

MINUTES OF A BOARD MEETING OF THE VILLAGE OF WELLSVILLE BOARD OF TRUSTEES
HELD ON MAY 13, 2019, AT 6:00 PM IN THE DAVID A. HOWE LIBRARY, MONDAY CLUB
ROOM, 155 MAIN STREET, ALLEGANY COUNTY, WELLSVILLE, NEW YORK.

PRESENT: Mayor: Randy Shayler
Deputy Mayor: Jeremy Cole
Trustees: Ed Fahs, Jeff Monroe, Mike Roeske
Dir. DPW: Bill Whitfield
Treasurer: Earl Johnson
Police Chief: Tim O'Grady
Fire Chief: Barney Dillie

VISITORS: Shad Alsworth, Town Supervisor; Patty Graves; Tim Colligan;
Michael Baldwin, Regional News; Chris Potter, The Spectator

The meeting opened with the pledge to the flag led by Trustee Monroe.

Mayor Shayler requested acceptance of the minutes from the Regular Meeting held on April 22, 2019. Trustee Roeske made a motion to accept the minutes and Trustee Fahs seconded the motion. Carried.

MAYOR'S BUSINESS:

1. Mayor Shayler offered the floor for visitors to speak. Town Supervisor Alsworth requested an executive session for a potential litigation. He also noted that he'd received an initial drawing from 2 Plus 4 Management regarding 23 North. Mayor Shayler suggested setting up a separate meeting to discuss concerns further.
2. Tim Colligan appeared tonight following an email he forwarded to Mayor Shayler regarding future grounds keeping of the Shane Colligan Park. Roxanne Rice had taken care of it in the past, but is moving out of state and Tim is asking for assistance from the Village in determining options for organizing future care of the park. One issue in particular is the health of a couple of trees, in which Tim asked if the Village Tree Board could look into that. Mayor Shayler suggested the summer workers from a local business that will begin in June, as well as students from the Secondary School's annual Jump Day event. Tim thanked the DPW for the flag pole installed recently and asked if there could be a light installed. Tim also gave thanks to a previous Village Board who named the park after Tim's son. Tim will check with Roxanne Rice regarding what she did about supplies provided, etc.
3. Trustee Cole made a motion to accept and approve the Wellsville Chamber of Commerce Evening Under the Stars event to be held on the David A. Howe Library Terrace on June 15, 2019 from 7-11pm and fireworks at approximately 10pm. Trustee Monroe seconded the motion. Carried.
4. Mayor Shayler requested to approve the nomination of Jeremy Dahlgren to the Village Planning Board for a three year term. Trustee Roeske seconded the nomination. Carried.

5. Mayor Shayler requested to approve the nomination of Tim Aiken to the Village Planning Board for a three-year term. Trustee Fahs seconded the nomination. Trustee Roeske opposed the nomination, but the motion was carried.

TRUSTEES' BUSINESS:

COLE:

1. Trustee Cole made a motion to accept and approve the vouchers as listed in the Abstract of Vouchers dated May 13, 2019. Trustee Fahs seconded the motion. Carried.
2. Trustee Cole made a motion to accept and approve the Treasurer's Report for April 2019. Trustee Fahs seconded the motion. Carried.
3. Trustee Cole made a motion to accept and approve the Financial Report for April 2019. Trustee Monroe seconded the motion. Carried.
4. Trustee Cole made a motion to accept and approve the Reserve Activity Report for 2018-19. Trustee Fahs seconded the motion. Carried.
5. Trustee Cole made a motion to accept and approve Resolution 18/19-18 Establishment of Sewer Rates, June 1, 2019. Trustee Fahs seconded the motion. Carried.

**RESOLUTION NO 18/19-18
OF THE VILLAGE BOARD OF TRUSTEES**

ESTABLISHMENT OF SEWER RATES JUNE 1, 2019

WHEREAS, The Village of Wellsville Local Law #1 of 2013 allows the Village Board of Trustees to set rates through board resolution; and

WHEREAS, the approved Village of Wellsville Budget for 2019-20 calls for an overall increase in sewer rates of roughly 6%; and

WHEREAS, the Village Board is considering the volume and character of sewage, industrial waste and other wastes discharged into the sewer system per Local Law #1 of 1972 Article I, Section 3(d) under "Sewer Rents";

NOW, THEREFORE BE IT RESOLVED that the Village Board does hereby formally set Sewer Rents according to the following fee schedule beginning June 1, 2019:

Sewer Fees - \$6.35 net

Sewer Consumption Fees:

\$1.90 per unit of water for low-level users of 1-25 units

\$2.00 per unit of water for mid-level users of 26-600 units

\$4.00 per unit of water for high-level users of 601+ units

Dated: May 13, 2019; this resolution shall take effect June 1, 2019.

Moved by Trustee Cole; seconded by Trustee Fahs.

The foregoing resolution was adopted by the Board of Trustees of the Village of Wellsville by roll call:

Trustee Cole	<u>AYE</u>	Trustee Fahs	<u>AYE</u>
Trustee Monroe	<u>AYE</u>	Trustee Roeske	<u>AYE</u>
Mayor Shayler	<u>AYE</u>		

I, Wendy Seely, do hereby certify that Resolution #18/19-18 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on May 13, 2019, and is incorporated in the original minutes of that said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Certified by the Village Clerk

- Trustee Fahs made a motion to accept and approve Resolution 18/19-19 Establishment of Refuse Rates, June 1, 2019. Trustee Monroe seconded the motion. Trustee Cole abstained from voting due to a conflict of interest. Carried.

**RESOLUTION NO 18/19-19
OF THE VILLAGE BOARD OF TRUSTEES**

ESTABLISHMENT OF REFUSE RATES JUNE 1, 2019

WHEREAS, The Village of Wellsville Local Law #3 of 2016 allows the Village Board of Trustees to set rates through board resolution; and

WHEREAS, the approved Village of Wellsville Budget for 2019-20 calls for an overall increase in refuse rates of \$1.00; and

WHEREAS, user fees for the collection of garbage and solid waste are based on the costs incurred by the Village of Wellsville for providing the services; and,

WHEREAS, the Board of Trustees of the Village of Wellsville, after due deliberation, and consideration of the 2019-2020 Approved Budget, find it in the best interest of the Village of Wellsville to raise the garbage and refuse collection fee,

NOW, THEREFORE, BE IT RESOLVED, that hereafter, the garbage and solid waste fee shall be as follows and the local law will be updated accordingly:

Garbage and Solid Waste Collection - \$15.00 monthly per dwelling unit

Dated: May 13, 2019; this resolution shall take effect June 1, 2019.

Moved by Trustee Fahs; seconded by Trustee Monroe.

The foregoing resolution was adopted by the Board of Trustees of the Village of Wellsville by roll call:

Trustee Cole	<u>Abstain</u>	Trustee Fahs	<u>AYE</u>
Trustee Monroe	<u>AYE</u>	Trustee Roeske	<u>AYE</u>
Mayor Shayler	<u>AYE</u>		

I, Wendy Seely, do hereby certify that Resolution #18/19-19 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on May 13, 2019, and is incorporated in the original minutes of that said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Certified by the Village Clerk

7. Trustee Cole made a motion to accept and approve Resolution 18/19-20 Establishment of Code Enforcement Fee, June 1, 2019. Trustee Fahs seconded the motion. Carried.

**RESOLUTION NO 18/19-20
OF THE VILLAGE BOARD OF TRUSTEES**

ESTABLISHMENT OF CODE ENFORCEMENT FEE JUNE 1, 2019

WHEREAS, The Village of Wellsville Local Law #2 of 2015 allows the Village Board of Trustees to set Code Enforcement fees through board resolution; and

WHEREAS, the current fee schedule does not list a fee for new fencing permits; and

WHEREAS, the Village Board feels a charge is warranted consistent with similar permit fees listed on the current fee schedule;

NOW, THEREFORE BE IT RESOLVED that the Village Board does hereby formally set a New Fencing permit fee schedule beginning June 1, 2019:

12. New Fencing Permit: \$50.00 per structure

Dated: May 13, 2019; this resolution shall take effect June 1, 2019.

Moved by Trustee Cole; seconded by Trustee Fahs.

The foregoing resolution was adopted by the Board of Trustees of the Village of Wellsville by roll call:

Trustee Cole	<u>AYE</u>	Trustee Fahs	<u>AYE</u>
Trustee Monroe	<u>AYE</u>	Trustee Roeske	<u>AYE</u>
Mayor Shayler	<u>AYE</u>		

I, Wendy Seely, do hereby certify that Resolution #18/19-20 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on May 13, 2019, and is incorporated in the original minutes of that said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Certified by the Village Clerk

8. Trustee Cole made a motion to accept and approve Resolution 18/19-21 Deferred Comp Resolution to Amend and Restate the Model Plan. Trustee Monroe seconded the motion. Carried.

**RESOLUTION NO 18/19-21
OF THE VILLAGE BOARD OF TRUSTEES**

DEFERRED COMP RESOLUTION TO AMEND AND RESTATE THE MODEL PLAN

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Village of Wellsville (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

WHEREAS, the Village of Wellsville, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Village of Wellsville; and

WHEREAS, effective November 14, 2014, the Board amended the Model Plan to adopt provisions

- Including provisions related to the American Taxpayer Relief Act of 2012, expanding the ability of participants to convert all or a portion of their plan assets from a pre-tax account to an in-plan Roth account any time including while in employment; and

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Village of Wellsville has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Village of Wellsville by adopting the amended Model Plan.

NOW, THEREFORE BE IT RESOLVED that the Village of Wellsville Board does hereby amend the Deferred Compensation Plan for Employees of the Village of Wellsville by adopting the amended Model Plan effective November 14, 2014, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A:

Dated: May 13, 2019; this resolution shall take effect immediately.

Moved by Trustee Cole; seconded by Trustee Monroe.

The foregoing resolution was adopted by the Board of Trustees of the Village of Wellsville by roll call:

Trustee Cole	<u>AYE</u>	Trustee Fahs	<u>AYE</u>
Trustee Monroe	<u>AYE</u>	Trustee Roeske	<u>AYE</u>
Mayor Shayler	<u>AYE</u>		

I, Wendy Seely, do hereby certify that Resolution #18/19-21 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on May 13, 2019, and is incorporated in the original minutes of that said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Certified by the Village Clerk

9. Trustee Cole made a motion to approve Mayor to sign agreement with Municipal Solutions to write CDBG & WQIP grants for the WWTP project. Trustee Fahs seconded the motion. Carried.

MONROE:

1. Trustee Monroe made a motion to accept and approve to award fuel bids as follows:
 - a. to NOCO for Unleaded Fuel (2.13) and Winter Blend Diesel (2.34). Trustee Fahs seconded the motion. Carried.
 - b. to Rinker Oil for #2 Diesel (2.23). Trustee Fahs seconded the motion. Carried.

ROESKE:

1. Nothing to discuss.

FAHS:

1. Requests executive session to discuss a contractual matter.

POLICE DEPT:

1. Nothing to discuss.

FIRE DEPT:

1. Chief Dillie invited Mayor Shayler and Town Supervisor Alsworth to the upcoming Memorial Day Services.
2. Requests executive session to discuss Fire Contracts and budgets.

DPW:

1. Nothing to discuss.

TREASURER:

1. Nothing to discuss.

On a motion made by Trustee Fahs and seconded by Trustee Roeske, the Board moved out of regular session and into executive session at 6:33 pm. Carried.

On a motion made by Trustee Monroe and seconded by Trustee Fahs, the Board moved out of executive session and back into regular session at 8:24 pm. Carried.

On a motion made by Trustee Fahs and seconded by Trustee Monroe, the meeting adjourned at 8:24 pm. Carried.

Respectfully submitted,

Wendy Seely
Village Clerk

Per NYS Amendment to the State's Open Meeting Law, public records already available under FOIL, in addition to any resolution, law, rule, regulation, policy or any amendment, that is scheduled to be the topic of discussion at an open meeting, are available upon request to the extent practicable as determined by the Village of Wellsville. The Village of Wellsville will post board meeting agenda and minutes on its website at www.wellsvilleny.com.