

The regular monthly Town Board Meeting, of the Town of Yorkshire, for the month of July, was held on July 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 to the Flag of the U.S.A.

Roll Call:

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

Other Town Official present were Fred Clark, Town Clerk; Larry Groves, Water Commissioner; Joe Neamon, DCO; Gary Watson, Planning Board Member

Also in attendance was Tyler Van Ocker from the Arcade Herald

Proof of Notice being furnished by the Town Clerk that publication of the Public Hearing for the Amendments to Zoning Laws for Solar Farms / Solar Producing Facilities, was in the Legal Notice of the June 25, 2018 issue of the Arcade Herald, and that the Public Hearing Notice was posted on the Town Clerks Sign Board, the Public Hearing was called to order at 7:00 pm by Supv Spencer. No one except the names listed above attended the Public Hearing. Supv Spencer terminated the Public Hearing at 7:15 p.m.

Coun Hewitt asked a clarifying question regarding how the fees would be applied for Major and Minor Solar Production. It was indicated the Minor, such as roof tops would be by square footage. Major would be similar it was believed.

(*Note R #52-18).

RESOLUTION #52-18

On a Motion of Coun Fisher, seconded by Coun Hewitt, the following Resolution was Resolved, That the Board approved the amendment to The Town of Yorkshire Zoning Law 2-2001, for Solar Farms / Solar Production Facilities in the Town of Yorkshire

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

On a Motion of Coun George, seconded by Coun Fisher, it was moved to dispense with the reading of the minutes of the June 18, 2018 Town Board Meeting. Carried unanimously.

RESOLUTION #53-18

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, to approve the draft minutes of the June 18, 2018 Regular Monthly Town Board Meeting as printed / modified.

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

Petitions:

"NONE"

Communications:

Clerk Clark reviewed notice to Board from Cheshire & Company regarding a publication on Fracking to assist local governments. Copies are \$11.00 each. It was requested that Clerk Clark order one book.

Supv Spencer reported she had received the Resignation of Water Meter Reader Diane Owens, effective immediately. Supv. Spencer read the letter during meeting.

Supv Spencer communicated a Survey received from Real Property, Dan Martonis. Part of Governors shared initiative was an offer for County Wide Assessment. Supv Spencer indicated a response of no interest, since previous similar efforts resulted in increasing costs over time.

Communications: Cont.

Clerk Clark communicated input from NYS Vital Records that use of the EDRS (Electronic Death Registry System) will begin in late August. Clerk Clark has account all set up and webinar for training scheduled in early August. Do not anticipate any issues.

Clerk Clark communicated he has received from Yorkshire Fire District their 2019 Annual Budget Estimate. Copes provide to Board Members. Increase in Total of \$7,577. Of Which, \$2,577 is increase in Fire Protection Contract and \$5,000 in for Fire District. Increases driven by the necessary replacement costs of equipment.

Committee Reports:

None

Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for June 2018 & the budget report for the month of May 2018, as prepared by Diane R Finch, CPA, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #54-18).

RESOLUTION #54-18

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, that Supervisor Spencer's Monthly Report for June 2018 is accepted as submitted (& the report is inserted into the minutes).

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

Town Clerk Clark presented his Monthly Financial Report for June 2018, in the amount of \$5,891.00, to the Town Board for review.

Monthly Financials from Town Justices were received and on file with Town Clerk. Justice Guertin in the amount of \$7,720.00 and Justice Tomes in the amount of \$6,301.00

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

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

Special Orders:

"NONE"

General Orders & Old Business:

Supv Spencer indicated she had done further follow up on the assessment for safety with Court Clerk Breton. A schedule to do is pending still. Supv Spencer also indicated that after further discussion with Civil Service that we could appoint another Substitute Court Constable and reminded board that a prior application had been received with a person whom had all necessary training. After discussion amongst board members, it was agreed to place an employment ad for Substitute Court Constable, with hours not exceed 3 per week, so see if any local / town residents would have interest. Note R# 55-18

RESOLUTION #55-18

On a Motion of Coun Hewitt, seconded by Coun Fisher the following Resolution was Resolved, Clerk Clark place an ad in Arcade Herald for the position of Substitute Court Constable, with hour not to exceed 3 per week.

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

Report of Department Heads:**Joe Neamon - Dog Control**

Reported that Kennel was painted with support from Substitute Steven Dominessy. Also indicated a desire to investigate cost and support to add a protective structure over the dog cages that might help with snow build up during winter months. He will investigate further. DCO Neamon indicated that efforts continue with past due licenses and that some increased revenue has resulted. Supv Spencer inquired about the past due list and if Clerk Clark provides to DCO, to which he replied in the affirmative. Supv Spencer also reviewed the process for clarification on those with past due licenses. DCO attempts to make contact and gives a reasonable time to resolve the matter, after which if not done, appearance tickets are issued. Then after 30 days, if not resolved, the court can order to seize the dogs and further tickets can be issued.

DCO Neamon also indicated he might need a form update, he will work with Clerk Clark on this topic. Coun Hewitt inquired about if the prior DCO had returned the Town Badge. To which Supv Spencer indicated no. After discussion, Supv Spencer will discuss options with Town Attorney.

DCO Neamon commented that there had been increased calls that are Village related due to the availability of the Village DCO. He will follow up with Village directly to discuss further. It was reminded by Supv Spencer that while licensing is a matter for the Town DCO, that other dog complaints are required to be handled by Village DCO, if in Village limits. Coun George inquired if there was a back up to DCO in Village, to which Supv Spencer responded no.

Coun Hewitt asked about if a leash law in Town and Village. Supv Spencer indicated yes, there is, and that Village is even more stringent. Further discussion was had about a recent seized dog incident and the importance for the public to realize the need to insure public safety with the licensing and vaccination of dogs.

DCO Neamon indicated the board may want to look at kennel fee limits in the future, as currently there is a maximum of 5 days, \$125.00 in local law. There are times when that is exceeded.

Mary Gilbert/ZBA Secretary (Written report) -

(1) The Zoning Board of Appeals did not hold their regular monthly in June. July meeting held with several variances on the agenda

Larry Groves/Water Commissioner -

Email follow up received today from County regarding the need to affirm a direction on the Collings property water extension on Route 16 or Pine Street or if owner will need to do something independently. Comm Groves reviewed several options for testing, connection from plaza on route 16 and other considerations that board might want to consider strategically. After several minutes of discussion, it was agreed that Comm Groves needs to get more firm cost information in the form of an Engineering Proposal. The board is concerned with investing a significant amount of money that benefits a single resident.

Report of Department Heads: Continued**Christopher Lexer/Codes Enforcement & Zoning Officer - Written Report**

(1) Issued Eight Building Permits & Eight Zoning Permits in June 2018 with fees totaling \$625.50.
Report provided

Christopher Lexer/Hwy Supt - Report provided

We have oil and stoned some of the roads scheduled for this year. Now working on hand patching other roads and this should be completed sometime next week. We have several other projects to start then. The new pick up is in service now and the lettering is ordered and should be done sometime next week.

Supt Lexer indicated that invoice for new approved Town F350 Pick-up truck is included in Abstract, approval per previous resolution #17-18 had \$5,000 being used from account DA5130.4 Machinery and Balance to DA5142.4 Snow Removal Contractual. Due to previously communicated concerns with the balance in DA5130.4 Machinery due to excess repairs this year, Supt. Lexer requests approval to put all the balance owed on invoice, totaling \$13,591.50 from DA5142.4 Snow Removal Contractual to Machinery Purchase Capital Equipment DA5130.2 The motion should also include the actual final price of \$13,591.50 (including trade in), the previous estimated cost was for \$12,320.00 Note R#57-18

As Per previous communication in May, by Supv. Spencer that the C.H.I.P.S. for 2018 is coming in at \$109,124.50 and the Pave NY at \$24,908.75 and Extreme Winter Recovery of \$20,090.47, for a combined apportionment of \$154,123.72. Request approval to increase Revenue by \$54,123.72 and DB5112.4 Improvement Capital Outlay by \$54,081.64. Original budget of \$100,000.00. Supv Spencer Requested Board to consider resolution to amend 2018 Budget to account for the Annual C.H.I.P.S. (\$9,124.50) and PAVE NY \$24,908.75 and Winter Recover of \$20,090.47 allocation received. Adding \$54,123.72 of Budgeted Expenditures to DB 5112.4. Original budget of \$100,000 would be increased to \$154,123.72. Revenue DB3501 to be adjusted by same amount (note, see Resolution # 56-18)

RESOLUTION #56-18

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was Resolved, to amend budget 2018, account DB5112.4 Improvement Capital outlay, with additional Revenue from C.H.I.P.S of \$9,124.50 & PAVE NY of \$24,908.75 and Winter Recover of \$20,090.47, Total of \$54,123.72, increasing the budget DB5112.4 from original amount of \$100,000 to \$154,123.72 and to Increase DB3501 CHIPS Revenue for Highway Account DB3501 by \$54,123.72 (Orig Budget \$100,000, New Total \$154,123.72)

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

Ayes 4 – Absent 1 - Nays 0 -- Adopted

RESOLUTION #57-18

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that authorization is given to pay invoice to West Herr Ford for approved Town Plow Truck F350, in the revised amount of \$13,591.50 and this amount be transferred from DA5142.4 Snow Removal Contractual to DA5130.2 Machinery Purchase Capital Equipment.

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

Ayes 4 – Absent 1 - Nays 0 -- Adopted

New Business:

Coun George gave update on Youth Rec, which began on Monday July 9. We have received 9 out of town participant payments. With the higher than expected turnout, there was an immediate need to hire an additional Rec Specialist. Kayla Welch was hired and began July 11. She has experience working with Town of Freedom. Coun George requested a motion to approve the hire

Resolution #58-18

On a Motion of Coun George, seconded by Coun Hewitt, the following Resolution was Resolved, Kayla Welch be hired as a Rec Specialist for the 2018 season, with salary at \$10.40 per hour.

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

Ayes 4 – Absent 1 - Nays 0 -- Adopted

Coun George indicated that 127 had signed up and that we may need to consider ways to manage signup volume better in the future to insure we had adequate staff to support. Feedback from County has been positive and that we have a well-run program.

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 #59-18).

RESOLUTION #59-18

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, that the following claims for payment be approved: General Fund Claims #163-185, in the amount of \$6,087.53, as set forth in General Abstract No. 7, Dated July 16, 2018; Highway Fund Claims #99-111, in the amount of \$175,245.90, as set forth in Highway Abstract No. 7, Dated July 16, 2018; Water Dist #1 Claims #31-35, in the amount of \$2,381.55, as set forth in Water Dist #1 Abstract No. 7, Dated July 16, 2018; Water Dist #2 Claim None

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

Ayes 4 – Absent 1 - Nays 0 -- Adopted

With no further business, on a Motion of Coun Hewitt, seconded by Coun Fisher, the meeting was adjourned at 7:56 pm. Carried unanimously.

Fred Clark, Town Clerk