

## REGULAR MONTHLY TOWN BOARD MEETING MINUTES - JUNE 19, 2017

The regular monthly meeting of the Town Board, for the Town of Yorkshire, was held on June 19, 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, Present  
Kenneth Fisher, Council Member, Present  
Tammy George, Deputy Supv & Council Member, Absent  
Teresa Hewitt, Council Member, Present

Other Town Officials present were: Fred Clark, Town Clerk;  
Also in attendance, Laney Hill, reporter Arcade Herald

On a Motion of Coun Hewitt, seconded by Coun Walker, it was moved to dispense with the reading of the minutes of May 15, 2017  
Carried unanimously.

### **RESOLUTION #57-17**

On a Motion of Coun Walker, seconded by Coun Fisher, the following Resolution was Resolved, to approve the draft minutes of the May 15, 2017 Regular Monthly Town Board Meeting  
Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 - Absent - 1 Nays 0 - Adopted

### Communications:

Clerk Clark reviewed that application completed for Youth Bureau Stipend, in the amount of \$4,000. County Director has application and will advise  
Association of Towns Summer Planning and Zoning Schools. Various locations, closest is Sheldon on July 31, 2017. Need motion to approve attendance by interested members, Cost is \$80.00 for members. (see R# 61-17)

Clerk Clark reviewed that Yorkshire Fire Department has submitted budget request for 2018. Fire Protection Contract request of \$32,249.00 (increase of \$250.00 from prior year) and Fire District amount of \$76,506.00 (increase of \$771.00 from prior year). Amounts will be included in the 2018 Tentative Budget.  
Supv Spencer reviewed communication from County Health Department regarding quarantine for 2 dog bites  
Supervisor Spencer has received the Tentative Equalization Rate, which will be 16.0%

Supv Spencer reviewed a history over the last 3 years of communications with Verizon regarding the Town phone lines at Town Hall and Highway garage. Given that the contract runs out June 30, 2017 and given the unsatisfactory responses from Verizon, she and Clerk Clark have received a quote for moving phone lines to Spectrum. Plan is to proceed with the change to Spectrum. Clerk Clark is awaiting the agreement and subsequent processing of the change via Spectrum

### Financial Reports:

Supv Spencer presented her Supervisor's monthly report for May 2017 & the budget reports for the month of April 2017, as prepared by Diane Finch, CPA, to the Town Board for review, and filed the reports with the Town Clerk (\*Note R #58-17).

### **RESOLUTION #58-17**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that the Supervisor's monthly report for May 2017 is accepted as submitted and is attached to the minutes.  
Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 - Absent - 1 Nays 0 - Adopted

Supv Spencer reviewed progress with regards to previously authorized support in working with Town of Arcade on grant opportunities for Sewer plans. She and Superintendent Lexer have met with grant writer, Larry Kilburn (Arcade) and Caleb from MDA Engineering. Some of the topics discussed included the potential where they might need a different attorney to create a sewer district, which she has inquired to Town Attorney to research. Given the Towns prior prelim study, the suggestion is to do an Engineering study and Map plan to form a Sewer District, building upon what was done previously in 2009. The cost of this is quoted at not to exceed \$15,000.00, \$1,500 of which is in budget within Engineering in General Fund. Coun Walker asked about how much input business might have, since previously they were not interested. Fear of investing money and then we cannot proceed. Supv Spencer indicated that there is grant funding available that could reimburse the town for \$9,000 (Superintendent Lexer is on this committee) of this study cost and that then once we had study done, the idea is to apply for grants for the project, if found to be feasible, but you must do the upfront work first, the due diligence if you will, before we can move in that direction. Coun Walker commented that perhaps grants could even cover costs to businesses. Coun Hewitt offered to participate if it would be possible and useful. Supv Spencer noted that it's harder to get people together the more you have, but appreciated the offer and will continue to update the board. Coun Hewitt also continued that she thought it was a great idea to continue to examine and explore opportunities in this area. Looking forward there would be needs to determine how to begin, expand, adding new houses, etc. Supervisor Spencer requested board approval to proceed with expending up to \$15,000.00 on the Engineering Study and Map Plan to form a Sewer District. Note R#59-17

#### **RESOLUTION #59-17**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that the Town will proceed and Supervisor is authorized to sign the proposed Engineering Study and Map Plan for a Sewer District in Yorkshire, in and around the intersection of Routes 16 & 39, with a cost not to exceed \$15,000.00. Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 -Absent - 1 Nays 0 – Adopted

Copies of Town Justices Financials were provided. They are on file with the Town Clerk. Justice Lynn Guertin in the amount of \$5,666.00 and Justice Heather Tomes in the amount of \$6,317.00

Town Clerk Clark presented his Monthly Financial Report for May 2017, in the amount of \$2,370.02, to the Town Board for review.

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

#### **Special Orders:**

"NONE"

#### **General Orders & Old Business:**

Clerk Clark reviewed a proposed update to Local law 1-2014 Town of Yorkshire Regulating Peddling/Vending and Soliciting. After review with Attorney, proposing update to Section 3 making in the sole responsibility of the applicant to insure compliance with any federal, county or state requirements that are in addition to local licensing requirement. If agreed, need motion to public hearing Note R#60-17

#### **RESOLUTION #60-17**

On a motion by Coun Fisher seconded by Coun Hewitt, the following Resolution was resolved, that a Public Hearing be held on Monday July 17, beginning at 7:15 p.m. for proposed updates to Local Law 1-2014 Town of Yorkshire Regulating Peddling/Vending and Soliciting. Clerk Clark to place legal notice in Town newspaper. Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Walker, Aye.  
Ayes 4 -Absent - 1 Nays 0 – Adopted

Supv Spencer reviewed update received from NYS DEC with regards to Kingbrook. They are now considering acquisition within the division of Lands and Forests instead of through the Wildlife Division. As such, the State would pay taxes on property. If they move forward, the land would be managed for multiple uses including timber production, watershed management, wildlife habitat and would allow public recreational access to Cattaraugus Creek and public forest land. Coun Hewitt asked about if the tax rate changes over time for such a designation. Supv Spencer to contact Real Property to get better details on how the payment of taxes would be coordinated. Supv Spencer also discussed some examples Town Assessor had provided from another municipality that has some forest land. Board agreed to invite David Paradowski, Regional Forester of DEC, to the next meeting July 17 to pursue better understanding.

Reports of Department Heads:

Joe King, Constable – No Report

David Cummings/Dog Control Officer - No Report

Mary Gilbert/ZBA Secretary (Written Report)

- (1) The Zoning Board of Appeals did not hold a monthly meeting on June 14, 2017 as there was no new business before them

Larry Groves/Water Commissioner – No Report

Christopher Lexer/Codes Enforcement & Zoning Officer – Written Report

Issued 8 building permits and one extension for a total of \$591.30 and 6 zoning permits for a total of \$182.70. Combined total of \$774.00. Continuing to take phone calls regarding upcoming projects for the summer along with taking care of some complaints. Also, have been continually doing fire and safety inspections as needed. As time allows is still sorting out the 911 numbers.

Christopher Lexer/Hwy Supt – Written Report

Paved Worden Road from Route 16 to Block Road, half of Worden Road from Block to McKinstry, King Road and part of Eastland Road along with other spots around the town. Replaced a large culvert on Block Road after it rotted out and after getting proper permits from the DEC.

2004 Sweeper is need of more repairs and after looking at the money we have put into it and the cost of keeping it going, Supt Lexer recommendation is that we upgrade it now, since it is 13 years old. In looking at options, suggest going with one on state bid for a cost of \$64,328.67, plus we would get a trade value of current one for \$10,000, which is better than the estimated price if we sold it ourselves, thinks this is fair. Total purchase price would then be \$54,238.67. Asking Board for approval of this using the state bit. Note See R#62-17

Superintendent Lexer is also reviewing options of replacing a 2006 loader. Not ready to make a recommendation now. It appears that a new one is around \$170,000 to \$175,000, with our current loader worth as estimated \$50,000.00. Looking for the opinion of the board on replacing this piece of equipment and if yes, would have more information and pricing next month for review / approval.

Board Members discussed and agreed to instruct Superintendent Lexer to proceed with exploring the purchase of a new loader. Update for next meeting.

Coun Hewitt asked a question regarding 911 signs, still progressing for completion? Supv Spencer indicated that there are many corrections to be completed yet due to the prior Codes Officer errors and not assigning numbers properly. CEO Lexer continues to work on.

Coun Walker addressed concern over desiring a better understanding to progress to items from the Code Enforcement and/or Constable such as property maintenance, Business Electrical Inspections, Fire Inspections. She indicated report is not specific and has no idea what is happening. Would like a list of properties, status, etc. Supv. Spencer indicated that caution should be made on requests such as this, since we do want to insure a level of confidentiality of the concern. Coun Walker communicated her concern was for the residents and the town. Coun Walker put forth a motion to request reports of property maintenance, Codes Enforcement, a more detailed report, to which Supv Spencer advised that should be concerned about Dog Control too and all the departments and town, not just selective areas. Coun Walker indicated that the motion could be for everyone that works for the Town Board. Supv Spencer indicated that we already are paying for a previous law suit and didn't need any further ones, to which Coun Walker indicated she felt that was not relevant for this concern, we need to know that things are safe, such as Carbon Monoxide detectors. Coun Hewitt expressed a desire to have Dog Control and Constable bring forth further details / more frequent updates, an example of a property adjacent to a business was provided. Coun Walker indicated she is not satisfied with how the streets look. People spray painting cards in year with aerosol cans that could be toxic, 4 or 5 trailers parked outside of junk yard walls. Another business with a whole parking lot full of Junk Yard cars. NYS law says you must maintain your property. Supv Spencer indicated we would move on in meeting and that she had not heard a second to the motion prior to proceeding in agenda.

New Business:RESOLUTION #61-17

On a motion by Coun Hewitt seconded by Coun Fisher, the following Resolution was resolved, to approve attendance for interested member for the Association of Towns Summer Planning & Zoning Schools, at a cost of \$80 per member. Supervisor Spencer is authorized to pre-pay this expense as training will be prior to next board meeting.

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

Ayes 4 -Absent - 1 Nays 0 – Adopted

**RESOLUTION #62-17**

On a motion by Coun Hewitt seconded by Coun Fisher, the following Resolution was resolved, to approve transfer of funds from Highway Townwide DA915 Assigned Unappropriated Fund Balance to DA5130.2 Machinery Purchase Capital Equipment in the amount of \$54, 328.67 for Superintendent Lexer to purchase a new sweeper, 2017 model RB50 from Monroe Tractor, using State Bid at a cost of \$54,328.67 (including trade value of \$10,000.00 for current 2004 sweeper, offsetting total purchase price of \$64,328.67)

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

Ayes 4 -Absent - 1 Nays 0 – Adopted

Clerk Clark requested a motion of board to finalize the Youth Recreation dates of July 10-August 17, 2017  
Note R#63-17

**RESOLUTION #63-17**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that the 2016 Yorkshire Summer Recreation will be held at the Delevan Village Park from July 10th to August 17<sup>th</sup>, 2017.

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

Ayes 4 -Absent - 1 Nays 0 – Adopted

Supv Spencer discussed need to replace her current computer, which is still running old windows software which is not supported. Clerk Clark has gotten a quote for less than \$500.00. Supv. Spencer has only \$325.00 in her capital budget. Request board to consider motion to move \$175.00 from A1010.4, Town Board Contractual to A1220.2 Supervisor Equipment/Capital to allow for the purchase. Software for office would be purchased under existing budget in Supervisor Contractual. Note R#64-17

**RESOLUTION #64-17**

On a Motion of Coun Hewitt, seconded by Coun Walker, the following Resolution was Resolved, that \$175.00 be moved from A1010.4, Town Board Contractual to A1220.2, Supervisor Equipment/Capital to allow for purchase of computer for Supv Spencer.

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

Ayes 4 -Absent - 1 Nays 0 – Adopted

There was some discussion amongst board members regarding the Board of Assessment Review and membership. Currently at 5-member board, with one vacancy. Participation was an issue in May, had to reschedule. Agreed to wait until toward end of year to determine a direction on this topic.

Supv Spencer, referencing previous discussion on topic of reports, suggested that consideration be given to submitting a resolution ahead of time to board members to review regarding such requests. Coun Hewitt provided some additional specifics to the location of a concerning property and suggesting perhaps a violation with the court might be considered, to which Supv Spencer indicated that the Court process is not always easy to navigate through, giving example of a property that Code Enforcement Officer Lexer had to condemn in the past.

Coun Walker reiterated that she felt giving further details and even court action shows we are doing our job & following procedure, for example, if there is work being performed with no permit, then a stop work order can be issued. Supv Spencer went on to verbalize other concerns over the request and the focus of the board. At this point the discussion escalated to the point where Coun Walker dismissed herself from the meeting at approx. 8:45 p.m.

**Monthly Audit:** All Town Board Members had the opportunity to audit all vouchers (Bills, invoices or statements) submitted for payment and to initial the vouchers for payment (\*Note R #65-17).

**Pay Claims:****RESOLUTION #65-17**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that the following claims for payment be approved: General Fund Claims #139-175, in the amount of \$42,063.52 as set forth in General Fund Abstract No. 6 Dated June 19, 2017; Highway Fund Claims #71-88, in the amount of \$166,313.38, as set forth in Highway Fund Abstract No. 6 Dated June 19, 2017; Water Dist #1 Fund Claims #32-37, in the amount of \$400.65 as set forth in Water Dist #1 Fund Abstract No. 6 Dated June 19, 2017; Water Dist #2 Fund Claims NONE

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

Ayes 3 -Absent - 2 Nays 0 – Adopted

With no further business, on a Motion of Coun Hewitt, seconded by Coun Fisher, the meeting was adjourned at 8:48pm. Carried unanimously.

M. Fred Clark, Town Clerk