

**MINUTES OF
SPECIAL MEETING
OF THE TOWN OF ELLICOTTVILLE
TOWN BOARD HELD
September 6, 2019 at 4:00 P.M.
At the Ellicottville Town Hall**

Present:	Matt McAndrew	Supervisor
	Greg Fitzpatrick	Councilman
	Steve Crowley	Councilman
	Ken Hinman	Councilman
	John Zerfas	Councilman
	Robyn George	Town Clerk
	Niles Pierson (via phone)	Engineer

Call to Order and Pledge to the Flag

Supervisor McAndrew called the meeting to order and led the Pledge to the Flag.

New Business

- Bryant Hill Cemetery Curb

The Highway Superintendent got a quote of \$3,000.00 to install a 90' curb to protect Bryant Hill cemetery from the snow and plowing. There is \$2,500 in the renovation budget line and \$2,335 in the contractual line.

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

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

Resolved that the Town authorize Mr. Scharf to accept the quote of \$2,500 to install a 90' curb at the Bryant Hill Cemetery.

- Arboretum Paving

The Arboretum Society has raised \$25,000 to upgrade the paths at the Arboretum. Since the Arboretum is on the Town's property, Supervisor McAndrew suggested that the Town pay for 1/2 of the project. He will suggest that the money the Arboretum saves be used to landscape the property which will make the upkeep of the grounds faster and easier. The Village has said that the mowing and weed-whacking are very time-consuming and they don't really have the time to do it anymore. They will be getting an estimate to hire out the work. Discussion followed.

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

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

Resolved that the Town pay for 1/2 of the project to upgrade and pave the trails at the Arboretum.

Public Hearings:

- Local Law No. 1 - 2019 - Tax Override

The Public Hearing on Local Law No. 1 was opened by Supervisor McAndrew.

MOTION by Mr. Hinman seconded by Mr. Fitzpatrick to close the public hearing on Local Law #1 of 2019 entitled " A Local Law to Override the Tax Levy Limit for Fiscal Year 2020". All Ayes. Carried.

- Local Law No. 2 - 2019 - Senior Citizens Exemption

The Public Hearing on Local Law No. 2 was opened by Supervisor McAndrew.

MOTION by Mr. Zerfas seconded by Mr. Crowley to close the public hearing on Local Law #2 of 2019 entitled "A Local Law Amending Local Law No. 5 - 2016 Granting Partial Exemption on Real Property Taxation to Certain Senior Citizens". All Ayes. Carried.

- Increase and Improvement of Facilities

At 4:00 o'clock p.m. (prevailing time) or shortly thereafter, the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Cattaraugus, New York to consider the Increase and Improvement of facilities of the Consolidated Water District No. 1(the "District"), in said Town.

The Supervisor stated that the Public Hearing on the Increase and Improvement of the facilities of the Consolidated Water District No. 1in the Town of Ellicottville, was now open and asked if there was any interested person who desired to be heard.

No persons appeared in favor or in opposition to the Increase and Improvement of the District.

The Town Clerk reported that no pertinent written communications had been received.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

Resolutions

- Engineering Agreement

After reviewing the quotes received and interviewing the top 3 firms that submitted quotes, Mr. Pierson recommended that the quote received by Clark Patterson Lee Engineering Firm be selected. He thought it was important to accept a bid before the grant application was due (September 13).

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

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

Following the Request for Qualifications for Engineering Design and Construction Services for the Town of Ellicottville, and review of the proposals, the town has selected **Clark Patterson Lee Engineering Firm**. Thereby, on behalf of the Town of Ellicottville and its governing body, we authorize Matthew McAndrew, Town Supervisor, to sign the agreement with **Clark Patterson Lee Engineering Firm** for up to **\$537,330.00** for professional engineering services to complete the proposed improvements to the Town and Village of Ellicottville public drinking water system. The Notice to Proceed on the design will be issued to the chosen firm once the grant notification is released and funding has been secured for the project.

- SEQRA Determination

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

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

TOWN OF ELLICOTTVILLE BOARD RESOLUTION # 2019-09-06

SEQRA TYPE II DETERMINATION FOR ELLICOTTVILLE WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, the Town of Ellicottville Board (“Town”) has, by Resolution # 2019-09-06, determined that it is appropriate to apply for grant funding to assist in the financing of the various capital improvement projects identified in such; and

WHEREAS, pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”), the Town 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, 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 upgrades
- Holiday Valley well house upgrades
- North/Park well upgrades
- Booster Pump Station No. 1 upgrades
- Booster Pump Station No. 2 upgrades
- Replacement of Village Reservoir
- Replacement of Town Upper Tank
- Replacement of transmission main piping
- Installation of water main piping to existing subdivision
- Replacement of telemetry control system

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.

- Resolution and Order after Public Hearing - Increase and Improvements

The following resolution was offered by Mr. Hinman and seconded by Mr. Zerfas:

**RESOLUTION AND ORDER
AFTER PUBLIC HEARING APPROVING
THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE CONSOLIDATED WATER DISTRICT NO. 1**

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 (including all extensions, the "District"); and

WHEREAS, the Town Board has directed the Town of Ellicottville Engineering Department, competent engineers licensed in New York, to prepare a map, plan and report for a water system capital improvements project (commonly known as "Phase 2") within the District (as extended); and

WHEREAS, such water system capital improvements project will generally consist of (but not be limited to) the installation of approximately 17,000 linear feet of water main along various roads in the District (as extended), electrical and HVAC improvements to source wells and booster stations including, but not limited to, structural repairs to roofs and foundation improvements, installation of web-based control systems and associated equipment and the installation of storage tanks, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "District Improvement"); 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 thereof to be an estimated maximum amount of \$5,277,096; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$5,277,096, offset by any federal, state, county and/or local funds received; and

WHEREAS, the Town determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required; and

WHEREAS, the Town Board issued an Order at its August 21, 2019 meeting calling for a public hearing to be held at the Town Hall, Ellicottville, New York, on September 6, 2019 at 4:00 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 further ordered the Town Clerk to publish at least once in a newspaper designated as an 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; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF ELLICOTTVILLE, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$5,277,096; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$5,277,096, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges(including, but not limited to, water rents), the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk will record with the Clerk of the County of Cattaraugus copy of this Resolution and Order, certified by said Town Clerk.

The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the Consolidated Water District No. 1 was duly put to a vote on roll call, which resulted as follows:

AYES (5):	Matthew McAndrew	Town Supervisor
	Steven Crowley	Councilperson
	Kenneth Hinman	Councilperson
	John Zerfas	Councilperson
	Greg Fitzpatrick	Councilperson

NOES (0):

The Resolution approving the increase and improvement of facilities of the Consolidated Water District No. 1 was declared adopted.

- Bond Resolution

The following resolution was offered by Mr. Crowley and seconded by Mr. Hinman, to wit;

A BOND RESOLUTION, DATED SEPTEMBER 6, 2019, OF THE TOWN BOARD OF THE TOWN OF ELLICOTTVILLE, CATTARAUGUS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT (PHASE 2) WITHIN THE TOWN OF ELLICOTTVILLE CONSOLIDATED WATER DISTRICT NO. 1 AT AN ESTIMATED MAXIMUM COST OF \$5,277,096 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,277,096 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Ellicottville, Cattaraugus County, New York (the "Town"), has established the Town of Ellicottville Consolidated Water District No. 1 (including all extensions, the "District"); and

WHEREAS, the Town Board has determined, by resolution, to undertake a certain water system capital improvements project; and

WHEREAS, the Town Board has determined to proceed with such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such project.

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a water system capital improvements project generally consisting of (but not limited to) the installation of approximately 17,000 linear feet of water main along various roads in the District (as extended), electrical and HVAC improvements to source wells and booster stations including, but not limited to, structural repairs to roofs and foundation improvements, installation of web-based control systems and associated equipment and the installation of storage tanks, as well as other such improvements as more fully identified in (or contemplated by) such map, plan

and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"). The estimated maximum cost of said purpose is \$5,277,096.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$5,277,096 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges (including, but not limited to, water rents), the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges (including, but not limited to, water rents), the cost of the Project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable

real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are

satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. To the extent applicable, the Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "Project Financing Agreement"). To the extent applicable, the Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 14. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 16. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES (5):	Matthew McAndrew	Town Supervisor
	Steven Crowley	Councilperson
	Kenneth Hinman	Councilperson
	John Zerfas	Councilperson
	Greg Fitzpatrick	Councilperson

NOES (0):

The foregoing resolution was thereupon declared duly adopted.

- Adoption of Local Law No. 1

On motion by Mr. Zerfas and second by Mr. Hinman the following Local Law was accepted by roll call vote by the Town Clerk:

Councilman Hinman	Aye
Councilman Fitzpatrick	Aye
Councilman Crowley	Aye
Supervisor McAndrew	Aye
Councilman Zerfas	Aye

**. LOCAL LAW No. 1 - 2019 entitled
“A Local Law to Override the Tax Levy Limit for Fiscal Year 2020”**

SECTION 1. LEGISLATIVE INTENT.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Ellicottville pursuant to General Municipal Law 3-c, and to allow the Town of Ellicottville to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal law 3-c

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to General Municipal Law Sec. 3-c (the “Property Tax Cap Law”), which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION 3. TAX LEVY LIMIT OVERRIDE.

The Town Board of the Town of Ellicottville, County of Cattaraugus is hereby authorized to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law 3-c.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order of judgment shall be rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

- Adoption of Local Law No. 2

On motion by Mr. Crowley and second by Mr. Hinman the following Local Law was accepted by roll call vote by the Town Clerk:

Councilman Hinman	Aye
Councilman Fitzpatrick	Aye
Councilman Crowley	Aye
Supervisor McAndrew	Aye
Councilman Zerfas	Aye

**LOCAL LAW NUMBER 2 - 2019
TOWN OF ELLICOTTVILLE
ELLICOTTVILLE, NY**

Pursuant to Section 467(1)(b) of the Real Property Tax Law.

**A LOCAL LAW AMENDING LOCAL LAW 5 -2016 GRANTING PARTIAL
EXEMPTION ON REAL PROPERTY
TAXATION TO CERTAIN SENIOR CITIZENS**

BE IT ENACTED by the Town Board of the Town of Ellicottville as follow:

SECTION 1. Legislative Intent. It is the intent of this legislation to amend Local Law No. 5 - 2016 to permit and offset to the income used in determination of applicants' eligibility for the senior citizen exemption to be offset by medical and prescription drug expenses.

SECTION 2. Amendment of Senior Citizen Real Property Tax Exemption. Local Law No. 5 - 2016 is hereby amended by adding the following new section and consecutively renumber the remaining section thereafter:

"Section 4. Offset for Medical Expenses. Any income used in the determination of applicants' eligibility for the exemption hereby granted shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance.

SECTION 3. Local Law No. 5 - 2016. Except to the extent that it hereby amended, Local Law No. 5 - 2016 shall be and remain in full force and effect.

SECTION 4. 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 5. Effective Date. This Local Law shall take effect January 1, 2020

Adjournment

MOTION: by Mr. Hinman seconded by Mr. Zerfas to adjourn the meeting at 5pm. All Ayes. Carried.