

The regular monthly meeting of the Town Board, for the Town of Yorkshire, was held on June 20, 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 USA.

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;

On a Motion of Coun George, seconded by Coun Fisher, it was moved to dispense with the reading of the minutes of May 16, 2016

Carried unanimously.

RESOLUTION #55-16

On a Motion of Coun Fisher, seconded by Coun Walker, the following Resolution was Resolved, to approve the draft minutes of the May 16, 2016 Regular Monthly Town Board Meeting

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

Ayes 5 - Nays 0 - Adopted

Communications:

Review Court Clerk Conference (see R# 58-16)

Where Charter Communications has completed the transaction with Time Warner Cable, will be now known as Spectrum

County sent the contract for Shared Highway Services. Need approval to sign the contract and return to county (see R# 60-16)

Association of Towns Summer Planning and Zoning Schools. Various locations, closest is Batavia. Need motion to approve attendance by interested members (see R# 59-16)

Department of Public Service National Fuel Gas delivery rates public meetings.

Meeting notice from Catt County DPW, Preconstruction meeting Overlay of County Rd 55 (Gooseneck Rd) and Mill and Pave County Rd 101 (Peters Road)

Supervisor Spencer has received the Tentative Equalization Rate, which will be 16.5%

Supervisor Spencer has filed for Unclaimed funds with NYS, communication received that they are reviewing request.

Letter received from Senator Catherine Young's office with regards to number to contact in NYS Taxation for the Tax Freeze Credit checks.

Clerk Clark provided copy of board requested letter sent to Clare Flannery, previous Board of Assessment Review member.

Financial Reports:

Supv Spencer presented her Supervisor's monthly report for May 2016 & the budget reports for the month of April 2016, as prepared by Diane Finch, CPA, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #56-16).

RESOLUTION #56-16

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, that the Supervisor's monthly report for May 2016 is accepted as submitted and is attached to the minutes.

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

Ayes 5 - Nays 0 - - Adopted

Copies of Town Justices Financials were provided. They are on file with the Town Clerk. Justice Lynn Guertin in the amount of \$5,042.00 and Justice Heather Tomes in the amount of \$7,333.00

Town Clerk Clark presented his Monthly Financial Report for May 2016, in the amount of \$2,681.66, to the Town Board for review.

Privilege of the Floor/Public Comments-Concerns-Questions:

Special Orders:

"NONE"

General Orders & Old Business:

Follow up on Fracking with Input from Coun Fisher

Coun Fisher raised concerns over usefulness of a local law if surrounding municipalities do not act in same way. It was reiterated by Supervisor Spencer that NYS currently has a ban in place and that the Dept of Health and Dept of Environmental Conservation have both raised concern that oppose fracking. Coun Walker and Coun Hewitt reminded board that Town Attorney had given an opinion that using the Amherst example would be recommended, as it incorporates it into Zoning. A motion was initially brought by Coun Walker to develop a local law, but was tabled after further discussion about examining prior Town Planning Board efforts to insure alignment. Coun Walker will work with Clerk Clark to review Planning minutes.

Supervisor Spencer communicated that the Delevan Village Board is supportive of the facilitating an arrangement to provide Zoning Board Support from the Town of Yorkshire. The Village is willing to pay towards this, approx. \$500.00, to assist in any added work, legal notice costs, secretary efforts, training etc. Joe Sherwood is already both a Village and Town Zoning Board member and Eric McAfee has indicated desire to be an alternate member. There has been some mutual discussion with Peggy Gilbert, ZBA Secretary. Coun Walker reiterated that sounds like a good idea, but again we want to be sure we don't over burden our volunteers already on the Town Board.

In General, the board feels like it is a good collaboration of efforts. See R#63-16

Reports of Department Heads:

David Cummings/Dog Control Officer - No Report

Mary Gilbert/ZBA Secretary (Written Report)

- (1) The Zoning Board of Appeals did not hold a monthly meeting on June 8, 2016 as there was no new business before them

Larry Groves/Water Commissioner - No Report

Christopher Lexer/Codes Enforcement & Zoning Officer - No Report

Christopher Lexer/Hwy Supt - No Report

New Business:

Town CPA Finch has requested an account change for purchase of our Mini Excavator in January. Need a resolution to code to account H5130.2 rather than DA5130.2. Same amount of \$101,500.00 (see R# 57-16)

RESOLUTION #57-16

On a Motion of Coun Hewitt, seconded by Coun George, the following resolution was, resolved to correct the transfer the \$101,500 in previously approved Statutory Bonds, once received, into account H5130.2, rather than originally motioned account DA5130.2 (see #7-2016) for payment of approved Mini Excavator from Anderson Equipment. Per request from Town CPA Finch
Spencer, Aye; Fisher, Aye; Hewitt, Aye; Walker, Aye, George, Aye
Ayes 5 - Nays 0 - Adopted

RESOLUTION #58-16

On a motion by Coun George seconded by Coun Walker, the following Resolution was resolved, Court Clerk Dawn Breton be approved to register and attend requested training in the amount of \$681.40 (Estimated) Sept 25-28, 2016 in Binghamton NY for NYS Association of Magistrates Court Clerk Fall Conference. Supervisor Spencer is authorized to pre pay registration if required before next board meeting
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

RESOLUTION #59-16

On a motion by Coun George seconded by Coun Fisher, the following Resolution was resolved, to approve attendance for interested member for the Association of Towns Summer Planning & Zoning Schools. Supervisor Spencer is authorized to pre pay this expense as training will be prior to next board meeting.
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

Coun George & Coun Hewitt provided an update on Recreation Program 2016. All areas are being addressed and moving forward. A total of 72 have registered thus far. Bus Contract developed, reviewed by Attorney, completed and signed by First Student and Supv Spencer. All employee documents have been returned, County Permit Application completed. (Note, see R #61-16)

Coun George has a request from a Non Resident to pro-rate the \$200 non-resident fee, where she would be using only 5 of the 6 weeks, approx. 83%. Coun Walker voiced concern over the reduction, since it is felt the fee would be more than fair in either case of 5 or 6 weeks and that of course being a non-resident, the person does not pay town taxes. Supervisor Spencer voiced support for the pro rating if it was a manageable time and did not vary. See R# 62-16

RESOLUTION #60-16

On a motion by Coun Fisher seconded by Coun George, the following Resolution was resolved, that Supervisor Spencer sign before a Notary Public, the 2016-2021 Contract for Shared Highway Services with the County.

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

RESOLUTION #61-16

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that The 2016 Yorkshire Summer Recreation will be held at the Delevan Village Park from July 11th to August 18th. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.

Ayes 5 - Nays 0 - Adopted

RESOLUTION #62-16

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that the pro rating of \$200 Non Resident Fee for 2016 Youth Recreation be approved, where 5 of 6 weeks will be charged at the rate of \$167.00, future activity to be brought before the board again.

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

RESOLUTION #63-16

On a Motion of Coun Fisher, seconded by Coun George the following Resolution was Resolved, that the Town of Yorkshire will proceed with process to enter into a contract with the Village of Delevan to provide Zoning Board of Appeals support.

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

RESOLUTION #64-16

On a Motion of Supv Spencer, seconded by Coun George, it was moved to enter into Executive Session at 7:38 pm 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, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted.

Supv Spencer closed the Executive Session at 7:47pm & reopened the regular meeting.

Coun Walker began open discussion regarding a letter she received from a Peter Sorgi, Attorney referring to her individually and in her capacity as a Town Councilperson regarding a cease & desist order. She indicated awareness that other board members had received copy of such. Supervisor Spencer indicated Town Attorney had communicated to Coun Walker on the subject. Coun Walker communicated that the Town Attorney feels a response to the aforementioned cease & desist order is unnecessary, therefore Coun Walker would like to retain her own attorney and that it is not up to an attorney to decide what is credible and added that harassment and bullying of the board is not acceptable. Supervisor Spencer commented that Coun Walker is requesting approval to use her own attorney with no dollar value established. Coun Walker indicated she has the right to know what she did wrong and to be provided defense. Coun Walker requested that a motion be voted on to authorize herself, Coun Walker, to retain her own attorney to defend herself related to aforementioned cease & desist letter dated April 26, 2016.

RESOLUTION #65-16

On a Motion of Coun Walker, for the Town Board to authorize Coun Walker be given authorization to retain her own attorney to defend herself in the matter of a cease & desist letter dated April 26, 2016, upon which Supv Spencer requested a Roll Call vote.

Spencer, Nay; Fisher, Nay; George, Nay; Hewitt, Aye; Walker, Aye.
Ayes 2 - Nays 3 - **Motion defeated**

Monthly Audit: All Town Board Members had the opportunity to audit all vouchers (Bills, invoices or statements) submitted for payment and to initial the vouchers for payment (*Note R #66-16).

Pay Claims:

RESOLUTION #66-16

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that the following claims for payment be approved: General Fund Claims #138-170, in the amount of \$15,241.81 as set forth in General Fund Abstract No. 6 Dated June 20, 2016; Highway Fund Claims #102-117, in the amount of \$66,076.60, as set forth in Highway Fund Abstract No. 6 Dated June 20, 2016; Water Dist #1 Fund Claims #37-45, in the amount of \$2,997.08 as set forth in Water Dist #1 Fund Abstract No. 6 Dated June 20, 2016; Water Dist #2 Fund Claims #8, in the amount of \$757.95 as set forth in Water Dist #2 Fund Abstract No. 4 Dated June 20, 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 George, seconded by Coun Hewitt, the meeting was adjourned at 8:23pm. Carried unanimously.

M. Fred Clark, Town Clerk