

**REGULAR MONTHLY TOWN BOARD MEETING    NOVEMBER 21, 2016**

The regular monthly Town Board Meeting, of the Town of Yorkshire, for the month of November, was held on November 21, 2016, 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 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, Present

Other Town Officials present: Fred Clark, Town Clerk; Larry Groves, Water Commissioner and Joe King, Constable

Proof of Notice being furnished by the Town Clerk that publication of the Public Hearing for the "Proposed Sidewalk Maintenance Law of Town of Yorkshire" was in the Legal Notices of the November 10, 2016 issue of the Arcade Herald, and that the Public Hearing Notice was posted on the Town Clerks Sign Board, the Public Hearing was called to order at 7:01 pm by Supv Spencer. No one except the names listed above attended the Public Hearing. Supv Spencer terminated the Public Hearing at 7:08 pm  
(\*Note R #106-16).

Supv Spencer communicated that while Local Law makes it the residents responsibility for sidewalk maintenance, the Town of Amherst, passed a resolution where they would on a "Trial Basis" and to the best of their ability to keep up with sidewalk maintenance / snow removal. Supv Spencer suggest the board consider a resolution to do the same and that Highway Supt Lexer has agreed to continue to work with the Town Highway Dept and Village of Arcade to implement this, specifically for Route 39 from Wyoming County line to Route 16 intersection  
(Note\* R#107-16)

**RESOLUTION #106-16**

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, following the Public Hearing conclusion November 21, 2016 at 7:08 p.m. to approve and adopt the "Proposed Sidewalk Maintenance Law of Town of Yorkshire", Local Law 2-2016  
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 - Adopted

**RESOLUTION #107-16**

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, that the Town of Yorkshire will on a Trial Basis only and to the best of their ability to undertake sidewalk maintenance / snow removal on Route 39 from Wyoming County line to Route 16 intersection.  
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 - Adopted

On a Motion of Coun Hewitt, seconded by Coun Fisher, it was moved to dispense with the reading of the draft minutes of the October 17, 2016 town board meeting. Carried unanimously.

**RESOLUTION #108-16**

On a Motion of Coun George, seconded by Supv Spencer, the following Resolution was Resolved, to approve the draft minutes of the October 17, 2016 Regular Monthly Town Board Meeting as printed.  
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 - Adopted

Reports of Committees:

"NONE"

Monthly Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for October 2016 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of September 2016, to the Town Board for review, and filed the reports with the Town Clerk (\*Note R #109-16).

**RESOLUTION #109-16**

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, that Supv Spencer's Monthly Financial Report for October 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 a check to the town supervisor in the amount of \$5,944.00 for the month of October 2016.

Justice Lynn Guertin sent a check to the town supervisor in the amount of \$4,998.59 for the month of October 2016.

Town Clerk Clark presented his monthly financial report for October 2016, in the amount of \$614.02, to the Town Board for review.

Communications:

NYS Association of Towns, Annual Officers Training Notification

Public Service announcement of resources for energy assistance. Clerk Clark will keep in office for referral to resident inquiry

Supv Spencer reviewed County letters regarding 2 dog bites, one on Oct 24, the other on Nov 1.

Supv Spencer had gotten forms from County Economic Development regarding landbanks and is working on completing forms and meeting with town official to identify top 3 blighted areas that might benefit from this potential project. Any ideas from Town Board on the identification of blighted properties to consider is welcome. Communication directly to Supv Spencer.

Supv Spencer has received the annual request from Homeland Security for the Ag project completed in 2006, where they again require a picture. Despite the fact the property has long since been gone, where it was overtaken by the creek erosion, the State input is that forever it must be pictured annual upon the request, even if just taking a picture of the creek itself.

Supv Spencer reviewed ISO Insurance rating, where feedback from ISO was to thank Chris Lexer, Codes Enforcement Officer for the analysis of Codes and Enforcement provided and they classified as Category 1 & 2 residential and Category 4 Industrial.

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

"NONE"

Special Orders:

"NONE"

General Orders and Old Business:

Supv Spencer has reviewed with Association of Towns and donations to organizations such as Pioneer Senior Citizens are allowed by Law. Clerk Clark also provided copies of the membership and expenses provided by the Pioneer Senior Citizen.

Coun Walker indicated attempts to contact DCO Cummings for enumeration update, still awaiting a call back

Supv Spencer had meeting 11/9/16 regarding Lime Lake Sewer District with Engineers, Machias Supv Cornwall, Highway Supt Lexer, Village Superintendent Smith, Village Mayor Stumpf to discuss concerns. Results of meeting were a willingness to move the manhole cover from the parking lot, which would minimize the impact to parking lot. Engineering firm would be contact during the construction phase. Routing line around perimeter of building not feasible due to other property owner's septic placement. Discussion regarding willingness for Town of Machias to agree to cooperate in future if Town had a desire to somehow incorporate into the sewer system. Was stated that Town of Machias would define in writing a form of a Memorandum of Understanding for this. Supv. Spencer is still awaiting the official documentation on this topic.

Water Commissioner Groves updated contract status with Heineman Plumbing. Indications are to remain at the requested 3% increase for a variety of reasons, including the increasing costs of health coverage. After some discussion on the topic, it was agreed to Comm Groves to prepare the draft contract for review for the December meeting, using Town Attorney to prepare said draft of contract. Note R#110-16

**RESOLUTION #110-16**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Commissioner Groves coordinate with Town Attorney develop the draft 3-year contract with Danny Heineman for water system support.

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

Report of Department Heads:

David Cummings/Dog Control Officer – No report

Mary Gilbert/ZBA Secretary - Written Report

Larry Groves/Water Commissioner -

- (1) Presented pictures of the water tank paint touch up and the base work repair done by Town Highway Department. All board members agreed the job was well done and that the Town Highway Team is to be complimented on the extra effort provided. (2) Discussion on a late notification of grant opportunity for Water Fluoridation equipment. After reviewing requirements, it was determined by Comm Groves and Clerk Clark that there was not time to submit. However, actions have been taken to obtain a required State Vendor ID (SFS ID, State Financial System) which is required for being able to submit any grants. Clerk Clark has also begun up front work on gathering necessary demographic information required. Now that we have an account for Grants, we can routinely monitor them going forward for future opportunities

Supv Spencer updated on easement of water lines with School. Concern over easement not being exclusive, emergency access and not having the right to object to use, except building / construction. Supv Spencer is to review with Engineers and provide concerns to Town Attorney for response to School.

Christopher Lexer/Codes Enforcement & Zoning Officer -  
(1) No permits were issued in October 2016

Christopher Lexer/Hwy Supt -  
(1) Written Report provided

New Business:

Clerk Clark requested Board to consider a resolution to authorize the use of Five Star Bank to collect the 2017 Town and County Taxes for the Town of Yorkshire (Note: R #111-16)

**RESOLUTION #111-16**

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that Five Star Bank be authorized to collect the 2017 County & Town Taxes for the Town of Yorkshire. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 – Adopted

Clerk Clark Tax Collector appointment ends December 31, 2016. Board to consider motion to appoint Clerk Clark as Tax Collector for Town of Yorkshire for 2-year term ending December 31, 2018. Note R#112-16

**RESOLUTION #112-16**

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, M. Fred Clark, Town Clerk be appointed as Tax Collector for the Town of Yorkshire for 2-year term expiring December 31, 2018. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 – Adopted

Supervisor Spencer requested Board to consider a resolution to allow her to send the payment to State Retirement in December, prior to Board Meeting, to allow for the reduced rate. (Note: R #113-16)

**RESOLUTION #113-16**

On a Motion of Coun Fisher, seconded by Coun Walker, the following Resolution was Resolved, That Supervisor Spencer be authorized to pre-pay and send the annual State Retirement payment in December to allow for the reduced rate and prior to next scheduled Board meeting Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 - Adopted

Town Board reviewed upcoming monthly calendar. Discussion to consider resolution to schedule the January Re-Org Meeting for Wednesday January 4, 2017 at 7 p.m. (Note: R# 114-16)

**RESOLUTION #114-16**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, to make notice and schedule the January Re-Org meeting for Wednesday January 4, 2017 at 7 p.m. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 – Adopted

Clerk Clark reviewed the developed Limited English Proficiency Self-Assessment and the Language Access Plan, both of which are required by Federal Law for recipients of loans through the USDA Rural Development (Town Water Loans). In addition, Clerk Clark also reviewed the use of Language Line account that will be used as required for interpreter requirement's. There is no fee unless the service is used. A motion requested to adopt the procedure Note R# 115-16

**RESOLUTION #115-16**

On a Motion of Coun Walker, seconded by Coun George, the following Resolution was Resolved, to adopt the developed Limited English Proficiency Self-Assessment and the Language Access Plan and use of Languageline.com account for Interpreter services where required  
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 – Adopted

Supervisor Spencer requests the following budget amendments to be made.  
Increase Grants A2706 \$6747.99 and Increase Court Contractual A1110.4 \$6,747.99 to support the expenditures made by court through the JCAP Grant.

Increase Credit Constable Contractual A3120.4 \$1,500, to be funded from Unassigned Appropriated Fund Balance

Decrease Constable PS A3120.1 \$2,000 and Increase Constable Contractual A3120.4 \$2,000 to support previously approved training required and purchase of protective equipment. Note R#116-16

**RESOLUTION #116-16**

On a Motion of Coun Hewitt, seconded by Coun Walker, the following Resolution was Resolved, to amend budget as follows Increase Grants A2706 \$6747.99 and Increase Court Contractual A1110.4 \$6,747.99. Increase Constable Contractual A3120.4 \$1,500.00, to be funded from unassigned appropriated Fund Balance. Decrease Constable PS A3120.1 \$2,000 and Increase Constable Contractual A3120.4 \$2,000  
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 – Adopted

**RESOLUTION #117-16**

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was made Resolved, to move into Executive Session at 8:08 pm to discuss employee history. Clerk Clark was invited to attend.  
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Nay.  
Ayes 4 - Nays 1 - Adopted

(Supv Spencer closed the Executive Session at 8:28 pm & reopened the regular meeting)

**RESOLUTION #118-16**

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was made Resolved, for Clerk Clark to advertise for the position of Dog Control Officer for the Town of Yorkshire with interviews to be scheduled for Board Meeting of December 19, 2017. Interviews to be scheduled to start at 7:30 p.m.  
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.  
Ayes 5 - Nays 0 - Adopted

Audit - All Town Board Members present had the opportunity to audit all vouchers (bills, invoices or statements) submitted for payment and to initial the vouchers (\*Note R #119-16).

**RESOLUTION #119-16**

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims #287-318, in the amount of \$31,179.43 as set forth in General Abstract No. 11 Dated November 21, 2016; Highway Fund Claims #158-170, in the amount of \$24,556.03 as set forth in Highway Abstract No. 11 Dated November 21, 2016; Water Dist #1 Fund Claims #69-74, in the amount of \$1,645.55 as set forth in Water Dist #1 Abstract No. 11 Dated November 21, 20156 Water Dist #2 Fund Claim #12-13, in the amount of \$495.00, as set forth in Water Dist #2 Abstract No. 11 Dated November 21, 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 Hewitt, seconded by Coun Walker, the meeting was adjourned at 8:30pm.  
Carried unanimously.

-----M. Fred Clark, Town Clerk