

AGENDA
REGULAR MEETING OF THE ELLICOTTVILLE TOWN BOARD
January 17, 2024 at 6:00pm

Call to Order and Pledge to Flag

Privilege of the Floor

- Dawn Westfall – Historical Society storage options

Approve Minutes

- Town Board Meeting – December 20, 2023
- Town Board Organizational Meeting – January 3, 2024

Audit of Claims

- Pay Town bills on Distribution Report #12-2023

Supervisor's Reports

- Accept Supervisor's December 2023 Financial Report
- Short-term Rental Committee Meeting
- New Leaf Community Host Agreement
- Planning Board Chair and Vice Chair Appointment

Present Written Department Reports for Approval

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

Department Heads

Don Auge – Police Department

Scot Brumagin – Highway Department

Greg Keyser – Planning Department

Ben Slotman - Engineering Department

New Business

- Arboretum Society

Old Business

- Planning Board Vacancies
- BAR Vacancy
- EVGV Trail
- SAM Grant for Windows and Doors
- 6515 Donlen Drive
- Noise Law
- Alarm Law

Correspondence

Attorney/Client Privilege

Executive Session

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE, December 20, 2023
at 6:00 pm HELD AT THE TOWN HALL

<u>Present:</u>	Matthew McAndrew	Supervisor
	John Zerfas	Councilman
	Steve Crowley	Councilman
	Ken Hinman	Councilman
	Greg Fitzpatrick	Councilman
	Robyn George	Town Clerk
	Seth Pullen (via phone)	Town Attorney
	Ben Slotman	Town Engineer
	Greg Keyser	Town Planner
	Don Auge	OIC
	Scot Brumagin	Highway Superintendent

Others Present: Bill and Lori Northrup, Jeff Martin – press

Call meeting to order:

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

Privilege of the Floor

- Dawn Westfall – Historical Society Storage Options

She was unable to attend but will be on next's month's agenda.

- Bill and Lori Northrup, North Park Innovations

Lori and Bill Northrup explained that they would like to expand their business, North Park Innovations. They plan to add 7,000 to 10,000 square feet to their current building and go from 27 employees to 70. They have filed a petition to rezone the property to allow for the expansion.

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

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

Resolved that the Town Board refer the request to the Planning Board for Environmental Review.

Approve Minutes

- Special Town/Village Joint Meeting – November 9, 2023
- Town Board Meeting – November 15, 2023

On motion by Mr. Crowley and second by Mr. Hinman the minutes of the amended Town/Village November 9, 2023 meeting and the November 15th Town Board meeting were:

Audit of Claims

- Pay Town bills on Distribution Report #11-2023

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

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

Resolved that the Town bills be paid on General Ledger Distribution Report 11-23 as follows:

001 - General Fund A:	\$ 49,222.50		
002 - General Fund B:	\$ 4,697.49		
		General Fund Total:	\$ 53,919.99
004 - Highway DB	\$123,123.34		
		Highway Fund Total:	\$123,123.34
006 - Water	\$ 22,537.68		
		<u>006 - Water Fund Total</u>	<u>\$ 22,537.68</u>
		Grand Total:	\$ 199,581.01

Supervisor's Reports

- Accept Supervisor's November 2023 Financial Report

On motion by Mr. Fitzpatrick and second by Mr. Hinman the Supervisor's November 2023 Financial Report was

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

- Short-term Rental Committee

The draft local law on short-term rentals will be presented to the Committee on January 3rd at 6pm.

- Organizational meeting

Motion by Mr. Hinman and second by Mr. Zervas to hold the Organizational Meeting on January 3, 2024 at 4pm at the Town Hall.

- Supervisor's Meeting

A meeting was held on December 7th at the Ellicottville Legion. Newly elected Supervisors attended.

- Resignation – Doc Dayton

Motion by Mr. Zervas, second by Mr. Hinman to accept the resignation of Richard Dayton from the Planning Board with regrets.

- Relinquish Tax Override

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

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

Whereas, the Town of Ellicottville enacted Local Law No. 1 – 2023 entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2024” which expressly authorizes the Town Board to override the tax levy limit.

Whereas, the Town did not find it necessary to exceed the tax cap.

Therefore, the Town relinquishes the Tax Override law.

Present Written Department Reports for Approval

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

On **motion** by Mr. Hinman and second by Mr. Fitzpatrick the Clerk's, Police, Planning, Justice and Building Inspector's reports were:

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

Nays 0

Department Heads

- **Don Auge – Police Department**

There will be a meeting with the Justices, Supervisor, OIC Auge and Officer Bouchard to establish a schedule for the Court.

OIC Auge announced that the new Part-time Police Officer will begin working in February. He has over 20 years experience and should be an asset to the department.

- **Scot Brumagin - Highway Department**

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

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

Resolved that the Board approve the salary increase agreement with Highway Superintendent Brumagin in recognition of his accomplishments and performance on the job, as presented.

- **Greg Keyser – Town Planner**

Holihuts has hired MDA to implement improvements to their plan and will be starting the subdivision process again.

The impact study of the Crosby Gas station project will be updated to include possible future projects.

The DWSP2 Well Head Protection Overlay Zoning District draft regulations are under review.

- **Ben Slotman – Engineering Department**

- **Change Order #5 – JD Northrup Construction**

Change Order #5 would add fencing at the North Well Site to protect the generator and equipment on the outside of the building. It was questioned whether or not this is necessary as other Well sites do not have a fence. The appearance and safety concerns of a chain link fence and barbed wire were also discussed.

On motion by Mr. Fitzpatrick and second by Mr. Zervas the following resolution was NOT

Accepted Ayes 1 - Fitzpatrick
 Nays 4 - McAndrew, Crowley, Hinman and Zervas

Resolved that the Board approve Change Order #5 for the Ellicottville Water System Improvement Project with an increase of \$14,883.75.

- B&L Amendment No. 1

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

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

Resolved that the Board approve Amendment No. 1 to Owner-Engineer Agreement with Barton & Loguidice with regard to the Ellicottville Water System Improvements Project with an increase of \$30,000..

- Cotter Road Culvert

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

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

Resolved that the Board authorize Engineer Slotman to submit a Short Environmental Assessment Form for the Cotter Road Culvert Replacement project and submit the Joint Application form for the project to the DEC..

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

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

Resolved that the Town authorize Engineer Slotman to advertise a Request for Bid for the Cotter Road Pre-cast Concrete Box Culvert.

- Burr Contract

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

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

Resolved that the Board approve the Independent Contractor Agreement for Engineering Services between Mark Burr, PE and the Town of Ellicottville as presented.

New Business

- New Leaf Energy – Community Host Agreement

Attorney Pullen presented a draft Community Benefit Agreement between the Town of Ellicottville and Simmons Rd. Ellicottville Solar 1, LLC. The developer is proposing to pay the Town in five equal annual payments in the amount of \$40,000 per year no later than 30 days following the Project's commercial operation date. The Town would like to propose that payment would be due at the commencement of construction on a 4 year schedule of \$50,000 per year. Mr. Pullen will present a counter proposal to that affect.

Old Business

- Planning Board and BAR vacancies

There have been 3 applicants for the vacancies on the Planning Board. The Town Board is referring the names to the Planning Board for there feedback.

- EPOA

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

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

Resolved that the Town Board approve the 2024-2027 Ellicottville Police Officers' Association Agreement as presented.

- EVGV Trail

The fundraiser on December 10th at Villagios raised \$2,800.

Correspondence

- Thank you – Great Valley Seniors Group

The Ellicottville/Great Valley Seniors Group thanked the Town for the donation that help make the Senior's trips possible.

Adjournment

Supervisor McAndrew announced the Board will enter into Attorney/Client privilege.

Motion by Mr. Crowley seconded by Mr. Zerfas to adjourn the meeting at 7:30pm. 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 December, 2023, approved by said Board on the 17th day of January, 2024

Robyn A. George, Town Clerk

Minutes
Annual Organizational Meeting of the Town Board
Of the Town of Ellicottville
January 3, 2024 at 4:00 PM at the Town Hall

Present:	Matt McAndrew	Supervisor
	Greg Fitzpatrick	Councilman
	Steve Crowley	Councilman
	John Zerfas	Councilman
	Ken Hinman	Councilman
	Robyn George	Town Clerk
	Greg Keyser	Town Planner

The Meeting was called to order at 4:00 PM and the Pledge of Allegiance was led by Supervisor McAndrew.

Resolved, that the Town Board name Five Star Bank and M&T Bank as official Depositories of the Town of Ellicottville for the year 2024.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.
Second: By Steve Crowley

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town Board name Ellicottville NOW, The Villager and Olean Times Herald as official newspapers of the Town of Ellicottville for the year 2024.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.
Second: By Steve Crowley

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that all Gravel sold to the Town be at State, County or Town bid or less.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution
Second: By Steve Crowley

Carried Aye Matt McAndrew
 Aye Greg Fitzpatrick
 Aye Steve Crowley
 Aye John Zerfas
 Aye Ken Hinman

Resolved, that the 2024 regular Town of Ellicottville Board meetings be held on the 3rd Wednesday of the month. All regular meetings are to be held at 6:00 PM at the Town Hall.

Motion: By Steve Crowley to adopt the above referenced resolution.
Second: By John Zerfas.

Carried Aye Matt McAndrew
 Aye Greg Fitzpatrick
 Aye Steve Crowley
 Aye John Zerfas
 Aye Ken Hinman

Resolved, that the Supervisor be empowered to pay all utility bills, US Postage Fees, Bonds and BAN's without prior Board approval.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.
Second: By Steve Crowley.

Carried Aye Matt McAndrew
 Aye Greg Fitzpatrick
 Aye Steve Crowley
 Aye John Zerfas
 Aye Ken Hinman

Resolved, that the Town Board recognizes the Fire Department's appointments of Fire Chief Robert Germain, James Golley, 1st Assistant Chief, and Kyle Germain, 2nd Assistant Chief as Fire Wardens for the Town of Ellicottville for 2024.

Motion: By John Zerfas to adopt the above referenced resolution.
Second: By Steve Crowley.

Carried Aye Matt McAndrew
 Aye Greg Fitzpatrick
 Aye Steve Crowley
 Aye John Zerfas
 Aye Ken Hinman

Resolved, that the Town Board appoint Robyn George as Registrar and Tracy Rozler, Deputy Registrar of Vital Statistics.

Motion: By Steve Crowley to adopt the above referenced resolution.

Second: By Greg Fitzpatrick.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the annual salaries for the elected Town Officials are to be fixed and paid as follows:

Supervisor	\$41,939.00
Deputy Supervisor	\$ 8,254.00
Councilmen – 3 each @	\$ 5,621.00
Town Justice	\$14,468.00
Town Justice	\$14,468.00

Motion: By Steve Crowley to adopt the above referenced resolution.

Second: By Greg Fitzpatrick.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town Board ratify the Town Supervisor's appointment of Steve Crowley as the Deputy Supervisor.

Motion: By John Zerfas to adopt the above referenced resolution.

Second: By Greg Fitzpatrick.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town Board appoint Don Auge as Officer-in-Charge of the Police Department at an annual salary of \$34,999.00 with the understanding that he work an average of 14.5 hours per week.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.
Second: By Steve Crowley.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town Board set the salary of Harry Weissman, Assessor, at \$46,372.00 per year with office hours 2 days per week.

Motion: By Steve Crowley to adopt the above referenced resolution.
Second: By Greg Fitzpatrick.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Highway Superintendent, Scot Brumagin be paid an annual salary of \$72,000.00.

Motion: By John Zerfas to adopt the above referenced resolution.
Second: By Steve Crowley.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town Board ratify the Town Highway Superintendents' appointment of Thomas Raab as Deputy Highway Superintendent with an additional \$2.00 per hour which goes with the Deputy position as outlined in the Highway Contract.

Motion: By Steve Crowley to adopt the above referenced resolution.
Second: By Greg Fitzpatrick.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town Board appoint Tracy Rozler as Summer Recreational Director. The additional pay will be reflected in her hourly rate as indicated in APPENDIX A.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.
Second: By Steve Crowley.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Summer Recreation Attendants be paid minimum wage and the Assistant Youth Director be paid \$16.00/hr.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.
Second: By Steve Crowley.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town Board adopt the pay rate schedule as outlined in Attachment A.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.
Second: By Steve Crowley.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved that, as of January 1, 2017 those employees receiving Health Insurance Coverage through the Town shall contribute 50% toward the cost of any increases or decreases until such time as the employee is contributing 20% of the cost of insurance premiums and the Town is contributing 80% of the cost of insurance premiums.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.
Second: By Steve Crowley.

Carried Aye Matt McAndrew
 Aye Greg Fitzpatrick
 Aye Steve Crowley
 Aye John Zerfas
 Aye Ken Hinman

Resolved, that the Town Board appoint Matt McAndrew and Steve Crowley as official signatories on all the Ellicottville Town Supervisor's banking accounts.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.
Second: By: John Zerfas.

Carried Aye Matt McAndrew
 Aye Greg Fitzpatrick
 Aye Steve Crowley
 Aye John Zerfas
 Aye Ken Hinman

Resolved that the Town Board appoint Matt McAndrew, Steve Crowley and Tracy Rozler (Supervisor's Clerk) as official signatories on the Justice Wire Transfer account.

Motion: by Greg Fitzpatrick to adopt the above referenced resolution.
Second: by John Zerfas.

Carried Aye Matt McAndrew
 Aye Greg Fitzpatrick
 Aye Steve Crowley
 Aye John Zerfas
 Aye Ken Hinman

Resolved, that the Town Board appoint the Town Clerk and Deputy Town Clerk as official signatories on the Ellicottville Town Clerks bank account and the Real Property Tax Collection bank account.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.
Second: By Steve Crowley.

Carried Aye Matt McAndrew
 Aye Greg Fitzpatrick
 Aye Steve Crowley
 Aye John Zerfas
 Aye Ken Hinman

Resolved, that the Town Board appoint Robyn George as Town Tax Collector.

Motion: By John Zerfas to adopt the above referenced resolution.
Second: By Steve Crowley.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town Board authorize the Highway Department to purchase petroleum products at State or County bid or less.

Motion: By Steve Crowley to adopt the above referenced resolution.
Second: By Greg Fitzpatrick.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town of Ellicottville reimburse Town Officials for expenses when attending meetings outside the Town on Official Town Business with the approval of the Town Board.

Motion: By Steve Crowley to adopt the above referenced resolution.
Second: By: John Zerfas.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Whereas, it is necessary to make application to the Cattaraugus County Youth Bureau, New York State Office of Children and Family Services,

Whereas, it is necessary for the Chief Executive to sign for the Town of Ellicottville now,

Resolved, that the Town Board of Ellicottville does hereby authorize the Supervisor to enter into agreement with the Cattaraugus County Youth Bureau, New York State Office of Children and Family Services to run youth programs for the 2024 program year ending December 31, 2024.

Motion: By Steve Crowley to adopt the above referenced resolution.

Second: By Greg Fitzpatrick

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town Board adopt the Town's Investment Policy as follows:

Investment Policy

The objectives of this investment policy of this local government are to minimize risk, to insure that investments mature when the cash is required to finance operations; and to insure a competitive rate of return. In accordance with this policy, the Chief Fiscal Officer is hereby authorized to invest all funds including proceeds of obligations in;

Certificates of Deposits, savings, money market, issued in a bank or trust company authorized to do business in New York State;

Obligations of the United States Government;

The Town of Ellicottville designates the following Banks;

M&T Bank

Five Star Bank

Collateral: Certificates of deposit shall be fully secured by insurance of FDIC or by obligations of New York State or obligations of the United States or obligations of Federal Agencies the principal and interest of which are guaranteed by the United States Government;

The Ellicottville Town Board shall review and approve the investment policy at least annually, and if practicable, at its organizational meeting and the members shall review and amend, if necessary these investment policies.

The provisions of these investment guidelines shall take effect prospectively, and shall not invalidate the prior selection of a custodial bank or prior investment.

Motion: by John Zerfas to adopt the above referenced resolution.

Second: By Steve Crowley.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick

Aye Steve Crowley
Aye John Zerfas
Aye Ken Hinman

Resolved, that the Town Board authorize the Highway Superintendent to participate in State & County bid prices for materials.

Motion: By John Zerfas to adopt the above referenced resolution.

Second: By Steve Crowley.

Carried Aye Matt McAndrew
 Aye Greg Fitzpatrick
 Aye Steve Crowley
 Aye John Zerfas
 Aye Ken Hinman

Resolved, that the Town Board approve the following Procurement Policy:

Procurement Policy

Whereas, Section 104-B of the General Municipal Law requires every Town to adopt internal policies and procedures governing all procurement of goods and services not subject to the requirements of GML 103 or any other law; and

Whereas, the Town Council has been solicited from their officers of the Town involved with procurement; now, therefore, be it resolved; that the Town does hereby adopt the following procurement policies and the Town does hereby adopt the following procurement policies and procedures:

1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103.
2. All purchases of:
 - a. Supplies or equipment which will exceed \$15,000 in the fiscal year
 - b. Public works contracts over \$35,000 shall be formally bid pursuant to GML 103.
3. All estimated purchases of:

Greater than \$25,000 require a formal bid.
Less than \$25,000 but greater than \$8,000 requires a written request for a responsible formal proposal and written/electronic quotes from 3 vendors.
Less than 8,000 but greater than \$6,000 requires an oral request for the goods and oral/electronic quotes from 2 vendors.
Less than \$6,000 are left to the discretion of the purchaser.

All estimated public works contracts of:
Less than \$35,000 but greater than \$15,000 require a written formal proposal and electronic/proposals from 3 contractors.

Less than \$15,000 but greater than \$8,000 require a written formal proposal and electronic/proposals from 2 contractors.
Less than \$8,000 are left to the discretion of the purchaser.

All Emergency Commodities for Public Work
Greater than \$15,000 require approval by Department Head and the Town Board.
Less than \$15,000 require approval by Department Head.

All Emergency Contracts Public Work
Greater than \$15,000 require approval from Department Head and Town Board.
Less than \$15,000 require approval from Department Head.

Services (other than Professional)
Greater than \$15,000 shall be formally bid.
Greater than \$10,000 but less than \$15,000 require 3 written quotes.
Greater than \$7,500 but less than \$10,000 require 2 written quotes
Greater than \$1,000 but less than \$7,500 require 2 documented verbal quotes
Less than \$1,000 require approval by Department Head

Any written quote shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/electronic/oral quotes offered.

All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

4. The lowest responsible proposal or quotes shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement. "Best value" is defined for this purpose as a basis for awarding contracts "to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers". Therefore, in assessing best value, non-price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts.
5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the

- attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.
6. Except when directed by the Town Board no solicitation of written proposals or quotations shall be required under the following circumstances:
 - a. acquisition of professional services
 - b. emergencies
 - c. sale source situations
 - d. goods purchased from agencies for the blind or severely handicapped
 - e. goods purchased from correctional facilities
 - f. goods purchased from another government
 - g. goods purchased for less than \$6,000.00
 - h. public works contracts for less than \$8,000.00
 7. This policy shall be reviewed annually by the Town Board at its Organization meeting or as soon thereafter, as is reasonably practicable.

Exceptions

1. The following are exceptions from the terms "purchase" and "contract for public works" and are not subject to the contract execution provisions of this Purchasing Policy, nor shall approval of the Town Board be required, as long as the cost for such expense is budgeted:
 - a. Maintenance repairs and parts up to \$7,500.00
 - b. Maintenance and service contracts up to \$7,500.00

Piggybacking on Certain Government Contracts

As an alternative to soliciting competition, the Town may "piggyback" on contracts that have been extended to local governments by other governments. Examples of these would include "piggybacking" on County Contracts and certain State contracts for the procurement of commodities, equipment, material, supplies, services and technology. These contracts may include awards for road salt and fuel, vehicles, heavy equipment, computer hardware and software and more.

Motion: By Steve Crowley to adopt the above referenced resolution.
Second: By John Zerfas.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Resolved, that the Town Board appoint Tronconi, Segarra & Associates as the Town's CPA firm and furthermore authorize Supervisor McAndrew to sign an agreement between the Town and Troconi, Segarra & Associates.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.

Second: By Steve Crowley.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas

Resolved, that the Town Board appoint Richardson, Pullen & Buck, P.C, Attorney At Law, specifically Seth Pullen as the Attorney for the Town and furthermore authorized Supervisor McAndrew to sign the agreement between the Town and Richardson, Pullen & Buck as presented.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.

Second: By Steve Crowley.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Ken Hinman

Motion: By John Zerfas to adopt the following guidelines for public participation during Town Hall meetings and rules of order for Public Hearings

Second by Ken Hinman

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley
	Aye	John Zerfas

GUIDELINES FOR PUBLIC PARTIICPATIION DURING TOWN HALL MEETINGS

Town Board meetings are held to allow the Board to conduct town business. The meeting are held in public but are not public meetings. However, the board invites public participation within the following guidelines:

- 1) Public participation will occur at the beginning and at the end of each Board meeting. The Board may determine other appropriate times for the public to participate.

- 2) The duration of public participation will be 3 minutes per person. Generally, each of the public participation periods will be 14 minutes in duration.
- 3) The Board retains the right to vary the practices for public participation at any given Town Board meeting.
- 4) In most instances, unless the matter is on the agenda or is of an emergency nature, the Board will not respond to public comments at the time provided. The matter may appear on future agendas available on the Town website www.ellicottvillegov.com on Friday afternoon preceding Board meetings.

Rules of Order for Public Hearing.

The purpose of a hearing is for the Board to receive opinions and questions from member of the public with respect to a specified topic/law, etc. Thus, upi are asked to comply with the rules for conducting the hearing.

- 1) The chair will recognize person(s) to speak. Please wait until recognized by the chair.
- 2) Comments should be limited to the topic of the hearing. Comments about other issues can be made during “public comment” of a regular meeting.
- 3) Comments should be prefaced with your name and address.. Your are asked to be clear and concise in your presentation out of consideration for other persons wishing to speak
- 4) A hearing is not a debate between private parties or with the Board. Rather, it is a time for the board to hear viewpoints. Thus, you are asked to address the Town Board. You are asked not to address other members of the public.
- 5) The Board will attempt to answer questions but may have to delay response if information is not available.

Carried	Aye	Matt McAndrew
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Greg Fitzpatrick
	Aye	Ken Hinman

Resolved that the Town Board authorize the Town Supervisor to renew the annual contract with Lake Shore Employee Drug Testing.

Motion: By Greg Fitzpatrick to adopt the above referenced resolution.

Second: By Steve Crowley.

Carried	Aye	Matt McAndrew
	Aye	Greg Fitzpatrick
	Aye	Steve Crowley

Aye John Zerfas
Aye Ken Hinman

Resolved, that Planning Board, Zoning Board of Appeals and Assessment Board of Review compensation as listed in APPENDIX B is approved.

Motion: By John Zerfas to adopt the above referenced resolution.
Second: By Greg Fitzpatrick.

Carried Aye Matt McAndrew
 Aye Steve Crowley
 Aye John Zerfas
 Aye Greg Fitzpatrick
 Aye Ken Hinman

Resolved, that the Town Board re-appoint Tim Zerfas to the Town Planning Board.

Motion: By Ken Hinman to adopt the above referenced resolution.
Second: By Greg Fitzpatrick.

Carried Aye Matt McAndrew
 Aye Steve Crowley
 Aye John Zerfas
 Aye Greg Fitzpatrick
 Aye Ken Hinman

Resolved, that the Town Board appoint the Chairperson to the Town Planning Board and Town Zoning Board of Appeals on the recommendation of each Board, respectively.

Motion: By Ken Hinman to adopt the above referenced resolution.
Second: By Greg Fitzpatrick.

Carried Aye Matt McAndrew
 Aye Steve Crowley
 Aye John Zerfas
 Aye Greg Fitzpatrick
 Aye Ken Hinman

- Town Hall Security System

Resolved that the Town accept the proposal by Amherst Alarm to provide the security/alarm system for the Town Hall.

Motion: By Steve Crowley to adopt the above referenced resolution.
Second: By John Zerfas.

Carried	Aye	Matt McAndrew
	Aye	Steve Crowley
	Aye	John Zerfas
	Aye	Greg Fitzpatrick
	Aye	Ken Hinman

Motion by Ken Hinman and second by John Zerfas to go into executive session at 4:45pm to discuss personnel matters. All Ayes. Carried.

Motion by Steve Crowley, second by Ken Hinman to resume regular session.

Motion by John Zerfas, seconded by Ken Hinman to adjourn the meeting at 5:15 pm. All Ayes. Carried.

**APPENDIX – A
TOWN OF ELLICOTTVILLE
2024 SALARIES (NON ELECTED)**

BUILDING ENGINEERING

KELLY FREDRICKSON	\$71,610/YEAR
RICH RINKO	\$57,200/YR
BEN SLOTMAN	\$123,470/YEAR
GREG KEYSER	\$92,400/YEAR

HIGHWAY DEPARTMENT

SCOT BRUMAGIN	\$72,000/YEAR
LUCAS FOSTER	\$24.49/HOUR
TOM RAAB	\$27.60/HOUR
STEVEN HADLEY	\$25.60/HOUR
TOBIAS WIDGER	\$24.49/HOUR
PETER BUTTON	\$22.43/HOUR
HAROLD MORTON	\$21.21/HOUR
HINMAN, GEORGE	\$21.21/HOUR
TIM RAAB	\$21.21/HOUR

POLICE DEPARTMENT*

DONALD AUGE	\$34,999/YEAR
JAMES BOUCHARD	\$39.43/HOUR
LARRY SPRY	\$30.00/HOUR
JUSTIN STORY	\$30.00/HOUR
KELLY BIGOS	\$37.43/HOUR
AMBER GRAHAM	\$37.43/HR
CORI KOWALSKI	\$30.00/HR
MATTHEW CROSS	\$30.00/HR.
TIMOTHY BLOVSKY	\$30.00/HR
JESSE BARBER	\$37.43/HR
SMITH, RONALD	\$30.00/HR
ENSELL, DYAN	\$30.00/HR
RYAN GREY	\$32.42/HR

CLERKS

ROBYN GEORGE	\$36.76/HOUR
TRACY ROZLER	\$30.23/HOUR
DENISE RICHARDS, COURT CLERK	\$27.50/HR
MARY JO WOODAREK	\$27.50/HR

HISTORIAN

ELLEN FRANK	\$3,733/YEAR
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CLEANER

SCOTT JOHNSON	\$21.46/HOUR
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ASSESSOR

HARRY WEISSMAN	\$46,322/YEAR
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*Shift differentials may apply

APPENDIX - B TOWN BOARDS

Town Planning Board

Chair	Vacant	12/31/27	\$110.00/Mtg.
	Sheri Barrera	12/31/28	\$100.00/Mtg.
	Dan Kruszynski	12/31/29	\$ 85.00/Mtg.
	Timothy Zerfas	12/31/30	\$ 85.00/Mtg.
	Vacant	12/31/24	\$85.00/Mtg.
	Caitlin Croft	12/31/ 25	\$ 85.00/Mtg.
	Bob Poole	12/31/26	\$85.00/Mtg.
Secretary	Donna Baldwin		\$ 85.00/Mtg.

Zoning Board of Appeals

Chair	Cindy Dayton	12/31/24	\$110.00/Mtg
	Gail Scheeler	12/31/25	\$ 85.00/Mtg.
Vice-Chair	Darin Wiechman	12/31/26	\$100.00/Mtg.
	Kathy McGoldrick	12/31/27	\$ 85.00/Mtg.
	Harry Weissman	12/31/23	\$ 85.00/Mtg.
Secretary	Donna Baldwin		\$ 85.00/Mtg.

Board of Assessment Review

Mike Timkey	09/30/24	\$20.00/Hour
Nancy Rogan	09/30/27	\$20.00/Hour
Dan Covey	09/30/26	\$20.00/Hour
Cathy Pritchard, Chair	09/30/25	\$25.00/Hour
Vacant	09/30/28	\$20.00/Hour

Fire Commissioners

John Rogan		12/31/2024
Mark Marino	V	12/31/2026
John Nelson	T	12/31/2024
Mike Timkey	T	12/31/2027
Brooke Szpaicher	V	12/31/2027

I, Robyn 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 3rd day of January, 2024, approved by said Board on the 17th day of January, 2024.

Robyn George, Town Clerk

MONTHLY PLANNING REPORT

January 10, 2024

This report summarizes planning, zoning and development activities since the last planning report on December 14, 2023.

ZONING APPLICATIONS

There are 13 open permits. Since the last report, 3 new applications have been received, 1 permit was approved, 1 permit was denied and 1 permit expired due to inactivity. A summary is provided below.

Address	Description	Approval	Status
Town			
6064 NYS Route 242	2.5 MW Solar Farm	Use Variance	Closed – Expired on 12/18.
6599 US Route 219	Gas Station Convenience Store	Area Variance	Open – SEQR review ongoing.
6200 Horn Hill Rd	2 Cabin Campground	Special Use Permit	Open – PB waiting for additional information.
6064 NYS Route 242	7-lot subdivision (Rotella)	Major Subdivision	Open – PB to receive preliminary plat on 1/22/24
6399 NYS Route 242	New garage with apartment	Zoning Permit	Denied. 60 days to appeal.
6442 NYS Route 242	Rezoning / Subdivision	Rezoning	Open – Referred to PB for review.
5556 Bryant Hill Rd	2-Lot Split	Zoning Permit	Closed – Approved on 12/15/23.
0 Smith Road	2-Lot Split	Subdivision	Open – Under Review
Village			
23 Parkside Dr	New residence	ADR Amendment	Open – Under Planning Board review.
10/12 McKinley Dr	New 2-Unit Town House	Site Plan	Open - Zoning Permit on hold.
41 Mill St	New 1 family residence	Special Use Permit	Open – Under Planning Board review.
16 Fillmore Ave	New 1 family residence	Special Use Permit	Open – Waiting for additional information.
37 Washington St	Boutique Motel	Zoning Permit	Open - PB to receive application on 2/6/24
2 Elk St	New driveway	Zoning Permit	Open - Waiting for additional information
41 Mill St	Subdivision Amendment	Subdivision Amendment	Open – Under PB review.
11-15 Martha St	Retail Cannabis Business	Special Use Permit	Open – PB to receive application on 2/6/24.

ZONING VIOLATIONS

There are no open zoning violations.

PLANNING AND ZONING BOARDS

Meetings

The Planning Department has coordinated 1 planning and zoning meeting since the last report.

- 01/02 – Village Planning Board Work Session

Board Training

- Compiling 2023 training hours for each board member.

OTHER PLANNING EFFORTS

- Town Short-term Rental Regulations – Committee met on 1/3/24. Draft regulations being finalized by Granicus.
- DWSP2 - Well Head Protection Overlay Zoning District – Draft regulations under review.
- Village Zoning Book – Update in progress.
- 24 Rockwell Redevelopment Project – No activity.
- EVGV Trail – Attended committee meeting on 1/8.

PROFESSIONAL DEVELOPMENT

- AICP Preparation (Ongoing)

BOARD ACTION ITEMS

Town

- Planning Board Appointments. Tim Zerfas-Chair, Caitlin Croft-Vice Chair.

Village

- None



ELLCOTTVILLE ENGINEERING DEPARTMENT

MONTHLY REPORT
January 2024

Board Action / Discussion Items:

Town:

Village: Review and Sign the EV Make Ready Agreement & National Grid Terms and Conditions

DIVISION UPDATES:

ENGINEERING DEPARTMENT

- Culvert NY Grants – Review and sign agreements w DOT for 2023 Grants
- Cotter Rd Culvert – Bid opening scheduled for January 17, 2024 at 1:30 pm
- Sexual Harassment Training - Final Summary submitted

TOWN HIGHWAY DIVISION / BUILDINGS

- Town Hall Front Door Replacement - Contract documents have been reviewed and being revised.
- Holiday Valley Rd Phase 2 – Road Reconstruction - Nothing new.
- Northwood Drainage Area – Nothing New

VILLAGE PUBLIC WORKS DIVISION

- Village Street Reconstruction Project - B&L is working on Design Report and SWPPP. They are also working with JDN on review of submittals.
- Washington Street Light Pole – Contractor has submitted revised pole cut sheets.
- Mill Street Parking Lot - MDA has submitted the EV Make Ready Agreement for review and signature. The lot remains closed.

WATER DIVISION

- Water Project – JDN has installed water main down Fish Hill to Elizabeth Street. Testing is complete and JDN is working on temporary service line connections. JDN will be working on well house improvements through February.
- Water Project Construction Meeting – No Payment Applications this month. National Fuel has provided three invoices for service installations. B&L is looking into the remaining two services.
- Lead and Copper Rule – Nothing New

SEWER DIVISION

- WWTP SCADA System – RAFA is scheduled to start the installation of on January 15, 2024
- I&I Study – Nothing New



*Nannen Arboretum Society Inc.
28 Parkside Drive, PO Box 1016
Ellicottville NY 14731*

We, the Board of Trustees for the Nannen Arboretum Society Inc., would like to share our many activities and accomplishments of 2023 with you. We greatly appreciate you listening to our concerns and providing guidance and help.

Our board and volunteers meet every Monday from 9 am until noon during the good weather from April until November. Every second Monday of the entire year the 7-member board holds an official board meeting at the Town Center.

Our activities and accomplishments include:

- We are very proud of our dedicated volunteers who maintain the grounds for the benefit of our community and visitors. We keep the volunteers informed by posting the board meeting minutes on our web site, providing a task list, having an appreciation luncheon and ice cream social in the fall and hosting informal "Winter Connections" meetings in the winter.
- We established a relationship with Kelly McDonald, new CCE Director and Shannon Rinow, Master Gardener coordinator. We also created a partnership with Caitlin Croft, manager of the Ellicottville Farmers Market. She has a committee that is utilizing and caring for one of the herb garden beds.
- Community Clean-up Day was held April 14, 2023 and well attended.
- The Annual Meeting and Arbor Day were celebrated on April 28, 2023. John Ploetz's children donated a Bristlecone Pine, a Plume Oak, and a Scarlet Curls Curly Willow. Two were original and favorites of John's. Tables of historical pictures and other memorabilia created a wonderful tribute to John and other founders. It was a very meaningful Arbor Day for all those that attended.
- A new dogwood collection made up of 2 trees and 5 shrubs was created near the Herb Garden.
- A sturdy wooden railing along the steps to the Herb Garden was created by Paul Timkey.
- Aldrich Painting repainted the large Amano Hashidate bridge.
- A membership committee was created to provide a wider network of communication associated with the arboretum.
- A professional tree company, Bradley Tree, inoculated 6 ash trees, evaluated high pruning, removed the large dead Scarlet Oak, and pruned several other trees including the Kentucky Coffee Trees.
- Bruce Robinson, forestry consultant and original member of the arboretum committee, taught us how to prune the Arctic Willows and Katsura tree. We also learned how to rejuvenate several tree species.
- Mulching trees for their health and easier mowing is almost 100% complete thanks to the efforts of our volunteers assisted by Julie Tretts and her crew.



*Nannen Arboretum Society Inc.
28 Parkside Drive, PO Box 1016
Ellicottville NY 14731*

- Education:
 - March 8, 2023 – Lyn Chimera, Erie County Master Gardener, presented “Pruning and Correcting Winter Damage”.
 - May 3, 2023 – Tim Baird, retired science teacher, presented “Effects of Glaciers on Cattaraugus County”.
 - August 16, 2023 – Pat Kerl, retired Master Gardener, presented “Demystifying Hydrangeas”.
 - October 25, 2023 – Bruce Robinson, forestry consultant, presented “What You Need to Know about Trees”.
 - October 2023 – 45 Third graders came from Ellicottville school to learn about twelve trees.
 - November 29 & 30 2023 – Nan Miller, retired Master Gardener, taught how to make a wreath and use foraged materials as decoration.
- Bryan Nothdurft from Soil, Water, and Conservation evaluated Lake Nipponica and offered suggestions.
- Police were made aware of vandalism to 2 trees and a temporary camp on arboretum property during summer months.
- An application has been made to the county for a Tourism Promotion Grant Program. It will be used toward revising the Memorial Brochure.
- We continue to receive donations from memorial bricks, trees, and benches.
- Our fund raising includes other donations, fees from programs, and Giving Tuesday.
- M.O.U with the Town has been clarified and should be voted on Monday, January 8, 2024.

We are very grateful for the Town’s support and appreciate your help and cooperation. It is a privilege to continue to improve the Nannen Arboretum with you.

We are including the Volunteer List and Sign-up sheets from 2023.

Best Regards,

Nan Miller, President, Nannen Arboretum Society, Inc.