MINUTES OF

SPECIAL MEETING

OF THE TOWN OF ELLICOTTVILLE

TOWN BOARD HELD

April 10, 2024 at 4PM

At the Ellicottville Town Hall

Present: Matt McAndrew Supervisor

Steve Crowley Councilman

John Zerfas Councilman

Ken Hinman Councilman

Greg Fitzpatrick Councilman

Seth Pullen Attorney for Town

Jim Bouchard Deputy OIC

Greg Keyser Town Planner

Robyn George Town Clerk

**Call meeting to order:** The meeting was called to order by Supervisor McAndrew.

**BridgeNY**

Mr. Keyser explained that the Kruse Road resolution will allow the Town to be reimbursed with Federal funds for 95% of the total cost of the project and must be completed within 30 months of the start date.

The Crane Road project will be reimbursed with State funds (100%) but

stipulates that the Town must ensure that any contract it awards has a M/WBE and Service-Disabled Veteran Owned Business Utilization Plan.

This project needs to be complete 30 months from July 5, 2023 although extensions may be granted.

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

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

Nays 0

TOWN OF ELLICOTTVILLE

Replacement of Kruse Road over Beaver Meadows Creek

(Bridge NY Project – Locally Administered)

Resolution Number: 1

**Resolution authorizing the implementation and funding of costs of a transportation project, of which may be eligible for federal-aid and/or state-aid, or reimbursed from Bridge NY Funds.**

**WHEREAS**, a project for the replacement of Kruse Road Bridge over Beaver Meadows Creek, P.I.N. 5764.96 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, 23CFR as amended and PUB. L. 117-58 also known as the “Bipartisan Infrastructure Law” (BIL); and

**WHEREAS**, the Town of Ellicottville will design, let, and construct the Project.

**WHEREAS**, the Town of Ellicottville desires to advance the Project by making a commitment of 100% of the costs for the Bridge NY Bridge Replacement of Kruse Road over Beaver Meadows Creek.

**NOW, THEREFORE**, The Town of Ellicottville Town Board, duly convened does hereby

**RESOLVE**, that the Town of Ellicottville Town Board hereby approves the above-subject Project; and it is hereby further

**RESOLVED**, that the Town of Ellicottville Town Board hereby authorizes the Town of Ellicottville to pay 100% of the cost of the replacement of Kruse Road Bridge over Beaver Meadows Creek work for the project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

**RESOLVED**, that the Town of Ellicottville Town Board hereby agrees that the Town of Ellicottville shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the Town of Ellicottville; and it is further

**RESOLVED**, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Town of Ellicottville Town Board shall convene as soon as possible to appropriate said excess amount immediately upon notification by the NYSDOT thereof, and it is further

**RESOLVED**, that the Town of Ellicottville Town Board hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further.

**RESOLVED**, that the Town Supervisor of the Town of Ellicottville be and is hereby authorized to execute on behalf of the Town of Ellicottville all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of Ellicottville’s funding of the Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are no so eligible; and it is further

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

**RESOLVED**, this Resolution shall take effect immediately.

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

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

Nays 0

**TOWN OF ELLICOTTVILLE**

**Replacement of Crane Road Culvert over Bryant Hill Creek**

**(Bridge NY Culvert Project – Municipality Administered)**

**Resolution Number: 2**

**Resolution authorizing the implementation and funding of 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds.**

**WHEREAS**, a project for the replacement of Crane Road Culvert over Bryant Hill Creek, P.I.N. 5765.09 (the “Project”) is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

**WHEREAS**, the Town of Ellicottville will design, let, and administer all phases of the Project.

**WHEREAS**, the Town of Ellicottville desires to advance the Project by making a commitment of 100% of the costs of the Bridge NY Culvert Replacement of Crane Road over Bryant Hill Creek work for the project or portions thereof;

**NOW, THEREFORE**, The Town of Ellicottville Town Board, duly convened does hereby

**RESOLVE**, that the Town of Ellicottville Town Board hereby approves the Project; and is hereby further

**RESOLVED**, that the Town of Ellicottville Town Board hereby authorizes the Town of Ellicottville to pay 100% of the cost of the Bridge NY Culvert Replacement of Crane Road Culvert over Bryant Hill Creek work for the project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

**RESOLVED**, that the Town of Ellicottville Town Board hereby agrees that the Town of Ellicottville shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Ellicottville; and it is further

**RESOLVED**, that in the event the costs of the Project exceed the amount appropriated above, the Town of Ellicottville Town Board shall convene as soon as possible to appropriate said excess amount immediately upon notification by NYSDOT thereof, and it is further

**RESOLVED**, that the Town of Ellicottville Town Board hereby agrees that Town of Ellicottville hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further.

**RESOLVED**, that Town Supervisor of the Town of Ellicottville be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding, on behalf of the Town of Ellicottville in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s funding of the Project costs, and it is further

**RESOLVED**, that the Town of Ellicottville will be responsible for all maintenance of the Project; and it further

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

**RESOLVED**, this Resolution shall take effect immediately.

**Holiday Valley Liquor License Waiver**

The Town of Ellicottville has received requests to waive the required 30 day notification for liquor license approval for WIN SUM SKI CORP. dba HOLIDAY VALLEY RESORT. The waiver is needed because Holiday Valley is eliminating the current contractor for liquor sales and managing the sales in house and needs to obtain its own liquor license.

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

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

Nays 0

The Town of Ellicottville has no objections to the New York State Liquor Authority waiving the 30 day Municipality Notification for an ON PREMISE LICENSE to serve LIQUOR, WINE, BEER & CIDER to WIN SUM SKI CORP. dba HOLIDAY VALLEY RESORT, at the following locations:

MAIN LODGE Bar/Tavern establishment located at 6557 Holiday Valley Road, Ellicottville, NY.

THE INN AT HOLIDAY VALLEY Bar/Tavern establishment located at 6081 US Route 219S, Ellicottville, NY.

EDNA’S AT THE TAMARACK CLUB Hotel establishment located at 6447 Holiday Valley Road, Ellicottville, NY.

TANNENBAUM LODGE Bar/Restaurant establishment located at 6773 Holiday Valley Road, Ellicottville, NY.

YODLER LODGE Restaurant establishment located at 6755 Holiday Valley Road, Ellicottville, NY.

**Executive Session**

Motion by Mr. Crowley, seconded by Mr. Hinman to go into executive session to discuss Police contract. All Ayes, Carried.

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

**Adjournment**

Motion by Mr. Fitzpatrick seconded by Mr. Zerfas to adjourn the meeting at 5:15pm . All Ayes. Carried.