

The regular monthly Town Board Meeting of the Town of Yorkshire, for the month of August, was held on August 20, 2018, at the Town Hall, 82 South Main Street, Delevan, NY.

Deputy Supv. George called the meeting to order at 7:00pm with the Pledge to the Flag of the USA.

Roll Call:

Marcia Spencer, Supervisor, Absent  
Christopher Edmunds, Council Member, Present  
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; Lynn Guertin, Town Justice, Heather Tomes, Town Justice; Dawn Breton, Court Clerk

Also present: Tyler Van Ocker, Arcade Herald Reporter, an unnamed resident; Joseph Ventura, applicant for Court Constable

On a Motion of Coun Hewitt, seconded by Coun Fisher it was moved to dispense with the reading of the minutes of the July 16, 2018 meeting. Carried unanimously.

**RESOLUTION #60-18**

On a Motion of Coun Fisher, seconded by Coun Edmunds, the following Resolution was Resolved, to approve the draft minutes of the July 16, 2018 Regular Monthly Town Board Meeting as printed.

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

Petitions:

"NONE"

Communications:

A Charitable Reserve Fund in contained in NYS FY 2019 Budget, authorizing governments and school districts to establish a charitable gift reserve fund and to offer real property tax credits to incentivize contributions. Maximum value to the property tax credit is 95% of the value of the contribution. In general, these donations largely replaces their Town Tax and allows them to contribute in current year. It was implemented due to the change in Federal Tax Laws for itemized deductions, with higher standard deductions. This would require town to implement a Local Law, should they determine to do so. After some clarifying questions amongst board and Clerk Clark, no further action was taken

Catt County Land Bank is offering training in Municipality Role in Reporting Zombie Properties, scheduled for Sept 6. Registration is required. Supv Spencer has indicated that she and CEO Lexer are registered to attend.

Email request from Attorney for Freedom United and Farmersville United, groups opposing the Alle Catt Industrial Wind Turbine Project, requesting support from Supv Spencer / Town of Yorkshire to oppose this project and support a meeting August 22 with County Legislature in Little Valley or by sending a letter to your legislature representatives Helmich and Boberg.

Request from Machias Solar LLC and Martin Road Solar LLC for Supervisor Spencer to sign document for NYSERTA that acknowledges support for the projects. Some maps of the potential project were included. Review done with company reps by Supv Spencer and CEO Lexer and it is currently projected to be aligned to our revised 2018 Zoning Laws

**RESOLUTION #61-18**

On a Motion of Coun George, seconded by Coun Hewitt, the following Resolution was Resolved, to approve Supv Spencer to sign letter to NYSERTA in support of Machias Solar LLC and Martin Road LLC.

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

Communications: Cont.

Supv Spencer, CEO Lexer and Coun Edmunds met with County and Engineering regarding ongoing mapping of potential Commercial Sewer Project.

Catt County Civil Service training scheduled for Sept 13 in Little Valley at 2 p.m. RSVP to Mallory Short by Thursday Sept. 6

Communication for Pioneer School that Part 1 of the State Environmental Quality Review Act (SEQRA), regarding capital projects and renovations has been conducted resulting in a negative declaration, meaning no impact. Part 2 and Part 3 of the Full Environmental Assessment form also included. Result has also been provided to the NYSDEC

Catt County Health Department, report of one dog bite / scratch on Weaver Rd requiring quarantine.

Deputy Supv George motioned to enter into Executive Session at 7:15 p.m., for the purpose of conducting interview for Court Constable position.

**RESOLUTION #62-18**

On a Motion of Deputy Supv George, seconded by Coun Fisher, it was moved to enter into Executive Session at 7:15 p.m. to interview for Court Constable position, with Fred Clark invited to attend the Executive Session.

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

Ayes 4 – Absent -1 Nays 0 – Adopted

Deputy Supv George ended the Executive Session at 7:58 p.m. and restarted regular meeting. Clerk Clark will coordinate with Coun Hewitt and Coun George, along with Justices, to schedule an interview with Constable candidate Joe Neamon for tentative date of Aug. 30 at 5:30 p.m.

Residents Time for Comments / Public Comment:

A resident asked Board what the Local Law is pertaining to use of fire arms in and around residence / homes, asking if there are certain regulations for distance. Coun Edmunds indicated that this would fall under the NYS DEC, not local law within the Town. Coun George and Hewitt asked if resident had called the authorities. Resident indicated she had not, but had witnessed a male carrying some form of a rifle and a rabbit, near the area of residential homes. She was encouraged to contact authorities in the future. At this point the resident indicated she believed the person was a spouse to one of the board members. At this point it was reiterated that she should contact authorities and NYS DEC for any further concerns.

Reports of Committees:

Coun George, Town Youth Commissioner, reported that the summer recreation finished on Thursday August 16. Rec Director Trista Reisdorf did another excellent job, as did her staff for the season. Coun Fisher and Hewitt also praised Director Reisdorf on her continued efforts and agreed the success of the program is largely due to her leadership. Coun George indicated that there were several new hires this year and all have indicated a desire to return. Clerk Clark indicated that in coming weeks as the final payroll amounts are determined, that request for payment of approved County stipend will be made.

Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for July 2018 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of June 2018, to the Town Board for review, and filed the reports with the Town Clerk (\*Note R #63-18).

**RESOLUTION #63-18**

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Supervisor Spencer's Monthly Report for July 2018 is accepted as submitted (and is included in the minutes).

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

Ayes 4 – Absent -1 Nays 0 – Adopted

Town Clerk Clark presented his monthly financial report for July 2018, in the amount of \$2,362.01, to the Town Board for review.

Monthly Financials from Town Justices were received on file with Town Clerk. Justice Guertin in the amount of \$5,370.00 and Justice Tomes in the amount of \$4,916.00

Special Orders:

"NONE"

General Orders & Old Business:

Reports of Department Heads:

Joseph King/Constable -  
No Report

Joe Neamon/Dog Control Officer – No Report  
Clerk Clark discussed Local Law Dog Control – New Dog Licensing Program in the Town of Yorkshire Both he and DCO Neamon would like to recommend that the Section 77-14, C, a be changed from \$25/ Day, \$125.00 Maximum for impound fees be changed to \$25/ Day, \$225.00 Maximum

Reasoning:

Section 77-14, B, has a provision that dog seized must be held for no less than 9 days (if notified by mail), by changing the maximum to \$225.00, we would then correlate directly to the maximum of 9 days. After which it is the Town DCO responsibility to work on resolution for the seized dog. Note R# 64-18

RESOLUTION #64-18

On a Motion of Coun Edmunds, seconded by Coun Hewitt, the following Resolution was Resolved, Maximum Kennel Fees Section 77-14, C, a, in Local Law 1-2010 Dog Control – New Dog Licensing Program in the Town of Yorkshire, be increased from \$125.00 to \$225.00. The per day charge of \$25.00 remains unchanged.

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

Mary Gilbert/ZBA Secretary - Written Report

Larry Groves/Water Commissioner -

- (1) After further understanding of cost to land owner on Rt 16 for Water Treatment, he is currently on hold for any further discussion on extending water line on Rt 16. Has not heard from property owner but estimates from County for the water treatment would not seem to support a large project sponsored by the town. Comm Groves, Coun Edmunds, Coun Hewitt and Coun George had further discussion on subject where perhaps in future it could be somehow tied to a Sewer Project in or near the commercial district. There was concern that most times these types of grants are independent of each other but would be something to monitor / consider.
- (2) Comm Groves indicated a plan to try and submit grant with NYS for Fluoridation Equipment replacement, will work on getting estimates first.

Christopher Lexer/Codes Enforcement & Zoning Officer - Written Report

- (1) Issued Four Building Permits & Four Zoning Permits in July 2018 with permit fees totaling \$331.00.

Christopher Lexer/Hwy Supt – No Report

New Business:

"NONE"

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 #65-18).

**Resolution #65-18**

On a Motion of Coun Edmunds, seconded by Coun Fisher, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims #186-229 in the amount of \$11,028.36, as set forth in General Abstract No. 8, Dated August 20, 2018; Highway Fund Claims #112-124, in the amount of \$115,836.22, as set forth in Highway Abstract No. 8, Dated August 20, 2018; Water Dist #1 Claims #36-40 in the amount of \$5,323.51, as set forth in Water Dist #1 Abstract No. 8, Dated August 20, 2018; Water Dist #2 Claims #9, in the amount of \$60.00, as set forth in Water Dist #2 Abstract No. 8, Dated August 20, 2018.

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

Ayes 4 – Absent 1 - Nays 0 – Adopted

With no further business, on a Motion of Coun Edmunds, seconded by Coun Fisher, the meeting was adjourned at 8:22pm. Carried unanimously.

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M Fred Clark, Town Clerk