

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE HELD ON JULY 28, 2008 AT 7:00 PM IN THE TRUSTEES ROOM OF THE MUNICIPAL BUILDING, 156 NORTH MAIN ST WELLSVILLE, ALLEGANY COUNTY, NEW YORK.

PRESENT: Mayor: James Cretekos
Trustees: Laurie Hennessy, Judy Lynch, Jamie Herman, and Tink LaForge
Police Chief: Steven Mattison
DPW Dir: William Whitfield
Village Atty.: Dan Synakowski

ABSENT: None

VISITORS: Brian Quinn, Greg Howe, Chris Eldridge, Josh Kemp, Scott Lamphier, Bill Cavanaugh, Kevin Murphy, Dan Martelle, Shannon Green, Chad Green, Barb Graves, and Cal Graves.

Mayor Cretekos called the meeting to order and announced the first order of business would be the approval of the minutes of the previous regular meeting held on June 23, 2008. **Motion made to accept the minutes by Trustee Herman with a second by Trustee Herman the minutes were approved as corrected by Trustee Hennessy.**

The Mayor opened the meeting for public comments;

Steve Havey – The Chamber of Commerce wished to thank the Board and all of the Village Departments for their support and assistance throughout this year in helping to assure the successful community events (i.e. – Balloon Rally, Music Festival). The Mayor and the Board congratulated Steve, his staff, and all the volunteers for their continued commitment to the betterment of the Village of Wellsville.

Dan Martelle – Wished for the Board to know that he was at the meeting representing the Wellsville Ambulance Corp. and desired to inform the Board of some issues that need to be considered as it determines whether or not to close the local call center. The main issue relates to the amount of capital expenditure that will be involved if the local center is closed and all dispatching originates from the Allegany County Call Center. He indicated that the Corp. has already begun the process of determining what expenditure would be necessary to accomplish the change. Mayor Cretekos requested that the Corp. provide the Board with a detailed written list of their concerns and the key issues that they see that need to be considered. Additionally, the mayor requested that the Village be provided with a copy of any cost estimates received regarding the equipment change.

MAYOR'S BUSINESS:

1. Mayor Cretekos requested approval of the proposed amendment to Local Law 1 of the year 1989:

**Village of Wellsville
Local Law No. 1 of the year 2008**

A local law amending the local law regarding sidewalk maintenance, inspection, work and material requirements and enforcement.

Be it enacted by the BOARD OF TRUSTEES of the Village of Wellsville as follows:

ARTICLE I

Local Law No. 1 of the year 1989 is hereby amended as follows:

Article V is hereby amended to have the caption “Financing Repairs” and to read as follows:

Section I The method of financing the cost of sidewalk repairs shall be determined by the Village Board, by resolution, from time to time.

Section II If a property owner neglects or refuses to comply with an order to repair or replace a defective sidewalk, and the Village makes such repairs and bonds for such project, the property owner shall pay, in addition to the cost of the repairs, interest thereon at the same rate as that upon the bond.

Section III Subject to availability of funds, from bonding or otherwise, property owners may borrow up to \$5,000.00 from the Village to pay for their sidewalk repairs. Such loans shall be repaid, with interest at the same rate as paid by the Village, within five years.

Section IV Any funds borrowed by the property owner which are not repaid per the terms of the obligation will be considered liens against the real property and be added to the properties Village Tax Bill in the year of said default of the terms of the obligation.

ARTICLE II

This local law shall take effect immediately upon its filing with the Secretary of State.

2. Mayor Cretekos provided the trustees with a copy of a letter from the Allegany County Real Property Tax Service regarding ‘Alternate Veterans Exemption for Future Village Tax Calculations’. A new local law must be passed prior to December 1, 2008 or the Veterans Exemption will expire. Dan Synakowski will draw up a proposed new local law to address this matter.
3. Mayor Cretekos read the following resolution:

Reduce/Remove Tobacco Advertising Resolution

WHEREAS, smoking is the number one cause of preventable death in the United States; and

WHEREAS, the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and

WHEREAS, in 2002 tobacco companies spent \$12.5 billion to market cigarettes in the United States, including \$840 million in New York State; and

WHEREAS, children who report seeing cigarette advertising in stores are 38% more likely to have experimented with smoking; and

WHEREAS, an advertising survey conducted in Chautauqua, Cattaraugus, and Allegany Counties found that tobacco retailers in Chautauqua, Cattaraugus, and Allegany Counties have an average of 11 tobacco ads per store, thus encouraging youth to begin smoking; and

WHEREAS, three out of four teenagers are reported to shop at convenience stores at least once a week, and are therefore exposed at high rates and with great frequency to tobacco marketing; and

NOW THEREFORE BE IT RESOLVED that the Village of Wellsville hereby expresses its support of the Chautauqua, Cattaraugus, and Allegany Counties Tobacco Free Programs' project and calls on retailers to reduce overall tobacco advertising in their place of business and to eliminate tobacco advertising from areas likely to be seen by children, including wall space below five feet, near candy displays, and on counter tops; and

BE IT FURTHER RESOLVED the Village of Wellsville hereby encourages law enforcement agencies throughout our community to take appropriate measures to ensure all local, state and federal laws regarding advertising and the placement of tobacco advertising in general be observed.

PASSED AND ADOPTED July 28, 2008 by a unanimous vote of the Board of Trustees on a motion by Mayor Cretkos and second by Trustee Hennessy.

4. Mayor Cretkos read the following resolution:

**Allegany County Tobacco Control Program
Young Lungs at Play Resolution**

WHEREAS, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires, and AIDS combined; and

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and

WHEREAS, every year in New York as estimated 24,900 young people under the age of 18 begin smoking and one-third of these children will die prematurely from tobacco related illnesses; and

WHEREAS, the 2006 U.S. Surgeon General's report states, the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke, and

WHEREAS, Allegany County Tobacco Control Program is collaborating with towns and municipalities in Allegany County to model healthier behaviors for our children,

THEREFORE, the Village of Wellsville Board resolves as follows:

That the playground area located at Island Park in the Village of Wellsville, New York be designated as a tobacco-free zone.

PASSED AND ADOPTED July 28, 2008 as amended on a motion by Trustee LaForge and second by Trustee Herman not to include all of the park in the designation.

5. Mayor Cretekos indicated that the Village had received notification on July 18, 2008 from S & I Hamar, LLC d/b/a PJ's Sports Bar, 19 North Main Street that they would be applying for a liquor license.
6. Approval to reinstate prior 'Account Clerk Typist' position to the Billing Office to replace the current 'Clerk' position was tabled until a 'Memorandum of Understanding' was reached with the Union.
7. Mayor Cretekos requested approval to appoint Richard Golas to the Revolving Loan Committee. On a motion by Trustee LaForge and second by Trustee Lynch the appointment was approved.
8. Mayor Cretekos requested approval to establish 15 minute parking limits for all of the parking spaces on the North side of Jefferson Street adjacent to the Municipal Building as designated for Municipal Business. On a motion by Trustee Hennessy and second by Trustee LaForge the request was approved on a trial basis with Trustee Herman voting nay.
9. Request to spend \$450.00 for a full-page ad in a VFW publication not originating from the local post was unanimously denied.
10. Mayor Cretekos requested approval of the following resolution;

RESOLUTION

At a regular meeting of the Board of Trustees of the Village of Wellsville, New York held on July 28, 2008, the following resolution was adopted:

WHEREAS, the Municipal Electric Department of the Village of Wellsville, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Annual Conference of the Municipal Electric Utilities Association of New York State has been called on September 23, 24, 25 and 26, 2008, to be held at the Crowne Plaza – Lake Placid Resort, Lake Placid, New York, and

WHEREAS, in accordance with the bylaws of Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that William Whitfield be and is hereby designated as the accredited delegate of the Village of Wellsville, New York.

Moved by Trustee Herman, seconded by Trustee Hennessy.

On roll call: Affirmative: 5 Negative: 0

I certify that this resolution was adopted by the Board of Trustees of the Village of Wellsville, New York on the 28th day of July, 2008.

11. Mayor Cretekos requested approval of Bill Whitfield's candidacy to the MEUA Executive Committee. On a motion by Trustee Lynch and second by Mayor Cretekos the request was approved with Trustee LaForge voting nay.
12. Mayor Cretekos presented the following resolution in opposition to the proposed changes to the Public Health Law;

RESOLUTION

OPPOSING THE PROPOSED CHANGES TO THE PUBLIC HEALTH LAW, CONSOLIDATING LOCAL REGISTRARS OF VITAL STATISTICS

WHEREAS, the New York State Local Government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local governments, and

WHEREAS, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioner, and

WHEREAS, the NYS Department of Health has developed a program bill that would allow the Commissioner to consolidate the function of the local registrars of vital statistics, and

WHEREAS, the NYS Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to the "Pandemic Flu and Public Health Emergency Preparedness Law", and

WHEREAS, the Commissioner could consolidate these services without county legislative approval, and

WHEREAS, the local city, town and village Clerks have provided this service professionally and efficiently over the years, and

WHEREAS, losing this business would have a financial impact on the local governments, and

WHEREAS, many citizens are under financial stress due to high fuel costs, and

WHEREAS, the County's geography would increase this burden since services would be located further from the residents,

WHEREAS, the local Registrars presently charge \$10.00 per certified copy and the State proposes that the County will charge \$30.00 per certified copy, and

NOW, THEREFORE, BE IT RESOLVED that in the interest of good government, the Village of Wellsville opposes the consolidation of the function of local registrars of vital statistics, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to our Governor and State Elected Officials to encourage their support.

PASSED AND ADOPTED July 28, 2008 by a unanimous vote of the Board of Trustees on a motion by Trustee Hennessy and second by Trustee Herman.

TRUSTEES BUSINESS:

HERMAN:

1. Raised concern regarding the deplorable property condition regarding two properties in the Village that are a public danger. CEO Billy Braun addressed the Board and indicated that he was familiar with the situation and the concerns mentioned. He recommended that he be allowed to discuss the matter with the current owner and attempt to reach an understanding where the properties might be conveyed to the Village so that the condition can be taken care of at as little of a cost as possible. **On a motion by Trustee Hennessy and second by Trustee Herman Mr. Braun was so directed.**
2. In regards to the Burroughs building it was asked what the next step to be taken. CEO Braun indicated that as of this date the property was purchased by a Canadian. **The Board requested that a letter be sent by the CEO to the new owner requesting information on their intent for the property and to determine when initial corrective action can be expected to be undertaken on a motion by Trustee Herman and second by Trustee LaForge.**
3. Requested that a joint meeting be scheduled to address the call center issue. **On a motion made by Trustee Herman and second by Trustee LaForge the meeting was set for August 21st at 7:00pm. Trustee Lynch voted nay.**
4. **Made a motion to have the GIS Coordinator focus on his primary responsibility to complete the initial mapping process of the Village by 5/31/09. Motion was seconded by Trustee LaForge and the request was approved.**
5. Thanked Bill and his crews for the work that has been done on the parking lot at the Burroughs building.
6. Thanked all of the local departments and agencies for their quick and professional response to the recent chlorine leak at the Water Treatment Plant.

HENNESSY:

1. Requested that the Wellsville Daily Reporter publish the parking change to be instituted on the north side of Jefferson Street adjacent to the Municipal Building.

LYNCH:

1. Made a motion to allow Better Days to hold a block party on August 9, 2008 from 8:00pm to 1:00am between Jefferson Street and Pearl, and requested that the Noise and Open Container Laws be waived during this time and place. The motion was seconded by Trustee LaForge with the assurance that the owner of the Beef Haus was agreeable with the timeframe indicated. Request was approved unanimously.
2. Trustee Lynch distributed a narrative of her research regarding the proposed Call Center Closing and requested that all review it and then discussion could take place at a later time.

LAFORGE:

1. An update of the planned renovations to Island Park was provided to the board through Barb Graves. It was indicated that it will be a multi-year project aimed at creating a place where the community will come for recreation, entertainment and rest.
2. He reported that the Municipal Building Committee have narrowed the number of possible locations down and still have additional research to complete before it will be ready to present its findings.

DEPARTMENT REPORTS:

FIRE DEPARTMENT:

1. Received notification from Dyke Street Engine Co. No. 2 of the removal of Mr. Jonathan Jackson from the active member roll. The total number of active members stands at 29 as of July 9, 2008.
2. The July Fire Board Minutes have been received and are on file with the Village Clerk.

POLICE:

1. Chief Mattison requested approval to send Josh Kear to one week of training for instructor development at the New York State Fire Academy in Montour Falls on August 24 – 29, 2008, at no cost to the Village. **On a motion by Mayor Cretkos and second by Trustee LaForge the request was approved.**
2. Chief Mattison distributed information to the Board members regarding over-time impact relative to the Call Center being closed.
3. Chief Mattison requested that the Board consider establishing a meeting date for the discussion of the proposed Call Center closing. **On a motion made by Trustee Hennessy and second by Trustee LaForge August 19, 2008 at 7:00pm was set as the meeting date to discuss this issue.**
4. Chief Mattison commended all of the emergency personnel and agencies involved in dealing with the Chlorine Leak at the Water Treatment Plant. Due to the professional and quick response a much more serious event was averted.

DPW:

1. Director Whitfield requested approval to place Adam Orpet on permanent status effective June 18, 2008 as he has satisfactorily passed his 120 day probationary period. **On a motion by Trustee Herman and second by Trustee Lynch the request was approved.**

2. Director Whitfield requested authorization to hire Anthony Cicarelli as temporary Sanitation Worker, effective 7/29/08 at \$13.48 per hour (Grade 6, Step 1) to replace Adam Orpet who will be moving to Utility Service Clerk. **On a motion by Trustee Hennessy and second by Trustee Lynch the request was approved.**
3. Director Whitfield requested authorization for Jeff Smith and himself to attend the MEUA Annual Conference in Lake Placid on September 23 – 26, 2008. **On a motion by Trustee Lynch and second by Trustee Hennessy the request was approved.**
4. Director Whitfield requested authorization for Brent Roberts and Dana Harris to attend NYSDOH Small System Operation Training, 8/6/08 in Painted Post at no cost for the training. **On a motion by Mayor Cretekos and second by Trustee LaForge the request was approved.**
5. Director Whitfield requested authorization for Grant Dean to attend the NYRWA Water/Wastewater Training Session on 9/15/08 in Mt. Morris at a cost of \$38.00. **On a motion by Trustee Hennessy and second by Trustee Lynch the request was approved with Trustee Herman abstaining.**
6. Director Whitfield requested authorization for Kier Dirlam to attend the NYS GIS Annual Conference on October 5 – 7, 2008 in Liverpool at a total cost of \$500.00. **On a motion by Trustee Lynch and second by Trustee Hennessy the request was approved.**
7. Director Whitfield requested authorization for himself to attend the NYCOM Natural Gas Exploration Symposium for Municipal Officials on 8/12/08 in Binghamton at a cost of \$80.00. **On a motion by Trustee Hennessy and second by Trustee Lynch the request was approved with Trustee Herman voting nay.**
8. Director Whitfield requested approval to charge-off past electric charges that are no longer collectible. **On a motion by Trustee Herman and second by Trustee Lynch the request was approved.**
9. Director Whitfield informed the Board that management and the highway division have reached an agreement to change the weekly work schedule to four 10-hour days effective August 4, 2008 through October 31, 2008.

CLERK TREASURER:

1. Treasurer Caldwell requested approval for the following current vouchers listed in Abstract #2 dated July 14, 2008 and Abstract #3 dated July 28, 2008 to be paid as reviewed by the Trustees. **Motion made by Trustee Hennessy seconded by Trustee Lynch to pay bills in the total amount as follows ;**

<u>Abstract #2:</u>			
Fund A	\$111,244.43	Vouchers	51 to 129
Fund EE	36,255.27		31 to 66
Fund F	45,358.88		23 to 64
Fund G	8,327.31		20 to 61
Fund R	<u>4,452.67</u>		3 to 11
Total	<u>\$205,638.56</u>		

Abstract #3:

Fund A	\$ 30,860.02	Vouchers	130 to 177
Fund CT	31,139.97		5 to 9
Fund EE	206,958.28		67 to 100
Fund F	10,248.15		65 to 87
Fund G	8,505.09		62 to 92
Fund R	6,395.55		12 to 23
Fund TA	<u>1,277.42</u>		2 to 4
Total	<u>\$295,384.48</u>		

2. Treasurer Caldwell requested approval to transfer \$405.00 from account A1990.400 – Contingency Fund to A1620.451 – Beautification to cover cost of the Main Street Hanging Baskets. **On a motion by Trustee Hennessy and second by Trustee LaForge the transfer was approved.**
3. Treasurer Caldwell requested approval to establish the following encumbrances as of 5/31/08:

<u>General Fund</u>	<u>Amount</u>	<u>Water Fund</u>	<u>Amount</u>
A1640.449	\$1,400.00	F5111.461	\$ 25.00
A5111.467	61.00	F8340.474	69.99
A1640.443	47.88	F8310.405	640.20
A1640.451	7,463.51	F8330.488	4,280.01
A1620.404	1,637.00	F8340.203	2,236.00
A3120.201	744.25		
A3120.444	104.19		

On a motion by Trustee Lynch and second by Trustee Hennessy the encumbrances were approved.

4. The board was provided with copies of the May 31, 2008 engagement letter received from the Village's outside audit firm Freed, Maxick & Battaglia, PC.
5. Treasurer Caldwell requested approval to cancel the following issued DPU checks due to their issue dates being over one year as of May 31, 2008:

<u>Check Number</u>	<u>Amount</u>
21580	\$ 496.00
21589	23.68
21661	163.62
21774	877.20
21874	309.57
22075	6,629.70
22084	176.20
22085	79.45
22095	335.59
22220	868.89
22308	123.72
22325	44.85
22515	386.92
22527	1,175.50
22579	11.95
23051	<u>105.00</u>
Total	<u>\$11,807.84</u>

On a motion by Trustee LaForge and second by Trustee Herman the checks were cancelled.

Mayor Cretekos requested that the Board move into Executive Session to discuss a legal matter. On a motion by Trustee Herman and second by Trustee Hennessy the Board moved into Executive Session at 8:20pm.

Mayor Cretekos requested that the Board move from Executive Session to Regular Session. On a motion by Trustee LaForge and second by Trustee Herman the Board moved back into Regular Session at 9:02pm.

Motion made by Trustee Herman for the Village to proceed with obtaining cost estimates on the repair/replacement of the Fire Department Headquarters Building Roof. The motion was seconded by Trustee LaForge and approved unanimously.

With no further business the meeting was adjourned on a motion by Trustee Hennessy and second by Trustee Lynch at 9:05 pm.

Respectfully submitted,

Darrell Caldwell
Village Clerk/Treasurer