

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 14th day of February 2018.

PRESENT: Shad Alsworth, Supervisor
William Fish, Council Member
Patricia Graves, Council Member
Darwin L Fanton, Council Member
Dean Arnold, Highway Superintendent
Mike Finn, Attorney

ABSENT: Michael Miller, Council Member

OTHERS PRESENT: Ed Fahs, Village Trustee; Craig Clark, Industrial Development Agency

Alsworth opened the meeting at 7:00 pm.

MINUTES: Accepted as presented

FINANCIAL REPORT: Accepted as presented

DEPARTMENTAL REPORTS: Accepted as presented

HIGHWAY:

Bridges: Arnold reports that he plans on submitting an application to the NYS Program for Bridges, he will be searching for an engineer to help him to make sure the town qualifies for the grant first. He is looking into the Weidrick Road and Madison Street Bridges.

PLANNING BOARD:

Resignation: A motion was made by Graves to accept the resignation of Planning Board Member Darwin L Fanton, so that he may serve on the Town of Wellsville Board, seconded by Fish/carried.

Appointment: A motion was made by Graves to appoint alternate George W. Goetschius to replace Darwin L Fanton term (12/31/2021), seconded by Fish/carried.

Sinclair Water District – Tax Issue

Alsworth reports that there are still some issues with the taxes for the Sinclair Water District, there are some pieces missing that we still need to understand.

Motion: A motion was made by Fish to have Darwin L Fanton look into the issues with the taxes for the Sinclair Water District and to report back to the board with his findings, seconded by Graves/carried.

ACIDA – PILOT Agreement:

Mr. Clark reports that there will be a PILOT for the Lufkin building that PM Research recently bought; it will be a thirteen year PILOT. He also reports that there will be a Public Hearing at the David A Howe Library on February 22, 2018 that the public is invited to.

TOTAL SENIOR CARE BUILDING:

Alsworth reports that the Reed Electric has made all the adjustments/repairs that need to be done to the building, the Town Clerk will send a bill to Mr Robert Salevsky for his portion of the bill. There was some water damage to the tiles on the floor by the back door due to the snow and melting, Richardson and Stout Insurance has been notified and the heating issues has seemed to have been taken care of also. Arnold has kept Mr Salevsky in the loop so that he knows what has been going on.

FRANCHISE AGREEMENT – TIME WARNER

The board discussed the franchise agreement so see what needs to be done and Mr Fanton stated that he has issues with the following:

Section 2 Grant of Franchise

2.2 Term: the franchise and the rights, privileges and authority hereby granted shall be for an initial term of fifteen (15) years, commencing on the Effective Date of this franchise as set forth in Section 15.13. *Fanton would like to negotiate the term.*

2.4 Restoration of Municipal Property: Any Municipal property damaged or destroyed by Grantee shall be promptly repaired or replaced by the Grantee and restored to serviceable condition. *Fanton wants to make sure the subscriber is covered also.*

Section 4 Indemnification and Insurance

4.2 Insurance: *Fanton wants to make sure that the Town gets a copy of Grantees insurance*

Section 6 Service Availability

6.3 New Development Underground: In cases of new construction or property development where utilities are to be placed underground, The Grantor agrees to require as a condition of issuing a permit for open trenching to any developer or property owner that such developer or property owner give Grantee at least thirty (30) days prior written notice of such construction or development, and of the particular dates on which open trenching will be available for Grantee's installation of conduit, pedestals and/or vaults, and laterals to be provided at Grantee's expense. Grantee shall also provide specifications as needed for trenching, Cost of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if Grantee fails to install its conduit, pedestals and/or vaults, and laterals within fifteen (15) working days of the date the trenches are available, as designated in the written notice given by the developer or property owner, then should the trench be closed after the fifteen day period, the cost of new trenching is to be borne by Grantee. *Town of Wellsville Code Enforcement Officer to be notified.*

Section 8 Conditions on Street Occupancy

8.3 Construction Codes and Permits. Grantee shall obtain all legally required permits before commencing any construction work, including the opening or disturbance of any street within the Franchise Area, provided that such permit requirements are of general applicability and such permitting requirements are uniformly and consistently applied by the Grantor as to other public utility companies and other entities operating in the Franchise Area. The Grantor shall cooperate with the Grantee in granting any permits required, providing such grant and subsequent construction by the Grantee shall not unduly interfere with the use of such Streets.

Notwithstanding the above, the Grantee may set off any administrative permit fees or other fees required by the Grantor related to the Grantee's use of Grantor rights-of-way against the franchise fee payments required under Section 10.1 of this Franchise.

8.5 Restoration of Public Ways: Grantee shall, at its own expense, restore any damage or disturbance caused to the public way as a result of its operation, construction, or maintenance of the Cable System to a condition reasonably comparable to the condition of the Streets immediately prior to such damage or disturbance. *Highway should be notified.*

Section 9 Service and Rates: Does not address an office in this area.

Section 10 Franchise Fee:

Limitation on Recovery: The period of limitation for recovery of any franchise fee payable hereunder shall be three (3) years from the date on which payment by the Grantee was due. *Would like to have 4-5 years*

Section 12 Records:

Inspection of Records: Grantee shall permit any duly authorized representative of the Grantor, upon receipt of advance written notice, to examine during normal business hours and on a non-disruptive basis any and all of Grantee's records pertaining to Grantee's provision of Cable Service in the Franchise Area maintained by Grantee as is reasonably necessary to ensure Grantee's compliance with the material terms of the Franchise. Such notice shall specifically reference the subsection of the Franchise that is under review so that the Grantee may organize the necessary books and records for easy access by the Grantor. The Grantee shall not be required to maintain any books and records for Franchise compliance purposes longer than three (3) years. The Grantee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act. The Grantor agrees to treat as confidential any books, records or maps that constitute proprietary or confidential information to the extent Grantee makes the Grantor aware of such confidentiality. If the Grantor believes it must release any such confidential books or records in the course of enforcing this Franchise, or for any other reason, it shall advise Grantee in advance so that Grantee may take appropriate steps to protect its interests. Until otherwise ordered by a court or agency of competent jurisdiction, the Grantor agrees that, to the extent permitted by State and federal law, it shall deny access to any of Grantee's books and records marked confidential, as set forth above, to any Person. *Would like to have 4-5 years*

Motion: A motion was made by Fanton to table the Franchise Agreement discussion until next board meeting so that Mike Finn can look the agreement over, seconded by Fish/carried.

DYKE WATER DISTRICT #9:

The following resolution was offered by Darwin L Fanton, Council Member who moved its adoption, seconded by William Fish, Council Member:

**Resolution No 3
Notice of BOND Sale
East Dyke Water District No 9**

Whereas, the Town of Wellsville has a BAN (Bond Anticipation Note) with Municipal Solutions, Inc., and

Whereas, that said BAN is due for renewal March 17, 2018,

Therefore, the Town Board wishes to renew that BAN with Municipal Solutions, Inc.

This resolution shall take effect immediately.

Vote: Shad Alsworth, Supervisor voting aye
 William Fish, Council Member voting aye
 Patricia Graves, Council Member voting aye
 Darwin L Fanton, Council Member voting aye
 Michael Miller, Council Member absent

PAYROLL CORRECTIONS:

Safety Inspection:

Motion: Fanton made the motion to correct the salary of the Safety Inspection (B3620.101) to reflect the 2% increase that was not applied to his salary January 1, 2018, the increase will be retroactive from January 1, 2018, increase to be taken out of the Unallocated Fund Account, seconded by Alsworth/carried.

Highway Clerk:

Motion: Fanton made the motion to correct the salary of the Highway Clerk (DA5130.102) to reflect the 2% increase that was not applied to her salary January 1, 2018, the increase will be retroactive from January 1, 2018, increase to be taken out of the Unallocated Fund Account, seconded by Alsworth/carried.

DOG SHELTER:

Town of Alma

Motion: A motion was made by Fanton for the Supervisor to sign the annual dog shelter contract with the Town of Alma, seconded by Fish/carried.

Town of Andover

Motion: A motion was made by Fanton for the Supervisor to sign the annual dog shelter contract with the Town of Andover and for the Town Clerk to send a letter of payment before the contract is mailed back to the Town of Andover, seconded by Graves/carried.

Town of Independence

Motion: A motion was made by Fanton for the Supervisor to sign the annual dog shelter contract with the Town of Independence, seconded by Fish/carried.

2017 FINAL BUDGET TRANSFERS:

Motion: A motion was made by Darwin L Fanton, Council Member to transfer the following line item in the 2017 Budget, seconded by Patricia Graves, Council Member/carried:

From:		To:		
A1110.422	Mun Ct Office Supp	A1110.433	Mun Ct Telephone	\$32.68
A1220.406G	Super Edu General	A1220.432	Supervisor Supplies	\$12.33
A1310.406R	Bus & Fin Edu Req	A1310.422	Bus & Fin Supplies	\$35.19
A1330.404	Tax Coll Comp Upd	A1330.400M	Tax Coll Mileage	\$67.68
A1355.409	Assessment Dues	A1355.406R	Assessment Edu Req	\$104.00
A1355.414	Assessment Review	A1355.406R	Assessment Edu Req	\$159.75
A1410.404	Town Clerk Williams	A1410.101	Town Clerk Pers Svcs	\$0.18
A1410.404	Town Clerk Williams	A1010.102	Town Clerk Deputy	\$0.82
A1410.420	Town Clerk Mileage	A1010.102	Town Clerk Deputy	\$145.99
A1330.404	Tax Coll Comp Upd	A1410.102	Town Clerk Deputy	\$11.15

A1620.200	Shared Comp Supp	A1620.433	Bldgs Telephone	\$601.94
A1620.200	Shared Comp Supp	A1620.444	Comm Bldg Main	\$101.07
A1620.410	Bldgs Postage Meter	A1620.444	Comm Bldg Main	\$17.28
A1620.422	Bldgs Office Supp	A1620.444	Comm Bldg Main	\$40.22
A1620.439	Municipal Postage	A 1620.444	Comm Bldg Main	\$106.43
A1420.416	Law Legal Fees	A1620.444	Comm Bldg Main	\$2,404.19
A1420.416	Law Legal Fees	A1620.447	Comm Ctr Garbage	\$82.50
A1920.400	Munic Assoc Dues	A1910.400	Unallocated Insurance	\$39.60
A3510.410	Cntrl Dogs Euthan	A3510.433	Cntrl Dogs Telephone	\$9.79
A5010.200	Hwy Admin Equip O	A5010.422	Hwy Admin Office Sup	\$133.08
A5010.200	Hwy Admin Equip O	A5010.433	Hwy Admin Telephone	\$185.77
A5 132.433	Garage Telephone I	A5132.433	Garage Cleaning Supp	\$50.49
A7 11 0.435	Parks Tree Removal	A7110.437	Parks Utilities	\$58.55
A1420.416	Law Legal Fees	A9060.800	Benecare Ins Premium	\$3,416.50
A1450.400	Elections Cont	A9060.801	Health Reimb Acct	\$1459.78
B 1990.400	Contingent	B 1989.400	50% Share of Map	\$229.75
B1990.400	Contingent	B9030.800	Social Security	\$0.03
DA5120.400	Bridges Painting Cont	DA5130.100	Machinery Pers Svcs	\$1428.20
DA5130.458	Mach Radios & Rep	DA5130.100	Machinery Pers Svcs	\$230.08
DA5130.458	Mach Radios & Rep	DA5130.102	Mach Pers Svcs Clerk	\$152.17
DA5130.459	Machinery Oil	DA5130.102	Mach Pers Svcs Clerk	\$14.90
DA5130.460	Machinery Tools	DA5130.102	Mach Pers Svcs Clerk	\$61.17
DA5130.465	Machinery Inspection	DA5130.102	Mach Pers Svcs Clerk	\$2.68
DA5130.465	Machinery Inspection	DA5142. 100	Snow Removal Pers S	\$39.82
DA5130.466	Machinery Licenses	DA5142. 100	Snow Removal Pers S	\$1050.00
DA5142.436	Snow Removal Side	DA5142.100	Snow Removal Pers S	\$250.00
DA5142.437	Snow Removal Util	DA5142.100	Snow Removal Pers S	\$416.89
DA5142.442	Snow Removal Fuel	DA5142.100	Snow Removal Pers S	\$4162.31
DA5142.442	Snow Removal Fuel	DA9030.800	Social Security	\$619.82
DA5142.442	Snow Removal Fuel	DA9060.800	Benecare Medical	\$3181.18
DB5110.441	Gen Rep Legal Exp	DB51 10.453	General Repairs Signs	\$208.84
DB5110.441	Gen Rep Legal Exp	DB51 10.449	General Repairs Sealin	\$351.67
DB5110.442	Gen Repairs Fuel	DBS 110.449	General Repairs Sealin	\$5218.80
DB5110.448	Gen Repairs Equip R	DBS 110.449	General Repairs Sealin	\$1180.00
DB5110.450	Gen Repairs Hot Pa	DB5110.449	General Repairs Sealin	\$184.95
DB5110.452	Gen Repairs Pipe	DB5110.449	General Repairs Sealin	\$689.98
DB5110.444	Gen Repairs Trees	DB511 0.449	General Repairs Sealin	\$2072.00
DB5110.457	Gen Repairs Concre	DB511 0.449	General Repairs Sealin	\$118.49
DB3501	CHIPS Revenue	DB5112.200	Perm Improv Capital	\$58297.31
DB5142.442	Snow Removal Fuel	DB5140. 100	Misc Brush & Weeds	\$2045.05
DB5142.442	Snow Removal Fuel	DB5140.118	Misc Brush & Weeds	\$2173.69
DB5142.442	Snow Removal Fuel	DB5142.448	Snow Removal Safety	\$100.00
DB5142.442	Snow Removal Fuel	DB9030.800	Social Security	\$452.39
DB5142.442	Snow Removal Fuel	DB9060.800	Benecare Medical	\$5146.60

EA5610.102	Secretary Clerk	EA5610.400	NYS DEC	\$181.03
EA5610.102	Secretary Clerk	EA5610.401	Office Supplies	\$334.68
EA1770AV	AV Gas Sales	EA5610.404	AV Gas Purchases	\$6626.28
EA5610.102	Secretary Clerk	EA5610.404	AV Gas Purchases	\$2537.30
EA5610.103	Maintenance	EA5610.404	AV Gas Purchases	\$3357.50
EA5610.403	Janitorial Supplies	EA56 10.404	AV Gas Purchases	\$187.00
EA5610.407	Back-up Generator	EA56 10.404	AV Gas Purchases	\$600.00
EA5610.408	Fuel Pumps & Tanks	EA56 10.404	AV Gas Purchases	\$475.89
EA5610.410	Gas Main Hangar &	EA5610.404	AV Gas Purchases	\$1980.25
EA5610.418	Airport Equip Main	EA5610.404	AV Gas Purchases	\$863.57
EA5610.433G	LaForge Garbage Dis	EA56 10.404	AV Gas Purchases	\$141.00
EA5610.436	Utilities Gas Gener	EA5610.404	AV Gas Purchases	\$79.59
EA5610.438	Airport Utilities	EA5610.404	AV Gas Purchases	\$305.10
EA5610.439	Airport Utilities	EA56 10.404	AV Gas Purchases	\$619.26
EA5610.440	Telephone/Internet	EA5610.404	AV Gas Purchases	\$81.54
EA5610.442	Airport Bldg Maint	EA56 10.404	AV Gas Purchases	\$3267.82
EA5610.443	Airport Diesel Fuel	EA56 10.404	AV Gas Purchases	\$1026.44
EA5610.445	Airport Septic System	EA5610.404	AV Gas Purchases	\$28.80
EA5610.448	Community Room E	EA5610.404	AV Gas Purchases	\$500.00
EA5610.465	Airport Insp Fire Ext	EA5610.404	AV Gas Purchases	\$400.00
EA5610.467F	McFarland Johnson	EA5610.404	AV Gas Purchases	\$5561.72
EA1770JF	Jet Fuel Sales	EA5610.405	Jet A Fuel Purchases	\$17753.26
EA9030.800	Social Security	EA5610.406	Aircraft Engine Oil	\$3.70
EA9030.800	Social Security	EA5610.409	Electric Main Hangar	\$486.72
EA9055.800	Disability Insurance	EA5610.411	Electric Airfield	\$30.56
EA9060.801	Health Reimb Acct	EA5610.411	Electric Airfield	\$274.21
EA9060.801	Health Reimb Acct	EA5610.412	Insurance Buildings	\$1060.54
EA5610.472	NYMIR Runway Lts	EA5610.444	Airport Ground Main	\$5199.82
EA9060.801	Health Reimb Acct	EA5610.444	Airport Ground Main	\$743.15
EA5610.467F	McFarland Johnson	EA9060.800	Health Insurance	\$954.53

COMMITTEE REPORTS:

Lufkin: A motion was made by Fish to remove the Lufkin Committee report from the agenda/ seconded by Graves

Sinclair Water District: A motion was made by Alsworth to appoint Darwin L Fanton and William Fish as committee members to the Sinclair Water District, seconded by Graves/carried.

SUPERVISOR/COUNCIL MEMBER REPORTS:

County Wide Shared Service Group: A motion was made by Graves for Darwin L Fanton to attend the county wide shared service meetings, seconded by Alsworth.

Alsworth:

Highway:

Alsworth reports that Arnold would like to replace the 2001 Chevy one ton and the 2012 ¾ ton pickup with a 2017 one ton Dodge crew cab pickup. He will put the 2001 one ton up for bid. Then send the 2012 Dodge ¾ ton pickup to the Airport. The cost of new

truck will be \$37,410.50 plus the cost of new 8'6" Fisher plow will be \$5,500, for a total of \$42,910.50. Arnold has \$115,000 in his equipment reserve account. He would purchase this truck from the reserve. This would be bought from Onondaga County bid. (OGS State Bid) He feels the Airport could utilize this truck for a plow truck and a courtesy vehicle.

Motion: A motion was made by Fish for the Town Highway Superintendent to purchase said pickup from OGS State Bid, put the 2001 one ton pickup up for bid and to send the 2012 Dodge ¾ ton pickup to the airport to be used as a plow truck and courtesy vehicle, seconded by Graves/carried.

Alsworth would like the following part of these minutes:

FIVE YEAR EQUIPMENT REPLACEMENT PLAN

- 2018** Replace 2001 One Ton Pickup
 Replace 2012 ¾ Ton Crew Cab
 With new 2017 3500 Crew Cab \$37,000.00 + Plow \$6,000.00
 Replace 2001 Case Back Hoe
 With lease save money by leasing.
 End of 3 years pay \$1.00 for Back Hoe \$130,000.00
 Old Back Hoe to Airport
- 2019** Chipper \$28,000.00
 Job Trailer 18 foot \$ 4,000.00
- 2020** Replace Truck # 10, 2005 International
 With New Mack Truck and Plow equipment \$235,000.
- 2021** Replace 2015 3500 One Ton
- 2022** Replace 2016 3500 One Ton Plow and Sander

AUDIT/PAYMENT OF BILLS –

Motion: A motion was made by Graves to accept and pay Abstract #2 of 2018, seconded by Fanton/carried

- A – General Fund – Vouchers 25-50; \$15,608.42
- B – Outside Village – Voucher 49, \$402.99
- DA – Highway Town wide – Vouchers 6-37; \$21,767.70
- DB – Highway Outside – Vouchers 6-36; \$42,811.74
- EA – Airport – Vouchers 8-28; \$6,398.59
- SL – Hillcrest Lighting District – Voucher 3, \$22.60
- SS2- - Sinclair Sewer District – Voucher 4; \$155.66
- Total: \$87,167.70

ADJOURN: Fanton/Graves/carried

Respectfully Submitted,

Sylvia LaChance
Town Clerk