

REGULAR MEETING, TOWN OF WELLSVILLE, JANUARY 13,2021

The Regular Meeting of the Town of Wellsville, County of Allegany and the State of New York was held at the Wellsville Municipal Airport 2600 Tarantine Blvd on the 13th day of January 2021.

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

**ABSENT:** Michael Finn, Town Attorney,

**OTHERS PRESENT:** Chris Martelle, Mike Roeske, Kathrine Ross, Chris Potter, Amy Bennett and Ryan Gough

Alsworth opened the meeting at 7:00 PM and led the pledge to the Flag.

**MINUTES:** Accepted as written with a motion made by Graves, seconded by Fish. Motion was carried.

**FINANCIAL REPORT:** Accepted as presented

**DEPARTMENTAL REPORTS:** Accepted as presented

**PLANNING BOARD:** Mike Miller is requesting any interested parties to join the planning board. Discussions between the Town and Village planning board to combine and work together on the comprehensive plan. Town Planning board is meeting with the Village planning board the first Tuesday of the Month at 4:30 PM in the Village board room for the foreseeable future.

**NORTHERN LIGHTS/ZIPPO:** Amy Bennett as the COO of the company wanted to address the issue with the board with the crosswalk on the Andover road as two employees were struck by vehicles. Amy explained the things they are doing to try and prevent this from happening again. They have began making a one way in and one way out of the parking area, DOT will be removing one of the crosswalks, initiated a traffic study. Could take upwards of 4 months for them to complete the study and add any signage to what is already there. Troopers will be making a presence in the area more to make sure vehicles are not speeding through the area. Oncoming traffic is not recognizing pedestrians needing to cross in the crosswalk. Company is asking if the Town Board can help with some of these issues. Dean Arnold stated the Town Board will need to send a letter to the county and then needs addressed with the state because this is a NYS highway.

**WALGREENS:** Postpone SEQR part 2 till February

**OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS:**

*Motion:* The following resolution was offered by Fish who moved its adoption, seconded by Graves

**Resolution #1**  
**OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS**

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**WHEREAS**, various sections of New York State Town Law and Public Officers Law require that certain officials execute and Official Undertaking; and

**WHEREAS**, we, the Town Board of the Town of Wellsville hereby require the Supervisor, Town Clerk, Tax Collector, Town Justice, Code Enforcement Officer, Bookkeeper to the Supervisor and Highway Superintendent to execute said Official Undertaking as required by said law;

**NOW, THEREFORE BE IT RESOLVED** that we, the Town Board of the Town of Wellsville approve the document entitled “Town of Wellsville Official Undertaking of Municipal Officers” as to its form and manner of execution and the sufficiency of the insurance, and

**BE IT FURTHER RESOLVED** that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

**TOWN OF WELLSVILLE**  
**OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

**WHEREAS**, Shad Alsworth, of the Town of Wellsville, County of Allegany, New York, has been elected to the Office of Supervisor of the Town of Wellsville, and

**WHEREAS**, Danielle Osgood, of the Town of Wellsville, County of Allegany, New York, has been elected to the Office of Town Clerk of the Town of Wellsville, and

**WHEREAS**, Sally Boehl, of the Town of Wellsville, County of Allegany, New York, has been appointed until elections to the Office of Town Tax Collector of the Town of Wellsville, and

**WHEREAS**, Shaun Walsh, of the Town of Wellsville, County of Allegany, New York, has been elected to the Office of Town Justice of the Town of Wellsville, and

**WHEREAS**, Dean Arnold, of the Town of Wellsville, County of Allegany, New York, has been elected to the Office of Highway Supervisor of the Town of Wellsville, and

**WHEREAS**, Robert Marsh, of the Town of Wellsville, County of Allegany, New York, has been appointed to the Code Enforcement Officer of the Town of Wellsville, and

**WHEREAS**, Michelle Dunbar, of the Town of Wellsville, County of Allegany, New York, has been appointed to the Office of Bookkeeper to the Supervisor of the Town of Wellsville, and

**NOW, THEREFORE**, we as respective officers above, do hereby undertake with the Town of Wellsville that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the *Town Supervisor* is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the *Town Clerk* is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

This undertaking of the *Tax Collector* is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Tax Collector; and

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This undertaking of the *Town Justice* is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Town Justice; and

This undertaking of the *Bookkeeper to the Supervisor* is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Bookkeeper to the Supervisor; and

This undertaking of the *Superintendent of Highways* is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Superintendent; and

This undertaking of the *Code Enforcement Officer* is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Officer; and

The Town does and shall maintain insurance coverage, presently with ENB Insurance, in the sum of \$1,000,000.00 for the Tax Collector, Supervisor and Town Clerk to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

This resolution shall take effect immediately

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

**Resolution #2**  
**FAIR HOUSING POLICY**  
**TOWN OF WELLSVILLE**

**Whereas, the Town Board of Wellsville, New York,** desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States, and to encourage and bring mutual self-respect and understanding among all citizens and groups in the Town; and

**Whereas,** under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968. It is illegal to deny housing to any person because of race, color, religion, sex, or national origin; and,

**Whereas,** under the New York State Fair Housing Law, it is illegal to deny housing to any person because of race, sex, religion, color, age, familial status, disability or national origin;

**Therefore,** be it known that the Town of Wellsville makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder and discrimination in housing.

**Therefore,** be it also resolved that a Fair Housing Law poster, which has the “Equal Housing Opportunity” logo, will be displayed at the Town of Wellsville.

**Therefore,** be it also resolved that the following procedures will be used to accomplish the purpose of the aforementioned resolution:

1. The Town Board of Wellsville shall inform all town employees and contractors doing work for the Town of commitment to fair housing.
2. The Town Board of Wellsville shall post this policy in Town buildings and other public places and publicize it.

3. The Town Board of Wellsville shall direct all recipients/applicants to forward immediately to the Town Supervisor, Fair Housing Officer, any reports they receive of housing discrimination.
4. The Fair Housing Officer will conduct an investigation and will forward all complaints and findings to: New York State Homes & Community Renewal, Office of Community Renewal, 38-40 State Street, Albany, NY 12207, within ten (10) days of receipt of said complaint.

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

**Resolution #3  
Procurement Policy**

**WHEREAS**, Section 104—b of the General Municipal Law requires that all Towns adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of Section 103 of the General Municipal Law or any other law, and

**WHEREAS**, comments have been solicited from those officers of the Town of Wellsville involved with procurement, now therefore be it

**RESOLVED**, this 13th day of January, 2021, by the Town Board of the Town of Wellsville, Allegany County, New York, as follows:

1. All purchase contracts which will exceed \$10,000 in the fiscal year and public work contracts over \$20,000 shall be formerly bid pursuant to Section 103 of the General Municipal Law.
2. Every prospective purchase of goods or services shall be analyzed to determine whether the bidding requirements of Section 102 of the General Municipal Law apply. Any legal question regarding the application of such Section 103 bidding requirements shall be referred to the Town Attorney. Every Town officer, board, department head, or personnel with the requisite purchasing authority (herein Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.
3. Subject to the provisions of Section 7 of this resolution, the following sub sections a. and b. shall be complied with:
  - a. All estimated purchase of goods:
    - (1) Less than \$10,000 but greater than \$3,000 require a written quote, facsimile quotes are acceptable, from three vendors.
    - (2) Less than \$3,000, but greater than \$1,000 requires oral quotes from two (2) vendors. The name, address, and phone number of each vendor shall be kept on file by the Purchaser.
    - (3) Less than 1,000 is left to the discretion of the Purchaser.
  - b. All estimated public work contracts of:
    - (1) Less than \$20,000 but greater than \$10,000 requires a written request for proposals and written proposals from three (3) contractors, facsimile proposals will be acceptable.

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- (2) Less than \$10,000 but greater than \$3,000 requires a written request for proposals and written proposals from two (2) contractors, facsimile proposals will be acceptable.
  - (3) Less than \$3,000 is left to the discretion of the Purchaser.
4. Any written request for a proposal shall describe the desired public work or goods. The Purchaser shall compile a list of all contractors or vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. All information gathered in complying with the procedures of this resolution shall be preserved and filed with the documentation supporting the subsequent purchase of public work contract.
5. The lowest responsible proposal or quote shall be awarded the purchase or public work contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.
6. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.
7. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required for the following types of procurement or under the following circumstances:
  - a. Acquisition of professional services.
  - b. Emergencies where time is a crucial factor.
  - c. Sole source situations.
  - d. Goods purchased from agencies for the blind or severely handicapped.
  - e. Goods purchased from correctional facilities.
  - f. Goods purchased from another governmental agency.
  - g. Goods purchased at auction.
  - h. Goods purchased for less than \$1,000.
  - I. Public works contracts for less than \$3,000.
8. Town Credit Card Usage

All credit card requests for use by a Town Employee or Town Board Member shall be reviewed and approved by the Town Board. It is understood that only materials or services that are required for the day-to-day activities of the official town business. The use of a credit card does not revive purchases from following other guide line included with this Procurement Policy. The Town Clerk shall maintain a list of credit cards issued in the name of the town and what department they were issued to.
9. The provisions of this resolution shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as it is reasonably practicable.
10. This resolution, in written form, shall be sent to all Purchasers on an annual basis.
11. This resolution shall take effect immediately.

The resolution was adopted by unanimous vote:

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

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Alsworth made a motion to add Patricia Graves to Fair Housing officer position, add to supervisor appointments to be approved by the Town Board, seconded Graves. Motion was approved.

A motion was made by Case, seconded by Graves to add Shad Alsworth as a delegate to the Association of Towns. Motion was carried.

**FIRE CONTRACT:** Negotiations are still underway, Graves stated it is not quite ready just yet.

**HIGHWAY:** Superintendent Arnold explained there were no bids that was due on January 8<sup>th</sup> at 2:00 PM. One bid came in but it was late.

A motion was made by Graves, seconded by Fish execute the bid again through Clerk Patterson Lee. Motion was carried.

A motion was made by Case, seconded by Fish to approve bi-weekly billing for the fuel farm for 3 months. Motion was carried.

**SUPERVISOR/COUNCILMEN REPORTS:**

**Alsworth:** Explained a motion from December 2020 meeting needed to be amended. Once salaries are approved in the budget, they can not be changed. A motion was made by Fish, seconded by Miller to take salary approved for emergency temp employee for Airport per COVID plan come from A1220.433 to EA5610.104.

**AUDIT/PAYMENT OF BILLS –**

**Motion:** A motion was made by Case to accept and pay Abstract #1 of 2020, seconded by Graves / carried

A – General Fund – Vouchers 1-28 \$109,700.59  
B – Outside Village – Vouchers – 5 \$2,915.52  
DA –Highway Town wide – Vouchers 1-5, 7-11 \$24,711.16  
DB – Highway Outside – Vouchers 7-9- \$30,028.79  
EA – Airport – Vouchers 1-12 - \$230,047.62  
ESA – Assessor – Vouchers 2-6 \$11,914.33  
SL – Hillcrest Lighting District – Voucher 2 - \$17.40  
SS2 - Special District Sinclair – Voucher 1- \$113.95

Total \$409,449.76

**EXECUTIVE SESSION:** A motion was made by Case and seconded by Graves to enter executive session at 8:13 PM to discuss employment of history of a particular person.

**REGULAR SESSION:** A motion to enter regular session 8:30 pm was made by Miller seconded by Case. Carried.

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A motion was made by Fish, seconded by Case to follow guideline given by NYS for COVID related absences in a 12-month period, not to exceed 80 hours. Motion was carried

A motion was made by Miller, seconded by Graves to reinstate compensated time be returned to highway employees who use vacation due to COVID absences. Time will be certified by employee and department head. Motion was carried.

**ADJOURN:** Graves / Fish / Carried

Respectfully Submitted,

Danielle Osgood  
Town Clerk

