

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE FEBRUARY 19, 2020 at 6:00 pm
ELLICOTTVILLE TOWN HALL

<u>Present:</u>	Matthew McAndrew	Supervisor
	Ken Hinman	Councilman
	Greg Fitzpatrick	Councilman
	Steve Crowley	Councilman
	John Zerfas	Councilman
	Niles Pierson	Town Engineer
	Kathleen Moriarty	Attorney for Town
	Robyn George	Town Clerk
	Gary Palumbo	Town Planner
	Harry Weissman	Assessor

Others present: John Thomas and Caitlin Croft - press, Sharon Mathe, Brian Noble, Joel Santistebon, Ecogy Energy, Michael Schaffer, Gabe Bialkowski, Doc and Cindy Dayton, Corey Wiktor

Call meeting to order:

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

Public Hearings

- Proposed Local Law No. 2 - 2020 Allowing the Town of Ellicottville to "Opt Out" of certain "Commercial, Business and Industrial Exemptions" permitted under NY RPTL-485b

Supervisor McAndrew opened the public hearing on Local Law No. 2 - 2020

Corey Wiktor, Executive Director of the Catt. Co. IDA, explained that under RPTL 485-b the Assessor can grant an exemption on properties on which a combination of residential and commercial construction work is performed to create a building used for mixed residential and commercial purposes. For such properties, 100% of the base amount attributable to the construction work is exempt during the first 8 years of the exemption, 80% is exempt in the 9th year, 60% the 10th, 40% the 11th and 20% the 12th year. He said the intent of the exemption is to encourage new investment and improvement of properties.

Assessor Weissman said that opting out of RPTL-485b maybe unnecessary. The tax abatement would be insignificant to the Town and the exemption is unlikely to be used. He recommended leaving it in place.

Motion by Mr. Hinman and second by Mr. Zerfas to close the public hearing. All Ayes. Carried.

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

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

Resolved that the Town does not " Opt Out" of certain " Commercial, Business and Industrial Exemptions" permitted under NY RPTL-485b

- Proposed Local Law No. 3 - 2020 "Zoning Amendment for the Regulation of Solar Energy Systems"

Supervisor McAndrew opened the public hearing on Local Law No. 3 - 2020 "

Gary Palumbo reviewed the changes made to the Solar Zoning Amendment since the public hearing in November and which took into account the public and Town Board suggestions. Definitions were added and Land Use Tables were clarified to better protect the Water/Sewer districts. A section was added requiring Planning Board review for changes to output, footprint, height of solar panels and other modifications. Setback requirements were increased as was minimum lot size. Re-vegetation and avoidance of steep slopes were addressed, as well as fencing. Solar Farms will be required to have a Visual Impact Assessment. Inspection fees were added. The changes also give the Town negotiating power for PILOT's.

Joel Santistebon of Ecogy Energy emphasized that Solar Farms would benefit the community. He was concerned that not being able to build on a site that has more than a 15% slope is very constraining due to the nature of the landscape in the Ellicottville area. He also said that the 500' setback requirement is too restrictive.

It was explained that the steeper the slope, the harder it is to conceal the solar panels, creating more of a visual impact. Also soil erosion and sedimentation need to be considered. The 500' setback was added to protect the value of adjacent properties.

Michael Schaffer, a property owner on Witch Hollow Rd., also believes that the 500' setback is too restrictive. He sits on the Planning Board in Wheatfield and their setback requirement is 100'. He thinks screening would protect the neighboring properties.

Mr. Zerfas emphasized that the Zoning Amendment was drafted to protect the interests of the Town and not any one project.

Brian Noble supports the 500' setback as being fair to both the developer and the neighbors.

Gabe Bialkowski, also of Witch Hollow, is in the process of developing WNY's largest vertical farm and was planning on using a solar field to power it. With the slope requirement, that will not be possible on the property. Mr. Palumbo said a special use permit may be an option.

Motion by Mr. Hinman and second by Mr. Zerfas to close the public hearing. All Ayes. Carried.

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 Town table acting on Local Law No. 3 - 2020 to review the slope requirement.

- Surplus Property - Jackman Hill Rd.

The Town received a letter from the GSA informing them that the former radio communications link repeater site at 7972 Jackman Hill Road has been determined to be surplus to the needs of the Government.

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

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

Resolved that Gary Palumbo draft a response to the GSA acknowledging that the Town has no interest in the property, and outlining the applicable zoning and planning policies that would apply to the property.

Approve Minutes

- Town Board Meeting - January 15, 2020
- Special Meeting - January 29, 2020

On motion by Mr. Zerfas and second by Mr. Hinman the amended minutes of the Board meetings listed above were

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

Audit of Claims

- Pay Town bills on Distribution Report #02-2020

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 bills be paid on General Ledger Distribution Report 01-20 as follows:

001 - General Fund A:	\$ 35,306.37		
002 - General Fund B:	\$ 4,063.55		
		General Fund Total:	\$ 39,369.92
004 - Highway DB	\$ 36,540.89		
		Highway Fund Total:	\$ 36,540.89
006 - Water	\$ 28,788.64		
		006 - Water Fund Total	<u>\$ 28,788.64</u>
		Grand Total:	\$104,699.45

Supervisor's Reports

- Accept Supervisor's January 2020 Financial Report

On motion by Mr. Crowley and second by Mr. Hinman the Supervisor's January 2020 Financial Report was

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

- Supervisor's Meeting

A meeting will be held on February 5th at 6:30 on the Protection Plan at the Legislator. There will also be a meeting in Ellicottville on March 5th regarding Solar Energy Development.

- 2015 SAM Flood Recovery Grant

The Town received a check for over \$741,000 from the grant. It has been invested in a 12 month CD at a rate of 1.41% and will mature next February. Mr. Pierson will come up with a plan for utilizing the money by 2021 budget preparation time.

- Shared Services Initiative Payment - 2018

The Town was notified that the payment of \$31,117.29 as a result of the Town's participation in the NYS County-Wide Shared Services Initiative has been processed.

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, Zervas & Fitzpatrick
 Nays 0

Department Heads

Don Auge - Police Department

- Letter of Commendation

Brian Walters, Medical Director for Public Safety, Catt. Co. Sheriff's Office, wrote a letter to OIC Auge commending Officers Bouchard, Barber and Spry for their handling of an incident involving the overdose of two individuals. He wrote, "Between the EMT's and your officers they had resuscitated the patient in cardiac arrest and given Narcan to both patients. He added, "they managed the scene very well."

- Boot Drive to Benefit Roswell Park

Priscilla Snider has requested that the Town allow a Boot Drive to benefit the Roswell Park Alliance on Saturday, May 2nd from 8am to 1pm. She is hoping that the Police Department will help with traffic control as they have in the past.

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

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

Resolved that the town approve Ms. Snider's request to hold the Boot Drive on May 2nd and authorize OIC Auge to coordinate police assistance.

Niles Pierson – Engineering Department

- Monthly Report

- Second reimbursement request (\$233,860.40) was sent to NYS LGE branch for the Engineering Grant in November. Mr. Pierson recently heard from the administrator, Chris Grant, and is providing further documentation.

-Design Proposals were received from Clark Patterson Lee and Wendel for the HVAC project at the Town Center. Clark Patterson Lee proposed \$39,000 to design the plan to add a boiler and air conditioning, \$10,500 for the boiler system, alone. They also would research grants to pay for the heating system. Wendel's proposal was \$71,000 for boiler and air conditioning and \$31,000 for the boiler system alone. The estimated cost of construction for the boiler system would be between \$100,000 and \$150,000. If the air conditioning system was added, the cost would rise to \$400,000 to \$500,000. It was pointed out that it would be unlikely to obtain any grant money for an air conditioning system. Mr. Pierson said that the current boiler system is close to 60 years old and only 60% efficient.

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

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

Resolved that Clark Patterson Lee be retained to design the boiler/heating system for the Town Hall at the quoted price.

-Meetings were held regarding the Holiday Valley drainage design project. Work is anticipated to start this summer.

-A meeting with the Kerls and their lawyer was held to resolve the Trailer Park meter issue. An agreement is being drafted by Attorneys Moriarty and Stanton.

-Still waiting to get the signed Water IMA from the Town of Mansfield.

- Resolution Establishing Water System Capital Project Fund

**ESTABLISH TOWN OF ELLICOTTVILLE WATER SYSTEM IMPROVEMENT
CAPITAL PROJECT FUND AND AUTHORIZE INTER-FUND TRANSFERS**

Motion by Mr. Crowley, second by Mr. Zerfas:

RESOLUTION TO ESTABLISH TOWN OF ELLICOTTVILLE WATER SYSTEM IMPROVEMENT CAPITAL PROJECT FUND

WHEREAS, the Town of Ellicottville is undertaking a water system capital improvement project within the Town of Ellicottville Consolidated Water District No. 1, which will generally consist of (but not limited to) the installation of approximately 17,000 LF of water main along various roads in the District, electrical and various improvements to source wells and booster stations and the installation of storage tanks and other related site work, equipment, apparatus and other improvements and costs of financing incidental thereto; and

WHEREAS, the estimated maximum total project cost thereof is \$5,277,096, said costs to be financed through a \$2,277,096 loan agreement with the New York State Environmental Facilities Drinking Water State Revolving Loan Fund at 0% interest and a \$3,000,000 New York State Water Infrastructure Improvement Act (WIIA) grant.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Ellicottville, New York that there is hereby established a capital project fund to be known as the “Town of Ellicottville Water System Improvement Capital Project Fund” (hereinafter “Capital Project Fund”). The purpose of this Fund is to account for and receive moneys from the above said loan and grant programs and to make pay invoices for authorized improvements and expenses made to improve the Town of Ellicottville Consolidated Water District No. 1.

FURTHER RESOLVED that the Town Board of the Town of Ellicottville does hereby grant the Town Supervisor, the Town’s Chief Fiscal Officer, to make interfund loan transfers of funds to the Capital Project Fund in an amount not to exceed \$50,000 as may from time to time hereafter be necessary in anticipation of the receipt of said loan and grant funds, and be it

FURTHER RESOLVED that the moneys in the Capital Project Fund shall be kept in separate fund (H Fund) and be given a separate title according to the specific purpose for which it was created. The moneys in such fund shall be deposited into a bank account in one or more banks or trust companies designated in a manner provided by law as depositories of the funds of the Town, and be it

FURTHER RESOLVED that the Supervisor is hereby directed to deposit and secure the moneys of said Reserve Fund, including any transfers to or from such fund, in accordance with the provisions of Section 10 of the General Municipal Law. The Supervisor may invest the moneys in the Reserve Fund in the manner provided by section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Ellicottville. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Capital Project financed with loan and

grant funds. The separate identity of the fund shall be maintained whether its assets consist of cash or investments, or both, and be it

FURTHER RESOLVED that an expenditure shall be made from the Capital Project Fund only by resolution of the Town Board and only for the specific capital improvement or specific items related to said project.

The question of the adoption of the foregoing resolution was duly put to a vote, the vote was:

Matthew J. McAndrew	Supervisor	Aye
Kenneth D. Hinman	Councilman	Aye
Steven J. Crowley	Councilman	Aye
Gregory J. Fitzpatrick	Councilman	Aye
John R. Zerfas	Councilman	Aye

The resolution was thereupon declared duly adopted

Tom Scharf - Highway Department - Absent

- Quackenbush Road

Ms. Moriarty sent a letter to the County Attorney explaining why the portion of Quackenbush in question is not a Town Road. She is awaiting a response.

New Business

- Jiggs Stokes Resignation

Motion by Mr. Hinman and seconded by Mr. Zerfas to accept the resignation of Gerard Stokes as the Town Hall custodian. All Ayes. Carried.

Clerk George will advertise for his replacement.

- Town Center Manager

The Town did not receive any interest as a result of the advertisement for a Town Center Manager. Supervisor McAndrew will contact a person that was recommended by Justin Dineen.

- Direct Energy - MEGA Contract

The contract with Direct Energy/ MEGA is up in June. The Town will have to decide whether to go with a fixed rate or variable. Sun-up Park well will also

need to be added. Mr. Pierson will compare the rates with the actual bills and contact them regarding the Trailer Park.

Old Business

- Valley Village

A tentative agreement has been made which will allow moving forward with the improvement of the parking lot. A letter of intent will be presented at the next meeting with the Valley Village Association.

- EVGV Trail

A Regional Trail meeting will be held in March at the Town Center.

- EPOA Agreement - signed by Auge, McAndrew and Crowley

Correspondence

- County News - Ginger Schroder and Mike Brisky

Supervisor McAndrew reviewed the highlights from the County News.

- CCE of Catt. Co. - Donald Wild

The Cooperative Extension expressed interest in staying at the Town Center after the 10 years is up. A meeting will be held to discuss the possibilities and the IMA on use of the auditorium.

Attorney/Client Privileges - 7:55pm

Motion by Mr. Hinman and second by Mr. Crowley to adjourn the meeting at 8:20pm. 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 19th day of February, 2020, approved by said Board on the 18th day of March, 2020.

Robyn A. George, Town Clerk