

**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  
April 17, 2017 at 6:15 P.M.**

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

Supervisor McLaughlin opened the meeting at 6:15 PM and led the Town Council in the *Pledge of Allegiance*. Town Clerk Erlandson called the roll.

**PUBLIC HEARING (*Qualified Abandonment of Cobb Rd.*)**

Supervisor McLaughlin opened a Public Hearing at 6:15 PM re the *qualified abandonment* of a section of road commonly known as Cobb Road located in the Town of Ellicott between Knight Rd. and the Town of Gerry municipal boundary. The road is located on premises described on the Chautauqua County tax map as parcel 320.00-1-4.1. The following public comments were heard:

Mr. Todd Beckerink, 3918 Gerry Levant Rd. addressed the Town Council re the matter. He reminded the Town Council that the road is located on his property. (Minutes 3/20/17) He expressed his concern regarding the condition of the road. He stated that the road is not an improved road and is in very poor condition. He added that the road is seldom maintained by the Ellicott Highway Dept. Mr. Beckerink asked the Town Council to take one of two actions: either improve and maintain the road or abandon it entirely. He is concerned about the potential liability he might incur should an injury or accident occur on the road.

Mr. Jay Holmquist, 4096 Gerry Levant Rd. stated that he is opposed to closing Cobb Rd. He explained that his family owns farm land in the *Town of Gerry*. According to Mr. Holmquist the property would be “land-locked” and inaccessible if the road is closed.

Patricia Hellner, 4064 Knight Rd. is also opposed to closing the road. She is concerned about accessibility. She explained that should Knight Rd. become obstructed for some reason Cobb Rd. would provide the only other access to her home. She pointed out that this could be a potentially serious problem should the need for an emergency vehicle arise.

Tyler Lawson, 4038 Knight Rd. feels that the road should be kept open and maintained for emergency vehicles.

Roger Tenpas, Ellington stated that he is also in favor of keeping the road open. In his opinion, it improves access to the properties located in the *Town of Gerry*.

Brian Anderson, *Town of Gerry* Highway Superintendent stated that he would like the Town of Ellicott to keep its portion of Cobb Rd. open and maintained. He pointed out that less than three hundred (300) feet of the road is located within the Town of Ellicott. Therefore, he feels

that it would not be too costly for the Town of Ellicott to maintain its section of the road. In his opinion, the *Town of Gerry* and *Town of Ellicott Highway Departments* could work together with the *Chautauqua County Dept. of Public Facilities* to upgrade the road at a minimal cost to both towns.

Emory Holmquist, 3946 Gerry Levant Rd., asked the Town of Ellicott to keep the road open. He stated that farm vehicles utilize the road on a regular basis. Closing the road would be detrimental to the land owners located on the upper portion of Cobb Rd. in the *Town of Gerry*.

**MOTION** by Supervisor McLaughlin, seconded by Councilman Nelson to close the Public Hearing at 6:50 PM.

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

**PUBLIC HEARING (*Local Law #4-2017: Rezoning of Property in West Ellicott*)**

Supervisor McLaughlin opened a Public Hearing at 6:52 PM to discuss Town of Ellicott introductory 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 Dunham Ave. from ‘neighborhood business/residential’ to ‘mercantile’. No public comments were heard.

**MOTION** by Supervisor McLaughlin, seconded by Councilwoman Bowman to close the Public Hearing at 6:54 PM.

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

**APPROVAL OF MINUTES**

**MOTION** by Councilman Nelson, seconded by Councilwoman Bowman to accept the minutes of the March 20, 2017 Regular Meeting & the April 3, 2017 *Special Meeting* as presented by the Town Clerk.

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

**CORRESPONDENCE**

Town Clerk Erlandson read the following items into the record:

- 1. Notification from the *New York State Dept. of Transportation* that it will be conducting a traffic study re a request to reduce the speed limit on Gerry Levant Rd. (Minutes 3/20/17)
- 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. Notification from the *Conewango Creek Watershed Association* re its 3<sup>rd</sup> annual *Chautauqua Lake Outlet Cleanup* to be conducted on May 20, 2017.
- 4. Falconer Fire Dept. Reports: February and March 2017.

**TOWN OFFICER’S REPORTS**

**Councilwoman Bowman** reported that she received a call from a resident on Yolande Ave. concerning the status of a “paper street” next to his home. She advised the resident to send a letter to the Town Council re the matter.

**Supervisor McLaughlin** reminded the Town Council that the Town of Ellicott was recently designated a “Clean Energy Community” by the *NY State Energy Research & Development Authority (NYSERDA)*. (Minutes 2/27/17) He stated that achieving the Clean Energy Community designation made the town eligible for grant funding in the amount of \$100,000.00. He & Town Clerk Erlandson are currently working on preparing the grant application. He explained that the grant funding would be used to replace all street light fixtures in the town being serviced by the *Jamestown Board of Public Utilities (JBPU)* with LED fixtures. The funding would also be used to purchase a compressed natural gas (CNG) pickup truck for the Town of Ellicott Code Enforcement Officer.

**Highway Superintendent Pickett** reported that brush pickup operations are underway throughout the town.

**Mr. Pickett** also reported that the Town of Ellicott received “extreme winter recovery apportionment” funding from NY State in the amount of \$22,464.34.

### **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 Dunham Ave. from ‘neighborhood business/residential’ to ‘mercantile’. Attorney Wright advised that before adopting the local law, the Council would need to review and complete an Environmental Assessment Form (EAF) in accordance with the New York State Environmental Quality Review (SEQR) Act. Tabled pending completion of the EAF.

***Status of Condemnation Proceedings (Graves’ Properties)*** – Attorney Wright updated the Town Council re the status of 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 3/20/17) He stated that he has been holding off on initiating the proceedings in the hope that the Graves would get in touch town officials re the purchase of the properties by the town last year. (**Resolution #87-16**: 10/13/16). However, since they have not contacted town officials he intends to move forward with the condemnation proceedings.

***Abandonment of Cobb Road*** – The Town Council discussed the feasibility and ramifications of abandoning Cobb Rd. (Minutes 3/20/17 et. seq.) Tabled pending further review.

### **NEW BUSINESS**

#### **RESOLUTION #55-17**

**Bond Anticipation Note Renewal (Tractor/Loader/Cutter)**

**MOTION** by Supervisor McLaughlin, seconded by Councilman Nelson authorizing the renewal of a **Bond Anticipation Note** in the amount of \$21,872.00 for the purchase of a 2014 *John Deere* 5100E utility tractor, a new *John Deere* H620 front loader and a new *Bush Hog* 2810L flex wing rotary cutter. (see 'BAN' file for detail)

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

*Convert Street Lights to LED* – Town Clerk Erlandson reported that he received a letter from *National Grid* regarding a street lighting conversion program. The program would involve the replacement of all existing street light fixtures within the Town of Ellicott serviced by *National Grid* with Light Emitting Diode (LED) fixtures. He stated that there are currently fifty-six (56) street lights in the town being serviced by *National Grid*. None of the 56 street lights are currently equipped with LED fixtures. Mr. Erlandson explained that the cost of converting the fixtures would normally be \$89.51 per light for a total of \$5,012.56. However, he noted that the program specifies that the town would NOT be assessed for the replacement of mercury vapor (MV) streetlights. There are 54 MV street lights in the town. Therefore, the town would only have to pay for the conversion of two (2) street lights at a total cost of \$179.02. Mr. Erlandson recommended that the Town Council proceed with the program.

**RESOLUTION #56-17**

*Convert National Grid Streetlights to LED*

**MOTION** by Supervisor McLaughlin, seconded by Councilwoman Bowman authorizing the Town of Ellicott to participate in a Light Emitting Diode (LED) conversion program being sponsored by *National Grid*; and, further, that all fifty-six (56) street light fixtures located within the Town of Ellicott being serviced by *National Grid* be converted to LED fixtures; and, further, that as stipulated by *National Grid* the Town of Ellicott will not be assessed for the conversion of fifty-four (54) mercury vapor (MV) street light fixtures located within the Town of Ellicott; and, further, that the total assessment to the Town of Ellicott of converting two (2) high pressure sodium (HPS) street light fixtures located within the Town of Ellicott shall be \$179.02 (\$89.51 each).

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

**RESOLUTION #57-17**

*Accept Bids for Highway Materials & Services*

**MOTION** by Supervisor McLaughlin, seconded by Councilman Nelson authorizing Highway Superintendent Pickett to accept the *Chautauqua County* and *New York State* bids for highway materials and services for fiscal year 2017.

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

**RESOLUTION #58-17**

*Payment of Claims*

**MOTION** by Councilman Nelson, seconded by Councilman Beckerink to pay Abstract #7-2017 in the amount of \$32,623.66 and Abstract #8-2017 in the amount of \$122,423.05 and charge to the proper funds or accounts.

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

**MOTION** by Supervisor McLaughlin, seconded by Councilman Nelson to adjourn at 7:45 PM.

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

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Michael C. Erlandson, Town Clerk