

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE AUGUST 15, 2018 at 6:00 pm
ELLICOTTVILLE TOWN HALL

<u>Present:</u>	Mathew McAndrew	Supervisor
	Ken Hinman	Councilman
	Greg Fitzpatrick	Councilman
	Steve Crowley	Councilman
	John Zervas	Councilman
	Kathleen Moriarty	Attorney for Town
	Robyn George	Town Clerk
	Niles Pierson	Town Engineer
	Don Auge	Officer-in-Charge
	Tom Scharf	Highway Superintendent

Also Present: Caitlyn Croft and John Thomas, 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 - July 18, 2018

On motion by Mr. Fitzpatrick and second by Mr. Hinman the minutes of the July 18, 2018 Board meeting was

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

Audit of Claims

- Pay Town bills on Distribution Report #08-18

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

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

Resolved that the Town bills be paid on General Ledger Distribution Report 08-18 as follows:

001 - General Fund A: \$46,438.40

002 - General Fund B:	\$ 1,178.13	General Fund Total:	\$ 47,616.53
004 - Highway DB	\$ 90,389.44	Highway Fund Total:	\$ 90,389.44
		006 - Water Fund Total	<u>\$ 1,792.18</u>
		Grand Total:	<u>\$139,798.15</u>

Supervisor's Reports

- Supervisor's Report

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

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

- Intermunicipal Water Agreement

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

Ayes 5 - McAndrew, Hinman, Fitzpatrick, Zervas and Crowley
Nays 0

Resolved that the Board approve the Intermunicipal Water Agreement between the Town of Ellicottville Consolidated Water District No. 1 and the Village of Ellicottville as presented and authorize the Supervisor to sign it.

- Land Bank Agreement

The Cattaraugus County Land Bank Corporation (CCLBC) is asking that the Town of Ellicottville sign an agreement with them to help maintain homes which are scheduled for demolition or rehabilitation by the CCLBC. It was noted that there are no such properties in the Town at this point.

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

Ayes 5 - McAndrew, Hinman, Fitzpatrick, Zervas and Crowley
Nays 0

Resolved that the Town enter into an agreement with the CCLBC to help maintain the properties that are under their jurisdiction.

- Jack Kramer Resignation

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

Ayes 5 - McAndrew, Hinman, Fitzpatrick, Zerfas and Crowley
Nays 0

Resolved that the Board accept the resignation of Jack Kramer, with regrets, from the Zoning Board of Appeals.

They thanked him for his 40 years of service.

Present Written Department Reports for Approval

- Clerk's , Justices', Building Inspector's, Planners and Police Reports

On **motion** by Mr. Fitzpatrick 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.

Don Auge - Police Department

- Radar Signs

OIC Auge is looking into the purchase of the radar signs. He is suggesting buying only one and extra mounting hardware as they can be moved around.

- OIC Auge reported that there is a telephone scam that is targeting the elderly that the public should be aware of. The callers are asking for bail money for loved ones.

- Police Coverage

Auge would like to put 3 officers on duty on Saturday nights. He thinks that it may be necessary due to the number of calls they are receiving. He will be looking at his budget to see if it is possible.

He also brought up the status of Jesse Barber's position. Right now he is listed as full-time temporary.

- Open Container Law

There have been some event weekends where the Open Container Law has been waived. Auge would like to see consistency in the law.

Niles Pierson - Engineering Department

- Monthly Report
 - Safety Manual is complete. 2 safety classes will be conducted each year. The next one will be on October 15th - Heavy equipment.
 - The DPW is being remodeled by an MWBE, satisfying one of the requirements of the Grant.
 - The Engineering website is being worked on. It will have links to important documents and information.
 - The David Golley culvert is being installed. The County has been a big help in its construction.
 - The Engineering Intern has been tracking energy use in Town buildings in order to see what can be improved. New windows at the Town Center through the NYERDA Grant will improve that buildings efficiency.
- Poverty Hill and Witch Hollow Roads Culvert Bids

2 bids came in for the Poverty Hill and Witch Hollow Culverts - Northrup Construction and D & H Excavating. D & H was considerably lower.

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

Ayes 5 -McAndrew, Hinman, Fitzpatrick, Zerfas and Crowley
Nays 0

Resolved that the Town accept the low bid of \$29,999.00 for the Poverty Hill Road culvert and \$29,999.00 for the Witch Hollow culvert from D & H Excavating, Inc.

Mr. Pierson is asking the Board to consider raising the threshold in the Procurement Policy for contracts that need to go out to bid from \$30,000 to \$35,000 which is in line with State Policy.

- GIS Proposal - Wendell

Mr. Pierson presented the proposal from Wendell Engineering for his Department's GIS needs. The \$9,212.00 fee would include the initial license, data hosting, training and hand held GPS transmitter. The fee would be \$4,000.00 per year thereafter. The Village would split the cost under the engineering grant.

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

Ayes 5 -McAndrew, Hinman, Fitzpatrick, Zervas and Crowley
Nays 0

Resolved that the Board accept the proposal by Wendell Engineering as proposed.

- Water Infrastructure Improvement Project

Mr. Pierson presented preliminary proposed water system improvements and estimated costs that the Town he is proposing the Town include in a EFC Grant Application. The Grant would cover 60% of the cost of the projects. The deadline to submit the Grant is September 7th.

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

Ayes 5 -McAndrew, Hinman, Fitzpatrick, Zervas and Crowley
Nays 0

TOWN OF ELLICOTTVILLE BOARD RESOLUTION # 2018-08-15

SEQRA TYPE II DETERMINATION FOR WATER SUPPLY, TREATMENT AND DISTRIBUTION IMPROVEMENT PROJECTS

WHEREAS, the Town of Ellicottville Board (“Town”) has, by Resolution # 2018-08-15, determined that it is appropriate to apply for grant funding to assist in the financing of the various capital improvement projects identified in such resolution in conjunction with the Village of Ellicottville Board Resolution # 2018-08-13; and

WHEREAS, pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”), the Village of Ellicottville having declared itself as lead agency must consider pursuant to criteria set forth in SEQRA the environmental implications of such projects; and

WHEREAS, certain actions are classified under SEQRA as Type II actions; and

WHEREAS, Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review, and Type II actions do

not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement; and

WHEREAS, Type II actions do not require any further SEQRA review; and

WHEREAS, the Town has considered under SEQRA the actions described in Resolution # 2018-08-15, the environmental impact of which will be separately considered, and finds that each of the remaining actions meets the requirement for a Type II action; and

WHEREAS, pursuant to 6 NYCRR Section 617.5 (c) (5), the following projects are determined to be Type II actions because they involve the following requiring no further review by the Town:

617.5 (c) (1) maintenance or repair involving no substantial changes in an existing structure or facility;

617.5 (c) (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4;

617.5 (c) (5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

617.5 (c) (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

617.5 (c) (11) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

Improvements that include:

- Trailer Park well house
- Holiday Valley well house (Town Share)
- North/Park well
- Booster Pump Station No. 1 (Town Share)
- Booster Pump Station No. 1 (Town Share)
- Repairs to Upper storage tank (360,000 gallons) (Town Share)
- Removal and replacements of Village Reservoir (360,000 gallons)
- Maintenance, inspection or repairs to above facilities or other similar facilities

NOW, THEREFORE, BE IT

RESOLVED, that that the projects discussed above hereby are determined to constitute SEQRA Type II Actions as defined under said regulation and do not require an environmental impact statement or any other determination or procedure;

AND IT IS FURTHER RESOLVED, that the Town hereby authorizes the preparation and submittal of such grant applications to the Environmental Facilities Corporation as may be deemed necessary to obtain assistance in funding the subject projects.

On **motion** by Mr. Zerfas second by Mr. Hinman the following **ORDER CALLING PUBLIC HEARING TO BE HELD ON SEPTEMBER 4, 2018** was presented

WHEREAS, the Town Board of the Town of Ellicottville (herein called “Town Board” and “Town”, respectively), in the County of Cattaraugus, New York, has, pursuant to Town Law, created the Town of Ellicottville Consolidated Water District No. 1 (the “District”); and

WHEREAS, the Town Board has directed Clark Patterson Lee, competent engineers licensed in New York, to prepare a map, plan and report for a water system capital improvements project within the District; and

WHEREAS, the improvements proposed will be part of a joint water system capital improvements project with the Village of Ellicottville (the “Village”); and

WHEREAS, the Town and the Village have entered into (or will enter into) an Inter-municipal Agreement, pursuant to Article 5-G of the New York General Municipal Law, (the “IMA”) with respect to the design, planning, acquisition, construction, equipping, replacement and reconstruction, as necessary, for such joint project; and

WHEREAS, such joint project will generally consist of (but not be limited to) the rehabilitation of Town and Village wells and the replacement of equipment, the installation of emergency standby generators and associated equipment at the booster pump stations, replacement of the Town’s upper storage tank with a new glass-lined tank and other safety modifications and installation of equipment at such tank site, installation or modification of associated instrumentation, and the replacement of the 360,000 gallon Village Reservoir with a glass-lined tank, as well as other improvements as more fully identified (or contemplated by) such map, plan and report referred to above, all of the forgoing to include necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Joint Project”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost of the Joint Project to be \$2,389,415; however the portion of the Joint Project that the Town will be responsible to pay is \$1,171,620.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Ellicottville will be held at the Town Hall, One West Washington Street, Ellicottville, New York, on September 4, 2018 at 6:00 p.m. o’clock p.m. (Prevailing Time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,171,620, said amount to be offset by any federal, state, county and/or local funds received for the Joint Project, and, unless paid from other sources or charges, the cost of the portion of the Joint Project for which the Town is responsible for (\$1,171,620) is to be paid by the assessment, levy and collection from the several lots and

parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

AYES:	Matthew McAndrew	Town Supervisor
	Steven Crowley	Councilman
	Greg Fitzpatrick	Councilman
	Kenneth Hinman	Councilman
	John Zervas	Councilman

The Order Calling for Public Hearing was declared adopted.

- Bob Scharf Raise

Mr. Pierson is asking the Board to approve to raise of the rate of pay for Bob Scharf to \$38.00 per hour (15 hours per week). He believes the raise is justified because of all of the extra work he has been doing. Because the Village pays half of his wages, they will have to approve the raise as well.

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

Ayes 5 -McAndrew, Hinman, Fitzpatrick, Zervas and Crowley
Nays 0

Resolved that the Town approve giving Robert Scharf a \$3.00 per hour raise pending approval by the Village Board.

Tom Scharf - Highway Department

- Approve Purchase of JCB 110W Excavator

Highway Superintendent Scharf is asking Board approval for the purchase of a new excavator. The current one is over 10 years old and is much bigger and

slower. It's weight tends to tear up the road and is not very stable under certain circumstances.

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

Ayes 5 -McAndrew, Hinman, Fitzpatrick, Zerfas and Crowley
Nays 0

Resolved that the Town approve the purchase of the Model: HD110WT 4F Excavator at a purchase price of \$194,500.00 less trade in of the Hyundai 170w-7 (\$32,000.00) for a net purchase price of \$162,500,00.

Old Business

- EVGV Trail

The Trail Committee has applied for the NYS DOT TAP Grant and is the process of applying for the Ralph Wilson Grant.

- Jefferson Street Cemetery

Supervisor McAndrew has done an inventory of the headstones that are in need of repair and will meet in September with Crandall Memorial to get an estimate of the cost of repair. He will also be looking at Bryant and Niles cemeteries.

Attorney/Client Privilege

Motion by Mr. Hinman second by Mr. Zerfas to enter into Attorney/Client Privilege at 7:18pm. 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. Zerfas to adjourn the meeting at 7:57pm. 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 August, 2018, approved by said Board on the 19th day of September, 2018.

_____ Robyn A. George, Town Clerk