Town of Yates Organizational and Regular Board Meeting
8 S. Main St. Lyndonville, NY 14098
January 10, 2019, 7:00PM

Present: Jim Simon, Supervisor
Wes Bradley, Councilman
John Riggi, Councilman
Jim Whipple, Councilman
Harold Suhr, Councilman
Michele Harling, Town Clerk
Trisha Laszewski, Town Assessor

Excused: Roger Wolfe, Highway Superintendent
Dan Wolfe, Code Enforcement Officer

Others:	Steve Royce	James Hoffman	Paul Lauricella
	Sandy Lauricella	Edward Jay	Betty Wolanyk
	Alice Wolanyk	Pam Atwater	Bob LaPorte
	Agnes LaPorte	Justin Hughes	Ralph E. Smith
	Howard Pierce	Linda Fisk	Jessica Walsh
	Carmen O'Keefe	Cheryl Weldon	Larry Albanese

Supervisor Simon called the Organizational Meeting to order at 7:03PM.

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

Supervisor Simon explained that remarks for Privilege of the Floor that are submitted in writing will be kept in full as part of the official record and will be summarized by the Town Clerk in the monthly minutes. Anything that is just spoken will be at the Town Clerk's discretion to record.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Ralph Smith, Town of Yates spoke with regard to Resolution No. 4-1/19 and asked if the appointments by the Board would be personnel appointments only or would they also include contracts. He also asked if there would be an opportunity for input from the floor.

Supervisor Simon responded that the pre-minutes were posted on the website on Tuesday and available on the countertop. He explained that the appointments being made are either by the Board or by the Supervisor and almost all of them are personnel except two are technically contracts; one for legal services and one for bookkeeping.

Paul Lauricella, Town of Yates, commented on Resolution No. 4-1/19 and Resolution No. 5-1/19. He expressed his concern and anger over the reappointment of Millennium Roads as the Town Bookkeeper, especially in light of the recent Town audit. He said that another person/firm that was

more qualified, would have been cheaper, and owned his own software applied for the job but because of politics, the Town kept Millennium Roads which was unfair to the taxpayers of the Town of Yates. He added that people don't come to Town meetings and disengage because of things like this. Lastly, he asked what the cost of the software would be to the Town and why the Town is providing this software to a private company.

Sandy Lauricella, Town of Yates, said that she too, was upset about the reappointment of Millennium Roads as the Bookkeeper but not for personal reasons. She questioned why the Town wouldn't want to hire the more qualified, cheaper option that has software to save the Town money which would be logical and using good judgement. She asked why bother putting the ad in the paper asking for bids if they weren't going to be considered. She said that it really does look like a political favor. She said it looks bad that the bookkeeper resigned in the middle of the audit without explaining to the residents why she did that.

RESOLUTION NO. 01-1/19

RESOLUTION TO ACCEPT THE MINUTES OF THE DECEMBER 27, 2018 YEAR END MEETING

RESOLVED, to accept the minutes of the yearend meeting held December 27, 2018 as presented to each Board Member.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Bradley

3 Ayes 0 Nays 2 Absent (Whipple, Suhr)

Motion: Carried

RESOLUTION NO. 02-1/19

RESOLUTION TO NAME OFFICIAL DEPOSITORY

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

Offered by Councilman Whipple, who moved its adoption
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 03-1/19

RESOLUTION TO NAME OFFICIAL NEWSPAPER

RESOLVED, to name the Batavia Daily News as the official newspaper. Other advertising: Lake Plains Pennysaver and the Orleans HUB.

Offered by Councilman Whipple, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 04-1/19

RESOLUTION TO MAKE APPOINTMENTS BY THE TOWN BOARD

RESOLVED, to make the following appointments:

Legal Service----------Webster, Schubel & Meier
Fire & Building Code Officer----------Dan Wolfe
Zoning Enforcement Officer----------Dan Wolfe
Zoning Board of Appeals Clerk----------Dawn Metty
Zoning Board Chairman----------Gary Daum-1/1/19-12/31/23
Planning Board Member----------Mark Hughes-1/1/19-12/31/23
Planning Board Clerk----------Dawn Metty
Water Bookkeeper----------Millennium Roads, LLC
Water District 4 Superintendent----------Roger W. Wolfe
Cemetery Superintendent----------Roger W. Wolfe
Youth Agency Representative----------Wes Bradley
Registrar of Vital statistics----------Michele L. Harling
Deputy Registrar----------Dawn Metty
Dog Control Officer----------John W. Donald

Offered by Councilman Suhr, who moved its adoption
Seconded by Councilman Riggi

Supervisor Simon explained that he did go through a thorough process and that there were two interested parties that were interviewed. He explained that the Bookkeeper's position is an appointment by the Town Supervisor.

4 Ayes 1 Nays (Bradley)

Motion: Carried

RESOLUTION NO. 05-1/19

RESOLUTION TO ACCEPT APPOINTMENTS BY DEPARTMENT HEADS

RESOLVED, to accept the following Department Head Appointments:

SUPERVISOR
Deputy Supervisor----------John Riggi
Bookkeeper----------Millennium Roads, LLC
Historian----------Dawn Metty

COMMITTEES
- Finance & Budget----------Simon (Chairman), Riggi
- Health & Public Safety----------Bradley (Chairman), Riggi
- Planning & Zoning----------Simon (Chairman), Whipple
- Public Works----------Riggi (Chairman), Suhr
- Sustainability----------Simon (Chairman), Riggi
- Business Advisory & Tourism------Whipple (Chairman), Suhr

TOWN CLERK
Deputy Clerk----------Dawn Metty

HIGHWAY SUPERINTENDENT
Deputy Superintendent----------David Hydock

JUSTICE
Court Clerk----------Susanne Sanderson
Court Bailiff----------Eric Harling

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Suhr

4 Ayes 1 Nays (Bradley)

Motion: Carried

RESOLUTION NO. 06-1/19

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 Whipple, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 07-1/19

RESOLUTION TO ADOPT OFFICE HOURS

RESOLVED, to set the following office hours

Supervisor:
Friday 4:30PM – 6:00PM or By Appointment
Supervisor will not hold office hours the week of a regular Board Meeting.

Town Clerk:
Monday, Tuesday, Thursday and Friday - 9:00AM - 12:30PM, 1:30PM - 4:30PM
Wednesday- 9:00AM - 12:30PM, 6:30PM - 8:30PM
The office will be closed on Wednesday nights from May 1st thru July 31st.

Assessor:
Thursday 9:00AM - 12: 30PM, 1:30PM - 4:30PM

Code & Zoning Officer:
Monday 8:00AM - 4:30PM

Supervisor Simon noted that the Assessor's hours have been moved from Friday's to Thursday's.

Offered by Councilman Suhr, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 08-1/19

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 Riggi, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 09-1/19

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 Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 10-1/19

RESOLUTION TO SET MILEAGE ALLOWANCE

RESOLVED, to reimburse Town Officers and Employees using personal vehicles for Town Business at a rate of $0.58 per mile.

Offered by Councilman Suhr, who moved its adoption
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 11-1/19

RESOLUTION TO SET MEETING DATES AND TIMES

RESOLVED, to set the following dates and times for meetings:

Town Board Workshop Meetings—Monday before each Town Board Meeting, 5:30PM
Town Board Meeting—Second Thursday of each month 7:00PM
Planning Board—First Thursday of each Month 7:00PM

Zoning Board of Appeals – at least twice a year, once with Town Board Representatives, and when needed to hear an appeal

Offered by Councilman Whipple, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 12-1/19

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 Riggi, who moved its adoption
Seconded by Councilman Suhr

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 13-1/19

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 Bradley, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 14-1/19

RESOLUTION TO SET SALARIES, WAGES AND COMPENSATION, EFFECTIVE JANUARY 1, 2019

MONTHLY

Legislative Board (4) ----------$ 3,275.00
Justice (1)----------$ 8,670.00
Supervisor----------$ 8,000.00
Supervisor Bookkeeper----------$14,700.00
Water Bookkeeper----------$ 3,100.00
Budget Officer----------$ 1,500.00

BI-WEEKLY

Town Clerk----------$ 45,477.00
Vital Registrar----------$ 600.00
Highway Superintendent----------$ 67,756.00
Cemetery Superintendent----------$ 5,616.00
Water Superintendent----------$ 14,404.00

HOURLY

Court Clerk----------$15.95
Deputy Clerk----------$12.76
Code & Zoning----------$23.07
Highway MEO 3 Plus Years----------$25.22
Highway MEO 2 Plus, Minus 3 Years--------$23.88
Highway MEO 1 Plus, Minus 2 Years--------$22.56
Highway MEO Starting Rate----------$21.24
Highway Part-Time Employee----------$11.10

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 @ 11.10----------$99.90 per day
Election 15.5 hours @ 11.10----------$172.05 per day
Registration 7.5 @ 11.10----------$83.25 per day
Registration 4 @ 11.10----------$44.40 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 Suhr, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 15-1/19

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 Whipple, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 16-1/19

RESOLUTION TO SET TOWN HOLIDAYS

RESOLVED to set Town Holidays as follows:

New Year's 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 Suhr, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 17-1/19

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 $320,000.00 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 Whipple, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 18-1/19

RESOLUTION TO ALLOW HIGHWAY SUPERINTENDENT TO MAKE PURCHASES NOT ONLY FROM STATE BIDS BUT ALSO FROM OTHER COUNTIES AND MUNICIPALITIES

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 Counties and municipalities.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 19-1/19

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 Suhr, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 20-1/19

RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENT FOR LEGAL SERVICES WITH WEBSTER, SCHUBEL & 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 made as of the 1st day of January, 2019, between the Town of Yates, a municipal corporation of the State of New York, hereinafter referred to as "Town" and Andrew W. Meier, ESQ., hereinafter referred to as "Meier",

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

WHEREAS, Meier is 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:

1.) Meier will perform the following legal services for the Town:

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

b.) 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 requested by the Supervisor.

c.) Preparation of resolutions.

d.) 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 project matters, bond issues and other borrowings, and the purchase and/or sale of real property.

e.) General legal research and correspondence.

f.) Preparation of local laws.

g.) The representation of Town in administrative agency proceedings, civil litigation and proceedings, and in-rem tax foreclosure proceedings, except as to those matters for which the parties desire to engage outside counsel.

h.) Legal services in connection with capital projects, bond issues, and other borrowings and other related matters.

2.) As compensation for the services as enumerated above, and except where the parties negotiate flat fees for any individual service from time to time, the Town will pay Meier an hourly rate of $200.00 which shall be paid monthly upon submission of a voucher therefor by Meier, payable upon approval by the Town. The vouchered payments shall not be considered compensation for the purposes of the New York State Retirement System.

3.) The terms of this Agreement shall be for the period of one (1) year from January 1, 2019, to December 31, 2019. This agreement may be terminated by either party upon ten (10) days written notice by certified mail return receipt requested or personal delivery.

Offered by Councilman Bradley, who moved its adoption
Seconded by Councilman Riggi

Supervisor Simon said that the Attorney for the Town will be present as requested to save some money by not having Andrew attend every Board Meeting.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 21-1/19

RESOLUTION TO COMPENSATE DEPUTY HIGHWAY SUPERINTENDENT FOR TIME WORKED

RESOLVED, David Hydock, as Deputy Highway Superintendent, will receive $2,700.00 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 assumes 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 2019, April 2019, July 2019 and October 2019.

Offered by Councilman Whipple, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 22 -1/19

RESOLUTION TO SET CODE ENFORCEMENT TIME AND PAY

RESOLVED, the Code Enforcement Officer shall be paid $23.07 per hour and shall work Mondays from 8:00AM until 4:30PM, he shall be allowed 4 Vacation days and 1 Personal day. All other time shall be made up.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 23-1/19

RESOLUTION TO ACCEPT FINAL REPORT FOR THE COURT CLERK

WHEREAS, the Court Clerk for Justice Grabowski has presented the final report for the Justice for the year ending December 31, 2018, and

WHEREAS, the Town Board has reviewed these records

BE IT RESOLVED, the Town Board accepts the final report for Justice Grabowski as presented and that the fines therein collected have been turned over to the proper officials of the Town as required by law.

Offered by Councilman Suhr, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 24-1/19

RESOLUTION TO APPOINT TOWN ENGINEER

WHEREAS, MRB Group, Engineering, Architecture & Surveying, D.P.C. has shown interest in being appointed the Town of Yates Engineering Firm for the coming year, be it

RESOLVED, the Town of Yates hereby appoints MRB Group, Engineering, Architecture & Surveying, D.P.C. as the Town of Yates Engineers, be it also

RESOLVED a copy of the hourly rate for such engineering be attached to these minutes.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Suhr

5Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 25-1/19

RESOLUTION ADOPTING RETIREMENT RESOLUTIONS FOR STANDARD WORK DAY REPORTING RS 2417 A&B and STANDARD WORK DAY RESOLUTION FOR EMPLOYEES RS 2418 FROM THE OFFICE OF THE NEW YORK STATE COMPTROLLER NEW YORK STATE AND LOCAL RETIREMENT SYSTEM

WHEREAS NEW FORMS RS2417 and RS2418 need to be submitted every year, be it

RESOLVED that these resolutions be adopted and be it further

RESOLVED, they shall be attached to these minutes and posted on the bulletin board in the Town Hall for 30 days.

Offered by Councilman Suhr, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 26-1/19

STANDARD WORK DAY RESOLUTION

WHEREAS, the Retirement system requires the Town to specify the standard work days of all employees, be it

RESOLVED, the following is hereby specified as standard workdays for retirement purposes

Highway Superintendent: 8 hours
Town Clerk: 6 hours
Court Clerk: 6 hours
Town Hall Custodian: 6 hours
Highway MEO & Laborers: 8 hours
Code and Zoning Officer: 8 hours
Clerical Staff & Councilman: 6 hours
Deputy Clerk: 6 hours

Offered by Councilman Suhr, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 27 – 1/19

RESOLUTION SELECTING FIRM TO PROVIDE ENGINEERING SERVICES FOR TOWN OF YATES' LAKE ONTARIO SHORELINE FLOOD RELIEF GRANT

WHEREAS, Requests for Qualifications (RFQs) were sent out and public notice was provided for the Town of Yates need for Engineering Services to be provided in support of the Lake Ontario Shoreline Flood Relief Grant, and

WHEREAS, three RFQs were submitted to the Town and reviewed by board members, be it

RESOLVED, that the Town selects MRB Group to provide engineering services to the Town for the grant.

Supervisor Simon said that the Town had three Engineering Firms submit RFQ's for this project.

Offered by Councilman Whipple, who moved its adoption
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 28 – 1/19

RESOLUTION SELECTING FIRM TO PROVIDE GRANT ADMINISTRATION SERVICES FOR TOWN OF YATES' LAKE ONTARIO SHORELINE FLOOD RELIEF GRANT

WHEREAS, Requests for Qualifications (RFQs) were sent out and public notice was provided for the Town of Yates need for grant administration services to be provided in support of the Lake Ontario Shoreline Flood Relief Grant, and

WHEREAS, one RFQ submitted to the Town and reviewed by board members, be it

RESOLVED, that the Town selects LaBella to provide grant administration services to the Town for the grant.

Supervisor Simon said that the Town had one RFQ submitted for this project by LaBella.

Offered by Councilman Suhr, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 29 – 1/19

RESOLUTION CONFIRMING ACCEPTANCE OF UNCOMMITTED NYS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME FUNDS AND COMMITMENT TO UTILIZE FUNDS FOR IMPROVED HANDICAP ACCESS TO TOWN OF YATES FACILITIES

WHEREAS, the Town of Yates was informed that $8,804.31 in NYS CBDG Program Income funds is uncommitted, be it

RESOLVED, that the Town of Yates accepts the $8,804.31 and commits to complying with all state and federal CDBG grant requirements, and be it further

RESOLVED, that the Town plans to commit the funds to meet ADA compliance requirements for the Town Hall handicap parking, the handicap ramp, and handicap access to the restroom.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 30 -1/19

RESOLUTION TO PAY BILLS

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

RESOLVED to pay bills as follows:

RESOLVED to pay bills as follows:

Fund A (General – Townwide)	$ 24,569.80
Fund B (General – Outside Village)	$ 1,426.94
Fund DA (Highway – Townwide)	$ 16,545.36
Fund DB (Highway – Outside Village)	$ 8,674.39
Water 4-	$ 85,981.09
Water 2-	$ 32,476.55
Youth-	$

Fire-

TOTAL $169,674.13

Offered by Councilman Suhr, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Cheryl Weldon, Town of Yates, asked why the Board would rehire someone that has resigned. She said that if someone resigns it means that they don't want the position so why would they want to come back after the audit and not explain to the Town why they left during the audit.

Paul Lauricella, Town of Yates, said that he received the Town/County tax bill and that his assessment had gone up. He was very unhappy and explained that his house has not changed in square footage and that no business like his has sold recently. He said that his assessment should decrease because of the truck traffic by his house, the noise and diesel fumes from the old pea vinery next door and his contaminated well. He said that he would have to disclose all of this information if he wanted to sell his house.

Pam Atwater, Town of Somerset, submitted an article written by Robert Bryce titled: "The Antithesis of Green" which in part looks at land needs if they were to go to an all renewable program for energy sources. He talked about two progressive states with regard to renewable energy, Vermont and California. In Vermont, both gubernatorial candidates made it clear that they're opposed to further wind-energy development. He said that in California they recently enacted a mandate that requires the state to obtain at least 60% of its electricity from renewables by 2030. In 2017, California used 150 megawatts less of installed wind capacity than what the state had back in 2013. She said that we should be looking at what's happening in other parts of the country where they have had more experience with these projects.

Anne Smith, Town of Yates, said that over the past few years she's heard people speak about climate change and how we need wind turbines because if we don't we'll be causing harm to our children and grandchildren in the future. She asked what about the health concerns of the people that have to live amongst the wind turbines today. She said in Arkwright residents are suffering. She stated that a study done by the Max Planck Institute found that sub audible infrasound causes stress and sleep disruption. She added that every day more information is coming out regarding the ill effects of Industrial Wind and people's health.

Dennis Seekins, Town of Yates, submitted and read an article that he wrote for the Buffalo Paper that addressed comments made by the Town of Somerset Supervisor with regard to the Sierra Club. In it he said that Mr. Engert stated "Apex and the Sierra Club intended to mislead and misinform the good people of Somerset and the region". Mr. Seekins explained that the Sierra Club was instrumental in

keeping dams out of the Grand Canyon even though Congress wanted them as a way to "get the public closer to the canyon". He also said that locally the club has been active in cleaning up the Buffalo River and they never "mislead or misinformed" in doing so.

Larry Albanese, Town of Ridgeway, submitted information where he stated that at a recent meeting a resident expressed concerns over the leaching of toxins from the concrete bases of the wind turbines. He outlined the amount of concrete it takes to make a mile of road, 100' wide. He concluded that "a conservative estimate of the roads within a mile of the Lake Ontario shore would be 100 miles equivalent and would be 2,100,000 cubic yards of concrete"; add to that the concrete from homes, businesses, farms and bridge abutments. He said a wind turbine base would use about 900 cubic yards each, small in comparison. He said that within ¼ mile of the shoreline there is a 35 year accumulation of coal ash and submitted an article titled "Coal Ash: Hazardous to Human Health" along with another article titled "Another Voice: Sierra Club endorses wind project for sound reasons".

James Hoffman, Town of Somerset, submitted comments that address "really thinking green". In it he stated that the Nature Conservancy has estimated that "conserving and restoring carbon-storing power houses like forests, grasslands and wetlands can deliver up to 37% of the emissions reductions needed to curb climate change by 2030". He said that the point is that we're out here in the country amongst our greenery and that is what we should be promoting thereby fighting climate change. He said we don't need industrial wind turbines to industrialize the green space.

Howard Pierce, Town of Yates, submitted comments where he said that in December of 2018 SOS filed a written motion seeking a ruling directing Lighthouse Wind to remove from the case file maintained by the Department of Public Service of the State of New York certain public comments that SOS objected to. He said that he is happy to report that the Judges denied this motion. He mentioned that another motion was denied by the Judges in October of 2018 over the Lighthouse Wind Public Forum. He closed by saying that NYS has a law called the Article 10 Process and that it's a waste of time and money to file motions now. He urged all to study the Lighthouse Wind application once it's been filed and make your arguments for or against them then.

Agnes LaPorte, Town of Somerset, submitted comments where she referred to the Book of Genesis in the Bible where Adam and Eve were faced with the temptations of the serpent and its promises. She compared it to the current situation of a proposed industrial wind project in the area. She said that "too many people that don't live here don't care if industrial turbines will force us to leave our paradise". She asked if the out of town/out of county supporters would be willing to move here and live with the side effects including many of the leaseholders that do not live here. She thanked the elected officials that work for the health and safety of their constituents.

REPORT OF TOWN OFFICERS

Tricia Laszewski, Town Assessor, said that the exemption renewal season is in full swing. She encouraged those that are enrolled in the Enhanced STAR program to stop in or call with questions about the recent articles in papers or on the news about the possibility of reapplying. She explained that although she is in the Town of Yates one day a week, she can be reached anytime in her Ridgeway Office and can handle Yates questions there as well.

Supervisor Simon asked Tricia to explain the process to appeal an assessment since it was mentioned earlier in the meeting.

Tricia explained that the update will be in 2019 and that everyone will be getting a Change of Assessment Notice probably toward the end of March. She said that there will be information on the letter outlining the steps to contest your assessment if you think it's too high starting with a meeting with her called an Informal Hearing. She explained that after that hearing she will determine whether or not to change the assessment. After that decision if you're still unsatisfied, you can make an appointment with the Grievance Board which meets the 1st Thursday after the 4th Tuesday of May. She explained that the last Town-wide reassessment was done 6 years ago. She encouraged those with questions about their Change of Assessment Notice to call her in either Town.

Councilman Suhr spoke about the Sierra Club and said that when he was growing up they were a well-respected group but they have "lost their shine". He said that they are for windmills that kill birds and bats and all of the other negative things they do yet they don't want to put a wall up in Texas because it's going to hurt the animals. He feels that to teeter-totter like that doesn't make sense. He mentioned that in one year we lose more people to drugs that come across the unprotected border than we lost in the whole Vietnam War. He said that it just doesn't make sense.

Councilman Riggi gave an update on the status of the LWRP. He said that there have been some personnel changes at the County level so the committee is waiting to meet again. At the next meeting they will be reviewing the projects that the Towns of Yates, Carlton and Kendall have submitted. He said that we have a significant list that has been put together because of the need for development and protection of our lakefront. He'll let the public know when they hold the next meeting and urged all to attend.

He said that the Lake Ontario State Parkway Committee is due to meet soon. It's a public meeting and he urged all to attend. He explained that the State would like to take the Parkway down to two lanes from Albion on to the County border. He said that most of the folks in the area made it clear that they want it to remain 4 lanes all the way to the end because it is an economic driver to us that brings tourism to the area.

He said that with regard to the wind turbine project and the studies that are going back and forth which are made up of statistics that will tell the reader whatever the author wants you to know; ultimately you have to determine what risks, if any, you are willing to accept.

Supervisor Simon, said that the Bookkeeping decision was his decision and may not be popular. He said that if you read the Audit Report and Corrective Action Plan you'll see that this was a Supervisor's issue; the Bookkeeper did not get us into this situation. He asked for the audience's patience to allow the next few months to unfold. He believes that we have a very good plan that has been submitted and accepted and we're now in the phase of executing it. He explained that we're working with a lot of different products that are measuring the financial health of the Town. He said that one change this year will be to know what the year-end balances are from the previous year. As soon as the loose ends from 2018 are tied up we'll know where the fund balance issue is and if the Board is receiving good quarterly and monthly reports. He said that all of this will be public and a lot of information is available on the website. He urged those with questions about the bookkeeping to

contact him. He explained that the Auditing Firm can still be changed. The RFQ for auditing services doesn't expire until early February so at the February Board Meeting they may choose to change auditors. He thinks that the auditing position is extremely important because with all of the scrutiny the Town is getting otherwise, rightly so, it's an opportunity for a fresh look. He has had several inquiries for auditing so the Board may get 3 or 4 proposals which would be nice. He explained that it's a little late to do this in February, a lot of the auditing firms already have their schedules in place but we needed to get things in order with the Corrective Action Plan first.

He said that the Town Park and north ends of Marshall and Yates-Countyline Roads will be set in motion for environmental reviews led by LaBella and for engineering drawings and bids, and proposals should start taking place in the late spring. One of the aspects of getting a CDBG Grant is holding Public Hearings. He asked the public to be involved with this process because it's an opportunity for input on the type and scope of the lakefront remediation to be done in the Town Park which is very important. He added that this is the initial step to future renovations as mentioned in the LWRP. He said that in the event that the Town Park is expanded which would be a community decision; it may be an opportunity to build in a wildlife refuge or a nature park theme with trails. He said that NYSEG owns a lot of vacant land around the park which could be developed. The Board is still discussing the possibilities and would probably form a committee to explore the options and/or involve the Town Planning Board to be involved.

He said that the deadline for municipalities to submit any Comp Plan revisions is next week. He mentioned the change in personnel at the County which slowed them down a little bit but he said that if they can get all of the revisions in and have them ready for the County Planning Board's review by February it would probably come back for this Board to adopt in March. He said that it's not too late to make comments and urged all to do so.

He said that another Town newsletter should be ready to go out by the end of the month. He will be asking each Town Department and Town Board Member for their input. He does not want it to be lengthy or costly but does think that it should be mailed out so that more people will have access to it. The Board will be looking for feedback and will then determine the frequency of future newsletters.

ADJOURNMENT

Moved by Councilman Suhr, whereas there is no new business to be brought before the Board, the meeting is adjourned at 8:08PM.
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk

LEGAL SERVICES AGREEMENT

THIS AGREEMENT made as of the 1st day of January, 2019, between the TOWN OF YATES, a municipal corporation of the State of New York, hereinafter referred to as "TOWN" and ANDREW W. MEIER, ESQ., hereinafter referred to as "MEIER",

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

WHEREAS, Meier is 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:

1.) Meier will perform the following legal services for the Town:

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

b.) 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 requested by the Supervisor.

c.) Preparation of resolutions.

d.) 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 project matters, bond issues and other borrowings, and the purchase and/or sale of real property.

e.) General legal research and correspondence.

f.) Preparation of local laws.

g.) The representation of Town in administrative agency proceedings, civil litigation and proceedings, and in-rem tax foreclosure proceedings, except as to those matters for which the parties desire to engage outside counsel.

h.) Legal services in connection with capital projects, bond issues, and other borrowings and other related matters.

As compensation for the services as enumerated above, and except where the parties negotiate flat fees for any individual service from time to time, the Town will pay Meier an hourly rate of $200.00 which shall be paid monthly upon submission of a voucher therefor by Meier, payable upon approval by the Town. The vouchered payments shall not be considered compensation for the purposes of the New York State Retirement System.

2.) The terms of this Agreement shall be for the period of one (1) year from January 1, 2019, to December 31, 2019. This agreement may be terminated by either party upon ten (10) days written notice by certified mail return receipt requested or personal delivery.

DATED: _____

ANDREW W. MEIER, Esq.

TOWN OF YATES

DATED: BY:_____

MRB GROUP (CHATFIELD ENGINEERS CLIENTS)
2019 HOURLY BILLING RATES

ENGINEERING DEPARTMENT

Senior Project Managers (Paul Chatfield/JP Schepp)	$135.00
Project Managers (Jon Hinman)	$100.00
Project Engineers	
Civil Engineer III (Scott Mattison)	$ 90.00
Civil Engineer II (TBD)	$ 85.00
Civil Engineer I (Emilio Moran)	$ 80.00
Design Technicians (John Laing)	$ 70.00
CAD Draftsperson (TBD)	$ 70.00

CONSTRUCTION DEPARTMENT

Construction Utility Representatives	$ 85.00
Construction Facility Representatives	$ 90.00

ENGINEERING SPECIALISTS

Mechanical Engineer	$150.00
Electrical Engineer	$150.00
Structural Engineer	$150.00
Environmental Engineer	$150.00

Surveying and Architectural Fees quoted on an as needed basis.

MRB group
Engineering, Architecture & Surveying, D.P.C.

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A
(Rev. 8/15)

BE IT RESOLVED, that the Town of Yates (Name of Employer) / 30101 (Location Code) hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Town Clerk	6.00	Michele L. Harling	5007		☐	1/1/16-12/31/19	22.45	☐
Councilman	6.00	James Whipple	8189		☐	1/1/18-12/31/21	1.50	☐
Councilman	6.00	John Riggi	7079		☐	1/1/16-12/31/19	7.56	☐
Appointed Officials								
					☐			☐
Code Enforcement Officer	8.00	Daniel Wolfe	8910		☐	1/1/18-12/31/18	4 Days	☐
Deputy Town Clerk	6.00	Dawn Metty	9154		☐	1/1/18-12/31/18	n/a	☐

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Michele L. Harling (Name of secretary or clerk), secretary/clerk (Circle one) of the governing board of the Town of Yates (Name of Employer), of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 10 day of January, 20 19 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Yates (Name of Employer) on this 10 day of January, 20 19, _____ (Signature of the secretary or clerk).

Affidavit of Posting: I, Michele L. Harling (Name of secretary or clerk), being duly sworn, deposes and says that the posting of the Resolution began on 01/10/2019 (Date) and continued for at least 30 days. That the Resolution was available to the public on the

☑ Employer's website at townofyates.org

☑ Official sign board at 8 South Main Street, Lyndonville, NY 14098

☑ Main entrance secretary or clerk's office at 8 South Main Street, Lyndonville, NY 14098

(seal)

Page 1 of 1 (for additional rows, attach a RS2417-B form).

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day Resolution for Employees*

RS 2418

(Rev. 7/11)

BE IT RESOLVED, that the Town of Yates, Location code 30101, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs/day)
Highway Superintendent	8.00
Town Clerk	6.00
Court Clerk	6.00
Town Hall Custodian	6.00
Highway MEO & Laborers	8.00
Code & Zoning Officer	8.00
Councilman	6.00
Deputy Clerk	6.00

On this 10 day of January, 2019

(Signature of clerk) Date enacted: January 10, 2019

I, Michele L. Harling, clerk of the governing board of the Town of Yates (Name of Employer), of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 10 day of January, 2019 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the
Town of Yates
(Name of Employer)

(seal)

*To be used for all employees. Please list Elected and Appointed Officials on the form (RS2417-A) Standard Workday and Reporting Resolution for Elected and Appointed Officials.

See Instructions for Completing Form on Back