

A special meeting of the Yorkshire Town Board was held on January 4, 2017, at the Town Hall, 82 South Main Street, Delevan, NY

Supervisor Spencer called the meeting to order at 7:00 p.m.

Supervisor Spencer then led 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, arrived 7:08 p.m.

Tammy George, Deputy Supv, Council Member, Present

Teresa Hewitt, Council Member, Present

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

Communications: none

Special Orders:

Supervisor Spencer made the following Town Appointments;

1-Deputy Town Supervisor: Tammy George

2-Town Historian: Jacqueline Cornwall

3-Budget Officers: Marcia Spencer & Fred Clark

Supervisor Spencer reviewed that she has provided all required employees with the paperwork for capturing hours worked which is necessary for State Retirement records submission.

Resolution #1-16

RESO: That the regular monthly Town Board Meeting shall be held on the third Monday of each month at 7:00 p.m., beginning March 2016, unless a change is required and confirmed during a previous month. January meeting will be January 23, 2017 beginning at 7 p.m. and will include the Annual Audit of Financial Records, February meeting will be Wednesday February 22, 2017 at 7 p.m.

RESO: That the Town Planning Board will meet on an as needed basis, the third Thursday of the month at 7 p.m.

RESO: That the Zoning Board of Appeals will meet on an as needed basis, the second Wednesday of the month at 7 p.m.

RESO: That the Five Star Bank, Yorkshire and the M & T Bank, Delevan will be the depositories for the Town of Yorkshire and that all town officers deposit said funds in said Banks of all money that shall come into their hands by virtue of their respective offices.

RESO: That the Town Board has reviewed the Town of Yorkshire Investment Policy adopted June 10, 1991 and amended June 13, 1994 with Motions #67 & #68 and updated 12/11/95, and amended June 14, 1999 with Motion #75, and amended December 9, 2002 with Motion #157, and amended/updated 12/28/05 with Motion #171 and amended March 21, 2016 with motion #27-16 approves that Investment Policy for the year 2017.

RESO: That the Town Board has reviewed the Procurement Policy Resolution adopted April 13, 1992 and approves the Policy for 2017.

RESO: That the Town Board has reviewed the Rules of Conduct and Decorum adopted February 17, 2016 R#21-16 and approves for the year 2017

RESO: That the Bond for the Town Supervisor and the Tax Collector be set at \$250,000.00 USD and all others who by law are required to have same be set at \$50,000.00 USD.

RESO: That the Supervisor be authorized to pre-pay credit charge accounts, health insurance bills, utility bills, annual state retirement system contribution invoice, purchased town postage for Town Officials, and American Rock Salt due to their ten-day policy.

RESO: That the Town Board will not require claimant's certification signatures if there is a bill of sale or invoice (statement) for merchandise delivered to the Town

RESO: That the Arcade Herald, Inc. will be the official town newspaper.

RESO: That the mileage rate to be paid Town Officials shall be fixed at 40 cents USD per mile

RESO: That the Town Officials shall be reimbursed for reported mileage for personal vehicle use to carry out town business (inside or outside) the Town of Yorkshire.

RESO: Highway Department Collective Bargaining; No new contract-wages and salaries are continuation of old

RESO: That the following receive paid Health Insurance Coverage: The Highway superintendent (Christopher Lexer, and wife) Blue Cross & Blue Shield Platinum; Assessor Robin Pearl included as a receivable (she is responsible for payment)

That the Town Supervisor be authorized to approve expenditures, not exceeding \$1000.00 USD (unless an emergency), without prior approval of the Town Board

RESO: That the Supt of Highways be authorized to purchase necessary equipment and tools and implements, not to exceed \$6000.00 USD, without prior approval of the Town Board (unless an emergency and with approval of the Town Supervisor)

RESO: That the Supt of Highways is authorized to only order / purchase Diesel Fuel from a supplier with State Bid Pricing Contract (Also make a request to supplier to deliver Gasoline at the State Bid Price)

RESO: That the Water Commissioner be authorized to approve Water District expenditures in the amount not to exceed \$1000.00 USD, without prior approval of the Town Board (unless an emergency and with the approval of the Town Supervisor)

RESO: That the following Town Officials (Town Clerk / Assessor / Town Justices / Code Enforcement Officer / Town Historian / Zoning Board Chairperson) be authorized to purchase necessary office equipment & supplies (or repairs), not exceeding \$500.00 USD, without prior Town Board approval, while within years' budget appropriation limits (unless an emergency and with the approval of the Town Supervisor)

RESO: That the 2017 Annual Salary for Town Clerk M. Fred Clark be \$25,000.00 USD

RESO: That M. Fred Clark is the Town Registrar for 2017 with annual pay of \$50.00 USD

RESO: That M. Fred Clark be appointed Local Records Management Officer for 2017

RESO: That the 2017 annual salary for Highway Supt Christopher Lexer be \$49,183.00 USD

RESO: That Christopher Lexer be appointed Codes Enforcement Officer (& Zoning Officer) at the pleasure (or will) of the Town Board and at an annual salary of \$13,250.00 USD

RESO: That a Hwy Supt Bookkeeper, to be recommended by Superintendent Lexer, with a term at the pleasure (or will) of the Town Board, and at an annual salary of \$570.00 USD, will remain vacant until such time an appointment consideration is made

RESO: That the 2017 annual salary for Justice Lynn Guertin (Justice 1) be \$9,865.00 USD and the annual salary for Justice Heather Tomes (Justice 2) be \$9,525.00 USD

RESO: That Dawn Breton be appointed Court Clerk with maximum of 28 hours of work per week, with pay at \$14.50 per hour

RESO: That Elizabeth Ensell be appointed Town Prosecutor, with a term at the pleasure (or will) of the Town Board and with up to five hours per month (if needed), with pay at \$100.00 USD per hour.

RESO: That Robin A. Pearl is Town Assessor with an annual salary of \$19,550.00 USD for 2017.

That annual pay for Board of Assessment Review Members is \$100.00 USD

RESO: That Larry Groves be appointed District #1 & District #2 Water Commissioner, with a term at the pleasure (or will) of the Town Board, with an annual salary of \$6,720.00 USD for Water District #1 and an annual salary of \$213.00 USD for Water District #2.

RESO: That M. Fred Clark be appointed Bookkeeper for Water District #1 & Water District #2 for the year 2016

RESO: That Diane Owens be appointed Water District #1 & Water District #2 Water Meter Reader, with a term at the pleasure (or will) of the Town Board and pay at \$12.36 USD per hour. (Estimated 80 hours per year)

RESO: That DiFillippo, Flaherty & Steinhaus, P.C., East Aurora, NY, be appointed Attorney for the Town for 2017, on an Agreement at \$100.00 USD per hour for regular Attorney Service rendered and \$125.00 USD per hour for Attorney Court Service rendered, with the Town Supervisor, Marcia Spencer the Town Liaison with the Law Firm.

RESO: That any Town Official be authorized to contact (& or work) with the Attorney for the Town when deemed necessary

RESO: That the Town Board hereby agrees to defend, indemnify and hold harmless, officers and employees of the Town of Yorkshire, and to be held liable for all costs incurred as a result of the same, pursuant to Section 18 of the Public Officers Law of the State of New York, provided that the officer and/or employee has fully complied with the requirements of Subdivision 5 of Section 18 as it presently exists, or may hereafter be amended

RESO: That Carol Krieger, be re-appointed to a five-year term (thru Sept 30, 2021, as a member of the Town Board of Assessment Review

RESO: That Jamie Fronckowiak, be appointed Chairman of the Zoning Board of Appeals, Chairmanship term at the pleasure (or will) of the Town Board for 2017

RESO: That Jamie Fronckowiak, be re-appointed to a five-year term (thru Dec. 31, 2021) as a member of the Zoning Board of Appeals

RESO: That Gregory Brooks, be re-appointed to a five-year term (thru Dec. 31, 2021) as a member of the Town Planning Board

That Mary Gilbert be appointed as Secretary of the Zoning Board of Appeals, with a term at the pleasure (or will) of the Town Board, at an hourly rate of \$15.00

RESO: That Planning Board Members & Zoning Board of Appeals Members can carry over up to two hours in excess of the yearly required four training hours for training credits for next years

RESO: That Joseph King be appointed Regular Town Constable, with a term at the pleasure (or will) of the Town Board, with an annual salary of \$1,220 USD

RESO: That Joseph King be appointed Town (Court) Constable, with a term at the pleasure (or will) of the Town Board, and with pay at \$11.40 USD per hour (Estimated at \$3,000.00 USD annually)

RESO: That Robert McNally be appointed as substitute Court Constable / Bailiff, and with pay at \$11.07 per hour.

RESO: That David Cummings be appointed Dog Control Officer, with a term at the pleasure (or will) of the Town Board, and with annual salary of \$3,857.00 USD

RESO: That Joseph Neamon be appointed Substitute Dog Control Officer, with a term at the pleasure (or will) of the Town Board, to be paid on an as required basis with an hourly salary of \$11.00 per hour.

RESO: That Diane R. Finch, CPS, be appointed Supervisor Bookkeeper, with a term at the pleasure (or will) of the Town Board, with annual salary of \$8,189 General, \$1133 Water District 1 & \$103 Water District 2; Totaling \$9,425.00

RESO: That the Town Historian, Jackie Cornwall, will receive an annual salary of \$1,172.00 USD

RESO: That Michelle Kolasny & Donna Lavery & Tammy George be appointed Youth Commission Members for 2017

RESO: That Robin Meyer be appointed Town Hall Custodian, with a term at the pleasure (or will) of the Town Board, pay at \$9.90 USD per hour (Estimated at 4 hours per week)

RESO: That all Bank Return Checks are subject to a \$20.00 USD fee

RESO: That the Tax Collector is authorized to charge no fee per required mailing of unpaid County & Town Tax bill notices the first week of March

RESO: That the Town fee is \$0.25 USD per page for all requested copies of Town Records, material, etc.

RESO: Town Officials will need prior approval from the Town Board (or Town Supervisor) to attend any convention, conference or school that expenses will require reimbursement with a submitted claim (General Municipal Law #77-b)

RESO: That the maximum amount allowed per meal is \$15.00 USD

RESO: The Town Board will not approve the payment of any Sales Tax submitted for payment

RESO: That the following is the schedule for building and zoning permit fees for the year 2017

1) Building & Zoning fees are \$.025 USD per square foot (all commercial projects and residential, private garages, additions, porches, decks, gazebos & etc.) and a maximum fee limit of \$100.00 USD for building & zoning permits pertaining to roof structures / shelters / etc over 500 square feet.

2) Residential storage building, sheds, pole structures, utility buildings & etc.;

1-250 square feet	\$37.50
251-500 square feet	\$75.00
501 square feet or more	\$0.15 per square feet Subject to Local Law \$2 - 2006

3) All regular signs \$3.25 USD per square foot. (Temporary sign permits / good for a 60-day period / \$15.00- if qualifying as a Non-Profit Organization / No Fee

4) Solid fuel permits \$25.00 USD

5) Swimming pool permits (above ground \$25.00 USD / in ground \$50.00 USD

6) Change of use permits \$100.00 USD

7) Building permit extensions is 50% of the original fee for a three (3) month extension (One extension permitted / Subject to Codes Enforcement Officer determination)

8) Structural change or alteration (area effected 250 square feet or less fee is \$37.50 USD. Over 250 square feet fee is \$0.15 USD per square foot

9) Late filing fee \$100.00 USD plus cost of required permit

10) Inspections where no permit was issued \$25.00 (example: inspection of illegally installed wood stove)

11) Chimney inspections \$25.00 USD for each chimney (If result of fire / hardship, then fee is waived)

12) Water well permit fee is \$50.00 USD

13) No charge for qualifying agricultural related permits

14) A fee of \$25.00 USD will be charged for any demolition permit (Subject to Codes Enforcement Officer determination)

15) A Building Codes Non-Structured Roof Replace Permit fee is \$25.00 USD

(All building permit fees are 70% and zoning permit fees are 30% of total except signs which are \$1.25 USD cost per square foot for building permit fees and \$2.00 USD per square foot for zoning permit fees)

After Motion by Coun Fisher, seconded by Coun George, the above resolutions were moved. R #1-16

Spencer, Aye, Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Nay. 4- Aye, 1 Nay. Coun Walker indicated Nay vote a result of Paid Health Ins. Coverage for Highway Supt Lexer.

**RESOLUTION #2-16**

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was moved R#2-16

RESO: Parliamentary procedure will be up to the town Board.

RESO: Any board member can move or second motions, resolutions, local laws or ordinances.

RESO: Minutes of previous meeting will be mailed or emailed to board members prior to board meeting

RESO: Any Board Member present any issue will file with Town Supervisor seven (7) days prior to meeting to be included on agenda for discussion.

RESO: A person must be on the agenda to be recognized to speak on a specific item at the board meetings

RESO: People may speak during Privilege of the Floor / concerning their comments / concerns / questions with a three-minute time limit (or at the discretion of the Town Board).

RESO: People may speak at Public Hearings with a three-minute time limit per person (or at the discretion of the Town Board)

RESO: Agenda to be mailed or emailed to board members prior to board meetings by Town Clerk.

RESO: All board meetings are open to public except “Executive Sessions” that may be held to discuss only as follows;

- A. Matters which will imperil the public safety if disclosed
- B. Any matter which may disclose the identity of a law enforcement agent or informer
- C. Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed.
- D. Discussions regarding proposed, pending or current litigation.
- E. Collective negotiations pursuant to Article 14 of the Civil Service Law.
- F. The medical, financial, credit or employment history of a particular person or corporation, nor matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
- G. The preparation, grading or administration of examinations.
- H. The proposed acquisition, sale or release of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body out when publicity would substantially affect the value thereof.

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

Coun Walker discussed a desire to have Town Attorney attend at least one meeting early in the year, similar to 2016, to review / update duties and other topics determined useful to Board. See R# 3-17

Supv Spencer communicated that there were no complaints for discussion for 2016.

There was also some discussion on the topic of frequency of attendance and updates from Dog Control and Code Enforcement. This was agreed to be tabled and discussed at subsequent meetings.

Coun Hewitt reminded Board about lack of updates and follow up from Dog Control. Subsequently Coun George indicated a discussion had been had with Dog Control Officer Cummings, indicating a willingness to attend meeting for updates or to give a written update. He would work with Clerk Clark on this if needed. Generally, the board agreed to proceed and continue to monitor the concerns

**RESOLUTION #3-17**

On a Motion of Coun Walker, seconded by Coun Hewitt, the following Resolution was Resolved, to have Supv Spencer request Town Attorney to attend next available Town Board meeting, preferably March 20, 2017, to do annual review of duties and other topics of interest to the board.

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

Ayes 5 - Nays 0 – Adopted

Supv Spencer reviewed the Machias Sewer Project update with Board. In summary, the Memorandum of Understanding still lacks the confirming language to allow for future use, indicating only if State and Funding agencies agree. Board did not agree to current wording and has asked Supv Spencer to request an update in language from Machias. Supv. Spencer indicated that Town Attorney also had similar concerns over this language.

Supv Spencer requested the board to consider a motion to enter Executive Session regarding collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law)

**RESOLUTION #4-17**

On a Motion of Coun Hewitt , seconded by Coun Fischer, it was moved to enter Executive Session at 8:02 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, Aye; Walker, Aye.

Ayes 5 Nays 0 – Adopted

Supv Spencer closed the Executive Session at 8:40 p.m.

With no further business, on a Motion of Coun George, seconded by Coun Walker, the meeting was adjourned at 8:41 p.m.

-Carried Unanimously

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M. Fred Clark, Town Clerk