

**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
August 21, 2017 at 6:30 P.M.**

Present: Supervisor McLaughlin, Councilman Tyler, Councilman Beckerink, Councilwoman Bowman, Councilman Nelson, Town Clerk Erlandson, Highway Superintendent Pickett, 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 July 17, 2017 Regular Meeting as presented by the Town Clerk.

Carried. Ayes - 5 Noes - 0 Absent - 0

PRIVILEGE OF THE FLOOR

Nicole Martin, 2807 Elmhurst Ave. expressed her concern re a “paper street” that bisects her property. She explained that her neighbors often park vehicles on the paper street making it difficult for her access her garage on the other side of the paper street. She asked the Town Council about the possibility of purchasing the portion of the paper street that bisects her property. The Town Council will discuss the matter later during tonight’s meeting.

CORRESPONDENCE

Town Clerk Erlandson read the following items into the record:

1. Letter from Nicole Martin, 2807 Elmhurst Ave. re the status of a “paper street”.
2. Thank you note from David & Ethelyn Supples for the Town Council’s assistance in getting their neighbor to erect a fence. (Minutes 7/17/17)
3. 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.
4. 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.
5. Notice re a “Community Coalition Celebration” sponsored by the *Village of Falconer* to be conducted Sat., Aug. 26, 2017 from 2:30 – 6:30 PM at the Falconer Fire Hall.
6. Notice of liquor license renewal: *House of Petillo*, 382 Hunt Rd.
7. Letter from Town of Ellicott Zoning Board member William Pentheny requesting a three-month leave of absence from the Zoning Board due to illness.
8. Letter of resignation from Town of Ellicott Zoning Board member Philip Pratt, effective July 20, 2017.
9. Notice re an upcoming seminar for local officials to be held in Orchard Park, New York on Sept. 27, 2017: “Understanding the Budget Process”.

10. Falconer Fire Dept. Reports: May, June & July 2017.

TOWN OFFICER’S REPORTS

Councilman Tyler reported that he received a call from a resident on Westbury Ct. concerning a problem with a catch basin. He stated that he has discussed the matter with Highway Superintendent Pickett.

Mr. Tyler also reported that he has received complaints concerning the length of the grass on property located behind the *Salvation Army* store on Fairmount Ave.

Town Clerk Erlandson reported that the new financial software purchased by the Town of Ellicott from *Edmonds & Associates* is operational. (Minutes 1/16/17 et. seq.)

Mr. Erlandson also reported that the Town of Ellicott conducted its annual free rabies vaccination clinic on Thursday, July 27, 2017.

Highway Superintendent Pickett stated that the Ellicott Highway Dept. will be conducting paving operations on Moon Rd. within the next several weeks.

Supervisor McLaughlin reported that *City of Jamestown* officials want to renegotiate its Water & Sewer Agreement with the Town of Ellicott. He explained that current agreement expired in 2008. Mr. McLaughlin explained that he, Councilman Tyler and Town Clerk Erlandson recently met with several *City of Jamestown* officials concerning the matter. He stated that Attorney William Duncanson Jr. would be representing the town during the negotiations. He added that negotiations will get underway soon.

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 noted that the *Town of Gerry* recently abandoned its section of Cobb Rd. He suggested that the Town of Ellicott abandon its section of the road as well. Mr. McLaughlin reminded the Council that the Town of Ellicott Highway Dept. has no intention of improving and/or maintaining the road. He pointed out that the section of Cobb Rd. located in the Town of Ellicott is less than three hundred (300) feet in length.

RESOLUTION #77-17

Abandonment of Cobb Rd.

MOTION by Councilman Tyler, seconded by Councilman Nelson to abandon a section of Cobb Rd. located in the Town of Ellicott between Knight Rd. and the *Town of Gerry* municipal boundary on premises described on the Chautauqua County tax map as parcel 320.00-1-4.1.

Adopted.

Ayes - 4

Noes - 0

Abstain - 1

(Councilman Beckerink Abstained.)

Status of Condemnation Proceedings (Graves' Properties) – Tabled pending further discussion.

NEW BUSINESS

Abandonment of Paper St. West of Elmhurst Ave. – The Town Council discussed a request to abandon a section of a “paper street” west of Elmhurst Ave. in the Fluvanna area. The request was made by Nicole Martin, 2807 Elmhurst Ave. (see ‘Privilege of the Floor’) The Council reviewed a map of the area in question. Highway Superintendent Pickett pointed out that the paper street actually runs from Elmhurst Ave. all the way to the Town of Ellicott municipal boundary. The name of the street is “Drive”. He explained that the paper street has never been accepted by the Town of Ellicott nor utilized as a public street or highway. Therefore, the Council discussed the feasibility of abandoning not only the section being requested, but the entire length of the paper street.

RESOLUTION #78-17

Abandonment of Paper Street in Fluvanna Area

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to abandon any interest the Town of Ellicott has in a “paper street” commonly known as “Drive” located between Elmhurst Ave. and the Town of Ellicott municipal boundary; and, further, that said “paper street” is described on the Chautauqua County tax map as the J. D. Leshner Elmhurst allotment dated July 1919 and filed in the Chautauqua Co. Clerk’s office on August 5, 1919.

Adopted.

Ayes - 5

Noes - 0

Absent – 0

Rescind Notification Policies (Zoning Board of Appeals & Planning Board) – Supervisor McLaughlin recommended that the Town Council rescind its policy of notifying residents re upcoming Zoning Board of Appeals meetings or Planning Board meetings. (Resolution #167-00) The current policy requires town officials to notify residents within a 500 foot radius of any proposed development, zoning change, variance or other related action. In addition, the policy requires the town to notify residents within a 1000-foot radius of any proposed telecommunications towers which are to be located within the Town of Ellicott. (Resolution #29-02) Mr. McLaughlin feels that the policies are outdated. He explained that the process is both time-consuming and costly to the town. He pointed out that notices for both ZBA and Planning Board meetings are published in the *Jamestown Post-Journal* and posted on the town’s website as well.

RESOLUTION #79-17

Rescind Notification Policies (Zoning Board of Appeals & Planning Board)

MOTION by Councilman Nelson, seconded by Councilwoman Bowman to rescind Town of Ellicott Resolutions #167-00 and #29-02 regarding the notification of residents of upcoming Town of Ellicott Zoning Board of Appeals meetings and Town of Ellicott Planning Board meetings; and, further that the Town of Ellicott establish a policy to notify only residents whose property abuts any property being considered for proposed development, zoning change, variance or other related action that necessitates an appearance before the Zoning Board of Appeals and/or Planning Board.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #80-17

Removal of Stop Sign on North Green Ave.

MOTION BY Councilman Tyler, seconded by Councilwoman Bowman authorizing the removal of a ‘Stop’ sign on North Green Avenue located in the Town of Ellicott.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #81-17

Sale of Used Highway Equipment

MOTION by Councilman Tyler, seconded by Councilman Beckerink authorizing the Town of Ellicott Highway Superintendent to sell the following used highway equipment at auction through *Auctions International Inc.*: One (1) Thermal Dynamics Packmaster 75XL plasma cutter and one (1) 2007 Lincoln Ideal arc SP-200 arc welder.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #82-17

Payment of Claims

MOTION by Councilman Beckerink, seconded by Councilman Nelson to pay Abstract #14-2017 in the amount of \$153,012.89 and Abstract #15-2017 in the amount of \$135,626.24 and charge to the proper funds or accounts.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #83-17

Executive Session (Pending Litigation)

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler to convene Executive Session for the purpose of discussing current litigation and a contract negotiation. 7:30 PM – 7:47 PM

Adopted. Ayes - 5 Noes - 0 Absent - 0

MOTION by Councilman Tyler, seconded by Councilman Beckerink to adjourn at 7:47 PM.

Carried. Ayes - 5 Noes - 0 Absent - 0

Michael C. Erlandson, Town Clerk