

The regular monthly Town Board Meeting, of the Town of Yorkshire, for the month of July, was held on July 18, 2016, 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, Absent

Other Town Official present were Fred Clark, Town Clerk; Larry Groves, Water Commissioner; Joe King, Constable; Town Justice Lynn Guertin; Town Prosecutor Elizabeth Ensell and Court Clerk Dawn Breton

Also in attendance was Laney Hill from 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 June 20, 2016 Town Board Meeting. Carried unanimously.

RESOLUTION #67-16

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, to approve the draft minutes of the June 20, 2016 Regular Monthly Town Board Meeting as printed / modified.

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

Petitions:

"NONE"

Communications:

DEC has sent Lime Lake Sewer District notice of complete application and tentative approval. DEC is seeking comments on the proposed regulated activity prior to making final decision on permit issuance.

Yorkshire Fire Dept Board of Commissioners has provided Town Clerk with signed, requested budget amounts for 2017. Fire Protection request remained the same as 2016 and the Fire District is requesting an increase of \$800 vs. 2016 budget.

Leadership Allegany and Cattaraugus hosting 4th annual Southern Tier Leadership Summit August 4, 2016

Supv Spencer recognized Joe King, Constable, for successfully completing NYS Initial Course in Firearms and Deadly Physical Force training through the Municipal Police Training Council.

Supv Spencer reviewed information from County Health Dept on notice of one dog and one cat bite and the required quarantine notice sent to owners.

Coun Walker handed out a communication she had developed and sent to Town Attorney.

Committee Reports:

None

Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for June 2016 & the budget report for the month of May 2016, 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 #68-16

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, that Supervisor Spencer's Monthly Report for June 2016 is accepted as submitted (& the report is inserted into the minutes).

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

Town Clerk Clark presented his Monthly Financial Report for June 2015, in the amount of \$2,829.91, to the Town Board for review.

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

Town Clerk provided update to Credit Card transactions usage and January – June Town Clerk Transaction reports.

Monthly Financials from Town Justices were received and on file with Town Clerk. Justice Guertin in the amount of \$6,450.00 and Justice Tomes in the amount of \$7,441.00

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 13th, 2016, as there was no new business before them.

Larry Groves/Water Commissioner –

- 1) With drought, we keep an eye on the well. Have not seen anything of concern yet that would warrant any conservation requests. Will continue to monitor.
- 2) Billing went out smoothly, thus far over 50% have paid. The late date remains the 15th of the following month of the original bill, but since we are getting them out so timely vs. previous system, there is actually increase time for residents to pay.
- 3) Got one application to a resident but have not received back any correspondence on next steps (deposit fee required)
- 4) Supv Spencer indicated she had not seen any updates regarding the ongoing easement with High School, it's in their hands

Christopher Lexer/Codes Enforcement & Zoning Officer -

- (1) Issued Ten Building Permits & Nine Zoning Permits in June 2016 with fees totaling \$1,442.90 Report provided
- (2) Supv Spencer communicated that the Village of Delevan has agreed to pay any associated legal fees to define the necessary contract for the Town of Yorkshire Zoning Board support for Village of Delevan. It will include a cancellation notice effective for both sides and the Village will provide \$500 annual assistance to the Town. Requested a motion to agree to have the Village proceed with this measure. Note see R 69-16 RESOLUTION #69-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to agree to allow the Village of Delevan to proceed with necessary legal efforts to draft contract for the Town of Yorkshire Zoning Board support for Village of Delevan.

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

Ayes 4 – Absent -1 Nays 0 - Adopted

Christopher Lexer/Hwy Supt – Report provided

Surface treating of Block, Vangilder, Creek and Woodard Roads is completed. We are probably ¾ done with patching. We will be paving Worden Road from Route 16 to Block Road soon.

Filed perpetual inventory fuel records for June 2016 with the town clerk.

Supv Spencer Requested Board to consider resolution to move Highway Insurance Recovery revenue to DA 5130.4 Machinery Contractual for the collision repair of F350 Pick up, in the amount of \$3,897.38. Originally paid out of DA5130.4 (note, see Resolution # 70-16)

Supv Spencer Requested Board to consider resolution to amend 2016 Budget to account for the Annual C.H.I.P.S. (\$9,095.61) and PAVE NY (\$24,902.16) allocation received. Adding \$33,997.77 of Budgeted Expenditures to DB 5112.4. Original budget of \$100,000 would be increased to \$133,997.77. Revenue DB3501 to be adjusted by same amount (note, see Resolution # 71-16)

Supervisor Spencer requests that 2015 sale of Used Roller in the amount of \$5,777.00 be moved from Unallocated funds to DA5130.2 Machinery Purchase Capital Equipment. (note, see Resolution # 72-16)

RESOLUTION #70-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to move Highway Insurance Recovery revenue of \$3,897.38 to DA 5130.4 Machinery Contractual for the collision repair of F350, originally paid from DA 5130.4.

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

Ayes 4 – Absent -1 Nays 0 - Adopted

RESOLUTION #71-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to amend budget 2016, account DB5112.4 Improvement Capital outlay, with additional Revenue from C.H.I.P.S of \$9,095.61 & PAVE NY of \$24,902.16, Total of \$33,997.77, increasing the budget DB5112.4 from original amount of \$100,000 to \$133,997.77 and to Increase DB3501 CHIPS Revenue for Highway by \$33,997.77 (New Total \$133,997.77)

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

Ayes 4 – Absent -1 Nays 0 - Adopted

RESOLUTION #72-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to move \$5,777.00 received in 2015 for approved sale of used roller from Unallocated Funds to DA5130.2 Machinery Purchase Capital Equipment.

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

Ayes 4 – Absent -1 Nays 0 - Adopted

Supv Spencer asked Town Justice Guertin if he and Town Prosecutor Ensell and Clerk Breton had something they would like to cover with the Board. Justice Guertin then acknowledged that the Court personnel would like to review with the board any concerns over Prosecutor time / costs and explain the process and constraints currently in place. This is in relation to working to manage with in the current budget.

The Court team then proceeded to review several key facts and factors involved with the proper procedures and efforts of the Court that included efforts to insure processes meet the requirement of the State, insuring the integrity of the Court. Clerk Breton provided information related to the volume of the court activity and indicated that Yorkshire has a significant enough volume that they rank #5 in the County and in the top 500 of over 12,000 courts in the state. There were several clarifying points made between the board and the Court personnel, all of which were done to insure clarity of what the process is and requires and to gain a better understanding of the efforts of the Court personnel. In general, Supv Spencer concluded that the board will support the Court in their efforts and that any budget concerns should be managed timely with the board and reminded the court that in the upcoming budget preparation, to consider any new requirement and insure they can provide proper justification for such.

New Business:

Clerk Clark reviewed the newly developed Key Assignment Log and discussed the installed locked spare key cabinet, located in Town Clerk’s office. This will improve understanding and control of Town Keys.

Cattaraugus County Real Property has sent a revision to Local Law pertaining to the Senior Citizen Exemption. The exemption is based upon an owner being 65 years or older and how much their income is. The adopted law adds to the sliding income and exemption scale

Annual Income	Exemption
\$18,500 or less	50% of assessed value exempt
\$18,501 but less than \$19,500	45% of assessed value exempt
\$19,500 but less than \$20,500	40% of assessed value exempt
\$20,500 but less than \$21,500	35% of assessed value exempt
\$21,500 but less than \$22,400	30% of assessed value exempt
\$22,400 but less than \$23,300	25% of assessed value exempt
\$22,300 but less than \$24,200	20% of assessed value exempt
\$24,200 but less than \$25,100	15% of assessed value exempt
\$25,100 but less than \$26,000	10% of assessed value exempt

If we wish to follow suit, we must amend and approved a resolution to change Local law 1 of 2007 (Providing a partial exemption from taxation to persons 65 years of age or older). Our current law has only a single allowable income of \$18,500 or less for a 50% of assessed value exemption. Note see R 73-16

RESOLUTION #73-16

On a Motion of Supv Spencer, seconded by Coun Walker, the following Resolution was resolved, that Local Law 1 – 2007 of the Town of Yorkshire providing a partial exemption from taxation to persons 65 years of age or older pursuant to the provision of section 467 of the Real Property Tax Law of the State of New York, where current local law allows for an exemption of 50% of assessed value if income is \$18,500 or less to resolve to amend the Annual Income and allowed exemption scale as follows

Annual Income	Exemption
\$18,500 or less	50% of assessed value exempt
\$18,501 but less than \$19,500	45% of assessed value exempt
\$19,500 but less than \$20,500	40% of assessed value exempt
\$20,500 but less than \$21,500	35% of assessed value exempt
\$21,500 but less than \$22,400	30% of assessed value exempt
\$22,400 but less than \$23,300	25% of assessed value exempt
\$22,300 but less than \$24,200	20% of assessed value exempt
\$24,200 but less than \$25,100	15% of assessed value exempt
\$25,100 but less than \$26,000	10% of assessed value exempt

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

Supv Spencer asked Board if they had any knowledge of agreement to support training cost of Robert Hirsch for lifeguard training. There had been an inquiry from Town of Freedom on shared costs. No Board members were aware of any agreement. No action taken, until such time a request is made.

Coun George provided a Youth Rec update. Indicating that there are 80-85 participants daily. New employee Eric Vosburg is doing great. Director Trista Reisdorf also gave feedback to Coun George that all the employees are doing a great. Minor issue with bus schedule, late on a time, Director Reisdorf is working with them to insure correction. Supv. Spencer whom had discussed in advance with board, asked for a motion to approve a salary change for Aquatics Director Jessica Franklin, increasing the approved pay from \$11.75 / hour to \$12.50 / hour. Jessica has been with the town several rec seasons with no pay increase. See R# 74-16

RESOLUTION #74-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to increase the hourly wage of Aquatics Director Jessica Franklin from \$11.75 to \$12.50 per hour.

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

Ayes 4 – Absent -1 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 #75-16).

RESOLUTION #75-16

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 #171-201, in the amount of \$20,323.73, as set forth in General Abstract No. 7, Dated July 18, 2016; Highway Fund Claims #118-126, in the amount of \$191,395.05, as set forth in Highway Abstract No. 7, Dated July 18, 2016; Water Dist #1 Claims #46-52, in the amount of \$3,763.13, as set forth in Water Dist #1 Abstract No. 7, Dated July 18, 2016; Water Dist #2 None

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

Ayes 4 – Absent -1 Nays 0 – Adopted

Clerk Clark communicated that Supv Spencer has completed the Standard Workday and Reporting Resolution for Elected and Appointed Officials. It is a requirement they be posted for 30 days prior to submission to the NYS and Local Retirement system. They were posted beginning July 18, 2016 and placed on website. Need a Resolution to approve the posting and subsequent submission after 30 days. Reporting of standard hours as follows; Supervisor-6, Town Justice(s)-6, Assessor-6, Water commissioner-6, Code Enforcement-6, Highway Superintendent-8

RESOLUTION #76-16

On a Motion of Coun George, seconded by Coun Fisher, it was Resolved that posting of the Standard Work Day and Reporting Resolution for Elected and Appointed Official for the NYS and Local Retirement System be posted in Town Hall and on Town Website for 30 days beginning July 18, 2016, after which Clerk Clark will sign and submit to the NYS and Local Retirement System.

Reporting of standard hours as follows; Supervisor-6, Town Justice(s)-6, Assessor-6, Water commissioner-6, Code Enforcement-6, Highway Superintendent-8

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

Ayes 4 – Absent -1 Nays 0 – Adopted

RESOLUTION #77-16

On a Motion of Supv Spencer, seconded by Coun Walker, it was moved to enter into Executive Session at 8:24 p.m. regarding collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law) with Fred Clark invited to attend the Executive Session.

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

Ayes 4 – Absent -1 Nays 0 – Adopted

Supv Spencer closed the Executive Session at 8:44pm & reopened the regular meeting.

With no further business, on a Motion of Coun Fisher, seconded by Coun George, the meeting was adjourned at 8:45pm. Carried unanimously.

Fred Clark, Town Clerk