

**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
June 19, 2017 at 6:30 P.M.**

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

Supervisor McLaughlin opened the meeting at 6:30 PM and led the Town Council in the *Pledge of Allegiance*. Town Clerk Erlandson called the roll.

APPROVAL OF MINUTES

MOTION by Councilman Tyler, seconded by Councilman Nelson to accept the minutes of the May 15, 2017 Regular Meeting as presented by the Town Clerk.

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

PRIVILEGE OF THE FLOOR

Mr. Carl Olander and Mr. Vern Brown representing *Celoron American Legion Post #777* addressed the Town Council re the legion’s desire to conduct a chicken barbeque in the parking lot of their facility located at 26 Jackson Ave. The barbeque would be conducted on Sundays throughout the summer months. Mr. Olander reported that the Town of Ellicott Code Enforcement Officer recently denied the legion’s request to conduct the barbeque because it is not in compliance with town code. He and Mr. Brown feel that the denial of the request was unwarranted. They asked the Council for assistance in determining a way that the legion could move ahead with the chicken barbeque. The Council discussed the matter. Supervisor McLaughlin noted that the current town code indeed prohibits the outdoor sale of food to the public. He suggested that one solution would be to cook the chicken outside but actually sell the dinners to the public inside the legion. In the meantime, the Council will look into the feasibility of amending the town code to allow the outdoor sale of food to the public.

Mr. Ted Card, 2929 Moon Rd., commented on the proposed plan being considered by the *City of Jamestown* to annex property located within the Village of Falconer. (Minutes 2/13/17 et. seq.) Mr. Card is adamantly opposed to the plan. He asked the Town Council to formally oppose the proposed annexation plan.

CORRESPONDENCE

Town Clerk Erlandson read the following items into the record:

1. Notice of liquor license application: *Azteca Mexican Diner*, 332 West Main St., Falconer, New York.
2. Notice from *TitanX Engine Cooling* re an upcoming Family Day/Open House to be conducted on Sept. 9, 2017 at their facility located on Allen St. Ext.

3. Notification from the New York State *Dept. of State* that Town of Ellicott Local Law #4-2017 has been received and filed.
4. Assessor's Report: June 2017.

TOWN OFFICER'S REPORTS

Councilman Tyler reported that he and Supervisor McLaughlin met with several neighbors from the Merlin Ave./Gifford Ave. area to discuss road conditions and drainage issues.

Councilman Nelson reported that he and the Town of Ellicott Building Maintenance Supervisor are obtaining price quotes for repairing a leaking pipe at the Ellicott Administration Bldg. near the court office.

Supervisor McLaughlin thanked the Town Council members for attending the public hearing held on June 12, 2017 re the proposed annexation of property in the Village of Falconer by the *City of Jamestown*. (Minutes 2/13/17 et. seq.) Mr. McLaughlin briefly discussed his thoughts concerning the public hearing.

OLD BUSINESS

Abandonment of Cobb Road – The Town Council discussed the feasibility and potential ramifications of abandoning Cobb Rd. (Minutes 3/20/17 et. seq.) Supervisor McLaughlin stated that he is continuing to look into several options in regards to resolving the matter. Tabled pending further review.

Status of Condemnation Proceedings (Graves' Properties) – The Town Council discussed the status of condemnation proceedings on two properties located in the Town of Ellicott owned by Josephine Graves (S-B-L #386.16-3-23 & 24). (Minutes 3/20/17 et. seq.) Councilman Tyler reminded the Council that he has been in contact with Ms. Graves concerning the Town of Ellicott's willingness to purchase the properties from her. She is considering the town's offer. Tabled until the July 17, 2017 meeting.

NEW BUSINESS

RESOLUTION #69-17

Adopt Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan

MOTION by Councilman Tyler, seconded by Councilman Nelson to adopt the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan as the Natural Hazard Mitigation Plan for the Town of Ellicott. (see 'Chaut. Co. Multi-Jurisdictional Hazard Mitigation Plan' for detail)

Adopted.

Ayes - 4

Noes - 0

Absent – 1

RESOLUTION #70-17

Payment of Claims

MOTION by Councilwoman Bowman, seconded by Councilman Nelson to pay Abstract #11-2017 in the amount of \$9,341.45 and Abstract #12-2017 in the amount of \$248,475.99 and charge to the proper funds or accounts.

Adopted. Ayes - 4 Noes - 0 Absent – 1

RESOLUTION #71-17

Executive Session (Pending Litigation)

MOTION by Supervisor McLaughlin, seconded by Councilwoman Bowman to convene Executive Session for the purpose of discussing pending litigation. 7:15 PM – 7:44 PM

Adopted. Ayes - 4 Noes - 0 Absent - 1

MOTION by Councilman Tyler, seconded by Supervisor McLaughlin to adjourn at 7:44 PM.

Carried. Ayes - 4 Noes - 0 Absent - 1

Michael C. Erlandson, Town Clerk