

REGULAR MONTHLY TOWN BOARD MEETING - SEPTEMBER 17, 2018

The regular monthly Town Board Meeting of the Town of Yorkshire, for the month of September, was held on Monday, September 17, 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 USA.

Roll Call:

Marcia Spencer, Supervisor, Present
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 present were: Fred Clark, Town Clerk; Larry Groves, Water Commissioner; Chris Lexer, Hwy Supt, CEO.
Also present were Laney Hill, Reporter for Arcade Herald

On a Motion of Coun Hewitt, seconded by Coun Edmunds, it was moved to dispense with the reading of the minutes of the last meeting of August 20, 2018.
Carried unanimously.

RESOLUTION #66-18

On a Motion of Coun Fisher, seconded by Coun George, the following Resolution was Resolved, that the draft minutes of the August 20, 2018
Spencer, Aye, Fisher, Aye; George, Aye; Hewitt, Aye; Edmunds, Aye.
Ayes 5 - Nays 0 - Adopted

Petitions:

"NONE"

Communications:

Clerk Clark has received Fall Planning and Zoning info for November 7 & 8 provided by STW. Request approval from Board for Zoning and Planning Members who desire to attend be approved. Cost is \$25.00 per person.

RESOLUTION #67-18

On a Motion of Coun Edmunds, seconded by Coun George, the following Resolution was Resolved, any interested planning and Zoning Members are approved to attend the November 7 or November 8 Training provided by Southern Tier West at a cost of \$25.00 each per day.
Spencer, Aye, Fisher, Aye; George, Aye; Hewitt, Aye; Edmunds, Aye.
Ayes 5 - Nays 0 - Adopted

Clerk Clark reviewed feedback from Association of Towns Director regarding the Charitable Reserve Fund and the ability to pay property taxes toward this. Preliminary IRS rules essentially prohibit deductions for contribution to Charitable Reserve Funds.

Arcade Area Chamber of Commerce 2018 Awards Breakfast October 19. Must register, Fee is \$15 per person, Table Sponsor for 4 people is \$80.00 (includes reserved seating and program recognition) Board needs to advise, required by October 8.

Reports of Committees:

"NONE"

Supv Financial Report:

Supv Spencer presented her Supervisor's Monthly Report for August 2018 & the Town Budget Report for the month of July 2018, prepared by Diane Finch, CPA, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #68-18).

RESOLUTION #68-18

On a Motion of Coun Edmunds, seconded by Coun Hewitt, the following Resolution was Resolved, that Supervisor Spencer's Monthly Financial Report for August 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's monthly financial report for August 2018, in the amount of \$2,789.53 was reviewed by the Town Board.

Justice Heather A. Tomes Monthly Report reviewed in the amount of \$4,667.00 with pending bail account of \$790.00

Justice Lynn R. Guertin Monthly Report reviewed in the amount of \$6,776.00 with pending bail account of \$3,021.00

Privilege of the Floor/Public Concern:

"None"

Special Orders:

"NONE"

General Orders and Old Business:

Supv Spencer, Coun Edmunds and Supt Lexer reviewed an update on the map plan review grant for sewer project. Common belief is that it is moving forward and looks promising. Continued collaboration with Twin Lakes and the School. Village of Arcade has the capacity to accept the waste with the additions made in prior year(s). There is funding available, and with the hopeful inclusion of Twin Lakes, it increases the number of residential customers which is a favorable thing for potential grants.

Team will keep board updated on the closing out of the grant and the map plan review, at which point then a review with board and the project team can take place.

Reports of Department Heads:

Joe King /Constable -
No Report

Joe Neamon/Dog Control Officer -
(No report)

Mary Gilbert/ZBA Secretary – Written Report
ZBA will not be holding a meeting in September

Report of Dept Heads (Cont.)

Larry Groves/Water Commissioner -

- (1) Indicated he is doing the quarterly reads currently
- (2) Requested Board to consider some forgiveness to Elmer Hopper, Old Olean Road for high water usage last quarter. He was billed for ~225,000 gallons. Leak has been repaired and meter is being replaced. Request to adjust bill to reflect a \$1.00 per thousand cost vs. standard \$2.00 per thousand gallons. Supv. Spencer and Coun Edmunds inquired as to the source and repair. Comm Groves confirmed repair. See R#69-18
- (3) Requested Board to consider placing an ad for hiring of a new Water Meter Reader (see R# 70-18)
- (4) Commissioner Groves and Clerk Clark requested board approval to relevel and place delinquent water bills in excess of 90 days as of October billing, onto 2019 Town and County Tax bills. See Resolution #71-18
- 5) Comm Groves advised that include in the Tentative Budget review is an increase of \$0.25 per thousand for Water District 1 residents. This will allow for reduced use of Fund Balance in budget. The last rate increase was in 2007 and 2008. After some discussion with Board, it was agreed. (see R#72-18)
- 6) Comm Groves has received the annual contract with CorrPro for tank inspection. Request Board approval to sign. (see R#73-18)

RESOLUTION #69-18

On a Motion of Coun Edmunds, seconded by Coun Fisher, the following Resolution was Resolved, authorizing Water Commissioner Groves and Clerk Clark to adjust Elmer Hopper Water Account for the July 1 billing to reflect a rate of \$1.00 per Thousand vs. Standard \$2.00. Based upon usage of 222,800 gallons, this adjustment will be for \$222.80
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Edmunds, Aye.
Ayes 5 - Nays 0 – Adopted

RESOLUTION #70-18

On a Motion of Coun Edmunds, seconded by Coun George, the following Resolution was Resolved, that Clerk Clark place an employment ad in the Arcade Herald and Arcade Penny Saver for the position of Water Meter Reader for Town of Yorkshire.
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Edmunds, Aye.
Ayes 5 - Nays 0 – Adopted

RESOLUTION #71-18

On a Motion of Coun Edmunds, seconded by Coun Fisher, the following Resolution was Resolved, authorizing Water Commissioner Groves to re-level and place 2018 water bills delinquent over ninety days onto the appropriate 2019 Town & County tax bills.
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Edmunds, Aye.
Ayes 5 - Nays 0 – Adopted

RESOLUTION #72-18

On a Motion of Coun Hewitt seconded by Coun Fisher, the following Resolution was Resolved, that Town of Yorkshire, Water District 1 rates per Thousand Gallons usage will increase by \$0.25 per Thousand Gallons beginning in 2019
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Edmunds, Aye.
Ayes 5 - Nays 0 – Adopted

RESOLUTION #73-18

On a Motion of Coun Hewitt seconded by Coun George, the following Resolution was Resolved, authorizing Comm Groves to sign the annual agreement with CorrPro for water tank inspection
Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Edmunds, Aye.
Ayes 5 - Nays 0 – Adopted

Reports of Dept Heads (Cont.)**Christopher Lexer/Codes Enforcement & Zoning Officer - Written Report**

- (1) Issued 7 Building Permits & 5 Zoning Permit in August with permit fees totaling \$945.50
- (2) Supv Spencer and CEO Lexer reviewed they had attended a session on reporting Zombie Properties. The environment was not good for hearing very well, indicated they would send out the information presented, but not seen yet. CEO Lexer explained the process of what is considered Zombie properties and how NYS works it. People still have certain rights and there is a process that must be followed. After further discussion amongst board members it was agreed that when material is available on subject it would be shared.

Christopher Lexer/Hwy Supt -

Been doing some additional paving. Have hauled in Sand for winter season. Continued ditching and brush trimming. Winding down on paving. Bolton Road concern looks like it is holding thus far. Guard rails re-installed. Will continue to monitor.

Cab and Chassis should be ready by end of month, then ship to body place. Perhaps take possession by end of Sept. Supv Spencer is working on financing. Coun Hewitt asked which one was being replaced. Supt Lexer indicated the Big 2004 Mack. Supt Lexer also indicated the Mack has some problems that he will likely need to fix prior to being able to offer it for sale / auction.

Supt Lexer indicated the Supv. Spencer has the Snow Plowing contracts between Town of Yorkshire and Village of Delevan with the rate being increased by \$5.00 to \$156.25 per trip. Request for Supv. Spencer to sign the contract for 2018/2019 season. (see R#74-18)

RESOLUTION #74-18

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that Supervisor Spencer's sign and approve the Snow Plow contract between Village of Delevan and Town of Yorkshire for the 2018 / 2019 season at a rate of \$156.25 per trip. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Edmunds, Aye.
Ayes 5 - Nays 0 – Adopted

Supt Lexer advised Board that there had been several ten-wheeler loads of trash and metal that had been picked up from roadsides that the Highway team collects and then must pay to get rid of. He indicated that without the spring clean up investment, that the problem could be even worse. Supt Lexer does work with Sheriff office when an identity of a person can be found who has illegally dumped, but most time it is simply discarded large items such as couches, chairs, tires, etc. Metal is separated so to be sold to aid in offsetting cost of the disposal of trash items.

New Business:

Clerk Clark advised board that he has sought out and received two quotes / estimates for carpet and floor cleaning for Town Hall. Estimate one MagiClean is for \$510 (will increase if doing Town Assessor and/or Supv office also) Estimate two Stanley Steemer is for \$883.69 (can be reduced by \$80.00). Asking board for approval to accept estimate for \$510.00 from MagiClean, Delevan NY and to schedule the cleaning. Note R#xx-18

RESOLUTION #75-18

On a Motion of Coun George, seconded by Coun Edmunds, the following Resolution was Resolved, that Clerk Clark can accept bid from MagiClean for the cleaning of carpets and floor waxing at the Town Hall, with an estimate of \$510.00, and to include Assessor and Supv office. Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Aye; Edmunds, Aye.
Ayes 5 - Nays 0 – Adopted

New Business (Cont.)

Clerk Clark has received the Delevan Fire Dept. request for 2019 budget an amount equal to 2018 of \$47,000. It is included in Tentative Budget. Clerk Clark has received the Yorkshire Fire Dept. request for Budget for 2018 in the amount of \$116,582.00, an increase of \$7,577. It is included in the Tentative Budget

Supv Spencer asked Court Clerk Dawn Breton for review of JCAP for the board to consider a Motion to support application for JCAP grant for items such as upgrade of Safety equipment (6 cameras and new system to handle increase), Parking Signs, setting up keypad for alternate access using side door for court personnel and Crowd Control for the Town Justice Court. the amount of \$21,773.48 (Note Resolution #76-18)

RESOLUTION #76-18

On a Motion of Coun Hewitt, seconded by Coun Edmunds the following Resolution was moved,

WHEREAS, the Town of Yorkshire Justice Court is seeking to file an application to the State of New York Justice Court Assistance Program upgrade of Safety equipment (6 cameras and new system to handle increase), Parking Signs, setting up keypad for alternate access using side door for court personnel and Crowd Control for the Town Justice Court.

NOW, THEREFORE,

BE IT RESOLVED, that the Yorkshire Town Board authorizes the Yorkshire Town Court to submit a Justice Court Assistance Program Grant Application with a "request for **\$\$21,773.48**, and to authorize Town Supervisor Marcia Spencer to sign the Application Certification.

VOTE:

Marcia Spencer, Supervisor, Aye
Kenneth Fisher, Councilman, Aye
Tammy George, Councilman, Aye
Teresa Hewitt, Councilman, Aye
Christopher Edmunds, Councilman, Aye

Adopted: September 17, 2018

CERTIFIED BY

M. Fred Clark, Town Clerk

New Business (Cont.)

Coun George addressed the board in following up with interviews conducted for Substitute Court Constable. Coun George indicated one candidate had the current certifications and experience and recommended the hiring of Joseph Ventura (see R#77-18). Court Clerk Breton and Supv Spencer had discussion on timing to hire, Clerk Breton would like in place for next week. Supv. Spencer indicated she would coordinate the paperwork necessary with Mr. Ventura

There was further discussion amongst board members with regards to the civil service and was agreed there were at times conflicting messages on this but will proceed with title of Substitute Court Constable.

RESOLUTION #77-18

On a Motion of Coun George, seconded by Coun Edmunds, the following Resolution was Resolved, to hire Joseph Ventura as Substitute Court Constable, with hours not to exceed 3 hours per week and salary at 2018 budgeted amount of \$11.07 per hour.

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

Ayes 5 - Nays 0 – Adopted

Note Supv Spencer “Nay” due to not having participated in interviews.

The Town Board reviewed, as per required by Town Law #106, the Tentative 2019 Town Budget. With several points of communication and inquiry taking place.

RESOLUTION #78-18

On a Motion of Coun Edmunds, seconded by Coun Hewitt, the following Resolution was resolved, to accept the 2019 Tentative Town Budget as the 2019 Preliminary Town Budget with the following line changes:

Reduce SF3410.4, Yorkshire Fire Protection Contractual from \$35,076.00 to \$33,149.00

The following items are inclusive of Resolution #78-18

- (1) WHEREAS, the Fire and Ambulance Contract with a sum of \$32,499 for the year 2018 between the Yorkshire Fire District and the Town of Yorkshire expires on December 31, 2018, and WHEREAS, the Fire and Ambulance Contract with a sum of \$47,000 for the year 2018 between the Village of Delevan and the Town of Yorkshire expires on December 31, 2018.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board tentatively accepts, subject to a Public Hearing on the 2019 Town Preliminary Budget on October 15, 2018 at 7:15 p.m., Improvement & Special Districts, on a Benefit Basis and the Adoption of the 2019 Town Budget in November 2018, the contract renewals for the year 2019 with the Yorkshire Fire District at \$33,149 and the Village of Delevan at \$47,000, for the areas of the Town Fire Protection District that they serve beginning January 1, 2019 and ending December 31, 2019; and **FURTHER, BE IT RESOLVED**, that the town clerk notify the above in writing to see if the above is acceptable to the municipal boards.

- (2) To tentatively accept the Town Elected Officials proposed 2019 salaries (Proposed salary schedule inserted into the minutes/Pursuant to Section #108 of the Town Law).

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

Ayes 5 - Nays 0 – Adopted

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 #79-18).

RESOLUTION #79-18

On a Motion of Coun George, seconded by Coun Fisher, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims #230-250 in the amount of \$4,393.31, as set forth in General Fund Abstract No. 9, Dated September 17, 2018; Highway Fund Claims #125-137, in the amount of \$8,992.22, as set forth in Highway Abstract No. 9, Dated September 17, 2018; Water Dist #1 Fund Claims #41-45, in the amount of \$2,315.90, as set forth in Water Dist #1 Abstract No. 9, Dated September 17, 2018; Water Dist #2 Fund Claims #10-12, in the amount of \$1,252.95, as set forth in Water Dist #2 Abstract No. 9, Dated September 17, 2018.

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

Ayes 5 - Nays 0 - Adopted

With no further business, on a Motion of Coun Hewitt, seconded by Coun George the meeting was adjourned at 8:53 pm.

Carried unanimously.

M. Fred Clark, Town Clerk

Pursuant to Section 108 of the Town Law, the proposed salaries of the following elected Town Officials are hereby specified as follows:

Supervisor -	\$18,760
Council Members (4) -	\$3,745 (each)
Town Clerk -	\$25,750
Highway Superintendent -	\$51,672
Justice #1	\$10,363
Justice #2	\$10,006