TOWN OF YATES
ORGANIZATIONAL AND REGULAR BOARD MEETING

JANUARY 12,2012

The Meetings was called to Order by the Supervisor at 7:00 P.M. at the Town Hall 8 South Main Street, Lyndonville NY

THOSE OFFICERS PRESENT: John Belson-Supervisor
Rick Harmer-Councilman
Wes Bradley-Councilman
Steve Freeman-Councilman
Brenda Donald-Town Clerk
Roger Wolfe-Superintendent Highway/Water
Michele Harling-Assessor
Daniel Wolfe-Code/Zoning Officer
Andrew Meier-Town Attorney

OTHERS Larry Wolfe-Resident
Paul Lauricella-Resident
Sandra Lauricella- Resident
Lynne Johnson- Legislature

RESOLUTION NO. 01-1/12

RESOLUTION TO ACCEPT THE MINUTES OF THE DECEMBER 8th AND DECEMBER 28 MEETING FOR THE YEAR 2011

RESOLVED, to accept the minutes of the yearend meeting held December 8,2011 AND Yearend Meeting December 28,2011 as presented to each Board Member.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Bradley

Adopted. 3 ayes 0 nays 1 abstain (Freeman) 1 absent (Bentley)

RESOLUTION NO. 02-1/12

RESOLUTION TO NAME OFFICIAL DEPOSITORY

RESOLVED, to name M & T Bank and the Bank of Castile as the official depository for the Town of Yates.

Offered by Councilman Bradley who moved its adoption
Seconded by Councilman Harmer

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO.- 03-1/12

RESOLUTION TO NAME OFFICIAL NEWSPAPER

RESOLVED, to name the The Journal-Register as official newspaper.

Offered by Councilman Freeman who moved its adoption
Seconded by Councilman Harmer

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO.04-1/12

RESOLUTION TO MAKE APPOINTMENTS BY THE TOWN BOARD

RESOLVED, to make the following appointments:

Legal Service---------- Webster and Schubeland Meier
Historian---------- Scott Goetze
Fire & Building Code Officer----------Dan Wolfe
Zoning Enforcement Officer----------Dan Wolfe
Zoning Board of Appeals Clerk----------Deputy Clerk- Dawn Metty
Zoning Board of Appeals 5 years Sue Forder
Zoning Board of Appeals Chairman Sue Forder
Zoning Board of Appeals 2 years Gary Daum
Zoning Board of Appeals 5 years Patrick O'Brien
Zoning Board of Appeals 5 years Paul Lauze
Planning Board 7 years Donald Lamay
Planning Board Chairman----------Donald Lamay
Planning Board Member 1 years----------Ed Urbanik
Planning Board Clerk----------Deputy Clerk-Dawn Metty
Water District 4 Superintendent----------Roger W. Wolfe
Cemetery Superintendent----------Roger W. Wolfe
Youth Agency Representative----------Wes Bradley
Registrar of Vital statistics----------Brenda B. Donald
Deputy Registrar----------Deputy Clerk-Dawn Metty
Dog Control Officer----------John W. Donald

Offered by Councilman Bradley who moved its adoption
Seconded by Councilman Harmer

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 05-1/12

RESOLUTION TO ACCEPT APPOINTMENTS BY DEPARTMENT HEADS

RESOLVED, to accept the following Department Head Appointments:

SUPERVISOR
Deputy Supervisor---Wes Bradley
Bookkeeper----------Lynne Johnson

TOWN CLERK
Deputy Clerk- Dawn Metty

HIGHWAY SUPERINTENDENT
Deputy Superintendent—David Hydock

JUSTICE
Court Clerk—Susanne Sanderson
Court Baliff---Eric Harling

Offered by Councilman Freeman who moved its adoption
Seconded by Councilman Harmer

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 06-1/12

RESOLUTION TO ALLOW SPECIFIC PERSONS TO ACT AS AUTHORIZED OFFICERS TO DO BANKING

RESOLVED, to allow the following to do banking in specific accounts:

Accounts Payable Account—Supervisor, Deputy Supervisor and Town Clerk
Money Market Account--, Supervisor, Deputy Supervisor, and Town Clerk
Payroll Account—Supervisor, Deputy Supervisor and Town Clerk
Trust and Agency Fund-Supervisor, Deputy Supervisor and Town Clerk
Town Clerk's Checking and Savings—Town Clerk, Deputy Town Clerk and Supervisor.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Bradley

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO.07-1/12

RESOLUTION TO ADOPT OFFICE HOURS

RESOLVED, to set the following office hours

Town Clerk's Office
Monday Tuesday Thursday and Friday –9:00 A. M. –12:30 P.M. 1:00 P.M. until 4:30 P.M.
Wednesdays 9:00 A. M until 12:30 P.M.
7:00 P.M. until 9:00 P.M.
The office will be closed on Wednesday nights from May 1st thru August 15th
Assessor—Thursdays and Fridays 9:00 A.M. until 12: 30 P.M.
1:00 P.M. until 4:30 P.M.
Code & Zoning Officer
Mondays 8:00 A.M.. until 4:00 P.M.

Offered by Councilman Bradley who moved its adoption
Seconded by Councilman Freeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 08-1/12

RESOLUTION TO ACCEPT COMMITTEE APPOINTMENTS BY SUPERVISOR

RESOLVED to accept the following committee appointments by the Supervisor

A- Finance & Budget---Chairman—Councilman Bentley
Councilman Harmer

B-Health & Public Safety—Chairman---Councilman Bradley
Councilman Bentley

C-Planning & Zoning—Chairman—Councilman Freeman
Councilman Bradley

D- Public Works---------Chairman------Councilman Harmer
Councilman Freeman

Offered by Councilman Bradley who moved its adoption
Seconded by Councilman Freeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 09-1/12

RESOLUTION TO NAME TIMEKEEPER FOR ALL PERSONNEL

RESOLVED, to name the Town Clerk as the Official Timekeeper for all Town Personnel. Each Department Head shall submit time sheets showing daily hours worked, holidays, vacation, personal, funeral, sick days and days off without pay.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Freeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 10-1/12

RESOLUTION TO SET PETTY CASH FUNDS

RESOLVED, to set petty cash funds as follows:

Town Clerk--$200.00
Petty Cash---$200.00

Offered by Councilman Bradley who moved its adoption
Seconded by CouncilmanFreeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 11-1/12

RESOLUTION TO SET MILEAGE ALLOWANCE

RESOLVED, to reimburse Town Officers and Employees using personal vehicles for Town Business at a rate of $.50 per mile.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Freeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO.13-1\12

RESOLUTION TO SET MEETING DATES AND TIMES

RESOLVED, to set the following dates and times for meetings

Town Board Workshop Meetings—Monday before regular Board Meeting 3:30 P.M.
Town Board Meeting—Second Thursday of each month 7:00 P.M.
Planning Board—First Thursday of each Month 7:00 P.M.
Zoning Board of Appeals – at least twice a year, once with Town Board Representatives, and when needed to hear an appeal

Offered by Councilman Freeman who moved its adoption
Seconded by Councilman Bradley

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 14-1/12

RESOLUTION TO ALLOW SUPERVISOR TO PREPAY VOUCHERS

RESOLVED, to authorize the Supervisor to prepay the following Vouchers

Bi-weekly, Monthly and vacation payrolls
Utility Bills
Installments on Contracts approved by the Board
Insurance premiums
Payment to Federal and State and County Agencies

Offered by Councilman Bradley who moved its adoption
Seconded by Councilman Freeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 15-1/12

RESOLUTION TO SET WORK PERIOD AND PAY DAYS

RESOLVED, to set the following:

Bi-Weekly—Monday thru Sunday midnight (14 days_
Pay day on the following Thursday

Monthly- first to last day of month
Pay day last banking day of Month

Others-completion of duties, end of the year, or if voucher after next regular Board meeting.

When a payday falls on a Holiday the payday shall be on the preceding workday.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Bradley

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 16-1/12

RESOLUTION TO SET SALARIES, WAGES AND COMPENSATION

MONTHLY

	Per year
Legislative Board (4)	3,259.75
Justice (1)	8,500.00
Supervisor	8,000.00
Supervisor Bookkeeper	14,083.00
Water Bookkeeper	3,100.00
Budget Officer	1,500.00

BI-WEEKLY

Town Clerk	$38163.00
Vital Registrar	$ 600.00
Highway Superintendent	$56,650.00
Cemetery Superintendent	$5,200.00
Water Superintendent	$12,000.00

HOURLY

Court Clerk-------	$13.17
Deputy Clerk------	$10.34
Code & Zoning	$20.50
Highway MEO—	$21.00
Court Baliff----------	$10.00 per summons +mileage
Dog Control	$10.00 per summons +mileage
Assessment Review Board Chairman---	$130.00 Annually
Assessment Review Board Member—	$60.00 daily
Election Inspectors as follows:	
Training---	$25.00
Primary 9 hours @ $8.13=	$73.17 per day
Election 15.5 hours @ $8.13=	$126.02 per day
Registration 7.5 @ 8.13=	$ 60.98 per day
Registration 4 @ 8.13=	$ 32.52 per day
Zoning Board Members	$ 15.00 per meeting payable yearend
Zoning Board Chairman	$ 25.00 per meeting
Planning Board Chairman—	$ 25.00 per meeting
Planning Board Members	$15.00 per meeting payable yearend meeting
Historian---	$600.00 annually.

Offered by Councilman Bradley who moved its adoption
Seconded by Councilman Freeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 17-1/12

RESOLUTION TO ALLOW SUPERINTENDENT OF HIGHWAYS TO USE TOWN EQUIPMENT AND PERSONNEL IN EMERGENCY

RESOLVED, that the Town Board of the Town of Yates hereby renews an Emergency response procedure (of December 13, 1984) by giving the Superintendent of Highways authority to use Town of Yates Highway Equipment and Personnel when requested by local Police, Public Safety Coordinator, Chief of Volunteer Fire Department, or some other Officer to protect citizens and property within the Town.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Bradley

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 18-1/11

RESOLUTION TO SET TOWN HOLIDAYS

RESOLVED to set Town Holidays as follows:

New Years Day
Martin Luther King Day-Town Hall Offices
Good Friday
Memorial Day
Independence Day
Labor Day
Election day- Town Hall
Columbus Day-Highway
Veterans Day
Thanksgiving Day
Day After Thanksgiving
Day Before Christmas
Christmas Day
Day before New Years

BE IT FURTHER RESOLVED, when the Holiday falls on a Saturday, it will be celebrated on the preceding Friday, and when the Holiday falls on a Sunday it will be celebrated on the following Monday.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Freeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 19-1/12

RESOLUTION TO ALLOW HIGHWAY SUPERINTENDENT TO EXPEND HIGHWAY MONEYS AS REQUESTED

WHEREAS, the Highway Superintendent has presented information of the Expenditure of Highway moneys as follows:

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

AGREEMENT, between the Highway Superintendent of the Town of Yates, Orleans County New York, and the undersigned members of the Town Board

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

The sum of $ 272,000.00 shall be set aside to be Expended for the primary work and general repair OR Capital improvement upon 36.80 miles of town Highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewal thereof.

Offered by Councilman Bradley who moved its adoption
Seconded by Councilman Freeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO.20-1/12

RESOLUTION TO ALLOW HIGHWAY SUPERINTENDENT TO MAKES PURCHASES NOT ONLY FROM STATE BIDS BUT ALSO FROM OTHER COUNTY AND MUNICAPALITIES

WHEREAS, from time to time other Municipalities have bid purchases and reached low bids on purchases, Therefore already going through a bid process, be it

RESOLVED, that the Highway Superintendent be allowed to make purchases, not only from State Bids but also from other County and municipalities.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Bradley

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO.21-1/12

RESOLUTION TO ALLOW TOWN OF YATES PERSONNEL TO ATTEND CONFERENCES, TRAINING AND CERTIFICATION SESSIONS

WHEREAS, the need for personnel to attend conferences, training, and certifications sessions is present, be it

RESOLVED, personnel has the approval to attend conferences, training and certification sessions, at Town expense, be it

FURTHER RESOLVED, Personnel shall notify the Board of upcoming conferences or training.

Offered by Councilman Freeman who moved its adoption
Seconded by Councilman Harmer

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 22-1/12

RESOLUTION TO AUTHORIZE THE SUPERVISER TO SIGN AGREEMENT FOR LEGAL SERVICES WITH WEBSTER SCHUBEL AND MEIER LLP

WHEREAS, the agreement for legal services has been presented to the Town Board and the Town Board has reviewed this agreement, be it

RESOLVED, the Supervisor is authorized by the Town Board to sign this agreement as follows:

THIS AGREEMENT dated as of the 1st of January 2012. between the Town of Yates a municipal corporation of the State of New York, hereinafter referred to as "Town" and WEBSTER & SCHUBEL AND MEIER, LLP, Attorneys at Law of 113 West Center Street Medina, New York hereinafter referred to as "Attorneys".

WHEREAS, the Town requires legal services in connection with the operation and functions of the government of the Town, and

WHEREAS, the Attorneys are experienced in matters involving municipal law and wish to perform necessary legal services for the Town.

NOW THEREFORE, in consideration of the premises and the mutual covenants and promises hereinafter set forth, it is agreed as follows:

Attorneys will perform the following legal services:

1.) General consultation with all board members and Town officers, as required..

2.) Attendance at meetings, conference sessions, workshops and public hearings of Town governmental bodies, including the Town Board, Planning Board and Zoning Board of Appeals as required..
3.) Preparation of resolutions and local laws.
4.) Preparation and review of contracts and like transactional matters but excluding tax assessment proceedings, administrative agency proceedings, civil litigation and proceedings, in- rem tax foreclosure proceedings, capital projects matters, bond issues and other borrowing and the purchase and/or sale of real property..
5.) General legal research and correspondence: FOIL responses.

As compensation for services as enumerated above, the Town will pay Attorneys an annual retainer in the amount of $7,500.00 which shall be paid annually in December upon submission of a voucher therefore by Attorneys, payable upon approval by the Town. The vouchered payment shall not be considered compensation for the purposes of the New York State Retirement System

The Attorneys will perform and provide such legal services as are required by the Town as follows:

1.) The representation of Town in administrative agency proceedings, civil litigation and proceedings, and in-rem tax foreclosure proceedings.
2.) Legal services in connection with capital projects, bond issues, and other borrowings and other related matters.

As compensation for services set forth in subparagraph 1 and 2, the Town will pay the Attorneys in accordance with the following schedule, rates and fees:

a.) For legal services in subparagraph 1 above at the rate of $110.00 per hour.
b.) For legal services described in subparagraph 2 at rates and fees to be agreed upon between the parties by separate agreement for each matter.

The Attorneys shall voucher the Town for the services rendered, and such fees shall be payable upon approval of such voucher by the Town. The vouchered payment shall not be considered compensation for the purposes of the New York State Retirement System.

The term of this Agreement shall be for the period of one (1) year from January 1,2012, to December 31,2012. This agreement may be terminated by either party upon ten (10) day written notice by certified mail return receipt requested or personal delivery.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Bradley

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 24-1/11

RESOLUTION TO COMPENSATE DEPUTY HIGHWAY SUPERINTENDENT FOR MEDICAL AND TIME WORKED

WHEREAS, David Hydock has elected to be placed on his wife's medical policy and the need for the Town of Yates to carry medical for Dave is not needed, be it

RESOLVED the Town will compensate David Hydock $1,000.00 for medical, be it further

RESOLVED, David Hydock as deputy Highway Superintendent will receive $2199.50 for time worked as deputy Superintendent, be it further

RESOLVED, duties of Deputy Highway Superintendent will be assigned and will include road checks and manpower call-ins when needed. Deputy Highway Superintendent will receive extra compensation if roadwork or plowing needs to be done. Deputy Superintendent assume all the duties of the Highway Superintendent during Superintendent's absence, be it

FURTHER RESOLVED, David Hydock's compensation will be paid quarterly in his paycheck, starting January 2012 ,April 2012 , July 2012 and October 2012

Offered by Councilman Bradley who moved its adoption
Seconded by Councilman Freeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO.23-1/12

RESOLUTION TO SET CODE ENFORCEMENT TIME AND PAY

RESOLVED, the Code Enforcement Officer shall be paid $20.50 per hour and shall work Mondays from 8:00 A.M. until 4:00 P.M., he shall be allowed 3 days for use for (Holiday, Personnel, or sick pay) any other time shall be made up.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Freemanr

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 24-1/12

RESOLUTION TO ACCEPT FINAL REPORT ON WATER 2 AND WATER 4

WHEREAS, the final reports on water 2 and water 4 have been presented to the Town Board,

BE IT RESOLVED, the Town Board accepts the final report as presented. , Be it

FURTHER RESOLVED, A signed copy shall be placed with these minutes

Offered by Councilman Freeman who moved its adoption
Seconded by Councilman Bradley

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 25-1/12

RESOLUTION TO ACCEPT FINAL REPORT FOR THE COURT CLERK

WHEREAS, the Court Clerk for Justice Grabowski and Justice Neal has presented the final report for each justice for the year ending December 31,2011, and

WHEREAS, the Town Board has reviewed these records

BE IT RESOLVED, the Town Board accepts the final report for Justice Grabowski and Justice Neal as presented.

Offered by Councilman Bradley who moved its adoption
Seconded by Councilman Freeman

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 26-1-12

RESOLUTION TO ACCEPT FINAL YEAREND REPORT FROM TOWN CLERK

WHEREAS, the final report from the Town Clerk has been presented to the Town Board,

BE IT RESOLVED, the Town Board accepts the final report as presented, .be it

FURTHER RESOLVED, A signed copy shall be placed with these minutes

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Bradley

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

RESOLUTION NO. 27-1/12

RESOLUTION SETTNG DAYS WORKED BY EMPLOYEES FOR NEW YORK STATE RETIREMENT SYSTEM

WHEREAS, the bookkeeper has given the Town a printout of the employees that are currently on NYS Retirement System and how they are paid, and

WHEREAS, it has always been, Part-Time Town Hall workers have been credited for 1 day for each 6 hours worked and Highway will be 1 days credit for 8 hours worked be it.

RESOLVED, the Town of Yates hereby sets the way Retirement days are reported as follows:

NAME	TILE	DAYS PER PAY PERIOD	FREQUENCY	RETIREMENT NUMBER	LAST 4 SS
Donald,Brenda	Town Clerk	10 days	Bi-weekley		
Donald John	PT Custidion PT-MEO	Hourly	Bi-weekly		
Heideman,Russell	MEO	Hourly	Bi-Weekly		
Hydock,David	MEO	Hourly	Bi-Weekly		
Johnson,Lynne	Bookkeeper	11Days	Monthly		
Metty Dawn	Deputy Clerk	Hourly	Bi-weekly		
Sanderson,Susanne	Justice Clerk	Hourly	Bi-weekly		
Stinson,Cal	MEO	Hourly	Bi-weekly		
Wolfe,Daniel	PT Code Enforcement	Hourly	Bi-Weekly		
Wolfe Roger	Superintendent	10 Days	Bi-weekly		

BE IT FURTHER RESOLVED This Resolution shall be done at the Organizational meeting every year.

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Bradley

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

Officers Report

Code & Zoning- 47 Building permits this year

Assessor- Exemption form went out and people are coming in regularly to apply

Highway – Doing Ditching

Councilman Bradley- Street lights are all in, working to do budget for youth to turn into Foundation for donations.

RESOLUTION NO. 28-1/12

RESOLUTION TO PAY BILLS

WHEREAS, bills have been reviewed by the Town Board, be it

RESOLVED to pay bills as follows:

A-Account-General	26,844.44
B-Account-General	1,677.66
DA-Account	21,991.10
DB-Account	13,810.76
Water 2 Account	9,302.99
Water 4 Account	77,651.71
Fire Account	$
Youth Account	$
TOTAL	151,278.86

Offered by Councilman Harmer who moved its adoption
Seconded by Councilman Bradley

Adopted. 4 ayes 0 nays; 1 absent (Bentley)

Adjournment

Moved by Councilman Harmer, Whereas there is no new business to be brought before the Board that the meeting be adjourned at 7:20 P.M.
Seconded by Councilman Bradley

Vote 4 ayes; 0 nays; 1 absent (Bentley)

Town of Yates

Brenda B. Donald
Town Clerk