

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE JULY 15, 2020 at 6:00 pm
ELLICOTTVILLE TOWN HALL

<u>Present:</u>	Matthew McAndrew	Supervisor
	Ken Hinman	Councilman - via phone
	Greg Fitzpatrick	Councilman
	Steve Crowley	Councilman
	John Zervas	Councilman
	Kathleen Moriarty	Attorney for Town
	Robyn George	Town Clerk
	Don Auge	Officer in Charge - via phone
	Gary Palumbo	Town Planner

Others present: John Thomas, press

Call meeting to order:

Supervisor McAndrew called the meeting to order at 6:00pm and led the Pledge to the Flag. The meeting was open to the public and could also be accessed via teleconferencing.

Public Hearing Local Law No. 3

"A Local Law to Override the Tax Levy Limit for Fiscal Year 2021"

The Public Hearing on Local Law #3 was opened. There were no members of the public present to speak for or against the Local Law.

MOTION by Mr. Crowley seconded by Mr. Zervas to close the public hearing on Local Law #3 of 2020. All Ayes. Carried.

On motion by Mr. Zervas and second by Mr. Fitzpatrick 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 Zervas	Aye

**. LOCAL LAW No. 3 - 2020 entitled
"A Local Law to Override the Tax Levy Limit for Fiscal Year 2021"**

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 2019 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 2021 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.

Approve Minutes

- Town Board Meeting - June 17, 2020

On motion by Mr. Fitzpatrick and second by Mr. Zerfas the minutes of the June 17th Board meeting were:

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

Audit of Claims

- Pay Town bills on Distribution Report #07-2020

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 07-20 as follows:

001 - General Fund A:	\$ 16,869.00		
002 - General Fund B:	\$ 2,274.33		
		General Fund Total:	\$ 19,143.33
004 - Highway DB	\$ 62,535.25		
		Highway Fund Total:	\$ 62,535.25
006 - Water	\$ 20,553.29		
		006 - Water Fund Total	\$ 20,553.29
		Grand Total:	\$114,984.85

Supervisor's Reports

- Accept Supervisor's June 2020 Financial Report

On motion by Mr. Fitzpatrick and second by Mr. Zervas the Supervisor's June 2020 Financial Report was

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

- Buffalo Solar Solutions Presentation

Buffalo Solar Solutions is proposing installing solar panels at the Highway facility. The Town would get free electricity from the Co-op, but would still have to pay delivery charges. They estimate that the Town could save \$47,000 per year, or \$1.1 million over the lifetime of the agreement. One issue may be that there is one year left on the Town's agreement with Constellation. Ms. Moriarty was asked to review the Constellation contract

Present Written Department Reports for Approval

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

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

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

Department Heads

- **Don Auge - Police Department**

OIC Auge reported that all is going well with his department. He has been blanking some shifts in an attempt to save the Town money.

- **Tom Scharf - Highway Department - Absent**

New Business

- Chamber Request - Gazebo Series

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

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

Resolved that the Ellicottville Chamber of Commerce be granted permission to use the Town Gazebo for this year's Gazebo Series starting Thursday, July 9th and continuing Thursdays through August 6th with entertainment from 7pm-9pm.

Further resolved that the Chamber be required to provide the Town with an insurance certificate naming the Town as additional insured.

- Water Bill Adjustments

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

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

Resolved that the Town Board accept the following adjustments to the water bills:

Account

2400	-52.50	Pump station owned by Town, metered for usage only
1901	+1312.50	Win Gate - compound meter, WLB not set up right
1900	- 138.40	" " "
0399	- 5.25	Paid for 2 accounts, credited only one, remove late fee

- Wage for Youth Director Assistant

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

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

Resolved that the Youth Director Assistant for the Park Program be paid \$13.00/hr.

- Host Community Agreement - Solar

Town Planner, Gary Palumbo explained that a Host Agreement for proposed Solar Projects is an agreement between the developer and the Town. The Town could request a lump sum payment, annual payments, funds for specialty equipment, Fire Department, training, roads or whatever the Town sees fit. While the Planning Board will be responsible to address costs directly related to the solar project, the Host Agreement addresses indirect impacts. The Town has been assured that they will be involved in any proposed PILOT Agreement and a PILOT agreement will not be approved until the Town reaches an agreement with the developers on the Host Agreement. Mr. Palumbo and Ms. Moriarty will do more research on Host Agreements.

- Planners Report

The Planning Board will hold a pre-application conference with RIC Energy for a new solar farm on Sommerville Valley Rd. Mr. Palumbo suggested that the Planning Board hold informational meetings on proposed solar farms to keep the public informed.

The Planning Board will also conduct a review of the implementation section of the Comprehensive Plan in order to determine which items were accomplished

during the previous year and to determine if any items need to be updated or amended.

- Engineer Position

The Town has narrowed down the applicants for the Engineer Position to 2 very qualified individuals. A decision could be made within 2 weeks.

- Approve BI/CEO Truck Purchase

A bid was submitted for a new truck for the CEO/Building Inspector. A question came up as to what budget line the funds would come out of since there is nothing budgeted in the Equipment line. There is, however, enough in the Contractual line to cover the expense. The accountant and engineer will be consulted.

Since only \$2,000 was offered for the trade-in of the current truck, it will be auctioned.

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

Ayes 5 -McAndrew, Hinman, Fitzpatrick, Zerfas and Crowley
Nays 0

Resolved that the Town approve the purchase of a new, 2020 Ford F-150 XLT 4WD truck at a cost of \$34,138.52 with the condition that the Village pay for half.

Old Business

- Valley Village

Attorney Moriarty will try to set up a virtual meeting with the HOA.

- Quackenbush Update

Ms. Moriarty drafted a resolution to file a certificate of abandonment for the lower part of Quackenbush Road, however, she suggested having a survey done to accurately define the length of the road in question. She added, SEQR will also have to be prepared. Supervisor McAndrew suggested that a request from the Highway Supervisor be sent to the County asking for a Road Maintenance Survey.

- EVGV Trail

Mark Alianello and Supervisor McAndrew will inventory the surplus materials that the County is donating to the Town (which will be turned over to the trail). Contractor's are being asked for help to dig out stumps, etc. Great Valley and Ellicottville highway departments are offering 2 trucks apiece to help dispose of debris created by the clearing of the trail.

- Canada Hill Property

The Town has been looking into obtaining the gravel pit owned by Cold Spring Construction for tree debris disposal. There is a meeting scheduled for July 21st to work out details.

- Catt. Co. Extension Lease - on-going

Adjournment

Motion by Mr. Fitzpatrick and second by Mr. Zerfas to adjourn the meeting at 6:55pm. 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 July, 2020, approved by said Board on the 19th day of August, 2020.

Robyn A. George, Town Clerk