

MINUTES OF THE
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF ELLICOTTVILLE, February 18, 2026
at 6:00 pm HELD AT THE TOWN HALL

<u>Present:</u>	Matthew McAndrew	Supervisor
	John Zervas	Councilman
	Steve Crowley	Councilman
	Robyn George	Town Clerk
	Ben Gross	Engineer
	Jim Bouchard	Officer in Charge
	Seth Pullen (via phone)	Attorney for the Town
	Mark Burr	Consulting Engineer
	Greg Keyser	Town Planner
	Kelly Frederickson	Building Inspector

<u>Absent:</u>	Greg Fitzpatrick	Councilman
	Ken Hinman	Councilman

Others present: Dre Hollamby, press, Julie Bachan, Terry Falsae

Call meeting to order:

Supervisor McAndrew called the meeting to order and led the Pledge to the Flag.

Public Hearing – Local Law #1 2026

“A Local Law to Establish the Residency Requirements for the Offices of
Appointed Town Clerk and Tax Collector for the Town of Ellicottville”

Supervisor McAndrew opened the public hearing. There was no one from the public to comment. The public hearing will remain open.

Approve Minutes

- Town Board Meeting – January 21, 2026

On motion by Mr. Zervas and second by Mr. Crowley the amended minutes of the January 21, 2026 meeting were:

Accepted Ayes 3 – McAndrew, Crowley & Zervas
 Nays 0

Audit of Claims

- Pay Town bills on Distribution Report #02-2026

On motion by Mr. Crowley and second by Mr. Zervas the following resolution was accepted:

Accepted Ayes 3 – McAndrew, Crowley & Zervas
Nays 0

Resolved that the Town bills be paid on General Ledger Distribution Report 02-26 as follows:

001 - General Fund A:	\$444,272.74		
002 - General Fund B:	\$ 3,676.31		
		General Fund Total:	\$447,949.05
004 - Highway DB:	\$ 56,008.31		
		Highway Fund Total:	\$ 56,008.31
006 - Water	\$ 50,173.98		
		<u>006 - Water Fund Total</u>	<u>\$ 50,173.98</u>
		Grand Total:	\$554,131.34

Supervisor's Report

- Accept Supervisor's Financial Report

On motion by Mr. Crowley and second by Mr. Zervas the following resolution was:

Accepted Ayes 3 - McAndrew, Zervas, & Crowley
Nays 0

Resolved that the Board accept the Supervisor's report.

- Supervisor's Meeting – to be held Feb. 26th at 7pm

Representatives from the DMV, Economic Development, NYS Comptroller's office and Governor Hockel's office will be the speakers.

- Occupancy Tax

Supervisor McAndrew said the Village is looking into assessing an occupancy tax (bed tax). Bed tax revenue can be used to improve infrastructure. A benefit of

implementing a bed tax is that it takes some of the financial burden off of property taxpayers. If the Town decides to move forward with a bed tax, they will need to apply to the State who would have final approval.

- Resolution RE: Electric Delivery charges and costs

Vicky Connors shared a resolution passed by the Town Board of Cincinnati urging the review of electric delivery charges and demanding improved cost controls and transparency regarding the escalating cost of electricity. She would like Ellicottville to consider passing a similar resolution. The Board will consider at the next meeting after some revisions are made.

Present Written Department Reports for Approval

- Clerk's, Police, Planners, Justice, Engineers and Building Inspector's Reports

On **motion** by Mr. Crowley and second by Mr. Zervas the Clerk's, Police, Planning, Justice, Engineer and Building Inspector's reports were:

Accepted Ayes 3 – McAndrew, Crowley & Zervas
Nays 0

Department Heads

Jim Bouchard – Police Department

OIC Bouchard shared a letter he received commending the conduct of Officers Barber and Rowland. The Department continues to be very busy.

Scot Brumagin – Highway Department

Mr. Brumagin expects to be back to work by the end of March.

Kelly Fredrickson – CEO Building Inspector

Mr. Fredrickson reported that 266 Short Term Rental applications received. Any received after February 28th won't be processed but will be held pending any revisions to the current law.

Greg Keyser – Town Planner

A debriefing was held with the NYSDOS regarding the Local Government Efficiency grant that was not awarded to the Town. It was a highly competitive grant that was awarded to applicants that were project ready. It was

recommended the Town work with the Village to come up with a joint plan before the next grant becomes available. A committee will be set up to work on the Comprehensive Plan update.

AIS has agreed to provide a free IT risk assessment for joint networking with the Village. This will help the Town with concrete information necessary to compile a RFP.

Ben Gross – Engineering Department

- Water Leaks

There have been 6 frozen water lines within the last month. According to the Town of Ellicottville Rules and Regulations Governing Water Service, “In cases where services are frozen the thawing out of the service pipe shall be done by the customer at his own expense.”

- Village Sewer Accounts

The Village is looking into some sewer bills that only have one meter for several businesses and are only being charged one bill. The Town will analyze Town wide accounts before making any individual changes to billing.

- Maples Road Speed Reduction request

Mark Burr discussed the traffic study that was conducted with regards to the request for a speed reduction on Maples Road with the DOT. There were 3 accidents within the period studied and 2 were car/deer collisions. The DOT is not likely to review a new request for 2 years and recommended keeping track of accidents and complaints in the meantime. They also noted there is generally a 2-year acclimation period to reflect changes in the character of the neighborhood (new subdivisions). There were numerous requests from the public to reduce the speed limit which will be compiled and used for a request in the future. Mr. Burr will look into sidewalk crossing striping and signs.

New Business

- Local Law #1

On motion by Mr. Crowley and second by Mr. Zerfas the following resolution was accepted:

Accepted Ayes 3 – McAndrew, Crowley & Zerfas
 Nays 0

Resolved to close the public hearing on Local Law No. 1 – 2026

A draft of proposed Local Law No. 1 of 2026 entitled "A Local Law to establish the residency requirements for the offices of appointed Town Clerk and Tax Collector for the Town of Ellicottville" was presented by the Town Supervisor, Matthew McAndrew. The Town Attorney, Seth D. Pullen, has prepared the local law draft at the request of the Town. It was explained that this local law is necessary for the purpose of expanding the boundary for such appointed positions. The following resolution was introduced by Mr. Crowley, who moved its adoption, and seconded by Mr. Zerfas, to wit:

BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Ellicottville accepts and proposes to adopt a local law to be designated as Introductory Local Law No. 1 of 2026 entitled the "A Local Law to establish the residency requirements for the offices of appointed Town Clerk and Tax Collector for the Town of Ellicottville" and that a copy of the proposed revised local law is annexed hereto and incorporated into this resolution as though set out in full.
2. A public hearing was held on February 18, 2026, at 6:00 P.M. at the Town Hall, 1 Washington Street, Ellicottville, New York.
3. That the Town Clerk, with the assistance of the Town Attorney, prepared the legal notice required to be published and published such notice for timely publication in the official newspaper.
4. A copy of such legal notice was posted upon the Town Clerk's bulletin board and Town website as required by law.

Following discussion, the foregoing resolution was called to a roll call vote which resulted as follows:

AYES: 3	Matthew McAndrew, Supervisor John Zerfas, Councilman Steven Crowley, Councilman
NOES: 0	

The Supervisor then declared the resolution to be adopted and directed the Clerk to proceed to file with the office of the Secretary of State, upon which it will become effective.

**Town of Ellicottville
Local Law No. 1 of the year 2026**

**A LOCAL LAW TO ESTABLISH THE RESIDENCY REQUIREMENTS FOR
THE OFFICES OF APPOINTED TOWN CLERK AND TAX COLLECTOR FOR
THE TOWN OF ELLICOTTVILLE.**

Be it enacted by the Town Board of the Town of Ellicottville, County of Cattaraugus, State of New York, as follows:

Section I. Title: A local law to establish the residency requirements for the offices of appointed Town Clerk and Tax Collector for the Town of Ellicottville.

Section II. Authority: This local law is adopted pursuant to Municipal Home Rule Law, Section 10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this local law recognizes that the State Legislature amended Public Officers Law, §3 adding a new subdivision (24) expanding the residency requirements for any appointed public offices in the certain Towns, thereby rendering Public Officers Law a special law with respect to any appointed town officers (See cf N.Y. Op. Atty. Gen. (Inf.) No. 91-37).

Section III. Supersession: This local law shall supersede Town Law, Section 23(1) in its application to the residency requirement for an appointed Town Clerk and Town Tax Collector for the Town of Ellicottville.

Section IV. Residency requirements for appointed Town Clerk and Tax Collector for the Town of Ellicottville: Any person holding the appointed offices of Town Clerk and Tax Collector in the Town of Ellicottville need not be a resident nor an elector of the Town of Ellicottville, provided, however, that such person shall reside within the County of Cattaraugus in the State of New York.

Section V. Inconsistency: All other local laws and ordinances of the Town of Ellicottville that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section VI. Savings Clause: If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VII. Effective Date: This local law shall take effect immediately upon its filing in the office of the Secretary of State, as required by Section 27 of the

Municipal Home Rule Law.

Old Business

- EVGV Trail

Ms. O'Stricker and Supervisor McAndrew met with representatives from the Ralph Wilson Foundation. They offered no commitment to provide funding for the trail, only a letter of recommendation. Under these circumstances, the TAP grant application will be unable to meet the deadline for submittal. Since the grant is only offered every two years, the trail committee will focus on marketing and working on alignment and design.

- Alarm Law – under review
- Fire Hall

The Town is working with the attorney for the Fire Department to cede the Fire Hall and necessary property to the Fire Department.

- SRO Agreement

Attorney Pullen sent an updated version of the agreement to the school but has not had a response. It is possible this is because there is a new Superintendent. He will follow up.

Executive Session

Motion by Mr. Zervas, seconded by Mr. Crowley to go into executive session to discuss personnel matters. All Ayes. Carried.

Motion by Mr. Crowley, seconded by Mr. Zervas to resume regular session.

Adjournment

Motion by Mr. Zervas seconded by Mr. Crowley to adjourn the meeting at 7:45pm. All Ayes. Carried.

I, Robyn A. George, Clerk of the Town of Ellicottville, County of Cattaraugus, State of NY, do hereby certify that the foregoing constitutes the complete minutes of the Town Board Meeting held on the 18th day of February, 2026 approved by said Board on the 18th day of March, 2026.

Robyn A. George – Town Clerk