

The regular monthly board meeting of the Yorkshire Town Board, for the month of March, was held on March 20, 2017, 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, Absent, arrived 7:03 p.m.
Kenneth Fisher, Council Member, Present
Tammy George, Deputy Supv & Council Member, Present
Teresa Hewitt, Council Member, Absent

Other Town Officials present were: M. Fred Clark, Town Clerk; Christopher Lexer, Superintendent of Highways & Codes Enforcement Officer/Zoning Officer; Larry Groves, Water Commissioner, Town Attorney Robert Steinhaus
Also present was Laney Hill, Arcade Herald Reporter.

(Larry Havens attended the meeting seeking renewals of their Junk Yard and Junk Dealer Licenses., Jaime Fronckowiak entered meeting at approx.. 7:20 p.m. also, for same purpose)

On a Motion of Coun Fisher, seconded by Coun George, it was moved to dispense with the reading of the draft minutes of the February 22, 2017 regular board meeting. Carried unanimously.

RESOLUTION #20-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to approve the draft minutes of the February 22, 2017 regular monthly town board meeting as printed. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Absent; Walker, Aye
Ayes 4 – Absent - 1 - Nays 0 – Adopted

Communications:

STW Local Government Conference will be held at Houghton College on Wednesday May 10, 2017. Need a motion & resolution to agree to send interested town officials to the conference / training. Cost is \$40 per member. See R#30-17

Inspection Receipt from NYS Dept of Ag & Markets. NYS inspected the kennel located at the Highway Garage on Mill Street, the inspection was satisfactory

Clerk Clark gave board a written update on the approved Mailings for Dog Enumeration, which runs through April 28

Yorkshire Court has now received and in place a new metal detector, which was purchased with Grant funding from J-CAP. Court requests board direction on what to do with the old metal detector. Note R#31-17

Supv Spencer reported on 4 dog bites recorded by the County Health Department.

Supv Spencer advised board the Association of Towns has sent a correspondence with their Legislative Goals.

Supv Spencer has received from County Social Services a notice that April 5 is Child Abuse Awareness day, and that people should consider dressing in blue to mark the day. There are flyers of support in the Town Clerk's office, for future interest to community.

Reports of Committees:Monthly Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report of Receipts for February 2017 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of January 2017, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #21-17).

RESOLUTION #21-17

On a Motion by Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, that the Board had reviewed the Supervisor's monthly report for February 2017 & is accepted as submitted (& is included in the minutes).

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

Justice Reports:

Justice Heather Tomes sent a check to the town supervisor in the amount of \$7,094.50 for the month of February 2017.

Justice Lynn Guertin sent a check to the town supervisor in the amount of \$6,761.00 for the month of February 2017.

Town Clerk Clark presented photocopies of his monthly financial report for February 2017, in the amount of \$794.00, to the Town Board for review.

Town Tax Collector Clark presented photocopies to the Town Board of his tax collection activities through March 16, 2017, with receipts of \$2,822,180.74 (including penalties and interest) & withdrawals / disbursements of \$2,793,291.74.

Resident's Time:

Jaime Fronckowiak gave the board input that he believes the Town should find a way to develop a Park for the Town of Yorkshire. It would be very useful instead of having to go to other Town or Villages for youth and family activity. He had heard rumblings in the past about Spragues wanting to do something.

The board members reviewed with Mr. Fonckowiak past opportunities that were not deemed viable due to restrictions on a donated property and the need for ongoing ability to maintain a park in long term, due to various restrictions and cost to taxpayers.

There was agreement that it was a good idea and that the Board is open to such possibility given the right circumstances. Some discussion on the future project in honor of William Sprague that is in the discussion only stages.

Attorney Steinhaus also raised the point that if there was an ability to introduce a park to the Town, that the County might also be able to provide additional support through their parks and recreations department.

Special Orders: NoneGeneral Orders & Old Business:

Supv Spencer has the updated MOU from Machias / Lime Lake Sewer Project.

Supv Spencer provided the Town Board with new updates for MOU with Town of Machias Lime Lake Sewer District. Attorney Steinhaus indicated that he sees nothing objectionable and it contains the requested updates. Supv Spencer requested a resolution from board to sign the MOU and Easment.
Note R#33-17

Reports of Department Heads:

Joe King /Constable) – No Report
 David Cummings/Dog Control Officer – (no report)
 Mary Gilbert/ZBA Secretary (No Report) -

Larry Groves/Water Commissioner – Requested Board to consider a motion to approve attendance for himself and Danny Heineman to attend NY Rural Water Assoc annual meeting. It is in Niagara Falls. Cost for full attendance is \$325.00 per person (classes only, not hotel). There is a option to attend only partial with a reduced rate. Larry requests approval for maximum of \$650.00 for both he and Danny to attend. Note R#32-17

Chris Lexer/Codes Enforcement-Zoning Officer -
 Written Report. Have closed out some open building permits, done various inspections on existing permits. 3 Zoning and 1 Building permits issued in February for a total of \$175.00 March is starting to pick up for permits and questions regarding permits for the upcoming summer. Also did all inspections of existing Junk Yards per the board requests

Chris Lexer/Highway Supt (Written report) -

- (1) Spring Clean-up dates yet to be selected, but request approval from board to proceed with budgeted Spring clean up with a date to be defined. Advertising to take place in the Arcade Herald and Arcade and Springville Penny Saver (Note R# 27-17) (2) Continue to plow and sand as needed, also filling pot holes. We have started some ditching as weather permits

Junk Yard Inspections Summary

Codes Enforcement Officer Lexer did the requested inspections of the 4 existing Junk Yards in the Town. 1490 Motors, nothing needed, opinion is in compliance, recommend license; Giroux Auto Wrecking is found to be in compliance., recommend license; LARS is found to be in compliance. recommend license; Tidd's; found to be in compliance,. Recommend license. Coun Walker inquired as to if Tidds was still working as a Junk Yard, since it appears reduced activity. CEO Lexer indicated it was. For license renewal, see R# 22-17 – 25-17

RESOLUTION #22-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that upon the recommendation of C.E.O. Lexer that the Town Clerk be authorized to issue an Annual Junk Yard License and Junk Dealer License Renewals to James Fronchowiak, 12245 Old Olean Rd, under Section 136 of the NYS General Municipal Law & Annual Junk Dealers Licenses effective April 1, 2017 thru March 31, 2018.

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

RESOLUTION #23-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that upon the recommendation of C.E.O. Lexer that the Town Clerk be authorized to issue an Annual Junk Yard License and Junk Dealer License Renewals to Raynald Giroux, 4962 Gunbarrel Rd, under Section 136 of the NYS General Municipal Law & Annual Junk Dealers Licenses effective April 1, 2017 thru March 31, 2018.

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

RESOLUTION #24-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that upon the recommendation of C.E.O. Lexer that the Town Clerk be authorized to issue an Annual Junk Yard License and Junk Dealer License Renewals to Larry Havens, 3484 W Yorkshire Rd, under Section 136 of the NYS General Municipal Law & Annual Junk Dealers Licenses effective April 1, 2017 thru March 31, 2018.

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

RESOLUTION #25-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that upon the recommendation of C.E.O. Lexer that the Town Clerk be authorized to issue an Annual Junk Yard License and Junk Dealer License Renewals to William Tidd, 3334 W Yorkshire Rd, under Section 136 of the NYS General Municipal Law & Annual Junk Dealers Licenses effective April 1, 2017 thru March 31, 2018.

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

Supv Spencer began to query the board as to what they would like to discuss with Attorney Steinhaus, in open session. Coun Walker indicated concerns regarding a few times she has sought questions about vouchers, phone calls with attorney on invoices and didn't feel like she got the info she deserved. To which Attorney Steinhaus indicated that if there are any questions on bills that she has every right to seek clarification. To which Supv Spencer commented that some items on Attorney invoice might not be appropriate for open session and that Coun Walker and all board members have been advised previously that they can contact the Attorney directly with any question on specific concerns. All officials certainly have right to see any public records.

Coun Walker mentioned some questions on FOIL requests noted on invoices from Attorney. To which Attorney Steinhaus reviewed the need for Clerk Clark to contact him with any questions on FOIL requests and their validity. This includes if the Clerk's office has access or maintains records related to inquiry and the format with which the inquiry is made. Clerk Clark commented at length regarding the process and typical reasons he would reach out to attorney. In general, there have been very few valid FOIL requests for the Clerk's office. They are typically not records kept in Clerk Office or request is not made in correct manner and the requestor fails to do any further formal sending of a FOIL.

CEO Lexer discussed certain times where he was told by Attorney that inquiries or even subpoenas are the responsibility of the Attorney to decide if Town board members should be notified. It is not the responsibility of the Codes or Clerk's office to communicate to the Board member directly on such matters that could indicate pending litigation. Attorney Steinhaus gave several other examples of where he would advise Board.

Coun Walker and Attorney Steinhaus reviewed concerns with Wind Turbines. While Coun Walker has pointed out that prior resolutions indicate that they are not allowed, Attorney Steinhaus while in agreement conceptually, still believes that an amendment to Zoning Laws as a not permitted use should still be considered by the Town.

Coun Walker asked about Fracking Laws and if Attorney Steinhaus suggests to develop one, or no interest? Attorney Steinhaus said that his comments have to do with the Mission Statement for the Town, what your predecessors and successors see as your mission statement relative to that. Consideration should be given to review and update if needed.

Coun Walker mentioned the Code of Ethics Local Law 2-1970 and that NYS does allow for a Board of Ethics. Attorney Steinhaus indicated he was not familiar with this and would have to do more research. There is no more important thing a governing body can have that ethical guidelines to instill public confidence. It was requested that Clerk Clark provide Attorney Steinhaus with the local law for Code of Ethics.

RESOLUTION #26-17

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, to move into Executive Session at 7:45 p.m. to discuss employment history of a town employee

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

Supv Spencer closed the Executive Session and 8:55 p.m. and re-opened the regular meeting

RESOLUTION #27-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, authorizing the Highway Dept to conduct a Spring Trash Pickup, with Date to be defined by Christopher Lexer, for town residents outside of the Village of Delevan, with specifications provided by Hwy Supt Lexer (same as last year) and with ads in the Arcade Herald, Arcade Penny Saver & Springville Penny Saver.

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

New Business:

Supervisor Spencer requests board to consider a motion to Transfer \$3,417.08 from DA9710.6 Debt Service Principal to DA9710.7 Debt Service Interest. Note R# 28-17

RESOLUTION #28-17

On a Motion by Coun Fisher, seconded by Coun Walker, the following Resolution was Resolved, Transfer \$3,417.08 from DA9710.6 Debt Service Principal to DA9710.7 Debt Service Interest.

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

Coun George discussed the Youth Recreation Director. She would like the board to consider a motion to hire Trista Reisdorf, incumbent Director, for same position for the 2017 Recreation Program, with pay same at \$17.00/Hour. Note R# 29-17

RESOLUTION #29-17

On a Motion by Coun George, seconded by Coun Fisher, the following Resolution was Resolved, That Trista Reisdorf is approved as Director of Recreation for 2017 at a salary of \$17.00 / hour. Approval to also be obtained from Village of Delevan for the shared recreation program.

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

RESOLUTION #30-17

On a Motion by Coun Spencer, seconded by Coun George, the following Resolution was Resolved, That the board approves attendance by interested town officials to attend the Southern Tier West Annual Conference in Houghton NY, scheduled for Wednesday May 10, 2017, at a cost of CAP member price of \$40.00 per attendee.

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

RESOLUTION #31-17

On a Motion by Coun George, seconded by Coun Fisher, the following Resolution was Resolved, That the board approves the Town Court to seek out with-in the Municipal Courts / Government with any interest in a use for the old metal detector. It is to be offered free of charge to any interested municipality. Board will review in future the result to determine if scrapping the detector becomes a necessary option.

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

RESOLUTION #32-17

On a Motion by Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, That the board approves the expenditure of up to \$650.00 for Commissioner Larry Groves and Water Operator Danny Heineman to attend the 2017 Annual NY Rural Water Association Training in Niagara Falls NY

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

