Town of Yates Public Hearing and
Workshop Meeting
8 South Main Street, Lyndonville, NY 14098
March 10, 2025, 5:30PM

Present: Jim Simon, Supervisor
Susan Hrovat, Councilman
Harold Suhr, Councilman
Steve Vann, Councilman
Michele Harling, Town Clerk
David Reese

Excused: Terry Chaffee, Councilman

Others: Larry Wolfe, Bob DeMallie, Steve Colon
Paul Lauricella, Bill Jurinich

Supervisor Simon called the Public Hearing to order for the adoption of Local Law #1 of 2025 To Provide for the Codification of the Local Laws, Ordnances and Certain Resolutions of the Town of Yates into a Municipal Code to be Designated the "Code of the Town of Yates" at 5:35PM.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Notice of said Public Hearing was duly published in the Batavia Daily News on February 22, 2025 and posted at the Yates Town Hall and on the Town of Yates website.

The purpose of such Public Hearing is to discuss the adoption of Local Law #1 of 2025 To Provide for the Codification of the Local Laws, Ordnances and Certain Resolutions of the Town of Yates into a Municipal Code to be Designated the "Code of the Town of Yates"

Supervisor Simon presented a slide of a summary of the steps that the Town Board has taken over the last two years to digitize the Town Code. See slide copy attached to these minutes.

PUBLIC COMMENT

Bill Jurinich, Town of Yates, asked if this was modeled after any specific township or is it strictly our codes and the State codes. He said that there is a need for codes but, for example, Rochester's codes do not fit in here, in Lyndonville. The housing is different and this is a lot added to our small community and a lot to enforce.

Paul Lauricella, town of Yates, said we spent $15,000 on this and it was ARPA money, right. He read something on the HUB that was written by the Shelby Town Supervisor and they spent some of their ARPA money to buy a truck. He wondered if this $15,000 would have been better

spent toward a town truck instead of something like this. He sees this down the road in the wrong people's hands. Town laws can be more restrictive than the State, things being more restrictive on a lot of things. I don't support this; I think we should have gone to a standard zoning code like we had before.

Steve Colon, Town of Yates, believes that private property is private property although he understands about neighbors and such. He believes that things can be hashed out, and doesn't understand how somebody can have authority over people's private property. He does not agree with this and asked if the Board had talked to licensed professionals or contractors to get their feedback on this. To make it harder for the do it yourselfers is not a good idea. People should be allowed to do their own repairs instead of having to hire people and causing more financial hardships. He said that the Amish and Mennonite Communities could be outdated, out phased or affected negatively in a way that a person sitting in an office wouldn't see. We need to work things out amongst ourselves.

Supervisor Simon said that he had just talked to the lead consultant with eCode360 and was told that there are 800 municipalities under this code and occasionally you will see some that say this is a city code versus a town or rural code, but the New York State Code is the State code so a place like New York City or Rochester will definitely have additional codes. They do not have less than these, this is the baseline. It was modeled after many municipalities. Yes, this was paid for with ARPA money and along the way we had a lot of good discussions about how other municipalities were using their ARPA money and it was Board approved along the way that we spend it the way we did. In terms of the wrong people getting into positions of power and it could be a problem, there is always a potential for this. That's why our elections are so important. With regard to private property concerns; there is a limit to what people can do on their private property. You have to be a good neighbor and that's why laws are written. You can't all of a sudden turn your property into a garbage dump. You could try if your acreage was large enough but it would entail a lot of laws and restrictions. As far as contacting licensed technicians; we have a pretty good list of people posted in the summary slide of the professionals that were contacted to review the proposed code. This isn't to that level of detail. Amish and Mennonite Communities still have to comply with zoning and State codes. For example, if someone had them build a house, they would have to provide a stamped set of architectural plans to the Town. They have to abide by the same codes as everyone else, even though they may live differently inside their homes.

Councilman Vann said that he went through the updated version of the proposed code and the best way to put is we basically made a list of the things that you don't need a permit for more than we outlined what you do need a permit for. The State law is the State law and he wishes that we could do something about that but we can't. The fear that everybody has is that this crowns one man a king. His interpretation becomes local law. Albion went through it and it was a very dangerous time. He deals with a lot of CEO's and the fear is, we get the wrong person who will stretch these laws and take them to the next level, his way, because these can be

interpreted very differently. He thinks the best way to move forward would be to create a committee so that it would take some of the burden off of our CEO. For example, if he needs to issue a stop work order on somebody, the three people on this committee would review it and say yay or nay and the CEO would be able to report his concerns. He would think that it would be better for the CEO because he wouldn't be solely responsible for these tough decisions. We can't change the building law but we do need to be careful about rushing into these things and how we implement them. We want our residents to continue to make upgrades to their property.

Councilman Hrovat said that this is a new idea and has some merit. She doesn't know how you would pick these people or if they would want a salary. She said they would need to have a building background. She thinks that we should remember that eCode360 is basically putting our laws in a digital format. We already have these laws on the books. The updates have been done to coincide with New York State laws. She said eCode360 is not the problem, it's the laws themselves. Putting it in a digital format is making everything completely transparent and it's about time that we put them out there and make them easily accessible to our residents.

Councilman Vann said the problem is the enforcement and the implementation of the updated code. The new building code is very complex and hard to understand.

Councilman Suhr asked when this project needs to be completed.

Supervisor Simon said we have 90 days to implement, which would be easy because we are only 60 days into this. We could go into April if we needed to. The 90 day clock is there because otherwise they will have to do more work if we pass the 90 day mark and will have to spend more money, so we would have to spend more if we go over. The only thing we have to do within 90 days is hold a public hearing and vote. This entails a lot because there's a lot of debate. We have several options. If we're happy with it we can adopt it on Thursday, if we're not we can table it until April and still be within the 90 day timeframe but I don't think that anything will change if we wait. We can also say that we like everything but one paragraph, make a few tweaks and vote on the edited version. If the Town does not adopt this section of the building code then the residents would have to know that we're operating on the 2003 building codes that are out of sync with New York State Law and the CEO is still using NYS Law whether we vote on it or not. There is a role in government already in place for this, which is the Planning Board. They are involved in a way, somewhat like what you have suggested. He can ask if they would review a stop work order or other areas of concern or that we would like to have an extra look, if we adopt it.

Councilman Vann said where we will also run into problems is with delays. Our current CEO is part-time and when certain inspections are required and he is not in the office it would be nice to have a rule that it is acceptable to send in time stamped pictures so the job can keep moving forward. Workers will not wait for a week for work until inspections are done. They will look for employment elsewhere which can be very expensive for the contractor.

Councilman Suhr said that he would volunteer to be on that committee along with a couple of other Board Members to review stop work orders or other areas of concern.

Supervisor Simon felt that you create and adopt local laws based independent of the people who may or may not be enforcing them. There are checks and balances like the Town Board or the Town Attorney. He is hesitant to conflate this adoption of the code with whoever is in the CEO position. He talked to the CEO recently and was told that if a building permit is for a simple alteration or change, hand drawn pictures can be submitted. If it's for a new build, complete remodel or reuse situation, then he needs stamped architectural drawings. He is hesitant to say that the Town Board should be legislated into that mix. He likes the idea of the Planning Board getting involved.

Councilman Vann said this will only work with a reasonable Code Enforcement Officer.

Supervisor Simon said we hire the CEO and if we're not happy with him, we have the option to terminate his employment.

Councilman Suhr said that if we don't have something specifically mentioned in our Code, we revert to that book and I hate that book.

Councilman Hrovat said we've been working on this for two years, we have brought many of our old laws up to date and we're making it digital so that people have access to it. We're not hiding anything under the table. We need to address the issues. She doesn't mind having a committee but she doesn't think that the Town Board should be on the committee.

Councilman Vann said there needs to be a way to keep jobs moving forward for contractors and businesses.

Supervisor Simon said process improvements are always pertinent. He's been looking at this thing for over two years and he's pretty confident that it's what we should adopt. He would prefer to adopt this and set up a meeting with a couple of the Board members, the CEO and maybe the Chairs of the Planning and Zoning Boards to talk about process, rather than not adopt the code.

Councilman Vann thinks that we need to button down our i's and cross our t's before we move forward with anything. We need to have a good process in place that keeps things moving before we adopt these codes. We can't just adopt these codes and then they are all of a sudden law and then we try to change something.

Supervisor Simon and Councilman Hrovat both said they are already our laws. Our CEO is already applying this code, he has to. You won't find any other CEO who won't. There are things that can be built in the Town that do not require stamped drawings. They can be hand drawn. He's glad to have this debate; we can come back to this topic after the meeting.

RESOLUTION NO. 35-3/25

RESOLUTION TO CLOSE THE PUBLIC HEARING ON TOWN OF YATES LOCAL LAW #1 OF 2025 THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF YATES INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN OF YATES"

RESOLVED, to close the Public Hearing at 6:45PM.

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Vann

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk

