

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 13th day of March 2019.

PRESENT: Shad Alsworth, Supervisor
Patricia Graves, Council Member
Jesse Case, Council Member
Dean Arnold, Highway Superintendent
Willis Shutt, Airport Manager

ABSENT: William Fish, Council Member
Michael Miller, Council Member
Mike Finn, Attorney

OTHERS PRESENT: Bill Cavanaugh, Fire Chief; Chris Potter, WLSV Reporter, Ronald Staedt, Jr; Town of Alma Supervisor

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

CHARTER COMMUNICATIONS

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

Resolution No 7

In the matter of the Renewal of the Cable Television Franchise Held by Time Warner Cable Northeast, LLC, locally known as Charter Communication in the Town of Wellsville, Allegany County.

An application has been duly made to the Board of the Town of Wellsville, County of Allegany, New York, by Time Warner Cable Northeast LLC, locally known as Charter Communications, a partnership organized under the laws of the State of New York doing business at 2604 Seneca Avenue, Niagara Falls, NY, and holder of a cable television franchise for an additional fifteen (15) years. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended and certain court rulings.

A public hearing was held on the Town of Wellsville on March 13, 2019 at 6:45 PM and the notice of the hearing was published in the Wellsville Daily Reporter on March 10, 2019

NOW, THEREFORE, the Board of the Town of Wellsville finds that:

1. Charter Communications has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. The quality of the Charter Communications service, including signal quality, response to customer complaints and billing practices has been in light of community needs; and
3. Charter Communications has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
4. Charter Communications can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Wellsville hereby renews the cable television franchise in the Town of Wellsville for fifteen (15) years commencing on the date of approval by the Public Service Commission.

BE IT FURTHER RESOLVED that the Board of the Town of Wellsville hereby confirms that this Franchise Renewal Agreement replaces the original franchise last amended on August 31, 2006.

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

BUDGET TRANSFER:

Sinclair Water District:

Motion: A motion was made by Graves to transfer from the Sinclair Water District, NY-01-0706-003, \$20,000.00 to the General Fund NY-01-0706-0012 to pay for the work that was done at the site of the Sinclair Water District, seconded by Case/carried.

HIGHWAY

Scrap:

Resolution No 8

Sale of Scrap From Highway Department

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

WHEREAS, Town of Wellsville Highway Department received \$12,125.00 from the sale of the scrap; and

WHEREAS, \$12,125.00 should be transferred from DA2665 to DA201HE,

BE IT RESOLVED, this resolution shall take effect immediately

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

AIRPORT:

Projects:

Shutt reports that the airport did not receive any grants in the latest round of funding and work on other projects is ongoing.

Jones Memorial Glow 5k Walk:

Shutt reports that Jones Memorial Hospital approached him about having their annual Glow Walk at the airport this year, the committee has asked to use Tarantine Road and to have closed off while the walk in in process.

Motion:

A motion was made by Graves to allow Jones Memorial Hospital to use the Wellsville Municipal Airport and Tarantine road as their site for their annual 5k Glow Walk, seconded by Case.

Discussion:

Alsworth asked Dean Arnold, Highway Superintendent if there would be an issue closing the road from 7:30 to 9:30. Arnold stated no problem at all, he will put up barriers and sign for them and then Jones Memorial will return them to him when the walk is over.

The motion was carried by unanimous vote.

WELLSVILLE REALTY/WELLSVILLE CARE MANOR V. TOWN OF WELLSVILLE

Petitioners reconsidered and accepted the Town of Wellsville's settlement proposal in this matter, for the 2018/19 tax year the assessment is reduced to \$3,300,000.00 and remains the same for an additional three years unless one of the triggering provisions of Real Property Tax Law that allows for a change occurs.

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

Resolution No 9

NOW, IT IS HEREBY,

STIPULATED AND ORDERED, that the proceedings for the 2015/16, 2016/17 and the 2017/18 tax years are consolidated under Index Number 46173,

STIPULATED AND ORDERED, that the assessment of SBL # 225.-3-35.71 on the tax assessment roll for the 2015/16, 2016/17 and 2017/18 tax years has been and shall remain \$3,800,000.00; and it is further

STIPULATED AND ORDERED, that the assessment of SBL #225.-3-35.71 On the tax assessment roll for the 2018/19 tax year shall be set at \$3,300.000.00; and it is further

STIPULATED AND ORDERED, That Petitioner covenants that it will not seek relief from the assessment of SBL #225.-3-35.71 for the 2019/20, 2020/21 and 2021/22 tax years provided said assessment for these years if \$3,300,000.00; and it is further

STIPULATED AND ORDERED, that Petitioner is entitled to a refund of a portion of taxes paid with respect to its September 2018 School tax bill. Such portion shall be the difference in taxes based upon the unadjusted 2018/19 assessment and 2018/19 assessment as adjusted pursuant to this Settlement Agreement. Such refund shall be paid without interest so long as it is paid within sixty (60) days after service of the Court Order confirming this settlement, after such sixty (60) day period expires such refund shall be paid with interest at the legal rate provided by statute such interest to be calculated from the date the taxes were paid through the date such refund is received, and it is further,

STIPULATED AND ORDERED, that the assessment on SBL #225.-3-35.71 as adjusted pursuant to the terms of the Settlement Agreement shall be reflected in Petitioners January 2019 County/Town tax bill. In the alternative, Petitioner shall be entitled to a refund of a portion of taxes paid with respect to its January 2019 County/Town tax bill. Such portion shall be the difference in taxes based upon the unadjusted 2018/19 assessment and the 2018/19 assessment as adjusted pursuant to the terms of this Settle Agreement. Such refund shall be paid without interest so

long as it is paid within sixty (60) days after service of the Court Order confirming this settlement after such sixty (60) days after such refund shall be paid with interest at the legal rate provided by statute such interest to be calculated from the date the taxes were paid through the date such refund is received.

STIPULATED AND ORDERED, that refunds, if any, shall be paid to Herman Katz Cangemi & Clyne, LLP, as attorneys, at 538 Broadhollow Road, Suite 307, Melville, New York 11747; and it is further

STIPULATED AND ORDERED, that the provisions of §727 of the Real Property Tax Law of the State of New York shall be applicable hereto; and it is further

STIPULATED AND ORDERED, that Petitioner shall have the right to seek specific enforcement of the terms of the Settlement Agreement and of any Order entered thereon and to otherwise enforce such terms by whatever means provide by law

WHEREAS, the Town of Wellsville does hereby accept this offer as written. This resolution shall take effect immediately

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

FIRE PROTECTION POLICY:

Motion; A motion was made by Alsworth to bring the Fire Protection Policy back on the table, seconded by Graves/carried.

Statement: Supervisor Alsworth asked Chief Cavanaugh if he could get a copy of financial statement from all departments.

Motion: A motion was made by Case to table the discussion of the Fire Protection Policy until the next scheduled board meeting, seconded by Graves/carried.

SUPERVISOR/COUNCIL MEMBER REPORTS:

Graves:

Graves reported that she attended the Village Board meeting and like the others she has attended it was very short.

Executive Session: Graves made a motion to go into executive session after this regular session to discuss a contractual issue, seconded by Case/carried.

Alsworth:

1999 Mack Truck: Alsworth made the motion for the Highway Superintendent to post a 1999 Mack Truck with an online auction in May, seconded by Case.

Discussion: Arnold reports that the auction goes for two hours and that he has the right to object or accept a bid.

Motion was carried by unanimous vote.

7:50: William Fish entered the meeting

REAL PROPERTY

Alsworth stated that the Town of Wellsville will need to fill the position of assessor in September 2019, he would like to hire a Real Property Aide. He asked the Town Clerk to put an ad in the Reporter for applications to be run Sunday and Tuesday, the Town Board will look them over and make a decision on Friday March 15, 2019 at 6:00pm.

ALLEGANY COUNTY COST SHARING

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

Resolution No 9 A

A RESOLUTION APPROVING THE COSTRUCTION OF LOCAL BRIDGE NO 26-04, WEIDRICK ROAD, TOWN OF WELLSVILLE, IN ACCORDANCE WITH COUNTY BOARD OF LEGISLATORS’ RESOLUTION NO 33-2019, AND AGREEING TO COST-SHARING PLAN CONTAINED IN COUNTY BOARD OF LEGISLATORS’ REOLUTION NO 65-95

WHEREAS, the Town Highway superintendent has recommended to this Board that bridge no 26-04 on Weidrick road, Town of Wellsville, be constructed, and

WHEREAS, the County Board of Legislators by Resolution No 65-95 has established a Cost-Sharing Plan for the construction or improvement of Town Bridges which qualify under such Plan, and

WHEREAS, the County Board of Legislators by Resolution NO 33-2019 approved the construction of such Bridge under such plan provided by “the Town of Wellsville files the appropriate resolution in accordance with resolution No 65-95,” and

WHEREAS, this Town Board has reviewed the provisions of the Board of Legislators’ Resolution No 65-95 and Resolution No 33-2019, and the provisions of Highway Law Section 238, now, therefore, be it

RESOLVED:

1. That the Town Board of the Town of Wellsville does approve of the construction of Local Bridge No 26-04, Weidrick Road, Town of Wellsville, in accordance with the provisions of County Board of Legislators’ Resolution No 33-2019
2. That the Town of Wellsville agrees to the Cost-Sharing Plan contained in County Board of Legislators’ Resolution No 65-95 and agrees to and will comply with those obligations of a Town contained in said Resolution No 65-95 as they apply to the above Bridge construction project.
3. That the Town Clerk is directed to send certified copies of this resolution to the Clerk of the County Board of Legislators and to the county Department of Public Works for filing.

This resolution shall take effect immediately.

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

AUDIT/PAYMENT OF BILLS –

Motion: A motion was made by Fish to accept and pay Abstract #03 of 2019, seconded by Graves/carried

A – General Fund – Vouchers 51-68, \$36,005.50

DA – Highway Town wide – Vouchers 38-63, \$28,336.82

DB – Highway Outside – Vouchers 32-51, \$51,946.51

EA – Airport – Vouchers 128-142, \$3,579.94

SL – Hillcrest Lighting District – Voucher 5, \$15.92

SS2- - Sinclair Sewer District – Voucher 6, \$124.01

Total: \$93,840.03

EXECUTIVE SESSION:

8:00pm the Board adjourned into executive session

REGULAR SESSION:

Motion to return to regular session was made by Graves, seconded by Case/carried.

ADJOURN: Fish/Case/carried

Respectfully Submitted,

Sylvia LaChance
Town Clerk