

The regular monthly board meeting of the Yorkshire Town Board, for the month of April, was held on April 16, 2018, 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  
Christopher Edmunds, Council Member, Present  
Kenneth Fisher, Council Member, Present  
Tammy George, Deputy Supv & Council Member, Absent, arrived 7:08 p.m.  
Teresa Hewitt, Council Member, Present

Other Town Officials present were: Fred Clark, Town Clerk; Christopher Lexer, Superintendent of Highways & Codes Enforcement Officer/Zoning Officer; Larry Groves, Water Commissioner; Jackie Cornwall, Town Historian

Also present was Laney Hill, Arcade Herald Reporter

On a Motion of Coun Edmunds, seconded by Coun Fisher, it was moved to dispense with the reading of the draft minutes of the March 19, 2018 meeting. Carried unanimously.

**RESOLUTION #29-18**

On a Motion of Coun Fisher, seconded by Coun Edmunds, the following Resolution was resolved, to approve the draft minutes of the March 19, 2018 regular monthly town board meeting as printed.

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

Ayes 5 - Nays 0 - Adopted

**Communications:**

1. Supv Spencer reviewed NYS Dept. of Ag & Markets - Municipal Shelter Report & Dog Officer Report on was Rated Satisfactory.
2. Clerk Clark advised of AOT Finance School Training in Ellicottville on May 10-11, \$200 for members.
3. Supv Spencer received Visually Sensitive Resource information regarding Alle Catt Project, all can review if desired and comment
4. Supv Spencer and Clerk Clark received Public Comments regarding Alle Catt Project from PSS via Dax Law Firm, is open for review
5. Supv Spencer shared info from NYSEDA regarding renewable energy solicitation standard for NYS

**Petitions:**

"NONE"

**Report of Committees:**

Coun George reported: (1) The Youth Commission will meet on Tuesday April 17.

**Monthly Financial Reports:**

Supv Spencer presented her Supervisor's monthly report for March 2018 to the Town Board for review, and filed the reports with the town clerk. Was noted that for Court, State portion was \$10,725.50 and Town \$6,978.50, in addition the County/State Funding for 2017 Youth Rec was received in amount of \$1,412.00, with town share \$847 and Village share remainder. (\*Note R #30-18).

**RESOLUTION #30-18**

On a Motion of Coun Edmunds, seconded by Coun Fisher, the following Resolution was Resolved, that the Town Board had reviewed the Supervisor's monthly report for March 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

Town Clerk Clark presented copies of his monthly financial report for March 2018, in the amount of \$2,763.75, to the Town Board for review.

Tax Collector Clark reported YTD 2018 tax collection activities, with receipts of \$3,047,335.54, withdrawals of \$3,047,275.82. 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 Edmunds volunteered to do the Annual Audit of Tax Collection, after the final disbursement in May. Clerk Clark will contact him when ready. Note that Penalty and Interest to date is \$5,000 paid to Supervisor, vs. a budget of \$5,000

Copies of Town Justices Financials were provided. Justice Lynn Guertin, \$6,030.50 and Justice Heather Tomes, \$8,886.00

Residents Time for Comments:

“None”

Special Orders:

General Orders and Old Business:

Update on Board thoughts for 2020 200 Year Celebration for Town of Yorkshire are Parade, Community Day, Fireworks, Fire Dept participation were provided by board members to Town Historian Jackie Cornwall

Update on Planning Board Review of proposed amendment to Zoning for Solar Production, Coun Edmunds and CEO Lexer will meet with Planning Board on Thursday April 19 to review if ready to send to County, after which it comes back to Planning Board, then back to Town Board for review and potential for Public Hearing.

Reports of Dept. Heads:

Joe King, Constable- Not Present

(1) Supv Spencer indicated he had communicated about being out for notices to residents regarding Junk and Debris

Joe Neamon/Dog Control Officer – Not Present

- (1) Annual inspection completed by NYS Dept of Ag & Markets, rated Satisfactory
- (2) Getting paint for repairs to Kennel/Shelter walls and/or floors.

Mary Gilbert/ZBA Secretary (Written report) -

(1) Written Report. No meeting for April 11, 2018, as no new business before the ZBA

Larry Groves/Water Commissioner –

- (1) Indicated he is making contacts to further understand and develop potential cost estimates for West Yorkshire Road Water Extension. After various discussion points between Comm Groves and all Council Members, it was agreed that any next steps would begin with further communication with effected residents to gain a firm understanding of interest and support, given the likelihood of a high annual cost to repay the project. (2) Dan Heineman been working with contractors as needed for construction taking place for Lime Lake Sewer lines installation, been quite active as they are now in the Town doing work. (3) House owned by Karen Daly had nearly 250,000-gallon usage due to a leak which is believed to have been fixed. Comm Groves advised board the owner may send a letter asking for support for forgiveness on all or portion of the bill. TBD 4) Work continues with regards to plans with Bryan Milks on water connection to town for parcels on Route 39. No firm timeline established.

Christopher Lexer/Codes Enforcement & Zoning Officer -

- (1) Issued five Building Permits in March 2018 with fees totaling \$802.38, Four Zoning Permits with fees totaling \$635.37. Overall Total of \$1437.75

Christopher Lexer/Hwy Supt -

- (1) Spring clean-up is scheduled for May 7, dumpsters to Twin Lakes on Friday May 4. Motion approved in March, #26-18
- (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 #38-16
- (3) Supt Lexer communicated that the C.H.I.P.S. for 2018 and the Pave NY is expected to be same as 2017. Still awaiting official confirmation of amounts

**RESOLUTION #30-18**

On a Motion of Coun Fisher, seconded by Coun Hewitt, the following Resolution was Resolved, for Agreement to Spend 2018 Town Highway Funds pursuant to the provisions of Section 284 of the Town Highway Laws in the amount of \$70,000.00 on Townline Road, starting at McKinstry leading to Pleasant Valley Road for a distance of 1.3 miles (6 Top Overlay, 2" thickness, 21 ft. width). And \$50,000.00 on Weaver Road at California Hill, leading to Delevan-Elton Rd. (6 top overlay, 22 ft. width, 2-inch thickness for a distance of .6 mile). Complete agreement on file in the town clerk's office.

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

Ayes 5 - Nays 0 -- Adopted

Supt Lexer reminded board of long term planning in place for truck replacement. Current final payment done and now is looking to replace the 2004 International. After reviewing options, he is recommending the board consider approval to buy on State/County Bid a Western Star from Fleet Maintenance for cab and chassis at a cost of \$128,207.00, followed by plow and body equipment to be provided by Viking Cives at a cost of \$84,348.04. The total cost is \$212,555.05. This includes going with an automatic transmission, an extended warranty of 7 years, 100,000 miles on Engine and Transmission and an extended wing, which could help to allow more one path plow runs, depending on snow amounts. Review indicated the amount is similar to what was paid 5 years ago. Ideally, if able to order now, could possibly come in by October to be sent for the body work, making it potentially available toward end of 2018. If wait, it would be into January then. Would then propose to try and sell on Auction International the current used truck, once new one timing is confirmed. Supv Spencer indicated that would use Unallocated Fund Balance for initial payment until truck is sold and loans (Statutory Bonds). Supv Spencer also indicated that discussion is taking place regarding the budget with Clerk Clark and Diane Finch for potentially setting up a reserve for 2019 and beyond, possibly reallocating some of the now paid off torte expense. Supt Lexer indicated he is aware of several municipalities that have used Western Star and are satisfied. We also pay upon receipt / delivery. After further discussion with Board Members, the purchase was approved (Note R# 31-18)

**RESOLUTION #31-18**

On a Motion of Coun George, seconded by Coun Edmunds, the following Resolution was Resolved, to allow for Supt Lexer to proceed with purchase of Western Star from Fleet Maintenance for cab and chassis at a cost of \$128,207.00, followed by plow and body equipment to be provided by Viking Cives at a cost of \$84,348.04. The total cost is \$212,555.05

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

Ayes 5 - Nays 0 -- Adopted

Supt Lexer advised board of the concern that Machinery Repairs have been high this year and the current remaining balance is a concern. He is likely going to need to request at some point to transfer funds to Machinery DA5130.4 to get through the year. Might have some extra in Snow contractual. Supv. Spencer also indicated there is approx. \$17,000 in budget that was not used in final payment of torte. Coun Hewitt asked about getting better warranty on some equipment, to which Supt Lexer indicated that he is doing this with the new purchase of plow truck, but that other new equipment they could but didn't due to the higher cost. Supt Lexer will advise board in future of any requests to support the necessary transfers.

**New Business:**

Request for authorization to attend the 23<sup>rd</sup> Annual Southern Tier West Local Government Conference in Houghton on May 9, 2018 at a cost of \$40.00 per attendee (member cost). Current registrants include Clerk Clark, Coun Edmunds, Justice Guertin, PB Member Amy Ploetz. Supt Lexer indicated a desire to attend also. All need to get registration form to Clerk Clark

**RESOLUTION #32-18**

On a Motion of Coun George, seconded by Coun Fisher, the following Resolutions was Resolved, to authorize Town Officials to attend the 23<sup>rd</sup> Annual Southern Tier West Local Government Conference on May 11th, 2016 at Houghton College, NY, at a cost of \$40 per person and authorizing Supv Spencer to write a pre-registration check to Southern Tier West.

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

Ayes 5 - Nays 0 -- Adopted

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. She will bring up at next meeting, still awaiting some documentation from officials.

**New Business (cont.)**

Board was asked to consider a motion to appoint Gary Watson of 11639 McKinstry Road, Delevan NY to a 5-year term on the Town Planning Board, April 16, 2018 through December 31, 2022. Note R#33-18

**RESOLUTION #33-18**

On a Motion of Coun Edmunds, seconded by Coun George, the following Resolutions was Resolved, to appoint Gary Watson of 11639 McKinstry Road, Delevan NY to a 5-year term on the Town Planning Board, April 16, 2018 through December 31, 2023

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

Ayes 5 - Nays 0 - - Adopted

Supv Spencer requests board to consider a motion to correct voucher 72 from #3 Abstract dated March 19, 2018. Voucher 72 had \$286.28 for National Grid Highway Garage Utility Bill going to A1620.4 (Building Contractual), it should have been coded to Account A5132.4 (Garage Contractual). And Voucher 74 for National Fuel had \$418.24 for Highway Garage bill on account A1620.4 (Building Contractual) but should have been A5132.4 (Garage Contractual) Request to transfer \$286.28 plus \$418.24 for a total of \$704.52 from A5132.4 Garage Contractual to A1620.4 Building Contractual to correct the error.

**RESOLUTION #34-18**

On a Motion of Coun Hewitt, seconded by Coun Edmunds, the following Resolutions was Resolved, correct error on Voucher 72, National Grid and Voucher 74 National Fuel #3 Abstract March 19, 2018, where \$286.28 (National Grid) and \$418.24 (National Fuel) charge for Highway Garage was placed on account A1620.4 Building Contractual, and should have been A5132.4 Garage Contractual, thus request to transfer a total of \$704.52 from A5132.4 Garage Contractual to A1620.4 Building Contractual to correct the error.

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

Ayes 5 - Nays 0 - - Adopted

Supv Spencer advised board that Court Clerk Dawn Breton hours have changed, due to her having a primary job with a bank. New hours are Monday and Wednesday 6 p.m. to 8 p.m., Saturday 8 a.m. to Noon and Court at 6 p.m. on Thursday evening.

Supt Lexer advised board that the Map Plan Study for Sewer in the Business District could have a meeting in next 2 weeks to review.

**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 #35-18).

**Pay Claims:****RESOLUTION #35-18**

On a Motion of Coun George, seconded by Coun Hewitt, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims (A, B and SL) #84-106 in the amount of \$5,701.05 as set forth in General Abstract No. 4 Dated April 16, 2018; Highway Fund Claims (DA, DB, H) #47-63, in the amount of \$19,275.84 as set forth in Highway Abstract No. 4 Dated April 16, 2018; Water Dist #1 Claims #14-21, in the amount of \$2,504.48 as set forth in Water Dist #1 Abstract No. 4 Dated April 16, 2018; Water Dist #2 Claim #5, in the amount of \$6.70 as set forth in Water Dist #2 Abstract No. 4 Dated April 16, 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 Edmunds, seconded by Coun George, the meeting was adjourned at 8:02pm. Carried unanimously.

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M. Fred Clark, Town Clerk