Town of Yates November Board Meeting
8 S. Main St., Lyndonville, NY 14098
November 14, 2019, 7:00PM

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

Excused: Roger Wolfe, Highway Superintendent

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| Others : | Steve Royce | Maryellen Royce | James Hoffman |
| | Cynthia Hellert | Anne Smith | Richard Hellert |
| | William Jurinich | Paul Lauricella | Georgette Stockman |
| | Pam Atwater | Kate Kremer | Dennis Seekins |

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

**PLEDGE OF ALLEGIANCE**

**SUPERVISOR REMARKS**

Supervisor Simon mentioned that there will be an additional resolution that was not on the original agenda that came up later in the day. The resolution is titled: Resolution Authorizing Town Supervisor to Complete, Opt-Out of, and Sign the REDI Grant Engineering Report Form.

**CORRESPONDENCE**

Michele Harling brought to the Board's attention an Excellence in Equity award for 2019 from the New York State of Department of Taxation and Finance Office of Real Property Tax Services recognizing the Town of Yates for its efforts to provide property owners with fair and equitable assessments on the 2019 roll. This was as a result of Tricia Laszewski's town-wide revaluation project.

**PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY**

Paul Lauricella, Town of Yates, asked where the Board was with the budget. He asked if the $100,000 for the new tractor was in this budget. He asked the Board to find out how many hours are on the machine that we currently have, the year, and how exactly it will be replaced; what model, is it just a tractor and will it have implements.

Supervisor Simon said that there was a lot of discussion back and forth about water and whether or not to dip into reserves in order to cover the difference resulting from the Bond rather than increasing the rates. It was a decision they made during the preliminary budget phase and will be voted on tonight. If the Board's will is that they accept that logic then this will become the final budget. The reason is that it keeps the rate under the 2% tax cap and helps them to still focus on fund A reserves and getting it healthy.

Supervisor Simon said that they did not authorize the $100,000 tractor in this budget but that it is something that's on Roger's short-term goals to finance. It is conceivable that it could be financed next year; we'll have to see how the fund balance between A and DA flushes out before he can see if the money is available. The $100,000 is not in the budget but can be drawn from reserves if it's justifiable. Roger can propose that and the Board can pass a resolution but they will not be levying taxes to pay for it, they would be dipping into the reserves that Roger has after they do the math.

Anne Smith, Town of Yates, asked Supervisor Simon to further explain the Town Park resolution. She wanted to know what the proposed change was. She asked if there was going to be a Public Hearing about the Town Park Project. She didn't know that the money that was allocated from the Governor for the shoreline was going to be a part of the whole thing.

Supervisor Simon said that the resolution was developed late in the day and is on a fast-track because in June the Governor authorized the REDI Commission $300,000,000, we formed a Task Force, we made a recommendation that was approved and now we have to implement this. The State said that by December 2nd we need to opt in or opt out of using the State's Engineering Firm, O'Brien and Gear do the engineering proposal or what we would normally do is to put it out to bid. They would rather go that route and have local companies and firms compete for that money rather than have the State approved engineering firm do all of that work. He said that there is a requirement for Public Hearings. He said all of the Municipalities that were awarded grants will be meeting on November 20th in Albany. After that he will call for a meeting of the Task Force that will be open to the public. Then there will be the December Workshop Meeting and regular December Meeting and after all of that they will hopefully know when the Public Hearings must be held based on the rules of the grant. This next phase is very important for public input and has been open to the public for years starting with the development of the Comprehensive Plan where a local committee was also formed. He said that this proposal for the Town Park was in the Comprehensive Plan and subject to Public Hearings several times. He thinks that it will be a good project when it's done.

William Jurinich, Town of Yates, asked where the meeting dates and times will be posted. He also wanted to reaffirm that the Town has remained under the 2% tax cap with this budget.

Supervisor Simon said that information will be posted on the website and on the bulletin board in the Town Hall; Task Force Meetings, Town Board Meetings and Public Hearings. He affirmed that they are indeed under the 2% tax cap.

**RESOLUTION NO. 104-11/19**

**RESOLUTION TO APPROVE OCTOBER REGULAR BOARD MEETING MINUTES**

RESOLVED, to approve the minutes of the October 10, 2019 regular Board Meeting as presented to each Board Member.

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

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 105-11/19**

**RESOLUTION TO APPROVE MINUTES OF PRELIMINARY BUDGET PUBLIC HEARING**

RESOLVED, to approve the minutes of the November 7, 2019 Preliminary Budget Public Hearing as presented to each Board Member.

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

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 106-11/19**

**RESOLUTION TO ADOPT THE PRELIMINARY BUDGET AS THE TOWN OF YATES FINAL BUDGET FOR FISCAL YEAR 2020**

WHEREAS, a Public Hearing was held on November 7, 2019, at 7:00PM at the Yates Town Hall to present the Preliminary Budget and all persons wishing to be heard had a chance to speak, be it

RESOLVED that the Preliminary Budget be adopted as the Final Budget for the year 2020 and, be it

FURTHER RESOLVED, that a copy of such budget shall be attached to these minutes.

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

Councilman Bradley said that he will not be approving this because he looks at the amount to be raised by taxes for Water District #4 which with the principal and interest involved for the serial

bonds for the water districts amounts in 2020 to $199,522.69. In the proposed budget the number is $185,966.60 so they are under there. The $185,966.60 also includes using $45,000 of unreserved fund balance and currently they have just under $30,000 of fund balance and the numbers don't look good through the end of October; like there is much likelihood of increasing the reserve fund. So, he is not comfortable with moving forward. The $185,966.60 will involve the Level 1, 2 and 3 charges which are levied on the Town/County taxes. Those are being dropped to meet that number which is under the $199,000 and he is not comfortable with it and will not vote in favor of it.

Supervisor Simon said that his position has been that it seemed like there would have been a little bit of "Robbing Peter to pay Paul" if they didn't pull from the water district reserve to cover the $15,000 difference. They would have been pulling from a different reserve balance in order to keep under the tax cap so he kept using the criteria of remaining under the tax cap, not decreasing services and in this case the budget went up significantly for the fire district even though it went down for the ambulance and that also affected the bottom line. With all of those things considered he thought that this was the best way to go. He thanked Wes for his input and for doing the math and analysis because it should be monitored moving forward.

Councilman Bradley responded that he has a problem with using an unreserved fund balance of $45,000 when there is less than $30,000 there.

Supervisor Simon said that the only discrepancy that they may have is the $199,000 vs. the $185,000 and that $15,000 is available in unreserved. The reserved designated fund balance in water is $160,000 plus so there is quite a bit of money in reserve in Water District #4 which is designated so they can use it to help pay for the water tower to be painted.

4 Ayes 1 Nay (Bradley)

Motion: Carried

**RESOLUTION NO. 107-11/18**

**RESOLUTION TO ADD DELINQUENT WATER TO TAXES AND ADD $100.00 FEE**

WHEREAS, there are water customers with delinquent water bills that have been notified by mail that such bills not paid by November 13, 2019 will be relevied on their Town/County tax bill with an additional $100.00 fee, be it

RESOLVED, that the clerk shall send a list of said delinquent water bills to the Orleans County Real Property Director and levy unpaid water bills on the 2020 Town/County bills.

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

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 108-11/19**

**RESOLUTION ESTABLISHING UNIT CHARGES FOR LEVELS 1, 2 AND 3 OF WATER DISTRICT 4**

WHEREAS, the Town from time to time reviews Water District Unit Charges and makes adjustments as needed, and

WHEREAS, upon review as part of the 2020 budget process, the Town Board determined that a change in the unit charges is desirable, be it

RESOLVED, that the following Unit Charges are hereby established for Water District 4, effective January 1, 2020:

Level 1: $183.80
Level 2: $152.57
Level 3: $ 4.80

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

4 Ayes 1 Nay (Bradley)

Motion: Carried

**RESOLUTION NO. 109-11/19**

**RESOLUTION AUTHORIZING TOWN SUPERVISOR TO COMPLETE, OPT-OUT OF, AND SIGN THE REDI GRANT ENGINEERING REPORT FORM**

WHEREAS, the Town of Yates was awarded a $2.531M REDI Grant for the Yates Town Park, and

WHEREAS, the Town is required to decide no later than December 2, 2019, whether to Opt-In or Opt-Out of having the Engineering Report be completed through the NYS Department of Transportation or through a separate engineering firm no later than February 14, 2020, be it

RESOLVED, that the board directs the Supervisor to Opt-Out on the REDI Grant Engineering Report Form no later than December 2, 2019, and be it further

RESOLVED, that the Town commits to submit the Engineering Report by February 14, 2020.

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

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 110-11/19**

**RESOLUTION TO PAY BILLS**

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

RESOLVED to pay bills as follows:

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| Fund A (General – Townwide) | $ 51,338.98 |
| Fund B (General – Outside Village) | $ 2,937.83 |
| Fund DA (Highway – Townwide) | $ 39,289.35 |
| Fund DB (Highway – Outside Village) | $ 14,786.67 |
| Water 4- | $ 9,663.37 |
| Water 2- | $ |
| Youth- | $ |
| Fire- | $ |
| TOTAL | $118,016.20 |

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

Supervisor Simon said that he appreciates the Highway doing their best to stay under budget. He believes that they will be in good shape and thanked Roger for trying to stay under budget where possible.

5 Ayes 0 Nays

Motion: Carried

**PRIVILEGE OF THE FLOOR**

William Jurinich, Town of Yates, said that the REDI grant is for a lot of money and that when he looked at the plans for the break walls that are being proposed; he can't imagine the maintenance that will be involved in the future with them. He said that it's not the grant itself; it's the maintenance of the grant afterwards that may be the problem and should be taken into consideration. Some of the rock that was placed on the lakeshore just a couple of years ago has already washed out. He said that there used to be a beautiful concrete dock in that area years ago and now there's no sign of it.

Supervisor Simon said that's good input and the maintenance question for jetty's, access roads or a nature trail, is very much a part of the conversation. He said that Roger Wolfe is a part of the task force and will be part of these conversations.

Georgette Stockman, Town of Yates, submitted an article called: "As Wind Energy Thrives, So Does the Waste Problem" which discusses the difficulty in recycling wind turbine blades. The article said that "Researchers estimate that the U.S. will have more than 720,000 tons of blade material to dispose of over the next 20 years, a figure that doesn't include newer, taller, higher-capacity versions". It further stated that there aren't many options to recycle or trash blades and those available are expensive because the wind industry is young.

Paul Lauricella, Town of Yates, said that the appointed water Superintendent should be attending the Town Board Meetings to provide a report and explain what's going on with the water budget issues like those discussed earlier in the meeting. He said that the only way that he knew that the Highway wanted a new mower was because he heard it mentioned at a Workshop Meeting. He would like to hear this from the Highway Superintendent at a Town Board Meeting so he can explain to the taxpayers why a new tractor is needed.

Supervisor Simon explained that a lot of the monitoring of payments and revenues are done by the Town Clerk and the Bookkeeper and that the Water Superintendent is in charge of the maintenance of the water lines. This would be a separate question but the actual development of the budget and the numbers discussed is something that the Town Clerk does and creates a spreadsheet for to determine the different Level charges.

Kate Kremer, Town of Yates, mentioned that earlier this week there was a decision by the Siting Board to approve another Industrial Wind Project in New York State. When reading through that decision, she saw substantial discussion about Town Laws and whether or not they would be waived. In this case the Town was open to having their laws waived and the Siting Board did waive some of them. She thanked the Town of Yates for the work they did in putting forth and adopting a very comprehensive Town Law to take care of the health and safety of the residents and that will protect the environment and economy of the Town.

James Hoffman, Town of Somerset, submitted 2 articles about wind; one called: "Landfill begins burying non-recyclable Wind Turbine Blades" and the other titled: "Freedom United wins lawsuit over new Town of Freedom wind law. The first said that hundreds of giant windmill blades are being shipped to a landfill in Wyoming to be buried because they cannot be recycled. Their crushing equipment is not big enough to crush them. Another problem is that they are not exactly compostable. They will take hundreds of years to biodegrade. The second article discussed the possible end of the proposed Alle-Catt Wind Farm because a State Supreme Court Judge ruled the Freedom Town Board acted illegally in approving its new wind laws at the urging of the wind developer, Invenergy.

Dennis Seekins, Town of Yates said that he had given the Town Board books earlier in the year and asked for them back. He said that any Town Board member that has written notes in the books or has marked them up can keep them.

**TOWN OFFICERS REMARKS**

Dan Wolfe, Code Enforcement Officer, no report.

Tricia Laszewski, Town Assessor, said that Julie is currently attending a class in Batavia that is required for her Assessor's Certification. She will soon be preparing the renewal applications for the Agricultural Exemption, Non-Profit Exemption, and the Senior/AGED Exemption.

Councilman Suhr thanked all of the "Grass-Roots" people for all they've done and recognized we're still not over the hump and that "it's not over till it's over" and as these groups say that they appreciate the Board, the "Grass-Roots" groups are appreciated by the Board, as well.

Councilman Riggi said that he feels the same way that Councilman Suhr does.

Supervisor Simon said that he was pleased that the MET tower in the Town was taken down on Veteran's Day. He added that our Code Enforcement Officer, Dan Wolfe worked with the developer to get this done. He asked the audience if they knew what happened with the Town of Somerset MET towers. He said that he and Dan Engert will talk again and possibly pass a resolution in December calling for APEX's CEO to pull the plug on the project. He said that they will be past the point of no return for a number of reasons, not the least of which is the production tax credits expiring. He asked everyone to spread the word about the Town Park and said that this is not the "Jim Simon Town Park"; it was not conceived in a bubble. It was pretty well developed over the years and the original intent when the land was bought was to purchase the full 100 acres but that didn't happen. NYSEG is still not giving us that land nor are they selling it but the Town is still pressing to see if that will happen. It's got to be a town-wide conversation about what to do with it now that it has been approved, even if the Town says they don't want it the Board will have to vote. He doesn't know that the Town would want to turn down 2.5 million dollars but those are all things that are on the table, this is not a done deal. He said that he is excited about it and will not hold back his opinion. He recognizes that people and the Board may have a different opinion from him so he really wants everyone to engage in this so that they can make a good decision.

**ADJOURNMENT**

Moved by Councilman Suhr, whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:33PM.
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk