

REGULAR MONTHLY TOWN BOARD MEETING - JANUARY 16, 2019

The regular monthly board meeting of the Yorkshire Town Board, for the month of January, was held on Wednesday, January 16, 2019, at the Town Hall, 82 South Main Street, Delevan, NY. At 7:00 p.m.

Supervisor Spencer called the meeting to order at 7:00pm with the Pledge of Allegiance to the Flag.

Roll Call:

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

Other Town Officials present were M. Fred Clark, Town Clerk; Larry Groves, Water Commissioner; Dawn Breton Court Clerk, Lynn Guertin Town Justice (for Annual Audit), Christopher Lexer, Highway Supt. And Codes Officer

Also present, Laney Hill, Reporter Arcade Herald

On a Motion of Coun Edmunds, seconded by Coun Fisher, to dispense with the reading from the last board meetings of Dec. 17, 2018 and January 2, 2019. Carried unanimously (*Note R#5-16).

RESOLUTION #4-19

On a Motion of Coun Hewitt, seconded by Coun Edmunds, the following Resolution was, resolved to approve the draft minutes of the December 17, 2018 & January 2, 2019 Regular and Special Town Board (Organizational Meeting).

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

Communications:

Association of Towns sent Information of request of any named Town Official to attend the Annual Meeting in New York City. No conclusion to send. Information in Clerk's Office

Assoc of Towns Assessor, appraiser and Engineering Training at Annual Meeting

Southern Tier West sent training update for Powers and Duties to be held February 19 at Salamanca location. Register by February 15, contact clerk with interest.

Gordon w. Jones Associates Architects sent communication that Pioneer School intends to do Reconstruction Work at Delevan Elementary School. No work on permanent or temporary entrances or exits and no changes to storm drainage.

County Health Dept reported dog bit on January 5, to be quarantined for 10 days. Dog Control aware.

Supv Spencer has received summary of all payments to Town from Cattaraugus County Treasurer, is available for anyone wanting to review.

Reports of Committees: "NONE"

Monthly Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report for December 2018, Supervisors Cash Receipts Report & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of November 2018, to the Town Board, and filed the reports with the town clerk (*Note R#6-17).

RESOLUTION #5-17

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following resolution was, resolved that Supv Spencer's Monthly Financial Report & Cash Receipts Report for December 2018 is accepted as submitted (& is included in the minutes).

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

Town Clerk Clark Monthly Financial Report for the month of December 2018, in the amount of \$3,494.42, was reviewed by the Town Board.

Town Clerk Clark also presented the status of Tax Collection for 2019. Collections through January 15 were \$447,801.56 with \$208,719.27 being disbursed to Supv to date.

Justice Reports:

Justice Heather Tomes sent a check to the Town Supervisor Spencer in the amount of \$5,195.00 for the month of December 2018.

Justice Lynn Guertin sent a check to the Town Supervisor Spencer in the amount of \$4,365.00 for the month of December 2018.

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

Ginger Schroeder, an attorney whom resides in Farmersville and has an office in Buffalo spoke to the board. She represents several citizens groups with regards to the Alle Catt Wind Turbine project. Ms. Schroeder went on to detail and show some maps and described some of her concerns with regards to Article 10, View Sheds, and went on to raise concerns over the general benefit that towns would receive as compared to the potential burden with regards to property values, transportation and resulting impact to roads, aquifer concerns for waste water, view sheds. She concluded by indicating that she is concerned that the project, should it continue to move forward, is done in a manner that provides safety and value to those involved, making it the best project possible. She then offered to represent the Town of Yorkshire for free, she indicated a decision does not have to be made immediately, since it is likely Article 10 will be rejected and must be done again with corrections over the course of 60-90 days. During discussion Supv. Spencer inquired about Article 7 (Town was communicated this was their Article, given transmission line only) vs. Article 10. Ms. Schroeder indicated Town has equity in Article 10 also, in particular where it is part of the view shed. Ms. Schroeder would not represent for Article 7, but for Article 10. Supv. Spencer inquired as to the quantity of turbines, to which Ms. Schroeder indicated it is ever evolving, but originally was 120, now is 117. Coun Hewitt inquired as to where the waster water concerns originated. Ms. Schroeder indicated it is due to concrete batches, trucks, that then required significant cleaning with high volumes of water that deposit to ground and continue to aquifer. There is also drill blasting that can affect wells.

Ms. Schroeder concluded her discussion and thanked the board for their time. The board then did discuss and agreed to have Supv. Spencer discuss with Town Attorney the offer by Ms. Schroeder and will review in February Meeting.

Special Orders:

"NONE"

General Orders and Old Business:

Reports of Department Heads:

Joe King, Constable: No Report. Supv Spencer did indicated she has asked Joe for a written report.

Joe Neamon/Dog Control Officer -

(1) No Report, Supv Spencer did indicated one dog being held at Kennel.

Mary Gilbert /ZBA Secretary - (Written report)

(1) ZBA canceled January meeting as there was no new business before them.

Larry Groves/Water Commissioner -

(1) Reviewing Perm 1 vs. Perm 32 application for Permits with State Dept. of Transportation. Perm 32 is annual, Perm 1 is not. He will determine how to proceed. (2) Reporting to DEC on water pumped and consumed. Is better than average, they watch daily and look for issues. Indicated has not done a leak survey in 4-5 years, might look at exploring for this year with help from NY Rural Water. (3) Clerk Clark and Comm Groves been working on grant application for Fluoride equipment replacement. May ask Eng. Mark A. for some support, since it asks for Eng. Reports, which he might charge for, wanted to advise Board. Some discussion amongst board members and Comm Groves regarding the value of Fluoridation, he will examine this more closely and the requirements at County and State. (4) Coun Hewitt asked if any update on the Kirby Colling project. Comm Groves indicated still waiting for the attorney review of easements once provided and that County has given extension to spring (believe end April 2019). Supv Spencer also indicated she has not received any communication on the topic to date.

Christopher Lexer/Codes Enforcement Officer & Zoning Officer -

Written Issued 3 (three) Building and 3 (three) Zoning Permits during December 2018 for total fees of \$3,320.40.

Christopher Lexer/Supt of Highways -

Written Report: new plow truck has been put into service as of Monday January 14. Will be working on cleaning up the 2004 Mack and getting it listed in auction. Also have been plowing and sanding as needed.

Supv Spencer updated board on the Statutory Bonds for 5-year loan at 4.35%. This was previously budgeted and approved. Down payment will be \$19,000 of Town money, which hopefully will be somewhat recovered once the sale of the old truck is completed. Believes Town Attorney will now have to draw up. The amount is going to be \$44,000 per year. Coun George inquired to Supt Lexer about his view on the expect sale price of the used Mack, to which he responded likely \$15-20,000.

Supv Spencer indicated that Historian report would not be done this month, Jackie Cornwall indicated likely in February

New Business:

Monthly Audit - All Town Board Member had the opportunity to audit all vouchers (bills, invoices & statements) submitted for payment and to initial the vouchers (*Note R#6-19).

RESOLUTION #6-19

On a Motion by Coun George, seconded by Coun Edmunds, the following Resolution was resolved for the approval of the following claims for payment: General Fund Claims #1-24 in the amount of \$27,271.69 set forth in General Abstract No. 1 Dated January 16, 2019; Highway Fund Claims #1-20, in the amount of \$81,618.34, as set forth in Highway Abstract No. 1 Dated January 16, 2019; Water Dist #1 Fund Claims #1-6, in the amount of \$4,222.20, as set forth in Water Dist #1 Abstract No. 1 Dated January 16, 2019; Water Dist #2 Fund Claims #1, in the amount of \$30.00, as set forth in Water Dist. #2 Abstract No 1 Dated January 16, 2019

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

Ayes 5 - Nays 0 – Adopted

Annual Town Audit - The Town Board conducted their Annual Audit of the following Town Officials 2018 Financial Records as required by Town Law #123.; That the Town Board reviewed and audited the financial records of M. Fred Clark, Town Clerk (M. Fred Clark's Tax Collection Records were audited & approved by Resolution #38-18), and that he filed a statement in writing showing his town clerk receipts and disbursements for the fiscal year 2018, and the Water Districts financial records of M. Fred Clark for the fiscal year 2018 were reviewed and audited (& the water records are reconciled for billing & payments by Diane R Finch, CPA, each month); That the Town Board reviewed and audited the financial records of Christopher Lexer, Codes Enforcement & Zoning Officer, for the fiscal year 2018; and that Supv Marcia Spencer presented the first eleven months of the 2018 Supervisors financial records for review & audit, and that she will submit the Supervisors Annual Report, when completed by Diane R Finch, CPA, to the Town Board, in lieu of a financial statement

The Town Board reviewed the financial records and examined the criminal & civil dockets of Town Justice Lynn Guertin and Town Justice Heather Tomes, and that the fines and fees therein shown to have been collected had been turned over to the proper officials as required by town law for the fiscal year 2018; (*Note R #7-19).

RESOLUTION #7-19

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was, resolved to approve the 2018 financial records as presented by the above Town Officials.

Spencer, Aye; Fisher, Aye; Hewitt, Aye; Walker, Aye, George, 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 8:22 p.m. Carried unanimously.

M. Fred Clark, Town Clerk