MINUTES OF

SPECIAL MEETING

OF THE TOWN OF ELLICOTTVILLE

TOWN BOARD HELD

Wednesday, June 29, 2022 at 4:00pm

At the Ellicottville Town Hall

Present: Matt McAndrew Supervisor

Greg Fitzpatrick Councilman

Steve Crowley Councilman

John Zerfas Councilman

Ken Hinman Councilman

Ben Slotman Town Engineer

Robyn George Town Clerk

Call meeting to order**:** The meeting was called to order by Supervisor McAndrew at 4:05p.m.

**Water Capital Project**

The following resolution was offered by Ken Hinman and seconded by John Zerfas, to wit;

-----------------------------------------------------X

In the Matter

     of the

Increase and Improvement of Facilities of the

Town of Ellicottville Consolidated Water District No. 1 in   
the Town of Ellicottville, County of Cattaraugus, New York,   
pursuant to Section 202-b of the Town Law.

-----------------------------------------------------X

**PUBLIC HEARING TO BE HELD ON**

**JULY 20, 2022**

WHEREAS, the Town Board of the Town of Ellicottville (herein called “Town Board” and “Town”, respectively), in the County of Cattaraugus, New York, has, pursuant to Town Law, created the Town of Ellicottville Consolidated Water District No. 1 (the “District”); and

WHEREAS, in July 2019, the Town Board directed the Town of Ellicottville Engineering Department, competent engineers licensed in New York, to prepare a map, plan and report for a water system capital improvements project (commonly known as “Phase 2”) within the District; and

WHEREAS, in August and September of 2019, the Town approved the original capital improvements project, through Town Law Section 202-b proceedings and other resolutions and adopted a bond resolution on September 6, 2019; and

WHEREAS, the cost of such project increased from $5,277,096 to $7,000,000 due to an increase in the cost of construction materials and labor for the project; and

WHEREAS, the Town has directed Town of Ellicottville Engineering Department, competent engineers licensed in New York, to prepare a revised map, plan and report (dated June 2022) to reflect the revised cost of the project; and

WHEREAS, such revised map, plan and report amends a certain prior map, plan and report (dated July 2019) for the purposes of (a) increasing the estimated maximum cost of such project, and (b) increasing the amount of bonds (and notes) for such project; and

WHEREAS, the scope of the improvements has not materially changed from the project identified in such original map, plan and report; and

WHEREAS, such water system capital improvements project will generally consist of (but not be limited to), the installation of approximately 17,000 linear feet of water main along various roads in the District (as extended), electrical and HVAC improvements to source wells and booster stations including, but not limited to, structural repairs to roofs and foundation improvements, installation of web-based control systems and associated equipment and the installation of storage tanks, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, the revised map, plan and report: (a) increases the estimated maximum cost of the project from $5,277,096 to $7,000,000 and (b) increases the aggregate principal amount of bonds from $5,277,096 to $7,000,000; and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board suchrevised map, plan and report (as so amended) for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an increased estimated maximum amount of $7,000,000; said cost to be financed by the issuance of serial bonds of the Town in an increased aggregate principal amount not to exceed $7,000,000, such amount to be offset by any federal, state, county and/or local funds received; and

WHEREAS, such revised map, plan and report (hereinafter referred to as map, plan and report) has not been modified in any material respect other than as described above;

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Ellicottville will be held at the Town Hall, 1 West Washington Street, Ellicottville, New York, on July 20, 2022 at 6:00 o’clock p.m. or shortly thereafter (prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed $7,000,000 said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges (including, but not limited to, water rents), the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

FURTHER ORDERED, the Town Board may establish water rents as provided in paragraph (d) of subdivision three of Town Law Section 198; and

FURTHER ORDERED, that this resolution shall constitute the declaration (or reaffirmation) of the Town’s “official intent” to reimburse (to the extent permitted) the expenditures of said increase and improvement of facilities with the proceeds of bonds, notes or other obligations, as required by United States Treasury Regulations Section 1.150-2; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

DATED:  June 29, 2022

TOWN BOARD OF THE

TOWN OF ELLICOTTVILLE

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

AYES: 5 - Matt McAndrew, Town Supervisor

      Steve Crowley, Councilman

                  Ken Hinman, Councilman

                  Greg Fitzpatrick, Councilman

                  John Zerfas, Councilman

NOES: 0

ABSENT: 0

The Order Calling for Public Hearing was declared adopted.

**Highway Department Applicants**

Nathaniel Ploetz and Wyatt Taylor were interviewed for the highway department job openings. Both were deemed good candidates but neither currently holds CDL licenses. Wyatt Taylor is signed up for training and Nathaniel Ploetz is in the process of signing up. The Board discussed the possibly of hiring them on a part-time basis as laborers while they finish their training. Reimbursing them for their training once they obtain their CDL licenses after working for the Town for a certain period of time will also be considered. The Town needs more information about the training and costs to determine work scheduling and possible reimbursement.

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

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

Nays 0

Resolved that the Town offer Nathaniel Ploetz and Wyatt Taylor part-time employment as highway department laborers at the laborer rate.

**Motion** by Mr. Crowley and seconded by Mr. Zerfas to go into executive session at 4:50pm to discuss personnel negotiations .All Ayes. Cariied

**Motion** by Mr. Zerfas and seconded by Mr. Crowley to resume regular session at 5:20pm. All Ayes. Carried.

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

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

Nays 0

Resolved that the Town offer Zach Golley the position of Highway Superintendent.

If Mr. Golley does not accept the offer, other options will be explored.

There was discussion about upgrading the Town’s phone system. Mr. Crowley will be seeking an additional quote to compare to the one received by Grant and Brinks.

The Simmons Road Solar Farm and Whitmer Road sewer service were also discussed.

Supervisor McAndrew was contacted by NYClass for investment services. Andy Toth contacted Five Star Bank. Five Star raised the interest rate offered to the Town to 1.25%.

Adjournment

MOTION**:** by Mr. Fitzpatrick seconded by Mr. Zerfas to adjourn the meeting at 5:45pm. All Ayes. Carried.