

REGULAR MONTHLY TOWN BOARD MEETING NOVEMBER 20, 2017

The regular monthly Town Board Meeting, of the Town of Yorkshire, for the month of November, was held on November 20, 2017, at the Town Hall, 82 South Main Street, Delevan, NY. Please note the meeting was started at 6 p.m., beginning with an Information Meeting regarding potential water line extension for W. Yorkshire Road. This change in time was published in town newspaper and posted on Town Clerk at the Town Hall.

Supervisor Spencer called the meeting to order at 6:00pm with the Pledge of Allegiance to the Flag of the U.S.A.

Roll Call:

Marcia Spencer, Supervisor, Present
Constance Walker, Council Member, Present, departed at ~7:30 p.m.
Kenneth Fisher, Council Member, Present
Tammy George, Deputy Supv, Council Member, Absent, arrived at ~7:00 p.m.
Teresa Hewitt, Council Member, Present

Other Town Officials present: Fred Clark, Town Clerk; Larry Groves, Water Commissioner, Joe King, Constable, Dawn Breton, Court Clerk, Lynn Guertin, Town Justice, Highway Supt Chris Lexer
Other attendees: Jake Alianello, MDA Consulting Eng, Eric Wohlers, Catt County Health Dept, Tim, Catt County Health Dept., Person from Wiley Well Drilling (requested by Eric Wohlers), Residents Ellen Pierce & Chris Edmunds, Council Member Elect for 2018

Supv Spencer turned over to Water Comm Groves to begin scheduled Informational session on potential water district expansion for W. Yorkshire Road
Comm Groves gave summary that ~42 requests of interest were sent to residents in the W. Yorkshire Road area, of which only 25 responded: 11 responded with a Yes for interest, 8 with No, 6 with possible interest, 17 no responses. In addition, a meeting invite for this session was sent out in advance. He noted that only one resident, Ellen Pierce, is attending the session. Eric Wohlers indicated that Health Dept was contacted by a couple residents with concern of running out of water. He indicated there were 4 houses connected to a spring which was having yield issues and not producing enough. Testing done and found bacterial in sample. One resident has put in own shallow well, but still 3 residents on the original spring. Some have reported being ill in past. Views the spring as poorly constructed. Only real interim solution here would be for residents to either have a deep well dug, likely a few hundred feet, which is very expensive or go with a shallow well which has its limitations since it must be 100 feet from a leach field and 50 feet from a septic tank to prevent contamination concerns. Eric view is long term solution is public water.

Jake Alianello of MDA Consulting Eng. Indicated he has worked with Comm Groves and has compared this potential project with others done and would say the estimate is likely in the \$1M range to complete. However, to proceed forward the first step would be to develop a Preliminary Eng. Report, which would exact the homes, length of pipe, etc. Using this, then it was suggested that work could be done to go after funding with support from a company such as Municipal Solutions, whom often work with grant writer's. Funding through Block Grants, Rural Development, Environmental funds, water grants, were some of the potential options mentioned. The probability gets based upon a score and rank the project gets from factors such as income, financial factors of impacted residents. Grant funds have most favorable impact to residents

Supv. Spencer asked is the estimate of costs included bond council and cost for residents to connect. Jake indicated yes on bond council, but that if water districts own to the curb, it would be resident responsibility to contract to connect, which you cannot use grant funding for. A place such as Municipal Solutions would advise you on best solution. Eric Wohlers agreed they are very effective. Supv Spencer asked Comm Groves if there is a limit in our current system for how much we can add/ increase. Comm Groves indicated currently only using approx. 25% of well capacity, so no issue there. Jake Alianello commented that typically residents see 2 charges, a routine charge for water / admin costs and then the capital costs which are spread out over the term of the funds received. It was commented the area in question is not very dense with population, so fewer people to cover the costs. Part of the project of study done includes funding and projected first year costs to typical user. The target service charge must meet a threshold established or it required State Comptroller approval.

W. Yorkshire Rd Informational Session (cont.)

Supv. Spencer said there had been some talk about people qualifying for something under the Ag District to get aid to put in wells. To which Eric Wohlers indicated it has nothing to do with Ag District and there is no funding for such costs as wells. There is a grant the county applies for every 2 years that assists low income home owners with replacement of failed septic's or wells, have to quality and apply.

Coun Walker asked resident Ellen Pierce is she could hear what they are saying? Ellen is the one that was told about special financing. Ellen stated the spring has started in 1960 and that she has 99-year rights to it, other houses do not. After 99 years has to be re-negotiated. No one now cleans the spring house. Wohlers indicated springs should be tested regularly. Rep from Wiley Well Drilling gave estimate of \$20,000 for a deep well in the area and \$6,000 plus for a shallow well. 350 feet is deepest well he knows of in this area.

Supv Spencer questioned if springs can be repaired? Wohlers said that first legal easements that give rights should be ironed out so all own. Then they could mutually invest in cleaning and testing of a shared spring. Wohlers also mentioned that something to consider is an ultra violet disinfectant system to insure bacterial free, would come under a qualification for a grant. He went on to say that a project like this is likely to be a 3 or 4-year long process. Residents must do something in the meantime. Alianello said even spending more money to rehab springs doesn't guarantee quality of water. Coun Walker acknowledged that yes, they must be maintained. Comm Groves reminded that even if drilling a deep well and sharing that if 5 or more on it, then becomes public system and must be treated and tested as such. Wohlers indicated could combine 3 from a single source, but a deep well also can have issues with hard water, iron, etc. and must be far enough from Septic. Coun Walker indicated 100 feet away and of course would have to make a shared system legal, i.e. rights and easement.

There was some discussion amongst several attendees about if people would have to connect if offered. Currently town does not require this, can be grandfathered in. Code Officer Lexer indicated State building code also does not require a resident to tap into line. Wohlers indicated the board could pass an ordinance that all must connect, an example of Lime Lake Sewer Dist was provided. Code Officer Lexer trying to understand if less people on the system if available, does it make sense. Wiley Well and Wohlers and Tim commented that a recent shallow well done still tested for a form of bacterial and wouldn't drink unless disinfected. Coun Walker that asked if they could qualify for a free well then. Wohlers indicated they don't have money for deep well. They might provide support if qualified for a system to disinfect. Coun Walker indicated someone had told or given info that they would qualify for well. Tim indicated that was him, but he was not aware of how deep or the available funding. Wohlers indicated that he will work with residents interested on system to treat water either from shallow well or springs as the overall extension project is discussed, since that is long term. Coun Walker asked for confirmation on whom people contact. Wohlers indicated to contact his office at Health Dept., they ultimately work with a nonprofit Rural Revitalization. Home owner must apply. Tim commented that Ellen Pierce has already applied.

Concluding, board agreed to have Comm Groves set up another informational session, and invite residents again to see if more people come out. This was requested to be done in February 2018. Need to move near this time to stay on a timeline to get project funding. Discussion concluded at approx. 6:50 p.m.

On a Motion of Coun Fisher, seconded by Coun Hewitt, it was moved to dispense with the reading of the draft minutes of the October 16, 2017 town board meeting. Carried unanimously.

RESOLUTION #101-17

On a Motion of Coun Fisher, seconded by Supv Hewitt, the following Resolution was Resolved, to approve the draft minutes of the October 16, 2017 Regular Monthly Town Board Meeting as printed. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 - Nays 0 - Adopted

Reports of Committees:

"NONE"

Monthly Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for October 2017 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of September 2017, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #102-17).

RESOLUTION #102-17

On a Motion of Coun Fisher, seconded by Coun Hewitt, the following Resolution was Resolved, that Supv Spencer's Monthly Financial Report for October 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 a check to the town supervisor in the amount of \$5810.00 for the month of October 2017.

Justice Lynn Guertin sent a check to the town supervisor in the amount of \$6,731.00 for the month of October 2017.

Town Clerk Clark presented his monthly financial report for October 2017, in the amount of \$1,099.52, to the Town Board for review.

Communications:

NYS Association of Towns, Annual Officers Training Notification

Supv Spencer has received further information about training required for Constables. Will share with Constable King

Supv Spencer got letter from County Health Dept. as a reminder on lot size requirements for septic systems.

The Delevan-Yorkshire Library has asked for support to recommend appointment of 2 Trustees to the Board. Brandon Stearns of 28 North Main Street Delevan, NY and Deb Wright of 85 Grove Street, Delevan, NY. Brandon is a custodian at the Delevan Elementary School and Deb is employed in the Library Media Center of the Pioneer Middle School. See R# 103-17

RESOLUTION #103-17

On a Motion of Supv Spencer, seconded by Coun Fisher, the following Resolution was Resolved, that Board agrees with Delevan Yorkshire Library to appoint Brandon Stearns of 28 North Main Street Delevan, NY and Deb Wright of 85 Grove Street, Delevan, NY to a Five-Year Term on the Library Board of Trustees, October 31, 2017 to October 31, 2022.

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

Ayes 5 - Nays 0 - Adopted

The Town of Amherst is celebrating its Bicentennial beginning January 1, 2018. They are requesting a proclamation and / or greeting from the Town of Yorkshire See R# 104-17

RESOLUTION #104-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, Clerk Clark will draft a letter of support to Town of Amherst recognizing their Bicentennial Celebration that begins January 1, 2018. Supv. Spencer to sign.

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

Ayes 5 - Nays 0 - Adopted

Communication (cont.)

Clerk Clark reviewed a request from Eric County Emergency Services Division of EMS for a Certificate of Need letter of support See R#105-17

RESOLUTION #105-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, Clerk Clark will draft a letter of support to Erie County Emergency Services Division of EMS a letter of support for Certificate of Need. Supv. Spencer to sign.

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

Ayes 5 - Nays 0 – Adopted

Coun Hewitt asked about the supplied summary of late dog license renewals sent to DCO Cummings. She asked if Joe Neamon was involved. Clerk Clark indicated that this was sent to primary officer Cummings only. Supv. Spencer indicated that Joe has been increasing support recently. Coun Hewitt asked if we should have further discussions on DCO in advance of January meeting. Supv. Spencer agreed and instructed Clerk Clark to add to the December agenda.

Privilege of the Floor/Public Comments-Concerns-Questions:

Supv Spencer invited Justice Guertin and Court Clerk Breton to address board.

Justice Guertin indicated a recent safety concern and read a letter of concern from Justice Tomes. On Nov. 16 an incident occurred where a defendant got angered with court and prosecutor. After he had left the building, he returned and was able to get to prosecutor's door and slammed it. While no injury occurred, it has raised the concern over the ability for one court constable to maintain control and ultimate safety over the court room. The Court suggestion is to have a second constable hired for each night

Clerk Breton explained how the set-up of metal detector, table etc. works, but that one constable cannot be in court room and monitoring adequately the entrance point to the building.

Supv. Spencer and board all agree that safety is primary concern. Regulations are increasing. Supv. Spencer wondered if could share support from another town or someone with training already.

Supv. Spencer also questioned if prosecutor would be better off located in the Court Clerk office.

Clerk Breton and Justice Guertin both indicated that confidentiality prevents the co-location of prosecutor to the court room area. Justice Guertin indicated that he could investigate if some police officers could also be used for the role of constable, with some court room demeanor training required.

Constable King asked if perhaps could at least use a second constable, Rob McNally, to the 2 Thursdays that court is usually the busiest. To which Supv. Spencer indicated that board had given approval for use of Rob as Court saw fit, previously. Coun George asked a question of clarity on the method used for entering the metal detector / building.

Clerk Clark suggested that court review if feasible to lock door to limit access after a certain time and perhaps even install a buzzer at door and a voice system such that someone would need to allow access. In this way you essentially lock out the concern, similar to a lock down process. Justice Guertin indicated he would look into this.

Concluding, was agreed that Constable King can reach out to Constable McNally for any requested support. Court would provide update at next meeting on the inquires for others capable of supporting, i.e. Police Officers and the option of locking doors, locating a buzzer.

Special Orders:

"NONE"

General Orders and Old Business:

"NONE"

Report of Department Heads:

David Cummings/Dog Control Officer – No report

Mary Gilbert/ZBA Secretary - Written Report

Larry Groves/Water Commissioner -

Clerk Clark has sent out final relevy for 2018 tax on delinquent water bills

Comm Groves advised board that location on Route 16, Kirby Colling owner of the building that is leased to Bloom's mattress store and 4 apartments in building, that Comm Groves understands that County may require owner to put in a disinfectant system for well, which would be costly. Comm Groves wanted board opinion on potential project to run a line there from Westover, with an estimated cost of \$60,000. Strategically, could make then ready for further expansion down Route 16 South and also relocate the lines running to plaza from the parking lot (on west side of Route 16), thus getting rid of risk of lines below the parking lot and meter pit issues.

Option two would be to let owner try and get easements to run water line from east to west from Pine Street. Typically, that is not a preferred option. In addition, Comm Groves also would look at increasing line size on a portion of Westover

After mutual discussion with board members on the options, the board agreed to wait and see what owner response to county is. Would be difficult to support such an extension in district that would be for benefit of one owner/ resident.

Christopher Lexer/Codes Enforcement & Zoning Officer – Written report

(1) Four building permits issued (2 for wells) and One Zoning Permit, totaling \$162.50

Christopher Lexer/Hwy Supt -

(1) Written Report provided

New Business:

Clerk Clark requested Board to consider a resolution to authorize the use of Five Star Bank to collect the 2018 Town and County Taxes for the Town of Yorkshire (Note: R #106-17)

RESOLUTION #106-17

On a Motion of Coun George, seconded by Coun Hewitt, the following Resolution was Resolved, that Five Star Bank be authorized to collect the 2018 County & Town Taxes for the Town of Yorkshire.

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

Ayes 4 - Nays 0 – Absent – 1 Adopted

Supervisor Spencer requested Board to consider a resolution to allow her to send the payment to State Retirement in December, prior to Board Meeting, to allow for the reduced rate. Note that this is included already in the November abstract (Note: R #107-17)

RESOLUTION #107-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, That Supervisor Spencer be authorized to pre-pay and send the annual State Retirement payment in December to allow for the reduced rate and as is included in November abstract

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

Ayes 4 - Nays 0 – Absent – 1 Adopted

Supv Spencer and Clerk Clark request to move \$600.00 from A7310.4 Youth Programs Contractual and increase A3510.4 Dog Control Contractual \$600.00 to cover remaining November and December estimates expenses. This is needed due to the enumeration costs incurred in 2017 of approx. \$1,500. It was noted that this effort also increased revenues vs. 2017 budget by a minimum of \$1,500.00 Note R#108-17

RESOLUTION #108-17

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, to decrease Youth Programs Contractual A7310.4 \$600.00 and increase Dog Control Contractual A3510.4 by \$600.00

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

Ayes 4 - Nays 0 – Absent – 1 Adopted

Supv Spencer indicated that after checking on requirements for update to Town Comprehensive Plan, that it is the responsibility of the Planning Board to conduct this.

Audit - All Town Board Members present had the opportunity to audit all vouchers (bills, invoices or statements) submitted for payment and to initial the vouchers (*Note R #119-16).

RESOLUTION #109-17

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 #286-317, in the amount of \$65,552.03 as set forth in General Abstract No. 11 Dated November 20, 2017; Highway Fund Claims #131-153, in the amount of \$252,813.68 as set forth in Highway Abstract No. 11 Dated November 20, 2017; Water Dist #1 Fund Claims #59-67, in the amount of \$2,564.24 as set forth in Water Dist #1 Abstract No. 11 Dated November 20, 2017 Water Dist #2 Fund Claim #13, in the amount of \$30.00, as set forth in Water Dist #2 Abstract No. 11 Dated November 20, 2017.

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

Ayes 4 - Nays 0 – Absent – 1 Adopted

With no further business, on a Motion of Coun George, seconded by Coun Fisher, the meeting was adjourned at 8:10 pm.

Carried unanimously.

-----M. Fred Clark, Town Clerk