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 July 17, 2017 at 6:30 P.M.

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

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 June 19, 2017 Regular Meeting as presented by the Town Clerk.

Carried. Ayes - 5 Noes - 0 Absent - 0

# PRIVILEGE OF THE FLOOR

Mr. David Supples, 21 North Butts Ave. reported on a situation involving the property next to his located at 462 Fairmount Ave. A doctor's office is currently located on the property. Mr. Supples expressed concern that the owner of the Fairmount Ave. property has yet to erect a fence between his property and Mr. Supples property as outlined in the original site plan for the doctor's office. He explained that there is a lot of vehicular traffic coming in and out of the parking lot at the doctor's office during the week. This is creating persistent noise and light from the vehicles as they enter & exit the parking lot. He pointed out that the site plan for the doctor's office which was approved more than a year ago by the Town of Ellicott Planning Board indicated that a fence was supposed to be erected between the two properties. The purpose of the fence is to provide a buffer to protect Mr. Supples' home from the effect of extraneous noise & light created by the vehicular traffic. Mr. Supples cannot understand why the fence has not been installed. He asked the Town Council for assistance in getting it erected. Code Enforcement Officer Rowe stated that he has discussed the matter with the owner of the Fairmount Ave. property several times. However, to date, the owner has refused to comply. Mr. Rowe added that he recently sent the property owner a final notice stipulating that the fence must be erected. He explained that if the property owner does not comply with the final notice he will be issued a summons to appear in town court.

# **CORRESPONDENCE**

Town Clerk Erlandson read the following items into the record:

- 1. Reminder that *TitanX Engine Cooling* will be conducting a Family Day/Open House on Sept. 9, 2017 at their facility located on Allen St. Ext.
- 2. Notice re the annual "Walk-for-Life" to be conducted by Women's Services of Chautauqua County in the Village of Falconer on Sept. 23, 2017.

3. Notice from the *New York State Public Service Commission* re proposed increases in electric and gas delivery rates being requested by *National Grid*. The Commission will be conducting several Public Hearings concerning the matter.

## **TOWN OFFICER'S REPORTS**

**Town Clerk Erlandson** reported that the Town of Ellicott would be conducting its annual free rabies vaccination clinic on Thursday, July 27, 2017 from 5:00 - 7:00 PM at the Ellicott Highway Garage. Dr. Mary Fales will be administering the vaccinations.

**Supervisor McLaughlin** reported that there have been no further developments concerning the proposed annexation of property in the *Village of Falconer* by the *City of Jamestown*. (Minutes 2/13/17 et. seq.) He reminded the Council that the city has ninety (90) days from June 12, 2017 to make a decision on whether to proceed with the annexation.

## **OLD BUSINESS**

Abandonment of Cobb Road — The Town Council continued a discussion re the feasibility and potential ramifications of abandoning Cobb Rd. (Minutes 3/20/17 et. seq.) Supervisor McLaughlin reminded the Council that the Town of Ellicott Highway Dept. has no intention of improving and/or maintaining the road. However, he noted that Town of Gerry officials want the road to remain open. He stated that he intends to meet with Town of Gerry officials to determine whether they would be interested in purchasing the road from the property owner. Tabled pending further review.

Status of Condemnation Proceedings (Graves' Properties) – The Town Council discussed the status of condemnation proceedings involving two properties located near Brooks St. in the Town of Ellicott. The properties are 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's offer to purchase the properties. (Minutes 10/13/16) Ms. Graves is still considering the town's offer. Mr. Tyler explained that the recent passing of Ms. Graves's husband has complicated the matter. Attorney Wright expressed his concern with the lack of progress concerning the acquisition of the properties. He pointed out that the Ellicott Highway Dept. needs the property for the purpose of mitigating drainage problems in the area. (Minutes 3/31/16 et. seq.) Therefore, in his opinion, the acquisition of the properties needs to be expedited. He suggested that the Town Council discuss the matter further in Executive Session. Tabled pending further review.

# **NEW BUSINESS**

#### **RESOLUTION #72-17**

Bond Anticipation Note Renewal (New Roof & Lean-to Addition to Highway Garage)

**MOTION** by Councilman Tyler, seconded by Councilwoman Bowman authorizing the renewal of a Bond Anticipation Note in the amount of \$34,370.40 for the purchase of a new roof/lean-to addition for the Town of Ellicott Highway Garage. (see 'BAN' file for detail)

Adopted. Ayes - 5 Noes - 0 Absent -0

### **RESOLUTION #73-17**

*Hire Part-Time Police Officer (Pagan)* 

**MOTION** by Councilman Tyler, seconded by Councilman Nelson to hire Adrian D. Pagan, Jamestown, NY, as a part-time Town of Ellicott Police Officer, effective July 17, 2017, at a starting rate of pay of \$14.00 per hour and subject to a one (1) year probationary period.

Adopted. Ayes - 5 Noes - 0 Absent - 0

### **RESOLUTION #74-17**

Hire Part-Time Police Officer (Andin)

**MOTION** by Councilman Tyler, seconded by Councilman Nelson to hire James C. Andin, Brocton, NY, as a part-time Town of Ellicott Police Officer, effective July 18, 2017, at a starting rate of pay of \$14.00 per hour and subject to a one (1) year probationary period.

Adopted. Ayes - 5 Noes - 0 Absent - 0

### **RESOLUTION #75-17**

Payment of Claims

**MOTION** by Councilman Tyler, seconded by Councilwoman Bowman to pay Abstract #13-2017 in the amount of \$121,513.24 and charge to the proper funds or accounts.

Adopted. Ayes - 5 Noes - 0 Absent -0

### **RESOLUTION #76-17**

Executive Session (Pending Litigation)

**MOTION** by Supervisor McLaughlin, seconded by Councilman Nelson to convene Executive Session for the purpose of discussing three (3) pending litigation matters involving *The Gerry Homes*, *Boxwood Hotel*, and the condemnation of two (2) properties near Brooks St. 7:02 PM – 7:54 PM

Adopted. Ayes - 5 Noes - 0 Absent - 0

**MOTION** by Councilman Tyler, seconded by Councilman Nelson to adjourn at 7:54 PM.

Carried. Ayes - 5 Noes - 0 Absent - 0

Michael C. Erlandson, Town Clerk