

The regular monthly Town Board Meeting of the Town of Yorkshire, for the month of October, was held on Monday, October 17, 2016, at the Town Hall, 82 South Main Street, Delevan, NY.

Supv 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, Present
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; Joe King, Constable; Dawn Breton, Court Clerk

Others present were Laney Hill, Arcade Herald reporter and Peter Sorgi, esq.

Proof of Notice being furnished by the Town Clerk that publication of the Public Hearing for the "2017 Preliminary Town Budget and Improvement Districts on a Benefit Basis" was in the Legal Notices of the October 6, 2016 issue of the Arcade Herald, and that the Public Hearing Notice was posted on the Town Clerks Sign Board, the Public Hearing was call to order at 7:02pm by Supv Spencer. No one except the names listed above attended the meeting, the Public Hearing was terminated at 7:08pm by Supv Spencer (*Note R #103-16).

On a Motion of Coun George, seconded by Coun Fisher, it was moved to dispense with the reading of the minutes of the September 19, 2016 board minutes. Carried unanimously.

RESOLUTION #96-16

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, to approve the draft minutes of the September 19, 2016 Regular Monthly Town Board Meeting as printed. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for September 2016 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of August 2016, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #97-16).

REDOLUTION #97-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that Supv Spencer's Monthly Financial Report for September 2016 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 checks to the Town Supervisor in the amount \$4,513.00 for September 2016.

Justice Lynn Guertin sent checks to the Town Supervisor in the amounts of \$3,830.00 for September 2016

Town Clerk Clark presented his monthly financial report for September 2016, in the amount of \$2,301.51, to the Town Board for review. Coun Hewitt asked how the Credit Card payments are going, Clerk Clark responded with a brief summary of use by residents. All going well.

Court Clerk Dawn Breton asked the board to consider a Motion to support application for JCAP grant for items such as metal detector, video surveillance, chairs, bullet proof glass and parking signs (Note Resolution #98-16)

RESOLUTION #98-16

On a Motion of Coun Walker, seconded by Coun Fisher, 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, including metal detector, video surveillance, chairs bullet resistant glass and parking signs

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 \$24,525.542 ", 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: October 17, 2016

CERTIFIED BY

M. Fred Clark, Town Clerk

Petitions:

"NONE"

Communications:

1. Cohen Law Firm with regards to free review of Cable Company, no action taken
2. Dept of Public Service public hearings scheduled for National Fuel Gas delivery rates, October 26, 2016 at Buffalo & Erie County Public Library
3. Association of Towns 2016 Personnel Management School scheduled for Monday November 14, 2016 in Rochester. Interested Town officials should coordinate with Clerk Clark on registration
4. Supv Spencer read letter sent from Town Attorney to Supv Cornwall in Machias regarding the Lime Lake Sewer District, indicating the Town does not accept offer of full payment or advanced payment and is asking for further documentation including a full map and why alternate routes are not possible. Concern over the sought-after location currently being used for public purpose.
5. Supv Spencer indicated a mediator John Stevens from St. Bonaventure has been appointed with regards to Highway Union contract. Awaiting contact.
6. Supv Spencer reviewed Fiscal Stress report from State indicating Town of Yorkshire is not in fiscal stress and Environmental received a 35% "score", driven largely by aging population and poverty levels.
7. Supv Spencer communicated that each board member had received a copy of response from Peter Sorgi, esq. Coun Walker indicated a desire to read the letter in open session, to which Supv Spencer requested that members read their own copy.
 - a. Coun Walker motioned to read the attorney letters in open session, to which there was no second, motion denied.

Reports of Committees:

"NONE"

Privilege of the Floor/Public Concerns:

No one spoke at this time.

Special Orders:

"NONE"

General Orders & Old BusinessReports of Department Heads:

Joe King/Constable: Nothing to report

Mary Gilbert - ZBA Secretary (Written Report) -

David Cummings/Dog Control Officer -

No report. Supv Spencer indicated no update on enumeration. After some brief discussion, Coun Walker agreed to follow up outside of board meeting with Dog Control Officer on the status.

Reports of Department Heads(cont):

Larry Groves/Water Commissioner -

- (1) Painting completed on water tower. Contractor exceeded expectation and met budgeted costs. Did bleach wash, power sand, double prime and double top coat.**
- (2) New contract for Corr Pro annual water tower inspection has been received for the amount of \$945.00. Requesting Board approval to sign contract (R# 99-16)**
- (3) Comm Groves indicated that last inspection report on water tower showed a need to repair the hydraulic cement seal at base of tower where the metal frame meets the concrete. Expect to either get this done this year or to at least get a silicon seal on it to protect until permanent fix is done. Request Board approval to spend up to \$3,000 for the repair (R#100-16)**
- (4) Comm Groves has been communicating with Town of Ashford on their newly implemented Water District, with inquiries regarding budget matters, training of personnel, etc. He is supporting where he can with information**
- (5) Comm Groves reviewed the 3-year contract proposal from Dan Heineman. It includes a 3% annual increase in pump house support, contractual hourly rates of \$95.00 (up \$5.00) per hour, Back Hoe and Trencher at \$145/hour (up from \$110/hour) w/operator and tapping charge. After some discussion with Board Members, a request for Comm Groves to request a reduced increase in pricing on the contract. The Town has limits on Tax Cap and would like to see if an improved proposal can be obtained. Comm Groves to follow up.**

REDOLUTION #99-16

**On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, Water Commissioner Larry Groves sign and approved the annual water tower inspection contract with Corr Pro in the amount of \$945.00
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 – Adopted**

REDOLUTION #100-16

**On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, Water Commissioner Larry Groves seek quotes and spend up to \$3,000.00 to repair the hydraulic cement area at base of water tower.
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted**

Christopher Lexer/Codes Enforcement & Zoning Officer –

Written report

**Issued Three Building Permits & One Zoning Permits in Sept 2016 with permit fees totaling \$87.50
Coun Hewitt asked Codes Enforcement Officer Lexer how the fire inspections are proceeding and if he had a checklist he uses, since she had come across one during some research. Officer Lexer responded that the inspections were going fine and yes he has a checklist with all the required items.**

Christopher Lexer/Superintendent of Highways -

- (1) Written Report provided. Continuing to do shoulder and ditch work. Also, doing shared services with Village of Delevan. The next month we will be getting ready for the upcoming winter. Coun George advised Supt Lexer of the excellent work done on Delevan Ave with Village and thanked him for the effort.**

New Business:

A Discussion regarding the annual notice to Property owners regarding the removal of snow from sidewalks, it is required that the Town have a local law that requires such, Town Law 130 indicates as such. Supv Spencer reviewed a rough draft of wording for a Local Law as provided by Town Attorney. Once Local Law is established, resolutions to provide for temporary clearing of snow on selected sidewalks can be done, similar to Town of Amherst, per Town Attorney. She is seeking Board approval, if agreed, to have Town Attorney develop the Local Law and have a public hearing on such at the November 21, 2016 Board Meeting at 7 p.m. With Clerk Clark to publish a Legal Notice in Arcade Herald. There were several clarifying questions between board members and Highway Superintendent Lexer regarding ability to work with the Village of Arcade on continued shared service opportunities to enable their continued support of sidewalk clearing during winter months.

RESOLUTION #101-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that Town Attorney develop a draft of Local Law- Sidewalk Maintenance and to schedule a Public Hearing on November 21, 2016 at 7 p.m. to review said proposed law

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

RESOLUTION #102-16

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, that Highway Supt Lexer pursue opportunities with Village of Arcade for mutually beneficial shared service opportunities that would enable continued sidewalk clearing by Village of Arcade during winter months.

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

Supv Spencer asked if the Board was ready to vote on adopting the Preliminary Budget for 2017. Coun Hewitt began by addressing the requested increase in the salary for Town Tax Assessor. Since there was an increase in 2016, both Coun Hewitt and Coun Walker gave input that this should be removed. There was some discussion on this point, but no obvious consensus reached. Coun Hewitt inquired regarding Adult Recreation and the annual support provided to Pioneer Senior Citizens. Clerk Clark communicated that discussions with a member indicated Town of Yorkshire was only municipality providing support and that there were approx. 20% of members from Yorkshire / Delevan. After discussion, it was agreed to leave the amount as is for Adult recreation, but that the actual expenditures will be discussed during approval phase in 2017. Supv. Spencer will also follow up with Office of State Comptroller on the type of support. Finally, Coun Hewitt suggested a modification to the Highway Supt fully paid Health insurance, with current Highway Supt to pay a share. It was reminded to the Board by Supv Spencer and Highway Supt Lexer that previous reductions in costs for the Health Insurance were recognized by the town through a willingness of Supt Lexer to change coverage which also contains higher out of pocket expenses. Coun Walker also supported the idea that the Town should consider a resolution / policy to have a contribution rate for current & future highway Supt. Coun George indicated support to leave as is with fully paid, since Highway Supt Lexer is on call 24 hours a day, and has made efforts to reduce cost to town for this expense already. Supt Lexer also reiterated the savings he has made to his current health insurance and expressed his displeasure at board members for wanting to add even more costs through a % of contribution.

RESOLUTION #103-16

On a motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to adopt the 2017 Preliminary Budget dated September 19, 2016, with no changes, as the 2017 Town Budget (The complete 2017 town budget is on file in the town clerk's office).

Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Nay.
Ayes 4 - Nays 1 - Adopted

With adoption of budget, Supv Spencer requested approval to sign the Yorkshire Fire Dept and Delevan Fire Dept contracts for 2017 (R#104-16)

RESOLUTION #104-16

On a motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, for Supervisor Spencer to sign the Yorkshire Fire Dept. and Delevan Fire Dept. contracts for 2017

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 #105-16).

RESOLUTION #105-16

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims #264-286 in the amount of \$8,359.73, as set forth in General Fund Abstract No. 10, Dated October 17, 2016; Highway Fund Claims #151-157, in the amount of \$30,656.36, as set forth in Highway Fund Abstract No. 10, Dated October 17, 2016; Water Dist #1 Fund Claims #64-68, in the amount of \$4,340.28, as set forth in Water Dist #1 Abstract No. 10, Dated October 17, 2016; Water Dist #2 Claim 11 , in the amount of \$1,000.00 as set forth in Water Dist #2 Abstract No. 10, Dated October 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 Fisher, seconded by Coun George, the meeting was adjourned at 8:30pm.
Carried unanimously.

M. Fred Clark Town Clerk _____