

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 13<sup>h</sup> day February of 2013.

**PRESENT:** Darwin Fanton, Supervisor  
Timothy McNulty, Council Member  
Shad Alsworth, Council Member  
Ronald Taylor, Council Member  
Steve Havey, Council Member  
Mike Finn, Attorney

**OTHERS PRESENT:** Brian Quinn, Wellsville Daily Reporter; Eric Larson, Atlantic Richfield Company; Jim Wixson

**TOWN OF ALMA:** Karen Linza, Supervisor  
Tony Mikalauskas, Council Member  
James Fleming, Council Member

Fanton opened the meeting at 7:00 pm and led the pledge to the Flag.

**MINUTES:** Accepted as presented

**FINANCIAL REPORT:** Accepted as presented

**DEPARTMENTAL REPORTS:** Accepted as presented

*Dog Control:*

**Dog Shelter Agreement:** A motion was made by McNulty for the Supervisor to sign the annual dog shelter agreement with the Town of Alma, seconded by Havey/carried.

**Dog Shelter Agreement:** A motion was made by Havey for the Supervisor to sign the annual dog shelter agreement with the Town of Andover, seconded by McNulty/carried.

*Code Enforcement:*

**Travel Request:** A motion was made by Alsworth for the Code Enforcement Officer to travel to Wyoming County for a meeting on February 18, 2013, seconded by Havey/carried.

*Highway:*

**Travel Request:** A motion was made by Alsworth for the Highway Superintendent to travel to \_\_\_\_\_ for an Advocacy Campaign on March 5&6, 2013, seconded by Havey/carried.

**BP:**

*Motion:* A motion was made by Taylor to bring the discussion regarding the Sinclair Refinery Superfund Site, seconded by Havey/carried.

*Discussion:* Eric Larson explains that the purpose of this agreement is to allow Atlantic Richfield Company certain real property rights, which shall run with the land, to facilitate the remediation of past environmental contamination and to protect human health and the environment by reducing the risk of exposure to contaminants; provided that nothing shall

be construed to create any new or additional obligations on the of Atlantic Richfield Company.

*Motion:* A motion was made by McNulty for the Supervisor to sign the Environmental Protection Easement and Declaration of Restrictive Covenants contract with Atlantic Richfield Company, seconded by Havey.

**REVAL:** John Zukowski, Emminger, Newton, Pigeon & Magyar, Inc was present to explain the revaluation process to the Towns of Alma and Wellsville. He stated that there are three different options; A,B and C, option A will take two years to complete while options B and C will take one year to complete. The Town of Alma asked if they could choose a different option than the Town of Wellsville. Mr. Zukowski stated that would not be a problem, he would have to refigure the cost of each project and get back to them. The Town of Alma stated that they would hold a special meeting to inform the residents of the options and get back to the Town of Wellsville to let them know of their decision.

*Motion:* A motion was made by McNulty to table the decision of which plan the Town of Wellsville wants to use until the Town of Alma has made their decision, seconded by Taylor/carried.

**BUDGET REVENUE LINE:** A motion was made by Taylor to add to the 2013 budget a line item for Highland Pointe PILOT at zero revenue, seconded by Havey/carried.

**PILOT:**

*Wellsville Woods Apartments:*

The following resolution was offered by Council Member Taylor who moved its adoption and was seconded by Council Member Havey

**Resolution No 4**

**Pilot Agreement Between the Alfred Housing Committee and the Town of Wellsville**

**Whereas**, in 1996 a PILOT agreement was negotiated for the federally subsidized Wellsville Woods Apartments, and

**Whereas**, this agreement is effective until 2037, and

**Whereas**, per section 5 Annual Payments, the payments for years 2014 till the end of the term need to be negotiated at this time, and

**Whereas**, Allegany Housing Company I, LP is recommending that we use an annual 2% increase for the PILOT payment.

**Therefore**, under this scenario the annual payments would be as follows:

2013-\$484.00 per unit÷2=\$242.00x24 units= \$5,808.00

2014-\$494.00 per unit÷2=\$247.00x24 units= \$5,928.00

2015-\$504.00 per unit÷2=\$252.00x24 units= \$6,048.00

2016-\$514.00 per unit÷2=\$257.00x24 units= \$6,168.00

2017-\$524.00 per unit÷2=\$262.00x24 units= \$6,288.00

**Whereas**, Continuing at 2% annually through the term of the original agreement.

This resolution shall take effect immediately.

**Vote:** Darwin L Fanton, voting aye

Timothy McNulty voting aye  
 Shad Alsworth voting aye  
 Ronald Taylor voting aye  
 Steve Havey voting aye

**WEST HANOVER STREET:**

The following resolution was offered by Alsworth who moved its adoption and was seconded by McNulty

**RESOLUTION NO 5**

**CLASSIFYING THE PROPOSED TOWN OF WELLSVILLE 24 & 29 WEST HANOVER STREET AS AN UNLISTED ACTION, DETERMINING THE SIGNIFICANCE OF SUCH ACTION, AND DIRECTING THAT THE NEGATIVE DECLARATION BE PUBLISHED IN ACCORDANCE WITH SEQR**

- Whereas,** the Town of Wellsville is lead agency for the purpose of implementing the above referenced project, and
- Whereas,** the Town of Wellsville has considered and reviewed the project, now therefore be it,
- Resolved,** the Town of Wellsville, as the lead agency for purposes of this project, determines that the project is an Unlisted Action for the purposes of SEQR and be it further
- Resolved,** based upon the Short Environmental Assessment Form completed by The Town of Wellsville, the Town of Wellsville determines that the action will not have a “significant effect” on the environment and, therefore, directs that a negative declaration be prepared, and be it further
- Resolved,** that as a consequence of such finding, the Town of Wellsville hereby directs that the negative declaration be distributed and published in accordance with the requirements of SEQR

**Vote:** Darwin Fanton, Supervisor voting aye  
 Timothy McNulty, Councilmember voting aye  
 Shad Alsworth, Councilmember voting aye  
 Ronald Taylor, Councilmember voting aye  
 Steve Havey, Councilmember voting aye

**PHASE I – WEST HANOVER STREET:**

*24 & 29 West Hanover Street:* Fanton states that the property is currently zoned commercial and the town’s intention is to use it as an extension of our current Highway Department which is adjacent to this property. Based on preliminary investigation it does not appear that past usage would have any hazardous underground contaminations but a Phase I Environmental Assessment will be done. Fanton has received two quotes for the project:

- MRB Group, 145 Culver Road, Suite160, Rochester, NY 14620 for \$1,380.00
- Neeson-Clark Associates, Inc, 154 N Union St., Olean, NY 14760 for \$1,250.00

*Motion:* A motion was made by Taylor to contract with Neeson-Clark Associates for \$1,250.00 to do the Phase I site assessment at 24 & 29 West Hanover

Street, to be taken out of the Building Reserve Fund, seconded by Havey/carried.

Fanton states that is anything is found we will need to go onto Phase II then Phase III, we will discuss it further if needed.

**TVGA CONSULTANTS:**

*Grant Writing Services:*

The following resolution was offered by Alsworth who moved its adoption and was seconded by Taylor

**RESOLUTION NO 6**

**NYS Archives Local Government Record Management Improvement Fund Grant Initiative Grant Writing Services**

**WHEREAS,** TVGA Consultants is pleased to provide this proposal to assist the Village and Town of Wellsville with professional grant writing services related to the NYS Archives Local Government Record Management Improvement Fund Grant Initiative Grant, under a shared service project, and

**WHEREAS,** the village will assume lead applicant responsibilities, including those of single point of contact, and

**WHEREAS,** the Town of Wellsville agrees to the scope of work, estimated cost, terms and conditions of this proposal

This resolution shall take effect immediately

**Vote:** Darwin Fanton, Supervisor voting aye  
Timothy McNulty, Councilmember voting aye  
Shad Alsworth, Councilmember voting aye  
Ronald Taylor, Councilmember voting aye  
Steve Havey, Councilmember voting aye

**SECOND AMENDMENT:**

The following resolution was offered by Council Member Shad Alsworth who moved its adoption and was seconded by Council Member Ronald Taylor

**Resolution No 7**

**Resolution in support of the Second Amendment**

**WHEREAS,** the Right of the People to Keep and Bear Arms is guaranteed as an Individual Right under the Second Amendment to the United States Constitution and under the Constitution of the State of New York, and;

**WHEREAS,** the Right of the People to Keep and Bear Arms for defense of Life, Liberty, and Property is regarded as an inalienable Right by the People of the **Town of Wellsville, Allegany County, New York,** and;

**WHEREAS,** the Town of Wellsville derive economic benefit from all safe forms of firearm recreation, hunting, and shooting conducted within the Town of Wellsville using all types of firearms allowable under the United States Constitution and the Constitution of the State of New York, and;

**WHEREAS,** the Wellsville Town Board being elected to represent the People of Wellsville and being duly sworn by their Oath of Office to uphold the

United States Constitution and the Constitution of the State of New York,  
and;

**WHEREAS,** the New York State Assembly and New York State Senate along with the Governor of the State of New York, being elected by the People of the State of New York and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of New York, and;

**WHEREAS,** legislation presented by the Governor of the State of New York and passed by the New York State Assembly and the New York State Senate infringes on the Right to Keep and Bear Arms and would ban the possession and use of firearms now employed by individual citizens of the Town of Wellsville, for defense of Life, Liberty, and Property, would ban the possession and use of firearms now employed for safe forms of firearm recreation, hunting and shooting conducted within the Town of Wellsville, Allegany County, New York, and;

**WHEREAS,** legislation presented by the Governor of the State of New York and forced to a vote by an unconstitutional “message of necessity” was passed by the New York State Assembly and the New York State Senate in January of 2013 and is referred to as the “SAFE Act” in direct violation of our Constitutional Right to due process as no eminent emergency was presented or proven, and;

**WHEREAS,** the Code of Ethics for the Town of Wellsville allows for the removal of any or all elected persons not honoring their Oath of Office which includes upholding the Constitution of the United States and the New York State Constitution, and;

**NOW, THEREFORE, IT BE AND IS HEREBY RESOLVED** that the Wellsville Town Board does hereby oppose the enactment of any legislation that would infringe upon the Right of the People to Keep and Bear Arms and consider such laws to be unnecessary and beyond lawful legislative authority granted to our State Representatives as there is no documented correlation between gun control measures and crime reduction coupled with the unlawful passage of the “SAFE Act” by violating the mandate of due process, and;

**BE IT FUTHER RESOLVED** that the Wellsville Town Board insists that by supporting legislation that infringes on its citizens Second Amendment Rights will violate the Oath of Office made by every elected official representing the citizens of our Township, and;

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Tom Reed, Governor Andrew Cuomo, Senator Cathy Young, and Assemblyman Joseph Giglio.

This resolution shall take effect immediately

**Vote:** Darwin Fanton, Supervisor voting aye  
Timothy McNulty, Councilmember voting aye  
Shad Alsworth, Councilmember voting aye

Ronald Taylor, Councilmember voting aye

Steve Havey, Councilmember voting aye

**SUPERVISOR/COUNCIL MEMBER REPORTS:**

*Fanton:*

**Reminders:**

- Anybody that takes cash or checks must deposit that money by the 15<sup>th</sup> of the next month.
- The Town Board will be reviewing all vouchers before they are paid.
- The Supervisor will not sign any checks for payments until after the board meeting.

**AUDIT/PAYMENT OF BILLS – Alsworth/McNulty/carried**

A – General Fund – Claims 14-40; \$21,214.39

B – Outside Village – Claims 1005 & 1006; \$903.22

DA – Highway Town wide – Claims 12-35; \$18,749.13

DB – Highway Outside – Claims 1006-1014; \$54,346.79

EA – Airport – Claims 2-7; \$1,626.32

SL – Hillcrest Lighting District – Claim 1; \$20.60

SS2- - Sinclair Sewer District – Claim 2; \$145.81

Total: \$97,006.26

**Executive Session:** A motion was made by Alsworth to adjourn into execution session to discuss a legal issue and employment of a particular employee, seconded by Taylor/carried.

**Regular Session:** Taylor/Havey/carried

**ADJOURN:** Havey/McNulty/carried

Respectfully Submitted,

Sylvia LaChance  
Town Clerk