

REGULAR MONTHLY TOWN BOARD MEETING MINUTES - APRIL 15, 2019

The regular monthly board meeting of the Yorkshire Town Board, for the month of April, was held on April 15, 2019, at the Town Hall, 82 South Main Street, Delevan, NY.

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

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 Fred Clark, Town Clerk; Chris Lexer Hwy Supt and CEO, Larry Groves, Water Commissioner

Also present was Laney Hill, Arcade Herald Reporter; Dave Paradowski, DEC Representative; approx. 16 residents with interest regarding the DEC and Kingbrook.

On a Motion of Coun Edmunds, seconded by Coun Fisher, it was moved to dispense with the reading of the draft minutes of the March 18, 2019 meeting. Carried unanimously.

RESOLUTION #41-19

On a Motion of Coun Hewitt, seconded by Coun Edmunds, the following Resolution was resolved, to approve the draft minutes of the March 18, 2019 regular monthly town board meeting as printed.

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

Ayes 5 – Nays 0 - Adopted

Petitions:

Supv Spencer introduced Peter Sorgi, Attorney representing Town in the Sewer Project. Mr. Sorgi indicated that in a meeting last month with Engineering, Town Officials, Municipal Solutions and further review of the necessary next steps. After a brief update to the Board, it is his recommendation to the board the following, as required next steps;

1. Consider a resolution to appoint Hodgson Russ as Bond Council and to accept and sign agreement as provided. Note R#42-19
2. Consider a resolution of "Intent to Reimburse Expenditures", as defined by Hodgson Russ, that allows for expenditures from General Fund toward the Planned Sewer System Capital Improvements Project, so that the General Fund, or other funds, may be made whole in connection with said project. Note R#43-19
3. A Public Meeting is required in order to begin the process of formation of the Sewer District, target date of May 13, 2019 at 7 p.m. was discussed by Mr. Sorgi and Town Officials. Note R#44-19

RESOLUTION #42-19

On a Motion of Coun Fisher, seconded by Coun Edmunds, the following Resolution was resolved, to select / approve Hodgson Russ to serve as Bond Council for Town of Yorkshire Sewer Project and Supv Spencer to sign provided agreement.

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

Ayes 5 – Nays 0 - Adopted

RESOLUTION #43-19

On a Motion of Coun Hewitt, seconded by Coun Edmunds, the following Resolution was resolved, A resolution of intent to reimburse expenditures, dated April 15, 2019, of the Town board of the Town of Yorkshire, Cattaraugus County, New York (The "Town"), authorizing the reimbursement of costs associated with a planned sewer system capital improvements project commonly known as the Yorkshire Corners Sewer District, so that the Towns General Fund (or other funds) may be made whole in connection with such project WHEREAS, the Town Board (the "Board") of the Town of Yorkshire, Cattaraugus County, New York (the "Town") takes note of the fact that the Town is in the very early stages of planning for a sewer system capital improvements project commonly known as the Yorkshire Corners Sewer District Project, as hereinafter defined; and

WHEREAS, the initial stages of evaluating and planning for such Project will involve the submission of an application for funding opportunities in an attempt to reduce the costs of such Project to the residents within such proposed district; and

WHEREAS, in an effort to provide that such early costs related to the possible capital improvements project can be reimbursed with the issuance of obligations (including bonds or notes issued in anticipation of such bonds), the Town desires to adopt a resolution declaring its intent to reimburse expenditures made with proceeds of bonds or notes as more fully described in the United States Treasury Regulations; and

RESOLUTION #43-19 (Cont.)

WHEREAS, such preliminary Project has a total estimated maximum cost of approximately \$5,140,000; and **WHEREAS**, such preliminary Project is anticipated to generally consist of, but not be limited to, the installation of approximately 20,000 linear feet of HDPE sewer force main along various streets in the Town, construction of pump stations, and the replacement of various equipment, and all ancillary or related work required in connection therewith and as described in more detail in a preliminary engineer's report prepared by MDA Consulting Engineers, PLLC (collectively, the "Project"); and

WHEREAS, the Town intends to hold one or more public hearings and possibly move forward with an authorizing bond resolution in 2019; and

WHEREAS, the Town, in order to determine the scope of the proposed Project, has incurred (and expects to continue to incur) certain costs associated with the Project; and

WHEREAS, it is now desired to authorize the reimbursement, to the extent necessary, of the Town's General Fund account (or other Town accounts) for amounts advanced therefrom to cover such initial costs associated with the Project;

NOW, THEREFORE,

BE IT RESOLVED, by the Board on behalf of the Town, as follows:

Section 1. The purpose of this resolution is to authorize and direct the reimbursement, to the extent necessary, of any and all costs associated with the Project referred to above, so that the Town's General Fund (or other Town accounts) may be made whole to the extent that funds from other sources (including, but not limited to, proceeds of serial bonds and/or bond anticipation notes or other obligations of the Town) are received in connection with such Project (if approved) in the future.

Section 2. The Town may initially use funds from its General Fund or such other funds that may be available to pay the costs associated with or arising out of the Project referred to above. The Town then reasonably expects to reimburse such expenditures (to the extent made after the date hereof (or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds, bond anticipation notes or other obligations that the Town may authorize, from the proceeds of lease/purchase arrangements into which the Town may enter, or from other sources of funds that may become available. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the referenced expenditures with the proceeds of bonds and notes or other obligations to be authorized (or from other sources), as required by United States Treasury Regulations Section 1.150-2.

Section 3. The approximate maximum principal amount of bonds, bond anticipation notes or other obligations expected to be issued in connection with the currently envisioned Project is estimated to be approximately \$5,140,000.

Section 4. This resolution shall take effect immediately and shall be placed in the official minutes of the meetings of the Board of as an official action of the Board.

A Roll Call Vote was taken by Clerk Clark

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

Ayes 5 - Nays 0 - Adopted

RESOLUTION #44-19

On a Motion of Coun Hewitt, seconded by Coun George, the following Resolution was resolved schedule a Public Hearing on Monday May 13, 2019 at 7 p.m. to be held at the Yorkshire Town Hall located at 82 S. Main Street, Delevan, NY, to begin the Formation of Sewer District for the Town of Yorkshire. Notice to be placed in Arcade Herald by Clerk Clark

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

Ayes 5 - Nays 0 - Adopted

DEC Representative Dave Paradowski gave a verbal presentation indicating DEC desire to speak with Town and Residents regarding views on the potential future acquisition of 1200 acres from current owner Kingbrook. Normal procedure is to inform town, inform Environmental Protection Fund and allow for 90 days response. Wanted to discuss how to deal with resident concerns. This process normally takes a few years and might involve going through an intermediate buyer via the Conservation Fund. Would be designated as State Forest and would allow for Town and School Taxes to be paid, but not County. Concerns he has heard mostly involve the area of the lake and it was indicated that regulations could be put in place via signs, etc. that would limit public access to portions of the area including the lake, via signs or obstructions. These can be custom to the area as required. Several residents whom reside in the area spoke, one spoke in favor of the idea, indicating potential alignment with school programs and affirming no issues with a similar area that is adjacent to his property. All others whom spoke gave concerns over the impact to privacy, public access that is difficult to manage and infringe on their desire for privacy, which many indicated was a factor in their decisions to purchase property in this location. Some also indicated a personal desire to purchase some of the property if it is available. Further discussions regarding the access points via Alpine Heights, Creek Road and Vanguilder Road and the process to establish restricted access and regulations thee of also took place between DEC, residents and Town Officials.

Petitions and Communications Cont.**DEC / Kingbrook**

Supervisor Spencer and Code Enforcement Officer Lexer advised Mr. Paradowski that under current Zoning Laws, what he is proposing would not be an allowed use and that he would be required to apply for a variance, which must be granted / approved. If the purchase was made without this, then it for sure would not be approved. It was agreed that DEC needs to investigate this further with their Real Property team. At the conclusion of discussion, Supv Spencer thanked DEC for their time and the residents for coming, no further action taken at this time.

Communications:

1. Received NYS Dept of Ag and Markets Annual Shelter Inspection Report...Satisfactory.
2. Assoc of Towns sent email request for letters to be sent to Assembly and State Representatives in support of keeping AIM, Tax Cap modifications, increasing CHIPS and Winter Recovery assistance.
3. Communication from Catt County Economic Development for a Seminar on Funding Strategies for Catt County Municipalities, to be held on April 18, 2019 from 5 p.m. to 6:30 p.m. in Little Valley.
4. Communication from NYS Watch Center, Office of Emergency Mgmt., Hazard Mitigation Grant Program Funding Opportunity
5. Communication from Congressman Reed Grant Opportunities Update.
6. Catt County communication potential rabies exposure for cat. Confinement and vaccination required.
7. Supv Spencer indicated check from Auctions International received in amount of \$24,100, however there is a \$30 fee for listing which must be paid, she requested Board for motion to pay the \$30 fee by paying from Highway Unallocated Funds and increase Highway Equipment Reserve Account by \$30.00. Note R# 47-19
8. Supv Spencer advised Board that Court Clerk Breton has received the necessary quotes following Town Procurement policy for the security upgrades and that DFT was the lowest bid, so will be accepting the previously communicated proposal.
9. Supv Spencer communicated that Town has received a dividend fund check from Selective Insurance.

Report of Committees:

Coun George reported: (1) The Youth Rec Committee will be advertising for summer recreation employment resumes (applications). Deadline for submission is April 26. Will need at least one. (3) Sign up schedule and support plan defined (4) Will advertise for Sign-ups in May publications, ad developed. (4) Youth Recreation program will run July 8 – August 15, 2019. Rec still working on Field Trips
Requested motion to approve hiring of Trista Reisdorf as Youth Recreation Director for 2019 at a salary to be determined, and that ads can be placed for the employment and sign ups Note R#46-19

Monthly Financial Reports:

Supv Spencer presented her Supervisor's monthly report for March 2019 & the budget report, as prepared by Diane Finch, CPA, for the month of February 2019, to the Town Board for review, and filed the reports with the town clerk (*Note R #45-19).

RESOLUTION #45-19

On a Motion of Coun Edmunds, seconded by Coun George, the following Resolution was Resolved, that the Town Board had reviewed the Supervisor's monthly report for March 2019 & is accepted as submitted (& is included in the minutes).

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

Ayes 5 – Nays 0 - Adopted

RESOLUTION #46-19

On a Motion of Coun Edmunds, seconded by Coun Fisher, the following Resolutions was Resolved, to approve hiring of Trista Reisdorf as Youth Recreation Director for 2019, salary TBD and to place ads for Employment and Sign Ups to the Arcade Herald .

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

Ayes 5 – Nays 0 - Adopted

RESOLUTION #47-19

On a Motion of Coun Edmunds, seconded by Coun Fisher, the following Resolutions was Resolved to increase Highway Equipment Reserve Fund by \$30.00 funded by DA915 Unallocated Highway Funds. **Note: prior motion #13-19 already moved \$24,100 from Unallocated Fund Balance to Highway Equipment Reserve, so this motion is not required, but is captured since it was resolved at meeting. The check itself already goes directly to Unallocated Fund Balance and the amount already moved to Highway Reserve is not impacted. Per post meeting feedback from D. Finch.**

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

Ayes 5 – Nays 0 - Adopted

Monthly Financial Reports Cont.

Town Clerk Clark presented copies of his monthly financial report for March 2019, in the amount of \$1,174.01, to the Town Board for review.

Tax Collector Clark reported YTD 2019 tax collection activities, with receipts total of 3,255,461.44, withdrawals of \$3,255,419.64. Final Reconciliation done with County and only remaining payment will be final to Supervisor in early May after all interest and bank fees are finalized for April. Coun Hewitt volunteered to do the Annual Audit of Tax Collection, after the final disbursement in May. Clerk Clark will contact her when ready. Note that Penalty and Interest to date is \$6,000 paid to Supervisor, vs. a budget of \$5,000

Copies of Town Justices Financials were provided. Justice Lynn Guertin, \$9,146.00 and Justice Heather Tomes \$7,832.00

Residents Time for Comments / Public Comment:

“None” from Residents

Special Orders:**General Orders and Old Business:****Reports of Dept. Heads:**

Joe King, Constable: No Report

Joe Neamon/Dog Control Officer – No Report

Mary Gilbert/ZBA Secretary (Written report) -
(1) Written Report.

Larry Groves/Water Commissioner –
Quarterly bills sent out, payments doing well in first two week. County completed pump house inspection, awaiting results.

Christopher Lexer/Codes Enforcement & Zoning Officer -
(1) Issued two Building Permits and one Zoning Permit in March 2019 with fees totaling \$212.00

Christopher Lexer/Hwy Supt -

- (1) Roads have been swept once so far. Patching pot holes as needed. Begin our road work for summer projects in a couple weeks shortly after spring clean-up. Coun Hewitt asked if date confirmed yet, to which reply was still hoping for April 29, but need confirm yet. Note this was confirmed after meeting ended that date is April 29.
- (2) Still waiting for CHIPS and Pave NY funding amounts. Looks like Winter Recovery will be eliminated.

Historian Jackie Cornwall gave an annual update. Responding to letters and helping where can from inquiries. Still working on the theatre panel and the transition poster from Odd Fellows. Next Project are translating 3 newspapers written by old Delevan settlement students, dated Nov. 18, 1853. American Legion 100-year anniversary, contacting locals for display. Ours may be at library, since no post exists in Yorkshire now. 3 men whom died in Vietnam were Gold Star Honored. Gazebo looked great at the holidays in December.

Some discussion amongst board members about the 200-year celebration for Town which will be in 2020. In the end, it was agreed to send a letter to local businesses asking for their willingness to support with events, organization, etc. Clerk Clark will draft up a letter and seek a list of business to send. Reporter Laney Hill shared that Holland began theirs with a New Year's Eve party and it seemed quite successful.

New Business:

Supervisor Spencer is required to identify for retirement system purposes, will hold for next meeting, awaiting hours from dept heads.

New Business Cont.

Supv Spencer advised Board of correction to Abstract #2, as requested by Diane Finch. For check #758, voucher #21 paid to Freightliner of Buffalo for the 2019 Western Snow Plow Purchase, need to increase DA5130.2 from \$19,000.00 to \$19,000.05 and decrease H5130.2 from \$193,555.05 to \$193,555.00. Requested a motion for provided manually corrected final abstract. Note R#48-19

RESOLUTION #48-19

On a Motion of Supv Hewitt, seconded by Coun George, the following resolution was resolved, to Correct Abstract #2, Highway, voucher #21 increase DA5130.2 from \$19,000.00 to \$19,000.05 and decrease H5130.2 from \$193,555.05 to \$193,555.00

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

Ayes 5 – Nays 0 - Adopted

Coun Edmunds indicated he has gone to Conf. on Municipal Projects for Water and Sewer. One portion of our requirements for grants is a required Income Survey. A package received from G&G and RCAP Solutions on proposals to complete this necessary activity. The RCAP would likely put us behind by a year since it is based upon us doing the bulk of the work. The G&G solution is preferred since they are more all-inclusive for preparing and completing the required survey and meeting our expected deadlines. Coun Edmunds recommends using G&G Note R# 49-19

RESOLUTION #49-19

On a Motion of Supv Hewitt, seconded by Coun Fisher, the following resolution was resolved, to utilize G&G Municipal Consulting and Grant Writing for the purposes of an Income Survey required for Sewer Project with a cost of \$7,900.00 plus postage. Supv Spencer to sign agreement.

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 (bill, invoices & statements) submitted for payment and to initial the vouchers for payment (*Note R #50-19).

Pay Claims:**RESOLUTION #50-19**

On a Motion of Coun Edmunds, seconded by Coun George, the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims (A, B and SL) #72-96 in the amount of \$7,437.03 as set forth in General Abstract No. 4 Dated April 15, 2019; Highway Fund Claims (DA, DB, H) #53-70, in the amount of \$10,997.45 as set forth in Highway Abstract No. 4 Dated April 15, 2019; Water Dist #1 Claims #20-24, in the amount of \$4,355.14 as set forth in Water Dist #1 Abstract No. 4 Dated April 15, 2019; Water Dist #2 Claim #5-6, in the amount of \$747.75 as set forth in Water Dist #2 Abstract No. 4 Dated April 15, 2019.

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

Ayes 5 – Nays 0 - Adopted

With no further business, on a Motion of Coun George, seconded by Coun Edmunds, the meeting was adjourned at 8:52pm. Carried unanimously.

M. Fred Clark, Town Clerk