

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 11th day June of 2014.

PRESENT: Darwin Fanton, Supervisor
Steve Havey, Council Member
Donald LaForge, Council Member
Dean Arnold, Highway Superintendent
Mike Finn, Attorney

ABSENT: Timothy McNulty, Council Member
Shad Alsworth, Council Member

OTHERS PRESENT: Joann Allen, Allison Midgley

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

MINUTES: Accepted as presented

FINANCIAL REPORT: Accepted as presented

COMMUNITY COMMENT:

DEPARTMENTAL REPORTS: Accepted as presented

PARK:

Mower: A motion was made by LaForge to replace the current park mower with a mower from the State Bid List in the amount of \$9,300.00. The funds will come out of account A7110.207 (New Tractor/Loader Reserve) in the amount of \$2,000.00 and account NY-01-0706-0040 (Park & Recreation Tractor Reserve) in the amount of \$7,300.00, the motion was seconded by Havey/carried.

Walker International Events, Inc – A motion was made by Havey to allow Walker International Events, Inc to use Lagoon 4 on August 5, 2014 for a circus, seconded by LaForge/carried.

AIRPORT:

Final Master Plan Update: Fanton reports that the Final Master Plan Update is available for public view at the Town Clerk's Office, Monday – Friday, 8:00am-4:30pm.

NYS DOT Aviation Capital Grant Program:

Resolution: the following resolution was offered by Donald LaForge, Council Member who moved its adoption and was seconded by Steve Havey, Council Member

Resolution No 14
New York State Department of
Transportation Aviation Capital Grant
Program

WHEREAS, the New York State Department of Transportation (NYSDOT) has informed the Town of Wellsville that applications are due by June 16,

2014 for the Aviation Capital Grant Program and that monies are available from this program for improvements to airports across the State, and

WHEREAS, several improvements are needed at the Wellsville Municipal Airport, which are eligible for funding from Aviation Capital Grant Program, and,

WHEREAS, the Town of Wellsville can submit two applications for funds from the Aviation Capital Grant Program, with receipt of no more than one grant if selected, and,

WHEREAS, any grants offered will require a 10% local match on funds received from the State under this program, and,

RESOLVE, that the Town of Wellsville agrees to have funds in the amount of up to \$10,000 (Ten Thousand Dollars and Zero Cents) (10% of the requested funds) to Rehabilitate the Long Hangar at the Wellsville Municipal Airport or up to \$6,000 (Six Thousand Dollars and Zero Cents) (10% of the requested funds) to Acquire Airport Maintenance Equipment for the Wellsville Municipal Airport.

RESOLVE that the Town Supervisor of the Town of Wellsville is hereby authorized to execute all necessary Agreements on behalf of the Town in connection with the Rehabilitate Long Hangar and Acquire Airport Maintenance Equipment projects, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary application or Agreement in connection with the Rehabilitate Long Hangar and Acquire Airport Maintenance Equipment projects; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Vote: Darwin L Fanton, Supervisor voting aye
Donald LaForge, Council Member voting aye
Steve Havey, Council Member
Absent: Timothy McNulty, Council Member
Shad Alsworth, Council Member

YOUTH FOR CHRIST CONCERT: A motion was made by Havey to allow Youth for Christ to hold a concert at the Wellsville Municipal Airport on July 17, 2014, seconded by LaForge. All paper work must be filled out by Youth for Christ before the concert.

BOARD APPOINTMENTS:

Planning Board: A motion was made by Havey to appoint Robert W. Hill to the Planning Board for a five year term (6/14/2014-12/31/2019), seconded by LaForge/carried.

DYKE WATER DISTRICT #SW9:

Resolution: the following resolution was offered by Donald LaForge, Council Member who moved its adoption and was seconded by Steve Havey, Council Member

Resolution #15
RESOLUTION CREATING DYKE WATER DISTRICT NO SW-9
IN THE TOWN OF WELLSVILLE,
SUBJECT TO PERMISSIVE
REFERENDUM

WHEREAS, the Town Board of the Town of Wellsville (herein called "Town Board" and "Town", respectively), in the County of Allegany, New York, has, pursuant to Town Law Article 12-A, caused Clark Patterson Lee, competent engineers duly licensed by the State of New York, to prepare a preliminary map, plan and report for the establishment of Dyke Water District No. SW-9 (the "District") previously known as the 417 East Water Project; and

WHEREAS, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, said map, plan and report proposes the installation of approximately 6,900 linear feet of water main along various roads in the Town including, but not limited to, New York State Route 417, and connecting to the Village water supply system, as well as other such improvements as more fully identified in such map, plan and report referred to above, including all related right-of-way costs, new service installation, site work and other ancillary work, including hydrants, valves, appurtenances, preliminary costs and other improvements and costs incidental thereto (collectively referred to herein as the "Water Improvement"); and

WHEREAS, the project has an estimated maximum cost of \$930,000, which amount is to be financed by the issuance of serial bonds in an aggregate amount not to exceed \$930,000, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, grants anticipated to be received totaling approximately \$801,000, and unless paid from other sources or charges, the cost of the project will be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) during the first year will be approximately \$535 (such amount includes construction financing costs (debt service) and estimated annual water usage costs); and each property will also have to provide for service from their home to the property line and internal plumbing modifications (as applicable) to set a meter and valves (actual costs will vary depending on the actual length of the service line and the complexity of installation).

WHEREAS, the Town Board has pursuant to an Order Calling for a Public Hearing, which Order was duly posted and published, held a public hearing on June 11, 2014 to consider the creation of the proposed District, at which hearing all members of the public were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WELLSVILLE as follows:

The Board hereby determines:

1. That the notice of public hearing was duly published and posted as required by law, and is otherwise sufficient.
2. That all properties and property owners benefited by the improvements are included in the proposed District.
3. That all properties and property owners included in the proposed District are benefited thereby.
4. That it is in the public interest to establish the proposed District.
5. That in the opinion of the Board, none of the properties included in the proposed District will be unduly burdened by the creation of the District.

RESOLVED that the Town Board hereby approves the creation of the Dyke Water District No SW-9 in the Town of Wellsville and shall be bounded and described as follows:

**TOWN OF WELLSVILLE
DYKE WATER DISTRICT # SW-9
PREVIOUSLY CALLED "417 EAST WATER PROJECT"**

Beginning at a point on the northerly boundary of the Village of Wellsville at the southwest corner of Tax Parcel 239.00-1-30.1; thence

1. Northeasterly and easterly along the northwest and north boundaries of Tax Parcel 239.00-1-30.1 a distance of approximately 1,740 feet to a point on the northwest boundary of Tax Parcel 239.00-1-25; thence
2. Northeasterly along the northwest boundary of Tax Parcel 239.00-1-25 a distance of approximately 500 feet to appoint on the southwest boundary of Tax Parcel 239.00-1-23.11; thence
3. Northwesterly and easterly along the southwest and north boundaries of Tax Parcel 239.00-1-23.11 a distance of approximately 1,250 feet to the southwest corner of Tax Parcel 239.00-1-16.21; thence
4. Northwesterly along the southwest boundary of Tax Account 239.00-1-16.21 a distance of approximately 55 feet to the southeast corner of Tax Parcel 239.00-1-16.22 ; thence
5. Northwesterly, northeasterly, southerly and easterly along the southwest, northwest west and north boundaries of Tax Parcel 239.00-1-16.22 a distance of approximately 1,400 feet to the southwest corner of Tax Parcel 226.00-1-35; thence
6. Northerly along the west boundary and the northerly extension of the west boundary of Tax Parcel 226.00-1-35 a distance of approximately 280 feet to the centerline of County Route 28; thence
7. Northeasterly along the centerline of county Route 28 a distance of approximately 275 feet to the Southerly extension of the west boundary of Tax Parcel 226.00-1-34; thence
8. Northerly and northeasterly along said southerly extension and the west and northwest boundaries of Tax Parcel 226.00-1-34 a distance of approximately 1,215 feet to the North West corner of Tax Parcel 226.15-1-1; thence
9. Northeasterly along the northwest boundary and the northeasterly extension of the northwest boundary of Tax Parcel 226.15-1-1 a distance of approximately 260 feet to a point on the centerline of Smith Hollow Road, thence

10. Southeasterly along the centerline of Smith Hollow Road a distance of approximately 50 feet to the southwesterly extension of the northwest boundary of Tax Parcel 226.15-1-6; thence
11. Northeasterly along said southwesterly extension and the northwest boundary of Tax Parcel 226.15-1-6 a distance of approximately 340 feet to the northwest corner of Tax Parcel 226.15-1-11; thence
12. Northeasterly, northwesterly northeasterly and south easterly along the northwest, southwest, northwest and northeast boundaries of Tax Parcel 226.15-1-11 a distance of approximately 720 feet to the northwest corner of Tax Parcel 226.15-1-12; thence
13. Northeasterly along the northwest boundaries of Tax Parcels 226.15-1-12, 226.15-1-13, 226.15-1-14, 226.15-1-15 and 226.15-1-17 and along the northeasterly extension of the northwest boundary of Tax Parcel 226.15-1-17 a distance of approximately 450 feet to a point on the centerline of Wightman Road; thence
14. Southeasterly along the centerline of Wightman a distance of approximately 60 feet to the southwesterly extension of the northwest boundary of Tax Parcel 226.15-1-27; thence
15. Northeasterly along the said southwesterly extension and the northwest boundary of Tax Parcel 226.15-1-27 a distance of approximately 235 feet to a point on the west boundary of Tax Parcel 226.00-1-20; thence
16. Northerly and northeasterly along the west and northwest, and boundaries of Tax Parcel 226.00-1-20 a distance of approximately 660 feet to the northeast corner of Tax Parcel 226.00-1-20; thence
17. Southeasterly along the northeast boundary and the south easterly extension of the northeast boundary of Tax Parcel 226.00-1-20 a distance of approximately 275 feet to a point on the centerline of NYS Route 417, thence
18. Northeasterly along said centerline a distance of approximately 150 feet to the northwesterly extension of the north eastern boundary of Tax Parcel 226.00-1-25; thence
19. Southeasterly along said northwesterly extension and the northeast boundary of Tax Parcel 226.00-1-25 a distance of approximately 750 feet to a point on the north boundary of the Southern Tier Railway right-of-way ; thence
20. Southwesterly along said right-of-way boundary a distance of approximately 2,160 feet to the northeast corner of Tax Parcel 226.19-1-13 ; thence
21. Northwesterly along the northeast boundary of Tax Parcel 226.19-1-13 and the northwesterly extension of the northeast boundary of Tax Parcel 226.19-1-13 a distance of approximately 490 feet to a point on the centerline of Truax Road; thence
22. Northerly along the centerline of Truax Road a distance of approximately 825 feet to the easterly extension of the south boundary of Tax Parcel 226.19-1-1; thence
23. Westerly along said easterly extension and the south boundary of Tax Parcel 226.19-1-1 a distance of approximately 260 feet to a point on the east boundary of Tax Parcel 226.00-1-33.1, thence
24. Southerly and westerly along the east and south boundaries of Tax Parcel 226.00-1-33.1 a distance of approximately 320 feet to the southeast corner of Tax Parcel 226.00-1-33.2; thence
25. Westerly, southwesterly and westerly along the south, southeast and south boundaries of Tax Parcel 226.00-1-33.2 a distance of approximately 530 feet to the southwest corner of Tax Parcel 226.00-1-33.2; thence
26. Westerly a distance of approximately 110 feet to a point on the east boundary of Tax Parcel 226.19-1-27, thence
27. Southerly along the easterly boundary of Tax Parcel 226.19-1-27 a distance of approximately 360 feet to a point on the north boundary of Tax Parcel 239.00-1- 16.3;

thence

28. Easterly, southerly, southwesterly and northwesterly along the north, east, southeast and southwest boundaries of Tax Parcel 226.19-1-16.3 a distance of approximately 1,115 feet to the south east corner of Tax Parcel 239.00-1-21; thence
29. Southwesterly along the southeast boundary of Tax Parcel 239.00-1-21 a distance of approximately 830 feet to a point on the north boundary of Tax Parcel 239.07-3-10; thence
30. Easterly, southeasterly and southwesterly along the north, northeast and southeast boundaries of Tax Parcel 239.07-3-10 a distance of approximately 670 feet to a point on the northeast boundary of Tax Parcel 239.00-1-26.1; thence
31. Southeasterly, southwesterly, southeasterly, southwesterly and northwesterly along the northeast, southeast, northeast, southeast and southwest boundaries of Tax Parcel 239.00-1-26.1 a distance of approximately 1,305 feet to the southeast corner of Tax Parcel 239.00-1-27.2; thence
32. Southwesterly along the south east boundary of Tax Parcel 239.00-1-27.2 a distance of approximately 65 feet to the southeast corner of Tax Parcel 239.00-1-27.3; thence
33. Southwesterly, southeasterly, southwesterly and southeasterly along the southeast, northeast, southeast and northeast boundaries of Tax Parcel 239.00-1-27.3 a distance of approximately 750 feet to the southwest corner of Tax Parcel 239.07-3-1; thence
34. Southwesterly a distance of approximately 70 feet to the northeast corner of Tax Parcel 239.00-1-27.1; thence
35. Southwesterly along the southeast boundary of Tax Parcel 239.00-1-27.1 a distance of approximately 565 feet to a point on the north Boundary of the Village of Wellsville; thence
36. Westerly along said north Village boundary a distance of approximately 890 feet to the point of beginning.

AND BE IT FURTHER RESOLVED that the estimated maximum amount proposed to be expended for such Water Improvement is \$930,000, which amount is to be financed by the issuance of serial bonds in an aggregate amount not to exceed \$930,000, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, grants anticipated to be received totaling approximately \$801,000, and unless paid from other sources or charges, the cost of the project will be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law; and be it

FURTHER RESOLVED that this resolution is subject to a permissive referendum; and be it

FURTHER RESOLVED that the Town Clerk shall, within ten days after the adoption of this Resolution, publish a public notice at least once in each newspaper designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, in the Form of Exhibit A to this Resolution, stating the adoption of this Resolution subject to permissive referendum, and the Town Clerk shall cause to be prepared and have available for distribution proper forms for the petition requesting a referendum and shall distribute a supply to any person requesting same; and be it

FURTHER ORDERED, that if the time for filing a petition requesting that the matter be submitted to a referendum of the property owners expires without such a petition be filed, the Town Clerk shall file a certificate stating such fact in the office of the county clerk; and be it

FURTHER ORDERED, that if such petition is filed, after such referendum is held Town Clerk shall file a certificate stating that a petition was filed and a referendum held and certifying the results of the vote on the proposition submitted at such referendum in the office of the county clerk.

DATED: June 11, 2014

TOWN BOARD OF THE
TOWN OF WELLSVILLE

RESOLVED, that this Resolution shall take effect immediately.

Vote: Darwin L Fanton, Supervisor voting aye
Donald LaForge, Council Member voting aye
Steve Havey, Council Member voting aye
Absent: Timothy McNulty, Council Member
Shad Alsworth, Council Member

HEALTH INSURANCE:

Health Reimbursement Agreement:

Adoption Agreement: A motion was made by Havey for the Supervisor to sign the Town of Wellsville Health Reimbursement Agreement effective June 1, 2014 – May 31, 2015, seconded by LaForge

CLEAN WATER ACT:

Resolution: the following resolution was offered by Steve Havey, Council Member who moved its adoption and was seconded by Donald LaForge, Council Member

Resolution No 16

Resolution Opposing Clean Water Act Draft Guidance Proposed by the Environmental Protection Agency

WHEREAS, Town of Wellsville affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA), and

WHEREAS, the CWA was not intended to protect ditches and other channels through which water flows intermittently, nor was it intended to capture seeps, wet areas, isolated man-made ponds, and other structures not currently subject to the CWA, and

WHEREAS, the Environmental Protection Agency (EPA) and the United States Corps of Engineers (Corps) have developed draft guidance on Identifying Waters Protected by the Clean Water Act (draft guidance) to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions, and

WHEREAS, this draft guidance creates uncertainty, confusion, and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols, and

WHEREAS, the draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of the Town of Wellsville with little, if any,

environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits, and

WHEREAS, the financial impact of the draft guidance to the Town of Wellsville will be significant with roadside ditch projects and ongoing maintenance costing significantly more dollars on an annual basis to the Town of Wellsville citizens due to the need for jurisdictional determinations by the Corps or CWA permitting, and

WHEREAS, Town of Wellsville believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rulemaking process to allow public and stakeholder comments on this critically important and complex issue, now, therefore, be it

RESOLVED:

1. That the Town of Wellsville urges EPA and the Corps to withdraw the draft CWA guidance immediately, work collaboratively with states and local governments to enforce the current scope of the CWA while respecting the authority of state and local governments in ensuring the protection of our water resources.
2. That this Town supports any federal legislation consistent with the above recommendations and urges it's Congressional and State representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding the aforementioned concerns.
3. That the Clerk of this Board is hereby authorized and directed to forward a certified copy of this resolution to Governor Andrew M. Cuomo; U.S. Senators Charles E. Schumer and Kirsten Gillibrand; U.S. Representative Tom Reed; New York State Senator Catharine M. Young; Senate Majority Leader Dean Arnold G. Skelos; Assembly Speaker Sheldon Silver; Assemblymen Daniel J. Burling and Joseph M. Giglio; EPA Administrator Lisa Jackson' and EPA Region 2 Administrator Judith Enck.

This resolution shall take effect immediately.

Vote: Darwin L Fanton, Supervisor voting aye
Donald LaForge, Council Member voting aye
Steve Havey, Council Member voting aye

Absent: Timothy McNulty, Council Member
Shad Alsworth, Council Member

CAPITAL FUND ACCOUNT: A motion was made by LaForge to table until next Board meeting on July 9, 2014, seconded by Havey/carried.

ALLEGANY TRAILS:

Resolution: the following resolution was offered by Steve Havey, Council Member who moved its adoption and was seconded by Donald LaForge, Council Member

Resolution No 16
Allegany Trails, Inc
Barrel House Conference Center and Suite

WHEREAS, the Allegany Trails, Inc is applying to the NYS WORKS for a grant under the consolidated Funding Application project to be located in the Town of Wellsville between the Genesee River and Alfred State College, a site located within the territorial jurisdiction of the Town Council; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project is located".

NOW, THEREFORE, Be it resolved that the Board of the Town of Wellsville does approve and endorse the application of Allegany Trails, Inc for a grant under the environmental protection Fund for a conference center and suite project known as the Barrel House Conference Center and Suite and is located within this community. Adopting this resolution does not imply any financial responsibility.

This resolution shall take effect immediately.

Vote: Darwin L Fanton, Supervisor voting aye
Steve Havey, Council Member voting aye
Donald LaForge, Council Member voting aye

Absent: Timothy McNulty, Council Member
Shad Alsworth, Council Member

SUPERVISOR/COUNCIL MEMBER REPORTS:

AUDIT/PAYMENT OF BILLS – LaForge/Havey/carried

A – General Fund – Vouchers 129-164; \$17,383.00
B – Outside Village – Vouchers 1013-1015; \$8,203.74
DA – Highway Town wide – Vouchers 105-121; \$11,445.20
DB – Highway Outside – Vouchers 1033-1041; \$15,864.03
EA – Airport – Vouchers 36-44; \$2,450.02
SL – Hillcrest Lighting District – Voucher 7; \$12.51
SS2- - Sinclair Sewer District – Voucher 8; \$155.58
Total: \$55,514.08

EXECUTIVE SESSION: A motion was made by Havey to adjourn into Executive Session to discuss a legal issue and a contractual issue, seconded by LaForge/carried.

REGULAR SESSION: A motion was made by LaForge to return to regular session, seconded by Havey/carried.

ADJOURN: LaForge/Havey/carried

Respectfully Submitted,

Sylvia LaChance
Town Clerk