

MINUTES OF THE  
REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF ELLICOTTVILLE JULY 18, 2018 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 Zervas	Councilman
	Robyn George	Town Clerk
	Niles Pierson	Town Engineer
	Don Auge	Officer-in-Charge
	Tom Scharf	Highway Superintendent

**Also Present:** Caitlyn Croft and John Thomas, Press

**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 3 - 2018 entitled:**

"A Local Law to Override the Tax Levy Limit for Fiscal Year 2019"

The Public Hearing on Local Law #3 was opened. There were no members of the public present, so Supervisor McAndrew left the public hearing open and proceeded with the meeting.

**Approve Minutes**

- Town Board Meeting - June 20, 2018

On motion by Mr. Zervas and second by Mr. Hinman the minutes of the June 20, 2018 Board meetings were

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

**Audit of Claims**

- Pay Town bills on Distribution Report #07-18

On motion by Mr. Hinman and second by Mr. Zervas 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 07-18 as follows:

001 - General Fund A:	\$55,324.41		
002 - General Fund B:	\$ 1,356.00		
		General Fund Total:	\$ 56,680.41
003 - Highway DA	\$ 82,542.08		
004 - Highway DB	\$134,636.15		
		Highway Fund Total:	\$217,178.23
		006 - Water Fund Total	<u>\$ 5,637.08</u>
		Grand Total:	\$279,495.72

### **Supervisor's Reports**

- Supervisor's Report

**On motion** by Mr. Hinman and second by Mr. Zervas the Supervisor's June 2018 Financial Report was

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

- Intermunicipal Water Agreements

Mr. Pierson has been working on revising the Water Agreements and consolidating the maintenance and purchase agreement. He has suggested that the purchasing of the 7.5 million gallons of water from the Village for \$25,000 remain the same. He has put forward a 2 year time line for merging the Town and Village districts. The revised contracts will be presented at next month's meeting for a vote.

Mr. Pierson is proposing that the Town/Village utilize a software system by Dude Solutions to link with the GPS system. It is very user friendly and can be coupled with an asset management system. It will identify hot spots and be a useful budgeting tool.

- DRI Update

The Grants Writer is expecting to hear something on the DRI by the end of the month. The CFA Application will be submitted by July 27th. It involves local waterfront revitalization with a 75%/25%(Town) split of expenses. It can encompass anything that drains into Cattaraugus Creek.

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

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

On **motion** by Mr. Fitzpatrick and second by Mr. Hinman 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**

- Radar Signs

OIC Auge received a notice that a company that sells traffic radar signs that display a motorist's rate of speed is offering a 2 for 1 sale. They run off solar or battery power. Since the Board has expressed some interest in this type of sign in the past, he will do some more research into them and explore the possibility of getting a grant to pay for them.

#### **Niles Pierson - Engineering Department**

Mr. Pierson reported that the Department of Health has written the Town/Village up for the lack of chorine shut-off valves in the past. He would like to rectify that. Also, he says some of the PRV's are in bad shape and need replacing. He obtained a quote of \$3,000 per valve. The DPW will install them in house.

- Monthly Report

Ellicottville Engineering Department "Safety & Health" Manual is being drafted.

Bids for the DPW Building Renovation were accepted. The renovation will include painting, refinishing floors, installing lockers, tables and chairs and 2 new circuits for IT service. The low bid was \$28,500.00 submitted by KC Contracting.

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

Ayes 5 -McAndrew, Hinman, Fitzpatrick, Zervas and Crowley

Nays 0

Resolved that the Town accept the low bid of \$28,500.00 from KC Contracting for the renovation of the DPW building.

Mr. Pierson proposed hiring Wendell Engineering for his Department's GIS needs. The \$9,212.00 fee would include the initial license, data hosting, training and hand held GPS transmitter. The fee would be \$4,000.00 per year thereafter. The Board requested a copy of the proposal.

The Engineering Intern is working on updating the CAMP software to include Village Streets. He has also developed a chart to track energy usage and will be updating the water telemetry system so it can be accessed by phones.

### **Tom Scharf - Highway Department**

The Highway Department has been working on the shoulders on Crane and Dooley Roads. They have also been dealing with wash-outs on Holiday Valley Road due to drainage issues. Mr. Scharf reported that the State plans on paving Rt. 219 from the Village to Holiday Valley Road.

### **New Business**

- Marriage Officer

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

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

Resolution of the Town Board, Town of Ellicottville  
AUTHORIZING APPOINTMENT OF MARRIAGE OFFICER  
Pursuant to Domestic Relations Law Section 11-c

RESOLVED, that John A. Burrell is appointed a Marriage Officer and shall have the authority to solemnize a marriage; and it further

RESOLVED, that said Marriage Officer shall receive no salary or wage for the performance of his duties, but he may accept and keep up to seventy five dollars (\$75.00) for each marriage at which he officiates, paid by or on behalf of the persons married; and it is further

RESOLVED, that said Marriage Officer's term of office shall be for four (4) years commencing July 18, 2018.

- Resolution to divide "Engineering Grant" Money

On **motion** by Mr. Hinman second by Mr. Zervas the following resolution was Accepted

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

Resolved that the Town will split the proceeds from the NY Department of State Local Government Efficiency (NYDOS LGE) grant on a 50/50 basis with the Village of Ellicottville.

- Standard Work Day and Reporting Retirement Resolution

On **motion** by Mr. Hinman second by Mr. Zervas the following resolution was Accepted

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

Be it resolved that the Town of Ellicottville hereby establishes the standard work day for the Town Engineer, Niles Pierson, at 8 hours per day and according to the results of the record of activities report 27.58 days per month to the NYS Retirement System.

- Tax Cap Override

MOTION by Mr. Zervas seconded by Mr. Crowley to close the public hearing on Local Law #3 of 2018. All Ayes. Carried.

On motion by Mr. Hinman 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 - 2018 entitled  
“A Local Law to Override the Tax Levy Limit for Fiscal Year 2019”**

**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 2019 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.

### **Old Business**

- EVGV Trail

Cody Sprague has proposed that the trail run through his property located on Fillmore Drive/Bristol Lane. He is looking into liability issues.

- NYSERDA Grant

The proposal for updating of the lighting at the Town Hall/Town Center is finalized and being reviewed.

## **Adjournment**

Motion by Mr. Hinman and second by Mr. Zerfas to adjourn the meeting at 6:57pm. 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 18th day of July, 2018, approved by said Board on the 15th day of August, 2018.

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Robyn A. George, Town Clerk