

MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE MAY 15, 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 Zerfas	Councilman
	Niles Pierson	Town Engineer
	Tom Scharf	Highway Superintendent
	Kathleen Moriarty	Attorney for Town
	Robyn George	Town Clerk

**Others present:** John Thomas and Caitlyn Croft, press, Gary Palumbo, Town Planner, Alex DeRosa, Joseph Mendelsohn, John Karassik

**Call meeting to order:**

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

**Privilege of the Floor**

- 3 + 1 Financial Presentation - Alex DeRosa

Alex DeRosa explained that Three + One is not a bank and not trying to sell investments. They use the data provided by public entities to maximize interest income by negotiating with banks to get the appropriate rate for specific time periods. He pointed out that the Town of Elma's interest income went from \$3,800 in the previous 12 month period to \$65,000 in the 12 months following the hiring Three + One. The start-up fee for their services is \$7,500, after which there is a \$1,875 quarterly charge. Initially, the company enters the Town's data into their software and generates a report showing the extra income that is possible. If they are not able to show an increase of at least \$15,000, the Town does not have to pay. The Supervisor asked how much additional work it would be for Town employees. Mr. DeRosa will send the Supervisor references from the Municipalities that he has worked with that would be able to answer that question first-hand. The Board would like to have further discussion before they make a decision.

- Solar Farms

Mr. Palumbo met with a representatives from a solar farm development group that is interested in developing a solar farm off Sugartown Road. He anticipates

that there will be more applications for commercial solar in the future. He explained that at this time, solar isn't listed in the land use tables or addressed in the Zoning Law. If the Board is interested in supporting solar farms in appropriate places, he could work with the Planning Board to draft a zoning amendment.

Joseph Mendelsohn, Project Manager of Omni Navitas Solar Energy Development, requested a forum at the next Board meeting to explain their proposal for a Solar Farm in Ellicottville. He said he works with Town's to draft laws regarding Commercial Solar projects. He said they are proposing a 5 megawatt project and each megawatt requires 5 acres of land. The usable life of each project is 25 years after which the lease with the property owner is renewed or the property is returned to original condition as per a decommissioning clause in the contract

. They also offer a Community Solar program with National Grid to provide discounts to residents and the Town and School.

Mr. Palumbo added that NYSEERDA has a model law and helps Town's with the process of addressing the issue. He said that State policy encourages renewable energy projects. There will be a public informational meeting at the next Board meeting.

### **Approve Minutes**

- Town Board Meeting - April 17, 2019

On motion by Mr. Hinman and second by Mr. Zervas the minutes of the April 17, 2019 Board meeting were

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

### **Audit of Claims**

- Pay Town bills on Distribution Report #05-19

On motion by Mr. Crowley and second by Mr. Fitzpatrick 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 05-19 as follows:

001 - General Fund A:	\$ 59,806.64		
002 - General Fund B:	\$ 3,318.57		
		General Fund Total:	\$ 63,125.21
004 - Highway DB	\$105,996.45		
		Highway Fund Total:	\$105,996.45
006 - Water	\$ 62,738.18		
		006 - Water Fund Total	<u>\$ 62,738.52</u>
		Grand Total:	<u>\$231,860.18</u>

### **Supervisor's Reports**

- Supervisor's Report

**On motion** by Mr. Zervas and second by Mr. Hinman the Supervisor's April 2019 Financial Report was

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

- June Meeting - Reschedule

MOTION by Mr. Hinman and seconded by Mr. Zervas to hold the June Board meeting on Wednesday, June 26th at 6:00 PM. All Ayes. Carried.

- Cable Contract Review Meeting

Supervisor McAndrew is in the process of collecting information for the Cable Contract renewal. Since it doesn't expire for another 2 years, he proposed that a work session on the subject be held after the Budget process is complete.

- Supervisor's Annual Dinner Meeting

The Supervisor's Annual Dinner meeting will be held on June 6th at 6pm at the Hideaway restaurant. The Board is invited.

- CHIPS

The Town received a letter from Senator Giglio's office regarding the CHIPS and PAVE-NY aid. The traditional CHIPS funding allocation will remain similar to the last fiscal year with any adjustments due to changes in lane mileage of vehicle registrations. The actual (19-20) CHIPS Aid is \$103,940.74 and the PAVE-NY is

\$23,725.51. The State's 2019-20 Enacted Budget does not provide any funding for the Extreme Winter Recovery program.

- Court Clerk Training

Court Clerk, Denise Richards, requested that she attend the Court Clerk Conference in Syracuse from September 29 - October 2. The cost to the Town would be \$774.38 plus mileage and fees. It may be less if her Machias Court Clerk gets the scholarship she has applied for and they share a room.

MOTION by Mr. Crowley and seconded by Mr. Zervas to approve sending Ms. Richards to the Court Clerk Conference as requested.

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

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

On **motion** by Mr. Crowley and second by Mr. Fitzpatrick 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 - Absent**

**Niles Pierson - Engineering Department**

- Street Light Conversion

Mr. Pierson met with National Grid to discuss LED street lighting conversion. The Town owns 40 street lights and has two options. National Grid can handle the conversion for a \$3,500 up front cost with a \$2,300 rebate per light. That would reduce the monthly charge for \$600/month to \$450 He said the pay back would be about a year.

The other option is that the Town buy the lights for \$20,000 each and convert them ourselves. The monthly fee would drop to \$100/month but the Town would be responsible for maintenance. The Board asked Niles to put together a analysis and projection for years ahead outlining savings.

- Sommerville Valley/Jed Lane Culvert

The culvert installation bids were as follows:

D & H Excavating	\$148,900
JD Northrup Construction	\$153,200
Nichols Long & Moore Construction	\$149,666

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

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

Resolved that the installation of the Sommerville Valley/Jed Lane Box Culvert project be awarded to the low bid of \$148,900 from D & H Excavating.

There was discussion on the practice of receiving bids electronically. Although the procedure is legal, the Board recommended that in the future bids of significant cost be opened with the opportunity for the bidders to be present for the bid.

- NYSERDA Town Center Project

Design is complete. Work is expected to start the 1st week in June. The first set of windows have been ordered and the project will be tackled in stages.

- Historical Society Building

The installation of a mini-split A/C unit and sealing of the floor-wall connection around the perimeter of the building is complete.

- Water Consolidation

The first step to implement the consolidation is for the Village to adopt a "Resolution Granting Consent to a Proposed Extension for the Town of Ellicottville Consolidated Water District No. 1 into the Village". This will be done at the Village's May 20th meeting. The public then has 30 days to petition for a public referendum if they so choose. If no such action is taken, the Town can proceed to the next step. Mr. Pierson asked that the Board review the new water/sewer rate structure and provide feedback. The goal is to have the consolidation completed by October.

### **New Business**

- Championship Rodeo Request

Ellicottville Championship Rodeo (John and Karen Kent) sent a letter announcing the plans for their annual Rodeo, July 5th through July 7th. They have requested a Noise Permit until 1:00am.

On **MOTION** by Mr. Hinman, seconded by Mr. Zervas, the Town Clerk is directed to issue a Noise Permit to the Ellicottville Championship Rodeo as requested. All Ayes. Carried.

The Kent's have also requested that the Town write a letter to the State Liquor Authority stating that the Town has no objection to them getting a temporary beer/wine permit for that weekend.

On **MOTION** by Mr. Hinman, seconded by Mr. Zervas, the Town Clerk is directed to write a letter to the State Liquor Authority stating that the Town has no objection to the Ellicottville Championship Rodeo's obtaining a temporary beer/wine permit for the weekend of July 5th through July 7th. All Ayes. Carried

- **Tom Scharf - Highway Department**

The Highway department has been patching roads, cutting trees and ditching. The 3.5 inch coldmix overlay on Simmons Road will begin on Monday with help from Machias, Mansfield and E. Otto.

### **Old Business**

- 28 Parkside, Legal Description Revision

The title search has been mailed but not yet received.

- EVGV Trail

All of the grading releases have been signed covering the proposed trail from Town Center to Tim Hortons. They were able to obtain good insurance coverage for about \$2,000 per year.

- Joint Water District Meeting - June 13th at 1:30pm
- Northgate Village Drive

There is an ongoing issue contacting one of the property owners.

- Cemeteries

Supervisor McAndrew will meet with Levi Woolcott, WNY Cemetery Service in the first part of June. Mr. Crowley would also like to meet with them.

- Harassment Training

Mr. Pierson will have a date for the training at the next meeting.

Motion by Mr. Hinman, seconded by Mr. Crowley to go into executive session at 7:40 pm. All Ayes. Carried.

Motion by M. Crowley, seconded by Mr. Hinman to resume regular session. All Ayes. Carried.

- **Adjournment**

Motion by Mr. Fitzpatrick and second by Mr. Hinman to adjourn the meeting at 8:05pm. 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 May, 2019, approved by said Board on the 26th day of June, 2019.

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Robyn A. George, Town Clerk