Town of Yates July Regular Board Meeting
8 S. Main St., Lyndonville, NY 14098
July 11, 2019, 7:00PM

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

Excused: Roger Wolfe, Highway Superintendent

Others :	Larry Wolfe	Bob LaPorte	Agnes LaPorte
	Ruth Doughty	Susan Dudley	Pam Atwater
	James Hoffman	Linda Fisk	Georgette Stockman

Supervisor Simon called the July Board Meeting to order at 7:00PM.

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

No remarks.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

RESOLUTION NO. 76 -7/19

RESOLUTION TO APPROVE MINUTES OF THE JUNE REGULAR MEETING

RESOLVED, to approve the minutes of the June 13, 2019, regular Board Meeting as presented to each Board Member.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 77 -7/1

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RESOLUTION TO APPROVE MINUTES OF THE JULY PUBLIC HEARING

RESOLVED, to approve the minutes of the July 8, 2019, regular Public Hearing as presented to each Board Member.

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

3 Ayes 0 Nays 2 Abstain (Whipple, Suhr)

Motion: Carried

RESOLUTION NO. 78-7/19

RESOLUTION TO ADOPT LOCAL LAW 2 OF 2019 KNOWN AS A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

WHEREAS, proposed Local Law No. 2 of the Year 2019, entitled "A Local Law To Override the Tax Levy Limit Established in General Municipal Law 3-c," was introduced at a duly called meeting of the Town Board of the Town of Yates on the 13th day of June, 2019, with a copy thereof having been duly given to all board members; and

WHEREAS, due notice of a public hearing to be held thereon on the 8th day of July, 2019, was duly published in the Batavia Daily News, the official newspaper of the Town of Yates, on June 25, 2019, and posted as required by law; and

WHEREAS, copies of the proposed local law were mailed to each person entitled to service of same pursuant to New York Town Law 264(2); and

WHEREAS, such public hearing was held on the 8th day of July, 2019, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED that the Town of Yates hereby adopts Local Law No. 2 of the Year 2019 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c."

Supervisor Simon explained that the Board will only do this if needed and that they did the same thing last year in case it was necessary to go over the 2% cap. He doesn't anticipate it but this resolution gives them the authority to do it if necessary.

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

5 Ayes 0 Nays

Motion: Carried

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RESOLUTION NO. 79-7/19

RESOLUTION AUTHORIZING TOWN SUPERVISOR TO COSIGN A LETTER WITH TOWN OF SOMERSET SUPERVISOR ON BEHALF OF THE TOWN OF YATES TO APEX CLEAN ENERGY CEO MARK GOODWIN TO CANCEL THE LIGHTHOUSE WIND PROJECT

WHEREAS, the Town of Yates desires to make it clear to the Apex Clean Energy CEO, Mark Goodwin, that the Town requests that the Lighthouse Wind LLC be cancelled and removed from the Article 10 proceedings as soon as possible, and

WHEREAS, the Town requests Apex CEO Goodwin also remove Lighthouse Wind LLC from the NY Independent System Operator queue; remove their meteorological tower; and cancel their leases with landowners and pay said landowners what they owe them, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to cosign a letter with the Town of Somerset Supervisor on behalf of the Town of Yates to Apex Clean Energy CEO Mark Goodwin to cancel the Lighthouse Wind project.

Supervisor Simon said that they have been thinking about doing this for a while now and had hoped that APEX would do it on their own but they're not so we're going to ask them to do it formally.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 80-7/19

RESOLUTION ESTABLISHING YATES TOWN PARK DEVELOPMENT TASK FORCE

WHEREAS, the Town of Yates has included recreational, tourism and quality of life enhancement goals for the Yates Town Park in its recently adopted Western Orleans Comprehensive Plan, and

WHEREAS, the Yates-Carlton-Kendall Lake Waterfront Revitalization Program (LWRP) committee is updating the LWRP to include Yates Town Park recreational, tourism and quality of life enhancement goals, and

WHEREAS, the Town is currently authorized to expend a $414,000 NY State grant to remediate the 600-foot shoreline of the existing town park shoreline due to flooding damage in 2017, and

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WHEREAS, New York State has launched the Lake Ontario Resiliency and Economic Development Initiative (REDI) Commission which earmarked $330 million to increase the resiliency and mitigate the risks to coastal communities, be it

RESOLVED, that the Town Board hereby establishes the Yates Town Park Development Task Force to review and revise the project proposal developed by MRB Group at the request of the Town Board, and to present their recommndations to the Yates Town Board no later than August 1st, and be it further

RESOLVED, that the Yates Town Park Development Task Force will consist of Jim Simon (chair), John Riggi (deputy chair), Roger Wolfe, 5 residents of the town (one nominated by each town board member), and an engineer from MRB Group.

Supervisor Simon said that he went to the meeting yesterday in the Town of Somerset with Municipalities from Niagara and Orleans County and State Reps. He explained that they have a tight timeline to submit a proposal for that funding. They decided to form the Task Force this way so that they were ready to fast track the proposal by August 2nd, which is a quick turn. The State will take it's time, probably not until September or the beginning of October, to approve the prioritized list of projects. If we come out on the list the Task Force will have even more to do by flushing out the details.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 81-7/19

RESOLUTION TO PAY BILLS

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

RESOLVED to pay bills as follows:

Fund A (General – Townwide)	$ 46,110.45
Fund B (General – Outside Village)	$ 1,203.45
Fund DA (Highway – Townwide)	$ 17,210.65
Fund DB (Highway – Outside Village)	$ 19,154.25
Water 4-	$ 29,551.24
Water 2-	$ 37,985.68
Youth-	$
Fire-	
TOTAL	$151,215.72

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

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Pam Atwater, Town of Somerset, submitted some information about the move of APEX's office on April 10th from Barker to Albion to combine Lighthouse Wind with Heritage Wind. On April 15th they hired a lobbyist through July 15th from Buffalo called Tola Strategies & Management for $5,000.00 monthly. The focus of the lobbying efforts is to look at zoning for wind turbines and municipal regulations. The parties to be lobbied are the Towns of Yates and Somerset, Assemblyman Hawley, Senator Ortt and both Orleans and Niagara County Legislatures. She submitted an article from the New York Times called "A Climate Conundrum: The Wind Farm Vs. The Eagle's Nest" which she thought was interesting because a biologist hired by APEX found an eagles nest near the proposed Galoo Island project site that was never mentioned in their application which was later withdrawn. One of the judges involved questioned the applicant's "character and fitness" because of this. She also submitted an article from South Dakota titled: "Helicopter in Harding Co. Scares Cattle While Looking for Nests" where a helicopter hired by APEX to look for eagles nests flew too close to a herd of cows and calves and scared them through the fence injuring many and killing two calves which she feels is another indication of their character like what the judge commented on.

Linda Fisk, Town of Yates, asked if the Town knew how soon the Town Park would be fixed.

Supervisor Simon said that the Town Park fix is on hold because the DEC wants to walk the ground again because initially the Town said that they wanted to put the park shoreline back to where it was before the flooding and the DEC said no, the park had to be remediated from where the shoreline is now and to stabilize that. So, the Town has asked for another meeting. He and Roger Wolfe will be in attendance. He said there's more to follow and they'll be lucky if they can get it done this year.

James Hoffman, Town of Somerset, thanked the Board for cosigning the letter to Mark Goodwin. He said that he knows that we're all anxious for the Lighthouse Wind demise of the project.

TOWN OFFICERS REMARKS

Dan Wolfe, Code Enforcement Officer, said that he has been busy with building permits and issuing generic permits to allow homeowners to install riprap and remediation to the lakeshore down at the lake. He said that he does have one concern with a resident who wants to reclaim her land (that is currently in the lake) by installing riprap. The DEC is saying no to the request so Dan would like to attend the meeting with Roger and Jim Simon next week where someone from the DEC will be present to ask about her particular case.

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Supervisor Simon said that he thinks that the only exception to this is where two adjacent properties that are at a certain position where the land in between is gutted out that the DEC may allow it.

Supervisor Simon asked the Assessor, Tricia Laszewski, what the tax implication would be if the Town acquired or was bequeathed the NYSEG lands around the Town Park with some of the available grant money thereby taking the land off of the tax rolls.

Tricia Laszewski, Town Assessor, said that she has already done some of those calculations and that the impact to the Town would be around $3,500.00 per year. She clarified that this was calculated using all of the parcels in the original map including the parcel of land East of the Town Park.

Supervisor Simon said that MRB is redoing the Park expansion design including an extra jetty based on comments received during the Town Workshop Meeting and at this point this is all conceptual.

Councilman Bradley mentioned that there will not be a swim program this summer because the pool at the Medina School is being renovated. He contacted the United Way to let them know that the money they designated for that would not be used for that purpose. The United Way Director checked with the Board Members who allowed us to keep the $2,000.00 for the year and use it toward the summer recreation program in general. He thanked the United Way for their decision.

Supervisor Simon said that they will be reaching out to folks as soon as possible about the Task Force.

ADJOURNMENT

Moved by Councilman Suhr, whereas there is no new business to be brought before the Board, the meeting be adjourned at 7:17PM.
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk

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