

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE, October 20, 2021 at 6:00 pm
HELD AT THE TOWN HALL

<u>Present:</u>	Matthew McAndrew	Supervisor
	Greg Fitzpatrick	Councilman
	Ken Hinman	Councilman
	John Zervas	Councilman
	Steve Crowley	Councilman
	Kathleen Moriarty	Attorney for Town
	Robyn George	Town Clerk
	Gary Palumbo	Town Planner
	Ben Slotman	Town Engineer
	Tom Scharf	Highway Superintendant
	Don Auge	Officer in Charge

Others present: Seth and David Pullen, newly appointed Attorneys for the Town, Mrs. Pullen, Kathy Kellogg, press

Call meeting to order:

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

He then introduced Seth and David Pullen who have been appointed to fill the position of Town Attorney as Kathleen Moriarty will be stepping down.

Approve Minutes

- Town Board Meeting –September 15, 2021
- Special Budget Workshop Meetings – September 22nd, 27th and 29th

On motion by Mr. Crowley and second by Mr. Zervas the minutes of the September 15, 22, 27, and 29, 2021 Board meetings were:

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

Audit of Claims

- Pay Town bills on Distribution Report #10-2021

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

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

Resolved that the Town bills be paid on General Ledger Distribution Report 08-21 as follows:

001 - General Fund A:	\$ 37,634.25		
002 - General Fund B:	\$ 2,871.50		
		General Fund Total:	\$ 40,505.75
004 - Highway DB	\$220,694.20		
		Highway Fund Total:	\$220,694.20
006 - Water	\$ 22,656.34		
		<u>006 - Water Fund Total</u>	<u>\$ 22,656.34</u>
		Grand Total:	\$283,856.29

Supervisor's Reports

- Accept Supervisor's September 2021 Financial Report

On motion by Mr. Hinman and second by Mr. Crowley the Supervisor's September 2021 Financial Report was

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

- Supervisor's Meeting

22 Supervisors attended the special dinner meeting. Bob Keis, Town of Mansfield's Supervisor, was honored. He will be stepping down as Supervisor January 1st after 30 years of service as Town Supervisor.

- Four Flusher's Meeting

Town Engineer Ben Slotman reviewed the minutes of the Four Flushers meeting. Items of discussion included the following:

- 1) Working on implementing tax for 2023 tax roll to Water District.
- 2) Water Project- CPL received comments from NYS DOT.
 - Status of easements and land swaps

- Telemetry Contract
- 3) Town Sewer Project – Fox Ridge
- 4) Sewer Plant Boiler and emergency power connection
- 5) DWSP@ - Source Water Protection – Stakeholders meeting 10-26
- 6) Out of District Water user agreement.
- 7) WIIA Grant – attended on-line seminar to help set goals for next year’s application.
- 8) Hazard Mitigation Plan Grant – proposing to install generators at the DPW and Town Highway Barn.
- 9) Sexual Harassment Training – on-line or in person.
- 10) Elk Creek Subdivision – Water and Sewer installed.

- Budget Meeting Reminder – Oct. 21st at 4pm

Present Written Department Reports for Approval

- Clerk’s, Police, Building Inspector’s, Justices and Planner's Reports

On **motion** by Mr. Hinman and second by Mr. Zerfas the Clerk’s, Police, Building Inspector’s, Justices and Planners reports were:

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

Department Heads

- **OIC Auge - Police Department**
- Spry Resignation

Officer Larry Spry submitted a letter of resignation after 33 years of service. He would like to continue working for the Town but needs to resign for 24 hours in order to start collecting retirement benefits.

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

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

Resolved to accept the resignation of Larry Spry.
 Further resolved to reinstate Mr. Spry as a police officer for the Town at the same rate of pay, in the same capacity.

- Fall Festival

OIC Auge reported that there were not a lot of complaints over Fall Festival weekend. Most of the complaints were parking related.

- Noise Ordinance

The enforcement of the Town Noise Ordinance was discussed. There were 3 noise complaints over Fall Festival weekend. One establishment was given 2 appearance tickets, 6 so far. The ticket goes to the management or owner. The Board asked if a written complaint is necessary. OIC Auge responded no, the officers will check out verbal complaints. He encourages complainants to call dispatch if they don't get an answer at the office.

The enforcement of enforcing Village Ordinances was discussed. Attorney Seth Pullen suggested aligning noise ordinance with the Village. He will talk to the Village attorney. Raising the maximum fine was also discussed.

- Mill Street parking

There were some issues with cars parking on the new sidewalks on Mill Street and the parking law in general. Mr. Pullen will touch base with Village Attorney regarding parking law. The Town will put up "no parking" signs in the Town on Mill Street.

- **Gary Palumbo – Town Planner**

Mr. Palumbo reviewed his report.

- Comprehensive Plan

The Planning Board and Mr. Palumbo are reviewing possible updates to the Comprehensive Plan. Route 219 was discussed. He will contact the DOT. He says it is important to leave room to update land use regulations.

- Asbestos Abatement

The Town received 3 quotes for air monitoring and 3 quotes for abatement of the asbestos at the Town Center. Mr. Palumbo prepared a few question to ask bidders in order to achieve quotes for equal services (apples to apples). This will allow the Town to align quotes in terms of scope. He will ask bidders to confirm total number of days on site, confirm bids include removal of debris, etc. Also, confirm that the quotes ensure work is being done under prevailing wage guidelines.

Ben Slotman – Engineering Department

Mr. Slotman prepared a letter to the NYS DOT requesting a speed reduction on a portion of Rte. 219.

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

Be it resolved that the Town of Ellicottville hereby requests the NYS Department of Transportation to establish a lower maximum speed at which vehicles may proceed on US Route 219 in the Town of Ellicottville from the east intersection with Route 242 north to mile marker 3110.

The question of the adoption of the resolution was duly put to vote, which resulted as follows:

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

The foregoing resolution was thereupon declared duly adopted.

- **Tom Scharf – Highway Superintendent**

Patching has been completed. The process is slow done by hand. Mr. Scharf will be looking into whether or not there is a more expedient way to patch the edges.

Harold Morton and George Hinman have agreed to work part-time to aid in snow removal this winter.

New Business

- Streetlight Request

The residents of Evergreen, Hemlock and Northgate Village Roads are requesting that the Town install streetlights in the area. They contend it is very dark and there is a safety concern because of the increasing number of pedestrians. Mr. Slotman has contacted National Grid but received no response so far. He said one of the challenges will be that the electrical cables are all underground. There was some discussion about requiring new subdivisions to install pole lights as part of the approval of the plat. Also discussed was the possibility of creating Special Street light districts.

- Set Budget Public Hearing

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

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

Nays 0

Resolved that the Town Board hold a Special Meeting and Public Hearing on Wednesday, November 3rd to review and adopt the 2022 final budget.

- Valley Village

Attorney Moriarty distributed a resolution to convey the parking lot to Valley Village HOA to the Board for review. Some easements need to be finalized.

- Water Bill Adjustment

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

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

Resolved that the Town adjust the water bill and issue a refund for account #3149 by \$576.65. The account was overcharged because the wrong billing code was entered in the system.

Old Business

- EVGV Trail - Chicken BBQ benefit on October 23rd.
- Catt. County Extension Lease

The Lease Agreement with the Extension has been finalized with minor changes.

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

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

Resolved that the Town approve the lease agreement for the lease of the Town Center Suites to Cornell Cooperative Extension of Cattaraugus County as presented.

Further resolved that the Town Supervisor is authorized to sign said agreement when the Catt. Co. Extension does.

Adjournment

Motion by Mr. Hinman, seconded by Mr. Fitzpatrick to adjourn the meeting at 7:45pm. 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 20th day of October, 2021, approved by said Board on the 17th day of November, 2021.

Robyn A. George, Town Clerk