

MINUTES OF A BOARD MEETING OF THE VILLAGE OF WELLSVILLE BOARD OF TRUSTEES  
HELD ON MARCH 9, 2020, AT 6:00 PM IN THE TRUSTEES' BOARD ROOM, 23 NORTH MAIN  
STREET, ALLEGANY COUNTY, WELLSVILLE, NEW YORK.

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

ABSENT: Treasurer: Earl Johnson

VISITORS: Magin & Mike Dunaway; Allison Green, Alfred Housing; Eric Welninski;  
Rodney Winans; John Anderson, The Spectator; Michael Baldwin,  
Regional News

The meeting opened at 6:00 pm with the pledge to the flag led by Trustee Jeremy Cole.

Trustee Cole requested acceptance of the minutes from the Regular Meeting held on  
February 24, 2020; Trustee Fahs seconded the motion. Carried.

Mayor Shayler welcomed the visitors present. First to be acknowledged was Allison  
Green, Executive Director, Alfred Housing Committee, Inc. She read a letter addressed to  
the Mayor and Trustees regarding the Revolving Loan Committee approving a revolving  
loan for Magin and Michael Dunaway in the amount of \$12,000. The loan is for their new  
business, "From House to Home," which will open on March 14 and will be located at 175  
North Main Street, Wellsville. Mike Dunaway spoke next, describing the business for the  
Board. He indicated that Magin does a type of refinishing of furniture, as well as building  
new items. She has received numerous orders for a dog crate she's designed from as far  
away as Rochester and Horseheads. Mike explained that he hopes to help make  
Wellsville a destination location through this business, and intends to hold classes in their  
studio as well. He noted they wouldn't be doing the same types of classes as another new  
business, "Morning Glory," does, and that business will likely be utilizing the same studio  
for their own classes. Mayor Shayler added his congratulations to the Dunaways on  
having the nerve to take their craft to the next level.

MAYOR'S BUSINESS:

1. Mayor Shayler made a motion to accept and approve the \$12,000 revolving  
loan, approved by Village of Wellsville Revolving Loan Committee, for Magin  
and Michael Dunaway ("From House to Home"). Trustee Fahs seconded the  
motion. Carried.
2. Mayor Shayler made a motion to accept and approve Resolution No. 19/20-  
10, To Adopt a Local Law to be Designated as Introductory Local Law No. 7 of  
2020, entitled "A Local Law to Repeal and Replace Local Law No. 1 of 2017  
and Establish Residency Requirements for Appointed Village Officers in the  
Village of Wellsville." Trustee Fahs seconded the motion. Carried.

**RESOLUTION NO 19/20-10  
OF THE VILLAGE BOARD OF TRUSTEES**

TO ADOPT A LOCAL LAW TO BE DESIGNATED AS INTRODUCTORY LOCAL  
LAW NO. 7 OF 2020, ENTITLED “A LOCAL LAW TO REPEAL AND REPLACE  
LOCAL LAW NO. 1 OF 2017 AND ESTABLISH RESIDENCY REQUIREMENTS FOR  
APPOINTED VILLAGE OFFICERS IN THE VILLAGE OF WELLSVILLE

At a regular meeting of the Village of Wellsville Board of Trustees, County of Allegany, State of New York, held at the Village Hall, 23 North Main Street, Wellsville, New York, on March 9, 2020 at 6:00 pm, the following resolution was adopted:

**WHEREAS**, The Mayor presented a draft of proposed Introductory Local Law No. 7 of 2020 entitled “A LOCAL LAW TO REPEAL AND REPLACE LOCAL LAW NO. 1 OF 2017 AND ESTABLISH RESIDENCY REQUIREMENTS FOR APPOINTED VILLAGE OFFICERS IN THE VILLAGE OF WELLSVILLE,” and

**WHEREAS**, This local law is adopted pursuant to Municipal Home Rule Law, Section 10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local appointed officers. Furthermore, this local law recognizes that the State Legislature amended Public Officers Law, §3 authorizing the Village of New Paltz to enact a resolution providing that the village clerk-treasurer and deputy clerk-treasurer of the village but must be residents of New York State. (Village Law §3-300[7] and [8]), and

**WHEREAS**, Local governments are authorized to adopt and amend local laws consistent with the Constitution and general law in relation to the qualifications of their officers and employees except to the extent that the Legislature has restricted this power (See MHRL10[1][ii][a][1]). Residency requirements are “qualifications” within the meaning of this provision (1977 Op Atty Gen [Inf] 148). The special residency requirements in New Paltz and other villages render Section 3-300(2) of the Village Law (as amended from time to time) and Section 3(1) and 30(1)(d) of the Public Law, in their coverage of these offices, special rather than general laws. (1983 Op Atty Gen [Inf] 116). That is, in establishing residence requirements for the office of treasurer and deputy treasurer as well offices of village justice, village court clerk, village clerk and deputy clerk, Section 3-300(2) of the Village Law and sections 3(1) and 30(1)(d) do not in terms and effect apply alike to all villages in the State. The Legislature has not restricted the adoption of local laws relating to residency requirements for the offices in question. Accordingly, any other village by local law may provide different residency requirements for these offices than those found in Village Law and Public Officers Law, and

**WHEREAS**, The proposed Introductory Local Law was prepared by the Village Attorney, Richard M. Buck, Jr., at the request of the Mayor and Board of Trustees. Following discussion the following resolution was introduced by Mayor Shayler, who moved its adoption, and seconded by Trustee Fahs, to wit:

**NOW THEREFORE, BE IT RESOLVED:**

1. That the Mayor and Village Board of Trustees accepts and proposes to adopt a local law to be designated as Introductory Local Law No. 7 of 2020 entitled “A LOCAL LAW TO REPEAL AND REPLACE LOCAL LAW NO. 1 OF 2017 AND

ESTABLISH RESIDENCY REQUIREMENTS FOR APPOINTED VILLAGE OFFICERS IN THE VILLAGE OF WELLSVILLE” and that a copy of the proposed introductory local law is annexed hereto and incorporated into this resolution as though set out in full, and

2. That a public hearing be held on March 23, 2020, at 5:30 P.M. at the Village Offices Hall, 23 North Main Street, Wellsville, New York, and
3. That the Village Clerk is directed to prepare the legal notice required to be published and to provide such notice for timely publication in the official newspaper, and
4. That a copy of such legal notice be posted upon the Village Clerk's bulletin board as required by law, and
5. In addition, the Mayor or Village Attorney may contact the Village’s State Legislative representatives to request any special legislation the Village Attorney recommends.

Following discussion the foregoing resolution was called to a vote which resulted as follows:

On 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 #19/20-10 was adopted by the Board of Trustees of the Village of Wellsville, New York the 9<sup>th</sup> day of March, 2020.

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Certified by the Village Clerk

TRUSTEES’ BUSINESS:

COLE:

1. Trustee Cole made a motion to accept and approve the vouchers as listed in the Abstract of Vouchers dated March 9, 2020. Trustee Monroe seconded the motion. Carried.
2. Trustee Cole requested a brief executive session to discuss a contractual matter.

MONROE:

1. Trustee Monroe will be attending a dinner for the American Legion this Saturday in honor of their 100 year anniversary of being chartered and to present a Proclamation from the Mayor declaring “Sunday, March 15 through March 21, 2020 as Morrison Hayes Post 702 American Legion Week” in the Village of Wellsville.

ROESKE:

1. Trustee Roeske gave an update on the Village Planning Board's meeting held on March 3, 2020. The Planning Board intends to work with the Town Planning Board in updating the Comprehensive Plan. Also, the County website's photographs of downtown Wellsville businesses has been found to be many years outdated, so the Planning Board intends to work on updating those pictures.
2. Trustee Roeske noted that the Planning Board has been looking at rules for Air BnB's and how the Village of Wellsville would regulate them if anyone desired to open any in the Village. It has been found that they are considered to be short-term vacation rentals that would abide by the same laws as hotels, and as such, they would pay taxes to the County.
3. Trustee Roeske inquired if there was money set aside for training for Planning Board members. It was discussed that Southern Tier West holds training every year, held at Houghton College, for free. Mayor Shayler suggested contacting Kier Dirlam at the County's Planning and Development office for what resources may be available for such training.

FAHS:

1. Trustee Fahs discussed the Rental Registry, originated a couple of years ago, for the 479 total rentals for the Village. He noted that there was only about 50% compliance to date. He suggested setting a new deadline date to receive outstanding registries before doubling the fees. Mayor Shayler suggested sending a bill to those remaining, giving 30 days for proper compliance, and if paid on time, no additional late fees billed for would have to be paid. Trustee Fahs will lead this effort.

POLICE DEPT:

1. Chief O'Grady had nothing to discuss.

FIRE DEPT:

1. Chief Dillie introduced 2<sup>nd</sup> Assistant Chief Rodney Winans attending tonight to "get his feet wet."
2. Chief Dillie discussed having to submit the fire department budget to Fire Council a week from tonight. He distributed copies to the Board members and noted trying to make it as flexible as possible, looking at the budget year to year, and his desire to have one set of books rather than two (village and town).

DPW:

1. Director Whitfield had nothing to discuss.

ATTORNEY:

1. Attorney Rich Buck was not present.

TREASURER:

1. Treasurer Earl Johnson was not present.

On a motion made by Trustee Roeske and seconded by Trustee Cole, the Board moved out of regular session and into executive session at 7:35 pm. Carried.

On a motion made by Trustee Cole and seconded by Trustee Fahs, the Board moved out of executive session and back into regular session at 8:57 pm. Carried.

On a motion made by Trustee Cole and seconded by Trustee Fahs, the meeting adjourned at 8:58. Carried.

Respectfully submitted,

Wendy Seely  
Village Clerk