

The regular monthly Town Board Meeting, of the Yorkshire Town Board, for the month of May, was held on May 18, 2015, at the Town Hall, 82 South Main Street, Delevan, NY.

Supervisor Spencer called the meeting to order at 7:00pm with the Pledge of Allegiance to the Flag of the USA.

Roll Call:

Marcia Spencer, Supervisor, Present  
Constance Walker, Council Member, Present  
Kenneth Fisher, Council Member, Absent  
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; Dave Cummings, Dog Control Officer (arrived approx. 7:10 p.m., gave report and exited)

Also present was Laney Hill, reporter from the Arcade Herald.

On a Motion of Coun Hewitt, seconded by Coun George, it was moved to dispense with the reading of the draft minutes of the April 18, 2016 regular town board meeting. Carried unanimously.

**RESOLUTION #44-16**

On a Motion of Coun George, seconded by Coun Hewitt, the following Resolution was Resolved, to approve the draft minutes of the April 18, 2016 Regular Monthly Town Board Meeting as printed. Spencer, Aye; Fisher, Absent; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 4 - Nays 0 – Absent – 1 Adopted

COMMUNICATIONS:

Pioneer High School, intent for construction at Delevan Elementary School  
Public Service Commission  
Franchise Fee Update

Reports of Committees:

Coun George report for Youth Recreation; (1) Swim Program will be held at the Pioneer Middle School; (2) Interviews have been conducted and the following are the recommendations of the committee for hire (note see R #47-16). Carolyn Kolasny, Rec Specialist at \$9.00/hour, Jordan Smith Rec Specialist at \$9.00 / hour, Eric Vosburg as Life Guard / Rec Specialist at \$9.00/hour, Noelle Norton, Rec Specialist at \$9.00 / hour, Brent Nourse, Lifeguard / Rec Specialist at \$9.00 / hour. And EMT Kathy Landahl at \$200 for the season (3) Busing quotes were provided and recommendation is for First Student to be awarded the contract (Note R#48-16 and R#49-16)

Monthly Financial Reports:

Supv Spencer presented her Supervisor's monthly report for April 2016 & the budget report, as prepared by Diane Finch, CPA, for the month of March 2016, to the Town Board for review, and filed the reports with the Town Clerk (\*Note R #45-16).

**RESOLUTION #45-16**

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, that the Board had reviewed the Supervisor's monthly report for April 2016 & approves the report as submitted. Spencer, Aye; Fisher, Absent; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 4 - Nays 0 – Absent – 1 Adopted

Town Clerk Clark presented photocopies of his monthly financial report for April 2016, in the amount of \$1,744.36, to the Town Board for review.

Copies of Town Justices Financials were provided. They are on file with the Town Clerk

Tax Collector Clark reported on the Final 2016 tax collection activities, with receipts of \$2,906,118.06 withdrawals of \$2,906,118.06. Final Reconciliation done with County and final payment to Supervisor on May 2 of \$298.86

Coun Hewitt did the required Annual Audit on Tuesday May 10, 2016. Audit was deemed acceptable with no deficiencies noted. Need resolution per Town Law #123 Note R# 46-16

**RESOLUTION #46-16**

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was moved, Whereas, Coun Hewitt had reviewed & audited the 2016 Town Tax Collection Records of Fred Clark, on May 10, 2016 and Whereas, all tax money is collected by Five Star Bank, and Whereas, that therein shown all taxes collected had been turned over to the proper officials as required by Town Law #123, and Whereas, all checks were reconciled each month, and Whereas, a copy of Fred Clark's Annual Settlement with the Cattaugus County Treasurer dated April 7, 2016 was reviewed & audited by the Town Board & is included with the minutes, and Whereas, the Tax Collectors checking account, #630218498, with Five Star Bank showed a \$0.00 balance as of May 2, 2016. Now, Therefore Be It Resolved, that upon the recommendation of Coun Hewitt, the Town Board approves the 2016 Town Tax Collection Records of Fred Clark

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

**RESOLUTION #47-16**

On a Motion of Coun Hewitt, seconded by Coun Walker, the following Resolution was Resolved, that the Board has approved the hiring for the 2016 Youth Recreation as follows; Carolyn Kolasny, Rec Specialist at \$9.00/hour, Jordan Smith Rec Specialist at \$9.00 / hour, Eric Vosburg as Life Guard / Rec Specialist at \$9.00/hour, Noelle Norton, Rec Specialist at \$9.00 / hour, Brent Nourse, Lifeguard / Rec Specialist at \$9.00 / hour. And EMT Kathy Landahl at \$200 for the season

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

**RESOLUTION #48-16**

On a Motion of Coun George, seconded by Coun Walker, the following Resolution was Resolved, that the Board has approved the contracting of First Student to provide bus service required for the 2016 Summer Youth Recreation Program

Spencer, Aye; Fisher, Absent; George, Aye; Hewitt, Abstain; Walker, Aye.  
Ayes 3 - Nays 0 – Absent – 1 Abstain – 1 Adopted

**RESOLUTION #49-16**

On a Motion of Coun Walker, seconded by Coun George, the following Resolution was Resolved, that the Board has approved the signing of the contract of First Student to provide bus service required for the 2016 Summer Youth Recreation Program, once provided and affirmed by Town Attorney

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

**Residents Time:**

No residents outside of Town Officials attended the meeting. It was noted by Supervisor Spencer that Matthew Kujda (originally on Agenda) had requested to reschedule his appearance to a later date. He will contact Supervisor Spencer.

**Special Orders:**

"NONE"

**General Orders & Old Business:**

Board discussed the Amherst Fracking Law example, incorporated into Zoning Laws. After some discussion with respect to the value of use to the Town, it was agreed to table until next meeting to allow for input from Council Member Fisher, whom was Absent.

The board again reviewed the proposed Town of Yorkshire Capital Assets Policy as prepared by Clerk Clark. After a few clarifying questions, it was agreed to adopt the policy as written. Note R# 50-16

**RESOLUTION #50-16**

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, that the Board has approved the adoption of the Town of Yorkshire Capital Assets Policy (Original).

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

Reports of Department Heads:

Mary Gilbert/ZBA Secretary (Written Report) -

No Meeting to be held on May 11, as there is no new business before them.

Joe King / Constable:

- (1) Completed training (2) Currently working in the McKinstry Rd and Gooseneck Rd area for clean-up / review.

Dave Cumming / Dog Control

- (1) Been difficult to find time lately, due to several family issues. (2) 2 dogs last couple months that were lost but owners were found. Amish couple caught a dog and returned it to owner. (3) A dog near Pine St seems to get loose quite often. I harmless dog, friendly. Owner is aware (4) Reiterated the previous months passing of the NYS Dept. of Ag & Market Audit (5) Has followed up on late Dog License renewals from file given by Clerk Clark. All have been called. Clerk Clark will do a refresh after end of May (6) Hoping that this week he can work on finishing the enumeration (Route 16 in Village, South Street and a few other streets in Village)

Larry Groves/Water Com -

(1) Pending new water service request, Old Olean Rd. Application provided, awaiting feedback. This is 2<sup>nd</sup> inquiry for this resident (2) Annual water report completed. Post cards mailed to all customers and uploaded to website. Residents can view on website or contact Clerk or Commissioner for a copy. Resulted in savings of ~\$400.00 by doing it this way vs. sending the full report to all customers. (3) Working with school on a complaint from resident with a residue on their vehicle, which happened when the school used a hydrant during some watering and seeding. Believe this is a school issue, but will continue investigation with the Grounds crew and Superintendent. (4) Using a hydrant without approval / notice is a problem. It made us look for a leak since usage increased. Will consider adding a fee for use to an updated Water Rules, TBD. (5) Still waiting on easement with school. If it does not come soon, then perhaps we should consider to send a bill and request them to put in the back flow prevention and a meter. Will continue to try and follow up.

Christopher Lexer/Codes Enforcement Officer -

Issued 8 Building Permits & Zoning Permits in April 2015 with fees totaling \$832.90. have had a lot of inquiries about permits. Following up on open permits and working on finishing up safety inspections. Also working on the 911 numbers signs with the Highway Department.

Christopher Lexer/Hwy Supt -

1-Spring trash clean up completed as planned in one day this year. Amount looks like around same as last year, totals will be made available for next meeting (2) Filed Perpetual Inventory Fuel Records for April 2016 with the town clerk. (3) started a bank stabilization and rock job on the south end of Weaver Road that should take around a week or so to complete (4) Started hot patching a few roads (5) Hope to be skid paving next week on Creek, Block and Vangilder Roads.

New Business:

Clerk Clark reviewed that Board of Assessment training was completed for himself, Cheryl Dash and Carol Krieger. It was noted that Claire Flannery was not able to attend her scheduled session, thus cannot be considered as a member of the Board. In addition, the Oath of Office has still yet to be signed. It was agreed by Board to have Clerk Clark send a letter to Claire on this subject, Note R#51-16

**RESOLUTION #51-16**

On a Motion of Coun Hewitt, seconded by Coun Walker, the following Resolution was Resolved, that the Board has approved Clerk Clark to send a letter to Claire Flannery to affirm that her position on the Board of Assessment Review has expired due to not completing the training required and lack of oath of office. Spencer, Aye; Fisher, Absent; George, Aye; Hewitt, Abstain; Walker, Aye.  
Ayes 4 - Nays 0 – Absent – 1 Adopted

Supervisor Spencer discussed with Board with regards to the planting on flowers, landscape updates to the front of town hall, as is done annually prior to Memorial Day. Board agreed this is a good project. Coun Hewitt volunteered to assist in planting and if any other Board members are willing to assist can coordinate with Supervisor Spencer. Clerk Clark will follow up with Supervisor Spencer on the budget accounts for said item.

Supervisor Spencer presented to the Board a concept supported by the Village of Delevan, which would allow for the consolidation of the Zoning Board to be a single board for both the Village and Town. Members would still need to apply Village and Town specific laws to each case. Village would contribute money to town in support of this. There were some concerns raised over if members of Zoning Boards would be agreeable to such a consolidation and if it would create an increased level of work and / or confusion. There were discussions of support and concern overall. The Board did agree that this could be a beneficial concept to support and that the next step should be to consult with Zoning Board members to confirm their general position on it before proceeding. To be followed up at next Board Meeting.

**RESOLUTION #52-16**

On a Motion of Supv Spencer, seconded by Coun George, the following Resolution was Resolved, to move into Executive Session at 8:29 p.m. 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, Absent; George, Aye; Hewitt, Aye; Walker, Aye

Ayes 4 – Absent 1 –Nays 0 – Adopted

Supv Spencer closed the Executive Session at 9:07 pm & reopened the regular meeting.

**RESOLUTION #53-16**

On a Motion of Coun Walker, seconded by Coun Hewitt, the following Resolution was Resolved, to move into Executive Session at 9:07 p.m. regarding the cease and desist request received by Town Board. Superintendent Lexer and Clerk Clark did not attend the executive session.

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

Ayes 4 – Absent 1 –Nays 0 – Adopted

Supv Spencer closed the Executive Session at 9:37 pm & reopened the regular meeting.

Upon re-entering the regular meeting, Clerk Clark asked for confirmation that all members had voted aye for the previous executive session, which they confirmed.

Monthly Audit - All Town Board Members present had the opportunity to audit all vouchers (bills, invoices & statements) submitted for payment and to initial the vouchers for payment (\*Note R #47-15).

Pay Claims:

**RESOLUTION #54-16**

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims #112-137, in the amount of \$\$8,274.59 + SL of \$463.98 as set forth in General Fund Abstract No. 5 Dated May 16, 2016; Highway Fund Claims #90-101, in the amount of \$12,663.75 as set forth in Highway Fund Abstract No. 5 Dated May 16, 2016; Water Dist #1 Fund Claims #27-36, in the amount of \$2,714.20 as set forth in Water Dist #1 Fund Abstract No. 5 Dated May 16, 2016. Water Dist #2 Fund Claims #7, in the amount of \$60.00 as set forth in Water Dist #2 Fund Abstract No. 5 Dated May 16, 2016.

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

Ayes 4 – Absent 1 –Nays 0 – Adopted

With no further business, on a Motion of Coun Hewitt, seconded by Coun Walker, the meeting was adjourned at 9:55 pm. Carried unanimously.

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Fred Clark, Town Clerk