

The regular monthly Town Board Meeting, of the Yorkshire Town Board, for the month of May, was held on May 15, 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 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; Dave Cummings, Dog Control Officer
Also present was Laney Hill, reporter from the Arcade Herald.

On a Motion of Coun Hewitt, seconded by Coun Fisher, it was moved to dispense with the reading of the draft minutes of the April 17, 2017 regular town board meeting. Carried unanimously.

RESOLUTION #44-17

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, to approve the draft minutes of the April 17, 2017 Regular Monthly Town Board Meeting as printed. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 – Adopted

COMMUNICATIONS:

Supv Spencer communicated that she has received from Town Attorney the Final confirmation of the easement with Pioneer School. Completed

Supv Spencer indicated that DEC had a follow up query with her regarding Kingbrook. Inquiry as to if Town would support the venture if DEC was able to identify the project as Forestry vs. Wildlife Management, which would all for tax revenue to continue. Supv Spencer indicated to DEC that she would take info to board to review once they made it available. Still awaiting follow up from DEC.

Supv Spencer advised the Board that she has had two meetings with County on the Governors Initiative for Shared Service. These are County wide meetings with County Administrator and all Supervisor's and Mayors (approx. 41-43). In the end, they will get only one vote on identified projects to submit for County Wide Shared Service that could result in improvement of costs / services.

Supv Spencer reviewed an inquiry from Larry Kilburn in Arcade, seeking participation from Yorkshire in an infrastructure EFC Grant, with Supv Spencer and Highway Superintendent Christopher Lexer supporting, where we would look to re-do / update the Sewer Waste Distribution previous prelim study done by Town of Yorkshire. Arcade has a grant writer. Coun Walker asked if others could help, she is willing to participate. Supv Spencer indicated she would keep board apprised of any additional support, but timing is short as of now. She requested board approval for Supv Spencer and Highway Superintendent Christopher Lexer to work with Arcade on EFC Grant. See R#46-17

Reports of Committees:

Monthly Financial Reports:

Supv Spencer presented her Supervisor's monthly report for April 2017 & the budget report, as prepared by Diane Finch, CPA, for the month of March 2017, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #45-17).

RESOLUTION #45-17

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, that the Board had reviewed the Supervisor's monthly report for April 2017 & approves the report as submitted. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 – Adopted

RESOLUTION #46-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that Supv Spencer and Highway Superintendent Christopher Lexer has permission to work with Arcade on Project of Infrastructure EFC Grant representing interests of Yorkshire for Sewage Disposal.

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

Ayes 5 - Nays 0 – Adopted

Town Clerk Clark presented photocopies of his monthly financial report for April 2017, in the amount of \$3,505.81, to the Town Board for review.

Copies of Town Justices Financials were provided. They are on file with the Town Clerk. Justice Tomes, \$3,790.00 and Justice Guertin \$7,366.00

Tax Collector Clark reported on the Final 2016 tax collection activities, with receipts of \$2,906,118.06 withdrawals of \$2,906,118.06. Final Reconciliation done with County and final payment to Supervisor on May 1 of \$162.68

Coun Hewitt did the required Annual Audit on May 3, 2017. Audit was deemed acceptable with no deficiencies noted. Need resolution per Town Law #123 Note R# 47-17

RESOLUTION #47-17

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was moved, Whereas, Coun Hewitt had reviewed & audited the 2017 Town Tax Collection Records of Fred Clark, on May 3, 2017 and Whereas, all tax money is collected by Five Star Bank, and Whereas, that therein shown all taxes collected had been turned over to the proper officials as required by Town Law #123, and Whereas, all checks were reconciled each month, and Whereas, a copy of Fred Clark's Annual Settlement with the Cattaugus County Treasurer dated April 7, 2017 was reviewed & audited by the Town Board & is included with the minutes, and Whereas, the Tax Collectors checking account, #630218498, with Five

Star Bank showed a \$0.00 balance as of May 3, 2017. Now, Therefore Be It Resolved, that upon the recommendation of Coun Hewitt, the Town Board approves the 2017 Town Tax Collection Records of Fred Clark

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

Ayes 5 - Nays 0 – Adopted

Residents Time:

Legislator Richard Helmich spoke to board

1--Wanted to come and talk about finding out where Town is and willingness to work with Town.

2-- Reviewed approved resolution of approx. \$500,000 to Tournament Baseball to encourage economic improvement. Has modified to get \$50,000 to more local teams, some in Machias, and Little League field in Delevan

3--Working on infrastructure, improving roads. Joe Boberg and Rich did ID a few line items on list, Delevan Elton Road, Gooseneck Road. Overall legislature approved \$12M Bond to help maintain / improve county roads.

4--CFA, Consolidated Funding. Grant money is available, if matching funds required, in coming years, open to helping town come up with matching funds, via economic development. This year July 28th is the deadline

5--Internet and Broadband. State has money to help for expansion, surveys done by corporations in control, but nothing gets done. He doesn't have any new information on this, if Town hears of anything, please let him know. Supv Spencer did indicate she had tried to get Internet extended during franchise agreement negotiations, but was not able to do so. No renewal of franchise agreement has been given. Coun Walker also asked if county is working with them. Again, Rich indicated there seems to be little if any progress at any front.

6--Landbank is functioning. Got the grant for \$760,000. House on Delevan Ave on list, but bank holds paper, so it is Zombie Property. They have hired a construction management firm to help define specifics. Have 3 Rehabs, 6 demolition's, 3 in Olean. All on list currently.

7--Mentioned Portville where business wants to do a \$3M expansion, 30 employees, but can't do it, water service in area is required but town doesn't have money. He emphasized that Yorkshire should continue to evaluate its Sewer and Water efforts, perhaps aligning to Lime Lake Sewer Project in future. Supv Spencer advised Rich that agreement is in place that allows for future use potential
Supv Spencer and the Board advised Legislator Helmich that they appreciated him coming in to discuss key topics with them.

Special Orders:

"NONE"

General Orders & Old Business:

Clerk Clark provided preliminary Final update on Dog Enumeration. As of May 11, 2017, Total new licenses were 208, resulting annual revenue of \$2,153.00 and a total of 727 responses or approx. 35% of the mailed enumeration flyers. Result exceeded expectations.

Reports of Department Heads:

Mary Gilbert/ZBA Secretary (Written Report) -
No Meeting to be held on May 10, as there is no new business before them.

Joe King / Constable:

- (1) No Report

Dave Cumming / Dog Control

- (1) Only couple calls, most dogs found by owner, one dog not found. (2) Caught one dog, no ID. Tried to get adopted but ended up turning over to SPCA. (3) A complaint about mistreatment to a few dogs is under review, no evidence found, but follow up continues (4) Report of 3 dogs left outside without shelter. Do have cage, but not dog house. Follow up continues (5) Issued one appearance ticket for problem with dogs running loose. Came to court, work with Judge. Check back in June.

Larry Groves/Water Com -

- (1) Got annual water quality report approved and website link set up, postcards mailed. Advertisement will be in Herald. Complete for 2016 (2) Has decided not to attend training in Niagara Falls, as was previously approved. (3) Asked Board to consider waiving the penalty for account 22102. Bill was ~\$1,000 due to a water leak, which has been fixed. Owner has paid \$300.00 so far, will pay entire original amount, but Larry would like to waive the penalty. See R# (48-17)

RESOLUTION #48-17

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, that the Board has approved forgiveness of penalty for account 22102 for the April 1, 2017 billing only. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 – Adopted

Christopher Lexer/Codes Enforcement Officer – (Written Report)

Issued 3 Building Permits & 2 Zoning Permits in April 2017 with fees totaling \$378.80. Looking over other permits, working with constable to clean up some properties.

Christopher Lexer/Hwy Supt – (Written Report)

1-Spring trash clean up completed as planned 1 ½ days this year. Amount looks like around same as last year, totals will be made available for next meeting (2) Working on ditching and other normal maintenance. Started rehab job on King Road

New Business:

Coun George report for Youth Recreation which will be held July 10-August 17, 2017 at the Delevan Village Park; (1) Swim Program will be held at the Pioneer High School; (2) The following are the recommendations of the committee for hire (note see R #47-16). Carolyn Kolasny, Rec Specialist at \$9.70/hour, Jordan Smith Rec Specialist at \$9.70 / hour, Eric Vosburg as Life Guard / Rec Specialist at \$9.70/hour, Noelle Norton, Rec Specialist at \$9.70 / hour, Grace Reisdorf, Lifeguard / Rec Specialist at \$9.70 / hour. And EMT Alisha Schweickert at \$200 for the season and Rob Hirsh, WSI at \$200.00 for the season. Previous Board approval already given for Jessica Franklin, Aquatics Director with pay of \$13.00/hour and Trista Reisdorf, Recreation Director with pay of \$17.00/hour. (3) Busing, awaiting final quote from First Student, providing costs are as expected and fall within budget, recommendation is for First Student to be awarded the contract (Note R#48-16 and R#49-16). No other providers locally are available and anyone further distance would increase the cost, thus per procurement policy, in no event shall the inability to obtain the proposals or quotes be a bar to the procurement, approval is requested for First Student, with approval for Supervisor to sign contract and Exhibit A, with Town Attorney review and approval (See R#49-52-17)

RESOLUTION #49-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that the Board has approved the hiring for the 2017 Youth Recreation as follows; Carolyn Kolasny, Rec Specialist at \$9.70/hour, Jordan Smith Rec Specialist at \$9.70 / hour, Eric Vosburg as Life Guard / Rec Specialist at \$9.70/hour, Noelle Norton, Rec Specialist at \$9.70 / hour, Grace Reisdorf, Lifeguard / Rec Specialist at \$9.70 / hour.

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

Ayes 5 - Nays 0 – Adopted

RESOLUTION #50-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that the Board has approved the hiring for the 2017 Youth Recreation as follows; EMT Alisha Schweickert at \$200 for the season

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

Ayes 5 - Nays 0 – Adopted

RESOLUTION #51-17

On a Motion of Coun George, seconded by Coun Hewitt, the following Resolution was Resolved, that the Board has approved the hiring for the 2017 Youth Recreation as follows; Rob Hirsh, WSI, at \$200.00 for the season

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

Ayes 5 - Nays 0 – Adopted

RESOLUTION #52-17

On a Motion of Coun George, seconded by Coun Walker, the following Resolution was Resolved, that the Board authorizes Supv Spencer, pending submission by Recreation Committee and review by Town Attorney, to sign the contract and Exhibit A with First Student

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

Ayes 4 - Nays 0 – Abstain – 1 Adopted

Coun Hewitt Abstain due to relationship with First Student Management representative.

Supervisor Spencer discussed with Board with regards to the planting on flowers, landscape updates to the front of town hall, as is done annually prior to Memorial Day. She and Chris Lexer will coordinate and complete. Board agreed this is a good project.

Clerk Clark reviewed some points with Current Local Law 1-2014, Peddling / Vending and Soliciting in Yorkshire. Suggestion is to consider an update to local law to include a general statement that any and all NYS or County Permit, License, Registration is the sole responsibility of the applicant to insure compliance. In addition, could add specific wording to Home Processors require registration with NYS Ag and Market and that Plant/Produce requires license with NYS Ag & Market. However, since these could change over time, suggestion is to keep wording general to make in responsibility of the applicant to insure compliance. After some points reviewed with Coun Walker and others, it was agreed to have Clerk Clark work with Town Attorney to develop a draft proposal to be discussed at next board meeting, at which point a direction can be set for any required public hearing. Note R#53-17

RESOLUTION #53-17

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, that the Board authorizes Clerk Clark to work with Town Attorney on draft updates to Local Law 1-2014, to be presented to Board upon completion.

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

Ayes 5 - Nays 0 – Adopted

Coun Hewitt discussed a desire to review again some previous suggestions by Town Attorney with regards to Zoning Updates, to better understand any direction. After discussion amongst Supv Spencer, Coun Walker and Coun Hewitt, it was agreed that Coun Hewitt can reach out directly to Town Attorney with questions and bring back to board any further points for discussion. Option to have Town Attorney attend can be reviewed at this time.

Coun George reviewed with board the high cost of Lifeguard and First Aid training required. It was difficult to find the final candidate due to this. She and the board discussed the option of paying for the training for selected hires with the expectation they might also then return for additional seasons. The board felt like this had merit and Coun George will bring it back to the board toward end of season as we determine status of remaining budget. 2018 budget can include this suggestion.

RESOLUTION #54-17

On a Motion of Supv Spencer, seconded by Coun Hewitt, the following Resolution was Resolved, to move into Executive Session at 8:29p.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 8:39 pm & reopened the regular meeting.

RESOLUTION #55-17

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, to authorize Supv Spencer to pursue finalizing proposal and approving the final contract with Highway Employees Union, with review and approval by Town Attorney

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

Ayes 5 - Nays 0 – Adopted

Monthly Audit - All Town Board Members present had the opportunity to audit all vouchers (bills, invoices & statements) submitted for payment and to initial the vouchers for payment (*Note R #56-17).

Pay Claims:

RESOLUTION #56-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims #108-138, in the amount of \$\$7,436.73 as set forth in General Fund Abstract No. 5 Dated May 15, 2017; Highway Fund Claims #62-71, in the amount of \$9,997.76 as set forth in Highway Fund Abstract No. 5 Dated May 15, 2017; Water Dist #1 Fund Claims #24-31, in the amount of \$2,989.010 as set forth in Water Dist #1 Fund Abstract No. 5 Dated May 15, 2017. Water Dist #2 Fund Claims #5, in the amount of \$60.00 as set forth in Water Dist #2 Fund Abstract No. 5 Dated May 15, 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 Hewitt, seconded by Coun Fisher, the meeting was adjourned at 8:41 pm. Carried unanimously.

Fred Clark, Town Clerk