Town of Yates September Board Meeting
8 S. Main St., Lyndonville, NY 14098
September 12, 2019, 7:00PM

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

Excused: Roger Wolfe, Highway Superintendent
Trisha Laszewski, Assessor

Others :	Larry Wolfe	Cynthia Hellert	Richard Hellert
	Sue Seefeldt	Steve Royce	Maryellen Royce
	Betty Wolanyk	Alice Wolanyk	John Vogt
	Gail Vogt	James Hoffman	Georgette Stockman
	Ruth Doughty	Bob Doughty	Susan Dudley

Supervisor Simon called the September Board Meeting to order at 7:05PM.

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS

Supervisor Simon reminded the public that there will be two chances to speak during Privilege of the Floor. The first Privilege of the Floor, at the beginning of the meeting, is for agenda items only and the second Privilege of the Floor will be at the end of the meeting for any other concerns.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Donald Grabowski, Town of Yates, asked the Board why they are looking to expand the town park when they are not maintaining what is already there. He asked if any of the Board members have been down to see the exposed septic tank that is showing and asked if they have contacted the health department and if so why it hasn't been filled in yet. He said that there won't be money released until the work is done and then it's reimbursed. He said that the shoreline in one area is back 20-25 feet and near a table and that one of the hydrants is leaking. He said it's not practical to expand the park because it gets used by very few people. He feels that the Board is

not pushing hard enough to get things done down there and said that Golden Hill State Park was remediated the same year that it flooded.

Supervisor Simon responded that the DEC is getting ready to issue permits and that one of our resolutions tonight addresses remediation to the park and authorizes the bid work to be done; once that's done they'll have someone lined up to do the work. He said there are two issues: getting the work done that they were already authorized to do and the second is expanding the park. He explained that they can only move as fast as the State allows; they have to get the DEC and Army Corp of Engineers permits and they are close in doing so. He said that they were funded last year for the 2017 high water event and that a municipality has a different set of criteria to meet than a residence and that the process takes longer because of this. He explained that the Board formed a Task Force and he agrees the park needs to be fixed. He explained that there will be public hearings in the future where they will collect additional public comments.

RESOLUTION NO. 89-9/19

RESOLUTION TO APPROVE MINUTES

RESOLVED, to approve the minutes of the August 8, 2019, regular Board Meeting as presented to each Board Member.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 90-9/19

RESOLUTION TO AUTHORIZE WATER SHUT-OFF

WHEREAS, the Rules and Regulations for the Water District of the Town of Yates directs the Water Superintendent to shut-off water upon the request of the Town Board because of failure of payment by the consumer, and

WHEREAS**,** there are water accounts that are delinquent sixty (60) days after the end of the period, be it

RESOLVED, that the Town of Yates authorizes the Water Superintendent to turn-off water for non-payment of delinquent water accounts.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 91-9/19

RESOLUTION TO RE-APPOINT EDWARD JAY TO THE ASSESSMENT REVIEW BOARD

WHEREAS, Edward Jay's term on the Assessment Review Board will expire September 30, 2019, be it

RESOLVED, that Edward Jay shall be re-appointed to the Assessment Review Board commencing on October 1, 2019 for a 5 year term through September 30, 2024.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 92-19

RESOLUTION AUTHORIZING MRB GROUP TO PUT THE THREE LAKE SHORELINE PROTECTION AND REMEDIATION PROJECTS FUNDED BY THE 2018 NYS CDBG GRANT OUT TO BID

WHEREAS, once the Town of Yates has received all required permits for the three lakeshore protection and remediation projects funded by the 2018 NYS CDBG Flood Grant, be it

RESOLVED, the Town of Yates authorizes MRB Group to put the Yates Lake Shoreline Protection and Remediation Projects out to bid and to manage the bidding process on behalf of the town.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 93-9/19

RESOLUTION AUTHORIZING YATES TOWN SUPERVISOR TO SIGN CONTRACT FOR NEPA REVIEW FOR TOWN HALL HANDICAP RENOVATIONS

WHEREAS, the Town of Yates sought bids for completing the NEPA Review for the renovation of the Town Hall handicap access, be it

RESOLVED, the Town of Yates authorizes the Yates Town Supervisor to award the NEPA Review contract to Harrison Studio for $250.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 94-9/19

RESOLUTION TO PAY BILLS

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

RESOLVED to pay bills as follows:

Fund A (General – Town wide)	$ 35,357.92
Fund B (General – Outside Village)	$ 1,509.41
Fund DA (Highway – Town wide)	$ 16,967.08
Fund DB (Highway – Outside Village)	$157,221.03
Water 4-	$ 80,673.64
Water 2-	$
Youth-	$
Fire-	$
TOTAL	$291,729.08

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

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Sue Seefeldt, Town of Yates, asked if the Board has had a chance to review the email she sent last week about horse poop in the road. She explained that she is all for farming and grew up in a farming community. She said the problem occurs when when they are on a motorcycle and a car is coming down the other side of the road and they can't get around the mess in the road the

waste gets in the tires, gets on the blacktop driveway, and then in the garage. She thanked the Board for looking into it and looks forward to some kind of resolution.

Supervisor Simon responded that they had reviewed her email but that they had not come to a resolution about how they were going to approach it. They are still in conversation about it and said that they appreciate her insights on the issue, specifically that there are other municipalities that require the Amish and Mennonites to have the horses carry sacks to collect the manure. He explained that there are some concerns about the Right to Farm Law that are ongoing and they have not decided how to approach that yet. It's a work in progress.

Richard Hellert, Town of Yates, suggested that the Zoning Board look into a noise ordinance regulation. He doesn't think that it's a serious town wide problem but that in looking at other towns, some do have regulations on noise during certain hours which is probably an issue here at the lake. He asked that something be put into place so that people that may be in violation would be aware of it.

Supervisor Simon said that it was a good suggestion and that he would look into it along with the Planning Board.

John Vogt, 11213 Penny Lane, referred to a letter he sent to the Board about an Airbnb operating on his lane. He explained that they moved to Lyndonville and got along fine with their neighbors and that one day a stranger came walking out of his neighbor's home who said that he was a renter which blind-sided the other residents on the lane. He said that the next week instead of three renting the house next door there were eight. It causes a lot of noise and people coming in and out at all hours of the morning. Every week there are new people renting that they don't know. They looked into it and contacted the Code Enforcement Officer who went to speak with the owner directly and explained that section 570 of the Waterfront Residential neighborhood shows that he is breaking our rules. Mr. Vogt said that the homeowner ignored the Code Enforcement Officer so they all went to court in front of Judge Grabowski who stated that this was to stop today. Unfortunately, it didn't. He asked the Board to put themselves in his position and please enforce the law.

Judge Grabowski said that two lawyers are fighting over this; the Town lawyer and the home owner's lawyer and that he and Dan Wolfe let it go because the Town Board will decide what happens. The lawyers are allowing it to go on after Judge Grabowski and Dan Wolfe told the homeowner to stop.

Supervisor Simon said that the Board received his letter and a letter from another resident on Penny Lane and that the Board will be replying to the letters and that essentially the judge said that it has been pushed back because of the court challenge and that the lawyers are dealing with it. The Town Board passed a resolution last month asking the Planning Board to review the Zoning Law as part of our internal process to determine if it is adequate and sufficient. The Planning Board Chairman replied that the law is exactly how it should be and should be enforced. Now the Board has to decide whether to go with the Planning Board's recommendation to keep the law the same or to update the law to include more modern language addressing Airbnb and all of the other terms that are out there, but not necessarily change any of

the requirements like owner occupancy. At this point, the Board is not inclined to change the Zoning Law so the courts should be applying it as written which should resolve the problem.

Gail Vogt, 11213 Penny Lane said that this has been a problem for the last two seasons, not two months, and that just hearing cars come down the lane causes her to panic because she has no idea who is coming and where they are from. A huge tent was put up today in the owners front yard and they don't know if it belongs to the owner or if it is being rented as a party house with a porta potty and 80 chairs. She explained that if this is for the owner's personal use she has no problem with that. She questioned if it's for the renters, where is everyone parking. The point is, from day to day, they have no ideas what's going on. They are only asking for the law to be enforced.

Betty Wolanyk, Town of Somerset, said that she attended the Health Impacts of Industrial Wind Turbines hearing held by Senator Ortt. She addressed two items from that meeting. The first was that two of the speakers have experienced loss of sight and spatial disorientation, one after spending only a couple of days living in a home near wind turbines. She explained that she had no idea that there could be acute health impacts from wind turbines; she believed them all to be chronic in nature. Secondly, there were Sierra Club members at the meeting that left as soon as people began giving personal testimony about the harmful impacts from turbines. She believes that APEX is not done with their project because a lease holder was in attendance taking copious notes. She thanked the Board for their vigilance in protecting the residents.

Steve Royce, Town of Appleton, said that he was pleased to see on the DPS site for Lighthouse Wind a letter written by Supervisors Simon and Engert on August 19th a to APEX CEO Mark Goodwin reminding him of their unwelcome status in the Towns of Yates and Somerset. He also said that he assumes that Mr. Goodwin has not yet responded to the letter but he looks forward to the "other options" to which is alluded to in the letter.

Supervisor Simon replied that Mr. Goodwin has not yet responded. He added that they had written to the Governor, too, and he has not responded either.

TOWN OFFICERS REMARKS

Dan Wolfe, Code Enforcement Officer, said that he has been closing and issuing building permits. He will look at other noise ordinances from other towns and bring them to the Town and Planning Board's attention. He said that usually noise ordinances apply to hamlets but he thinks that waterfront residential would qualify for that kind of ordinance. He said that he had met with the Planning Board to look into other local laws regarding transient rentals. He said that the Planning Board decided to leave well enough alone. He thinks that one of the fears in trying to write another law is that it may give opportunity for those who have been operating these kinds of businesses to say that we're "grandfathered" and he personally does not want that to happen. He believes that the Planning Board made the right decision in saying that we should enforce what we have; a Bed and Breakfast requires a Special Use Permit; certain criteria is required like private lanes and owner occupancy. Hotels and motels for transients are not allowed in waterfront residential. The Planning Board believes that the lakefront is worth protecting and that we need to enforce the current zoning.

Councilman Suhr said that he understands the “poop issue” because the big rigs that spread a lot of stuff along with lawnmowers that shoot grass on the road can make a slippery mess especially when hit with a single wheel like with a motorcycle. This is more of a concern than the smell which we live with every day. He said who knows where the Airbnb issue is going. They have been dealing with it for a while now and he hopes that it can be resolved to make everyone happy.

Councilman Riggi wanted to express his concern over the Airbnb problem on the lakeshore. He lives on the lake and would be very unhappy to have something like this happening in his neighborhood. He told the Vogt’s that the Board will be working to resolve the problem.

ADJOURNMENT

Moved by Councilman Riggi, whereas there is no new business to be brought before the Board, the meeting be adjourned at 7:30PM.
Seconded by Councilman Suhr

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling,
Yates Town Clerk