

2021 TOWN BOARD ORGANIZATIONAL MEETING – JANUARY 4, 2021 Page 1

A special meeting of the Yorkshire Town Board was held on January 4, 2021, at the Town Hall, 82 South Main Street, Delevan, NY for the purpose of the 2021 Annual Organizational Meeting.

Supervisor Spencer called the meeting to order at 7:00 p.m.

Supervisor Spencer then led the Pledge of Allegiance to the flag of the USA.

Roll Call:

Marcia Spencer, Supervisor, Present

Christopher Edmunds, Deputy Supv, Council Member, Present

Kenneth Fisher, Council Member, Present

Bradley Regan, Council Member, Present

Teresa Hewitt, Council Member, Present

Other Town Officials present: Donna Lavery, Town Clerk; Chris Lexer, Highway Supv, Larry Groves, Water Commissioner

Town Board Upcoming Meetings will be held

Wednesday, January 13, 2021 and Wednesday, February 10, 2021 at 7pm due to the Monday holidays

Special Orders:

Supervisor Spencer made the following Town Appointments.

1-Deputy Town Supervisor: Christopher Edmunds

2-Town Historian: Jacqueline Cornwall

3-Budget Officers: Marcia Spencer & Diane Finch

Supervisor Spencer reviewed that she has provided all required employees with the paperwork for capturing hours worked which is necessary for State Retirement records submission.

Supervisor Spencer stated that there have been no complaints of non violence.

Resolution #1-21

On a motion of Coun Regan, Seconded by Coun Fisher the following resolution was resolved to appoint Jessica Ungaro to Town prosecutor at a rate of \$100 per hour. All in Favor
Spencer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye.
Aye- 5, Nay – 0,

Resolution #2-21

RESO: That the regular monthly Town Board Meeting shall be held on the third Monday of each month at 7:00 p.m., beginning March 2019, unless a change is required and confirmed during a previous month. January meeting will be January 13, 2021 beginning at 7 p.m. and will include the Annual Audit of Financial Records, February meeting will be Wednesday February 10, 2021 at 7 p.m.

RESO: That the Town Planning Board will meet on an as needed basis, the third Thursday of the month at 7 p.m. Have 1 vacancy.

RESO: That the Zoning Board of Appeals will meet on an as needed basis, the second Wednesday of the month at 7 p.m.

RESO: That the Five Star Bank, Yorkshire will be the depositories for the Town of Yorkshire and that all town officers deposit said funds in said Banks of all money that shall come into their hands by virtue of their respective offices.

RESO: That the Town Board has reviewed the Town of Yorkshire Investment Policy adopted June 10, 1991 and amended June 13, 1994 with Motions #67 & #68 and updated 12/11/95, and amended June 14, 1999 with Motion #75, and amended December 9, 2002 with Motion #157, and amended/updated 12/28/05 with Motion #171 and amended March 21, 2016 with motion #27-16 approves that Investment Policy for the year 2018.

RESO: That the Town Board has reviewed the Procurement Policy Resolution adopted April 13, 1992 and approves the Policy for 2019.

RESO: That the Town Board has reviewed the Rules of Conduct and Decorum adopted February 17, 2016 R#21-16 and approves for the year 2019

RESO: That the Bond for the Town Supervisor and the Tax Collector be set at \$250,000.00 USD and all others who by law are required to have same be set at \$50,000.00 USD.

RESO: That the Supervisor be authorized to pre-pay credit charge accounts, health insurance bills, utility bills, annual state retirement system contribution invoice, purchased town postage for Town Officials, and American Rock Salt due to their ten-day policy.

RESO: That the Town Board will not require claimant's certification signatures if there is a bill of sale or invoice (statement) for merchandise delivered to the Town

RESO: That the Arcade Herald, Inc. will be the official town newspaper.

RESO: That the mileage rate to be paid Town Officials shall be fixed at 40 cents USD per mile

RESO: That the Town Officials shall be reimbursed for reported mileage for personal vehicle use to carry out town business (inside or outside) the Town of Yorkshire.

RESO: Highway Department Collective Bargaining; Will follow newly defined CBA, running June 1, 2021 through December 31, 2023. 2019 Hourly rate at \$22.28, Deputy Supt at \$22.84/hr. and that Seasonal Highway Laborers be paid at a rate of \$13.66 per hour.

RESO: That the following receive paid Health Insurance Coverage: The Highway superintendent (Christopher Lexer Single or plus one, if required) Blue Cross & Blue Shield Platinum; Assessor Robin Pearl included as a receivable (she is responsible for payment)

RESO: That the Town Supervisor be authorized to approve expenditures, not exceeding \$1000.00 USD (unless an emergency), without prior approval of the Town Board

RESO: That the Supt of Highways be authorized to purchase necessary equipment and tools and implements, not to exceed \$6000.00 USD, without prior approval of the Town Board (unless an emergency and with approval of the Town Supervisor)

RESO: That the Supt of Highways is authorized to only order / purchase Diesel Fuel from a supplier with State Bid Pricing Contract (Also make a request to supplier to deliver Gasoline at the State Bid Price)

RESO: That the Water Commissioner be authorized to approve Water District expenditures in the amount not to exceed \$1000.00 USD, without prior approval of the Town Board (unless an emergency and with the approval of the Town Supervisor)

RESO: That the following Town Officials (Town Clerk / Assessor / Town Justices / Code Enforcement Officer / Town Historian / Zoning Board Chairperson) be authorized to purchase necessary office equipment & supplies (or repairs), not exceeding \$500.00 USD, without prior Town Board approval, while within years' budget appropriation limits (unless an emergency and with the approval of the Town Supervisor)

RESO: That the 2020 Annual Salary for Town Supervisor Marcia Spencer be \$19,500.00 USD

RESO: That the 2020 Annual Salary for Town Council Members (4) be \$3,820.00 USD each.

RESO: That the 2020 Annual Salary for Town Clerk Donna Lavery be \$21,000.00 USD

RESO: That Donna Lavery is the Town Registrar for 2020 with annual pay of \$50.00 USD

RESO: That Donna Lavery be appointed Local Records Management Officer for 2019

RESO: That the 2020 annual salary for Highway Supt Christopher Lexer be \$53,000.00 USD

RESO: That Christopher Lexer be appointed Codes Enforcement Officer (& Zoning Officer) at the pleasure (or will) of the Town Board and at an annual salary of \$14,816.00 USD

RESO: That a Hwy Supt Bookkeeper, to be recommended by Superintendent Lexer, with a term at the pleasure (or will) of the Town Board, and at an annual salary of \$570.00 USD, will remain vacant until such time an appointment consideration is made

RESO: That the 2020 annual salary for Justice Lynn Guertin (Justice 1) be \$12,500.00 USD

RESO: That Brandi Behling be appointed Court Clerk with maximum of 35 hours of work per pay period, with pay at \$15.30 per hour. Court may seek board approval for anything exceeding the hours limits imposed.

RESO: That Jessica Ungaro be appointed Town Prosecutor, with a term at the pleasure (or will) of the Town Board and with up to five hours per month (if needed), with pay at \$100.00 USD per hour.

RESO: That Robin A. Pearl is Town Assessor with an annual salary of \$21,579.00 USD for 2021.

That annual pay for Board of Assessment Review Members is \$100.00 USD

RESO: That Larry Groves be appointed District #1 & District #2 Water Commissioner, with a term at the pleasure (or will) of the Town Board, with an annual salary of \$6,720.00 USD for Water District #1 and an annual salary of \$213.00 USD for Water District #2.

RESO: That Donna Lavery be appointed Bookkeeper for Water District #1 & Water District #2 for the year 2021

RESO: That Doug McLam be appointed Water District #1 & Water District #2 Water Meter Reader, with a term at the pleasure (or will) of the Town Board and pay at \$13.50 USD per hour. (Estimated 80 hours per year)

RESO: That Peter Sorgi, East Aurora, NY, be appointed Attorney for the Town for 2021, on an Agreement at \$225.00 USD per hour for regular Attorney Service rendered and \$225.00 USD per hour for Attorney Court Service rendered, with the Town Supervisor, Marcia Spencer the Town Liaison with the Law Firm.

RESO: That any Town Official be authorized to contact (& or work) with the Attorney for the Town when deemed necessary

RESO: That the Town Board hereby agrees to defend, indemnify and hold harmless, officers and employees of the Town of Yorkshire, and to be held liable for all costs incurred as a result of the same, pursuant to Section 18 of the Public Officers Law of the State of New York, provided that the officer and/or employee has fully complied with the requirements of Subdivision 5 of Section 18 as it presently exists, or may hereafter be amended

RESO: That Jamie Fronckowiak, be appointed Chairman of the Zoning Board of Appeals, Chairmanship term at the pleasure (or will) of the Town Board for 2020

RESO: That Gary Watson, be appointed as Member of Planning Board, term to expire 12/31/2024

RESO: That Pat Sherwood be appointed as Secretary of the Zoning Board of Appeals, with a term at the pleasure (or will) of the Town Board, at an hourly rate of \$15.00

RESO: That Planning Board Members & Zoning Board of Appeals Members can carry over up to two hours in excess of the yearly required four training hours for training credits for next years

RESO: That Joseph Ventura be appointed as substitute Court Constable / Bailiff, and with pay at \$12.50 per hour.

RESO: That Joseph Neamon be appointed Dog Control Officer, with a term at the pleasure (or will) of the Town Board, and with annual salary of \$4100.00 USD

RESO: That Steve Dominessy be appointed as Substitute Dog Control Officer, with a term at the pleasure (or will) of the Town Board, to be paid on an as required basis with an hourly salary of \$12.50 per hour. Not to exceed \$1,000 annually.

RESO: That Diane R. Finch, CPS, be appointed Supervisor Bookkeeper, with a term at the pleasure (or will) of the Town Board, with annual salary of \$9,000 General, \$1267 Water District 1 & \$118 Water District 2; Totaling \$10,385.00

RESO: That the Town Historian, Jackie Cornwall, will receive an annual salary of \$1,232.00 USD

RESO: That Michelle Kolasny & Donna Lavery & Teresa Hewitt be appointed Youth Commission Members for 2021

RESO: That Robin Meyer be appointed Town Hall Custodian, with a term at the pleasure (or will) of the Town Board, pay at \$12.50 USD per hour (Estimated at 5 hours per week)

RESO: That all Bank Return Checks are subject to a \$20.00 USD fee

RESO: That the Tax Collector is authorized to charge no fee per required mailing of unpaid County & Town Tax bill notices the first week of March

RESO: That the Town fee is \$0.25 USD per page for all requested copies of Town Records, material, etc.

RESO: Town Officials will need prior approval from the Town Board (or Town Supervisor) to attend any convention, conference or school that expenses will require reimbursement with a submitted claim (General Municipal Law #77-b)

RESO: That the maximum amount allowed per meal is \$15.00 USD

RESO: The Town Board will not approve the payment of any Sales Tax submitted for payment

RESO: That the following is the schedule for building and zoning permit fees for the year 2021

1) Building & Zoning fees are \$.025 USD per square foot (all commercial projects and residential, private garages, additions, porches, decks, gazebos & etc.) and a maximum fee limit of \$100.00 USD for building & zoning permits pertaining to roof structures / shelters / etc over 500 square feet.

2) Residential storage building, sheds, pole structures, utility buildings & etc.

1-250 square feet	\$37.50
251-500 square feet	\$75.00
501 square feet or more	\$0.15 per square feet Subject to Local Law \$2 - 2006

3) All regular signs \$3.25 USD per square foot. (Temporary sign permits / good for a 60-day period / \$15.00- if qualifying as a Non-Profit Organization / No Fee

4) Solid fuel permits \$25.00 USD

5) Swimming pool permits (above ground \$25.00 USD / in ground \$50.00 USD

6) Change of use permits \$100.00 USD

7) Building permit extensions is 50% of the original fee for a three (3) month extension (One extension permitted / Subject to Codes Enforcement Officer determination)

8) Structural change or alteration (area effected 250 square feet or less fee is \$37.50 USD. Over 250 square feet fee is \$0.15 USD per square foot

9) Late filing fee \$100.00 USD plus cost of required permit

10) Inspections where no permit was issued \$25.00 (example: inspection of illegally installed wood stove)

11) Chimney inspections \$25.00 USD for each chimney (If result of fire / hardship, then fee is waived)

12) Water well permit fee is \$50.00 USD

13) No charge for qualifying agricultural related permits

14) A fee of \$25.00 USD will be charged for any demolition permit (Subject to Codes Enforcement Officer determination)

15) A Building Codes Non-Structured Roof Replace Permit fee is \$25.00 USD

16) A Zoning Compliance Permit fee is \$50.00 USD

(All building permit fees are 70% and zoning permit fees are 30% of total except signs which are \$1.25 USD cost per square foot for building permit fees and \$2.00 USD per square foot for zoning permit fees)

Motion Made by Coun Edmunds, Seconded by Coun Regan, the above resolutions were moved. Resolution #2-21

Spencer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye.
Aye- 5, Nay – 0,

RESOLUTION #3-21

RESO: Parliamentary procedure will be up to the town Board.

RESO: Any board member can move or second motions, resolutions, local laws or ordinances.

RESO: Minutes of previous meeting will be mailed or emailed to board members prior to board meeting

RESO: Any Board Member present any issue will file with Town Supervisor seven (7) days prior to meeting to be included on agenda for discussion.

RESO: A person must be on the agenda to be recognized to speak on a specific item at the board meetings

RESO: People may speak during Privilege of the Floor / concerning their comments / concerns / questions with a three-minute time limit (or at the discretion of the Town Board).

RESO: People may speak at Public Hearings with a three-minute time limit per person (or at the discretion of the Town Board)

RESO: Agenda to be mailed or emailed to board members prior to board meetings by Town Clerk.

RESO: All board meetings are open to public except “Executive Sessions” that may be held to discuss only as follows.

- A. Matters which will imperil the public safety if disclosed**
- B. Any matter which may disclose the identity of a law enforcement agent or informer**
- C. Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed.**
- D. Discussions regarding proposed, pending or current litigation.**
- E. Collective negotiations pursuant to Article 14 of the Civil Service Law.**
- F. The medical, financial, credit or employment history of a person or corporation, nor matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.**
- G. The preparation, grading or administration of examinations.**
- H. The proposed acquisition, sale or release of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body out when publicity would substantially affect the value thereof.**

After Motion by Coun Edmunds, Seconded by Coun Fisher, the above resolutions were moved. R #3-21

Spencer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye.
Aye- 5, Nay – 0,

RESOLUTION #4-21

Town of Yorkshire Committees 2020

**Buildings – Marcia Spencer, Chris Lexer
Constable – Teresa Hewitt, Marcia Spencer
Court – Teresa Hewitt, Ken Fisher
Dog Control – Bradley Regan, Marcia Spencer
Highway – Chris Edmunds, Bradley Regan
Recreation – Teresa Hewitt, Ken Fisher
Water/Sewer – Chris Edmunds, Bill Regan
Zoning Code Enforcement – Ken Fisher, Chris Edmunds**

With no further business, on a Motion of Coun Edmunds, seconded by Coun Regan, the meeting was adjourned at 7:12 p.m.

-Carried Unanimously

Donna Lavery, Town Clerk