

REGULAR MONTHLY TOWN BOARD MEETING - JANUARY 23, 2017

The regular monthly board meeting of the Yorkshire Town Board, for the month of January, was held on Monday, January 23, 2017, at the Town Hall, 82 South Main Street, Delevan, NY. At 7:00 p.m.

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

Roll Call:

Marcia Spencer, Supervisor, Present,
Constance Walker, Council Member, Absent, arrived 7:02 p.m.
Kenneth Fisher, Council Member, Absent, arrived 7:05 p.m.
Tammy George, Deputy Supv & Council Member, Present
Teresa Hewitt, Council Member, Present

Other Town Officials present were M. Fred Clark, Town Clerk; Larry Groves, Water Commissioner; Dawn Breton Court Clerk and Joe King, Constable
Also in attendance, Caleb Henning from MDA Engineering, representing the Machias / Lime Lake Sewer District Project

On a Motion of Coun George, seconded by Coun Hewitt, to dispense with the reading from the last board meetings of Dec. 19, 2016 and January 4, 2017. Carried unanimously (*Note R#5-16).

RESOLUTION #5-17

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was, resolved to approve the draft minutes of the December 19, 2016 & January 4, 2017 Regular and Special Town Board (Organizational Meeting).

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

Communications:

Association of Towns sent Information of request of any named Town Official to attend the Annual Meeting in New York City. No conclusion to send. Information in Clerk's Office

Supv Spencer reviewed letter from Association of Towns encouraging participation

Supv Spencer reviewed communication for Catt County Health Department requiring follow up of some documentation from Danny Heineman. Deadline was January 15, 2017. Larry Groves indicated he will follow up with Danny

Southern Tier West, training for Powers and Duties of Officers. Coun Hewitt and Coun Walker has provided registration. Others have until early February to confirm with Clerk Clark.

Clerk Clark provided communication from Homeless Services Program Manager with Catt County Community Action. January 25 there will be a Point in Time (PIT) Count to assess the number of unsheltered individuals and families in the county. Two people covering they are David McCready and Dave Spencer, both employees of Catt Community Action, beginning around 5: a.m. Contact Jane Folts Program Manager with any inputs that would be helpful.

Reports of Committees: "NONE"

Monthly Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for December 2016, Supervisors Cash Receipts Report & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of November 2016, to the Town Board, and filed the reports with the town clerk (*Note R#6-17).

RESOLUTION #6-17

On a Motion of Coun Hewitt, seconded by Coun George, the following resolution was, resolved that Supv Spencer's Monthly Financial Report & Cash Receipts Report for December 2016 is accepted as submitted (& is included in the minutes).

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

Town Clerk Clark Monthly Financial Report for the month of December 2016, in the amount of \$981.05, was reviewed by the Town Board.

Town Clerk Clark also presented the status of Tax Collection for 2017. Collections through January 19 were \$845,250.49 with \$528,608.24 being disbursed to Supv to date.

Justice Reports:

Justice Heather Tomes sent a check to the Town Supervisor Spencer in the amount of \$5,706.00 for the month of December 2016.

Justice Lynn Guertin sent a check to the Town Supervisor Spencer in the amount of \$6,441.00 for the month of December 2016.

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

"NONE"

Special Orders:

"NONE"

General Orders and Old Business:

Clerk Clark provided an update on requested follow up on Dog Enumeration mailing example from Town of Arcade. Cost for up to 2,500 mailing would be \$0.39 per, including the mailer and postage. They would get mailed to all and response requested to identify both current dog licensed owners and those whom require one. The Town of Arcade said they had good success with the residents coming forward. They would still do a door to door at some point also. Coun Hewitt inquired as to what has been done before, to which Supv Spencer indicated that in previous years the Town hired someone just for enumeration and/or paid separately the Dog Control Officer. Coun Walker indicated she thought the idea had merit to proceed, as did Coun Hewitt, whom also asked about how we would keep track of response. Clerk Clark indicated that he would need to reach out to the company providing the mailing to understand if a data base or file of some sort is provided to aid in response coordination management. See R#7-17

RESOLUTION #7-17

On a Motion of Coun Walker, seconded by Coun Fisher, the following resolution was resolved that Clerk Clark proceed with coordination of a Dog Enumeration Mailing process, contingent on his agreement with the ability to access data compilation of the mailing locations.

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

Supv Spencer requested Caleb Henning to provide an update on the Machias Lime Lake Sewer District as it relates to the Town of Yorkshire. In summary, he presented that the revised MOU has removed the condition of funding agency approval, as requested. In addition, as previously communicated the clean out drain is being moved off parking lot to a grassy area. In addition, all pipe possible will be done with directional drilling to minimize the disruption. This includes awareness of the septic to be kept intact. Coun Hewitt asked who is responsible for repair and is the process documented during the project. Supv Spencer indicated that by written agreement the Town of Machias is responsible for one year for repairs related to the initial installation. Caleb indicated that all during the construction process that work is documented and pictures taken of before and after. He also encouraged the Board to have pictures taken on their behalf as well. Coun Walker inquired as to how much ongoing maintenance could be expected to which Caleb indicated that for this area would be only periodic flushing, which would happen at the clean outs. Caleb reiterated to Supv Spencer and the Board that given the engineered ability to tie in other areas to the Sewer District, Yorkshire is being very forward looking in insuring the agreement is appropriate to allow for such. Coun Walker praised Supv Spencer on her efforts to insure the effectiveness of the Memorandum of Understanding.

It was concluded that Caleb Henning will provide an updated drawing of the easement showing new placement of clean out and that the MOU provided should be updated with a Signature page for both Machias and Yorkshire. Once these are provided the Board intends to proceed with approval.

Supv Spencer provided an update on the water easement with the Pioneer Central School District, which has been updated to include accessibility without notice where required and other points requests by Town. Comm Groves agreed the updated easement was acceptable to him. Updated Easement approved, see R#8-17

RESOLUTION #8-17

On a Motion of Coun Hewitt, seconded by Coun George, the following resolution was resolved that the Pioneer Central School District Easement be approved and signed by Supv Spencer
Spencer, Aye; Fisher, Aye; Hewitt, Aye; Walker, Aye, George, Aye
Ayes 5 - Nays 0 – Adopted

Reports of Department Heads:

David Cummings/Dog Control Officer -
(1) No Report

Mary Gilbert/ZBA Secretary - (Written report)
(1) ZBA canceled January meeting as there was no new business before them.

Larry Groves/Water Commissioner -
(1) Reviewing Perm 1 vs. Perm 32 application for Permits with State Dept. of Transportation. Perm 32 is annual, Perm 1 is not. He will determine how to proceed (2) Spoke to Chris Lexer on ideas of how to spend the unencumbered reserve we have. One possibility he would like to explore is to get either a permanent or portable generator to support at pump hose and Emergency Operations Center at Highway Garage. Coun Hewitt and Coun Walker had some inquires on cost and concept. In general, agreed to proceed in looking at options. Another project was mentioned about extending water line down West Yorkshire Rd further. Coun Walker inquired as to how far (past Jureks?), to which Larry was not sure exact location. It was mentioned by Supv Spencer that previously residents were not in favor since it would add cost via benefit assessment and previous public hearings did not garner support. Larry Groves indicated there were other options for extending boundaries to other locations also which could include K Street Community home whom had expressed interest and with the development by Kless Boys there might be interest there. All mentioned project potentials will continue to be examined and researched by Comm Groves and updates provided. (3) Comm Groves made board aware that NY Rural Water indicates State is pushing increase in amount and types of water testing that could increase the cost incurred by the Town to as much as \$2,500 for a special test every 3 years. Will monitor and advise and new requirements are made.

Christopher Lexer/Codes Enforcement Officer & Zoning Officer -

Written Issued 2 (two) Building and 2 (two) Zoning Permits during December 2016 for total fees of \$702.00. Been closing out open permits and following up on a few property complaints and fielding several various phone calls. Code Officer Lexer has made written request recommending the Board set a flat fee of \$50.00 for issuing of a zoning compliance permit. There is not fee set currently. Coun Hewitt and Coun Walker asked some clarifying questions of Supv Spencer which indicated this is not for anything structural, but a zoning compliance permit would simply state that the requested business / area is in compliance with Town Zoning Law, i.e. permitted use based upon Zoning. Was agreed to resolve as such. See R# 9-17

RESOLUTION #8-17

On a Motion of Coun Walker, seconded by Coun George, the following resolution was resolved a fee of \$50.00 be charged by Codes Enforcement Officer for any required Zoning Compliance Permit
Spencer, Aye; Fisher, Aye; Hewitt, Aye; Walker, Aye, George, Aye
Ayes 5 - Nays 0 – Adopted

Christopher Lexer/Supt of Highways -

Written Report: Over past month have been maintaining the roads form snow and ice as needed. Have implemented some changes to the start time for the workers and have gone to a rotation on call outs to still provide the best service to the community but also save money in overtime due to rising costs. We have been trying to keep up with the equipment repairs and potholes with the warmer temps.

New Business:

Supv Spencer reviewed a letter from State DEC, asking for comments. The DEC is looking to use available funding to purchase nearly 1,200 acres from Kingbrook Funding LLC and convert it into a Wildlife preserve area. Development would be limited to perhaps adding some trails, but would largely be used for hunting and trapping. Supv Spencer talked to Catt County planning and Real Property, they were not asked to comment.

Supv Spencer reviewed that this preserve would be tax exempt and would result in lost revenue of over \$7,000 annually just for the Town. Of course, the School and County would be impacted as well. This would result in the residents picking up the burden of the exemption
Board members discussed that some residents might be fond of the idea, it was determined that due to loss of revenue and the lack of future development of this site, the Board wants a letter sent back to DEC indicating they do not support the DEC plan to acquire and convert the property into a Wildlife preserve.
See R# 9-17

RESOLUTION #9-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following resolution was resolved that a letter of response be sent to DEC indicating that a loss of revenue and a lack of future development does not allow the Town of Yorkshire to support their acquisition of approx.. 1,200 acres from Kingbrook Funding LLC and conversion into a Wildlife Preserve.

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

Court Clerk Breton advised board that JCAP grant approved for \$10,263.80. This will include a metal detector, surveillance and some added chairs. Clerk Breton indicated they may need to use ~\$114.00 of Court Contractual budget to supplement for cost of the metal detector. Board members were supportive of her efforts.

Monthly Audit - All Town Board Member had the opportunity to audit all vouchers (bills, invoices & statements) submitted for payment and to initial the vouchers (*Note R#10-17).

RESOLUTION #10-17

On a Motion by Coun Hewitt, seconded by Coun Walker, the following Resolution was resolved for the approval of the following claims for payment: General Fund Claims #344-345 in the amount of \$202.99, as set forth in General Abstract No. 13 Dated January 23, 2017 and General Fund Claims #1-29 in the amount of \$30,474.75 set forth in General Abstract No. 1 Dated January 23, 2017; Highway Fund Claims #1-21, in the amount of \$72,284.26, as set forth in Highway Abstract No. 1 Dated January 23, 2017; Water Dist #1 Fund Claims #80-81, in the amount of \$205.16, as set forth in Water Dist #1 Abstract No. 13 Dated January 23, 2017 and Water Dist #1 Fund Claims #1-5, in the amount of \$3,862.13, as set forth in Water Dist #1 Abstract No. 1 Dated January 23, 2017; Water Dist #2 Fund Claims 16, in the amount of \$30.00, as set forth in Water Dist. #2 Abstract No 13 Dated January 23, 2017 and Water Dist #2 Fund Claims 1, in the amount of \$1.15, as set forth in Water Dist. #2 Abstract No 1 Dated January 23, 2017

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

Annual Town Audit - The Town Board conducted their Annual Audit of the following Town Officials 2016 Financial Records as required by Town Law #123.; That the Town Board reviewed and audited the financial records of M. Fred Clark, Town Clerk (M. Fred Clark's Tax Collection Records were audited & approved by Resolution #46-16), and that he filed a statement in writing showing his town clerk receipts and disbursements for the fiscal year 2016, and the Water Districts financial records of M. Fred Clark for the fiscal year 2016 were reviewed and audited (& the water records are reconciled for billing & payments by Diane R Finch, CPA, each month); That the Town Board reviewed and audited the financial records of Christopher Lexer, Codes Enforcement & Zoning Officer, for the fiscal year 2016; and that Supv Marcia Spencer presented the first eleven months of the 2016 Supervisors financial records for review & audit, and that she will submit the Supervisors Annual Report, when completed by Diane R Finch, CPA, to the Town Board, in lieu of a financial statement

The Town Board reviewed the financial records and examined the criminal & civil dockets of Town Justice Lynn Guertin and Town Justice Heather Tomes, and that the fines and fees therein shown to have been collected had been turned over to the proper officials as required by town law for the fiscal year 2016; (*Note R #11-17).

Note this meeting scheduled for 3 days after January 20, due to Martin Luther King holiday on normal meeting date of January 16, 2017 and to remain aligned to Monday meeting dates. Legal notice as such placed in Arcade Herald, Town approved newspaper.

RESOLUTION #11-17

On a Motion of Coun Walker, seconded by Coun George, the following Resolution was, resolved to approve the 2016 financial records as presented by the above Town Officials.

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

With no further business, on a Motion of Coun Fisher, seconded by Coun Walker, the meeting was adjourned at 9:10 p.m. Carried unanimously.

M. Fred Clark, Town Clerk