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 March 19, 2018 at 5:45 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 5:45 PM and led the Town Council in the *Pledge of Allegiance.* Town Clerk Erlandson called the roll.

PUBLIC HEARING ***(Introductory Local Law #2-2018: truck exclusions)***

Supervisor McLaughlin opened a Public Hearing at 5:45 PM to discuss Town of Ellicott introductory Local Law #2-2018. The purpose of the proposed law is to exclude certain trucks and other similar vehicles from town highways. Highway Superintendent Pickett briefly outlined the rationale for the proposed law. The Town Council discussed the matter. No public comments were heard.

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to close the Public Hearing at 5:51 PM.

Carried. Ayes - 5 Noes - 0 Absent - 0

APPROVAL OF MINUTES

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to accept the minutes of the February 12, 2018 Regular Meeting & the March 1, 2018 *Special* Meeting as presented by the Town Clerk.

Carried. Ayes - 5 Noes - 0 Absent - 0

PRIVILEGE OF THE FLOOR

Karen Engstrom, 5189 West Lake Rd., Mayville, New York distributed information concerning the industrial wind turbines planned for Chautauqua County. Ms. Engstrom explained that the information outlines the negative aspects of industrial wind turbines. She asked the Town Council to review the materials.

Charles Piazza, Fire Chief, Falconer Fire Dept. introduced himself and stated that he is looking forward to working with the Town of Ellicott.

CORRESPONDENCE

Town Clerk Erlandson read the following items into the record:

1. Application for liquor license: *Wegmans Food Market*, 945 Fairmount Ave.
2. Letter from Sue Seamons, Director, *Falconer Public Library*, thanking the Ellicott Town Council for its annual $3,500.00 allocation to the library.
3. 2017 Annual Financial Report for Fluvanna Fire District.
4. Notice re the annual Local Government Conference sponsored by *So. Tier West Regional Planning & Devel. Board* to be held at *Houghton College* on May 9, 2018.

TOWN OFFICER'S REPORTS

Councilman Heitzenrater reported that he has agreed to represent the Town of Ellicott on the *Greater Falconer Area Economic Development Committee.* He updated the Town Council re several matters that the committee is currently working on.

Councilwoman Bowman commented on a referendum that will be appearing on the ballot for the *Southwestern Central School District* budget later this year. She stated that the referendum concerns funding for the *Lakewood Memorial Library* and the *Hazeltine Public Library* in Busti. She explained that the referendum is a mechanism to provide direct funding for the two libraries through the school district budget. She noted that if the referendum is approved, all residents within the *SWCS* district would be required to pay an additional tax to support the libraries since the libraries are both located within the *SWCS* district. More importantly, the funding level would be permanent. Ms. Bowman pointed out that New York State Education Law §259 gives libraries the ability to seek funding in such a manner. She reported that a member of the *SWCS* board recently contacted her and expressed his reservations about the referendum. According to Ms. Bowman, the school board is concerned that should the voters approve the referendum, the school board would have no control over funding for the libraries in the future. Ms. Bowman is opposed to the referendum. She feels that if the referendum is approved the two libraries will no longer have an incentive to control spending. The Town Council discussed the matter.

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler to oppose a referendum that will appear on the ballot for the *Southwestern Central School District* budget on May 15, 2018 asking voters to approve funding for *Lakewood Memorial Library* and *Hazeltine Public Library* directly through the school district.

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

Councilman Tyler reported that a resident called him concerning the speed of traffic on Fairmount Ave.

Town Clerk Erlandson reported that the Ellicott Facilities Committee approved a proposal to construct a custom glass partition and a panic alarm security system in the Town Clerk's office. He feels that the project will improve security and safety for his employees. The total cost of the two projects will be $7,726.00. Mr. Erlandson stated that the funding for the project will be encumbered from the 2017 fund balance. He added that the projects should be completed by April 30, 2018.

Mr. Erlandson also reported that he has been looking into the feasibility of starting an "electronic newsletter" for the Town of Ellicott as suggested by Councilman Heitzenrater.

(Minutes 2/12/18) He stated that he has been in contact with a representative from *Southern Tier West Regional Planning & Development Board* re the matter. According to Mr. Erlandson, *STW* would be interested in assisting with the project at no cost to the town. He will continue to pursue the matter with Councilman Heitzenrater.

Attorney Duncanson updated the Town Council re the status of the settlement involving *The Gerry Homes* litigation. (Minutes 2/12/18)

Supervisor McLaughlin reported that he has met twice with representatives from *Cornell Cooperative Extension* re their interest in leasing the vacant office space on the first floor of the Town of Ellicott Administration Building. According to Mr. McLaughlin, the *CCE* board should have a final decision re the matter in early April 2018.

Mr. McLaughlin also reported that he and several other town officers will be meeting this Wednesday with *Jamestown Board of Public Utilities* officials to continue negotiations re a new water and sewer agreement with the *City of Jamestown*. (Minutes 8/21/17 et. seq.)

Mr. McLaughlin also reported that he is meeting with *Chautauqua Co. Industrial Development Agency (CCIDA)* officials next week to discuss the tax abatements attached to the proposed purchase of the *Methodist Gardens* facility located in the Town of Ellicott.

OLD BUSINESS

RESOLUTION #50-18
Adopt Local Law #2-2018 (Truck Exclusions on Town Highways)

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore to adopt Town of Ellicott Local Law #2-2018 to exclude certain trucks and other similar vehicles from town highways. (see 'Local Law #2-2018' for detail)

Adopted. Ayes - 5 Noes - 0 Absent - 0

NEW BUSINESS

RESOLUTION #51-18
Tipping Credits for Site Clean-up

MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing the *Chautauqua County Land Bank Corporation* to use any and all Town of Ellicott tipping credits available under the *Chautauqua County* Shared Services Agreement to assist in the clean-up and remediation of two (2) properties located at 132 Howard Ave. (SBL #386.11-5-16) and 120 South Allegheny Ave. (SBL #386.10-2-27) in the Town of Ellicott.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #52-18
Bond Anticipation Note (Dump Truck)

MOTION by Councilman Tyler, seconded by Councilman Heitzenrater authorizing the issuance of a **Bond Anticipation Note** in the amount of $80,555.00 for the purchase of a *2018 International Tandem Axle Dump Truck.* (see 'BAN' file for detail)

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #53-18
Bond Anticipation Note Renewal (Bobcat & Trailer)

MOTION by Councilwoman Whitmore, seconded by Councilman Tyler authorizing the renewal of a **Bond Anticipation Note** in the amount of $27,682.64 for the purchase of a 2015 E45 T4 *Bobcat* Excavator and a 2015 *Moritz* 15+4 trailer with toolbox. (see 'BAN' file for detail)

Adopted. Ayes - 5 Noes - 0 Absent - 0

Establish Department of Public Works – Supervisor McLaughlin recommended that the Town Council establish a Department of Public Works in the Town of Ellicott. However, he explained that in accordance with New York State Town Law a public hearing must be conducted prior to the establishment of a DPW.

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler to schedule a Public Hearing for April 16, 2018 at 5:45 PM regarding introductory Town of Ellicott Local Law #3-2018 pertaining to the establishment of a Department of Public Works in the Town of Ellicott.

Carried. Ayes - 5 Noes - 0 Absent - 0

Appoint Director of Public Works Dept. – Supervisor McLaughlin explained that in conjunction with establishing a Town of Ellicott Dept. of Public Works it will also be necessary to appoint a Director of Public Works. He explained that the Director of Public Works will be primarily an administrative position. Mr. McLaughlin pointed out that the increasing complexity of administering the various special utility districts within the town has made it imperative that the town create this position. He feels that creating the new position will provide certain efficiencies, reduce costs (including the costs of outside consultants and legal counsel) and provide a better level of service to residents of the town. The Director will also coordinate long range planning and oversee maintenance of all water, sewer and electric districts within the boundaries of the Town of Ellicott. Mr. McLaughlin recommended that Highway Superintendant Pickett be appointed to the position. In his opinion, Mr. Pickett would currently be the best fit to serve as Director of Public Works. He noted that Mr. Pickett has recently devoted much of his spare time researching the history of the various utility districts as well as reviewing maintenance agreements and utility rates. He has also begun to organize manuals, records, maps and other documentation pertaining to each special district. Mr. McLaughlin stated that the salary for the Director of Public Works shall be paid from funds allocated to special districts only. No portion of the salary for this position shall be paid from the town's general fund. The Town Council discussed the matter.

RESOLUTION #54-18
Appoint Director of Public Works (Pickett)

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler appointing Robert F. Pickett Jr. as Director of water, sewer and electric services in the Town of Ellicott until such time that the Town Council of the Town of Ellicott establishes a Department of Public Works; and, further, that upon establishment of the Dept. of Public Works, Robert F. Pickett Jr. be appointed to the position of Director of Public Works.

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

RESOLUTION #55-18
Establish Salary for Director of Public Works

MOTION by Councilman Tyler, seconded by Councilwoman Bowman to establish the salary for the Director of Public Works as $7,000.00 for 2018; and, further, stipulating that the salary for this position shall be paid solely from funds allocated to special districts and that no portion of the salary for the position shall be paid from the town's general fund.

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

RESOLUTION #56-18
Budget Appropriations

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore authorizing the Town of Ellicott Supervisor to make the following budget appropriations for fiscal year 2018:

Appropriate the amount of $15,000.00 from Account #867.04 (Fund Balance for Employee Benefits) to Account #51101.4 (General Repairs – Personal Services).

Appropriate the amount of $100,000.00 from Account #915.04 (Fund Balance) to Account #51302.4 (Machinery - Equipment).

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

RESOLUTION #57-18
Payment of Claims

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore to pay Abstract #4-2018 in the amount of $34,721.24 and Abstract #5-2018 in the amount of $301,263.65 and charge to the proper funds or accounts.

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

RESOLUTION #58-18
Executive Session (Negotiations with City of Jamestown)

MOTION by Councilman Heitzenrater, seconded by Councilwoman Bowman to convene Executive Session for the purpose of discussing negotiations pertaining to a new Water & Sewer Agreement with the *City of Jamestown.* 6:48 PM – 7:15 PM

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

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore to adjourn at 7:16 PM.

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

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Michael C. Erlandson, Town Clerk