

REGULAR MONTHLY TOWN BOARD MEETING NOVEMBER 16, 2015

The regular monthly Town Board Meeting, of the Town of Yorkshire, for the month of November, was held on November 16, 2015, at the Town Hall, 82 South Main Street, Delevan, NY.

Supervisor 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, Council Member, Present
Kenneth Fisher, Council Member, Absent (Joined meeting at 7:04pm)
Tammy George, Deputy Supv, Council Member, Present
Teresa Hewitt, Council Member, Present

Other Town Officials present: Fred Clark, Town Clerk; Christopher Lexer, Supt of Highways & Codes Enforcement Officer/Zoning Officer; Larry Groves, Water Commissioner and Joe King, Constable, Dave Cummings, Dog Control Officer.

Also attending the meeting was Casey Dunlap, reporter for the Arcade Herald. Brian Baty, BMA Consulting and Geoff Gunner, Badger and Gunner Insurance

On a Motion of Coun Hewitt, seconded by Coun Walker, it was moved to dispense with the reading of the draft minutes of the October 19, 2015 town board meeting. Carried unanimously.

RESOLUTION #92-15

On a Motion of Coun Walker, seconded by Coun Hewitt, the following Resolution was Resolved, to approve the draft minutes of the October 19, 2015 Regular Monthly Town Board Meeting as printed. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

Communications:

NYS Association of Towns, Annual Officers Training Notification

Reports of Committees:

"NONE"

Monthly Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for October 2015 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of September 2015, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #93-15).

RESOLUTION #93-15

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, that Supv Spencer's Monthly Financial Report for October 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 a check to the town supervisor in the amount of \$8,056.00 for the month of October 2015.

Justice Lynn Guertin sent a check to the town supervisor in the amount of \$6,269.00 for the month of October 2015.

Town Clerk Clark presented his monthly financial report for October 2015, in the amount of \$893.62, to the Town Board for review.

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

"NONE"

Special Orders:

"NONE"

General Orders and Old Business:

Report of Department Heads:

Joe King/Constable – Is required to obtain Constable Training with in one year of appointment. Cost is approx. \$1,500. Asks the Board to consider a resolution to approved said training and cost. (Note see Resolution #94-15

Also indicated that there are times where the headcount in court is scheduled to be near or over 100 people. Rob McNally had indicated he would support as a second Constable if requested. Joe King asked Board to consider a resolution that would allow for a second Court Constable when required. (Note: See Reso #95-15)

David Cummings/Dog Control Officer – 9 calls in last few months. 6 have replied and found dog, 3 did not get any calls back. One owner contacted him about finding a new owner for dog, which DCO was able to do. Supervisor Spencer asked for update on Enumeration. DCO indicated he would begin working on completion. Supervisor Spencer also reminded DCO and Board regarding the potential to eliminate the Substitute DCO for 2016, to which no one objected for this potential consideration. Made request to Coun Walker to follow up with Civil Service about any issues if we go with a per diem approach to a Substitute DCO.

Mary Gilbert/ZBA Secretary - Written Report

(1)

Larry Groves/Water Commissioner -

(1) Requested Board to resolve to place an employment ad for a Water Meter Reader for Town of Yorkshire, which is included in the budget. Larry has been doing it himself in 2015. *(Note R #97-15). Coun Walker to review this will Civil Service (replacement of retired person, requirements) (2) Requested authorization to renew Corrpro Contract for Ground Water Storage Tank Service (*Note R #96-15). (3) Still working with school on correction of issues. School / contractor did not have evidence of the testing done on the new infrastructure, this is nearing completion with the proper chlorination up to right level. Next step is to flush and then sample for County approval. (4) Having conversation about having mapping of the lines, since the town never had any inputs on the new work done) and then having the school provide an easement to Town. During a meeting with the school, attended by Supervisor Spencer, after much discussion, it was implied that perhaps the town needs to provide a resolution of request for the easement. A description of the proposed easement and parameters were provided by Engineer Alianello to Supervisor Spencer, along with his suggestions for resolution of issue. Since it is a concern with Town with regards to the safety and reliability, it was not clear if Town should provide such a requested resolution. Supervisor Spencer requested the Town Board to consider a motion to defer any resolution request unless Town Attorney advises to make a formal resolution to request the easement. (Note R # 106-15)

Christopher Lexer/Codes Enforcement & Zoning Officer -

(1) Issued One Building & Two Zoning Permits in October 2015 with fees totaling \$277.60.

Christopher Lexer/Hwy Supt -

(1) The bids were received for the excavator and roller. Over the next week or two Mr. Lexer will be reviewing them. (2) Would like to put the current roller out for bid to see if we can get a higher price than the trade in offered on the current bids. Requesting Board for a resolution to allow for an ad to be placed for the sale of used 2000 Ingersoll Rand Roller (Note: see R #98-15). (3) Sand is mostly hauled in and still continuing to ditch and normal maintenance on our roads as weather permits. (4) Filed October 2015 perpetual inventory fuel records with the town clerk. (5) Found a used trailer that will support town needs rather than bidding for a new one which was approved. The total cost was \$3,995, which save the town ~\$8,000 vs. a new one. Due to this expense, Superintendent Lexer requested Board for a resolution to transfer \$3,000 from DA5142.4 (Snow Contractual) to DA5130.4 (Machinery Contractual). (Note: see R #99-15)

RESOLUTION #94-15

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, that approval is given to Joe King to schedule and attend the required Constable Training with an estimated cost of \$1,500.00

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

Ayes 5 - Nays 0 – Adopted

RESOLUTION #95-15

On a Motion of Coun Walker, seconded by Coun George, the following Resolution was Resolved, that approval is given to Joe King and Court Clerk to allow for a second Court Constable, at their discretion and based upon the expected volume scheduled.

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

Ayes 5 - Nays 0 – Adopted

RESOLUTION #96-15

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that Larry Grove, Water Commissioner sign the annual contract with CorrPro for the Ground Water Storage service.

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

Ayes 5 - Nays 0 – Adopted

RESOLUTION #97-15

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Larry Grove, Water Commissioner and Clerk Clark prepare and place an ad in the Arcade Herald and Arcade Pennysaver for the 2016 Budgeted position of Water Meter Reader for the Town of Yorkshire.

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

Ayes 5 - Nays 0 - Adopted

RESOLUTION #98-14

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, authorizing the Superintendent Lexer to place an ad to bid for one used 2000 Ingersoll Rand Roller to be sold, with bids due by December 8, 2015 at 2 p.m.

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

Ayes 5 - Nays 0 - Adopted

RESOLUTION #99-14

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, authorizing the transfer of funds in the amount of \$3,000.00 from DA5142.4 (Snow Removal Contractual) to DA5130.4 (Machinery Contractual)

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

Ayes 5 - Nays 0 – Adopted

New Business:

Clerk Clark requested Board to consider a resolution to authorize the use of Five Star Bank to collect the 2015 Town and County Taxes for the Town of Yorkshire (Note: R #100-15)

RESOLUTION #100-15

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, that Five Star Bank be authorized to collect the 2015 County & Town Taxes for the Town of Yorkshire. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

Supervisor Spencer requested Board to consider a resolution to allow her to send the payment to State Retirement in December, prior to Board Meeting, to allow for the reduced rate. (Note: R #101-15)

RESOLUTION #101-15

On a Motion of Coun Fisher, seconded by Coun Walker, the following Resolution was Resolved, That Supervisor Spencer be authorized to pre pay and send the annual State Retirement payment in December to allow for the reduced rate and prior to next scheduled Board meeting, in the amount of \$58,950.00
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

The Town Board were given presentations and overviews of Insurance proposals for 2016 from Mr. Brian Baty of BMA Consulting Services (2 alternatives) and Mr. Geoffrey Gunner of Badger and Gunner Insurance (current provider) with a single proposal. (Note: R #102-15)

RESOLUTION #102-15

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, That the Town accept the 2016 Town Insurance proposal provided by Badger and Gunner with quote estimated at \$22,665.62. Includes Commercial Pkg (Property, Liability, Auto, IM, Umbrella, Public Officials/Employment Practices Liability, Public Employee Fidelity Bond and OCP Liability (NYS Highway Permits)
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

The Town Attorney has provided input for update to Local Law 1-1975, Freedom of Information Law. There must be a public hearing scheduled if Town Board agrees to proceed with update. (Note R #103-15)

RESOLUTION #103-15

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, That a Public Hearing be scheduled for Monday December 14, 2015 at 7:15 p.m. Town Clerk to place required notice in Arcade Herald
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

Town Board reviewed upcoming monthly calendar. Discussion to consider resolution to move the following meetings, (1) Monday, December 21, 2015 Board Meeting be moved to Monday, December 14, 2015, (2) Schedule the January Re-Organizational Meeting for Monday January 4, 2016 at 7 p.m., (3) Monday January 18, 2016 (Martin Luther King Day) be moved to Monday January 11, 2016 at 6 p.m. and to include Town Official Audit of Financials, (4) Monday February 15, 2016 (Presidents Day) meeting be moved Wednesday February 17, 2016 at 7 p.m. (Note: R# 104-15)

RESOLUTION #104-15

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to make notice and modify upcoming Board Meetings as follows; (1) Monday, December 21, 2015 Board Meeting be moved to Monday, December 14, 2015, (2) Schedule the January Re-Organizational Meeting for Monday January 4, 2016 at 7 p.m., (3) Monday January 18, 2016 (Martin Luther King Day) be moved to Monday January 11, 2016 at 6 p.m. and to include Town Official Audit of Financials, (4) Monday February 15, 2016 (Presidents Day) meeting be moved Wednesday February 17, 2016 at 7 p.m.
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

Supervisor Spencer and Clerk Clark requested approval to sign and send to Fire Department for signatures, the Attorney drafted Yorkshire Fire Department Contract for 2016, in the accepted budget amount of \$32,249.00 (Note R # 105-15)

RESOLUTION #105-15

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, to give approval to Supervisor Spencer and Clerk Clark to sign the drafted Yorkshire Fire Department contract for 2016, in the accepted budget amount of \$32,249.00

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

Ayes 5 - Nays 0 – Adopted

RESOLUTION #106-15

On a Motion of Coun Walker, seconded by Coun Hewitt, the following Resolution was Resolved, to agree to defer any resolution request regarding easement for access to School water lines unless Town Attorney advises to make a formal resolution to request the easement.

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

Ayes 5 - Nays 0 – Adopted

The Town Board reviewed 3 quotes provided for consideration of Software Programs to support Municipal Accounting and Town Clerk. After review and discussion, the Town Board agreed to accept the lowest cost quote from Williamson Law Book for Accounting / Budget Preparation Software Program at a cost of \$3,465, Town Clerk Plus Program at a cost of \$810.00, estimated installation and training fees of \$400. Annual support costs of \$998 for Accounting and \$450 for Town Clerk. (Note R# 107-15)

RESOLUTION #107-15

On a Motion of Coun Hewitt, seconded by Coun Walker, the following Resolution was Resolved, to accept the lowest cost quote from Williamson Law Book for Accounting / Budget Preparation Software Program at a cost of \$3,465, Town Clerk Plus Program at a cost of \$810.00, estimated installation and training fees of \$400. Annual support costs of \$998 for Accounting and \$450 for Town Clerk. Installation planned for December 2015, for use in 2016

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

Ayes 5 - Nays 0 – Adopted

RESOLUTION #108-15

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was made Resolved, to move into Executive Session at 9:12pm to discuss employee history. Clerk Clark was invited to attend.

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

Ayes 5 - Nays 0 - Adopted (November 17, 2014 Yorkshire Town Board Meeting Minutes - Page 5)

(Supv Spencer closed the Executive Session at 9:35pm & reopened the regular meeting)

Audit - All Town Board Members present had the opportunity to audit all vouchers (bills, invoices or statements) submitted for payment and to initial the vouchers (*Note R #109-15).

RESOLUTION #109-15

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 #304-323, in the amount of \$6,182.54 as set forth in General Abstract No. 11 Dated November 16, 2015; Highway Fund Claims #158-169, in the amount of \$68,999.25 as set forth in Highway Abstract No. 11 Dated November 16, 2015; Water Dist #1 Fund Claims #65-70, in the amount of \$5,406.56 as set forth in Water Dist #1 Abstract No. 11 Dated November 16, 2015; Water Dist #2 Fund Claim #12, in the amount of \$1.42, as set forth in Water Dist #2 Abstract No. 9 Dated November 16, 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 9:40pm.
Carried unanimously.**

M. Fred Clark, Town Clerk