

The regular monthly Town Board Meeting of the Town of Yorkshire Town Board, for the month of December, was held on December 14, 2015, at the Yorkshire Town Hall, 82 Main Street, Delevan, NY.

Supervisor 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, Absent (arrived 7:03 p.m.)
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.

Also present, Casey Dunlap, Arcade Herald Reporter.

On a Motion of Coun Hewitt, seconded by Coun Fisher, it was moved to dispense with the reading of the minutes of the November 16, 2015 and December 9, 2015 board meetings Carried unanimously.

RESOLUTION #115-15

On a Motion of Coun George, seconded by Coun Hewitt, the following Resolution was Resolved, to approve the draft minutes of the November 16, 2015 Regular Town Board Meeting and December 9, 2015 Special Board Meeting, as printed.

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

Communication:

Association of Towns, By Law updates. Meetings in NYC in February. Complete info available in Clerks office.

Request from Cattaraugus County to allow them to act as Lead Agency in development / update of County Comprehensive Plan. Note, see Reso #117-15

Supervisor Spencer has received the Mortgage Tax Apportion in the amount of \$11,342.09
Supervisor Spencer reviewed communication from Catt County Emergency Services for program offered to provide ID cards for Town Officials. One time set up fee of \$25.00 and then \$5.00 per card. Agreed that Town would utilize for Officials that generally make frequent / required on site visits to homes in Town or as determined by Supervisor approval.
Note: Reso # 118-15

Reports of Committees:

"NONE"

Monthly Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for November 2015 to the Town Board, and filed the report with the Town Clerk (*Note R #116-15).

RESOLUTION #116-15

On a Motion of Coun Fisher, seconded by Coun Walker, the following Resolution was Resolved, that Supv Spencer's Monthly Financial Report for November 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

RESOLUTION #117-15

On a Motion of Coun Hewitt, seconded by Coun Walker, the following Resolution was Resolved, that the Town of Yorkshire accepts / acknowledges Cattaraugus County to act as Lead Agency in development of County Comprehensive Plan.

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

Ayes 5 - Nays 0 – Adopted

RESOLUTION #118-15

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, that the Town of Yorkshire, under the required approval of Supervisor, will authorize procurement of Town Official ID Cards from Cattaraugus County, with initial cost of \$25.00 for set up and \$5.00 for each card issued.

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

Ayes 5 - Nays 0 – Adopted

Justice Reports:

Justice Heather Tomes sent a check to the Town Supervisor Spencer in the amount of \$5,009.00 for the month of November 2015.

Justice Lynn Guertin sent a check to the Town Supervisor Spencer in the amount of \$6,134.00 for the month of November 2015.

Town Clerk Clark presented his monthly financial report for the month of November 2015, in the amount of \$1,176.52, to the Town Board for review.

Proof of Notice being furnished by the Town Clerk that publication of the Public Hearing for the "Amendments of Local Law 1-1975, Freedom of Information" was in the Legal Notices of the November 26, 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 7:15pm by Supv Spencer. No one except the names listed above attended the Public Hearing. Supv Spencer terminated the Public Hearing at 7:20pm
(*Note R #118-15).

RESOLUTION #118-15

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, following the Public Hearing conclusion December 14, 2015 at 7:20 p.m. to approve the amendments of the Local Law 1-1975, Freedom of Information as written.

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

Ayes 5 - Nays 0 - Adopted

Privilege of the Floor/Public Comments-Concerns-Questions

"NONE"

Special Orders:

"NONE"

General Orders and Old Business:

Reports of Department Heads:

David Cummings/Dog Control Officer - (No report)

Mary Gilbert/Zoning Board of Appeals Secretary - (Written report)
Will not hold a meeting in December.

Larry Groves/Water Commissioner – (1) Holding interview for Meter Reader beginning at 8 p.m., 4 applicants. (2) Bill from Mark A., MDA Consulting for \$3,723, along with a bill from Danny Heineman. Both of which are as a result of the High Schools lack of collaboration and resulting issues from work performed. Also indicated that work is now done and just working on the easement issue (in Legal discussion) Supervisor Spencer elaborated on the issue and in summary requested the Board to consider a motion for Clerk to send a copy of bill(s) and a letter to High School Board President and Superintendent to outline the cost incurred and a follow up request for corrective actions for future issues. Note R#119-15 (3) Repairs to pump house ventilators, which have been acting up over a few years, were completed by Dubai Electric and included in this month's Abstract. Also had crash bar on door repaired. (4) Danny Heineman indicated that from his aspect the Route 39 construction effort has been completed and was good to work with local contractor D&H. Groves further went on to say that Danny does have a book and pictures of water valves and that estimates 50% or more is done.

RESOLUTION #119-15

On a Motion of Coun Walker, seconded by Coun George, the following Resolution was Resolved, Clerk Clark to send a copy of bill(s) and a letter to High School Board President and Superintendent to outline the cost incurred and a follow up request for corrective actions for future issues.

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

Christopher Lexer/CEO -

Issued two Building & two Zoning Permit in November 2015 with fees totaling \$154.50.

Christopher Lexer/Hwy Supt -

- (1) Due to lack of snow this past month we have been able to continue work on our seasonal roads ditching, widening and graveling. (2) helped to complete the front step project on the town hall and also built new gutter plates for the highway garage. (3) Keeping up with any other road or equipment maintenance that has come up. (4) Filed November 2015 Perpetual Inventory Fuel Records with the town clerk. (5) As resolved in December 9 special meeting, the used roller and been delivered to Nuwer and the check has been received by Supervisor Spencer. (6) Expect to take delivery of new Mini Excavator from Anderson Equipment in the next week. Supervisor Spencer then requested that board consider an updated resolution with final numbers for the prior agreed and resolved Statutory bonds required for approved purchases of Mini Excavator and Roller. Note R# 120-15 (7) New Pick Up Truck should be at dealership on December 18th, possession likely following week. To support 2015 purchase as agreed, Request for Budget Transfer \$6,100 from Snow Removal Contractual DA5142.4 to Machinery Purchase Capital Equipment DA5130.2 and a Transfer of \$6,500.00 from Highway A Unallocated Funds to Machinery Purchase Capital Equipment DA5130.2. In addition, request approval for Supervisor to Pre Pay prior to year-end 2015, rather than waiting until January Board meeting, to facilitate agreed purchase in fiscal year 2015. Note R#121-15

On a Motion of Coun Fisher, seconded by Coun Hewitt, the following Resolution was Resolved, authorizing Supervisor Spencer to approve the preparation and issuance of Statutory bonds in the amount of \$135,500 at 3.6% for 5 years. With Attorney Steinhaus to provide support. This is for approved purchase of 2015 Takeuchi TB290 Hydraulic Excavator from Anderson Equipment at \$101,500 and 2015 Roller Case DV36 from Monroe Tractor at \$39,784

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

RESOLUTION #121-15

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, to allow for completed purchase of approved Pick Up Truck for Highway Department, for Budget Transfer \$6,100 from Snow Removal Contractual DA5142.4 to Machinery Purchase Capital Equipment DA5130.2 and a Transfer of \$6,500.00 from Highway A Unallocated Funds to Machinery Purchase Capital Equipment DA5130.2. And Supervisor Spencer is authorized to Pre Pay in December prior to year-end.

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

New Business:

Provided copy of National Fuel Gas Road Use Agreement and sample Local Law. Agreed to postpone until January Meeting to allow further review by Superintendent Lexer and Town Board.

Coun Walker reviewed discussion with Civil Service on follow up, both Meter Reader and Substitute Dog Control are considered Laborer and thus can be define as hourly or as Board designates. Supervisor Spencer will contact current Substitute Dog Control officer prior to Re-Org Meeting to review planned update on position.

Supervisor Spencer had indicated that Amherst had passed a local law with regards to Fracking, in case State Law somehow in changed. Coun Walker agreed to make contact with Amherst to get a copy of their Local Law and review inputs at next Board Meeting

Delevan Yorkshire Public Library has requested approval of appointment to Board of Trustees for Joanne Herman (reappointment for 5-year term) and Mary Caruana for Appointment to a 5-year term. Note R#122-15

Clerk Clark requested approval to use vouchered hourly support not to exceed 20 hours at \$8.75 per hour for support of preparing the tax bills for mailing in December. Support to be provided by Trever Clark. Note R#123-15

Coun Hewitt provided a year end update on Youth Rec Program. 86 signees, total expenses \$17,390.48, approx. \$5,000 less than budget. Thanked Coun Walker and Clerk Clark for their support. All filings and reports are completed with Village and County / State. Very successful year.

RESOLUTION #122-15

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, to approved the recommendations of Joanne Herman and Mary Caruana to the Delevan-Yorkshire Public Library Board of Trustees for a 5-year term.

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

RESOLUTION #123-15

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, to approved Clerk Clark to utilize the services of Trever Clark for up to 20 hours at \$8.75 per hour in support of preparing tax bills for mailing in December. Payment to be done through approved voucher.

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

RESOLUTION #124-15

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, to move into Executive Session at 8:00pm to interview scheduled applicants for the position of Water Meter Reader, Town of Yorkshire. Clerk Clark invited to attend.

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

(Supv Spencer closed the Executive Session at 8:55 pm & reopened the regular meeting)

RESOLUTION #125-15

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, to offer employment to Diane Owens, for the position of Water Meter Reader, Town of Yorkshire. Starting Date is December XX 2015 and Salary is \$12.00 per hour plus accurately recorded mileage reimbursement via provided voucher

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

Monthly Audit - All Town Board Member had the opportunity to audit all vouchers (bills, invoiced & statements) submitted for payment and to initial the vouchers (*Note R #126-15).

RESOLUTION #126-15

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 #324-357 in the amount of \$69,090.18, as set forth in General Abstract No. 12 Dated December 14, 2015; Highway Fund Claims #170-186, in the amount of \$51,547.03, as set forth in Highway Abstract No. 12 Dated December 14, 2015; Water Dist #1 Fund Claims #72-79, in the amount of \$10,543,85, as set forth in Water Dist #1 Abstract No. 12 Dated December 14, 2015; Water Dist #2 Fund Claims #13-14, in the amount of \$782.25, as set forth in Water Dist #2 Abstract No. 10 Dated December 14, 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 George, seconded by Coun Fisher, the meeting was adjourned at 9:00 pm. Carried unanimously.

Fred Clark, Town Clerk