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 February 12, 2018 at 6:00 P.M.

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

Supervisor McLaughlin opened the meeting at 6:00 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 Councilwoman Whitmore to accept the minutes of the January 15, 2018 Regular Meeting & the January 25, 2018 *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. Notice of property tax foreclosures in the Town of Ellicott.
2. Notice of an upcoming training seminar re "Powers & Duties for Local Officials" to be conducted by the *Southern Tier West Regional Planning & Development Board*.

TOWN OFFICER'S REPORTS

Councilman Heitzenrater suggested that the Town Council explore the feasibility of establishing an "electronic newsletter" for the Town of Ellicott. He feels that it would be an excellent way to keep residents informed re town matters.

Councilwoman Bowman entered the meeting at 6:07 PM.

Councilwoman Bowman stated that she recently attended a meeting of the *Chautauqua Lake Management Alliance.* She explained that the meeting was conducted as a focus group for municipalities to discuss how to address various problems concerning *Chautauqua Lake*.

Supervisor McLaughlin reported that he would be attending a meeting on Feb. 21, 2018 to discuss issues related to the *Chautauqua Lake Partnership* and other matters concerning *Chautauqua Lake*.

Highway Superintendent Pickett reported that he is in the process of obtaining bids for a new pickup truck for the Town of Ellicott Highway Department.

OLD BUSINESS

Purchase of Property in West Ellicott (Graves) – The Town Council discussed the status of the purchase of two (2) properties located near Brooks St. in the Town of Ellicott. (Minutes 10/13/16) The properties are owned by Josephine Graves. Supervisor McLaughlin explained that town officials have been trying to get in touch with Mrs. Graves for months in order to complete the purchase. However, repeated attempts to contact her have been unsuccessful. Mr. McLaughlin expressed his concern with the lack of progress concerning the acquisition of the properties. He reminded the Council that the Ellicott Highway Dept. needs the property for the purpose of mitigating drainage problems in the area. (Minutes 3/31/16 et. seq.) Councilman Tyler stated that he knows Mrs. Graves personally. He asked that the legal documents pertaining to the acquisition be given to him so he can bring them to Mrs. Graves for her signature.

NEW BUSINESS

Introduction of Local Law re Truck Exclusions – The Town Council reviewed a proposed local law to exclude trucks from certain highways in the Town of Ellicott.

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler to schedule a Public Hearing for March 19, 2018 at 5:45 PM on introductory Town of Ellicott Local Law #2-2018 amending Sections 114-14 & 114-34 of the Town of Ellicott Code regarding the exclusion of trucks and other similar vehicles from certain highways in the Town of Ellicott.

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

RESOLUTION #43-18
Renewal of Town Insurance

MOTION by Councilman Tyler, seconded by Councilman Heitzenrater to accept a proposal from *Selective Insurance* to provide comprehensive liability insurance to the Town of Ellicott for the year beginning March 1, 2018 and terminating March 1, 2019 at a cost to the Town of Ellicott not to exceed $74,310.63. (see 'Insurance' file for detail)

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

RESOLUTION #44-18
Budget Transfers & Appropriations

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore authorizing the Town of Ellicott Supervisor to make the following budget transfers & appropriations for fiscal year 2017:

To:	10101.1 (Town Board – Personal Services)	$	0.16		
From:	10104.1 (Town Board – Contractual)			$	0.16
To:	11104.1 (Justice – Contractual)	$	2,971.50		
From:	10101.1 (Justice – Personal Services)			$	2,971.50

To:	12201.1 (Supervisor – Personal Services)	$	7.40		
From:	13201.1 (Bookkeeping – Personal Services)			$	7.40
To:	12204.1 (Supervisor - Contractual)	$	121.85		
From:	13201.1 (Bookkeeping – Personal Services)			$	121.85
To:	14201.1 (Attorney – Personal Services)	$	3,881.18		
From:	11101.1 (Justice – Personal Services)			$	3,881.18
To:	14204.1 (Attorney – Contractual)	$	11,636.29		
From:	19104.1 (Unallocated Insurance)			$	11,636.29
To:	14204.1 (Attorney - Contractual)	$	4,065.00		
From:	13204.1 (Bookkeeping – Contractual)			$	4,065.00
To:	14204.1 (Attorney – Contractual)	$	18,344.07		
From:	90608.1 (Medical Insurance)			$	18,344.07
To:	14204.1 (Attorney – Contractual)	$	1,291.26		
From:	90308.1 (Social Security)			$	1,291.26
To:	90108.1 (State Retirement)	$	20.44		
From:	90308.1 (Social Security)			$	20.44
To:	90158.1 (Fire & Police State Retirement)	$	22.46		
From:	90308.1 (Social Security)			$	22.46
To:	90408.1 (Workers Comp)	$	.45		
From:	90308.1 (Social Security)			$	.45
To:	71104.1 (Parks – Contractual)	$	955.14		
From:	75104.1 (Historian)			$	955.14
To:	36201.2 (Safety Inspection – Personal Services)	$	.08		
From:	36202.2 (Safety Inspection – Equipment)			$	.08
To:	36204.2 (Safety Inspection – Contractual)	$	761.39		
From:	36202.2 (Safety Inspection – Equipment)			$	761.39
To:	90608.4 (Medical Insurance)	$	207.12		
From:	90508.4 (Disability Insurance)			$	207.12
To:	97307.4 (Interest on Debt Service)	$	7.92		
From:	97306.4 (Principal on Debt Service)			$	7.92
To:	51404.4 (Brush & Weeds - Contractual)	$	7,532.38		
From:	51104.4 (General Repairs – Personal Services)			$	7,532.38

Appropriate the amount of $73,093.09 from Account #1265.1 (Attorney Fees) into Account #14204.1 (Attorney – Contractual).

Appropriate the amount of $1,020.04 from Account #2110.2 (Zoning Fees) into Account #80104.2 (Zoning – Contractual).

Appropriate the amount of $326.08 from Account #2110.2 (Zoning Fees) into Account #80204.2 (Planning – Contractual).

Appropriate the amount of $742.99 from Account #51101.4 (General Repairs – Personal Services) into Account #878.04 (Capital Reserve – Equipment).

Appropriate the amount of $21,809.67 from Account #51302.4 (Machinery - Equipment) into Account #878.04 (Capital Reserve – Equipment).

Appropriate the amount of $21,688.27 from Account #51401.4 (Snow Removal – Personal Services) into Account #878.04 (Capital Reserve – Equipment).

Appropriate the amount of $11,854.26 from Account #51402.4 (Snow Removal – Equipment) into Account #878.04 (Capital Reserve – Equipment).

Appropriate the amount of $1,000.00 from Account #54104.4 (Sidewalks) into Account #878.04 (Capital Reserve – Equipment).

Appropriate the amount of $5,564.06 from Account #85404.4 (Drainage) into Account #878.04 (Capital Reserve – Equipment).

Appropriate the amount of $23,718.87 in unanticipated revenue from Account #3089.4 (Other State Aid) into Account #51104.4 (General Repairs – Contractual).

Appropriate the amount of $1,502.98 in unanticipated revenue from Account #3089.4 (Other State Aid) into Account #5112.4 (Permanent Improvement - Equipment).

Appropriate the amount of $2,281.37 in unanticipated revenue from Account #3089.4 (Other State Aid) into Account #5130.4 (Machinery - Contractual).

Appropriate the amount of $22,194.78 in unanticipated revenue from Account #3089.4 (Other State Aid) into Account #878.04 (Capital Reserve – Equipment).

Appropriate the amount of $3,463.92 in unanticipated revenue from Account #2650.4 (Sale of Scrap) into Account #5130.4 (Machinery - Contractual).

Appropriate the amount of $430.00 in unanticipated revenue from Account #2665.4 (Sale of Equipment) into Account #5130.4 (Machinery - Contractual).

Appropriate the amount of $500.00 in unanticipated revenue from Account #2770.4 (Unclassified Revenue - Rebate) into Account #5130.4 (Machinery - Contractual).

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

RESOLUTION #45-18
Payment of Claims

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to pay Abstract #3-2018 in the amount of $642,794.84 and charge to the proper funds or accounts.

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

RESOLUTION #46-18
Executive Session (Pending Litigation & Negotiations with City of Jamestown)

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to convene Executive Session for the purpose of discussing pending litigation and negotiations pertaining to a new Water & Sewer Agreement with the *City of Jamestown.* 6:21 PM – 7:36 PM

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

Councilman Tyler left the meeting at 6:30 PM.

RESOLUTION #47-18
Authorize Settlement Agreement with Gerry Homes

MOTION by Councilwoman Bowman, seconded by Councilman Heitzenrater authorizing the Town of Ellicott Supervisor to sign an agreement to settle the present and on-going litigation between the Town of Ellicott and *The Gerry Homes Inc.* as stipulated by the town's legal counsel Katherine E. Gavett, Esq.

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

MOTION by Councilwoman Bowman, seconded by Councilwoman Whitmore to adjourn at 7:38 PM.

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

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Michael C. Erlandson, Town Clerk