

The regular monthly Town Board Meeting of the Town of Yorkshire, for the month of August, was held on August 21, 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, Absent
Kenneth Fisher, Council Member, Present
Tammy George, Deputy Supv & Council Member, Present
Teresa Hewitt, Council Member, Present

Other Town Officials attending the meeting were Fred Clark, Town Clerk; Larry Groves, Water Commissioner; Joe King; Constable

Also present: Laney Hill, Arcade Herald Reporter/Editor, Wynn Boyd, President of Delevan Cemetery, Carla Hester, Secretary/Treasurer Yorkshire Cemetery, Gordon McElheny, Carol Krieger, Christopher Edmunds (Delevan Cemetery), Lonnie Owens, Jack Stumpf, Richard Helmich, Kathryn Helmich, unknown attendee

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

Supv Spencer asked for a motion to approve the draft minutes of July 17, 2017. Coun Walker asked Clerk Clark if he would consider an update to the draft minutes, specifically Page 4 under New Business, 1) request to add that Coun Walker did state / question if previous statement from Supv Spencer was on agenda, 2) When meeting in July was adjourned, that Constable King was instructed to escort Coun Walker to her car. To which Supv Spencer indicated that it was up to Clerk Clark to agree to any updates, but that she did not instruct Constable King to do anything but clear the board room for the adjournment and that she should have termed it a recess rather than adjournment. Supv Spencer went on to make statements related to the description of the Supv role / responsibility to act and that she felt the board would better serve the residents to move on from this concern. Coun Walker questions Constable King on his actions during the adjournment, to which Constable King indicated he does not recall escorting anyone to their car, but was simply insuring all participants cleared the board room as requested.

Clerk Clark agreed to review the draft minutes in consideration of request. Any updates will be provided in advance of next board meeting for approval.

Motion for approval of draft minutes of July 17, 2017 was tabled.

Petitions:

"NONE"

Communications:

Received final equalization rate of 16.0%

Reports of Committees:

Coun George, Town Youth Commissioner, reported that the summer recreation finished on Thursday August 17. Rec Director Trista Reisdorf did another excellent job, as did her staff for the season. There were a total of 116 sign ups and daily participation was in the 80 range. Will work with Clerk Clark to send out thank you letters to business that supported, such as Arcade Railroad, Weber City and Scoops Ice Cream. Costs have remained within budget and there is enough to propose a resolution to have Town reimburse Youth Rec employees for their required training. The costs identified by 4 of the 6 employees thus far is \$310.00. Two employees have yet to submit evidence of their costs but could be included later. Request board approval to approve reimbursement to all qualified employees for the training received in 2017 to support the Youth Rec. Note R# 72-17

RESOLUTION #72-17

On a Motion of Coun George, seconded by Coun Walker, the following Resolution was Resolved, that authorization is given to reimburse Youth Rec Employees for 2017 training required for Lifeguarding and CPR/First Aid, provided proper receipt of expenses are made available
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 July 2017 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of June 2017, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #79-16).

RESOLUTION #73-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Supervisor Spencer's Monthly Report for July 2017 is accepted as submitted (and is included in the minutes).
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.
Ayes 5 – Nays 0 - Adopted

Town Clerk Clark presented his monthly financial report for July 2017, in the amount of \$1,671.01, to the Town Board for review.

Monthly Financials from Town Justices were received on file with Town Clerk. Justice Guertin in the amount of \$6,718.00 and Justice Tomes in the amount of \$4,877.00

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

Wynn Boyd: President and Current Superintendent of Delevan Cemetery. An introduction of the some of the Board Members was made, including some in attendance. Wynn went over in detail the financial status after the State Audit was conducted. In summary, the Association is taking steps to increase revenue, but those steps will likely not be enough to improve financial standing in the coming years. While the Cemetery has sufficient funds in near term, it is indicated that with in the next 10 years, if nothing changes, there is significant risk of being financially solvent to continue. Wynn reviewed some of the key cost areas and ongoing efforts to improve them. Sales have been slow on the columbarium used for cremation. Several board members asked questions for the purpose of greater understanding. Wynn indicated a desire to have the Town Board aware of the current financial risk and for them to consider future financial support to the Cemetery. The board thanked Mr. Boyd for his service and communication and willingness to work together for continued viability of the Cemetery

Carla: Secretary and Treasurer of Yorkshire Cemetery. Carla indicated that while Yorkshire was not in the exact same situation as Delevan Cemetery, that based upon their Financial Audit, it was recommended she come to the Town Board to raise awareness and seek support in any way the town could help, such as financial support, resources for trees, mowing, etc. The Association would appreciate any assistance that could be made. In addition, she communicated the need for more support and volunteers. Her father whom is 89 now, is still supporting digs, etc. at Cemetery and it is important to have more interest from the public to support the Cemetery requirements.

Special Orders:

"NONE"

General Orders & Old Business:

Kingbrook / DEC follow up (if any)

Supv Spencer indicated the Richard Helmich, as requested in prior board meeting, had forwarded to her emails of concerns and comments from residents neighboring the Kingbrook proposed DEC project. In general, the feedback received show concerns over privacy, adequate trail support through volunteers, what will happen to the Lake (drained?), overall access.

While the Town Board does not control the project, the DEC does ask for the inputs. The thought is to provide to DEC all the collected responses and concerns to insure a proper paper trail.

RESOLUTION #74-17

On a Motion of Supv Spencer, seconded by Coun Hewitt, the following Resolution was Resolved, that Supervisor Spencer's forward the collected responses / concerns for the DEC Kingbrook proposal to the DEC.

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

Machias Sewer District update

Supv Spencer indicated that only updates she is aware of is the bidding of contracts being sent out.

Reports of Department Heads:

Joseph King/Constable -

See discussion under New Business

David Cummings/Dog Control Officer -

Written Report provided, see discussion under New Business

Mary Gilbert/ZBA Secretary - Written Report

- (1) The Zoning Board of Appeals will not be holding an August meeting as there is no business or appeals before them.

Larry Groves/Water Commissioner -

- (1) Some account changeovers, final billing activity, which our Utility Software Program handles quite well compared to the previous program. No major repairs to report.

Christopher Lexer/Codes Enforcement & Zoning Officer - Written Report

- (1) Issued Four Building Permits & zero Zoning Permits in July 2017 with permit fees totaling \$125.00.
- (2) Following up on phone questions and building questions as they come in. Along with issuing, inspecting and completing permits.
- (3) As stated in past, there are approx. 70 places in the town that require fire and safety inspections. Some every year, some every 2 or 3 years. These are done as needed throughout the year. As far as Carbon Monoxide detectors, as per training I take, every year some are required and some are not, depending on the source.
- (4) As appointed officer, I am starting a policy on complains that are within the jurisdiction of this office. A form has been developed and provided and needs to be filled out and signed for any complaint to be addressed by the Codes office. The form is available at the clerk's office or by contacting CEO Lexer at the Codes Office. Note R#75-17

RESOLUTION #75-17

On a Motion of Coun Walker, seconded by Coun Hewitt, the following Resolution was Resolved, that the board supports and adopts the utilization of complaint form provided by Code Enforcement Officer Lexer

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

Christopher Lexer/Hwy Supt - Written Report

- (1) Perpetual Fuel Inventory Report has been filed with the Town Clerk (2) Have completed the oil and stoning for this year. Paving is about done for the year and we are still doing some hand patching on various roads.
- (2) Along with our normal maintenance we have been doing shared service with other local villages and towns.
- (3) Second round of roadside mowing is almost complete
- (4) We will be starting brush trimming, more ditching and hauling in our sand for the upcoming winter
- (5) As I always report we are still working on the 911 sign project as time allows and yes, I asked to have the rest of the money to be rolled over to finish the project that was offered to be completed and not required of this department to be cost effective for the tax payers of our town. The project should be completed by the end of the year.

New Business:

Clerk Clark reviewed the request for board approval to consolidate Vital Statistics between the Village of Delevan and the Town of Yorkshire. This would be for births and deaths and would require Town and Village approval along with Board of Supervisors. Note R. #76-17

RESOLUTION #76-17**RESOLUTION APPROVING CONSOLIDATION OF VITAL REGISTRATION DISTRICTS BETWEEN THE TOWN OF YORKSHIRE AND THE VILLAGE OF DELEVAN**

On a Motion of Coun Walker, seconded by Coun George, the following Resolution was Resolved Whereas, the Town of Yorkshire has been assigned by New York State as Vital Statistics Registration District 482, and the Village of Delevan has been assigned by New York State as Vital Statistics Registration District 431, and

Whereas, the Town Clerk has requested the approval of the Town Board to formally consolidate the Town and Village into one primary registration district, namely the District of the Town of Yorkshire under Vital Statistics Registration District 482, and

Whereas, the formal consolidation of the Registration Districts would benefit the public by eliminating questions as to which district records should be filed and not result in the loss of services to either municipality,

NOW, therefore be it RESOLVED, by the Town Board of the Town of Yorkshire that consolidation of the Town and Village Registrar functions under the Town's registration number (Vital Registration District 482) is approved, pending necessary approvals of all other required entities, including, Village of Delevan, Cattaraugus County and New York State Department of Health.

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

Ayes 5 – Nays 0 – Adopted

Clerk Clark requested approval to sign the Agreement for Youth Services Program to agree to the non-matching \$4,000 grant approval, to be put toward qualifying Youth Rec Staff salaries, as provided for in the initial application. Note R#77-17

Resolution #77-17

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, that Supv Spencer to sign the Cattaraugus County Agreement for Youth Services Program Contract for 2017 as part of the approved grant funding of \$4,000 to support the Town Youth Recreation Program. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Walker, Aye.

Ayes 5 – Nays 0 – Adopted

Supv Spencer, along with Jack Stumpf (Village of Delevan Mayor) discussed the Governors Initiative. County has upcoming meeting with Town Supv and Village Mayors to vote on plan to send to Governor. The team has been working with what are called “Planks”, which are platforms defined for improvement. Not all have anything to do with Yorkshire. If vote is not majority, then the team must come together again next year to try and define a plan to support. Jack Stumpf commented on recent news regarding approval given to insurance providers to increase rates, which will take away potential savings being identified, making job harder. Supv Spencer did indicate an inclusion in plan for the recent Teamsters contract signed by the Town, showing improvement in costs.

Coun Hewitt made a statement regarding communication to Town Board and Appointed Officials with respect to concerns with the Constable, Dog Control Officer and Codes Office. Her stated desire was to have a good discussion and not pointing fingers at anyone. Desire is to insure residents adhere to maintenance laws and getting permits such that property is being taxed appropriately. Property owner is responsible for compliance of town laws.

Coun Hewitt reviewed briefly the written response from Dog Control Officer David Cummings, who indicated awareness of forms and required fees, along with a brief summary of activities recently. Coun Hewitt questioned if any charges for kennel fees have been collected recently, to which Clerk Clark responded in the negative. She suggested that DCO consider recording and reporting on items such as number of tickets issued, if any, records and if board can help in any way to insure proper paper trail. She communicated that we have responsible dog owners, and our desire is to keep it that way. She has had a few calls from residents concerning either loose dogs or aggressive dogs. She has told them to contact the DCO directly

Coun Hewitt thanked Constable King for attending the meeting. She indicated she has some house numbers after the meeting for his to investigate. Coun Hewitt asked Constable King if he uses the Notice of Violation forms. Constable King indicated he does use them when required. He prefers to work with home owners to correct areas of concern, mutually work together to resolve. He has used the notice as a tool to give further incentive to residents to take action, but does not have to use it the majority of the time. Constable King stated he does make random trips to area 1-2x per month or if Clerk Clark or Supv Spencer contact him to address a matter (typically due only to a resident calling). Constable King indicated the place next to Chandersons have shown progress and got some stuff done. Constable King communicated he prefers not to have to take anyone to court if it can be avoided, it prolongs the process and with his duties as Court Constable, can interfere on court nights. Better off working with people, it's all about communication. Any Board Member can call me. Constable King indicated he would be developing a document to register complaints with him to investigate, that would require persons signature and concerns to be documented. Constable King also indicated he has an app he uses to take pictures and document concerns for future reference. Coun Hewitt communicated her desire to get with him as she has some things to go over and her belief that a good summary and updates would help support the board and any concerns over legal risks in the future.

Coun Hewitt discussed the Codes Office. Thanking CEO Lexer for his monthly reports, who and \$ spent. Suggested a clearer schedule of fees and permit requirements could be advertised in the paper as a reminder, highlighting requirements such as a roof or well. She further went on to discuss putting this on the Town Website. Clerk Clark indicated it is in the Annual Re-Org meeting minutes, but you would have to drill down there to locate it. There was debate over the value of doing such an ad or website update. No further action agreed to at this time. Coun Hewitt went on to state general concerns such as an Orig permit done 6 years ago, but work is not completed. Permits are only good for 6-12 months. Some inspections done, others not. Never had a visit from CEO. She reiterated it was very important to do things correctly and have proper documentation. A discussion took place over the newly developed form from CEO Lexer to register complaints. Note R#75-17

Coun Hewitt stated a desire to update Code of Ethics, primarily related to civility at board meetings. Supv Spencer indicated that there is a civility clause in the Feb 2016 adopted Rules of Conduct and Decorum. Coun Hewitt indicated then that we are not following it, so perhaps it needs to be reviewed. Coun Walker indicated that the Code of Ethics was sent to Town Attorney for review but did not recall the feedback. Coun Walker suggested that perhaps they both should be reviewed as we all need reminders on such topics. Perhaps a committee? Coun George suggested that a separate meeting be considered to avoid distractions of regular board meeting. Supv. Spencer reminded all that this would still have to be an open meeting and scheduled with notice to public. Coun Hewitt and Coun Walker both agreed to the idea. A meeting date and time was not defined at this time.

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 #84-16).

Resolution #84-16

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 #200-248 in the amount of \$11,716.23, as set forth in General Abstract No. 8, Dated August 21, 2017; Highway Fund Claims #100-110, in the amount of \$80,199.21, as set forth in Highway Abstract No. 8, Dated August 21, 2017; Water Dist #1 Claims #43-46 in the amount of \$314.65, as set forth in Water Dist #1 Abstract No. 8, Dated August 21, 2017; Water Dist #2 Claims #8, in the amount of \$30.00, as set forth in Water Dist #2 Abstract No. 8, Dated August 21, 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 8:54pm. Carried unanimously.

M Fred Clark, Town Clerk