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 11, 2019 at 6:00 P.M.

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

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 Councilwoman Bowman, seconded by Councilwoman Whitmore to accept the minutes of the January 14, 2019 Regular Meeting & the February 4, 2019 *Special* Meeting as presented by the Town Clerk.

Carried. Ayes - 4 Noes - 0 Absent - 1

### PRIVILEGE OF THE FLOOR

**Edward Kalfas** stated that he is the owner of two (2) rental properties located at 505 & 511 Fairmount Ave. He expressed concern that several of his tenants recently received tickets for parking overnight on Canterbury Rd. The tickets were issued for violating the Town of Ellicott's winter parking ordinance. He asked the Town Council to consider amending the ordinance.

# **CORRESPONDENCE**

Town Clerk Erlandson read the following items into the record:

- 1. Notice of liquor license renewal: American Legion, Herman Kent Post, 26 Jackson Ave.
- 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** asked about the status of litigation currently underway re a 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. (Minutes 2/13/17 et. seq.) Supervisor McLaughlin explained that legal arguments concerning the case will be heard by the New York State Court of Appeals in April 2019.

**Supervisor McLaughlin** reported that he would be attending a meeting on Feb. 13, 2019 to discuss issues related to the management of *Chautauqua Lake*.

**Attorney Duncanson** reported on the status of two assessment claims that have been filed against the Town of Ellicott.

**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.

**Mr. Pickett** is also looking into the possibility of obtaining deeded "turn arounds" on Camp St. Ext. and Orchard Rd.

# **OLD BUSINESS**

No Old Business

## **NEW BUSINESS**

Sale of Town Property on Merlin Ave. – Supervisor McLaughlin reported that an individual has expressed an interest in purchasing a 50 x 100 ft. vacant lot located on Merlin Ave. The lot is currently owned by the Town of Ellicott and has a market value of \$2,667.00. Mr. McLaughlin noted that the potential buyer's property borders the back of the town property. He explained that the town has no interest in maintaining the lot and would be willing to sell it. However, he pointed out that there are two (2) other neighbors whose properties abut the vacant lot. Mr. McLaughlin intends to notify all three (3) neighbors that the town property is for sale and give all three (3) an opportunity to bid on it. He added that the minimum bid the town would accept is \$2,600.00.

**Purchase of Used Paver** – Highway Superintendent Pickett reported that the Town of Ellicott Highway Dept. has an opportunity to purchase a used paver with three (3) other municipalities. He explained that the town would share the cost of the paver with the *Village of Falconer, Town of Poland* & the *Town of Carroll*. The cost would be split evenly between the four municipalities. He asked the Town Council to authorize the Town Supervisor to sign an inter-municipal agreement to purchase the paver.

#### **RESOLUTION #38-19**

Purchase of Used Paver

**MOTION** by Councilman Heitzenrater, seconded by Councilwoman Whitmore authorizing the Town of Ellicott Supervisor to sign an inter-municipal agreement with the *Village of Falconer*, *Town of Poland* and *Town of Carroll* to purchase a used paver; and, further, that the cost to the Town of Ellicott will be no more than 25% of the total cost of the paver.

Adopted. Ayes - 4 Noes - 0 Absent - 1

# **RESOLUTION #39-19**

**Budget Transfers & Appropriations** 

**MOTION** by Councilwoman Bowman, seconded by Councilwoman Whitmore authorizing the Town of Ellicott Supervisor to make the following budget transfers & appropriations for fiscal year 2018:

To: From:	11104.1 (Justices – Contractual) 11101.1 (Justices – Personal Services)	\$ 2,649.29	\$	2,649.29
To: From:	11104.1 (Justices – Contractual) 11102.1 (Justices – Equipment)	\$ 250.00	\$	250.00
To: From:	12204.1 (Supervisor – Contractual) 12201.1 (Supervisor – Personal Services)	\$ 413.23	\$	413.23
To: From:	13301.1 (Tax Collector – Personal Services) 13304.1 (Tax Collector - Contractual)	\$ 90.00	\$	90.00
To: From:	13554.1 (Assessor – Contractual) 13551.1 (Assessor – Personal Services)	\$ 2,104.60	\$	2,104.60
To: From:	13554.1 (Assessor – Contractual) 13552.1 (Assessor – Equipment)	\$ 381.97	\$	381.97
To: From:	14104.1 (Town Clerk – Contractual) 14101.1 (Town Clerk – Personal Services)	\$ 120.00	\$	120.00
To: From:	14204.1 (Attorney – Contractual) 14201.1 (Attorney – Personal Services)	\$ 40.26	\$	40.26
To: From: From:	16204.1 (Buildings – Contractual) 16202.1 (Buildings – Equipment) 16201.1 (Buildings – Personal Services)	\$ 1,504.03	\$ \$	1,000.00 504.03
To: From:	31204.1 (Police – Contractual) 31201.1 (Police – Personal Services)	\$ 144.91	\$	144.91
To: From:	90158.1 (Police Retirement) 13201.1 (Police – Personal Services)	\$ 1,657.00	\$	1,657.00
To: From: From:	90608.1 (Medical Insurance) 90308.1 (Social Security) 90608.1 (Other Insurance)	\$ 6,065.68	\$ \$	4,856.93 1,208.75
To: From:	90508.1 (Unemployment Insurance) 90808.1 (Other Insurance)	\$ 41.29	\$	41.29
To: From:	12204.1 (Supervisor – Contractual) 13201.1 (Bookkeeper – Personal Services)	\$ 316.55	\$	316.55
To: From: From:	13401.1 (Budget Officer – Personal Services) 10104.1 (Town Board – Contractual) 13304.1 (Tax Collector - Contractual)	\$ 413.23	\$ \$	100.00 313.23

To: From: From:	13554.1 (Assessor – Contractual) 13304.1 (Tax Collector - Contractual) 14101.1 (Town Clerk – Personal Services)	\$	1,849.34	\$ \$	332.00 1,517.34
To: From: From:	16204.1 (Buildings – Contractual) 16804.1 (Data Processing - Contractual) 16704.1 (Printing/Mailing)	\$	5,251.98	\$ \$	5,000.00 251.98
To: From: From:	36204.2 (Safety Inspection – Contractual) 36202.2 (Safety Inspection – Equipment) 80101.2 (Zoning – Personal Services)	\$	1,629.23	\$ \$	1,500.00 129.23
To: From:	40201.2 (Registrar – Personal Services) 80201.2 (Planning – Personal Services)	\$	20.21	\$	20.21
To: From:	40204.2 (Registrar – Contractual) 80204.2 (Planning – Contractual)	\$	190.00	\$	190.00
To:	171-01 (Public Works – Personal Services)	\$	7,000.00		
To:	90308.1 (Social Security)	\$	535.85		
From:	834-04 (Water District #1)			\$	7,535.85
To:	51101.4 (General Repairs – Personal Services)	\$	2,742.58		
To:	51122.4 (Permanent Improvement - Equipment)	\$ \$ \$ \$	526.61		
To:	51302.4 (Machinery - Equipment)	\$	1,028.80		
To:	51304.4 (Machinery - Contractual)	\$	289.61		
To:	51404.4 (Brush & Weeds – Contractual)	\$	1,994.90		
To:	51424.4 (Snow Removal – Contractual)	\$	1,012.09		
From:	51421.4 (Snow Removal – Personal Services)			\$	7,594.59
To: From: From: From: From: From:	51424.4 (Snow Removal – Contractual) 54104.4 (Sidewalks) 90608.4 (Medical Insurance) 97307.4 (Interest on Debt Service) 90808.4 (Other Insurance) 90558.4 (Disability Insurance)	\$	14,984.76	\$ \$ \$ \$	500.00 12,642.28 932.08 621.00 289.40

Appropriate the amount of \$30,777.65 from Account #2610.01 (Fines, Forfeits of Bail) into Account #11104.1 (Justices – Contractual).

Appropriate the amount of \$30,071.31 from Account #2680.01 (Insurance Recoveries) into Account #14204.1 (Attorney – Contractual).

Appropriate the amount of \$2,500.00 from Account #1589.01 (DWI) into Account #31209.1 (Police - DWI).

Appropriate the amount of \$97,079.03 from Account #878.04 (Capital Reserve - Equipment) into Account #51302.4 (Machinery – Equipment).

Appropriate the amount of \$29,900.00 from Account #2665.04 (Sale of Equipment) into Account #51302.4 (Machinery – Equipment).

Appropriate the amount of \$31,493.53 from Account #1289.04 (Extreme Weather) into Account #51104.4 (General Repairs - Contractual).

Appropriate the amount of \$7,540.41 from Account #1289.04 (Other General Government Income) into Account #51424.4 (Snow Removal – Contractual).

Appropriate the amount of \$40.58 from Account #2650.04 (Sale of Scrap) into Account #51424.4 (Snow Removal – Contractual).

# **FUND BALANCE TRANSFERS:**

\$ To: DB 835 (Road Repair) 50,000.00

DB 909 (Fund Balance) \$ 50,000.00 From:

\$ To: DB 878 (Equipment Reserve) 100,000.00

DB 909 (Fund Balance) \$100,000.00 From:

Aves - 4 Noes - 0 Absent - 1 Adopted.

#### **RESOLUTION #40-19**

Payment of Claims (2018)

MOTION by Councilwoman Whitmore, seconded by Councilwoman Bowman to pay Abstract #26-2018 in the amount of \$56,916.71 and charge to the proper funds or accounts.

Adopted. Ayes - 4 Noes - 0 Absent - 1

#### **RESOLUTION #41-19**

Payment of Claims (2019)

MOTION by Councilwoman Whitmore, seconded by Councilwoman Bowman to pay Abstract #2-2019 in the amount of \$682,128.53 and charge to the proper funds or accounts.

Aves - 4 Adopted. Noes - 0 Absent - 1

**MOTION** by Councilwoman Bowman, seconded by Councilwoman Whitmore to adjourn at 6:28 PM.

Carried. Ayes - 4 Noes - 0 Absent - 1

Michael C. Erlandson, Town Clerk