

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE MAY 16, 2018 at 6:00 pm
ELLICOTTVILLE TOWN HALL

<u>Present:</u>	Mathew McAndrew	Supervisor
	Ken Hinman	Councilman
	Greg Fitzpatrick	Councilman
	Steve Crowley	Councilman
	John Zervas	Councilman
	Robyn George	Town Clerk
	Niles Pierson	Town Engineer
	Don Auge	Officer-in-Charge

Also Present: Kerry Steele, Caitlyn Croft, Press, Gary Palumbo, Town Planner

Call meeting to order:

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

Public Hearing - Local Law No. 2 - 2018 entitled:

A Local Law Amending the Zoning Code, as it was set forth in Local Law No. 3 - 2009 entitled "Town of Ellicottville Zoning Law"

Supervisor McAndrew opened the public hearing.

Approve Minutes

- Town Board Meeting - April 18, 2018

On motion by Mr. Hinman and second by Mr. Fitzpatrick the minutes of the April 18, 2018 Board meetings were

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

Audit of Claims

- Pay Town bills on Distribution Report #05-18

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 bills be paid on General Ledger Distribution Report 04-18 as follows:

001 - General Fund A:	\$28,791.73		
002 - General Fund B:	\$ 5,841.37		
		General Fund Total:	\$ 34,633.10
004 - Highway DB	\$31,906.07		
		Highway Fund Total:	\$ 31,906.07
		006 - Water Fund Total	<u>\$ 7,263.75</u>
		Grand Total:	\$ 73,802.92

Executive Session

Motion by Mr. Crowley and second by Mr. Zervas to go into executive session to discuss an employee's history in relation to the EPOA agreement at 6:07pm. All Ayes. Carried.

Motion by Mr. Hinman and second be Mr. Zervas to resume regular session at 6:20pm. All Ayes. Carried

Supervisor's Reports

- Supervisor's Report

On motion by Mr. Crowley and second by Mr. Zervas the Supervisor's April 2018 Financial Report was

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

- Catt. Co. Supervisor's Meeting

The following topics were discussed at the meeting:

- There will be a meeting on May 30th at Holiday Valley regarding the CFA.
- The County Planning & Tourism Department completed the census and will be notifying residents.
- Land Bank progress -asbestos abatements and demos are planned.

- Workshop at Holiday Valley

A workshop on Community Visioning will be held on June 5th at Holiday Valley.

- DRI Grant Update

The public input process is complete and the application is moving forward.

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

- Hiring of Jesse Barber - Full-time Temporary

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 ratify the appointment of Jesse Barber as a full-time temporary Police Officer effective May 1, 2018 to be compensated at a rate of \$23.75 per hour (step one of the EPOA).

Niles Pierson - Engineering Department

- Monthly Report

Mr. Pierson submitted a monthly report for April outlining the department's projects and progress. Staff meetings are being held twice a month.

- GPS/GIS Locating Project

All of the Village water/sewer assets have been located and the locating of the Town's assets should be done by the end of the week. MDA Engineering will be entering the data into the database and should have a final report in June.

- Bob Scharf

Mr. Pierson is asking that Bob Scharf continue to work on a part-time basis for the rest of the year instead of hiring an Assistant Engineer right away. He also would like to hire a college Engineering Intern this summer with the hopes of hiring him/her on a full time basis in the future.

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

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

Resolved that the Town continue to employ Bob Scharf through the end of the year with his wages taken out of the engineering budget.

- Safety Training -JCC

The Highway and Public Works Departments will be attending Safety Training on June 21st and 22nd at the Town Hall. JCC will be putting on the training.

- IT Services

Mr. Pierson says his department is in need of IT Services to set up a server network link for the autocad and GIS database among other IT needs. He is trying to find a MWOB for the job to help satisfy one of the grant requirements

- Meeting with DOS - Grant Requirements

Chris Grant with the Department of State met with Mr. Pierson and Supervisor McAndrew to go over the guidelines for spending the grant money and how to track expenses. The Town must prove savings for 5 years. 30% of the grant money must be spent on contracts with MWOB. The final contract should be in place in 4-6 weeks and then the Town can expect to start receiving reimbursements.

- Highway Barn Electrical Issues

A site visit with Gerwitz and McNeil will be set up to determine the scope of the project in order to put it out for bid.

- MDA Contract

MDA Consulting Engineers, PLLC provided a proposal for Engineering Services related to providing support and transition services to the new Town Engineer, Niles Person. The services would be provided on an as needed basis at an hourly rate.

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

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

Resolved that the Supervisor is authorized to sign the Short Form of Agreement with MDA Consulting Engineers as presented.

Tom Scharf - Highway Department

- Approval to Spend Highway Funds - Paving of Intersections

Mr. Scharf obtained the following quotes for the paving of the intersections of Route 240 and Irish Hill Rd., Irish Hill Rd. and Old Route 219, North Irish Hill Rd. and Old Route 219 and Jackman Hill Rd and Old 219:

Matuszak's Blacktopping	- \$37,065.00
Bennet's Sealcoating	- \$38,900.00
Northeast Diversification	- \$47,000.00

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

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

Resolved that the Town accept the bid of \$37,065.00 from Matuszak's Blacktopping and authorize Mr. Scharf to move forward with the projects.

- F550 Quote for 2019

Mr. Scharf obtained a quote for a new F550 diesel extended cab truck off of a piggyback bid in the amount of \$114,400.00. He explained that it would be for the 2019 budget year but he would like to get it ordered so he can accept delivery in January, 2019. The Board will consider it and will address it at the next meeting.

New Business

- Championship Rodeo Requests

Ellicottville Championship Rodeo (John and Karen Kent) sent a letter announcing the plans for their annual Rodeo, July 5th through July 8th. They have requested a Noise Permit until 1:00am.

On **MOTION** by Mr. Crowley, seconded by Mr. Hinman, 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. Crowley, seconded by Mr. Hinman, 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 8th. All Ayes. Carried.

- Approval of SEQR - Zoning Amendment

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

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

Resolved that based on the information and analysis on the SEQR application, and any supporting documentation, the Zoning Text Amendment will not result in any significant adverse environmental impacts.

- Zoning Amendment Approval of Local Law

Motion by Mr. Crowley and seconded by Mr. Zerfas to close the Public Hearing on Local Law No. 2 - 2018. All Ayes. Carried

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 Town approve the following Local Law:

LOCAL LAW NO. 2 - 2018

A LOCAL LAW AMENDING THE ZONING CODE, AS IT WAS SET FORTH IN LOCAL LAW NO. 3 – 2009 ENTITLED “TOWN OF ELLICOTTVILLE ZONING LAW”

Pursuant to Mun. Home Rule Law § 10:

BE IT ENACTED by the Town Board (“Board”) of the Town of Ellicottville, New York (“Town”) as follows:

Article I. **Statement of Purpose.** The Board finds that it is in the best

interests of the Town and its residents to amend certain sections of the Town of Ellicottville Zoning Law.

Article II. County Referral. Pursuant to the provisions of Gen. Mun. Law § 239-m, the Cattaraugus County Planning Board has recommended and approved the amendment of the Town of Ellicottville Zoning Law as set forth here.

Article III. State Environmental Quality Review. The Board has complied with all applicable provisions of the State Environmental Quality Review Act (SEQRA) prior to its adoption.

Article IV. Zoning Law Amendment. The Town of Ellicottville Zoning Law, adopted on October 27, 2009 and effective December 1, 2009, is amended as follows:

Article 2 - Definitions

Sign, Electronic Message Board: A ground sign or wall sign which is programmable to display an illuminated message with words, symbols, figures or graphic images that can be altered or rearranged by remote or automatic means. Typically, these signs utilize LEDs (or light-emitting diodes), plasma or LCD technology to produce the character and graphics of the display.

Article 12, Section 12.1-D. - Prohibited Signs:

(3) Signs that contain flashing, moving, or animated parts. One Time and Temperature Unit will be permitted, per sign. Electronic Message Boards are allowed in conformance with Section 12.1-J.(1)g.

Article 12, Section 12.1-F.(8) - Illumination:

b. Internally illuminated signs are not permitted, except electronic message boards in conformance with 12.1-J.(1)g.

Article 12, Section 12.1-J.(1) - Sign Permits Authorized by Planning Board:

Signs g. Signs containing digital displays – Electronic Message Board

The Planning Board may approve a static digital display as part of a sign, provided that the display complies with the

standards in this section. In making its determination, the Planning Board shall consider: site location; sign location and orientation on the site; purpose of the proposed sign (for direction, information, or business advertising); nature and speed of the road where the site is located on (Town, County or State highway); and compatibility with existing neighborhood character.

- (i) The digital display is a portion of a sign that otherwise meets the standards of this zoning law.
- (ii) The digital display does not take up more than 66% of the sign face area, or 32 square feet, whichever is less.
- (iii) The digital display shall remain static for a period of no less than five (5) seconds (for messages that relay directional information or instructions such as parking availability or event location). The display of time and temperature information may change at no less than five (5) second intervals.
- (iv) The digital display is static and does not contain animation or moving features. The transition between successive messages shall be instantaneous and shall not contain such visual effects as scrolling, fading, dissolve, flashing, blinking or animation.
- (v) The digital display contains the minimum number of colors needed to adequately convey the intended message; the Planning Board may limit the number of colors to be displayed.
- (vi) The digital display shall not display light of such luminance so as to cause glare or otherwise impair the vision of a driver, or which results in a nuisance to a driver or abutters on neighboring properties.
- (vii) The sign containing the digital display is located in such a way that it does not cause a distraction or a hazard to drivers.
- (viii) Electronic message board signs are not permitted in the C, A-R, LD or MD districts.
- (ix) Electronic message board signs shall not be located off-premises; or advertise any off-premises business,

product, service, activities, sales or events which is generally conducted or offered elsewhere than upon the premises or parcel where the sign is located.

Article 12, Section 3.8 – Schedule of Requirements – Land Use Table:

LAND USE TABLE

USE – DESCRIPTION	C	A-R	LD	MD	HD	GC
Miscellaneous uses						
Electronic Message Board Signs* P (*with Planning Board approval)	NP	NP	NP	NP	P	P

Article V. Effective Date. This local law shall become effective immediately.

- Town of Ashford Resolution

The Town of Ashford passed a resolution which states, in part, "The Town of Ashford maintains as a goal the release of the Site the unrestricted future use of the land, and the Site should not be used for long-term waste storage."

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 of Ellicottville support the following resolution that was passed by the Town of Ashford in regards to the toxic waste site located in Ashford:

Whereas; The Western New York Nuclear Service Center in the Town of Ashford has housed radioactive and toxic waste for over 50 years on a site that should never have been allowed to hold any waste nor would be allowed today because of Nuclear Regulatory Licensing rules and;

Whereas; The Department of Energy (DOE) and NYS Energy Research & Development Authority (NYSERDA) will determine the final disposition of that waste through an Environmental Impact Statement (EIS) process, along with the Town of Ashford as a participating agency and;

Whereas; For any alternative that leaves waste onsite, the Draft SEIS should address the adverse impacts on the community character of Ashford, including such impacts on the town's residents and its prospects for economic development, resulting from the stigma of radioactive waste, and

Whereas; The Town of Ashford expects the Site Managers to recommend policies that will affect, ameliorate, or replace the losses to the community from the redirection in economic activity at the Center, and

Whereas; For any alternative that leaves wastes on site, scope of the SEIS should include items such as education, equipment, training, emergency response planning, redundant backup responses, medical preparedness, long-term health follow-up, environmental cleanup, and associated adequate funding for said items, and

Whereas; The Town of Ashford's goal that the cleanup result in unrestricted release of the Site is the assertion that the Site is not suitable for the long-term storage of long-lived radionuclides. In the years since the Site was selected and the facilities constructed, the government and the public have come to more clearly understand the dangers associated with radioactive wastes and the conditions and criteria that will maximize protection of human health and safety and the environment during the handling, management, reprocessing, storage and disposal of radioactive materials. The Western New York Nuclear Service Center Site does not meet existing U.S. Nuclear Regulatory Commission (NRC) licensing criteria, and

Whereas; onsite storage would be minimal under the site wide removal alternative because only about 1% of the waste (by volume) would be "orphan" waste for which offsite disposal is not currently available. Offsite disposal capacity is currently considered available for about 99% of the exhumed waste. Thus, almost all of the waste "is expected to be shipped off site as it is exhumed and processed.

Now Therefore Be It Resolved; The Town of Ashford maintains as a goal the release of the Site the unrestricted future use of the land, and the Site should not be used for long-term waste storage.

- Retirement Resolution

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

Accepted: Ayes 4 - McAndrew, Hinman, Crowley & Fitzpatrick
Abstention 1 - Zerfas
Nays 0

Resolved that the Town hereby establishes the Standard Work Day for Town Councilman, John Zervas at 6 hours and the Record of Activities at 3.08 days per month to be reported to the NYS and Local Retirement System.

Old Business

- EVGV Trail

A meeting is planned with Ellicottvillas to address their concerns about volunteers working on their property and the clearing of trees. SteelBound has express interest in having the Trail go to their property.

Correspondence

- Thank You - Jesse Barber

A driver who was passing through Ellicottville hit a pothole which resulted in a flat tire. Police Officer Barber helped him to change the tire and he wrote a letter thanking him and saying that "he is a credit to your town!".

- NYS Tax Code - Charitable Gifts

A new optional program is being proposed by the State to empower local governments to establish local charitable gift reserve funds and to offer real property tax credits. The program is complicated and in the planning stages.

- Sexual Harassment Training Program

The State is expected to produce a model sexual harassment policy and training program.

Adjournment

Motion by Mr. Crowley and second by Mr. Hinman to adjourn the meeting at 7:30pm in memory of Paul Kingston who passed away recently. Mr. Kingston was a active part of the community for 50 years and worked to keep the Nannen Arboretum open and beautiful. 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 May, 2018, approved by said Board on the 20th day of June, 2018.

Robyn A. George, Town Clerk