

The regular monthly Town Board Meeting of the Town of Yorkshire Town Board, for the month of December, was held on December 19, 2016, at the Yorkshire Town Hall, 82 Main Street, Delevan, NY.

Supervisor 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, Absent  
Teresa Hewitt, Councilmember, Present

Other Town Officials present were: Fred Clark, Town Clerk; Larry Groves, Water Commissioner.

Also present, Laney Hill, Arcade Herald Reporter.

On a Motion of Coun Hewitt, seconded by Coun Fisher, it was moved to dispense with the reading of the minutes of the November 21, 2016 board meeting. Carried unanimously.

**RESOLUTION #120-16**

On a Motion of Coun Fisher, seconded by Coun Hewitt, the following Resolution was Resolved, to approve the draft minutes of the November 21, 2016 Regular Town Board Meeting, as printed.

Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 - Nays 0 – Absent – 1 Adopted

**Communication:**

Supv Spencer reviewed notice of Public Hearing in Orchard Park on December 29, 2016 regarding expansion of Fire District EMS to include West Seneca, Elma, Aurora, Wales, Holland, Colden, Boston, Hamburg and City of Lackawanna

Supv Spencer reviewed that there were no documented resumes / applications of interest for the Dog Control Officer position. Supv Spencer did get input from Substitute Officer Neamon that he would be interested. Clerk Clark received one call of interest, but nothing official submitted. Supv Spencer indicated that current Dog Control Officer David Cummings was interested in continuing if the board so desired. After much discussion, it was agreed for board to consider options and be prepared to nominate at Organization Meeting on January 4, 2017. Board also to consider alternative approaches to the enumeration process.

Clerk Clark to follow up with Town of Arcade regarding post card mailing process for enumeration, to determine if process might be helpful to Yorkshire enumeration.

**Reports of Committees:**

"NONE"

Monthly Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for November 2016 to the Town Board, and filed the report with the Town Clerk (\*Note R #121-16).

**RESOLUTION #121-16**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Supv Spencer's Monthly Financial Report for November 2016 is accepted as submitted (& is included in the minutes).

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

Ayes 4 - Nays 0 – Absent – 1 Adopted

Justice Reports:

Justice Heather Tomes sent a check to the Town Supervisor Spencer in the amount of \$7,047.00 for the month of November 2016.

Justice Lynn Guertin sent a check to the Town Supervisor Spencer in the amount of \$6,641.00 for the month of November 2016.

Town Clerk Clark presented his monthly financial report for the month of November 2016, in the amount of \$1,097.51, to the Town Board for review.

Privilege of the Floor/Public Comments-Concerns-Questions

"NONE"

Special Orders:

"NONE"

General Orders and Old Business:

Commissioner Groves reviewed the prepared contacts with Danny Heineman for System Support and labor. As agreed previously, contract is for 3 years, with 3% increase annually and hourly rate, emergency rate, detecting, tapping and equipment use charges updated per previous proposal. Termination by either party with proper notice.

Comm Groves requested board to approve and authorize Supv. Spencer to sign contracts.

Note R# 122-16

**RESOLUTION #122-16**

On a Motion of Coun Hewitt, seconded by Coun Walker, the following Resolution was Resolved, that 3-year contract for Water System Support with Danny Heineman be approved and that Supv Spencer sign contract on behalf of Town of Yorkshire.

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

Ayes 4 - Nays 0 – Absent – 1 Adopted

Supv Spencer updated Board on recent meeting regarding Machias Sewer Plans. Agreement has been reached to re-locate the clean out valve in the parking lot, to an area closer to the edge / grass. Highway Supt Lexer would be involved to insure any work done in parking lot was completed to his satisfaction. Still awaiting acceptable language in agreement for future use. Initially language only provided the right to request, Town wants it to be clear that there is an official agreement for future joint use, which would likely also include agreement with Arcade Waste Treatment center.

Reports of Department Heads:

David Cummings/Dog Control Officer - (No report)

Mary Gilbert/Zoning Board of Appeals Secretary - (Written report)  
Will not hold a meeting in December.

Larry Groves/Water Commissioner – 1-Meter Reads completed, Clerk Clark has bills ready to be mailed. 2—contract conclusion with Danny Heineman

Christopher Lexer/CEO -  
Written Report: Issued one Building Permit in November 2016 with fees totaling \$25.00.

Christopher Lexer/Hwy Supt – Written Report.

New Business:

Supv Spencer updated Board that first meeting with Mediator on Wednesday December 21, 2016. Asked Board if they would like town Attorney to attend if his schedule permits Note R# 123-16

**RESOLUTION #123-16**

On a Motion of Coun Fisher, seconded by Coun Walker, the following Resolution was Resolved, Supv Spencer request Town Attorney to be present, if possible, for initial meeting with assigned Mediator regarding Highway Union Contract.

Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 - Nays 0 – Absent – 1 Adopted

Supv Spencer updated board that there are still some remaining efforts and purchases that will be required to complete the 911 Sign District effort approved and budgeted for 2016. She asked the board to consider a resolution move any remaining budgeted funds from 2016 into 2017 Note R# 124-16

**RESOLUTION #124-16**

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, any remaining funds budgeted in Account B3989.4 Other Public Safety for 2016 Sign District be carried over to 2017 to complete the project.

Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 - Nays 0 – Absent – 1 Adopted

Clerk Clark requested approval to use up to 20 hours @ \$9.00 labor support to ready tax bills for mailing on January 1. Clerk Clark to utilize Trever Clark Note R#125-16

**RESOLUTION #125-16**

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, Clerk Clark can utilize support from Trever Clark for up to 20 hours at \$9.00/hour to insure completion of tax bill mailing by January 1, 2017

Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 - Nays 0 – Absent – 1 Adopted

Supv Spencer requested board to consider motion of annual legal notice in paper to residents regarding sidewalk maintenance. Note R 126-16

**RESOLUTION #126-16**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, Clerk Clark to prepare and have published in Arcade Herald, the annual notice to residents regarding Sidewalk Maintenance. Local Law 2-2016 & Town Law #130 requires the owner and occupant of premises abutting on any street where a sidewalk has been laid, to keep the Sidewalk in front of such premises, Free & Clear from Snow & Ice, and upon default thereof the owner of such premises will be liable.

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

Ayes 4 - Nays 0 – Absent – 1 Adopted

Supv Spencer and Council Members discussed the upcoming January meeting schedule and Annual Financial Audit requirements. It was concluded that the Regular Board Meeting will be moved from Monday January 16, 2017 (Martin Luther King Day) to Monday January 23, 2017, beginning at 7 p.m. The Annual Financial Audit of Town Officials will begin following the conclusion of the regular meeting. Legal Notice to be placed in Arcade Herald by Clerk Clark. Note R# 127-16

**RESOLUTION #127-16**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that the Regular Board Meeting will be moved from Monday January 16, 2017 (Martin Luther King Day) to Monday January 23, 2017, beginning at 7 p.m. The Annual Financial Audit of Town Officials will begin following the conclusion of the regular meeting. Legal Notice to be placed in Arcade Herald by Clerk Clark.

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

Ayes 4 - Nays 0 – Absent – 1 Adopted

Supv Spencer had discussion with Zoning Board Secretary Peggy Gilbert, whom has indicated a desire to change 2017 pay to an hourly rate of \$15.00 per hour versus the current annual pay. Board Members to consider this option for Organizational Meeting scheduled for January 4, 2017.

Monthly Audit - All Town Board Member had the opportunity to audit all vouchers (bills, invoiced & statements) submitted for payment and to initial the vouchers (\*Note R #128-16).

**RESOLUTION #128-16**

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 #319-343 in the amount of \$38,221.50, as set forth in General Abstract No. 12 Dated December 19, 2016; Highway Fund Claims #171-184, in the amount of \$43,042.33, as set forth in Highway Abstract No. 12 Dated December 19, 2016; Water Dist #1 Fund Claims #75-79, in the amount of \$682.18, as set forth in Water Dist #1 Abstract No. 12 Dated December 19, 2016; Water Dist #2 Fund Claims #14-15, in the amount of \$718.88, as set forth in Water Dist #2 Abstract No. 12 Dated December 19, 2016.

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

Ayes 4 - Nays 0 – Absent – 1 Adopted

Supv Spencer and Board discussed any year end required payments. Note R# 129-16

**RESOLUTION #129-16**

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, Supv Spencer is authorized to pre-pay any necessary year end expenses as deemed so by Supv Spencer

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

Ayes 4 - Nays 0 – Absent – 1 Adopted

With no further business, on a Motion of Coun George, seconded by Coun Fisher, the meeting was adjourned at 9:00 pm. Carried unanimously.

Fred Clark, Town Clerk