

The Regular Meeting of the Town of Wellsville, County of Allegany and the State of New York was held at the Town Hall, 156 N Main Street on the 9th day of January 2019.

PRESENT: Shad Alsworth, Supervisor
Patricia Graves, Council Member
Michael Miller, Council Member
William Fish, Council Member
Jesse Case, Council Member
Dean Arnold, Highway Superintendent
Willis Shutt, Airport Manager
Danielle Osgood, Payroll Clerk

ABSENT: Mike Finn, Attorney

OTHERS PRESENT: Bill Cavanaugh, Fire Chief; Chris Potter, WLSV Reporter; Ed Fahs, Village Trustee, Darwin Fanton

Alsworth opened the meeting at 7:00 pm with the pledge to the Flag.

MINUTES: Accepted as presented

FINANCIAL REPORT: Accepted as presented

DEPARTMENTAL REPORTS: Accepted as presented, no assessor report

SUPERVISOR APPOINTMENT:

Supervisor Shad Alsworth offered his appointments to the Town Board:

Year 2019 Supervisor's Appointments

Upon the recommendation of the Supervisor

Board of Ethics (1-year appointments): Richard Shear, Gary C Balcom, Jerome E Hart, Mike Miller

Bookkeeper to the Supervisor: Michelle Dunbar

Depository for Town funds/banking: Steuben Trust Company

Deputy Registrar: Jo Ann Green

Deputy Town Clerk (offered by Town Clerk): Jo Ann Green

Deputy Town Clerk salary: per the approved 2019 budget

Dog Control Officer: Cathy Faulkner

Emergency alert system radio station: WJQZ/WLSV

Emergency Services Council: as appointed by the Village Board of Trustee's

Flood Plain Verification: Robert Marsh

Fuel Farm Committee: Dean Arnold

Justice Court Clerk (offered by the Justice): Wendy Seeley

Marriage Officer: Sylvia LaChance/Timothy Colligan

Mileage: 57¢- per mile

Official Newspaper: *The Spectator*

Payrolls: bi-weekly

Petty Cash: Assessor- \$50
Business Office - \$50
Highway - \$100
Justice - \$50
Tax Collector - \$100
Town Clerk - \$125

Records Manager Officer: Sylvia LaChance

Registrar of Vital Statistics: Sylvia LaChance

Salary of Town Officials: as per Year 2019 budget as adopted

Town Attorney: Michael Finn

Town Board Meetings: Second Wednesday of each month at 7:00 PM

Town Historian: Ron Taylor

Review Procurement Policy: Mike Miller, Patty Graves

Year 2019 Supervisor’s Appointments

Deputy Supervisor: Mike Miller

Park Supervisor: Dean Arnold

Delegate to Association of Towns: Mike Miller

Alternate Delegate: Patty Graves

Emergency Management Officer: Dan Martelle

Assistant EMO: Patty Graves



Committee and Liaison Appointments

First name listed denotes Chairman

Airport Liaison: Mike Miller

All water/sewer Districts: Bill Fish/Patty Graves

Assessor Liaison: Shad Alsworth/Patty Graves

Audit Committee: As Designated by Supervisor

Consultant to Flood Plain: Robert Marsh

County Legislature Liaison: Patty Graves

Dog Control Liaison : Jesse Case

Emergency Services Plan Coordinator: Dan Martelle

ESPC Deputy: Dean Arnold

Fire and EMS Liaison: Bill Fish

Highway & Bridge Liaison: Shad Alsworth

Investment Committee: Mike Miller; Michelle Dunbar; Michael Finn

Landfill/Recycling Liaison: Jesse Case

Planning Board Liaison: Mike Miller

Town Court Liaison: Jesse Case

Village Board Liaison: Patty Graves

Building Code: Robert Marsh

Park Committee: Patty Graves/Jesse Case

Park Schedulers: Sylvia LaChance, Joann Green

Board of Assessment: Shad Alsworth

Cemetery : Bill Fish

YMCA Liaison : Shad Alsworth

The Supervisor on an as-needed basis will make other appointments

Motion: A motion was made by Patricia Graves, Council Member to accept the Supervisor's appointments as presented to the Board, seconded by Michael Miller, Council Member/carried.

OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS:

Motion: The following resolution was offered by Shad Alsworth, Supervisor who moved its adoption, seconded by Michael Miller, Council Member

Resolution #1

OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS

WHEREAS, various sections of New York State Town Law and Public Officers Law require that certain officials execute and Official Undertaking; and

WHEREAS, we, the Town Board of the Town of Wellsville hereby require the Supervisor, Town Clerk, Tax Collector, Town Justice, Code Enforcement Officer, Bookkeeper to the Supervisor and Highway Superintendent to execute said Official Undertaking as required by said law;

NOW, THEREFORE BE IT RESOLVED that we, the Town Board of the Town of Wellsville approve the document entitled "Town of Wellsville Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance, and

BE IT FURTHER RESOLVED that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against

losses which may arise from failure of such officials to properly discharge their duties.

TOWN OF WELLSVILLE
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, Shad Alsworth, of the Town of Wellsville, County of Allegany, New York, has been elected to the Office of Supervisor of the Town of Wellsville, and

WHEREAS, Sylvia LaChance, of the Town of Wellsville, County of Allegany, New York, has been elected to the Office of Town Clerk of the Town of Wellsville, and

WHEREAS, Joann Green, of the Town of Wellsville, County of Allegany, New York, has been elected to the Office of Town Tax Collector of the Town of Wellsville, and

WHEREAS, Shaun Walsh, of the Town of Wellsville, County of Allegany, New York, has been elected to the Office of Town Justice of the Town of Wellsville, and

WHEREAS, Dean Arnold, of the Town of Wellsville, County of Allegany, New York, has been elected to the Office of Highway Supervisor of the Town of Wellsville, and

WHEREAS, Robert Marsh, of the Town of Wellsville, County of Allegany, New York, has been appointed to the Code Enforcement Officer of the Town of Wellsville, and

WHEREAS, Michelle Dunbar, of the Town of Wellsville, County of Allegany, New York, has been appointed to the Office of Bookkeeper to the Supervisor of the Town of Wellsville, and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Wellsville that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the *Town Supervisor* is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the *Town Clerk* is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

This undertaking of the *Tax Collector* is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Tax Collector; and

This undertaking of the *Town Justice* is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Town Justice; and

This undertaking of the *Bookkeeper to the Supervisor* is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Bookkeeper to the Supervisor; and

This undertaking of the *Superintendent of Highways* is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into her hands as such Supervisor; and

This undertaking of the *Code Enforcement Officer* is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into her hands as such Officer; and

The Town does and shall maintain insurance coverage, presently with ENB Insurance, in the sum of \$1,000,000.00 for the Tax Collector, Supervisor and Town Clerk to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

This resolution shall take effect immediately

Vote: Shad Alsworth Supervisor voting aye
Michael Miller, Council Member voting aye
Patricia Graves, Council Member voting aye
William Fish, Council Member voting aye
Jesse Case, Council Member voting aye

PROCUREMENT POLICY:

Motion: The following resolution was offered by Jesse Case, Council Member who moved its adoption, seconded by Patricia Graves, Council Member

**Resolution #2
Procurement Policy**

WHEREAS, Section 104—b of the General Municipal Law requires that all Towns adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of Section 103 of the General Municipal Law or any other law, and

WHEREAS, comments have been solicited from those officers of the Town of Wellsville involved with procurement, now therefore be it

RESOLVED, this 11th day of May, 1994, by the Town Board of the Town of Wellsville, Allegany County, New York, as follows:

1. All purchase contracts which will exceed \$10,000 in the fiscal year and public work contracts over \$20,000 shall be formerly bid pursuant to Section 103 of the General Municipal Law.
2. Every prospective purchase of goods or services shall be analyzed to determine whether the bidding requirements of Section 102 of the General Municipal Law apply. Any legal question regarding the application of such Section 103 bidding requirements shall be referred to the Town Attorney. Every Town officer, board, department head, or personnel with the requisite purchasing authority (herein Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.
3. Subject to the provisions of Section 7 of this resolution, the following sub sections a. and h. shall be complied with:
 - a. All estimated purchase of goods:

- (1) Less than \$10,000 but greater than \$3,000 require a written quote, facsimile quotes are acceptable, from three vendors.
 - (2) Less than \$3,000, but greater than \$1,000 requires oral quotes from two (2) vendors. The name, address, and phone number of each vendor shall be kept on file by the Purchaser.
 - (3) Less than 1,000 is left to the discretion of the Purchaser.
- b. All estimated public work contracts of:
- (1) Less than \$20,000 but greater than \$10,000 requires a written request for proposals and written proposals from three (3) contractors, facsimile proposals will be acceptable.
 - (2) Less than \$10,000 but greater than \$3,000 requires a written request for proposals and written proposals from two (2) contractors, facsimile proposals will be acceptable.
 - (3) Less than \$3,000 is left to the discretion of the Purchaser.
4. Any written request for a proposal shall describe the desired public work or goods. The Purchaser shall compile a list of all contractors or vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. All information gathered in complying with the procedures of this resolution shall be preserved and filed with the documentation supporting the subsequent purchase of public work contract.
5. The lowest responsible proposal or quote shall be awarded the purchase or public work contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.
6. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.
7. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required for the following types of procurement or under the following circumstances:
- a. Acquisition of professional services.
 - b. Emergencies where time is a crucial factor.
 - c. Sole source situations.
 - d. Goods purchased from agencies for the blind or severely handicapped.
 - e. Goods purchased from correctional facilities.
 - f. Goods purchased from another governmental agency.
 - g. Goods purchased at auction.
 - h. Goods purchased for less than \$1,000.
 - i. Public works contracts for less than \$3,000.
8. Town Credit Card Usage
- All credit card requests for use by a Town Employee or Town Board Member shall be reviewed and approved by the Town Board. It is understood that only materials or services that are required for the day to day activities of the official town business. The use of a credit card does not revive purchases from following

other guide line included with this Procurement Policy. The Town Clerk shall maintain a list of credit cards issued in the name of the town and what department they were issued to.

9. The provisions of this resolution shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as it is reasonably practicable.
10. This resolution, in written form, shall be sent to all Purchasers on an annual basis.
11. This resolution shall take effect immediately.

The resolution was adopted by unanimous vote:

Vote: Shad Alsworth, Supervisor voting aye
 Michael Miller, Council Member voting aye
 William Fish, Council Member voting aye
 Patricia Graves, Council Member voting aye
 Jesse Case, Council Member voting aye

FAIR HOUSING POLICY

Motion: The following resolution was offered by Jesse Case, Council Member who moved its adoption, seconded by Patricia Graves, Council Member

Resolution #3 FAIR HOUSING POLICY TOWN OF WELLSVILLE

Whereas, the Town Board of Wellsville, New York, desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States, and to encourage and bring mutual self-respect and understanding among all citizens and groups in the Town; and

Whereas, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968. It is illegal to deny housing to any person because of race, color, religion, sex, or national origin; and,

Whereas, under the New York State Fair Housing Law, it is illegal to deny housing to any person because of race, sex, religion color, age, physical or mental handicap or national origin;

Therefore, be it known that the Town of Wellsville makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder and discrimination in housing.

Therefore, be it also resolved that a Fair Housing Law poster, which has the “Equal Housing Opportunity” logo, will be displayed at the Town of Wellsville.

Therefore, be it also resolved that the following procedures will be used to accomplish the purposed of the aforementioned resolution:

1. The Town Board of Wellsville shall inform all town employees and contractors doing work for the Town of commitment to fair housing.
2. The Town Board of Wellsville shall post this policy in Town buildings and other public places and publicize it.
3. The Town Board of Wellsville shall direct all recipients/applicants to forward immediately to the Town Supervisor, Fair Housing Officer, any reports they receive of housing discrimination.

4. The Fair Housing Officer will conduct an investigation and will forward all complaints and findings to: New York State Homes & Community Renewal, Office of Community Renewal, 38-40 State Street, Albany, NY 12207, within ten (10) days of receipt of said complaint.

Vote: Shad Alsworth, Supervisor voting aye
Michael Miller, Council Member voting aye
William Fish, Council Member voting aye
Patricia Graves, Council Member voting aye
Jesse Case, Council Member voting aye

HIGHWAY:

Intermunicipal Agreement:

Motion: The following resolution was offered by Patricia Graves, Council Member who moved its adoption, seconded by Jesse Case, Council Member

Resolution No 4

Resolution Approving the Mutual Aid Agreement Between the Municipalities of Allegany County, New York

Whereas, the Board of the Town of Wellsville hereby agrees to allow Dean Arnold, Highway Superintendent to extend Mutual Aid assistance to another participating municipality within the County of Allegany when requested to do so by such municipality in time of abnormal snow or work conditions.

This agreement is subject to the conditions listed in the written agreement.

This resolution shall take effect immediately.

Vote: Shad Alsworth, Supervisor voting aye
Michael Miller, Council Member voting aye
Patricia Graves, Council Member voting aye
William Fish, Council Member voting aye
Jesse Case, Council Member voting aye

Bid Awards-Highway Equipment:

The highway superintendent and the town clerk opened the following bids on January 9, 2019 at 4:00pm and the results are as follows:

1968 John Deere, Model 400, Front End Loader

Daniel Pease - \$1,003.00
James Mead - \$1,400.00
Chucky Poo - \$2,625.00
William Piliero - \$1,575.00
Jacob Robinson - \$2,050.00

Recommendation: With the recommendation of the Highway Superintendent the following motion was made:

Motion: Miller made the motion to accept the bid of \$2,625.00 from Chucky Poo, seconded by Graves. The Highway Superintendent will contact the bidder.

2001-Chevy Flatbed

Lynch Paving - \$800.00
Chuckie Poo - \$2,625.00
William Piliero - \$1,575.00
Jim Mead - \$1,800.00

Recommendation: With the recommendation of the Highway Superintendent the following motion was made:

Motion: A motion was made by Miller to accept the bid of \$2,625.00 from Chucky Poo, seconded by Fish/carried. The Highway Superintendent will contact the bidder.

2000 Case 580 L Backhoe

Supervisor Alsworth stated that there was a mistake in the bid ad and the Highway Superintendent will rebid and the bid will be opened on February 13, 2018. The bids that were received will not be opened, they will be stapled and put in the town's vault.

AIRPORT:

Airport Committee:

Motion: A motion was made by Case to appoint Darwin Fanton to the Wellsville Municipal Airport Committee effective immediately, seconded by Miller.

SEXUAL HARASSMENT POLICY:

Motion: A motion was made by Miller to return the Sexual Harassment Policy back to the table, seconded by Graves/carried.

Motion: A motion was made by Alsworth to have Council Member Graves check into the above policy and to bring to the Board at the next regular meeting, seconded by Fish/carried.

Motion: A motion was made by Case to table until the next regular meeting, seconded by Graves/carried.

PUBLIC HEARING/FIRE PROTECTION POLICY

Alsworth reports that the Village of Wellsville and the Town of Wellsville will look over the Fire Protection Policy and hold a public hearing before their next regular scheduled meetings to sign the policy. The Town of Wellsville have their public hearing on February 13, 2018 at 6:45pm, the Town Clerk will place an ad in the local newspaper on the website.

SUPERVISOR/COUNCIL MEMBER REPORTS:

Fish:

Fish reports the kennels are all up to date, we did a lot of house cleaning and the place looks very nice, we are waiting for the locks to be changed on the entry door, it will have a combination instead of a key lock.

HIGHWAY:

John Deere Tractor:

Arnold reports that the spreader for the John Deere tractor used for sidewalks is not working properly and he wants the board to be aware of the issue. Arnold states that he is going to purchase a new spreader in the amount of \$4,802.40 (State Bid) and it will come out of the Highway Fund Town Wide account DA5130.201 Highway Equipment reserve account.

ISLAND PARK:

Arnold gave the Board the 2019 Projected Park Renovations:

#2 Dugouts Field #2	\$10,000.00
Storage building Field #2	\$ 4,000.00
Repair blocks, replace roof, door	

Backstop Field #2	\$12,000.00
#3 Finish Drainage	
Fix Fence – left field	
Park: Park Maintenance building	
Replace with new shop	\$12,000.00

AUDIT/PAYMENT OF BILLS –

Motion: A motion was made by Fish to accept and pay Abstract #01 of 2019, seconded by Case/carried

A – General Fund – Vouchers 1-17; \$9,452.69

B – Outside Village – Vouchers 14-16; \$30,446.70

DA – Highway Town wide – Vouchers 1-6; \$5,419.99

DB – Highway Outside – Voucher 6, \$31.02

EA – Airport – Vouchers 1-5, \$257.40

SF – Fire Protection District – Voucher 1, \$125,000.00

SL – Hillcrest Lighting District – Voucher 1, \$17.43

Total: \$170,625.23

EXECUTIVE SESSION:

Motion: A motion was made by Graves to adjourn into executive session to discuss a personnel issue, seconded by Fish/carried.

REGULAR SESSION:

Motion: A motion was made by Miller to return to regular session, seconded by Fish/carried.

ADJOURN:

Motion: A motion was made by Graves to adjourn this regular meeting at 7:45 pm, seconded by Case/carried.

Respectfully Submitted,

Sylvia LaChance
Town Clerk