

**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
September 17, 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 August 20, 2018 Regular Meeting and the September 5, 2018 *Special* Meeting as presented by the Town Clerk.

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

PRIVILEGE OF THE FLOOR

Karen Rine, 87 Longview Ave. thanked the Town Council for scheduling a special meeting to discuss the ongoing weed problem in the *Burtis Bay* area of *Chautauqua Lake*.

Anthony Hopfinger, 3351 Bonita also thanked the Town Council for scheduling the special meeting.

Patrick Applebee, 3493 Lake St. expressed his concerns re the poor condition of *Chautauqua Lake* in the *Burtis Bay*/Fluvanna area. He stated that the weed problem has made the lake unusable for recreation. In his opinion, the situation has become intolerable. He asked the Town Council for help in addressing the problem.

Brian Stimson, 4040 Gerry Levant Rd. expressed his concerns re the abandonment of a section of Cobb Rd. by the Town of Ellicott last year. (Minutes 8/21/17) In his opinion, the road should not have been closed since it was still being used for vehicular traffic at the time. He distributed maps and documents concerning the history of the road. According to Mr. Stimson, records he has obtained from *Chautauqua County* Cobb Rd. indicate that the road has existed for at least 102 years. He stated that the Town of Ellicott Highway Dept. had been maintaining the road on a regular basis. He noted that residents of the area used the road frequently. He feels that the Highway Dept. could keep the road open at a minimal cost.

Emery Holmquist, 3946 Gerry Levant Rd. also expressed his concern with the closure of Cobb Rd. He explained that his family and other area residents have used the road for generations. He stated that closing the road has created a hardship for him and his neighbors. Mr. Holmquist added that he does not care if the road is upgraded. He would just like it to remain open & passable.

Patricia Hellner, 4064 Knight Rd. asked town officials to re-open Cobb Rd. She feels that there was no reason to close it. She stated that the road was utilized on a regular basis.

Steve Garvey, 2531 Horton Rd. stated that he owns property near Cobb Rd. and maintains a camp on the property. He explained that closing the road has made it inconvenient for him to get to his camp. In his opinion, closing the road was a mistake and has created problems for residents of the area who were accustomed to using the road.

A lengthy discussion ensued re the status of the road. Supervisor McLaughlin explained that according to New York State Traffic Law Cobb Rd. does not meet the maintenance requirements to be considered a road “by use”. Therefore, the town was within its rights to abandon the road. He noted that the road was in poor condition and was getting very little vehicular traffic. Highway Superintendent Pickett added that just because the public uses the road periodically does not make it a road “by use”. He stated that the Ellicott Highway Dept. has conducted minimal maintenance on the road in years past. Mr. Pickett also noted that most of the unimproved section of Cobb Road is located in the *Town of Gerry*. In fact, he pointed out that approximately only 260 feet of the road is located within the Town of Ellicott. Mr. McLaughlin stated that he and Mr. Pickett met with *Town of Gerry* officials prior to abandoning the road to determine whether they would be interested in maintaining the entire unimproved section of Cobb Rd. since the majority of the road is in their town and utilized by *Town of Gerry* residents. However, *Town of Gerry* officials were not interested in maintaining the entire road. Mr. McLaughlin also clarified that the Town of Ellicott simply abandoned the road – they did not “close” it. Furthermore, he explained that the road is located on property owned by Todd Beckerink. Therefore, he stated that if residents wish to “re-open” the road they should discuss the matter with Mr. Beckerink.

CORRESPONDENCE

Town Clerk Erlandson read the following items into the record:

1. Notice of liquor license renewal: Falconer American Legion, 132 W. Main St. Falconer, NY.
2. Notice re an upcoming Community Recycling Day to be held on September 22, 2018 at the *Cummins Engine Plant*, 4720 Baker Street, Lakewood, NY.
3. Invitation to the *Chautauqua Co. Chamber of Commerce* Annual Awards Banquet to be held on October 11, 2018.

TOWN OFFICER’S REPORTS

Councilman Heitzenrater reported that he attended a recent meeting of the *Greater Falconer Area Economic Development Committee*. He stated that the *Village of Falconer* recently assumed ownership of the debris site on W. Main St. where a major fire occurred last year. He added that village officials are now in the process of seeking a contractor to clean up the site.

Councilwoman Bowman and **Councilman Tyler** reported that they met with Karen Rine from the Chautauqua Lake Partnership concerning the weed problem in the *Burtis Bay* area of *Chautauqua Lake*.

Highway Superintendent Pickett reported on the status of several drainage projects.

Mr. Pickett also reported that the Brooks St. drainage project is still in the planning stage. (Minutes 3/31/16 et. seq.)

Supervisor McLaughlin informed the Town Council that he has scheduled a special meeting of the Ellicott Town Council next Monday, September 24, 2018 at 4:00 PM. The purpose of the meeting is to discuss possible solutions to the weed problem in the *Burtis Bay* area of *Chautauqua Lake* with town residents.

Mr. McLaughlin also reported on the status of negotiations with the *City of Jamestown* re a new Water & Sewer Agreement. (Minutes 8/21/17 et. seq.)

Mr. McLaughlin also reported that he would be attending the grand opening of the new *Chautauqua Harbor Hotel* in Celoron.

Mr. McLaughlin also reported that the court hearing re the petition 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 will commence on October 9, 2018 in Mayville, NY. (Minutes 2/13/17 et. seq.)

OLD BUSINESS

No old business.

NEW BUSINESS

RESOLUTION #79-18
Grant Application Request (Town of Ellicott Justice Court)

MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing the Town of Ellicott Justice Court to apply for a New York State *Justice Court Assistance Program* Grant for the purpose of purchasing court security apparatus and office equipment.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #80-18
Bond Anticipation Note Renewal (Loader)

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore authorizing the renewal of a Bond Anticipation Note in the amount of \$51,000.00 for the purchase of a 2016 *John Deere 624K Loader* for the Town of Ellicott Highway Department. (see 'BAN' file for detail)

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #81-18
Re-appointment to Board of Assessment Review (Morris)

MOTION by Councilwoman Bowman, seconded by Councilwoman Whitmore re-appointing Robert Morris, 135 W. Falconer St., Falconer, New York to a five-year term on the Town of Ellicott Board of Assessment Review, term to expire on September 30, 2023.

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

RESOLUTION #75-18

Payment of Claims

MOTION by Councilwoman Bowman, seconded by Councilman Tyler to pay Abstract #17-2018 in the amount of \$30,318.95 and Abstract #18-2018 in the amount of \$50,482.89 and charge to the proper funds or accounts.

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

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler to adjourn at 7:37 PM.

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

Michael C. Erlandson, Town Clerk