

MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE JANUARY 16, 2019 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             |
|                        | Niles Pierson     | Town Engineer          |
|                        | Tom Scharf        | Highway Superintendent |
|                        | Kathleen Moriarty | Attorney for Town      |
|                        | Robyn George      | Town Clerk             |
|                        | Don Auge          | Officer-in-Charge      |
|                        | Gary Palumbo      | Town Planner           |

**Also Present:** John Thomas and Caitlyn Croft, Press

**Call meeting to order:**

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

**Approve Minutes**

- Town Board Meeting -December 19, 2018
- Organizational Meeting - January 4, 2019

On motion by Mr. Zervas and second by Mr. Fitzpatrick the minutes of the December 19, 2018 and January 4, 2019 Board meetings were

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

**Audit of Claims**

- Pay Town bills on Distribution Report #01-19

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 bills be paid on General Ledger Distribution Report 01-19 as follows:

|                       |             |                        |              |
|-----------------------|-------------|------------------------|--------------|
| 001 - General Fund A: | \$37,458.09 |                        |              |
| 002 - General Fund B: | \$10,703.66 |                        |              |
|                       |             | General Fund Total:    | \$ 48,161.75 |
| 004 - Highway DB      | \$40,696.43 |                        |              |
|                       |             | Highway Fund Total:    | \$ 40,696.43 |
|                       |             | 006 - Water Fund Total | \$ 17,254.37 |
|                       |             | Grand Total:           | \$106,112.55 |

### **Supervisor's Reports**

- Supervisor's Report

**On motion** by Mr. Fitzpatrick and second by Mr. Zerfas the Supervisor's December 2018 Financial Report was

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

- Adopt Comprehensive Plan

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

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

**Whereas**, the Town board held the Public Hearing on the Town of Ellicottville Comprehensive Plan 2018 Update on December 19, 2018 and no comments have been received,

**Whereas**, the Town Board determined that the adoption of the plan will not have a significant adverse environmental impact,

**Whereas**, the plan was referred to the County Planning board that determined that the Plan is consistent with County guidelines and there are no significant County-wide impacts,

**Resolved** that the Town Board adopt the Amended Comprehensive Plan as presented.

- Tamarack Dr. renamed to "Northgate Village Dr."

Supervisor McAndrew explained that Tamarack Drive has been maintained by the Town Highway Department for years even though it is not officially a Town Road. He is proposing that the Town take ownership of the road "by use". It can then be added to the Town Inventory of Roads which would benefit the Town. The maintenance of the Road is a benefit to the Northgate HOA who have already re-named the road Northgate Village Drive.

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

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

Resolved that Attorney Moriarty is directed to draw up the paperwork and begin the process of the Town taking over Tamarack (Northgate Village) Dr.

### **Present Written Department Reports for Approval**

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

On **motion** by Mr. Hinman and second by Mr. Crowley 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

Mr. Palumbo announced that there will be a Joint Village and Town Public Hearing on Verizon's applications for micro-cell towers. The purpose of the towers is to off-load a significant amount of data which will increase service within the service area. He is encouraging anyone to attend to voice their concerns.

Mr. Zerfas will contact Armstrong for an update on the progress of their efforts to provide internet to rural areas.

Mr. Pierson is looking into installing microwave internet at the Town Highway Barn.

### **Department Heads.**

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

- Resignation - Tom Castle

Tom Castle submitted a letter of resignation from his position as Part-time Police Officer. He has accepted a position with the FBI. Auge is actively looking to fill vacancies in his Department.

### **Niles Pierson - Engineering Department**

- Monthly Report
  - NYSERDA Grant Project

A meeting was held with MDA Engineer to discuss the scope of work to update the windows and lighting at the Town Center. Mr. Pierson is proposing that MDA complete the design for the project and the Town Engineering Department put it out for bid. MDA prepared a "Short Form of Agreement for Professional Services". The proposal for developing a plan to review the lighting, window and wall work and draw up a scope of work was quoted for the lump sum fee of \$7,000.

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

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

**Resolved** that the Town accept the Short Form of Agreement between the Town and MDA Engineers for Professional Services for the purpose of preparing the scope of work for the window and lighting upgrades to the Town Center building.

- Design for Jed Lane/Sommerville Valley box culver is approximately 60% complete.

- BridgeNY grant will be applied for again in 2020 to hopefully fund the Cotter Road and Poverty Hill box culverts.

- Joint Water District Meeting

Supervisor McAndrew, Attorney Moriarty, Mayor Burrell, Village Trustee Cappelli, and Engineer Pierson met to discuss the process of creating a Joint Water District. Pierson has been studying the Town and Village rate structures and developing new standardized rates. Water and Sewer laws will be re-written. Pierson is looking into hiring legal counsel to help with the merger.

- Cornell Co-op Rental Study

The Cooperative Extension has asked for a quote on the possible rent that the Town will ask for when their contract is up in 3 years. Mr. Pierson came up with

an estimate of \$3,500.00 per month including utilities. He was asked to see if he could find comparable property rentals in Ellicottville.

- Drinking Water Source Protection Grant

The State will be awarding 30 grants throughout the State. The County Environmental Health Director, Eric Wohlers, suggested that Ellicottville apply. If Ellicottville selected, it would be a 3 year process. The State would hire a consultant to work with the Town and Village to identify potential threats to the water system and present management strategies.

- EFC Drinking Water Grant

The Town will apply for the EFC Drinking Water Grant again this year. The scope of work will include the Holiday Valley water line.

- EFC Engineering Planning Grant

This grant would involve implementing a Waste Water infiltration study.

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

The Highway Department has been doing minor truck repairs, working on potholes, sanding and paver work. Mr. Scharf has been in touch with the Tree Service people who hope to begin cutting trees soon.

### **New Business**

- Appointments of PB and ZBA Chairs

At the suggestion of Mr. Zerfas and Mr. Palumbo, along with State guidance, it was recommended that the PB and ZBA be asked to choose their chairs in the fall before the Town's Organizational Meeting. The Town Board will then vote on ratifying the nominations in January.

- Appointment of Town Attorney

**Resolved**, that the law firm of Peters & Moriarty, specifically Attorney Kathleen Moriarty shall act as counsel to the Town of Ellicottville for the year 2019 regarding such matters as may be referred to said counsel and shall be compensated for its services at an hourly rate.

**Also resolved** that the Supervisor be, and hereby is, authorized and directed to execute a written agreement for legal services with the above-named counsel on behalf of the Town.

Motion: By Steve Crowley to adopt the above referenced resolution.  
Second: By Ken Hinman

|         |     |                  |
|---------|-----|------------------|
| Carried | Aye | Matt McAndrew    |
|         | Aye | Greg Fitzpatrick |
|         | Aye | Steve Crowley    |
|         | Aye | John Zerfas      |
|         | Aye | Ken Hinman       |

- Adopt MU-1

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 adopt the Records Retention and Disposition Schedule MU-1 as It's official Records Retention Guide.

- Boot Drive

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 approve the request by Priscilla Snider to hold a Boot Drive on the first Saturday of May with proceeds to benefit the Roswell Park Comprehensive Cancer Center. OIC Auge will coordinate the details.

### **Old Business**

- EVGV Trail

Mark Alianello and Randy Glenn have come up with a document describing liability and insurance coverage that will be provided to those who are signing easements. The Trail Committee is looking to expand membership and have several people interested. Setting up a "Go Fund Me Page" is in the works. The County Administrator, Jack Searles, suggested that the Trail Committee apply for a grant through Blue/Cross Shield. There may also be grants available from the Ralph Wilson Foundation.

### **Attorney/Client Privilege**

The Board entered into Attorney/Client Privilege at 7:15 pm.

**Adjournment**

Motion by Mr. Hinman and second by Mr. Zervas to adjourn the meeting at 8:02pm. 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 16th day of January, 2019, approved by said Board on the 20th day of February, 2019.

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Robyn A. George, Town Clerk