Minutes of the

Regular Meeting of the Town Board

of the Town of Ellicottville, June 15,2022 at 6:00 pm

Held at the Town Hall

**Present:** Matthew McAndrew Supervisor

 Greg Fitzpatrick Councilman

John Zerfas Councilman

Steve Crowley Councilman

Seth Pullen Town Attorney

Tracy Stokes Deputy Town Clerk

Ben Slotman Town Engineer

Don Auge Officer in Charge

Greg Kyser Town Planner

Kevin Woodin Highway Superintendent

**Absent:** Ken Hinman Councilman

**Others present:** Dave Parker (press), Kathy Kellogg (press), and Barb Nuchereno

**Call meeting to order:**

Supervisor McAndrew called the meeting to order at 6:01 pm and led the Pledge to the Flag.

**Public Hearing Local Law No. 1**

"A Local Law to Override the Tax Levy Limit for Fiscal Year 2023"

The Public Hearing on Local Law #1 was opened. There were no members of the public present to speak for or against the Local Law. The public hearing will stay open. The Board wanted to make it clear that passing the Local Law does not mean the tax cap of 2% will be exceeded. Having the law in place will give the Board some flexibility when preparing next year’s budget.

**Privilege of the Floor**

**Approve Minutes**

* Town Board Meeting – May 18, 2022

On motion by Mr. Zerfas and second by Mr. Fitzpatrick the minutes of May 18, 2022 meeting was:

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

* Special Board Meeting – May 25, 2022

On motion by Mr. Zerfas and second by Mr. Fitzpatrick the minutes of May 25, 2022 meeting was:

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

**Audit of Claims**

* Pay Town bills on Distribution Report #06-2022

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

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

**Resolved**that the Town bills be paid on General Ledger Distribution Report 06-2022 as follows:

001 – General Fund A: $59,114.47

002 – General Fund B: $ 3,922.49

 General Fund Total: $63,036.96

004 – Highway DB $53,552.32

 Highway Fund Total: $53,552.32

006 – Water $27,538.58

 Water Fund Total: $27,538.58

 Grand Total: $144,127.86

**Supervisor’s Reports**

* Accept Supervisor’s May 2022 Financial Report

On Motion by Mr. Fitzpatrick and second by Mr. Zerfas the Supervisor’s May 2022 Financial Report was:

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

* Town Center Renovation - Update – Appraisal

Mr. Slotman stated the roughing in has been completed at this point. Ehrhart Construction is coming out next week to work on the Town Center building.

Parise Mechanical has the boiler installed; however, the auxiliary equipment dates for delivery have been delayed until September. They are attempting to see if other companies can deliver equipment sooner.

The change order for Ehrhart Construction is for additional work to install outlets and circuits. Cornell Cooperative Extension approved their shared costs.

On motion by Mr. Crowley and second by Mr. Fitzpatrick to approve change order was:

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

The change order for Parise Mechanical to work out a design plan has a new price of $10,861.71.

On motion by Mr. Fitzpatrick and second by Mr. Zerfas to approve change order was:

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

KLW has not re-contacted Mr. McAndrew regarding the appraisal revisions. Mr. McAndrew will try to re-contact.

* Charter Communications

Mr. Pullen advised the Town Board to send a letter to Charter Communications to enter an agreement to what was previously in place. We do not have a new agreement.

* ECS Resource Officer

The Town received a proposal from Superintendent of Schools, Bob Miller. Andy Toth of Tronconi, Segarra & Associates is working on it.

Mr. Pullen’s concern with the contract is that it states it’s between the Town Police Department with OIC Auge as the authorized signature. Mr. Pullen stated that the contract should be with the Town of Ellicottville. Mr. Pullen also stated that who the SRO would be answering to should be clear and hours worked need to be clearer; this should be noted in the Bargaining Contract. OIC Auge stated that the SRO should not be over 8 hours a day. The school has saidthere will be special hours needed. The Town Board will discuss further in the July Board Meeting after more information is gathered.

* Capital Water Project

Mr. Slotman stated the Town is waiting to hear back from John Alessi with some direction. Mr. Slotman started a re-bid for the electrical work. Mr. Slotman also stated that there is an agreement in place with JD Northrup Construction for bids 1 and 3, and is waiting for a notice to proceed.

**Present Written Department Reports for Approval**

* Clerk’s, Police, Planner’s and Building Inspector
* No Justice report was submitted.

On motion by Mr. Fitzpatrick and second by Mr. Zerfas the Clerk’s, Police, Planner’s and Building Inspector reports were:

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

**Department Heads**

* **OIC Auge – Police Department**

OIC Auge stated the Roswell Boot Drive went well. $3,558.48 was raised for Roswell.

* **Greg Kyser – Planning Department**

Mr. Keyser stated the Planning Department received an application for a Solar Farm on Simmons Road. The Planning Department is reviewing the application at this time and has reached out to the applicant for more information. When the new information is submitted he will update further.

Mr. Keyser stated he had a meet and greet with Martin LoJudice and it went well.

Mr. Keyser stated there have been no applications submitted for Cannabis sales at this time. Mr. Pullen stated we should establish laws for the zoning of Cannabis so that areas of use are controlled before we receive any applications.

Mr. McAndrew handed out a letter from Cynthia Dayton regarding 5G. Mr. Pullen stated residents and business owners will be concerned in where the transmitters will be placed, but can’t be prohibited.

* **Ben Slotman – Engineering Department**
* **Engineering Report - reviewed**

Computer Update –

Mr. Slotman stated he is in limbo with ordering computer equipment. He won’t know until the Village has their meeting next week. The village wants to spilt the cost of the old prosecutor’s laptop, however the computer is bigger than what he wants to carry in the field.

Elk Creek –

Mr. Slotman stated Karl Northrup spoke to him about moving forward with the dedication. JD Northrup Construction’s attorney should reach out to the Town attorney regarding this matter.

Trailer Park Well –

Mr. Slotman received a quote from Ehmke Well Drilling for $16,080. This quote is not much different than the 2019 quote. Mr. Slotman presented to the Town Board for approval.

On motion by Mr. Zerfas and second by Mr. Fitzpatrick to approve work to be performed on the Trailer Park Well was:

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

Town Center –

Mr. McAndrew state Andy Toth did not see an issue with funding the Town Center renovations out of the Fund Balance, as it was not in the budget. Mr. Slotman stated the renovations other than the boiler, is on schedule. He is hopeful it will be completed by mid-July. Mr. Slotman’s concern is if his department will have time to move over to the Town Center with all the projects his department is attempting to complete.

* **Kevin Woodin – Highway Department**

Mr. Woodin stated the Highway Department has almost completed work done on Jackman Hill. The Highway Department has been patching roads and will start mowing next week. The delay has been caused by parts not coming in.

**New Business**

Mr. Woodin stated Brian Fuller’s last day of work was last week and he has 4 applications at this time. Mr. Crowley commended Mr. Woodin for receiving 4 applications. The Town Board agreed that Mr. Woodin should help interview qualified candidates for the Highway replacements. The Town also agreed with Mr. Woodin’s request of Tom Raab (Deputy Highway Superintendent) being involved in hiring qualified candidates. Mr. McAndrew advised Mr. Woodin to set up job interviews. There are 3 possible openings. Mr. Woodin asked the Town Board if the Town would fund the training of any new hires that did not have a CDL license. Mr. Crowley was in favor. Mr. McAndrew stated this was a Board decision and the Town Board will discuss.

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

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

Resolved that the Town of Ellicottville accept Brian Fuller’s resignation as of June 9, 2022.

Mr. Woodin also submitted his resignation as of July 8, 2022. He will be leaving to pursue another career for the City of Olean Fire Department. Mr. Woodin thanked the Town Board for the opportunity they gave him.

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

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

On motion by Mr. Zerfas and second by Mr. Fitzpatrick to close the public hearing and accept LOCAL LAW No. 1 – 2022 was:

Accepted Ayes 4 – McAndrew, Zerfas, Fitzpatrick & Crowley

 Nays 0

**LOCAL LAW No. 1– 2022 entitled**

**“A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2023”**

**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 2023 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 2023 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 – Nothing new
* DOT Traffic Study Request – Nothing new
* Phone System – Nothing new
* Speed Reduction Request Rte. 219 –

Mr. Slotman stated the reduction was approved.

* SAM Grant for Windows and Doors –

Mr. McAndrew sent pictures to Assemblyman Giglio’s and Senator Borello’s office for them to send to the Governor’s office. Mr. McAndrew stated the costs have gone up and the doors and windows are beyond repair. Mr. McAndrew is waiting to hear back.

* Lighting at Pinetree –

Mr. Slotman stated the Town needs to decide whether they want 2 or 4 lights. National Grid is waiting on us to decide how many lights and what fixtures to decide on.

* Noise Law – Nothing new
* Alarm Law – Nothing new

**Adjournment**

Motion by Mr. Zerfas, seconded by Mr. Fitzpatrick to adjourn the meeting at 7:13 pm. All Ayes. Carried.

I, Tracy A. Stokes, Deputy 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 15th day of June, 2022, approved by said Board on the 20th day of July, 2022

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Tracy A. Stokes, Deputy Town Clerk