

REGULAR MONTHLY TOWN BOARD MEETING - SEPTEMBER 18, 2017 DRAFT

The regular monthly Town Board Meeting of the Town of Yorkshire, for the month of September, was held on Monday, September 18, 2017, 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; Larry Groves, Water Commissioner;

Also present were Laney Hill, Reporter for Arcade Herald, residents Peggy King Austin, Ellen Pierce, Linda King, student (for school assignment)

On a Motion of Coun Fisher, seconded by Coun George, it was moved to dispense with the reading of the minutes of the last meeting of August 21, 2017 and July 17, 2017.
Carried unanimously.

RESOLUTION #84-17

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, that the draft minutes of the August 21, 2017 and the July 17, 2017 Regular Town Board Meeting(s) be approved as printed.

Spencer, Aye, Fisher, Aye; George, Aye; Hewitt, Nay; Walker, Nay.
Ayes 3 - Nays 2 - Adopted

Petitions:

"NONE"

Communications:

Supv Spencer reviewed the Strykersville Volunteer Fire Dept. request for written support of a Certificate of Need application requested by NYS Dept. of Health to provide coverage for small area of Town of Holland and Town of Bennington, to aid in demonstrating "public need" based upon previous service to addressed areas for the last 90+ years. After discussion with Board it was agreed to send a letter of support on Town Letterhead, signed by Supervisor Spencer.
See R#85-17

Clerk Clark has received the Delevan Fire Dept. request for 2018 budget an amount equal to 2017 of \$47,000. It is included in Tentative Budget. Clerk Clark has received the Yorkshire Fire Dept. request for Budget for 2018 in the amount of \$109,005.00, an increase of \$1,021. It is included in the Tentative Budget

Supv Spencer indicated that Soil & Water Newsletter was received and available to anyone interested

Clerk Clark advised Board of communication regarding funding for NYS Restore Communities. He will forward available email communication to board members to review.

Supv Spencer read a letter of resignation, effective Dec. 31, 2017, from Planning Board Member & Chairman Glenn Cooley. Mr. Cooley will be moving out of the town and thus will not be able to serve on the board. He thanked the board for their support. Mr. Cooley also recommended that current Planning Board member Thomas Klink be considered for the Chairman position. Coun Walker and others expressed their regret of losing Mr. Cooley on the Planning Board and all were appreciative of his service.

Clerk Clark has received the Snow Plowing contract between Village of Delevan and Town of Yorkshire with the rate being same as previous year at \$151.25 per trip. Request for Supv. Spencer to sign the contract for 2017/2018 season. Note R#86-17

Communications (Cont.)

Supv Spencer indicated the payment for the easement with Machias Sewer District has not been received yet.

Supv. Spencer communicated that as agreed in previous board meeting that the emails / feedback collected from residents with regards to the potential DEC Kingbrook acquisition have been forwarded to DEC representative.

RESOLUTION #85-17

On a Motion of Coun Walker, seconded by Supv Spencer, the following Resolution was Resolved, that Supervisor Spencer's sign and submit to Strykersville Volunteer Fire Department a letter of support to obtain a Certificate of Need (CON) to operate in existing areas that they have in the past and now provide coverage. Representing that previous service satisfy the requirement for "public need".

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

Ayes 5 - Nays 0 – Adopted

RESOLUTION #86-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Supervisor Spencer's sign and approve the Snow Plow contract between Village of Delevan and Town of Yorkshire for the 2017 / 2018 season at a rate of \$151.25 per trip.

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

Ayes 5 - Nays 0 – Adopted

Reports of Committees:

"NONE"

Supv Financial Report:

Supv Spencer presented her Supervisor's Monthly Report for August 2017 & the Town Budget Report for the month of July 2017, prepared by Diane Finch, CPA, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #87-17).

RESOLUTION #87-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Supervisor Spencer's Monthly Financial Report for August 2017 is accepted as submitted (& is included in the minutes).

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

Ayes 5 - Nays 0 - Adopted

Town Clerk Clark's monthly financial report for August 2017, in the amount of \$2,750.30 was reviewed by the Town Board.

Justice Heather A. Tomes Monthly Report reviewed in the amount of \$6,223.00 with pending bail account of \$2,790.00

Justice Lynn R. Guertin Monthly Report reviewed in the amount of \$7,511.00 with pending bail account of \$2,500

Privilege of the Floor/Public Concern:

Peggy King Austin spoke in support of herself and residents, including Coun Walker on W. Yorkshire Road (also known as Creek Road) with a desire of support from the Town to extend water service down W. Yorkshire Road near to the intersection of McKinstry Road and Savage Road. She indicated and named several residents whom would be in support of this. Resident were hoping to seek input from Water Commissioner Groves and the board regarding a potential project. Austin also stated that herself and Ellen Pierce currently do not have water, due to spring issues, which they will work to resolve, but having town water would be a benefit in their view

Comm Grove indicated he would provide his feedback under the dept. heads (see below)

Special Orders:

"NONE"

General Orders and Old Business:

Reports of Department Heads:

Joe King /Constable -
No Report

David Cummings/Dog Control Officer -
(No report)

Mary Gilbert/ZBA Secretary – Written Report
ZBA will not be holding a meeting in September

Larry Groves/Water Commissioner -

- (1) Indicated Water Meter Reader is doing the quarterly reads currently
- (2) Commissioner Groves addressed the residents and board regarding the inquiry of extending service down W. Yorkshire Road.
 - a. He does intend to develop and send out a survey to gauge interest from all residents on the road extending to the 4 corners at McKinstry and Savage. This was previously agreed with the board
 - b. Has done preliminary contact with MDA Engineering and based upon their previous projects have given guidance that the cost would likely fall into the \$1 Million range
 - c. A Preliminary Engineering report, which would be the first step if it is ultimately agreed to move forward, would have a cost in the range of \$5,000 to \$35,000, with Yorkshire likely being on the lower end of range.
 - d. Funding, bonds, etc. and cost to taxpayers, via a benefit assessment was discussed in general, project concept.
 - e. Much work to be done, if moving forward on Water districts / zones, does it have to be a new one or extending current. This will require legal work.
 - f. Some suggestion from Engineering firm on Municipal finance support firm
 - g. Coun Walker gave input regarding the general quality of the water from the wells as being poor and some input from previous “concepts” with King Brook
 - h. Several discussion points with board members and residents, with a conclusion that next step is for Commissioner Groves to send the planned survey to residents and discuss with board the results and next steps after the responses are completed.
- (3) Commissioner Groves and Clerk Clark requested board approval to relevy and place delinquent water bills, in excess of 90 days as of October billing, onto 2018 Town and County Tax bills. See Resolution #88-17

RESOLUTION #88-17

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, authorizing Water Commissioner Groves to relevy and place 2017 water bills delinquent over ninety days onto the appropriate 2018 Town & County tax bills.

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

Ayes 5 - Nays 0 – Adopted

Christopher Lexer/Codes Enforcement & Zoning Officer - Written Report

- (1) Issued 7 Building Permits & 6 Zoning Permit in August with permit fees totaling \$1,133.80

Christopher Lexer/Hwy Supt - Written Report

New Business:

Coun Walker asked to consider adding Wind Turbines to next agenda. This is in follow up to previous discussions regarding moratoriums / changes. Coun Walker will reach out to Town Attorney to affirm previous direction / guidance and will discuss at next meeting. Clerk Clark to add to agenda.

Supv Spencer reviewed request from Court Clerk Dawn Breton for the board to consider a Motion to support application for JCAP grant for items such as 4 bullet proof windows, various parking signs in the amount of \$13,249.55 (Note Resolution #89-17)

RESOLUTION #89-17

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was moved,

WHEREAS, the Town of Yorkshire Justice Court is seeking to file an application to the State of New York Justice Court Assistance Program for needed upgrade of equipment for the Town Justice Court, including 4 windows with bullet proof glass and various parking signs

NOW, THEREFORE,

BE IT RESOLVED, that the Yorkshire Town Board authorizes the Yorkshire Town Court to submit a Justice Court Assistance Program Grant Application with a "request for \$13,249.55 ", and to authorize Town Supervisor Marcia Spencer to sign the Application Certification.

VOTE:

- Marcia Spencer, Supervisor, Aye**
- Kenneth Fisher, Councilman, Aye**
- Tammy George, Councilman, Aye**
- Teresa Hewitt, Councilman, Aye**
- Constance Walker, Councilman, Aye**

Adopted: September 18, 2017

CERTIFIED BY

M. Fred Clark, Town Clerk

New Business (Cont.)

Coun Hewitt addressed the board indicating what a privilege it is to be elected and serve and that all the board members have the capability to work together in a constructive manner. Coun Hewitt continued that she felt a need to review Local law 1-1970 Code of Ethics and perhaps even the Rules of Conduct and Decorum, which was adopted in 2016. It was discussed at prior board meeting to potentially have a work session or special meeting, but a date was not defined.

Coun George inquired about what the intention was and that she wouldn't want to focus on something she already does.

Coun Walker indicated it is a good idea to review everything occasionally, giving an example of the comprehensive plan.

Supv. Spencer indicated Comprehensive Plan is supposed to be reviewed and updated at some frequency.

After some further discussion amongst the board, Supv. Spencer appointed board members Coun George and Coun Fisher to review the Code of Ethics and Rules of Conduct and Decorum and report back to the board on their findings / recommendations.

The Town Board reviewed, as per required by Town Law #106, the Tentative 2018 Town Budget. With several points of communication and inquiry taking place.

RESOLUTION #90-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was resolved, to accept the 2018 Tentative Town Budget as the 2018 Preliminary Town Budget with the following line changes:

None

The following items are inclusive of Resolution #93-16

(1) WHEREAS, the Fire and Ambulance Contract with a sum of \$32,499 for the year 2017 between the Yorkshire Fire District and the Town of Yorkshire expires on December 31, 2017, and WHEREAS, the Fire and Ambulance Contract with a sum of \$47,000 for the year 2018 between the Village of Delevan and the Town of Yorkshire expires on December 31, 2018.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board tentatively accepts, subject to a Public Hearing on the 2017 Town Preliminary Budget on October 16, 2017 at 7:15 p.m., Improvement & Special Districts, on a Benefit Basis and the Adoption of the 2018 Town Budget in November 2017, the contract renewals for the year 2018 with the Yorkshire Fire District at \$32,499 and the Village of Delevan at \$47,000, for the areas of the Town Fire Protection District that they serve beginning January 1, 2018 and ending December 31, 2018; and **FURTHER, BE IT RESOLVED**, that the town clerk notify the above in writing to see if the above is acceptable to the municipal boards.

(2) To tentatively accept the Town Elected Officials proposed 2018 salaries (Proposed salary schedule inserted into the minutes/Pursuant to Section #108 of the Town Law).

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

Ayes 4 - Nays 1 – Adopted

Monthly Audit - All Town Board Members had the opportunity to audit all vouchers (bills, invoices & statements) submitted for payment and to initial the vouchers for payment (*Note R #91-17).

RESOLUTION #91-17

On a Motion of Coun George, seconded by Coun Walker, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims #249-267 in the amount of \$7,274.25, as set forth in General Fund Abstract No. 9, Dated September 18, 2017; Highway Fund Claims #111-118, in the amount of \$51,517.83, as set forth in Highway Abstract No. 9, Dated September 18, 2017; Water Dist #1 Fund Claims #47-52, in the amount of \$1,318.62, as set forth in Water Dist #1 Abstract No. 9, Dated September 18, 2017; Water Dist #2 Fund Claims #9-11, in the amount of \$1,401.38, as set forth in Water Dist #2 Abstract No. 9, Dated September 18, 2017.

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

Ayes 5 - Nays 0 - Adopted

With no further business, on a Motion of Coun Walker, seconded by Coun Fisher, the meeting was adjourned at 8:42 pm.

Carried unanimously.

M. Fred Clark, Town Clerk

Pursuant to Section 108 of the Town Law, the proposed salaries of the following elected Town Officials are hereby specified as follows:

Supervisor -	\$18,392
Council Members (4) -	\$3,672 (each)
Town Clerk -	\$25,750
Highway Superintendent -	\$50,659
Justice #1	\$10,160
Justice #2	\$9,810