

**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
November 20, 2017 at 6:30 P.M.***

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

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 Councilwoman Bowman, seconded by Councilman Nelson to accept the minutes of the October 16, 2017 Regular Meeting & the November 9, 2017 Special Meeting as presented by the Town Clerk.

Carried.

Ayes - 5

Noes - 0

Absent - 1

PRIVILEGE OF THE FLOOR

Town of Ellicott Ward 3 Councilwoman-elect Katy Whitmore and Town of Ellicott Ward 4 Councilman-elect Daniel Heitzenrater introduced themselves.

CORRESPONDENCE

Town Clerk Erlandson read the following items into the record:

1. Invitation to the *Chautauqua County Chamber of Commerce* Annual Meeting to be held on December 8, 2017.
2. Notice re the annual election of the *Fluvanna Fire District* to be conducted on December 12, 2017 at the *Fluvanna Community Church*.
3. Letter from the New York State *Association of Towns* re its annual training school to be held in New York City in February 2018.
4. Falconer Fire Dept. Report: October 2017.

TOWN OFFICER'S REPORTS

Councilwoman Bowman reported that she and Supervisor McLaughlin attended a presentation on Nov. 16, 2017 conducted by officials representing the *Chautauqua Lake Partnership*. She outlined the issues that were discussed during the presentation. She explained that the *CLP* intends to apply for a permit from the *New York State Dept. of Environmental Conservation (DEC)* to apply herbicides to *Chautauqua Lake* in 2018 to control invasive weed growth. She added that prior to applying for the permit an Environmental Impact Study (EIS) must be completed. Supervisor McLaughlin stated that the *CLP* is requesting \$10,000.00 from the Town of Ellicott and other municipalities to help cover the expense of conducting the EIS. However, Mr. McLaughlin noted that only \$2,500.00 has

been allocated in the 2018 Town of Ellicott budget. He informed the *CLP* that the Town Council might consider allocating additional funding at a later date.

Councilman Tyler reported that a resident of Howard Ave. contacted him re a problem with the sewer pipe at her residence. Mr. Tyler explained that there is a problem with the sewer pipes at several residences along Howard Ave. near Woodward Ave. However, he stated that due to the age and condition of the pipe *South & Center Sewer* is unable to repair them. Highway Superintendent Pickett noted that *South & Center Sewer* officials informed him that one remedy to the situation would be to install a new sewer line along Howard Ave.

Highway Superintendent Pickett reported that the Ellicott Highway Dept. has completed leaf pickup operations for 2017.

Supervisor McLaughlin reported that the annual Christmas luncheon for Town of Ellicott employees will be held on Dec. 12, 2017. The cost of the luncheon is \$7.00 per person.

Mr. McLaughlin also updated the Town Council re the status of litigation involving a proposal by the *City of Jamestown* to annex approximately 4 acres of property located within the boundaries of the *Village of Falconer* & the Town of Ellicott. (Minutes 2/13/17 et. seq.) He stated that the case will be heard before the NY State Appellate Court in December 2017.

OLD BUSINESS

RESOLUTION #96-17

Opposition to Proposed Annexation of Property by the City of Jamestown

MOTION by Councilman Tyler, seconded by Councilman Beckerink that the Town of Ellicott maintains its opposition to a proposal by the *City of Jamestown* to annex approximately 4 acres of property located within the boundaries of the *Village of Falconer* & the Town of Ellicott. (see ‘Annexation of Property’ file for complete Resolution)

Adopted.

Ayes - 5

Noes - 0

Absent - 0

NEW BUSINESS

RESOLUTION #97-17

Bond Anticipation Note (Dump Truck)

MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing the renewal of a Bond Anticipation Note in the amount of \$126,319.20 for the purchase of a *2016 International 7600 Dump Truck and a Henderson Plow*. (see 'BAN' file for detail)

Adopted.

Ayes - 5

Noes - 0

Absent - 0

RESOLUTION #98-17

BAN Renewal (Royal Oaks Water)

MOTION by Councilman Tyler, seconded by Councilman Nelson authorizing the renewal of a Bond Anticipation Note in the amount of \$7,230.00 for the *construction of a water supply and distribution system for Royal Oaks in the Town of Ellicott*. (see ‘BAN’ file for detail)

Adopted. Ayes - 5 Noes - 0 Absent - 0

Demolition of Abandoned Building on Jackson Ave. – Supervisor McLaughlin reported that the *Chautauqua County Industrial Development Agency* intends to apply for grant funding to demolish an abandoned building located at 173 Jackson Ave. The property is currently owned by *Chautauqua Co.* Mr. McLaughlin explained that *Regal Service Co.* located at 101 Jackson Ave. wants to purchase the property in order to expand their business. However, they need to have the abandoned building demolished before they can move ahead with the expansion plans. Due to the high cost of the demolition, the company has requested assistance from the *CCIDA* in applying for grant funding to have the building demolished. Mr. McLaughlin also noted that a public hearing must be held prior to applying for the grant funding.

RESOLUTION #99-17

Resolution of Support: Restore NY - Jackson Ave. Abatement Demolition

MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing the Town of Ellicott to apply for funding through the Restore New York – Round 5 Communities Initiative Municipal Grant Program; and, further that the funding be used for the demolition of a vacant building located at 173 Jackson Ave. in the Town of Ellicott.

Adopted. Ayes - 4 Noes - 1 Absent - 0
(Councilman Beckerink Voted No)

MOTION by Councilman Tyler, seconded by Councilman Nelson to schedule a Public Hearing for November 30, 2017 at 10:00 AM regarding an application to apply for an Empire State Development Restore New York - Round 5 Grant, for the abatement and demolition of a former manufacturing facility located at 173 Jackson Avenue in the Town of Ellicott. The proposed Restore New York Grant is being applied for in support and in conjunction with the Town of Ellicott’s participation to allow for the expansion of *Regal Service Company*.

Carried. Ayes - 5 Noes - 0 Absent - 0

New Employee for Town of Ellicott Highway Dept. – Highway Superintendent Pickett asked for permission to hire a new full-time employee for the Town of Ellicott Highway Dept. He explained that a current highway department employee will be retiring in 2019. In addition, another highway dept. employee will be off for an extended period of time due to injury. Therefore, he would like to hire a new employee as soon as possible with the expectation that the new employee will fill the position of the employee who will be retiring. He noted that he has sufficient funding in his budget to cover the cost of the new employee.

RESOLUTION #100-17

New Employee for Highway Dept.

MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing the Town of Ellicott Highway Superintendent to hire a new full-time employee for the Town of Ellicott Highway Department.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #101-17

Payment of Claims

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler to pay Abstract #19-2017 in the amount of \$9,705.83 and Abstract #20-2017 in the amount of \$164,039.97 and charge to the proper funds or accounts.

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

RESOLUTION #102-17

Executive Session (Negotiations with City of Jamestown & Personnel Matter)

MOTION by Councilman Tyler, seconded by Councilman Nelson to convene Executive Session for the purpose of discussing negotiations pertaining to a new Water & Sewer Agreement with the *City of Jamestown* and also to discuss a personnel matter. 7:08 PM – 7:55 PM

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

RESOLUTION #103-17

Postpone Negotiations with City of Jamestown

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to postpone negotiations with the *City of Jamestown* regarding a new water & sewer agreement pending the resolution of litigation involving the annexation of property by the *City of Jamestown*.

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

RESOLUTION #104-17

Pay Health Insurance Premium for Daniel Devereaux

MOTION by Supervisor McLaughlin seconded by Councilman Tyler to pay eighty-five percent (85%) of the COBRA health insurance premium for Town of Ellicott employee Daniel Devereaux for December 2017, January 2018 and February 2018; payment of premium to terminate, effective March 1, 2018.

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

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to adjourn at 7:57 PM.

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

Michael C. Erlandson, Town Clerk