

**REGULAR MONTHLY TOWN BOARD MEETING AUGUST 17, 2015**

The regular monthly Town Board Meeting of the Town of Yorkshire, for the month of August, was held on August 17, 2015, at the Town Hall, 82 South Main Street, Delevan, NY.

Supervisor Spencer called the meeting to order at 7:00pm with the Pledge to the Flag of the USA.

**Roll Call:**

Marcia Spencer, Supervisor, Present  
Constance Walker, Council Member, Present  
Kenneth Fisher, Council Member, Present  
Tammy George, Deputy Supv & Council Member, Present  
Teresa Hewitt, Council Member, Present

Other Town Officials attending the meeting were Fred Clark, Town Clerk; Christopher Lexer, Superintendent of Highways & Codes Enforcement Officer/Zoning Officer; Larry Groves, Water Commissioner; David Cummings, Dog Control Officer.

Also present: Resident Richard Fuller & Casey Dunlap, Arcade Herald Reporter/Editor.

On a Motion of Coun George, seconded by Coun Hewitt, it was moved to dispense with the reading of the minutes of the last meeting. Carried unanimously.

**RESOLUTION #67-15**

On a Motion of Coun Fisher, seconded by Coun Hewitt, the following Resolution was Resolved, that the draft minutes of the July 20, 2015 Regular Town Board Meeting be approved as printed.

Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.

Ayes 5 - Nays 0 - Adopted

**Petitions:**

"NONE"

**Communications:**

**Reports of Committees:**

Coun Hewitt, Town Youth Commissioner, reported that the summer recreation program finished on August 13th, that the recreation program was very satisfactory this summer under the direction of Trista Reisdorf, and the Commissioners will hold a final meeting for the year on Sept 10th with the staff & prepare a tentative 2016 Youth Recreation budget (Same budget amount as 2014). Still awaiting a few final bills, Transportation; Insurance and Fuel Invoice from Town Highway Supt Lexer. Favorable comments about the wellness day were made. Attendance down slightly, likely due to several factors.

Supv. Spencer reiterated that in 2016 both Village and Town approve contracts, hiring, budgets, etc., to insure both are on aligned overall.

**Financial Reports:**

Supv Spencer presented her Supervisor's Monthly Report for July 2015 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of June 2015, to the Town Board for review, and filed the report's with the Town Clerk (\*Note R #68-15).

**RESOLUTION #68-15**

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, that Supervisor Spencer's Monthly Report for July 2015 is accepted as submitted (and is included in the minutes).

Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.

Ayes 5 - Nays 0 - Adopted

Town Clerk Clark presented his monthly financial report for July 2015, in the amount of \$1,200.51, to the Town Board for review.

Privilege of the Floor/Residents Comments-Concerns-Questions:

Resident Richard Fuller took the floor and proceeded to express his opinions and accusation in regards to the Town Highway Superintendent Christopher Lexer, after a brief exchange Supv Spencer advised Mr. Fuller he would not be allowed to continue with such personal attacks and that he could leave or be escorted out of the meeting. Mr. Fuller did then leave the meeting on his own behalf.

Special Orders:

"NONE"

General Orders & Old Business:Reports of Department Heads:

Joseph King/Constable -  
No Report

David Cummings/Dog Control Officer -

- (1) Still has all of Route 16 to do before enumeration is complete (2) 8 calls for lost dog, owner found shortly thereafter. (3) In process with Town Court over resident barking dog complaint, waiting for Judge Decision.

Mary Gilbert/ZBA Secretary - Written Report

- (1) The Zoning Board of Appeals will not be holding an August meeting as there is no business or appeals before them. (2) The board will have an appeal before them in September.

Larry Groves/Water Commissioner -

- (1) Leak on Grove Street has been repaired. Trying to determine the water loss and perhaps then speak to Village about the higher water bills that were a result (2) Water Dist 1 customer asked to shut off water to make a repair. Is temporarily fixed and water is on. (3) Indicated that Mark A. has continues to work effectively with School on water project

Christopher Lexer/Codes Enforcement & Zoning Officer - Written Report

- (1) Issued four Building Permits & four Zoning Permits in July 2015 with permit fees totaling \$407.50. Additional ones pending. (3) As requested by Town Board, Periodic inspections of Town licensed Junk Yards has been done. Requested 1490 Motors to make gates solid, still in process. William Tidd is not doing dismantling but hauling out. Hoping to have new fence in by April 2016. Met with LARS on fire lanes clean up and continued requests on keeping car heights down. LARS did have a trucking issue so some got accumulated and stacked above fence. Coun Walker raised the question of if LARS would ever be in compliance with cars stacked above fence and that once you get a license, then give time to get into compliance, they don't deserve a license if they fail to do. To which Zoning Officer Lexer indicated that as Zoning officer, he works with them to be in compliance and that while there may be times where they fall in and out, the best we can do is to continue to work with them. There is evidence that over the last ~8 years, all the Junk Yard properties have made significant improvements and can be demonstrated with photos of said improvements. Both he and Supv Spencer indicated that they receive numerous favorable comments from residents regarding the improvements made, but of course, that does not mean that all are satisfied nor that there is not continuous improvement efforts that will continue. (4) Officer Lexer and Coun Walker continued a discussion regarding overall compliance progress and reporting requirements.

Christopher Lexer/Hwy Supt - Written Report

- (1) Over the past month we have completed our capital improvement projects, along with our paving and surface treatments. (2) Applied for our CHIPS reimbursements along with the extreme winter recovery monies. We should be receiving payment in September. (3) Over the next month should repair, tree and brush removal and normal day to day maintenance will be our focus (4) Assisted Village on the repaving of Grove St. (3) A few more loads of black top to do overall, getting close on budget. Coun George commented on how nice the Weaver Road project was and thanked Supt Lexer for the effort / work.

Grove Street Water Contract:

Supv Spencer indicated that the Village has verbally agreed to keep it the same as prior year. Formal agreement pending.

Supv. Spencer indicated a resident approached her visibly upset after having nearly having a car accident near the Kless Boys Auto & Collision Repair on Route 16. She had questioned if the Town could consider lowering the speed limit in that area. The Town has no ability to set speed limits, that is controlled by the State DOT. Supv Spencer and Supt Lexer went to review the area and thought that some brush removal from the bend could be beneficial. Supt Lexer will contact the state about this request. In addition, Supt Lexer indicated that a Letter to State DOT on behalf of the Town could be drafted, if agreed by Town Board, to request a review of the speed in that area along with a line of sight review with regards to roadside brush. (\*Note, see Resolution #69-15)

Supv Spencer reviewed with Town Board the Zoning Law Revision for Fence section, sent back for update. Proposed update is now silent on location / no defined set back or property line limit. Zoning Officer Lexer indicated he would have to require those seeking a Zoning Permit for a Fence to show the Survey, property markers and a plot diagram before consideration for permit could be done. It is a difficult issue to manage overall. After some discussion, the Board agreed to table the decision until next month, giving time for the Board Members to again review not only this most recent revision, but the others that will be also a part of the Zoning Law Revision. After approval then a Public Meeting will be held.

**RESOLUTION #69-15**

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that Town Clerk draft and send a letter to State DOT, attention to Heather Horth, requesting a review of the speed and road surroundings on Route 16 approaching and through the location of Kless Boys Auto & Collision business.

Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 - Adopted

**RESOLUTION #70-15**

On a Motion of Supv Spencer, seconded by Coun Walker, it was moved to enter into Executive Session at 8:21 pm regarding collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law) with Christopher Lexer & Fred Clark invited to attend the Executive Session.

Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 - Adopted.

Supv Spencer closed the Executive Session at 8:38 p.m. & re-opened the regular meeting

Monthly Audit - All Town Board Members had the opportunity to audit all vouchers (bills, invoices & statements) submitted for payment and to initial the vouchers for payment (\*Note R #71-15).

**Resolution #71-15**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, for the approval of the following claims for payment:

General Fund Claims #216-250 in the amount of \$6,714.67, as set forth in General Abstract No. 8, Dated August 17, 2015; Highway Fund Claims #116-129, in the amount of \$91,996.98, as set forth in Highway Abstract No. 8, Dated August 17, 2015; Water Dist #1 Claims #46-53 in the amount of \$3,756.98, as set forth in Water Dist #1 Abstract No. 8, Dated August 17, 2015; Water Dist #2 Claims #9-10, in the amount of \$390.00, as set forth in Water Dist #2 Abstract No. 8, Dated August 17, 2015.

Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 - Adopted

With no further business, on a Motion of Coun Hewitt, seconded by Coun George, the meeting was adjourned at 8:50pm. Carried unanimously.

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M Fred Clark, Town Clerk