

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 August of 2014.

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

OTHERS PRESENT: Dennis Kennelly, TY Linn; Kelly Pronti, Harter Secrest Emery; Tom Swift; Clark Patterson Lee; Daniel Fleming, Town of Scio Supervisor; Neil Linderman, Olean Times Herald; Brian Quinn, Wellsville Daily Reporter; several members of the community.

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

MINUTES: Accepted as presented

FINANCIAL REPORT: Accepted as presented

WALMART:

Dennis Kennelly, TY Lin and Kelly Pronti, Harter Secrest Emery was present to ask the Town Board to accept the final SEQRA document for the proposed WalMart project. Mr. Kennelly went over all the following documents for the Town Board to approve:

- EAF Part 2
- Reason Supporting Negative Declaration
- SEQR Negative Declaration
- SEQRA Negative Declaration Resolution
- Environmental Notice Bulleting Negative Declaration
- List of Involved Agencies

After Mr. Kennelly's presentation was over and the Board had their questions answered the following resolution was offered.

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

Resolution No 18
RESOLUTION OF THE TOWN OF WELLSVILLE TOWN BOARD
PROPOSED WAL-MART PROJECT
SEQRA NEGATIVE DECLARATION

WHEREAS, Wal-Mart Real Estate Business Trust ("Walmart") has proposed to construct an approximately 128,000 square foot Wal-Mart Supercenter located off of NYS Route 417 at Airway Drive in the Town of Wellsville and Town of Scio, Allegany County, New York (the "Walmart Project"); and

- WHEREAS**, the Town of Wellsville does not maintain zoning laws, therefore the proposed site is not located within a zoning district; and
- WHEREAS**, the Walmart Project is a “Type I” action under the State Environmental Quality Review Act (“SEQRA”) requiring coordinated review; and
- WHEREAS**, by resolution dated August 8, 2007, the Town of Wellsville Town Board (the “Town Board”) declared its intent to act as Lead Agency; and
- WHEREAS**, notice was sent to all involved agencies and no objections were raised; and
- WHEREAS**, at a public meeting held on October 24, 2007, the Town Board, Region 9 New York Department of Environmental Conservation reviewed the Walmart Project; and
- WHEREAS**, the Town Board affirmed its status as Lead Agency by resolution dated January 9, 2008; and
- WHEREAS**, on August 3, 2007, TY LIN International Company, on behalf of Walmart, submitted an application for a building permit (the “Application”), along with a Long Form Environmental Assessment Form (“EAF”) pursuant to SEQRA; and the Application and Environmental Assessment Report included the following information: Long Form EAF, together with a Traffic Impact Study, a Storm water Management Report, a Wetland Delineation Report, a Geotechnical Engineering Report, Floodplain Analysis, Phase IA and 1B Cultural Resources Investigation Reports, Sanitary Sewer Calculations, Water Supply Report, Project Location Map; ALTA/ACSM Land Title Survey; Demolition Plan; Proposed Site Plans; Utility Plans; Grading Plans; Landscaping Plans; Phase I Erosion and Sedimentation Control Plans; Phase II Erosion and Sedimentation Control Plans; Lighting and Photometric Plan; Floodplain Development Permit Application, Hydraulic Analysis of the Genesee River; and
- WHEREAS**, on August 13, 2014, the Town Board completed parts 2 and 3 of the EAF and identified areas of potential environmental concern to be reviewed in connection with the Walmart Project; and
- WHEREAS**, at meetings held on October 24, 2007, January 9, 2008, February 13, 2008, February 9, 2009, February 11, 2009, March 11, 2009, December 11, 2013, February 11, 2014 and August 13, 2014, the Town Board discussed the areas of environmental concern associated with the Walmart Project to determine whether such concerns are significant; and
- WHEREAS**, at meetings held on October 24, 2007, January 9, 2008, February 13, 2008, February 9, 2009, February 11, 2009, March 11, 2009, December 11, 2013, February 11, 2014 and August 13, 2014, the Town Board accepted public comment and concerns on the Walmart Project; and
- WHEREAS**, the Town of Scio passed a resolution to accept the walking path and the land surrounding the walking path in dedication upon construction; and
- WHEREAS**, the Allegany County Planning Board reviewed the Application for the Walmart Project in accordance with General Municipal Law § 239-M and concluded that in the absence of zoning regulations in the Town of

Wellsville and Town of Scio, it may not be required to take any action pursuant to General Municipal Law; and

WHEREAS, the Town Board has carefully considered the criteria for determining significance as set forth in the SEQRA regulations 6 NYCRR § 617.7; and

WHEREAS, the Town Board has carefully reviewed the supporting documents provided to the Town of Wellsville and by this Resolution the Town Board does set forth its decision thereon; and

WHEREAS, the Town Board has reviewed the “Reasons Supporting SEQRA Negative Declaration” attached hereto; and

WHEREAS, the Town Board has, through the EAF Parts 1, 2 and 3 identified relevant areas of environmental concern related to the Walmart Project; thoroughly analyzed such areas for significant adverse impact and provided a written elaboration in support of its determination.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board, as SEQRA Lead Agency, hereby determines that the proposed construction of the Walmart Project will not have a significant adverse impact on the environment as set forth in the Negative Declaration and Reasons Supporting Negative Declaration attached hereto and made a part of this resolution and adopted on this date.

BE IT FURTHER RESOLVED, that the Town Board as SEQRA Lead Agency has completed parts 2 and 3 of the EAF.

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Board Supervisor to sign the Determination of Significance/ SEQRA Negative Declaration and the Reasons Supporting SEQRA Negative Declaration in the form attached hereto.

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the Walmart Project, as proposed, will not result in any significant adverse environmental impacts.

BE IT FURTHER RESOLVED, Walmart is directed to circulate the SEQRA Negative Declaration as required by SEQRA regulations 6 NYCRR § 617.

This Resolution shall take effect immediately.

Vote: Darwin Fanton voting aye
Timothy McNulty voting aye
Shad Alsworth voting aye
Steve Havey voting aye
Donald LaForge voting aye

DEPARTMENTAL REPORTS: Accepted as presented

HIGHWAY:

CHIPS: A motion was made by Alsworth to increase DB3501 (State Aid-CON Highway Aid-Cap Improvement) from \$105,000.00 to \$139,335.40 (\$34,335.40), seconded by LaForge/carried.

Reclassification: A motion was made by McNulty to reclassify Eric Wilson from HMEM (Heavy Motor Equipment Mechanic) to HMEO (Heavy

Machinery Equipment Operator) effective immediately, seconded by LaForge/carried

Engineering Services:

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 19
Engineering Agreement for
North Hill/Wightman /Duffy Hollow Culvert Replacements
Engineering Services

WHEREAS, the Town of Wellsville desires to sign the engineering agreement with Clark Patterson Lee, 130 S Union Street, Suite 4, Olean, NY 14760 for scope of service, level of effort and overall cost for North Hill/Wightman/Duffy Hollow Culvert Replacements, in the Town of Wellsville between the Town of Wellsville and Clark Patterson Lee, and

WHEREAS, the cost of the project is \$17,400, and

NOW, THEREFORE the Wellsville Town Board duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project, and it is hereby further

RESOLVED, this Resolution shall take effect immediately

Vote: Darwin Fanton voting aye
Timothy McNulty voting aye
Shad Alsworth voting aye
Steve Havey voting aye
Donald LaForge voting aye

LANDFILL: A motion was made by LaForge to pay the Village of Wellsville \$7,452.00 from "B" Unexpended Balance to B8160.400 clear debit so that for FY 2015 this budget item will drop back to \$32,000.00, seconded by Havey/carried.

AIRPORT:

Early Payment: A motion by LaForge to pay B&H Taxilane \$9,600.86 out of the early bills, seconded by McNulty/carried.

TAX PETITION:

FYI: The Town has received two commercial and two residential legal challenges for tax assessment.

SUPERVISOR/COUNCIL MEMBER REPORTS:

Fanton:

Municipal Building Committee: Council Member LaForge volunteered to be on the Municipal Building Committee.

AUDIT/PAYMENT OF BILLS – LaForge/Havey/carried

CHIPS Payment: A motion was made by McNulty to pay Dolomite Products, \$75,440.62 and Suit-Kote, \$34,918.71 from early bills, seconded by LaForge/carried.

Robert Torrey Painting: A motion was made by McNulty to pay Robert Torrey Painting, \$3,350.00 from early bills, seconded by Alsworth/carried

A – General Fund – Vouchers 191-256, \$26,450.67 (#199 deleted, went to HA Fund)

B – Outside Village – Vouchers 1017-1019; \$8,403.87

DA – Highway Town wide – Vouchers 138-157; \$9,297.07

DB – Highway Outside – Vouchers 1047-1058; \$128,366.68 (#1053 deleted; double payment)

EA – Airport – Vouchers 60-69; \$8,822.57

SL – Hillcrest Lighting District – Voucher 9; \$12.52

SS2- - Sinclair Sewer District – Voucher 10; \$138.27

MS – Unemployment Insurance – Voucher 3; \$5.04

TA – Trust & Agency – Voucher 1; \$418.32

HA -

Total:

EXECUTIVE SESSION: A motion was made by LaForge to move into executive session to discuss real estate issue and a contractual issue, seconded by Havey/carried.

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

ADJOURN: A motion was made by Alsworth to adjourn this regular session at 8:00 pm, seconded by Havey/carried.

Respectfully Submitted,

Sylvia LaChance
Town Clerk