

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE, APRIL 21, 2021 at 6:00 pm

<u>Present:</u>	Matthew McAndrew	Supervisor
	Greg Fitzpatrick	Councilman
	Ken Hinman	Councilman
	John Zervas	Councilman
	Steve Crowley	Councilman
	Kathleen Moriarty	Attorney for Town
<u>Via phone:</u>	Robyn George	Town Clerk
	Tom Scharf	Highway Superintendent
	Gary Palumbo	Town Planner
	Don Auge	OIC
	Ben Slotman	Engineer
	Kelly Fredrickson	Building Inspector/CEO

Others present via phone: Seth Krull, CPL

Call meeting to order:

Supervisor McAndrew called the meeting to order at 6:00pm and led the Pledge to the Flag. The meeting was not open to the public (in person) but could be accessed via teleconferencing.

Approve Minutes

- Town Board Meeting – March 17, 2021

On motion by Mr. Zervas and second by Mr. Hinman the minutes of the March 17th, 2021 Board meeting were:

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

Audit of Claims

- Pay Town bills on Distribution Report #04-2021

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

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

Resolved that the Town bills be paid on General Ledger Distribution Report 04-21 as follows:

001 - General Fund A:	\$ 28,762.25		
002 - General Fund B:	\$ 25,492.89		
		General Fund Total:	\$ 54,255.14
004 - Highway DB	\$ 25,971.44		
		Highway Fund Total:	\$ 25,971.44
006 - Water	\$ 90,135.19		
		<u>006 - Water Fund Total</u>	<u>\$ 90,135.19</u>
		Grand Total:	\$170,361.77

Supervisor's Reports

- Accept Supervisor's March 2021 Financial Report

On motion by Mr. Zerfas and second by Mr. Hinman the Supervisor's March 2021 Financial Report was

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

- Engineer IMA with Village

The IMA was approved by the Village. It was already approved by the Town. Supervisor McAndrew will sign.

- Contract for Shared Highway Services (2021-2025)

The Cattaraugus County Office of the County Attorney sent a contract executed by the Chairman of the Cattaraugus County Legislature. A shared services agreement must be in place before the County can assist municipalities in the event there is a FEMA-related event.

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

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

Resolved that the Supervisor is authorized to sign the Contract for Shared Highway Services with Cattaraugus County for the years 2021-2025.

- Planner's Request – Zoning Officer

Planner Palumbo requested that the Town appoint him Zoning Enforcement Officer to assist the CEO in reviewing applications and issuing zoning permits and CO's. Mr. Palumbo contacted Cattaraugus County Human Resources to determine if becoming a Zoning Enforcement Officer would change his Civil Service status. He was told that as long as any additional duties do not change (more than 5-10%), his title would remain the same, Environmental Planner. He added that the Village approved the appointment at their last meeting.

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

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

Resolved, that the Town appoint Gary Palumbo Zoning Officer.

- Police Reform Policy Meeting

A meeting was held with community stakeholders to review Police Reform as required by the State. The following people were in attendance:

Jack Rogan – Village Resident, former Village Justice
Sharon and Gary Mathe – Community Members/Former Participants of BLM
Doug Bush – Village Trustee
Erich Ploetz – Principal, ECS
Matt McAndrew – Town Supervisor
Kathleen Moriarty – Town of Ellicottville Attorney
Don Auge – EPD, OIC
Greg Fitzpatrick – Town Councilman

Each participant answered the questions provided and provided ideas, comments and suggestions. The overall consensus of the group was that the EPD is doing a good job.

The "Draft Town of Ellicottville Police Department Reform and Reinvention Collaborative" will be posted on the Town's website. Comments from the public are encouraged. The Town will have a special meeting to consider approval before it is sent to the State. Supervisor McAndrew emphasized that the document can be amended as needed.

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

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

Resolved that the Town hold a special Board meeting on Monday, April 26, 2021 at 4pm to consider approval of the Police Reform Policy.

- Roswell Boot Drive

Priscilla Snider has asked the Town Board for permission to set up a Boot Drive to benefit Roswell Park Comprehensive Cancer Center. OIC Auge said he would make arrangements to schedule an extra patrol for traffic control.

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

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

Resolved, that the Town grant permission for the Boot Drive to be held May 29, 2021 on Route 219 between the hours of 8am – 1pm.

Present Written Department Reports for Approval

- Clerk's, Police, Building Inspector's, Justice and Planner's Reports

On **motion** by Mr. Zerfas and second by Mr. Hinman the Clerk's, Police, Building Inspector's, Justices and Planners reports were:

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

Department Heads

- **OIC Auge - Police Department**
- Police Vehicle – 2016 Tahoe

The EV/GV Ambulance Department will be keeping the emergency equipment (light, sirens, etc.) that is on the Tahoe. In exchange, they have agreed to pay for the equipment that has to be installed on the new police vehicle.

- **Gary Palumbo – Town Planner**

The Planning Board has completed an annual review of the Comprehensive Plan. Some recommendations are:

- Amend Zoning Map to reduce Conservation District's 100' buffer along certain roads.
- Consider a zoning amendment to allow more (yet limited) retail in the AR district.
- Conduct siting study for park & ride and/or shuttle location to serve central business district.
- Consider need to allow/regulate battery storage facilities (separate from solar projects). Some discussion followed as to whether the Town should allow any stand alone battery storage facilities due to contamination issues and the vast areas sometimes needed for such facilities.
- Amend Comprehensive Plan (via addendum) to include Go-Bike Buffalo's Southern Tier (regional) trail.
- Amend Comprehensive Plan (via addendum) to update demographic (pending 2020 Census data.).

The applications for 3 culverts under NYSDOT Bridge NY 2021 Program are completed.

The Town of Great Valley and Allegany have expressed some interest in Town planning services for project work or support. Projects will be considered on an individual basis.

- **Ben Slotman – Engineering Department**

- Work continues on the water rate study. Mr. Slotman is recommending that the Town committee invite the Village along with the Attorneys and Assessor to sit in on a meeting to provide input on the direction of the rate structures for both the water and sewer systems. A meeting was scheduled for Monday, April 26th at 4:30pm.
- A meeting was held with Holiday Valley and CPL to discuss the alignment of the proposed water main through Holiday Alley's parking lot.
- The WIIA Grant Project – Holihuts – was discussed. The cost burden on each resident and connecting to the water system is a concern to the property owners.
- There was a meeting with Bancorp to discuss fleet maintenance. The next step is to review and compare the Bancorp and Enterprise programs.
- The new well pump is in place and operational.

- **Tom Scharf - Highway Department**

Hybrid Building Solutions inspected the salt shed. The shed itself looks good but the cover is showing its age. The cost of replacing the tarp is about \$43,000. Mr. Scharf will reach out for other estimates. They also suggested inside and outside blocks be pressure washed and coated to protect the concrete. That would cost about \$11,000. It may be possible to use CHIPS money for the project in the coming years. Mr. Krull said that DOT has a funding program to construct salt storage barns that he will look into.

One resident on Witch Hollow is requesting that the Town oil and chip the road with finer stone. \$75,000 has already been spent on the road. Larger stone was used because it lasts longer and holds up better. CHIPS money can only be used on the same road every 10 years. It was determined that the Town not put more money into the road at this time.

The County looked at a guide rail on Sommerville Valley Road that was damaged.

New Business

- Cemetery Mowing Bids

The Town received 2 bids for the mowing and maintenance of Town Cemeteries:
- D&J's Lawn Service & Snowplowing, LLC : \$3,250.00
- Westside Handyman & Lawn Care: \$9,680.00

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

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

Be it resolved that the Town hire D & J's Lawn Service at a cost of \$3,250.00 for maintenance of the Jefferson Street, Niles and Bryant Hill cemeteries for the 2021 season and authorize the Supervisor to sign a contract with them.

- McKinley Out-of-District Water Tap-In

The property owner at 6249 McKinley Dr. would like to tie into the Town's water system. The property is not in the Water District. The Town could be a source but could not adequately service the property. They would need to come up with a design and install their own booster pump and backflow preventer. The Town may be open to allowing them to tie in at their own expense if they present a workable plan.

- Chamber Request

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

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

Resolved that the Town grant permission for the Ellicottville Chamber of Commerce to use the Gazebo on the following dates:

Gazebo Series – July 2, 8, 15, 22, 29 and August 5, 12, 2021

Rock N Roll Weekend – September 18, 2021.

Further resolved that the Chamber provide a certificate of insurance with the Town named as additionally insured.

- DOT Letter of Support – B&P Railroad

The Buffalo & Pittsburgh Railroad (BPRR) is submitting a NYS DOT Passenger and Freight Rail Assistance Program Grant (PFRAP) and is requesting the Town's support.

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

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

Resolved that Supervisor McAndrew is authorized to sign a letter offering support for the BPRR PFRAP grant application.

Old Business

- Valley Village

There is a signed agreement between the Town and Valley Village. A meeting was held to wrap up the design. Midland Asphalt will be contacted to set up a grind schedule.

- Quackenbush Update

There was a meeting with the surveyor. Survey work may begin within the month.

- EVGV Trail

Annual audit was completed in March. There is a marketing plan in place. Regional Trail Feasibility Study is complete. The next step is applying for the DOT grant. There are issues with the proposed Parkside Drive section of the trail that need to be addressed.

- Catt County Extension Lease

Plans and language of the lease are being finalized. MDA has a final design for the update in the West Wing to add a secured door for access that complies with the Fire Code.

- SAM Grant – no updates
- Marijuana Regulations

The Town can opt out of allowing cannabis retail dispensaries and on-site consumption sites but would receive no funding and the resolution would be subject to permissive referendum. At this point, the Town will be looking at options addressing the issue through zoning.

- May Town Board Meeting

The May 19th regular Town Board meeting will be held in person at the Town Center to better allow for physical distancing.

Adjournment

Motion by Mr. Hinman, seconded by Mr. Crowley to adjourn the meeting at 7:42pm. 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 April, 2021, approved by said Board on the 19th day of May, 2021

Robyn A. George, Town Clerk