows, and renumbering the subsequent sections:

"SECTION 3. Elimination of Ten Year Period. The Town of Ellicottville hereby further provides that qualifying residential owners of qualifying real property shall retain the exemption, provided for in Section 2 above, for as long as they remain qualifying owners, without regard to such ten year limitation, as provided for in Real Property Tax Law Section 458-b(2)(c)(iii)."

SECTION 3. SEVERABILITY. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE. This Local Law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this Local Law.

- Community Survey

A community survey will be sent out to see what the residents and business owners want to see in regards to growth and development in Ellicottville. Public input may be critical for the Town to receive grants. Three meetings are scheduled as follows:

Thursday, March 22nd at 6pm

Saturday, March 24th at 10am

Saturday, April 14th at 10am

All will be at the Town Center at 28 Parkside Road.

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

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

Resolved that the Town Board hold special meetings on the dates and times shown above at the Town Center, 28 Parkside Drive, Ellicottville, NY.

- "Think Differently Resolution"

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

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

### **Town of Ellicottville Town Board Resolution**

#### **Resolution Calling on Town of Ellicottville Residents and Business Owner to Adopt the "Think Differently" Initiative to Assist Individuals with Special Needs and their Families.**

**WHEREAS**, the "Think Differently" initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and

**WHEREAS**, our state and communities are stronger because of our diversity and differences; and

**WHEREAS**, according to the Center for Disease Control (CDC) over 55 million people, or approximately 19% of Americans, have a type of disability or special need; and

**WHEREAS**, for some people with special needs, the very things that make them unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness; and

**WHEREAS**, it is important to promote and provide guidance to those with special needs on how to access publically supported services available to them in the community; and

**WHEREAS**, it is important to encourage and educate the community and businesses on ways they can make facilities and services more accessible and on how to train staff to welcome and support special needs customers and co-workers; and

**WHEREAS**, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expand family friendly opportunities for people with special needs and their families; and

**WHEREAS**, adopting the "Think Differently" initiative is an important statement that our Town officials, business owners and residents can make to show their support for the differently-abled children and adults with special needs, and their families.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Ellicottville residents and business owners adopt the "Think Differently" initiative so that all are better prepared to communicate with, provide for, and support those living on the Autism Spectrum and with special needs.

- Request RE: Rte 219

A property owner sent an email to the Supervisor complaining about the condition of Route 219 between the traffic light and Holiday Valley. He would like the Town to put pressure on the State to do something about it.

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

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

Resolved to authorize Mark Alianello to write a letter asking the State to address the issue of the condition of Route 219.

### **Old Business**

- EVGV Trail

All of the grading releases are signed and the Trail Committee expects trees to be down by the end of March.



### **Correspondence**

- Alley Katz Thank You
- Lafferty named West Valley Firefighter of the Year

The Town commended Shawn Lafferty on his well-deserved award.

### **Executive Session**

Motion by Mr. Hinman and second by Mr. Zervas to go into executive session to discuss an employee's history at 7:30pm. All Ayes. Carried.

Motion by Mr. Hinman and second by Mr. Crowley to resume regular session. All Ayes. Carried.

### **Adjournment**

Motion by Mr. Hinman and second by Mr. Zervas to adjourn the meeting at 7:55pm. 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 21st day of February, 2018, approved by said Board on the 21st day of March, 2018.

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Robyn A. George, Town Clerk