

on the road. He is very concerned about public safety since the road is in no condition to handle vehicular traffic. According to Mr. Pickett, records indicate that it has been sporadically utilized as a “road” since around 1970. Therefore, it is considered a town road “by use”. He stated that the highway department conducts very little maintenance on the road. However, since it is maintained to some degree it is still technically a town road. He noted that a sign is posted at the entrance to the road warning people that it is not maintained. The Council will discuss the matter later during tonight’s meeting.

CORRESPONDENCE

Town Clerk Erlandson read the following items into the record:

1. Notification from the New York State *Dept. of State* that Town of Ellicott Local Laws #1-2017, #2-2017 & #3-2017 have been received and filed.
2. Notice re the annual Local Government Conference sponsored by *So. Tier West Regional Planning & Devel. Board* to be held at *Houghton College* on May 10, 2017.
3. Notice of liquor license application: *Azteca Mexican Diner*, 332 West Main St., Falconer, NY.
4. Letter from Sue Seamons, Director, *Falconer Public Library*, thanking the Ellicott Town Council for its annual \$3,500.00 allocation to the library.
5. Notification that the 2016 annual financial report for the Fluvanna Fire District has been completed.
6. Newsletter: *Falconer Public Library*.
7. Assessor’s Report: March 2017.
8. Falconer Fire Dept. Report: January 2017.

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 still in the process of obtaining quotes for making upgrading the Falconer Fire Hall.

Mr. Beckerink also expressed his concern re the number of code violations throughout the Town of Ellicott. In his opinion, not enough appearance tickets are being issued for code violations. The Town Council will discuss the matter with Code Enforcement Officer Rowe.

Councilman Tyler reported on a drainage problem on Elmwood Ave. in West Ellicott. Highway Superintendent Pickett stated that he intends to address the problem later this year.

Town Clerk Erlandson reported that *FSC Systems* has begun the installation of the video surveillance security system at the Town of Ellicott Administration Building. (Minutes 9/19/16 et. seq.) He reminded the Town Council that funding for the security system was obtained through the *Justice Court Assistance Program*.

Mr. Erlandson also reported that new financial software for the Town of Ellicott has been purchased. (Minutes 1/16/17 et. seq.) He noted that the software was purchased from *Edmunds & Associates*, Northfield, New Jersey at a cost to the town of \$18,035.00. Mr. Erlandson pointed out this is less than the company’s original quote. He reminded the Town

Council that monies for the new software were appropriated in the 2017 budget. He stated that the new software should be operational by June 1, 2017.

Supervisor McLaughlin updated the Town Council re the status of a plan being considered by the *City of Jamestown* to annex property located within the Town of Ellicott. (Minutes 2/13/17)

OLD BUSINESS

Local Law #4-2017: Rezoning of Property in West Ellicott – The Town Council discussed introductory Town of Ellicott Local Law #4-2017. The proposed local law provides for the rezoning of all properties in West Ellicott north of Fairmount Ave., East of Jackson Ave., south of the Village of Celoron and west of the property owned by Sam’s Club (S-B-L: 386.07-6-2) from ‘neighborhood business/residential’ to ‘mercantile’. Attorney Wright advised that before adopting the local law, the Council determine the total acreage of the proposed area to be rezoned. It appears that the total acreage may be more than 25 acres. Mr. Wright explained that any rezoning proposal of 25 acres or more is considered a Type 1 action in accordance with the New York State Environmental Quality Review (SEQR) Act. Therefore, the proposal would be subject to a full environmental review. This would involve conducting an Environmental Impact Statement (EIS) which could be costly and time-consuming. Tabled pending further review.

RESOLUTION #50-17

Commence Condemnation Proceedings (Graves’ Properties)

MOTION by Supervisor McLaughlin, seconded by Councilman Beckerink to commence condemnation proceedings on two properties located in the Town of Ellicott owned by Mark & Josephine Graves (S-B-L #386.16-3-23 & 24). (Minutes 10/13/16 et. seq.)

Adopted. **Ayes - 5** **Noes - 0** **Absent - 0**

NEW BUSINESS

RESOLUTION #51-17

Bond Anticipation Note Renewal (Bobcat & Trailer)

MOTION by Councilman Tyler, seconded by Councilman Beckerink authorizing the renewal of a **Bond Anticipation Note** in the amount of \$41,523.96 for the purchase of a 2015 E45 T4 *Bobcat* Excavator and a 2015 *Moritz* 15+4 trailer with toolbox. (see 'BAN' file for detail)

Adopted. **Ayes - 5** **Noes - 0** **Absent - 0**

Reduce Speed Limit on Gerry Levant Rd. – Town Clerk Erlandson reported that the Town of Ellicott has received a request from a town resident to reduce the speed limit on a section of Gerry Levant Rd. between Sprague Hill Rd. and Wilson Hollow Rd. The resident is requesting that the speed limit be reduced from 55 mph to 45 mph. Although it is a county road, it is located in the Town of Ellicott. Therefore, Supervisor McLaughlin explained that the Town Council would be required to authorize *Chautauqua Co. Dept. of Public Facilities*

to petition the *NYS Dept. of Transportation* to conduct a traffic study. He reminded the Council that speed limits can only be changed upon approval of the *NYS DOT*. The Council discussed matter.

RESOLUTION #52-17

Request Reduction Speed Limit (Gerry Levant Rd.)

Motion by Councilman Beckerink, seconded by Councilman Nelson to request the New York State *Department of Transportation* to conduct a traffic study to determine the feasibility of reducing the speed limit to 45 MPH on Gerry Levant Rd. (County Rte. 16) between New York State Route 394 and the Town of Gerry municipal boundary.

Adopted. **Ayes - 3** **Noes - 2** **Absent - 0**
(Councilman Tyler and Councilwoman Bowman voted No.)

RESOLUTION #53-17

Hire Full Time & Part-Time Police Officers (Cashmore)

MOTION by Councilwoman Bowman, seconded by Councilman Tyler to hire Kyle Cashmore, Jamestown, NY, as a full-time Town of Ellicott police officer, effective March 21, 2017 at an annual salary of \$45,385.60 (\$21.82 per hr.) and subject to an eighteen (18) month probationary period; and, further, authorizing the Town of Ellicott Police Chief to hire two (2) new part-time police officers.

Adopted. **Ayes - 5** **Noes - 0** **Absent - 0**

Abandonment of Cobb Road – The Town Council discussed the possibility of “abandoning” Cobb Rd. (see ‘Privilege of the Floor’) The road is located entirely on property owned by Todd Beckerink (S-B-L 320.00-1-4.1) & extends from Knight Road in the Town of Ellicott to the Town of Gerry municipal boundary. As discussed earlier, Highway Superintendent Pickett would prefer to abandon the road. He again stated that it was never intended to be a town road and very little maintenance has ever been conducted on the road. The road is not intended to be used by vehicular traffic. He is therefore concerned about public safety. Furthermore, he pointed out that improving the road to meet town specifications would be extremely costly. Supervisor McLaughlin recommended that the road be abandoned. He stated that once the road is abandoned, Mr. Beckerink intends to install a gate at the Knight Rd. entrance and the Town of Gerry would put up a “dead end” sign at the other end. Attorney Wright pointed out that there is a specific procedure for abandoning streets outlined in Section 205 of the NYS Highway Law. According to Mr. Wright, a highway may only be abandoned if it has “not been traveled or used” by any vehicles for a period of six (6) years. Consequently, since Cobb Rd. is still utilized periodically by vehicular traffic it cannot be abandoned at the present time. However, he explained that a “qualified abandonment” of the road would be permissible. A “qualified abandonment” allows the Town Council to abandon and no longer maintain a road that is not “wholly disused”. There are several other stipulations as well. Following six (6) years of “qualified abandonment”, the town could then abandon the road entirely. Mr. Wright also noted that in accordance with Section 205 a public hearing must be conducted prior to declaring the “qualified abandonment” of a road. The Town Council discussed the matter.

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler to schedule a public hearing for April 17, 2017 at 6:15 PM regarding the *qualified abandonment* of a road commonly known as Cobb Road located in the Town of Ellicott between Knight Rd. and the Town of Gerry municipal boundary.

Carried. **Ayes - 5** **Noes - 0** **Absent - 0**

RESOLUTION #54-17

Payment of Claims

MOTION by Councilman Tyler, seconded by Councilman Nelson to pay Abstract #5-2017 in the amount of \$31,954.59 and Abstract #6-2017 in the amount of \$144,800.13 and charge to the proper funds or accounts.

Adopted. **Ayes - 5** **Noes - 0** **Absent - 0**

MOTION by Councilman Beckerink, seconded by Councilman Nelson to adjourn at 7:41 PM.

Carried. **Ayes - 5** **Noes - 0** **Absent - 0**

Michael C. Erlandson, Town Clerk