

**REGULAR MONTHLY TOWN BOARD MEETING JULY 20, 2015**

The regular monthly Town Board Meeting, of the Town of Yorkshire, for the month of July, was held on July 20, 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 U.S.A.

**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 Official present were Fred Clark, Town Clerk; Christopher Lexer, Supt of Highways & Codes Enforcement Officer/Zoning Officer; Larry Groves, Water Commissioner

On a Motion of Coun Hewitt, seconded by Coun Fisher, it was moved to dispense with the reading of the minutes of the last three Town Board Meeting. Carried unanimously.

**RESOLUTION #60-15**

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, to approve the draft minutes of the June 15, 2015 Regular Monthly Town Board Meeting and the June 18, 2015 & July 9, 2015 Special Town Board Meeting as printed / modified.

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

**Petitions:**

"NONE"

**Communications:**

"NONE"

**Committee Reports:**

Coun Hewitt reported that the Youth Commissioners will meet on July 30th. Attendance is down a bit. New bus service thus far has been fine, no problems.

**Financial Reports:**

Supv Spencer presented her Supervisor's Monthly Report for June 2015 & the budget report for the month of May 2015, as prepared by Diane R Finch, CPA, to the Town Board for review, and filed the reports with the Town Clerk (\*Note R #61).

**RESOLUTION #61-15**

On a Motion of Coun Fisher, seconded by Coun Hewitt, the following Resolution was Resolved, that Supervisor Spencer's Monthly Report for June 2014 is accepted as submitted (& the report is inserted into 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 June 2015, in the amount of \$1,006.76, to the Town Board for review.

Town Clerk Clark presented Youth Commission Expense Summary Year to Date, for reference

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

"NONE"

Special Orders:

"NONE"

General Orders & Old Business:

Report of Department Heads:

David Cummings - Dog Control

"No report"

Mary Gilbert/ZBA Secretary (Written report) -

(1) The Zoning Board of Appeals did not hold their regular monthly meeting on July 9th, 2014, as there was no new business before them.

Larry Groves/Water Commissioner -

- (1) Billing for July has been sent out, went fine. 2 or 3 returned w/ address problems, couple bills torn apart during post office handling. (2) located a water leak but not exactly sure where it's coming from. Master Meter area, chlorine residue weeping out in sleeve in ditch. To be investigated further

Christopher Lexer/Codes Enforcement & Zoning Officer -

(1) Issued four Building Permits & one Zoning Permits in June 2015 with fees totaling \$137.50 (2) A few Vendor / Solicitation permits required support in absence of Town Constable. Sale of Fireworks tent in Yorkshire plaza required a review with Lawyer. After all was done, a permit was issued. Did have to shut down for a day during the process. Next, a chicken BBQ mobile stand was in place near the K Street, south of the Weber City store. The vendor was notified of required permit / license and it was issued on a Saturday by Town Clerk and no business closing was necessary. Suggest we post the requirements on the website. Town Clerk will follow up with this.

Christopher Lexer/Hwy Supt -

- (1) Filed perpetual inventory fuel records for June 2015 with the town clerk. (2) Paving Weaver Road complete and Van Guildler. 1 1/2" on Weaver, from Tracks south to California Hill. Able to get better pricing on material, allowing for a more complete job to occur and less cost. Woodard Road ground and regraded. And had 1<sup>st</sup> cost of oil and stone applied. 2<sup>nd</sup> coat in August, depending on weather of course.
- (2) Reviewed that the John Deer Tractor required an overhaul, which was found to be cost effective. Did request board consider a motion to purchase a replacement roadside mower. The current mower is unsafe and could pose danger to operator and public. See resolution #62-15
- (3) Requested Board to consider resolution to amend 2015 Budget to account for the Annual C.H.I.P.S allocation received. Adding \$24,556.79 of Revenue to DB 5112.4. Original budget of \$100,000 would be increased to \$124,556.79 (note, see Resolution # 63-15)
- (4) Christopher Lexer then entered into record, filed with Town Clerk, two pieces of personal concerns designated to address rumors / concerns regarding A) the installation of speed bumps on Electric Lane. Evidence was provided with a letter from Village of Arcade indicating they had purchased and installed said speed bumps as a deterrent for excessive speed. B) The installation of a new blacktop driveway installed in 2015 at Highway Superintendent home on Electric Lane. Mr. Lexer communicated that after 25+ years of residing in current location, he was able to finally afford to have a blacktop driveway installed. He received two quotes and provided evidence of the invoice and payment made to contractor whom completed the job. It was Mr. Lexer intent to address the concerns and to insure Town Board that in no way was the Town of Yorkshire involved in either subjects. It is his desire to insure that he is open with the concerns to insure there is no questions about the integrity and trust of his position as Highway Superintendent and the proper separation of personal and business related topics.

- (5) Hwy Supt Lexer then also reviewed the policy for tree removal, in that as the Highway Superintendent he has the responsibility to remove any trees that he deems as high risk to safety of the roadway. He then determines the most cost effective process for removal, be it with Town equipment and resources or contracted outside. Once removed, the stumps are then also typically ground out and general repair to effected ground area is completed. He went on to say that while he makes every effort to review and locate those that might pose a risk, he does also rely on our residents to also provide input / guidance on concerns they might have detected on their own. The objective remain that any tree found to pose a high risk as determined by the Hwy Supt is subject to removal to insure the ongoing safety of our residents. Those that might question the need to remove some, while not others, should consult directly with the Highway Supt on their concerns.
- (6) There was some interaction during and post the communication, with Councilman Walker requesting clarification on the determination of tree hazards and cost differences of stump removals, to which Hwy Supt Lexer responded that if Town Board Members have question or are questioned by our residents that he would ask that the questions get directed to him for resolution. It was also indicated that stump removal pricing will vary depending upon the size of the stump being removed.

**RESOLUTION #62-15**

On a Motion of Coun Walker, seconded by Coun Hewitt, the following Resolution was Resolved, Highway Superintendent Christopher Lexer proceed with purchase of replacement roadside mower, estimated at \$8,500 minus trade in value, if any, of current mower. Funds to purchase will transfer from Unallocated Fund Balance Highway A to DA5130.2 Machinery Purchase Capital Equipment in the amount of \$8,500.00  
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 - Adopted.

**RESOLUTION #63-15**

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, To amend budget 2015, account DB5112.4 Improvement Capital outlay, with additional Revenue from C.H.I.P.S of \$24,556.70, increasing the budget DB5112.4 from original amount of \$100,000 to \$124,556.79 and to Increase DB3501 CHIPS Revenue for Highway by \$24,556.79 (New Total \$124,556.79)  
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 - Adopted.

**New Business:**

- (1)Town Clerk Clark communicated that the new share Town of Yorkshire / Village of Delevan website is now live and fully functional. Web address is <http://www.yorkshireny.org/index.html>
- (2)Annual support for Boy Scouts of America for Village Park Music schedule will be sent out this month, budgeted and paid at same amount
- (3) Supv Spencer communicated a general summary from Attorney regarding Committee's. The committee cannot make decisions, only recommendations. Nor can they directly hire anyone. For future committees, most notably the Recreation Committee, moving forward we will need to insure Board approval on all subject items, giving consideration to Committee recommendations and where it is a joint program, will need both Town and Village approval. In addition, a designated member to be in charge of budget and monitoring adherence to such budget.

**RESOLUTION #64-15**

On a Motion of Supv Spencer, seconded by Coun Walker, it was moved to enter into Executive Session at 8:50 pm regarding a work history of an individual with 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 8:14pm & reopened the regular meeting.

**RESOLUTION #65-15**

On a Motion of Supv Spencer, seconded by Coun George, the following Resolution was resolved, to appoint Coun Hewitt & Coun Walker as members of Transition Committee for Town Justice.

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 #65-15).

**RESOLUTION #66-14**

On a Motion of Coun George, seconded by Coun Walker, the following Resolution was Resolved, that the following claims for payment be approved: General Fund Claims #178-215, in the amount of \$10,033.10, as set forth in General Abstract No. 7, Dated July 20, 2015; Highway Fund Claims #95-115, in the amount of \$135,619.58, as set forth in Highway Abstract No. 7, Dated July 20, 2015; Water Dist #1 Claims #42-45, in the amount of \$658.77, as set forth in Water Dist #1 Abstract No. 7, Dated July 20, 2015; Water Dist #2 Claim #7-8, in the amount of \$120.00, as set forth in Water Dist #2 Abstract No. 7, Dated July 20, 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 Walker, seconded by Coun Fisher, the meeting was adjourned at 8:20pm. Carried unanimously.

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Fred Clark, Town Clerk