

The regular monthly board meeting of the Yorkshire Town Board, for the month of March, was held on March 18, 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, Absent
Teresa Hewitt, Council Member, Present

Other Town Officials present were: Christopher Lexer, Superintendent of Highways & Codes Enforcement Officer/Zoning Officer; Larry Groves, Water Commissioner, Dawn Breton, Court Clerk

Also present was Laney Hill, Arcade Herald Reporter. (Ray Giroux and James Fronckowiak attended the meeting seeking renewals of their Junk Yard and Junk Dealer Licenses. And Jim Brass, representative of DFT Security supporting Court Clerk. Also in Attendance was Mr. Arnold

On a Motion of Coun Hewitt, seconded by Coun Edmunds, it was moved to dispense with the reading of the draft minutes of the February 20, 2019 regular board meeting. Carried unanimously.

RESOLUTION #19-19

On a Motion of Coun Edmunds, seconded by Coun Fisher, the following Resolution was Resolved, to approve the draft minutes of the February 20, 2019 regular monthly town board meeting as printed. Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Edmunds, Aye
Ayes 4 – Absent – 1 Nays 0 – Adopted

Communications:

STW Local Government Conference will be held at Houghton College on Thursday May 19, 2019. Need a motion & resolution to agree to send interested town officials to the conference / training. Cost is \$40 per member.

Copy of Communication received from Town Attorney to Danny Heineman and Sons with regards to current contract, identifying typo and confirming current contract expires Dec. 31, 2019.

Supv Spencer had one report of a dog bite from County Health Dept.

NYS Alle Catt Wind, letter sent to Supv. Spencer

Reports of Committees:

Monthly Financial Reports:

Supv Spencer presented her Supervisor's Monthly Report of Receipts for February 2019 & the Town Budget Report, as prepared by Diane Finch, CPA, for the month of January 2019, to the Town Board for review, and filed the reports with the Town Clerk (*Note R #20-19).

RESOLUTION #20-19

On a Motion by Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that the Board had reviewed the Supervisor's monthly report for February 2019 & is accepted as submitted (& is included in the minutes).
Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Edmunds, Aye
Ayes 4 – Absent – 1 Nays 0 – Adopted

Justice Reports:

Justice Heather Tomes sent a check to the town supervisor in the amount of \$6,786.00 for the month of February 2019.

Justice Lynn Guertin sent a check to the town supervisor in the amount of \$5,473.00 for the month of February 2019.

Town Clerk Clark presented photocopies of his monthly financial report for February 2019, in the amount of \$667.27, to the Town Board for review.

Town Tax Collector Clark presented photocopies to the Town Board of his tax collection activities through March 15, 2019, with receipts of \$3,066,950.53 (including penalties and interest) & withdrawals / disbursements of \$3,018,190.29.

Resident's Time:**Special Orders: None****General Orders & Old Business:**

Supv Spencer reminded board that with the pending resignation of ZBA Secretary Gilbert at the end of the year, that Pat Sherwood of Mill St. Delevan had offered to assume the role and Secretary Gilbert has agreed she would work this year with her, pending board approval. Supv. Spencer asked board to consider a motion for appointment of Pat Sherwood to work with ZBA Secretary effective immediately and to allow for payment of services in 2018 for any time necessary to work with current secretary on transition. Hourly Salary would be equal to current budgeted amount of \$15.00 per hour
Note R#21-19

RESOLUTION #21-19

On a Motion by Supv Spencer, seconded by Coun Hewitt, the following Resolution was Resolved, Pat Sherwood, Mill St. Delevan, be approved to work with current ZBA Secretary effective immediately, with services required for transition, to be paid at current budgeted amount of \$15.00 per hour.
Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Edmunds, Aye
Ayes 4 – Absent – 1 Nays 0 – Adopted

Reports of Department Heads:

Joe King /Constable) – No Report

Joe Neamon/Dog Control Officer – (no report)

Mary Gilbert/ZBA Secretary (No Report) -

Larry Groves/Water Commissioner – Requested Board to consider a motion to approve waving late fees for anyone whom had a water meter replacement charge for two billings cycles, to allow more time to pay the higher amount. Note R#22-19

RESOLUTION #22-19

On a Motion by Supv Spencer, seconded by Coun Edmunds, the following Resolution was Resolved, that any water accounts with added charge for meter replacement will have late penalty waived for two billing cycles.

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

Ayes 4 – Absent – 1 Nays 0 – Adopted

After review with attorney, whom is in agreement, it is acceptable for Town to apply with NYS DOT PERM 1 (an undertaking) which would be valid for 20 years and would eliminate the need to other annual obligations. Note R# 23-19

RESOLUTION #23-19

On a Motion by Supv Spencer, seconded by Coun Fisher, the following Resolution was Resolved, Comm Groves may proceed with the execution and issuance of a PERM 1 (an undertaking) with the NYS DOT.

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

Chris Lexer/Codes Enforcement-Zoning Officer -

1 Zoning and 1 Building permits AND 1 Zoning Variance Fee issued in February for a total of \$161.00 March is starting to pick up for permits and questions regarding permits for the upcoming summer. Also did all inspections of existing Junk Yards per the board requests.

Chris Lexer/Highway Supt (Written report) -

- (1) Spring Clean-up dates tentatively set for April 29., but request approval from board to proceed with budgeted Spring clean-up with the date to be confirmed. Advertising to take place in the Arcade Herald and Arcade and Springville Penny Saver (Note R# 29-19) (2) Continue to plow and sand as needed, also filling pot holes. We have started some ditching as weather permits. Increase continues in Sand and Salt usage.
- (2) Provided the completed Agreement to Spend Highway Funds, requested Board to consider a motion to approve and then will be sent to County Superintendent of Highways for approval. Note see R #24-19

RESOLUTION #24-19

On a Motion of Coun Fisher seconded by Coun Hewitt, the following Resolution was Resolved, for Agreement to Spend 2019 Town Highway Funds pursuant to the provisions of Section 284 of the Town Highway Laws in the amount of \$95,000.00 on Eddy Road leading to County Rd 73, for a distance of .7 miles (Mill and Pave, 2" thickness gravel). Complete agreement on file in the town clerk's office.

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

Junk Yard Inspections Summary

Codes Enforcement Officer Lexer did the requested inspections of the 4 existing Junk Yards in the Town. 1490 Motors fire inspection done, annual inspection done, recommend license; Giroux Auto Wrecking fire inspections done, annual inspection done., recommend license; LARS is required to fix fence in 30 days. recommend license; Tidd's; found to be in compliance, fence fixed. Recommend license. see R# 25-19 – 28-19

RESOLUTION #25-19

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that upon the recommendation of C.E.O. Lexer that the Town Clerk be authorized to issue an Annual Junk Yard License and Junk Dealer License Renewals to James Fronchowiak, 12245 Old Olean Rd, under Section 136 of the NYS General Municipal Law & Annual Junk Dealers Licenses effective April 1, 2019 thru March 31, 2020.

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

RESOLUTION #26-19

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that upon the recommendation of C.E.O. Lexer that the Town Clerk be authorized to issue an Annual Junk Yard License and Junk Dealer License Renewals to Raynald Giroux, 4962 Gunbarrel Rd, under Section 136 of the NYS General Municipal Law & Annual Junk Dealers Licenses effective April 1, 2019 thru March 31, 2020.

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

RESOLUTION #27-19

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that upon the recommendation of C.E.O. Lexer that the Town Clerk be authorized to issue an Annual Junk Yard License and Junk Dealer License Renewals to Larry Havens, 3484 W Yorkshire Rd, under Section 136 of the NYS General Municipal Law & Annual Junk Dealers Licenses effective April 1, 2019 thru March 31, 2020.

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

RESOLUTION #28-19

On a Motion of Coun Hewitt, seconded by Coun Fisher, the following Resolution was Resolved, that upon the recommendation of C.E.O. Lexer that the Town Clerk be authorized to issue an Annual Junk Yard License and Junk Dealer License Renewals to William Tidd, 3334 W Yorkshire Rd, under Section 136 of the NYS General Municipal Law & Annual Junk Dealers Licenses effective April 1, 2019 thru March 31, 2020.

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

RESOLUTION #29-19

On a Motion of Coun Hewitt, seconded by Coun Edmunds, the following Resolution was Resolved, authorizing the Highway Dept to conduct a Spring Trash Pickup, with Date tentatively for April 29, but to be defined by Christopher Lexer, for town residents outside of the Village of Delevan, with specifications provided by Hwy Supt Lexer (same as last year) and with ads in the Arcade Herald, Arcade Penny Saver & Springville Penny Saver.

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

New Business:

Supervisor Spencer has provided the board with an updated Emergency Management Plan that she would like to have reviewed. After discussion, corrections will be made and reports printed, copies to be available for review at next board meeting

Supv. Spencer has received the franchise fee from Charter Communications for 2018 in the amount of \$9,482.78

Supv Spencer has indicated that Brenda Denk, 4458 Gunbarrel Rd in Yorkshire has volunteered to be a member of the Zoning Board of Appeals. Term would begin immediately and run for 5 years until Dec. 31, 2023 Supv Spencer requested Board to motion for Approval

RESOLUTION #30-19

On a Motion by Supv Spencer, seconded by Coun Hewitt, the following Resolution was Resolved, that Brenda Denk of 4458 Gunbarrel Rd Yorkshire be appointed to the Zoning Board of Appeals for a 5-year term, completing Dec. 31, 2023.

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

Supv Spencer reviewed correction for Abstract #2, Highway, per request of Town Bookkeeper, For the February payment of truck in amount of \$193,555.05, change account from DA5112.2 Capital Equipment to H5130.2 Capital Project Equipment Note R#31-19

New Business (Cont.)**RESOLUTION #31-19**

On a Motion by Coun Hewitt, seconded by Coun Fisher the following Resolution was Resolved, for Abstract #2, Highway, per request of Town Bookkeeper, For the February payment of truck in amount of \$193,555.05, change account from DA5112.2 Capital Equipment to H5130.2 Capital Project Equipment

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

Court Clerk Breton and DFT Rep Jim Brass discussed with board that part of the JCAP Grant of \$14,162. Included in this are adding 5 additional cameras, and other security measures, with a quote of \$15,940 and this portion of the Grant is for \$13,194, asking for support to cover the delta by the Town of \$2,746.00 toward the purchase, since the grant did not cover the full quoted cost. Board discussed the procurement policy and agreed Supv Spencer would need to follow up with Town Attorney on the cost question, deadline for answer is 180 days from Grant issued date. Supv Spencer also advised Mr. Brass that there still is a loose wire on her panic button in office that needs to be addressed.

Court Clerk Breton discussed the request to put up 5 no parking signs . Discussion ensued indicating need to 1) insure no septic or other lines are running where signs are to be located 2) requires a time to be set on the sign, which was indicated to be Thursday nights from 5 p.m. to 6 p.m. Clerk Breton will work to get a separate sign of times made up to add to the no parking signs prior to install. Chris to install signs once revised and location confirmed. Clerk Breton also discussed the grant will include a key pad for entrance to side door for Judges. In addition, a purchase of retractable barriers for inside court room have been purchased. Supv. Spencer indicated that a prior concern over temporary barriers were a safety concern.

RESOLUTION #32-19

On a Motion by Coun Hewitt, seconded by Coun Edmunds, the following Resolution was Resolved, to approve the installation of 5 parking signs, modified to include times and to be installed by Supt. Lexer.

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

RESOLUTION #33-19

On a Motion by Coun Edmunds, seconded by Coun Fisher, the following Resolution was Resolved, to approve the use of removable barriers in the court room, as requested by the Court and using Grant funding.

Spencer, Nay; Fisher, Aye; George, Absent; Hewitt, Aye; Edmunds, Aye
Ayes 3 – Absent - 1 - Nays 1 – Adopted

Supv Spencer requested that in support of the Court Grant to Increase Court Contractual A1110.4 \$14,162.00 and increase Grants from Other Governments A2706 for \$14,162.00

RESOLUTION #34-19

On a Motion by Coun Hewitt seconded by Coun Fisher, the following Resolution was Resolved, to Increase Court Contractual A1110.4 \$14,162.00 and increase Grants from Other Governments A2706 for \$14,162.00

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

Sewer District updates provided by Coun Edmunds, Supt Lexer and Supv Spencer. 3 Proposals received for legal services to support, 1. Bennett, DiFilippo & Kurtzhaltz of East Aurora , rate of \$200/hr and paralegal at \$100/hr. 2. Hopkins, Sorgi and Romanowski of Buffalo at rate of \$225/hr and paralegal rate of \$90/hr. and 3. Richard Buck of Fillmore, NY, rate of \$175/hr and paralegals \$75-85/hr. After discussion by Board it was agreed to approve Hopkins, Sorgi & Romanowski for legal support in the Sewer District with fees of \$225/hr. and paralegal fees of \$90/hr. Note Res. #35-19

RESOLUTION #35-19

On a Motion by Coun Fisher, seconded by Coun Edmunds, the following Resolution was Resolved, to approve the use of Legal Services in support of Sewer District from Hopkins, Sorgi & Romanowski. Legal Fees at \$225.00 per hour and Paralegal Fees at \$90/hour.
Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Edmunds, Aye
Ayes 4 – Absent - 1 - Nays 0 – Adopted

Municipal Solution has provided an estimated cost of \$47,000 as the cost for services to support Yorkshire in the Sewer Project, this is to enable support for financing and grants. After discussion it was agreeing to proceed with Municipal Solutions pending approval from Town Attorney

RESOLUTION #36-19

On a Motion by Coun Fisher, seconded by Coun Hewitt the following Resolution was Resolved, to approve the use of Municipal Solution in support of financing and grants for the Sewer Project, with an estimated cost of \$47,000, pending approval by Town Attorney.
Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Edmunds, Aye
Ayes 4 – Absent - 1 - Nays 0 – Adopted

Further discussion with board members indicated that the High School has given communication that they do not want Town to use any of the existing infrastructure for Sewer Project but could use an abandoned line that exists. Board Members did not have a desire for this option. Supt Lexer to follow up with Municipal Solution pending approval of Town Attorney. Need to conclude so grants can be written. Prefer option with school first, own line second, Town of Machias third. Need to discuss with attorney if school is not part of the project but are in the Sewer District.

Supv. Spencer discussed the request from Attorney Shroeder for filing a intervene funds available for Article 10 of Alle Catt Project. Town Attorney did not see any issues. Note Re. #34-19

RESOLUTION #37-19

On a Motion by Coun Hewitt seconded by Coun Fisher the following Resolution was Resolved, to approve Attorney Schroeder to file for intervene funds regarding the Article 10 Alle Catt Project
Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Edmunds, Aye
Ayes 4 – Absent - 1 - Nays 0 – Adopted

Coun Edmunds expressed continued concerns over the condition of the road surface on State Route 16. He asked the board to consider a motion to send a letter from Town to NYS DOT asking for their support on a plan for repair / replacement. Note R# 38-19

RESOLUTION #38-19

On a Motion by Coun Edmunds seconded by Coun Fisher, the following Resolution was Resolved, to approve Town Clerk to send a letter to NYS DOT requesting support on plan for repair / replacement of Route 16 within the Town of Yorkshire.
Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Edmunds, Aye
Ayes 4 – Absent - 1 - 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 #38-19).

Pay Claims:**RESOLUTION #39-19**

On a Motion of Coun Fisher seconded by Coun Edmunds the following Resolution was Resolved, for the approval of the following claims for payment: General Fund Claims #55-71, in the amount of \$5,896.91 as set forth in General Abstract No. 3 Dated March 18, 2019; Highway Fund Claims #33-52, in the amount of \$41,182.02 as set forth in Highway Abstract No. 3 Dated March 18, 2019; Water District #1 Claims #14-19, in the amount of \$3,086.56 as set forth in Water Dist #1 Abstract No. 3 Dated March 18, 2019; Water District #2 Claim #3-4, in the amount of \$67.35 as set forth in Water Dist #2 Abstract No. 3 Dated March 18, 2019;
Spencer, Aye; Fisher, Aye; George, Absent; Hewitt, Aye; Edmunds, Aye
Ayes 4 – Absent - 1 - Nays 0 – Adopted

