

The regular monthly Town Board Meeting of the Town of Yorkshire, for the month of October, was held on Monday, October 16, 2017, at the Town Hall, 82 South Main Street, Delevan, NY.

Supv Marcia 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, Councilmember, Present
Kenneth Fisher, Councilmember, Present
Tammy George, Deputy Supv & Councilmember, Present
Teresa Hewitt, Councilmember, Present

Other Town Officials present were:

Fred Clark, Town Clerk; Larry Groves, Water Commissioner; Joe King, Constable

Others present were Laney Hill, Arcade Herald reporter and a student for class assignment

On a Motion of Coun Fisher, seconded by Coun Walker, it was moved to dispense with the reading of the minutes of the September 18, 2017 Regular Board Meeting and October 4, 2017 Special Board Meeting minutes. Carried unanimously.

RESOLUTION #93-17

On a Motion of Coun George, seconded by Coun Hewitt, the following Resolution was Resolved, to approve the draft minutes of the September 18, 2017 Regular Monthly Town Board Meeting and October 4, 2017 Special Board Meeting as printed.

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

Ayes 5 - Nays 0 - Adopted

Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for September 2017 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of August 2017, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #94-17).

REDOLUTION #94-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Supv Spencer's Monthly Financial Report for September 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

Justice Reports:

Justice Heather Tomes sent checks to the Town Supervisor in the amount \$4,500.00 for September 2017.

Justice Lynn Guertin sent checks to the Town Supervisor in the amounts of \$2,436.00 for September 2017

Town Clerk Clark presented his monthly financial report for September 2017, in the amount of \$3,051.17, to the Town Board for review.

Petitions:

"NONE"

Communications:

1. Request from Village of Springville for support in the Certificate of Need to provide service to community. Note R#95-17
2. AOT annual training in NYC. Work with Clerk Clark if interested
3. Arcade Chamber of Commerce Breakfast flyer, circulated
4. Supv Spencer reviewed that County Health Dept reported a potential rabies concern with a cat.

REDOLUTION #95-17

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, Supv Spencer may send to Village of Springville a format letter indicating support for their Certificate of Need.

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

Ayes 5 - Nays 0 – Adopted

Reports of Committees:

Coun Walker brought forward a suggestion from a resident with regards to the Youth Rec Program and what is done during an emergency, such as a tornado warning. Resident suggested that perhaps the children should be moved across the street to the town hall, which also has a basement. Feeling is that in a tornado the village building could be more easily damaged. Coun George indicated that will be considered for future years program. Supv. Spencer indicated that Rec. Director Trista Residorf had been approached about similar issue at village meeting, to which Delevan Fire Chief Holmes raised concerns of not taking time to contact parents or other similar actions, but to take shelter immediately as was done. Also, don't want people coming and creating a more confused condition. Supv. Spencer suggested that perhaps Coun George could consult with Robert Kuhn, whom also works for County Emergency Services. Coun George indicated agreement to follow up in advance of next year's program. Also indicated some parents had voiced concerns over not getting called. Really can't make calls while you are trying to gather the children. Safety is number one concern obviously.

Supv Spencer in follow up to September meeting and assignment to Coun George and Coun Fisher to review current Code of Ethics and Rules of Conduct and Decorum, asked if they had feedback ready from review.

Coun Fisher indicated they had read it over and we are doing what it says. Coun Walker asked to see the LL 2-1970 Code of Ethics to insure she had the correct version. Coun George indicated that the Code of Ethics seems to come from state and is generic and applicable. The Rules of Conduct and Decorum is more about how the public meeting is managed, Supv has authority to manage meeting. Coun Hewitt read an exert she had found regarding creating a personal conflict inclusive to Code of Ethics, to which Supv. Spencer commented that you cannot do anything for profit or gain, as being the key point from her perspective. Coun George asked if that was something to put into the current version, to which Supv. Spencer again commented that to her its if you are personally profiting from something and that if you refuse to vote on an issue due to conflict that later you cannot vote on it, for future meetings. Coun Walker indicated that what Coun Hewitt says is what they talked to Town Attorney about, gain financially—you don't vote on it. Coun George gave an example of Coun Hewitt abstaining form vote on Bus Contract for Youth Rec, since her sister is involved with contractor as a good example. Coun Walker commented that cannot vote on anything viewed as personal gain. There was no agreement to make any changes to either the Code of Ethics or the Rules of Conduct and Decorum.

Special Orders:

"NONE"

Privilege of the Floor/Public Concerns:

No one spoke at this time.

General Orders & Old Business

Reports of Department Heads:

Joe King/Constable: Nothing to report

Mary Gilbert - ZBA Secretary (Written Report) -

David Cummings/Dog Control Officer -
No report.

Reports of Department Heads(cont):

Larry Groves/Water Commissioner -

- (1) Comm Groves communicated that he and Clerk Clark had sent out approx. 40 letters and cards to residents on or around West Yorkshire Road, as was previously agreed, to gauge interest in potential future water district expansion. Residents were asked to reply by October 30. To date there have been 19 replies. 5 No, 3 possible interest, 11 yes. Comm Groves looking for board to confirm next steps, i.e. meeting for board and residents to share information, schedule Engineering firm to attend and perhaps some Municipal finance support.
- (2) Coun Walker asked about also having the Catt County Health Dept. attend. She indicated that her sister Peggy Austin had contacted Senator Catherine Young office about the lack of water, well issues and they had the Health Dept out to look at property in the concerned area and indicated that since it is in Agricultural District, might be grants available for residents to qualify for a free well. Supv. Spencer wondered if that might affect the potential water line expansion project. Comm Groves indicated that law may require a connection to water line if it is available. Coun Walker went on to communicate that for these people it's a crisis, so still in the long haul a water system might be good if feasible, but they also need support in the near term. She thought residents might have to still pay for district, but not necessarily have to hook onto it. Comm Groves gave a few examples which depends on if water was extended and when. Some in hamlet were grandfathered in with wells and no connection, since well water was easily available. Comm Groves gave dates of 1967 for forming district and 1980 for Town development of well and storage system, put on line in 1982. Comm Groves and Coun Walker discussed further about the County Health Dept contact (Tim) whom came to visit residents that didn't have water. Coun George asked about what questions residents need answered based upon their replies. Comm Groves indicated largely cost. Coun Walker asked if infrastructure needs update, who pays? Comm Groves gave an example of Delevan, to which Supv. Spencer indicated the funds came from \$1.4M in stimulus. Coun Hewitt asked Comm Groves about the comparison of project on West Yorkshire to the Grove St, thinking the distance might be similar. Comm Groves indicated there were around 25 residents on Grove, whereas West Yorkshire will have 40+ but that yes, the mileage / distance would be similar. Coun Hewitt thought there might be a good comparison of costs there. There was more discussion on grants and financing potential options between the board and Comm Groves. It was agreed that Comm Groves will set up a meeting at either the November or December scheduled board meeting and coordinate with impacted residents, engineering, County and others as required. Will advise Supv Spencer of agenda request.

Proof of Notice being furnished by the Town Clerk that publication of the Public Hearing for the "2018 Preliminary Town Budget and Improvement Districts on a Benefit Basis" was in the Legal Notices of the October 5, 2017 issue of the Arcade Herald, and that the Public Hearing Notice was posted on the Town Clerks Sign Board, the Public Hearing was call to order at 7:15pm by Supv Spencer. No one except the names listed above attended the meeting, the Public Hearing was terminated at 7:21pm by Supv Spencer (*Note R #98-17).

**Christopher Lexer/Codes Enforcement & Zoning Officer –
Written report**

Issued Seven Building Permits & Four Zoning Permits in Sept 2017 with permit fees totaling \$609.16. Completed training for 2017, fielded calls regarding zoning and building questions and issued permits and following up with inspections.

Christopher Lexer/Superintendent of Highways -

- (1) **Written Report provided. Took possession of new sweeper this past month. Has the loader scheduled to go on the auction site next week. Requesting approval to post the old Drott excavator that he has. Last year we got the new excavator to replace it and seems to be working out well so would like to get rid of the Drott. Would like a motion to sell for fair market value. Had it looked at by several companies and is not worth much but would like to get the most out of it as we can. Auction allows for refusal of any offer, if we think it's too low. Note R#96-17. Also doing brush trimming and ditching and getting equipment ready for winter.**

RESOLUTION #96-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that the Highway Supt Lexer can post for sale on auction site the Drott excavator and sell for a fair market value.

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

New Business:

A Discussion regarding the annual notice to Property owners regarding the removal of snow from sidewalks, need approval to place annual notice in the Herald. R#97-17

RESOLUTION #97-17

On a Motion of Coun Walker, seconded by Coun George, the following Resolution was Resolved, that Clerk Clark to place annual notice in Town newspaper for Sidewalk Maintenance required by homeowner per Local Law 2-2016

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

Coun Walker gave update on wind turbines follow up. She had located her recording and did find where town attorney had indicated that amending zoning ordinance would be stronger than the resolution done in 2009. Coun Walker indicated she had also discussed fracking concerns with Town Attorney and the 2 local law examples and if he felt strong need to have law in place, to which he replied in the affirmative.

Supv. Spencer indicated that it should likely also be considered in Comprehensive Plan, which also requires update.

After several discussions on Comprehensive plan, location. It was agreed that Supv. Spencer would contact Town Attorney to discuss process for updating the Comprehensive Plan / Zoning, which would include the wind turbine and fracking concern and possibly solar panels. Will be on upcoming agenda

Supv Spencer communicated to board proposed changes to the preliminary budget to insure adequate appropriation for Social Security.

Decrease Youth Rec PS A7310.4 -\$924.00

Decrease Town Clerk Cont. A1410.4 -\$254.00

Increase General Social Security A9030.8 +\$1,178.00

Increase Highway Social Security DB9030.8 +\$2,100.00

Increase Highway Unallocated Fund Balance / Appropriations Reserve +\$2,100.00

Increase Water District 1 Social Security SW9030.8 +\$104.00

Increase Water Dist. 1 Unallocated Fund Balance / Appropriations Reserve +\$104.00

Increase Water District 2 Social Security SW9030.8 +\$8.00

Increase Water Dist. 2 Unallocated Fund Balance / Appropriations Reserve +\$8.00

And then asked if the Board was ready to vote on adopting the Preliminary Budget for 2018. Coun Walker communicated concerns over tax payers paying for Highway Supt health insurance. It is budgeted at 100% paid by town and includes if a family plan when it currently is a single plan. Feels at a minimum it should be reduced to a single person plan. And even the current highway contract with union had the employees paying a small share. Supv. Spencer indicated that the budget should be left the same since it should account for a worst-case scenario in cost. What if there is a change in Highway Supt and new one requires family plan or if current one eventually needs it. Supv Spencer commented that previous Supv was given family health insurance policy and was then taken away. Coun Walker indicated that prior Town Clerk Dedrick had health insurance but current Clerk Clark does not (she thanked him for that). Supv Spencer indicated that Hwy Supt Lexer had been instrumental in getting the Hwy contract settled and has someone who opted out of coverage but that full amount there is still budgeted just in case, so that the same should apply for the Highway Supt Health Insurance. Coun George commented that is why its o.k. to overbudget in case you need it. Supv. Spencer indicated that a smart budget is cautious on revenue and insures appropriations are set to insure adequacy. Coun Walker said there is a difference since the Hwy personnel are under a binding contract, she asked board to consider to at least reduce the budget to a single plan for Hwy Supt and to consider not to pay 100%, it is unfair to taxpayers. Coun Hewitt commented that if something changes that board could vote to transfer funds to cover it, to which Supv Spencer indicated budget should show what is currently in preliminary. Coun Hewitt asked further questions of clarity for accounts and Highway contract HSA payments. Supv Spencer asked if board was ready to approve the budget.

RESOLUTION #98-17

On a motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to adopt the 2018 Preliminary Budget dated October 16, 2017, with following changes;

Decrease Youth Rec PS A7310.4 -\$924.00

Decrease Town Clerk Cont A1410.4 -\$254.00

Increase General Social Security A9030.8 +\$1,178.00

Increase Highway Social Security DB9030.8 +\$2,100.00

Increase Highway Unallocated Fund Balance / Appropriations Reserve +\$2,100.00

Increase Water District 1 Social Security SW9030.8 +\$104.00

Increase Water Dist. 1 Unallocated Fund Balance / Appropriations Reserve +\$104.00

Increase Water District 2 Social Security SW9030.8 +\$8.00

Increase Water Dist. 2 Unallocated Fund Balance / Appropriations Reserve +\$8.00

as the 2018 Town Budget (The complete 2018 town budget is on file in the town clerk's office).

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

Ayes 3 - Nays 2 - Adopted

With adoption of budget, Supv Spencer requested approval to sign the Yorkshire Fire Dept and Delevan Fire Dept contracts for 2018 (R#99-17)

RESOLUTION #99-17

On a motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, for Supervisor Spencer to sign the Yorkshire Fire Dept. and Delevan Fire Dept. contracts for 2018

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

Ayes 5 - Nays 0 - 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 #100-17).

RESOLUTION #100-17

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 #268-285 in the amount of \$4,098.31, as set forth in General Fund Abstract No. 10, Dated October 16, 2017; Highway Fund Claims #119-130, in the amount of \$73,395.53, as set forth in Highway Fund Abstract No. 10, Dated October 16, 2017; Water Dist #1 Fund Claims #53-58, in the amount of \$3,820.81, as set forth in Water Dist #1 Abstract No. 10, Dated October 16, 2017; Water Dist #2 Claim 12, in the amount of \$30.00 as set forth in Water Dist #2 Abstract No. 10, Dated October 16, 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 Fisher, seconded by Coun Walker, the meeting was adjourned at 8:32pm.

Carried unanimously.

M. Fred Clark Town Clerk _____