

**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
October 15, 2018 at 6:00 P.M.**

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

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 September 17, 2018 Regular Meeting as presented by the Town Clerk.

Carried. Ayes - 4 Noes - 0 Absent - 1

PRIVILEGE OF THE FLOOR

Emory Holmquist, 3946 Gerry Levant Rd. expressed his concern re the closing of a section of Cobb Rd. by the Town of Ellicott. (Minutes 8/21/17) He distributed a petition signed by a number of people who are requesting that the road re-opened.

Brian Stimson, 4040 Gerry Levant Rd. also expressed his concerns re the closure of Cobb Rd. He read a statement outlining the reasons he feels the road should be opened.

Todd Beckerink, 3930 Gerry Levant Rd. addressed the Cobb Rd. matter. He stated that the road runs through his property. He explained that he met with Town of Ellicott officials early in 2017 to discuss the poor condition of the road. He expressed concern about his liability should an accident occur on the road. At that time, he requested that the town either improve the road in accordance with New York State standards or close the road. He also pointed out that a public hearing was conducted prior to the road being abandoned.

Anthony Hopfinger, 3351 Bonita thanked the Town Council for scheduling a special meeting to discuss the weed problem in the *Burtis Bay* and Fluvanna areas of *Chautauqua Lake*. He asked the Council to put together a plan for applying for a herbicide permit in 2019. He stated that residents who reside on the lake are willing to assist with the process. Supervisor McLaughlin addressed Mr. Hopfinger’s request and discussed how the Council intends to move forward with the permit application process. Councilman Tyler added that funding has also been allocated in the 2019 N.Y. State budget for the weed problem in the lake.

CORRESPONDENCE

Town Clerk Erlandson read the following items into the record:

1. Notification from the *NYS Dept. of Transportation* that a public meeting will be held on Oct. 18, 2018 to outline plans for a bridge replacement project on NY Rte. 60.
2. Town of Ellicott Assessor's Report: October 2018.

TOWN OFFICER'S REPORTS

Councilman Heitzenrater reported that he met recently with the *Town of Gerry* Supervisor re the status of Cobb Rd. (Minutes 8/21/17 et. seq.)

Highway Superintendent Pickett reported that he recently had a section of roof at the Ellicott Highway Garage sealed. He added that the Highway Dept. is also in the process of performing maintenance on trucks and other equipment.

Mr. Pickett also reported that there are problems with the heaters at the water tower located in the Airport Industrial Park. He stated that he is trying to determine a way to address the problems without having to replace the heaters.

OLD BUSINESS

No old business.

NEW BUSINESS

Preliminary Budget – Supervisor McLaughlin stated that the Town of Ellicott Preliminary Budget for fiscal year 2019 has been completed. He asked the Town Council to thoroughly review the proposed budget. He also reminded the Council that a Public Hearing needs to be scheduled prior to adoption of the final budget.

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler to schedule a Public Hearing for November 9, 2018 at 3:30 PM regarding the Town of Ellicott Preliminary Budget for fiscal year 2019.

Carried.

Ayes - 4

Noes - 0

Absent - 1

Truck Exclusions on Wicks Ave. – Supervisor McLaughlin reported that there has recently been a problem with semi trucks on Wicks Ave. He explained that the street is not built to handle that amount of weight. It appears that the trucks are trying to gain access to a facility located on Jackson Ave. by way of N. Green St. which connects to Wicks Ave. However, Mr. McLaughlin pointed out that there is no access to that facility from N. Green St. Furthermore, since N. Green St. is a dead end the trucks have no way to exit except to turn around and return the way they came. This has resulted in several of the trucks causing property damage along N. Green St. Therefore, he recommended that Section 114-34 of the Town of Ellicott Code be amended to prohibit large trucks and commercial vehicles in excess of a certain weight from using Wicks Ave. Signage could then be posted on Wicks Ave. He reminded the Town Council that amending the Town Code would require a public hearing.

MOTION by Supervisor McLaughlin, seconded by Councilwoman Whitmore to schedule a Public Hearing for November 9, 2018 at 3:30 PM on introductory Town of Ellicott Local Law

#5-2018 amending Section 114-34 of the Town of Ellicott Code regarding the exclusion of trucks and other similar vehicles from Wicks Ave. in the Town of Ellicott.

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

RESOLUTION #83-18

Adopt Winter Operations Plan

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore to adopt a Winter Operations Plan for the Town of Ellicott Highway Department for 2018-2019. (see ‘Winter Operations Plan’ for detail)

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

RESOLUTION #84-18

Bond Anticipation Note Renewal (Highway Improvements)

MOTION by Councilman Tyler, seconded by Councilman Heitzenrater authorizing the renewal of a Bond Anticipation Note in the amount of \$18,200.00 for improvements to Westminster Drive, Yolande Avenue, Canterbury Road, Moon Road & Palm Road in the Town of Ellicott. (see 'BAN' file for detail)

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

Wireless Telecommunications Facilities Local Ordinance for the Town of Ellicott – The Town Council discussed a proposed Local Law drafted by *The Center for Municipal Solutions* re the regulation of the siting of wireless telecommunications facilities in the Town of Ellicott. (Minutes 8/20/18 et. seq.) Supervisor McLaughlin reminded the Council that a Public Hearing must be conducted prior to the adoption of the Local Law.

MOTION by Supervisor McLaughlin, seconded by Councilman Tyler to schedule a Public Hearing for November 19, 2018 at 5:45 PM on introductory Town of Ellicott Local Law #6-2018 regarding the regulation of the siting of wireless telecommunications facilities in the Town of Ellicott.

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

RESOLUTION #85-18

Payment of Claims

MOTION by Councilwoman Whitmore, seconded by Councilman Tyler to pay Abstract #19-2018 in the amount of \$39,907.02 and Abstract #20-2018 in the amount of \$85,320.69 and charge to the proper funds or accounts.

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

RESOLUTION #86-18

Executive Session (Current Litigation)

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore to convene Executive Session for the purpose of discussing negotiations current litigation. 6:47 PM – 7:20 PM

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

MOTION by Councilman Tyler, seconded by Councilman Heitzenrater to adjourn at 7:20 PM.

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

Michael C. Erlandson, Town Clerk