

REGULAR MONTHLY TOWN BOARD MEETING - SEPTEMBER 21, 2015 DRAFT

The regular monthly Town Board Meeting of the Town of Yorkshire, for the month of September, was held on Monday, September 21, 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 present were: Fred Clark, Town Clerk; Christopher Lexer, Supt of Highways & Codes Enforcement Officer/Zoning Officer; Larry Groves, Water Commissioner; Jackie Cornwall, Historian; Dawn Breton, Court Clerk.

Also attending the meeting was Casey Dunlap, reporter for the Arcade Herald.

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

RESOLUTION #72-15

On a Motion of Coun George, seconded by Coun Hewitt, the following Resolution was Resolved, that the draft minutes of the August 17, 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:

Disability Education & Awareness for Municipalities training at Niagara University Nov 10, 2015
From Office of State Comptroller, awaiting report from Justices for month of July. Supervisor has Court Clerk working on it.
NYS Dept of Taxation and Finance has confirmed final State Equalization Rate at 17.50%
NYS Dept. of Public Service regarding sponsoring a series of regional informational sessions and public statements regarding proceedings before them for low income programs offered by major electric and gas utilities and a Joint Petition from Time Warner Cable and Charter Communications seeking approval to merge into a new entity call New Charter.
DOT Highway Rehabilitation notice, Route 39, Route 16 Pin 5812.83, D262956, including the previous approved resolution by town, including the adjustment of water valve boxes.

Reports of Committees:

"NONE"

Supv Financial Report:

Supv Spencer presented her Supervisor's Monthly Report for August 2015 & the Town Budget Report for the month of July 2015, prepared by Diane Finch, CPA, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #73-15).

RESOLUTION #73-15

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Supervisor Spencer's Monthly Financial Report for August 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

Town Clerk Clark's monthly financial report for August 2015, in the amount of \$1,961.51, was reviewed by the Town Board.

Justice Heather A. Tomes Monthly Report reviewed in the amount of \$1737.00 with pending bail account of \$1,100.00

Justice Lynn R. Guertin Monthly Report reviewed in the amount of \$7,543 with pending bail account of \$7,550.00

Privilege of the Floor/Public Concern:

Scott Rzepa; Communicated his dissatisfaction with the fact that he has not been able to receive a credit on Town and County taxes from County Real Property. A 1.9 acre vacant parcel had been sold to his children in 2014 and it was initially assessed at \$4,080 (equalization rate of 18%), which he grieved in May 2015, upon which it was reduced by Town Assessor to \$1,080. Mr. Rzepa went on to indicate he did not believe that a vacant parcel of that size should ever have been assessed at that high of a rate in Yorkshire. Supervisor Spencer indicated several times that since the assessment was not grieved during the process and Real Property had denied his claim, that the Town does not have the authority to adjustment or provide any credit for prior year(s). Mr. Rzepa indicated there should be more safeguards or alerts in place to account for such an error and that he was planning to notify the paper regarding his dissatisfaction. Supervisor Spencer, while empathetic to the concern, again reiterated the grievance process.

Gene Tingue addressed the board with in general his concerns over treatment from the County and State Police. While the board did listen to Mr. Tingue comments, the board does not comment nor provide assistance with such matters

Special Orders:

"NONE"

General Orders and Old Business:

Reports of Department Heads:

Joe King /Constable -
No Report

David Cummings/Dog Control Officer -
(No report)

Mary Gilbert/ZBA Secretary -
ZBA will not be holding a meeting in September, as there is no business before them (written report)

Larry Groves/Water Commissioner -

- (1) Requested authorization to place over due water bills on 2015 tax bills (*Note R-74). Noted it will be more real time with the new software in place.
- (2) Route 39 Construction / Road work has made it quite busy. Danny Heineman doing a lot of work, expect billing to come shortly.
- (3) School met with Engineer Mark A. and CCHD Wohlers, found sluce pipe within 7" of a Water Main, concerns for freezing. They are proceeding with the method of correction.
- (4) Thanks given to Chris Lexer, Highway Supt, for sidewalk repair done after a water repair was completed.

Christopher Lexer/Codes Enforcement & Zoning Officer - Written Report (1) Issued 4 Building Permits & 3 Zoning Permit in August with permit fees totaling \$190.00. (2) Attended 32 hours of NYS Codes training at Jamestown the week of Sept 14th.

- (1) A discussion with Coun Walker regarding certain Annual reports and Overall Town Laws ensued. CEO Lexer indicated he had filed any reports required and that any required annual inspections would be completed as time allows. Further discussion surrounding certain forms and if they are still required. It was ultimately agreed to schedule a working meeting / Special Meeting of Town Board to begin a review of all Local Laws. First Meeting to be October 5 at 7 p.m. Clerk Clark instructed to publish legal notice as such. (Note Motion #75-15)
- (2) Supv Spencer discussed the preliminary updates completed on Zoning Laws, after review by Attorney. A Public Meeting / hearing will be scheduled for October 19, 2015 for 7:00 p.m. (Note, Resolution #76-15)

Christopher Lexer/Hwy Supt - Written Report

- (1) Working on Hilliker Road and Keller Road, widening and ditching. (2) Did a project on Weaver Road South, clearing brush, widening and new shoulders to ensure safety of our residents and the motorist. (3) Will begin hauling sand in for the winter months along with getting our equipment ready for winter. Last month it was brought up about the safety concerns for Rt 16 just south of the Kless boys. DOT was contacted and we did a shared services project with them to remove the safety issue.

RESOLUTION #74-15

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, authorizing Water Commissioner Groves to place 2015 water bills delinquent over ninety days onto the appropriate 2015 Town & County tax bills.

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

RESOLUTION #75-15

On a Motion of Coun Walker, seconded by Coun Hewitt, the following Resolution was resolved, to hold a Special Board Meeting on Monday October 5, 2015 at 7 p.m. at Yorkshire Town Hall to begin review of Local laws and any other business before the town. Clerk Clark to have Legal Notice published.

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

RESOLUTION #76-15

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was resolved, to hold a Public Meeting / Hearing on Monday October 19, 2015 at 7 p.m. at Yorkshire Town Hall regarding proposed changes to the Town Zoning Laws. Clerk Clark to have Legal Notice published.

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

RESOLUTION #77-15

On a Motion of Supv Spencer, seconded by Coun Walker, it was moved to enter into Executive Session at 8:02 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 8:40pm & reopened the regular meeting.

New Business:

Court Clerk Dawn Breton asked the board to consider a Motion to support application for JCAP grant for items such as Bullet Proof glass, Lights in Parking Lot and TV Display with DVD for Court purposes. (Note Resolution #78-15)

RESOLUTION #78-15

On a Motion of Coun Hewitt, seconded by Coun Walker, the following Resolution was moved,

WHEREAS, the Town of Yorkshire Justice Court is seeking to file an application to the State of New York Justice Court Assistance Program for needed upgrade of equipment for the Town Justice Court.

NOW, THEREFORE,

BE IT RESOLVED, that the Yorkshire Town Board authorizes the Yorkshire Town Court to submit a Justice Court Assistance Program Grant Application with a "request for \$28,774.02", and to authorize Town Supervisor Marcia Spencer to sign the Application Certification.

VOTE:

Marcia Spencer, Supervisor, Aye
Kenneth Fisher, Councilman, Aye
Tammy George, Councilman, Aye
Teresa Hewitt, Councilman, Aye
Constance Walker, Councilman, Aye

Adopted: September 21, 2015

CERTIFIED BY

M. Fred Clark, Town Clerk

The Town Board reviewed, as per required by Town Law #106, the Tentative 2015 Town Budget.

RESOLUTION #79-15

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was resolved, to accept the 2015 Tentative Town Budget as the 2016 Preliminary Town Budget with the following line changes:

Delevan Fire	(decrease)	\$1000
Add Sign District Appropriation	(increase)	\$15,000
Revenue, Fund Balance & Appropriation Reserve General OV	(increase)	\$15,000

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

The following items are inclusive of Resolution #79-15

(1)WHEREAS, the Fire and Ambulance Contract with a sum of \$32,249 for the year 2015 between the Yorkshire Fire District and the Town of Yorkshire expires on December 31, 2015, and WHEREAS, the Fire and Ambulance Contract with a sum of \$46,000 for the year 2015 between the Village of Delevan and the Town of Yorkshire expires on December 31, 2015.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board tentatively accepts, subject to a Public Hearing on the 2016 Town Preliminary Budget, Improvement & Special Districts, on a Benefit Basis and the Adoption of the 2016 Town Budget in November 2015, the contract renewals for the year 2016 with the Yorkshire Fire District at \$32,249 and the Village of Delevan at \$47,000, for the areas of the Town Fire Protection District that they serve beginning January 1, 2016 and ending December 31, 2016; and **FURTHER, BE IT RESOLVED**, that the town clerk notify the above in writing to see if the above is acceptable to the municipal boards.

(2)To tentatively accept the Town Elected Officials proposed 2016 salaries (Proposed salary schedule inserted into the minutes/Pursuant to Section #108 of the Town Law).

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 #82-15).

RESOLUTION #80-15

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims #250-278 in the amount of \$7,329.78, as set forth in General Fund Abstract No. 9, Dated September 21, 2015; Highway Fund Claims #130-143, in the amount of \$76,894.50, as set forth in Highway Abstract No. 9, Dated September 21, 2015; Water Dist #1 Fund Claims #54-57, in the amount of \$508.04, as set forth in Water Dist #1 Abstract No. 9, Dated September 21, 2015; Water Dist #2 Fund Claim #11, in the amount of \$30.00, as set forth in Water Dist #2 Abstract No. 9, Dated September 21, 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 Walker, the meeting was adjourned at 9:10pm.
Carried unanimously.

M. Fred Clark, Town Clerk

Pursant to Section 108 of the Town Law, the proposed salaries of the following elected Town Officials are hereby specified as follows:

Supervisor -	\$17,856
Council Members (4) -	\$3,565 (each)
Town Clerk -	\$25,000
Highway Superintendent -	\$49,183
Justice #1	\$9,865
Justice #2	\$9,525