

Minutes of a *Regular Meeting of the Town Council of the Town of Ellicott held at the Administration Building, 215 S. Work Street, Falconer, N.Y. on February 13, 2017 at 6:20 P.M.*

Present: Supervisor McLaughlin, Councilman Beckerink, Councilwoman Bowman, Councilman Tyler, Town Clerk Erlandson, Highway Superintendent Pickett, Attorney Wright.
Absent: Councilman Nelson.

Supervisor McLaughlin opened the meeting at 6:20 PM and led the Town Council in the *Pledge of Allegiance*. Town Clerk Erlandson called the roll.

PUBLIC HEARING (*Local Law #2-2017: Residency Requirement for Appointed Officers*)

Supervisor McLaughlin opened a Public Hearing at 6:21 PM to discuss Town of Ellicott Introductory Local Law #2-2017. The purpose of the local law is to establish residency requirements for appointed officer(s) of the Planning Board, Zoning Board of Appeals, Board of Assessment Review and any other appointed boards or positions. No public comments were heard.

MOTION by Councilman Beckerink, seconded by Councilwoman Bowman to close the Public Hearing at 6:22 PM.

Carried. Ayes - 3 Noes - 0 Absent - 2

APPROVAL OF MINUTES

MOTION by Councilwoman Bowman, seconded by Councilman Beckerink to accept the minutes of the January 16, 2017 Regular Meeting & the February 2, 2017 *Special Meeting* as presented by the Town Clerk.

Carried. Ayes - 3 Noes - 0 Absent - 2

CORRESPONDENCE

Town Clerk Erlandson read the following items into the record:

1. Letter from the *Lake Erie Management Commission* re an upcoming education & outreach event.
2. Notice of foreclosed properties in the Town of Ellicott.

TOWN OFFICER'S REPORTS

Councilman Beckerink reported that he attended a recent meeting of the Falconer Fire Advisory Board. He stated that the advisory board is in the process of obtaining quotes for making repairs to the Falconer Fire Hall.

Supervisor McLaughlin commented on a plan supposedly being considered by the *City of Jamestown* to annex property located within the Town of Ellicott. He reported that, to date, the town has received no communication from city officials re the proposal - everything he knows about the proposed annexation he has ascertained entirely through the local media. According to media reports, the plan would involve the annexation of several properties located between South Dow St. & Tiffany Ave. The properties are owned by the *Jamestown Board of Public Utilities*. The *BPU* operates an electrical sub-station on the site. Mr. McLaughlin stated that the property is currently assessed for 7.9 million dollars. The *BPU* is paying approximately \$322,000.00 in total taxes on the property per year to Chautauqua County, the Town of Ellicott, the Village of Falconer and the Falconer Central School District. According to the general manager of the *BPU*, the reason they are pursuing the annexation is for the potential cost savings on property taxes. Mr. McLaughlin expressed his opposition to the proposed annexation plan. He added that village & school officials are opposed to the plan as well. He reported that he has met several times with village & school officials to discuss the matter and prepare a response should the city decide to move ahead with the plan. He will keep the Town Council informed re the situation.

Mr. McLaughlin also reported that he recently met with a representative from the *Chautauqua Lake Management Alliance* to discuss the possibility of obtaining grant funding for cleaning up *Burtis Bay Park*.

Town Clerk Erlandson reported that the Town of Ellicott has received the grant funding from the *Justice Court Assistance Program* for the purchase of a video camera security system to be installed at the Town of Ellicott Administration Building. (Minutes 9/19/16)

Mr. Erlandson also reported that he and Supervisor McLaughlin are continuing to look into several options re the purchase of new financial software for the Town of Ellicott. (Minutes 1/16/17) He reminded the Town Council that funding for the software has been allocated in the 2017 budget.

Attorney Wright asked about the status of the appraisal of two (2) properties located in West Ellicott owned by Mark & Josephine Graves. (Minutes 1/16/17) Supervisor McLaughlin stated that the appraisals have been conducted & the town is expecting the details soon.

OLD BUSINESS

RESOLUTION #39-17

Adopt Local Law #2-2017: Residency Requirements for Appointed Officers

MOTION by Supervisor McLaughlin, seconded by Councilwoman Bowman to adopt Town of Ellicott Local Law #2-2017 establishing residency requirements for the appointment of officer(s) of the Planning Board, Zoning Board of Appeals, Board of Assessment Review and any other appointed boards or positions in the Town of Ellicott; and, further, that such officer(s) need not be a resident(s) nor an elector(s) of the Town of Ellicott, provided, however, that such person shall reside in Chautauqua County. (see Local Law #2-2017 for details)

Adopted.

Ayes - 3

Noes - 0

Absent – 2

Councilman Tyler arrived at 6:45 PM.

RESOLUTION #40-17

Ratify Labor Agreement w/ Town of Ellicott Police Employees

MOTION by Councilwoman Bowman, seconded by Councilman Beckerink to ratify a labor agreement between the Town of Ellicott and the CSEA Local 100 AFSCME, AFL-CIO, the certified union for the Town of Ellicott General Police Unit 6314-01 of Local 807; effective dates of the agreement are January 1, 2017 through December 31, 2019. (See ‘Police CSEA Labor Agreement’ file for detail)

Adopted. **Ayes - 4** **Noes - 0** **Absent - 1**

RESOLUTION #41-17

Adopt Local Law #3-2017: Rezoning of Property on East Main St. Ext.

MOTION by Councilman Tyler, seconded Councilwoman Bowman to adopt Town of Ellicott Local Law #3-2017 regarding the rezoning of property located on East Main St. Ext. (Route 394) from ‘residential-agriculture’ to ‘mercantile’. (See ‘Local Law #3-2017’ file for detail)

Adopted. **Ayes - 4** **Noes - 0** **Absent - 1**

NOTE – This local law was previously adopted on December 19, 2016 as Local Law #6-2016 (RESOLUTION #95-16). However, due to a filing issue it was rejected by the New York State Dept. of State.

NEW BUSINESS

Rezoning of Property in West Ellicott – Supervisor McLaughlin discussed a proposal to rezone a section of property in West Ellicott to ‘mercantile’. The property is located between Louisa Ave. and Jackson Ave. Mr. McLaughlin explained that the proposed change would make the zoning contiguous with the surrounding property.

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to schedule a Public Hearing for March 20, 2017 at 6:20 PM re introductory Town of Ellicott Local Law #4-2017 pertaining to the rezoning of property located in West Ellicott between Louisa Ave. and Jackson Ave.

Carried. **Ayes - 4** **Noes - 0** **Absent - 1**

Wastewater Infrastructure Engineering Planning Grant – Supervisor McLaughlin reported that the Town of Ellicott has been awarded a \$30,000.00 Wastewater Infrastructure Engineering Planning grant. The grant was awarded by the *New York State Environmental Facilities Corporation (NYSEFC)* & the *NYS Department of Environmental Conservation (NYSDEC)*. The purpose of the grant is to conduct an engineering study re the feasibility of expanding sewer service to the northwest corner of the Town of Ellicott. This area would include sections of Fluvanna Ave. Ext. and Strunk Rd. as well as the Airport Industrial Park.

Mr. McLaughlin added that a stipulation of the grant funding requires the town to provide a local match of 20% (\$6,000.00) through “in-kind” services. He explained that before receiving the grant funding the following four (4) resolutions must first be adopted:

RESOLUTION #42-17

Retain Engineering Services for Wastewater Infrastructure Engineering Planning Grant

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler to retain the services of *Clark Patterson Lee* to conduct a Wastewater Infrastructure Engineering Planning study re the feasibility of expanding sewer service to the northwest corner of the Town of Ellicott; and, further, that the engineering study be conducted in conjunction with a \$30,000.00 Wastewater Infrastructure Engineering Planning grant awarded to the Town of Ellicott. (see ‘Sewer Feasibility Study – Fluvanna Ave. corridor’ file for detail)

Adopted. **Ayes - 4** **Noes - 0** **Absent - 1**

RESOLUTION #43-17

Authorize Execution of Wastewater Infrastructure Engineering Planning Grant

MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing the Town of Ellicott Supervisor to execute an agreement with the *New York State Environmental Facilities Corporation (NYSEFC)* regarding a \$30,000.00 Wastewater Infrastructure Engineering Planning Grant recently award to the Town of Ellicott. (see ‘Sewer Feasibility Study – Fluvanna Ave. corridor’ file for detail)

Adopted. **Ayes - 4** **Noes - 0** **Absent - 1**

RESOLUTION #44-17

Authorize Local Match: Wastewater Infrastructure Engineering Planning Grant

MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing and appropriating a local match of 20% (\$6,000.00) through “in-kind” services as required by the Engineering Planning Grant Program in conjunction with the \$30,000.00 Wastewater Infrastructure Engineering Planning Grant recently award to the Town of Ellicott. (see ‘Sewer Feasibility Study – Fluvanna Ave. corridor’ file for detail)

Adopted. **Ayes - 4** **Noes - 0** **Absent - 1**

RESOLUTION #45-17

Environmental Review re Wastewater Infrastructure Engineering Planning Grant

MOTION by Councilman Tyler, seconded by Councilwoman Bowman that a Wastewater Infrastructure Engineering Planning study re the feasibility of expanding sewer service to the northwest corner of the Town of Ellicott is a Type II action in accordance with the New York State Environmental Quality Review Act (SEQR) and is therefore not subject to environmental review. (see ‘Sewer Feasibility Study – Fluvanna Ave. corridor’ file for detail)

Adopted. **Ayes - 4** **Noes - 0** **Absent - 1**

RESOLUTION #46-17Budget Transfers & Appropriations

MOTION by Councilman Tyler, seconded by Councilman Beckerink authorizing the Town of Ellicott Supervisor to make the following budget transfers & appropriations for fiscal year 2016:

To:	10101.1 (Town Board – Personal Services)	\$	0.16	
From:	10104.1 (Town Board – Contractual)			\$ 0.16
To:	12201.1 (Supervisor – Personal Services)	\$	7.40	
From:	13201.1 (Bookkeeping – Personal Services)			\$ 7.40
To:	12204.1 (Supervisor - Contractual)	\$	329.56	
From:	13201.1 (Bookkeeping – Personal Services)			\$ 329.56
To:	13301.1 (Tax Collection – Personal Services)	\$	250.00	
From:	13304.1 (Tax Collection – Contractual)			\$ 250.00
To:	13551.1 (Assessor – Personal Services)	\$	1,132.60	
From:	11104.1 (Justice – Contractual)			\$ 1,132.60
To:	13554.1 (Assessor – Contractual)	\$	335.71	
From:	13552.1 (Assessor - Equipment)			\$ 335.71
To:	14101.1 (Town Clerk – Personal Services)	\$	199.61	
From:	11104.1 (Justice - Contractual)			\$ 199.61
To:	16201.1 (Buildings – Personal Services)	\$	867.17	
From:	16204.1 (Buildings – Contractual)			\$ 867.17
To:	16704.1 (Printing/Mailing)	\$	1,717.46	
From:	16204.1 (Buildings – Contractual)			\$ 1,717.46
To:	19104.1 (Unallocated Insurance)	\$	1,262.97	
From:	16204.1 (Buildings – Contractual)			\$ 1,262.97
To:	50101.1 (Highway Superintendent – Personal Services)	\$	2,457.63	
From:	88104.1 (Cemeteries)			\$ 1,930.04
From:	33104.1 (Traffic Control)			\$ 527.59
To:	71104.1 (Parks – Contractual)	\$	151.64	
From:	71102.1 (Parks - Equipment)			\$ 151.64
To:	90158.1 (Police Retirement)	\$	15,868.00	
From:	19904.1 (Contingency)			\$ 15,000.00
From:	16204.1 (Buildings – Contractual)			\$ 868.00

To: 90308.1 (Social Security)	\$ 2,501.68	
From: 90608.1 (Medical Insurance)		\$ 2,501.68
To: 31201.1 (Police – Personal Services)	\$ 33,386.85	
From: 31204.1 (Police – Contractual)		\$ 4,373.89
From: 31202.1 (Police – Equipment)		\$ 3,733.35
From: 35104.1 (Dog Control - Contractual)		\$ 1,595.00
From: 16204.1 (Buildings – Contractual)		\$ 13,886.31
From: 13204.1 (Bookkeeping – Contractual)		\$ 9,798.00
To: 36201.2 (Safety Inspection – Personal Services)	\$ 4,982.37	
From: 36202.2 (Safety Inspection – Equipment)		\$ 1,500.00
From: 36204.2 (Safety Inspection - Contractual)		\$ 3,482.37
To: 40201.2 (Registrar – Personal Services)	\$ 52.77	
From: 40204.2 (Registrar – Contractual)		\$ 52.77
To: 80104.2 (Zoning - Contractual)	\$ 1,106.25	
From: 80101.2 (Zoning – Personal Services)		\$ 925.00
From: 36204.2 (Safety Inspection - Contractual)		\$ 181.25
To: 80204.2 (Planning - Contractual)	\$ 818.55	
From: 80201.2 (Planning – Personal Services)		\$ 818.55
To: 90308.2 (Social Security)	\$ 519.99	
From: 36204.2 (Safety Inspection - Contractual)		\$ 519.99
To: 90608.2 (Medical Insurance)	\$ 169.67	
From: 85604.2 (Shade Trees)		\$ 169.97
To: 51122.4 (Permanent Improvements/CHIPs)	\$ 188.64	
From: 51104.4 (General Repairs – Contractual)		\$ 188.64
To: 51302.4 (Machinery – Equipment)	\$ 8,841.64	
From: 51104.4 (General Repairs – Contractual)		\$ 8,841.64
To: 51304.4 (Machinery – Contractual)	\$ 8,468.43	
From: 51104.4 (General Repairs – Contractual)		\$ 8,468.43
To: 85404.4 (Drainage)	\$ 3,388.07	
From: 54104.4 (Sidewalks)		\$ 2,000.00
From: 51424.4 (Snow Removal – Contractual)		\$ 1,388.07
To: 97307.4 (Interest on Debt Service)	\$ 3,664.01	
From: 90608.4 (Medical Insurance)		\$ 3,664.01

Appropriate the amount of \$28,148.02 in unanticipated revenue from Account #1265.01 (Legal Fees) into Account #14204.1 (Attorney - Contractual).

Appropriate the amount of \$8,407.87 in unanticipated revenue from Account #1589.01 (DWI) into Account #31209.1 (DWI).

Appropriate the amount of \$6,107.27 in unanticipated revenue from Account #1520.01 (Police Fees) into Account #31201.1 (Police - Personal Services).

Appropriate the amount of \$3,815.00 in unanticipated revenue from Account #2625.01 (Forfeiture of Crime Proceeds) into Account #31201.1 (Police - Personal Services).

Appropriate the amount of \$20,190.07 in unanticipated revenue from Account #899.01 (Reserve for DWI) into Account #31209.1 (DWI).

Appropriate the amount of \$57,000.00 in unanticipated revenue from Account #2665.04 (Sale of Equipment) into Account #51322.4 (Machinery – Equipment).

Appropriate the amount of \$8,000.00 in unanticipated revenue from Account #51101.4 (General Repairs – Personal Services) into Account #914.04 (Sick Time Reserve).

Adopted. **Ayes - 4** **Noes - 0** **Absent - 1**

RESOLUTION #47-17

Payment of Claims

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to pay Abstract #27-2016 in the amount of \$40,901.60, Abstract #28-2016 in the amount of \$79,030.40, Abstract #3-2017 in the amount of \$359,672.24 and Abstract #4-2017 in the amount of \$600,472.69 and charge to the proper funds or accounts.

Adopted. **Ayes - 4** **Noes - 0** **Absent - 1**

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to adjourn at 7:08 PM.

Carried. **Ayes - 4** **Noes - 0** **Absent - 1**

Michael C. Erlandson, Town Clerk