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Meeting was called to order at 7:03pm by Supervisor Marcia Lexer. Followed by the pledge to the flag.

Roll Call

Marcia Lexer, Supervisor – Present

Christopher Edmunds, Deputy Supv. – Present

Kenneth Fisher, Council Member – Present

Bradley Regan, Council Member – Present

Teresa Hewitt, Council Member – Present

Also present – Peter Sorgi, Attorney; Chris Lexer, Highway; Larry Groves, water commissioner; Derek Rule; Donna Lavery, Town Clerk, Brenda Hanson, Wendy Appell, and Michelle Kolosny

RESOLUTION #5-23

On a motion of Coun Edmunds, Seconded by Coun Regan the following resolution was resolved to dispense with the reading of the minutes of December 19, 2022, December 27, 2022 and reorganizational meeting from January 4, 2023. All in Favor. Motion Carried

Lexer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye

Aye-5, Nay-0

RESOLUTION #6-23

On a motion of Coun Regan, Seconded by Coun Fisher the following resolution was resolved to approve the minutes of the December 19, 2022, December 27, 2022 and January 4, 2023 meetings. All in Favor. Motion Carried.

Lexer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye

Aye-5, Nay-0

Supervisor Lexer opened the Public Hearing to increase the maximum amount allotted for the Yorkshire Corners Sewer District.

Supervisor Lexer opened the Public Hearing

Legal notice was published in the Arcade Herald

The Yorkshire corner sewer district has received 2 grants towards the construction of the sewer district. Looking to increase the bond amount to 8.654 million. This is due to the increase in building costs and materials. One of the grants the town pays the expenses and submits invoices for reimbursement. We are currently at a cost of around $630.

Public Comment:

Brenda Hanson: Spoke in support of the sewer district and what it will bring to the town. Also looked for clarification of annual cost to tax payer and how commercial properties would be billed.

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Chris Lexer stated that the town is hoping to have homes hooked up by the end of 2023. Septics will be filled in and decommissioned. This project will benefit the whole community.

Wendy Appell spoke about the usage and EDU. She also asked for clarification about how the commercial properties will be figured.

With no further comments or questions

On a motion of Coun Hewitt, Seconded by Coun Fisher the Public hearing to increase the Yorkshire sewer district was closed

RESOLUTION #7-23

Resolution that Amendment to Negative Declaration issued pursuant to the

New York State Environment Quality Review Act is Not Required for

District Improvements for Yorkshire Corners Sewer District

Whereas, the Town Board of the Town of Yorkshire, County of Cattaraugus and State of New York (“Yorkshire Town Board”), as Lead Agency of a Coordinated Review, issued a Negative Declaration pursuant to the New York State Environmental Quality Review Act (“SEQR”) on June 17, 2019 for District Improvements for the Yorkshire Corners Sewer District, which is a Type I Action; and

Whereas, subsequent to the issuance of the Negative Declaration, there have been changes to the Action but said changes have primarily involved cost increases and the securing of grants to offset the cost increases; and

Whereas, the SEQR Regulations at 6 NYCRR 617.7(e)(1)(i-iii) provides the criteria for which a Negative Declaration should be amended as follows:

(e)Amendment of a negative declaration.

(1) At any time prior to its decision to undertake, fund or approve an action, a lead agency, at its discretion, may amend a negative declaration when substantive:

(i) changes are proposed for the project; or

(ii) new information is discovered; or

(iii) changes in circumstances related to the project arise; that were not previously considered and the lead agency determines that no significant adverse environmental impacts will occur.

And

Whereas, none of the criteria of 6 NYCRR 617.7(e)(1)(i-iii) warrant the Amendment of the Negative Declaration because the changes are not substantive as they primarily involve cost increases and the securing of grants to offset the cost increases; no new information has been discovered; and there are no changes in circumstances to the project which have arisen that were not previously considered and the Lead Agency has determined that the changes as aforesaid, do not result in the occurrence of a significant adverse environmental impact.

Now, Therefore, Be It Resolved, by the Town Board that Amendment to the Negative Declaration issued pursuant to the New York State Environment Quality Review Act is Not Required for District Improvements for Yorkshire Corners Sewer District.

Dated: January 18, 2023

Approved on Roll Call Vote of the Yorkshire Town Board as Follows:

Motion by Coun Hewitt , Seconded by Coun Edmunds

Supervisor Marcia Lexer VOTING Aye

Councilperson Kenneth Fisher VOTING Aye

Councilperson Brad Regan VOTING Aye

Councilperson Teresa Hewitt VOTING Aye

Councilperson Christopher Edmunds VOTING Aye

Certified by the Yorkshire Town Clerk this 18th day of January, 2023

Donna Lavery, Yorkshire Town Clerk

RESOLUTION #8-23

Notice of Yorkshire Town Board Resolution Increasing the Maximum Amount Allotted

for District Improvements and Maximum Amount to Be Bonded

for District Improvements for the Yorkshire Corners Sewer District

PLEASE TAKE NOTICE that on January 18, 2023, the Yorkshire Town Board passed a Resolution to Increase the Maximum Amount to be allotted for District Improvements for the Yorkshire Corners Sewer District and the Maximum Amount to be Bonded for District Improvements for Yorkshire Corners Sewer District. The purpose and effect of the Resolution authorizes the Maximum Amount Allotted for District Improvements for the Yorkshire Corners Sewer District to increase to $8,654,000.00 and authorizes the Maximum Amount to be Bonded for District Improvements for the Yorkshire Corners Sewer District to increase to $7,454,250.00. The cost of said Sewer District to a typical property therein, being a one family year-round residence, is estimated to be $632.61 in the first year in which operation, maintenance and other charges and expenses are to be paid by property owners within the Yorkshire Corners Sewer District. The improvements proposed are construction of a wastewater collection system, including sewer mains, pump stations, grinder pumps, flowmeter stations, valves, air valve stations, cleanout and flushing stations, line markers, tracer wires, location stations, original equipment, machinery, apparatus, appurtenances, land or rights-in land, and incidental improvements in connection therewith, which are more fully described in the Map, Plan and Report for the Yorkshire Corners Sewer District, Town of Yorkshire, County of Cattaraugus, State of New York, prepared by MDA Consulting Engineers, PLLC, dated January 29, 2019, revised April 23, 2019, revised for a second time on July 27, 2021 and amended twice by Letter Amendments as aforesaid, with the Map, Plan and Report and revisions thereof and Letter Amendments thereof having been filed with the Yorkshire Town Clerk and which can be viewed during regular business hours at the Office of the Yorkshire Town Clerk located at 82 South Main Street, Delevan, New York. In passing the aforesaid Resolution, the Yorkshire Town Board determined and found that:

1. The notice of hearing was published and posted as required by law and is otherwise sufficient;
2. That all of the property and property owners, within the proposed Sewer District are benefited thereby and are benefitted by the increase of the Maximum Amount Allotted for District Improvements and Maximum Amount to be bonded for District Improvements for the Yorkshire Corners Sewer District; and
3. That all of the property and property owners benefited are included within the Sewer District; and
4. It is in the public interest to establish the to increase the Maximum Amount Allotted for District Improvements and Maximum Amount to be bonded for District Improvements for the Yorkshire Corners Sewer District proposed Sewer District as described herein.

PLEASE TAKE FURTHER NOTICE that the aforesaid Resolution was adopted subject to a Permissive Referendum pursuant to New York Town Law Article 12-A and the Yorkshire Town Clerk has caused to be prepared and has available for distribution at the Office of the Yorkshire Town Clerk located at 82 South Main Street, Delevan, New York during regular business hours of the Yorkshire Town Clerk proper forms for the petition and shall distribute and supply to any person requesting same.

PLEASE TAKE FURTHER NOTICE that the Resolution and any documentation related to this Resolution or the Yorkshire Corners Sewer District Project is available for viewing at the Office of the Yorkshire Town Clerk located at 82 South Main Street, Delevan, New York during regular business hours of the Yorkshire Town Clerk.

Approved on Roll Call Vote of the Yorkshire Town Board as Follows:

Motion by Coun Regan , Seconded by Coun Fisher

Supervisor Marcia Lexer VOTING Aye

Councilperson Kenneth Fisher VOTING Aye

Councilperson Brad Regan VOTING Aye

Councilperson Teresa Hewitt VOTING Aye

Councilperson Christopher Edmunds VOTING Aye

Any other public comment – none at this time

RESOLUTION #9-23

On a motion of Coun Hewitt, Seconded by Coun Regan the following resolution was resolved to approve the supervisor report as submitted and is on file with the town clerk office. All in Favor. Motion Carried.

Lexer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye

Aye-5, Nay-0

Communications

1. Report on SPCA from Ag & Markets
2. USDA with rural development for financing

Justice Report submitted to the Town Board

All members of the board have a copy of the Town Clerk Report

Larry Groves (Water Commissioner) – funding for water fluoridation act information from the county. Will follow up with Heineman and MDA. We have done some work up to this point. There has been talk with Derke Rule about updating the water law. Would like to set up a small work space upstair with a cabinet and desk to help with the transition.

Chris Lexer (Water) we have several different kinds of water meters out there and we don’t know if they read high or low. Possibly upgrade some water meters. We need to start stocking some parts for the water district. Would like to think about putting up a building for storage and testing.

Derek Rule – meter replacement plan approximate cost of $200,000 with a 10 year replacement at 3% with a rural water association loan. This would get all brand new meters so they would be all the same across the board. With these new meters it would allow us to drive around the district to read from the vehicle. This would also help us with the lead report. Initial lead survey should be done by October 2024. Would you like MDA to write a formal proposal for the lead survey report. We would need approximately 250 meters.

Larry Grove – we need to do more homework to see exactly what we want for meters. The cost for meter reader to read meters is approximately $1000 per year. There has not been a total meter replacement in over 25 years.

Chris Lexer – Working with MDA they can steer us in the right direction to what meters are going to be the best for the toen. There might be several advantages including finding leaks.

All members of the board would like to move forward and get more information also have MDA look into structure. With the meter replacement. Come back with a better cost at the next meeting.

Chris Lexer ( Highway Superintenant) – we are having a lot of repairs on our trucks, haven’t had a lot of snow yet but we have been out sanding and plowing when needed.

SPCA Contract- this contract is in the event that we need to surrender a dog to the SPCA. The cost is $150 per dog.

RESOLUTION #10-23

On a motion of Coun Edmunds, Seconded by Coun Fisher the following resolution was resolved to approve the SPCA contract and allow for Supervisor Spencer to sign the contract pending approval from Peter Sorgi. All in Favor. Motion Carried

Lexer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye

Aye-5, Nay-0

RESOLUTION #11-23

On a motion of Coun Edmunds, Seconded by Coun Hewitt the following resolution was resolved to approve and sign the 2023 Delevan Yorkshire Library Contract. All in Favor. Motion Carried.

Lexer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye

Aye-5, Nay-0

The library did not receive payment in 2022 and there is no contract on file. If the library submits a contract from 2022 then the town can make the payment.

On a motion of Coun Edmunds, Seconded by Coun Regan the Town Board entered executive session at 8:05pm to discuss a zoning. With Peter Sorgi, Chris Lexer and Donna Lavery to stay.

On a motion of Coun Regan, Seconded by Coun Edmunds the board closed executive session at 8:26pm

RESOLUTION #12-23

On a motion of Coun Hewitt, Seconded by Coun Edmunds the following resolution was resolve to have a public hearing on Wednesday, February 22, 2023 at 7pm. All in Favor. Motion Carried.

Lexer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye

Aye-5, Nay-0

Cars, Campers or things in the town highway right of way can be towed at the request of the highway department at the owners expense. This cost can then be added to the taxes of the property owner.

RESOLUTION #13-23

On a motion of Coun Hewitt, Seconded by Coun Regan the following resolution was resolved for code enforcement to enforce property maintenance. All in Favor. Motion Carried.

Lexer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye

Aye-5, Nay-0

Michelle Kolosny spoke to the town board regarding the summer recreation program.

RESOLUTION #14-23

On a motion of Coun Edmunds, Seconded by Coun Regan the following resolution was resolved, the following claims for payment be approved: General Fund Claims- #344-370 in the amount of $21,495.03 as set forth on the General Abstract No 1 Dated January 16, 2023, The Lighting District Claim # 369 in the amount of $663.85 as set forth in the Lighting district Abstract No 1 Dated January 16, 2023. The Yorkshire Corner Sewer District Claims #43-48 in the amount of $6,955.26 as set forth on the Yorkshire Corner Sewer District Abstract No 1 Dated January 16, 2023, The Highway Fund Claims #182-197 in the amount of $35,608.53 as set forth in the Highway Abstract No 1 Dated January 16, 2023; Water District #1 Fund Claims #97-108 in the amount of $6,993.70 set forth in the Water District #1 Abstract 1 Dated January 16, 2023; Water District 2 – Grove Fund claim #44 in the amount of $30.00 as set forth in the Water District 2 – Grove Abstract No 1 dated January 16, 2023. All in Favor. Motion Carried.

Lexer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye

Aye-5, Nay-0

RESOLUTION #15-23

On a motion of Coun Edmunds, Seconded by Coun Fisher the following resolution was resolved to do the yearly audit of the books. All in favor. Motion Carried.

Lexer, Aye; Fisher, Aye; Hewitt, Aye; Regan, Aye; Edmunds, Aye

Aye-5, Nay-0

With no further business to discuss and on a motion of Coun Hewitt, Seconded by Coun Regan the meeting was adjourned at 9:10pm

Respectfully submitted

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Donna Lavery, Town Clerk