

**REGULAR MONTHLY TOWN BOARD MEETING    NOVEMBER 19, 2018**

The regular monthly Town Board Meeting, of the Town of Yorkshire, for the month of November, was held on November 19, 2018, at the Town Hall, 82 South Main Street, Delevan, NY. Beginning at 7:00 p.m.

Supervisor Spencer called the meeting to order at 7:17pm with the Pledge of Allegiance to the Flag of the U.S.A. Note: Board Members were present for normal start time of 7:00 p.m., actual start time delayed due to a Court proceeding)

**Roll Call:**

Marcia Spencer, Supervisor, Present  
Christopher Edmunds Council Member, Present  
Kenneth Fisher, Council Member, Present  
Tammy George, Deputy Supv, Council Member  
Teresa Hewitt, Council Member, Present

Other Town Officials present: Fred Clark, Town Clerk; Larry Groves, Water Commissioner,

Also present was Laney Hill, reporter for the Arcade Herald

On a Motion of Coun Fisher, seconded by Coun Edmunds, it was moved to dispense with the reading of the draft minutes of the October 15, 2018 town board meeting. Carried unanimously.

**RESOLUTION #90-18**

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, to approve the draft minutes of the October 15, 2018 Regular Monthly Town Board Meeting as printed. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Edmunds, Aye.  
Ayes 5 - Nays 0 - Adopted

**Reports of Committees:**

"NONE"

**Monthly Financial Reports:**

Supv Spencer presented her Supervisor's Monthly Report for October 2018 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of September 2018, to the Town Board for review, and filed the reports with the Town Clerk (\*Note R #91-18).

**RESOLUTION #91-18**

On a Motion of Coun Edmunds, seconded by Coun Fisher, the following Resolution was Resolved, that Supv Spencer's Monthly Financial Report for October 2018 is accepted as submitted (& is included in the minutes).

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

**Justice Reports:**

Justice Heather Tomes sent a check to the town supervisor in the amount of \$7,077.00 for the month of October 2018.

Justice Lynn Guertin sent a check to the town supervisor in the amount of \$5,616.00 for the month of October 2018.

Town Clerk Clark presented his monthly financial report for October 2018, in the amount of \$3579.52, to the Town Board for review.

Communications:

ZBA Member Herbert Hermann, whose term expires Dec. 31, 2019, has verbally notified Town Clerk that he does not attend to accept re-appointment and would relinquish his term at any time a new interested volunteer is identified.

Catt County Human Resources sent out email inquiry to interest from Municipalities for a shared service for on line Sexual Harassment Mandatory Training. Need to notify if interested in exploring by November 30. Supv Spencer has advised County of interest, depending upon cost.

STW has sent update indicating that the 2019 Local Government Conf will be held on a Thursday this year, May 9, at Houghton College

Spectrum Business has sent a communication that the promotional discount rate is ending for all phone lines and will be increased from \$29.99 to \$39.99 per line

Supv Spencer reviewed a Tax bill comparison and explained the equalization rate and how it does not create a higher tax for those with a lower equalization rate. She provided board members with a copy of the example. This was in response to Legislator Helmich indicating that there might be some confusion from tax payers with regards to the calculations on tax bills. Supv Spencer went on to indicate there is money in budget to explore a re-val. County is pushing for them to provide support in a re-val but historically speaking those costs tend to go up. Supv Spencer indicated a desire to keep this effort at the Town level.

Supv Spencer has received communication from County Land Bank that an Asbestos report is available for 3069 Route 39, which will be demolished by land bank. CEO Lexer will get report and will work with County on the Demo Permit.

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

Kirby Colling addressed the board regarding connecting public water to his property located at 12178 Route 16. He stated he has been in contact with the county health department and they have laid out the best way to do this. It will require tapping into the water line behind the building on Pine St. and running an underground line to the rear of the building. He already has contractors ready to start work and have been working with Eric Wohlers and Timothy Zerfas of Cattaraugus County Health Dept with planning this. Mr. Colling stated that the necessary easements are drafted and expected to be completed in the next week or so.

Supv Spencer and Comm Groves indicated a need to ensure that the Town of Yorkshire was added for accessibility in the event of needed emergency work. Mr. Colling agreed on this point. Supv Spencer also affirmed that the Town Attorney would need to review the easements. Supv Spencer inquired as to where the meter would be if a break in line. Comm Groves indicated he had to review further with Dan Heineman. He did indicate a 2-inch service line, which would be reduced down. Don't like meter pits, so may need a location in building to do pressure checks periodically.

Comm Groves stated to Mr. Colling that with in Town, all Commercial properties such as this are required to pay all town expenses incurred for installation. Mr. Colling agreed to this. Preliminary costs were indicated to be around \$1,400, but Comm Groves stated could be more with a 2-inch line. Supv Spencer asked Mr. Colling again if he understood and agreed to pay, to which he affirmed yes.

Supv. Spencer asked Mr. Colling if he was asking if Town will allow? Mr. Colling indicated, yes, that was his request. Supv Spencer asked Comm Groves if he was o.k. Comm Groves indicated that Dan Heineman does not prefer this solution, but it is a way to get public water while still allowing protection for the town and pressure check capability.

Mr. Colling affirmed that he is not concerned about the connection working, that the contractors know what to do.

Supv Spencer asked how the board members felt. Coun Fisher o.k. if it will work. Coun Hewitt asked what happens if there is a leak and had to be dug up on other properties. Comm Groves indicated that it would be Mr. Colling responsibility for repairs. Mr. Colling reiterated that the pipe being used

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

does not leak if installed properly. Coun Hewitt asked if Engineering approval is required, whom would inspect. Comm Groves indicated that Dan Heineman would inspect when tap is made and during the construction. Supv. Spencer also affirmed County would be involved. Comm Groves affirmed that a backflow preventer would also be required and tested.

Concluding the discussion, the Town Board gave Preliminary Approval for the project to continue, pending review by Town Attorney on easements when completed and health department approval Note R#92-18

**RESOLUTION #92-18**

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that Kirby Colling may proceed with project to install public water line at property located at 12178 Route 16, pending the necessary easements, review by Town Attorney and approval of installation by all required parties (Town, Heineman, County Health Dept)

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

Ayes 4 - Nays 0 – Abstain - 1 Adopted

Note, Coun Hewitt abstained due to family issues connected to the location.

Supv Spencer requested a motion to enter into Executive Session at 7:45 p.m. for the purpose of interviewing two candidates, John Buncy and Doug McClam for the position of Water Meter Reader

**RESOLUTION #93-18**

On a Motion of Coun Edmunds, seconded by Coun Fisher, the following Resolution was Resolved, to enter into Executive Session at 7:45 p.m. for the purpose of interviewing two candidates for the position of Water Meter Reader

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

Ayes 5 - Nays 0 – Adopted

Supv Spencer closed the executive session and re-opened regular meeting at 8:12 p.m.

**RESOLUTION #94-18**

On a Motion of Coun Edmunds, seconded by Coun George, the following Resolution was Resolved, to hire Doug McClam as Water Meter Reader at a pay of \$12.75 per hour, beginning in December 2018 for the readings.

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

Ayes 5 - Nays 0 – Adopted

Special Orders:

"NONE"

General Orders and Old Business:

There has been only one person expressing interest, Steve Woloszyn, with regards to volunteers for Zoning and Planning Boards. Supv Spencer indicated that we should hold off and see if more volunteers come forward. In addition, Supv Spencer indicated interest from Pat Sherwood for the Zoning Secretary position, which will be vacated by Peggy Gilbert at end of 2019. Coun Hewitt inquired to whether she could hold the office, since she is on Village Board. Supv Spencer indicated she could hold an appointed office, just not another elected office.

Report of Department Heads:

Constable King: No Report

Joe Neamon/Dog Control Officer – No report

Report of Department Heads: Cont.**Mary Gilbert/ZBA Secretary - Written Report****Larry Groves/Water Commissioner -**

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

**Christopher Lexer/Codes Enforcement & Zoning Officer – Written report**

(1) Fifteen building permits issued and Eleven Zoning Permit, totaling \$2,240.74

**Christopher Lexer/Hwy Supt -**

Supv Spencer reminded board that Supt Lexer has indicated a need to have a repair on transmission of old plow truck prior to selling. In addition, unplanned expenses for machinery for the sander and a clutch fan, requires a need to increase the available budget for Machinery

Supt Lexer requests a transfer of funds from Unallocated DA915 to DA5130.4 Machinery in the amount of \$5,500. Note R#95-18

**RESOLUTION #95-18**

On a Motion of Coun Edmunds, seconded by Coun Fisher, the following Resolution was Resolved, at request of Supt. Lexer, to transfer funds from DA915 Unallocated Funds to DA5130.4 Machinery in the amount of \$5,500.00 to support necessary activity for remainder of 2018

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

Ayes 5 - Nays 0 – Adopted

Supv Spencer requested a motion to pre-pay the transmission repair to Performance so that the planned sale of old truck can proceed timely. Note R#96-18

**RESOLUTION #96-18**

On a Motion of Coun Fisher, seconded by Coun Edmunds, the following Resolution was Resolved, That Supv Spencer may pre-pay Performance for transmission repair work on Town truck designated to eventual sale.

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

Ayes 5 - Nays 0 – Adopted

**New Business:**

Clerk Clark requested Board to consider a resolution to authorize the use of Five Star Bank to collect the 2019 Town and County Taxes for the Town of Yorkshire (Note: R #97-18)

**RESOLUTION #97-18**

On a Motion of Coun Edmunds, seconded by Coun George, the following Resolution was Resolved, that Five Star Bank be authorized to collect the 201 County & Town Taxes for the Town of Yorkshire.

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

Ayes 5 - Nays 0 – 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 #98-18)

**RESOLUTION #98-18**

On a Motion of Coun Hewitt, seconded by Coun George, 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; Edmunds, Aye.

Ayes 5 - Nays 0 – Adopted

Clerk Clark advised Board that Cheryl Dash appointment to Board of Assessment Review expired Sept 30, 2018. She has indicated her willingness to accept another appointment, which would be for 5 years, ending Sept. 30, 2023. (Note R#99-18)

**RESOLUTION #99-18**

On a Motion of Coun Edmunds, seconded by Coun George, the following Resolution was Resolved, that Cheryl Dash, 10991 McKinstry Road, Delevan NY, is appointed to a 5-year term on the Board of Assessment Review, term expires Sept 30, 2023

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

Ayes 5 - Nays 0 – Adopted

Coun George discussed need to have a special meeting to discuss 2019 Youth Recreation attendance to allow for proper planning of necessary staffing. Supv Spencer indicated some would need new Sexual Harassment training also. Coun Hewitt indicated that both the Village and Town boards should be involved. After further discussion it was agreed that Coun George and Board will bring up around the February timeframe and determine a date for a special meeting to be held.

Supv Spencer reviewed a new State requirement for Sexual Harassment policy and forms. With a template provided by the state, Supv Spencer has developed and shared a Sexual Harassment Policy, Complaint Form and Policy Notice. She has used the Supervisor as whom reporting would be made to. Training has to be defined, might be through on line from State or the County Civil Service is also looking at a joint effort to define training, depending upon cost. Complain forms will be available from Town Clerk or on website, Clerk Clark will post. Supv Spencer asked for a motion to adopt the policy and reporting forms. Note R#100-18

**RESOLUTION #100-18**

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that the Town of Yorkshire adopted the Sexual Harassment Policy and reporting forms as developed by Supv Spencer using the State provided templates.

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

Ayes 5 - Nays 0 – Adopted

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 #101-18).

**RESOLUTION #101-18**

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 #272-303, in the amount of \$39,781.95 as set forth in General Abstract No. 11 Dated November 19, 2018; Highway Fund Claims #148-165, in the amount of \$35,010.05 as set forth in Highway Abstract No. 11 Dated November 19, 2018; Water Dist #1 Fund Claims #52-60, in the amount of \$9,022.33 as set forth in Water Dist #1 Abstract No. 11 Dated November 19, 2018. Water Dist #2 Fund Claim #20, in the amount of \$70.00, as set forth in Water Dist #2 Abstract No. 11 Dated November 19, 2018.

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

Ayes 5 - Nays 0 – Adopted

With no further business, on a Motion of Coun Fisher, seconded by Coun Edmunds, the meeting was adjourned at 8:45 pm.

Carried unanimously.

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