

The regular monthly board meeting of the Yorkshire Town Board, for the month of February, was held on February 17, 2016, at the Town Hall located in the Village of 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, Present
Tammy George, Deputy Supv & Council Member, Present
Teresa Hewitt, Council Member, Present

Other Town Officials present were: Fred Clark, Town Clerk; Christopher Lexer, Highway Supt & Codes Enforcement Officer; Larry Groves, Water Commissioner; Robert Steinhaus, Town Attorney, Gwen Bixby and Elaine Stumpf, Delevan Library, Jacqueline Cornwall, Town Historian.

On a Motion of Coun Fisher, seconded by Coun Hewitt, it was moved to dispense with the reading of the draft minutes of the January 11 & January 19, 2016 board meetings. Carried unanimously.

RESOLUTION #10-16

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was, resolved to approve the draft minutes of the January 11 & January 19, 2016 town board meetings as printed. 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 "Proposed Highway Bonding / Financial Securities Law of Town of Yorkshire" was in the Legal Notices of the January 14, 2016 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 7:15 pm by Supv Spencer. No one except the names listed above attended the Public Hearing. Supv Spencer terminated the Public Hearing at 7:20 pm
(*Note R #11-16).

RESOLUTION #11-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, following the Public Hearing conclusion February 17, 2016 at 7:20 p.m. to approve the "Proposed Highway Bonding / Financial Securities Law of Town of Yorkshire", Local Law 1-2016
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

Petitions:

"NONE"

Communications:

Annual Town Clerk Meeting in Saratoga Springs NY. Clerk will not attend

Southern Tier West is setting up Grant Writing Training, in Salamanca for April 19 & 20 at a cost of \$215.00 per person. Contact Fred if interested

Senator Young communication about Real Property Tax Freeze Rebate checks. Checks sent out beginning November 24, but it will take several months before all payments go out due to complexity of process. Residents can check with Dept. of Taxation and Finance or contact her office if further questions.

Tax Freeze inputs for 2016 have been confirmed by NYS

Division of Criminal Justice has confirmed for Constable King for Initial Firearms Safety Course.

Communications, Cont

Cattaraugus County DPW has provided Highway Superintendent with the "Agreement to Spend Town Highway Funds – 2016"

Supv Spencer received copy of communication from County Health Dept, Eric Wohlers, to Pioneer High School Asst. Superintendent Silvaroli, regarding the completion of the Public Water Supply improvement project and encouraging the water utility easement be completed with Town of Yorkshire as soon as possible.

Reports of Committees:

"NONE"

Monthly Financial Reports:

Supv Spencer presented her Monthly Report of Receipts for January 2015 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of December 2014, to the town board for review, and filed the reports with the town clerk (*Note R#xx-16).

RESOLUTION #12-16

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was, resolved that Supv Spencer's Monthly Financial Report for January 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 Justice Lynn Guertin submitted financial summary of finances reported at \$4,821.00 for December 2015 and \$5,019.00 for January 2016

Town Justice Heather Tomes submitted financial summary of finances reported at \$6,275.00 for December 2015 and \$3,944.00 for January 2016

Town Clerk Clark presented photocopies of his monthly financial report for January 2016, in the amount of \$527.00, to the town board for review.

Tax Collector Clark presented photocopies of Tax Collection activities through February 15, 2016, with receipts of \$2,543,386.28 + Interest & Penalties of \$295.08 & withdrawals of \$2,448,276.63, (including payments recvd directly by county in the amount of \$136,197.25) to the town board for review. All payments from Tax Warrant have been completed to Supervisor.

Privilege of the Floor/Residents Time:

No one spoke at this time.

Special Orders:

Elaine Stumpf (Trustees President) and Gwen Bixby (Library Director) presented a review of the 2015 activities of the Delevan-Yorkshire Public Library & answered questions (& the review/report is on file in the town clerk office).

RESOLUTION #13-16

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was, resolved that Supv Spencer be authorized to sign an "Agreement for Services" with the Delevan-Yorkshire Public Library, for the year 2016, with the Town providing operating funds in the amount of \$9,135.00 to help with the cost of providing such services (Complete Agreement on file in the town clerk's office). Payment to be made no later than February 29, 2016, per agreement.

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

Ayes 5 - Nays 0 - Adopted

General Orders & Old Business:Report of Department Heads:

Jacqueline Cornwall - Town Historian Provided a verbal update on her activities and explained the artifact found at Kendor and her plans to print, potentially use as fund raiser. She also reviewed found Wyoming Herald articles and made some suggestions that we might want to consider the upstairs Board Room and a potential future site for locating items of historic significance. She is going to investigate further and come back with proposals, which the Board encouraged her to pursue. Jacqueline will also provide to Clerk a written report to file, timing TBD.

David Cummings - Dog Control Officer -- No Report

Mary Gilbert - Zoning Board of Appeals Secretary (Written report)

(1) The ZBA will not hold a regular February monthly meeting as there is no new business before them.

Larry Groves - Water Commissioner

2 houses are changing over, Tenants moved out, want water shut off. Working on contacting the actual owners to work on switching accounts / final billing to avoid shut offs. Received back the annual application for DOT Work Permit. Going to investigate a process where we might be able to pass a resolution to avoid the permit process in the future, follow up as necessary will come from Commissioner Groves

Christopher Lexer - Codes Enforcement Officer (& Zoning Officer)

- (1) Report provided, 0 permits issued
- (2) Discussed Junk Yard License Renewals and will meet with the junk yard owners prior to the March 21, 2016 board meeting for review of their operations and facilities. Requested that Board agrees to have Town Clerk prepare and send annual renewal letters note R#14-16
- (3) Need the board to consider resolution, per budget, to move \$15,000 from Unallocated General Funds A to B3097.4 Public Safety Contractual for the purposes of purchasing the necessary material for the 911 Signs, pursuant to Local Law 1-2015 and as is approved in Budget 2016 Note R# 15-16
- (4) Written update provided. Have been working on new 911 numbers, conducting yearly fire and safety inspections. Completed 11 inspections thus far, with over 70 business in Town. Continuing inspection of open building permits.

RESOLUTION #14-16

On a Motion by Coun Hewitt seconded by Coun Fisher the following Resolution was resolved that Town Clerk may prepare and send the annual renewal letters, including the Inspection required by Christopher Lexer, for compliance to Local Zoning Laws.

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

Ayes 5 - Nays 0 - Adopted

RESOLUTION #15-16

On a Motion by Coun Hewitt seconded by Coun George the following Resolution was resolved that as included in 2016 budget, transfer of \$15,000 from Unallocated General Funds to Account B3097.4, Public Safety Contractual, for the purposes of purchasing materials necessary for the 911 Sign District, pursuant to Local Law 1-2015.

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

Ayes 5 - Nays 0 - Adopted

Christopher Lexer - Highway Superintendent

Report provided

- (1) Filed the monthly Perpetual Fuel Inventory with Town Clerk for January 2016

New Business:

Annual Town Audit - The Town Board conducted their Annual Audit of the following Town Justices 2015 Financial Records as required by Town Law #123. The Town Board reviewed the financial records and examined the criminal & civil dockets of Town Justice Lynn Guertin and Town Justice Heather Tomes, and that the fines and fees therein shown to have been collected had been turned over to the proper officials as required by town law for the fiscal year 2015. See R# 16-16

Board did Review of Amherst Fracking Law Example provided by Coun Walker. Further information to be provided by Coun Walker for next meeting.

Town Historian; Per Civil Service, there is not a position in that title on record with County. Furthermore, after search by Town Clerk, a prior year resolution could not be found that approved a motion to pay the Historian. It was discovered that the first year any salary was defined for Town Historian was in 1963, prior years had no salary indicated. To correct this with the County, we need a Motion of a resolution to properly address prior years' omission, The Town of Yorkshire shall appoint and employ a paid Town Historian, with annual salary as defined by Town Board, and currently set for 2016 at \$1,172.00 Note R#17-16

RESOLUTION #16-16

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was, resolved to approve the 2015 financial records as presented by the above Town Officials / Justices.
Spencer, Aye; Fisher, Aye; Hewitt, Aye; Walker, Aye, George, Aye.
Ayes 5 - Nays 0 – Adopted

RESOLUTION #17-16

On a Motion by Coun Walker seconded by Coun Hewitt the following Resolution was resolved that Town of Yorkshire, to insure correct historical records, establishes the paid appointed position of Town Historian, with an annual salary as defined by the Town Board and currently set at \$1,172.00 for 2016. Appointment as made in 2016 Organizational Meeting, for Jacqueline Cornwall for 2016
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 – Adopted

Supv Spencer reviewed that the cost of the approved training for Constable Joe King was \$1,460 and that given the fact that the Constable Contractual Account A3120.4 has a budget of \$500, suggest Board consider a motion to move \$1,200 from General Contingency to Constable Contractual A3120.4 to cover the approved expenses for Constable King training. Note R#18-16

RESOLUTION #18-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was, resolved to move \$1,200 from General Contingency to Constable Contractual A3120.4 to cover the approved expenses for Constable King training
Spencer, Aye; Fisher, Aye; Hewitt, Aye; Walker, Aye, George, Aye.
Ayes 5 - Nays 0 – Adopted

RESOLUTION #19-16

On a Motion of Supv Spencer, seconded by Coun Hewitt, it was moved to enter into Executive Session at 7:55 pm to discuss possible litigation 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 8:50pm & reopened the regular meeting.

New Business Cont.

Clerk Clark requested Board to consider a motion with regards to the 5-member Board of Assessment. One appointment has not completed the required Oath of Office, thus is considered then a vacant position. Suggest Board consider to re appoint and Clerk will reach out to gain Oath of Office within the required 30 days. Note R#20-16

RESOLUTION #20-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was, appoint Claire Flannery as a member of the Board of Assessment, with a term of 2 years, term ending September 30, 2017. Additionally, the Board confirms the 2016 Board of Assessment appointments of M. Fred Clark to a 4-year term ending September 30, 2019 and Cheryl Dash to a 3-year term ending September 30, 2018

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

Ayes 5 - Nays 0 – Adopted

Board reviewed the Draft of Yorkshire Rules of Conduct and Decorum for Town Board Meetings. This resolution, if passed would become effective for 2016 and would be reviewed / confirmed during the Annual Organizational Meeting in subsequent years. Note R#21-16

RESOLUTION #21-16

On a Motion of Coun George, seconded by Coun Walker, the following Resolution was, to adopt the Rules of Conduct and Decorum (12A.54) for Town of Yorkshire Board Meetings and Public Hearings. Effective for 2016.

Spencer, Aye; Fisher, Aye; Hewitt, Aye; Walker, Aye, George, 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#17-15).

Pay Claims:

RESOLUTION #22-16

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 #27-63, in the amount of \$37,444.76, as set forth in General Abstract No. 2 Dated Feb 17, 2016; Highway Fund Claims #24-44, in the amount of \$58,760.54, as set forth in Highway Abstract No. 2 Dated Feb 17, 2016; Water Dist #1 Claims #6-13, in the amount of \$1,981.00, as set forth in Water Dist #1 Abstract No. 2 Dated Feb 17, 2016; Water Dist #2 Claim # 2, in the amount of \$60.00, as set forth in Water Dist #2 Abstract No.2 Dated Feb 17, 2016.

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 Walker, the meeting was adjourned at 9:22 pm.

Carried unanimously.

Fred Clark, Town Clerk