Minutes of a *Regular* and *Organizational*Meeting of the Town Council of the Town of Ellicott held at the Administration Building, 215 S. Work Street, Falconer, N.Y. on January 15, 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, Code Enforcement Officer Rowe, Police Chief Ohnmeiss.

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.

<u>PUBLIC HEARING</u> (Introductory Local Law #1-2018: Elimination of Planning Board)

Supervisor McLaughlin opened a Public Hearing at 6:01 PM to discuss Town of Ellicott introductory Local Law #1-2018 regarding the elimination of the Town of Ellicott Planning Board. (Minutes 12/18/17) Mr. McLaughlin briefly outlined the details of the proposed local law. He stated that the functions of the current Planning Board will be assigned to a newly constituted board. He explained that instead of having separate zoning and planning boards comprised of seven members each, it is the Town Council's intention to create a new single, combined Zoning Board of Appeals/Planning Board. The new board will consist of 5 members and 2 alternates. Mr. McLaughlin feels that the main benefit of having one board is that it will eliminate redundancies and expedite the application process for new development & construction. The Council discussed the matter. No public comments were heard.

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore to close the Public Hearing at 6:09 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 December 18, 2017 Regular Meeting as presented by the Town Clerk.

Carried. Ayes - 5 Noes - 0 Absent - 0

PRIVILEGE OF THE FLOOR

Mr. Ryan Hedrick, WNY News Now asked Supervisor McLaughlin to comment on recent events that have occurred in the Town of Ellicott – specifically the closing of Sam's Club and yesterday's fire in the Village of Falconer.

CORRESPONDENCE

Town Clerk Erlandson read the following items into the record:

- 1. Notification re the upcoming *New York State Association of Towns* Annual Meeting and Training School to be held in New York City, February 19-22, 2018.
- 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 commented on a plan by the *City of Jamestown* to sell the Jamestown Wastewater Treatment Plant to the *Jamestown Local Development Corporation (JLDC)*. He is concerned about the impact the sale might have on sewer rates for Town of Ellicott residents and businesses. He stated that he opposes the plan and will continue to keep the Town Council informed re the status of the proposal.

Supervisor McLaughlin reported that he and Councilman Heitzenrater met recently with Todd Tranum, President & CEO of the *Manufacturer's Association of the Southern Tier (MAST)* re the plan by the *City of Jamestown* to sell the Jamestown Wastewater Treatment Plant to the *JLDC*. Mr. Tranum is opposed to the plan.

2018 ORGANIZATIONAL MEETING

RESOLUTION #01-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman designating the *Jamestown Post-Journal* as the official newspaper of the Town of Ellicott.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #02-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman designating the third Monday of each month at 6:00 P.M. as the Regular Meeting times of the Ellicott Town Council; and, further, designating the <u>second</u> Monday at 6:00 PM as the Regular Meeting date for February.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #03-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing Town Supervisor Patrick W. McLaughlin as Budget Officer for the Town of Ellicott at a salary of \$1,650.00 for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #04-17 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman setting the salaries of the Town of Ellicott elected officials for 2018 as follows:

Supervisor	\$15,000.00
Town Clerk	\$43,740.00
Councilmen 4 @	\$ 4,000.00 each
Highway Superintendent	\$67,160.00
Justice Gerace	\$13,470.00
Justice Jaroszynski	\$13,470.00

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #05-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman designating *M* & *T Bank* as depository for Town Clerk funds for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #06-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman designating M & T Bank as depository for Receiver of Taxes funds for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #07-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman designating the following depositories for the Town Supervisor's funds for 2018:

General Fund: *M & T Bank* Highway Fund: *M & T Bank*

Trust & Agency Funds: M & T Bank

Capital Funds: M & T Bank

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #08-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman to adopt the Town of Ellicott Investment Policy.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #09-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing the Town Supervisor to invest monies in time accounts, open accounts, CDs, and money-market accounts at M & T Bank, First Niagara Bank, Key Bank & Community Bank.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #10-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman setting the salary of Town of Ellicott Code Enforcement Officer/Zoning Officer David Rowe at \$52,200.00 for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #11-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing the Town of Ellicott Police Chief and any deputies he chooses to appoint as the Town of Ellicott Dog Control Officer(s) for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #12-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing the Town of Ellicott Justices to employ a court stenographer *when required* at \$75.00 per appearance.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #13-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman establishing the current *IRS* mileage allowance rate to be paid to Town of Ellicott employees using their personal vehicles for *approved* Town of Ellicott purposes.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #14-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing all Town of Ellicott elected officials, Planning and Zoning Board members, Code Enforcement Officer, Town Attorney and Town Assessor to attend the New York State *Association of Towns* meeting in February 2018 in New York City if approved by the Town Council, provided monies are available in the budget for that purpose or at their own expense.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #15-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing Councilwoman Bowman as delegate and Councilman Tyler as alternate to the NYS *Association of Towns* business meeting to be held in February 2018, if authorized to attend by the Town Council.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #16-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman setting the salary for Town of Ellicott Receiver of Taxes Michael C. Erlandson at \$6,500.00 for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #17-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman setting the salary for Town of Ellicott Registrar of Vital Statistics Michael C. Erlandson at \$1,500.00 for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #18-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing the William F. Duncanson Jr. as Legal Counsel for the Town of Ellicott Planning Board and the Town of Ellicott Zoning Board of Appeals for 2018 at a cost to the Town of Ellicott of \$5,650.00.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #19-17 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing Valerie Pierce as Town of Ellicott Bookkeeper (Abstracts/Accounts Payable Officer) & Deputy Town Clerk at an annual salary of \$13,000.00 for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #20-18 - MOTION by Councilman Tyler, seconded by Councilman Beckerink appointing Michael C. Erlandson as Town of Ellicott Bookkeeper (Payroll Officer) at an annual salary of \$2,000.00 for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #21-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing Councilwoman Bowman as Deputy Town Supervisor for 2018 at no pay.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #22-18 – MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing Karen Livsey, 3409 Gerry-Levant Rd. as Town of Ellicott Historian at an annual salary of \$2,000.00 for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #23-18 – **MOTION** by Councilman Tyler, seconded by Councilwoman Bowman authorizing the Town of Ellicott to participate in the Municipal Cooperation Agreement for Highway Projects and Maintenance to formalize the sharing of services between municipalities in Chautauqua County.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #24-18 — MOTION by Councilman Tyler, seconded by Councilman Beckerink authorizing the Town of Ellicott to enter into an Agreement with the *Town of Busti* whereas the *Town of Busti* shall provide assessing services to the Town of Ellicott at a cost to the Town of Ellicott not to exceed \$36,750.00 in 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #25-18 – MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing Town Supervisor Patrick W. McLaughlin as the Fair Housing Officer for the Town of Ellicott for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #26-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing William F. Duncanson Jr. as Town Attorney for the Ellicott Town Council for 2018 at a cost to the Town of \$24,000.00.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #27-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing the firm of *James W. Vanstrom & Co.* to provide accounting services to the Town of Ellicott for 2018 at cost to the Town not to exceed \$5,000.00.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #28-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman appointing Amy Bellardo as Deputy Town Clerk/Bookkeeper/Deputy Registrar of Vital Statistics at an annual salary of \$44,600.00 for 2018.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #29-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman establishing standard workdays for appointed Town of Ellicott official Amy Bellardo as stipulated by Regulation 315.4 of the *New York State and Local Retirement System*. (see 'Standard Workday Resolution - NYS Retirement' file for detail)

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #30-18 - MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing the agreement for the expenditure of highway funds for 2018 pursuant to Section 284 of the New York State Highway Law.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #31-18 - MOTION by Councilman Tyler, seconded by Councilman Beckerink designating the following committee appointments for 2018:

Chautauqua Lake – Councilwoman Bowman
Finance – Supervisor McLaughlin & Councilwoman Whitmore
Public Safety – Councilman Heitzenrater & Councilwoman Bowman
Human Resources – Councilwoman Bowman & Councilman Tyler
Town Facilities – Councilman Tyler
Public Facilities & Services – Councilwoman Whitmore
Administrative – Supervisor McLaughlin

Adopted. Ayes - 5 Noes - 0 Absent - 0 (NOTE -- see 'Town of Ellicott Committees' for details)

OLD BUSINESS

RESOLUTION #32-18

Adopt Local Law #1-2018 (Elimination of Planning Board)

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore to adopt Town of Ellicott Local Law #1-2018 regarding the elimination of the Town of Ellicott Planning Board. (see 'Local Law #1-2018' for detail)

Adopted. Ayes - 5 Noes - 0 Absent - 0

NEW BUSINESS

RESOLUTION #33-18

NYS Retirement Benefits for Police Officers

MOTION by Councilman Tyler, seconded by Councilwoman Whitmore to provide the additional benefits of Section 384-e of the Retirement and Social Security Law for any member of the Town of Ellicott Police Department who duly elects Section 384-d of the Retirement and Social Security Law.

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #34-18

Bond Anticipation Note (Dump Truck)

MOTION by Councilman Tyler, seconded by Councilwoman Bowman authorizing the issuance of a **Bond Anticipation Note** in the amount of \$109,069.00 for the purchase of a 2018 Western Star Single Axle Dump Truck. (see 'BAN' file for detail)

Adopted. Ayes - 5 Noes - 0 Absent - 0

RESOLUTION #35-18

Payment of Claims

MOTION by Councilwoman Whitmore seconded by Councilman Tyler to pay Abstract #23-2017 in the amount of \$4,099.97, Abstract #24-2017 in the amount of \$54,503.51, Abstract #1-2018 in the amount of \$42,389.66 and Abstract #2-2018 in the amount of \$463,712.63 and charge to the proper funds or accounts.

Adopted. Ayes - 5 Noes - 0 Absent - 0

MOTION by Councilman Heitzenrater, seconded by Councilman Tyler to adjourn at 6:40 PM.

Carried. Ayes - 5 Noes - 0 Absent - 0

Michael C. Erlandson, Town Clerk