

The regular monthly board meeting of the Yorkshire Town Board, for the month of April, was held on April 17, 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
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; Joseph King, Constable, Dawn Breton, Court Clerk

Also present was Laney Hill, Arcade Herald Reporter

On a Motion of Coun Fisher, seconded by Coun Hewitt, it was moved to dispense with the reading of the draft minutes of the March 20, 2017 meeting. Carried unanimously.

RESOLUTION #35-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was resolved, to approve the draft minutes of the March 20, 2017 regular monthly town board meeting as printed.

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

Communications:

1. Board of Election, notice of 3 sent for Town of Yorkshire filed
2. Water Line Easement with Pioneer School is being completed by School and will be sent to Town Attorney
3. Board members have copy of letter from Attorney affirming current Code of Ethics Local Law, follow up from previous board meeting.

Petitions:

"NONE"

Report of Committees:

Coun George reported: (1) The Youth Rec Committee will be advertising for summer recreation employment resumes (applications). Deadline for submission is April 28. Will need at least one. (3) Sign up schedule and support plan defined (4) Will advertise for Sign-ups in May publications, ad developed. (4) Youth Recreation program will run July 10 – August 17, 2017. Rec Director looking at doing just 2 Field Trips and added activities at the park during the Rec Program, this will help control costs.

Requested motion to approve hiring of Trista Reisdorf as Youth Recreation Director for 2017 at a salary of \$17.00/hour; Jessica Franklin as Aquatics Director for Youth Recreation 2017 at a salary of \$13.00 / hour. In addition, Coun George reported that all but one of last year's support staff has indicated a desire to return, with all receiving a minimum hourly wage of \$9.70. (Note R #40-17)

Monthly Financial Reports:

Supv Spencer presented her Supervisor's monthly report for March 2017 & the budget report, as prepared by Diane Finch, CPA, for the month of February 2017, to the Town Board for review, and filed the reports with the town clerk (*Note R #36-17).

RESOLUTION #36-17

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

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

Town Clerk Clark presented copies of his monthly financial report for March 2017, in the amount of \$1,929.50, to the Town Board for review.

Tax Collector Clark reported YTD 2017 tax collection activities, with receipts total of 3,007,622.48, withdrawals of \$3,007,455.72. Final Reconciliation done with County and only remaining payment will be final to Supervisor in early May after all interest and bank fees are finalized for April. Coun Hewitt volunteered to do the Annual Audit of Tax Collection, after the final disbursement in May. Clerk Clark will contact her when ready. Note that Penalty and Interest to date is \$6,400 paid to Supervisor, vs. a budget of \$5,000

Copies of Town Justices Financials were provided. Justice Lynn Guertin, \$7,057.00 and Justice Heather Tomes \$7,405.59

Residents Time for Comments / Public Comment:

“None” from Residents

DEC representative Ken Baginski and Emilio (Wildlife Mgmt.) were on agenda to speak to board about support of DEC attempt to purchase Kingbrook Property, totaling approx. 1200 acres with the intent to turn it into a Wildlife Management Area. The board under previous review has indicated to DEC their lack of support for said project since it would make this parcel of property tax exempt and would then also not allow for any possible future development of said property. DEC representatives reviewed with Board at this time their views on the potential of the project to draw in new visitors to the area such as hunters, hikers, bird watchers, etc. And that these people would spend their money in the surrounding businesses, which would help offset revenue loss from the tax-exempt status. Supv Spencer inquired as to why the forestry portion of DEC Management was not tax exempt but that Wildlife Mgmt. was. To which DEC replied that they too thought this was a valid question but that it would take legislation for something to change, which while it has been proposed previously, it has never been truly acted upon at the state level. Coun Hewitt questioned the DEC representatives about the license sales and where Cattaraugus County ranked, which was not on Top 10 listed and if there would be special permits required for use. DEC indicated they were not sure of ranking of Catt County and that unless the area was over-run with visitors, no special permit would be required for anyone to visit the area. DEC explained in further summary comments the intent to insure proper timber, habitat, brush and grass management that would improve the overall attraction to wildlife. DEC indicated this would be a long process, they must yet do an appraisal, develop and offer and then negotiate. They would like the board to consider supporting the project. Supv Spencer indicated she felt like there as ample green space in the Town and that while the board can review the inputs, she was not certain it would be in best interest of town to indicate support of project. DEC can proceed without Board support, but would prefer to have the support. In concluding the DEC thanked the board for their time and willingness to listen to their position. Even if they do proceed, it is not a sure thing. Current asking price is set high at over \$3M USD. No further action was taken by Board at this time.

Special Orders:

General Orders and Old Business:

Clerk Clark provided an update on the Dog Enumeration which runs through April 28. It has gone well so far. 125 new licenses recorded as a result and approx. a 30% response rate.

Reports of Dept. Heads:

Joe King, Constable:

(1) Coun Hewitt inquired about how the request for clean up on some properties are going. Constable King responded that McKinstry has been done, 1 house still to be addressed. Working on W. Yorkshire Road in advance of May 1 Spring Clean up to insure it is utilized effectively to improve concerns. Resident next to Chandersons has improved also. Coun Hewitt asked about how long people are given to comply with requests. Constable King indicated that usually around 3 weeks, but generally speaking he looks to see progress continuing by the resident.

David Cummings/Dog Control Officer – Not Present

Mary Gilbert/ZBA Secretary (Written report) -

(1) Written Report. Not meeting for April 2017, as no new business before the ZBA

**Larry Groves/Water Commissioner –
No Report, Not Present**

Christopher Lexer/Codes Enforcement & Zoning Officer -

- (1) Issued three Building Permits in March 2017 with fees totaling \$103.75, two Zoning Permits with fees totaling \$33.75 Overall Total of \$137.50
- (2) Taking phone calls regarding upcoming projects for the summer and taking care of some complaints.
- (3) Continued work on fire and safety inspections as needed
- (4) As time allows, still sorting out the 911 number

Christopher Lexer/Hwy Supt -

- (1) Spring clean-up is scheduled for May 1, finalizing dumpster locations. (2) Ditching and starting road work for the upcoming season as weather permits. Our main projects this year will be surface treating and paving of various roads
- (2) Provided the completed Agreement to Spend Highway Funds, requested Board to consider a motion to approve and then will be sent to County Superintendent of Highways for approval. (Note see R #37-17)

Supervisor Spencer communicated that the C.H.I.P.S. for 2017 is coming in at \$109,090.24 and the Pave NY at \$24,900.93 and Extreme Winter Recovery of \$20,090.47, for a combined apportionment of \$154,081.64. Request approval to increase Revenue by \$54,081.64 and XXX by \$54,081.64. Original budget of \$100,000.00. Supv Spencer Requested Board to consider resolution to amend 2017 Budget to account for the Annual C.H.I.P.S. (\$9,090.24) and PAVE NY \$24,900.93 and Winter Recover of \$20,090.47 allocation received. Adding \$54,081.64 of Budgeted Expenditures to DB 5112.4. Original budget of \$100,000 would be increased to \$154,081.64. Revenue DB3501 to be adjusted by same amount (note, see Resolution # 38-17)

RESOLUTION #37-17

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, for Agreement to Spend 2017 Town Highway Funds pursuant to the provisions of Section 284 of the Town Highway Laws in the amount of \$60,000.00 on King Road, starting at McKinstry Road leading to Eastland Road for a distance of .62 miles (1 ½ inch overlay with chip sea, 20 ft. width. And \$15,000.00 on King Road, starting at McKinstry Road leading to Eastland Road. for a distance of .62 miles (surface treat, 20 ft. width), \$34,000 on Eastland Road starting at Block Road and leading to Gooseneck Road, a distance of 2.16 miles, surface treat (Complete agreement on file in the town clerk's office).

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

Ayes 4 – Absent 1 - Nays 0 -- Adopted

RESOLUTION #38-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, to amend budget 2017, account DB5112.4 Improvement Capital outlay, with additional Revenue from C.H.I.P.S of \$9,090.24 & PAVE NY of \$24,900.93 and Winter Recover of \$20,090.47, Total of \$54,081.64, increasing the budget DB5112.4 from original amount of \$100,000 to \$154,081.64 and to Increase DB3501 CHIPS Revenue for Highway Account DB3501 by \$54,081.64 (Orig Budget \$100,000, New Total \$154,081.64)

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

Ayes 4 – Absent 1 - Nays 0 -- Adopted

New Business:

Supervisor Spencer is required to identify for retirement system purposes, what is considered full time Town Official positions of Town Justice and Town Dog Control Officer based upon hours worked. The current standard for Town Clerk position is minimum of 6 hours per day

RESOLUTION #39-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolutions was Resolved, to consider, for retirement system purposes all positions (except Highway) will be 6 hours of work to be considered a full day. Highway is 8 hours of work to be considered a full day.

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

Ayes 4 – Absent 1 - Nays 0 -- Adopted

RESOLUTION #40-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolutions was Resolved, to approve hiring of Trista Reisdorf as Youth Recreation Director for 2017 at a salary of \$17.00/hour; Jessica Franklin as Aquatics Director for Youth Recreation 2017 at a salary of \$13.00 / hour
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Absent.
Ayes 4 – Absent 1 - Nays 0 -- Adopted

Court Clerk Dawn Breton reviewed with Board that the Court Clerks Annual Meeting / Training would be held at Holiday Valley in Ellicottville this year, September 24-27, 2017. Being local, she has been assigned to support several committees such as Welcoming, Chauffer, Activities, etc. She has been pushing for training in our area and is excited to have it be in the Towns backyard. She requested board to consider approval to allow her to stay on site during the Conference, at an estimated cost of \$800.00, so that she could devote the necessary time to support the Conference. See Resolution #41-17

RESOLUTION #41-17

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolutions was Resolved, to approve Court Clerk Breton to stay at hotel in Ellicottville to support the 2017 Annual Court Clerks Conference and assigned duties of Committees.
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Absent.
Ayes 4 – Absent 1 - Nays 0 -- Adopted

Supv Spencer requested a motion to move into Executive Session regarding collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law) with Fred Clark invited to attend the Executive Session.

RESOLUTION #42-17

On a Motion of Supv Hewitt, seconded by Coun George, it was moved to enter into Executive Session at 8:12 p.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, Absent.
Ayes 4 – Absent 1 - Nays 0 -- Adopted

Supv Spencer closed the Executive Session and re-opened regular meeting at 8:24 p.m.

Monthly Audit - All Town Board Members had the opportunity to audit all vouchers (bill, invoices & statements) submitted for payment and to initial the vouchers for payment (*Note R #43-17).

Pay Claims:**RESOLUTION #43-17**

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims (A, B and SL) #87-107 in the amount of \$10,902.25 as set forth in General Abstract No. 4 Dated April 17, 2017; Highway Fund Claims (DA, DB, H) #50-61, in the amount of \$22,443.24 as set forth in Highway Abstract No. 4 Dated April 17, 2017; Water Dist #1 Claims #19-23, in the amount of \$3,985.24 as set forth in Water Dist #1 Abstract No. 4 Dated April 17, 2017; Water Dist #2 Claim #4, in the amount of \$30.00 as set forth in Water Dist #2 Abstract No. 4 Dated April 17, 2017.
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Absent.
Ayes 4 – Absent 1 - Nays 0 -- Adopted

With no further business, on a Motion of Coun Hewitt, seconded by Coun Fisher, the meeting was adjourned at 8:25pm. Carried unanimously.

M. Fred Clark, Town Clerk