

REGULAR MONTHLY TOWN BOARD MEETING MINUTES - OCTOBER 19, 2015

The regular monthly Town Board Meeting of the Town of Yorkshire, for the month of October, was held on Monday, October 19, 2015, at the Town Hall, 82 South Main Street, Delevan, NY.

Supv Marcia Spencer called the meeting to order at 7:00pm with the Pledge of Allegiance to the Flag of the U.S.A.

Roll Call:

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

Other Town Officials present were:

Fred Clark, Town Clerk; Christopher Lexer, Superintendent of Highways & Codes Enforcement Officer (Zoning Officer); Larry Groves, Water Commissioner; Joe King, Constable

Proof of Notice being furnished by the Town Clerk that publication of the Public Hearing for the "Amendments of Town Zoning Laws" was in the Legal Notices of the October 8, 2015 issue of the Arcade Herald, and that the Public Hearing Notice was posted on the Town Clerks Sign Board, the Public Hearing was called to order at 7:02pm by Supv Spencer. No one except the names listed above attended the Public Hearing. Supv Spencer terminated the Public Hearing at 7:12pm (*Note R #81-15).

RESOLUTION #81-15

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, following the Public Hearing conclusion October 19, 2015 at 7:12 p.m. to approve the amendments of the Town Zoning Laws as written.

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

Ayes 5 - Nays 0 - Adopted

Proof of Notice being furnished by the Town Clerk that publication of the Public Hearing for the "Adoption of a Local Law to Create a Sign District" was in the Legal Notices of the October 8, 2015 issue of the Arcade Herald, and that the Public Hearing Notice was posted on the Town Clerks Sign Board, the Public Hearing was called to order at 7:12pm by Supv Spencer. No one except the names listed above attended the Public Hearing. Supv Spencer terminated the Public Hearing at 7:22pm (*Note R #82-15).

RESOLUTION #82-15

On a Motion of Coun Walker, seconded by Coun George, the following Resolution was Resolved, following the Public Hearing conclusion October 19, 2015 at 7:22 p.m. to approve the Local law 1-2015, Sign District (Complete Local Law is attached to the minutes and is on file in the town clerk's office).

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

Ayes 5 - Nays 0 - Adopted

Proof of Notice being furnished by the Town Clerk that publication of the Public Hearing for the "2016 Preliminary Town Budget and Improvement Districts on a Benefit Basis" was in the Legal Notices of the October 8, 2015 issue of the Arcade Herald, and that the Public Hearing Notice was posted on the Town Clerks Sign Board, the Public Hearing was call to order at 7:22pm by Supv Spencer. No one except the names listed above attended the meeting, the Public Hearing was terminated at 7:35pm by Supv Spencer (*Note R #83-15).

RESOLUTION #83-15

On a motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to adopt the 2015 Preliminary Budget dated September 21, 2015, as the 2015 Town Budget (The complete 2015 town budget is on file in the town clerks office).
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Nay.
Ayes 4 - Nays 1 - Adopted

On a Motion of Coun George, seconded by Coun Hewitt, it was moved to dispense with the reading of the minutes of the September 21, 2015 and October 5, 2015 board minutes. Carried unanimously.

RESOLUTION #84-15

On a Motion of Coun Fisher, seconded by Coun Walker, the following Resolution was Resolved, to approve the draft minutes of the September 21, 2015 Regular Monthly Town Board Meeting and the October 5, 2015 Special Town Board Meeting as printed.
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

Petitions:

"NONE"

Communications:

Association of Towns - 2015 Training School & Annual Meeting will be held in New York City on Feb 14 - 17, 2016.

Department of Public Service Reforming the Energy Vision (REV) proceeding for public input. ECC City Campus, November 4, 2015

Town Attorney has reviewed our Local Law query and has indicated a need to review and update Local Law 1-1975, Freedom of Information. An outline will be prepared for discussion at next meeting to establish a Public Hearing on said amendment.

Reports of Committees:

"NONE"

Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for September 2015 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of August 2015, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #85-15).

REDOLUTION #85-15

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, that Supv Spencer's Monthly Financial Report for September 2015 is accepted as submitted (& is included in the minutes).
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

Justice Reports:

Justice Heather Tomes sent checks to the Town Supervisor in the amount \$1,767.00 for September 2015.

Justice Lynn Guertin sent checks to the Town Supervisor in the amounts of \$4,017.00 for September 2015

Town Clerk Clark presented his monthly financial report for September 2015, in the amount of \$4,849.90, to the Town Board for review.

Privilege of the Floor/Public Concerns:

No one spoke at this time.

Special Orders:

"NONE"

General Orders & Old BusinessReports of Department Heads:

Joe King/Constable: Nothing to report

Mary Gilbert - ZBA Secretary (Written Report) -

The Zoning Board of Appeals will not be holding their regular meeting on October 14, 2015. There will be an appeals meeting on October 28 with regards to a private school on Weaver Road, which is not zoned for said.

David Cummings/Dog Control Officer -

No report

Larry Groves/Water Commissioner -

(1) Working with school still on documentation for water line repair / installation. None found to date, so said line will require pressure test and chlorine test that will be scheduled (2) 2 water lines to fix that require drainage away

Christopher Lexer/Codes Enforcement & Zoning Officer -

Issued Five Building Permits & Three Zoning Permits in Sept 2015 with permit fees totaling \$381.90 Discussion on plan for notification to locations regarding the carbon monoxide detection requirement. Officer Lexer will be working with Clerk Clark to develop a plan of notification and inspection.

Christopher Lexer/Superintendent of Highways -

- (1) Brought the snow plows in and getting them ready for winter. Equipment is ready and have about half of our sand hauled in.
- (2) (Perpetual Inventory Fuel Records with the town clerk. ((3) Steps in front of town hall are now under construction for replacement, as per Town Board prior resolution approval.

Section 142-3. (7) Requested permission authorizing Supv Spencer to sign a Snow Plow Contract with the Village of Delevan at \$151.25 per. Same as prior year. Will look at doing a 2 year contract next year (*Note R #86-15).

Superintendent Lexer then proceeded to review the equipment replacement options to consider for the Town F350 indicating a trade in value of \$18,000 and a purchase price with State Concession of \$30,264. Given the fact that next year's prices / models are expected to increase in price he asked for board approval to purchase this year. (*Note R #87-15)

In addition, equipment replacement bids requested by board to approve for a Mini Excavator, Black Top Roller and Commercial Trailer. An outline was given that will keep said purchases in line with planned budget and meets the Town continued efforts to replace selective equipment on an ongoing basis to insure the Highway Department can maintain the service required. A request made to approve a Legal Notice to Bidders for said equipment. (*Note R 88-15)

RESOLUTION #86-15

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, authorizing Supv Spencer to sign a Contract with the Village of Delevan for the Town to plow & salt/sand Village Streets as needed at the rate of \$151.25 per trip (Contract on file in the town clerk's office).

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

Ayes 5 - Nays 0 - Adopted

RESOLUTION #87-15

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was, resolved to approve the Purchase by Highway Superintendent Christopher Lexer a 2015 Ford F350 from West Herr Ford at State Bid concession pricing current \$30,264 minus trade in value of current vehicle of \$18,000, remaining balance then is \$12,264.

Spencer, Aye; Fisher, Aye; Hewitt, Aye; Walker, Nay; George, Aye.
Ayes 4 - Nays 1 — Adopted

RESOLUTION #88-15

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was, resolved to approve the Legal Notice to Bid for Town of Yorkshire equipment, Mini Excavator, Black Top Roller and Commercial Trailer. To be place in October 29 Arcade Herald with Bid opening for November 12, 2015 at 2:00 p.m. Local time.

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

New Business:

A Discussion regarding the annual notice to Property owners regarding the removal of snow from sidewalks, A request by Clerk Clark for board to consider a resolution to post legal notice in Arcade Herald. Note R # 89-15

RESOLUTION #89-15

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, that the town clerk place a legal notice in the Arcade Herald & an ad in the Arcade Penny Saver that the Hamlet of Yorkshire Property Owners & Occupants are required by Town Law #130 where their Premises are abutting on any street or road where a sidewalk has been laid, to keep the Sidewalk in front of such premises, Free & Clear from Snow & Ice, and upon default thereof the owner of such premises will be liable.

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

Supv Spencer indicated that Board of Assessment member Claire Flannery term had expired and after consulting with Attorney, asked Board for a motion to approve the appointment of M. Fred Clark, Town Clerk, as a member of the Board of Assessment, for a five year term, ending September 30, 2020 (Note R#90-15)

RESOLUTION #90-15

On a Motion of Supv Spencer, seconded by Coun Walker, the following Resolution was Resolved, that M. Fred Clark be appointed to a 5 year term as a member of the Board of Assessment Review. Term to expire Sept 30, 2020.

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

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 #91-15).

RESOLUTION #91-15

On a Motion of Coun Hewitt, seconded by Coun Walker, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims #279-303 in the amount of \$9,417.28, as set forth in General Fund Abstract No. 10, Dated October 19, 2015; Highway Fund Claims #144-157, in the amount of \$21,096.61, as set forth in Highway Fund Abstract No. 10, Dated October 19, 2015; Water Dist #1 Fund Claims #58-64, in the amount of \$4,537.80, as set forth in Water Dist #1 Abstract No. 10, Dated October 19, 2015; Water Dist #2 NONE set forth in Water Dist #2 Abstract No. 10, Dated October 19, 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 Fisher, seconded by Coun George, the meeting was adjourned at 9:55pm.

Carried unanimously. M. Fred Clark Town Clerk _____