Town of Yates Organizational and Regular Board Meeting
8 S. Main St. Lyndonville, NY 14098
January 9, 2020, 7:00PM

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

Excused: Roger Wolfe, Highway Superintendent

Others:			
	Larry Wolfe	Bob LaPorte	Agnes LaPorte
	James Hoffman	Anne Smith	Cynthia Hellert
	Ralph E. Smith	Alice Wolanyk	Betty Wolanyk
	Pam Atwater	Steve Royce	Maryellen Royce
	Paul Lauricella	Sandy Lauricella	E. John Phillips
	Georgette Stockman	Agnes Recco	William Jurinich
	Jon Frasier		

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

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

Supervisor Simon wished everyone a Happy New Year and explained that Privilege of the Floor at the beginning of the meeting is for comments on agenda items only. He said it's his goal to post the regular Town Board agenda on the Town website and on the Town Hall counter the Tuesday before the meeting and to have a draft of the minutes available on Wednesday before the meeting. He explained that the Revenue and Expense report is also available each month on the Town website under the Supervisor's Report tab. He said that Privilege of the Floor at the end of the meeting is open for any comments but that those should be made directly to the Board and limited to three minutes. He said that the Board members may ask questions for clarification but there is no expectation for the Board to reply. He explained that anything said verbally will be summarized in the minutes; anything submitted in writing will become a part of the official minutes and kept with the minutes, but not posted on the website.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Ralph Smith, Town of Yates, questioned Resolution No. 29-1/20 and whether or not the Mennonite Community has been contacted about the proposed changes to the Yates Town Park through the REDI Grant and if their input is relevant, what the plan is to get them involved. He questioned Resolution No. 30-1/20 and if all of the 2019 bills have been presented for payment and if so, will all of the 2019 bills be paid as of tonight's meeting.

Anne Smith, Town of Yates, thanked the Board for entertaining Resolution No. 28-1/20- Opposing APEX and any attempt by the Article 10 Siting Board to waive the Town's Wind Local Law. She said that she totally agrees with this resolution.

Paul Lauricella, Town of Yates, asked about Resolution No. 29-1/20- the Town Park REDI Grant project and what will be discussed at that forum. He asked if this resolution will be explained further later on in this meeting. He asked why this project is moving so fast without the public knowing the actual cost and design of the project and asked if the Town is trying to meet a deadline.

RESOLUTION NO. 01-1/20

RESOLUTION TO ACCEPT THE MINUTES OF THE DECEMBER 26, 2019 YEAR END MEETING

RESOLVED, to accept the minutes of the yearend meeting held December 26, 2019 as presented to each Board Member.

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

3 Ayes 0 Nays 2 Abstain (Suhr & Hrovat)

Motion: Carried

RESOLUTION NO. 02-1/20

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 Riggi, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 03-1/20

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 Hrovat, who moved its adoption
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 04-1/20

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 Member----------James Taylor- 1/1/2020-12/31/2024
Planning Board Chairman----------Richard Kurz- 1/1/2020-12/31/2024
Planning Board Member----------Edward Urbanik- 1/1/2020-12/31/2024
Planning Board Member----------Ralph Smith- 1/1/2020-12/31/2024
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----------Jim Whipple
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 Hrovat

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 05-1/20

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----------Suhr (Chairman), Riggi
- Planning & Zoning----------Simon (Chairman), Whipple
- Public Works----------Riggi (Chairman), Hrovat
- 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 Suhr, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 06-1/20

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 Suhr, who moved its adoption
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 07-1/20

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

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 08-1/20

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 Hrovat, who moved its adoption
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 09-1/20

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 Whipple, who moved its adoption
Seconded by Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 10-1/20

RESOLUTION TO SET MILEAGE ALLOWANCE

RESOLVED, to reimburse Town Officers and Employees using personal vehicles for Town Business at a rate of $0.575 per mile.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 11-1/20

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 Riggi, who moved its adoption
Seconded by Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 12-1/20

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 Hrovat, who moved its adoption
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 13-1/20

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 Suhr, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 14-1/20

RESOLUTION TO SET SALARIES, WAGES AND COMPENSATION, EFFECTIVE JANUARY 1, 2020

MONTHLY

Legislative Board (4) ----------$ 3,275.00
Justice (1)----------$ 8,670.00
Supervisor----------$ 8,000.00
Supervisor Bookkeeper----------$14,700.00
Water Bookkeeper----------$ 3,300.00
Budget Officer----------$ 1,500.00

BI-WEEKLY

Town Clerk----------$46,614.00
Vital Registrar----------$ 600.00
Highway Superintendent----------$ 69,784.00
Cemetery Superintendent----------$ 5,798.00
Water Superintendent----------$ 14,976.00

HOURLY

Court Clerk----------$16.35
Deputy Clerk----------$13.08
Code & Zoning----------$23.65
Highway MEO 3 Plus Years----------$25.85
Highway MEO 2 Plus, Minus 3 Years--------$24.47
Highway MEO 1 Plus, Minus 2 Years--------$23.12
Highway MEO Starting Rate----------$21.76
Highway Part-Time Employee----------$11.80

Court Baliff----------$25.00 per summons
Dog Control----------$10.00 per summons +mileage
Assessment Review Board Chairman---------$130.00 Annually
Assessment Review Board Member----------$130.00 Annually

Election Inspectors as follows:
Training----------$25.00
Primary 9 hours @ 11.80----------$106.20 per day
Election 15.5 hours @ 11.80----------$182.90 per day
Registration 7.5 @ 11.80----------$88.50 per day

Registration 4 @ 11.80----------$47.20 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 Riggi, who moved its adoption
Seconded by Councilman Suhr

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 15-1/20

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 Hrovat, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 16-1/20

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 Hrovat, who moved its adoption
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 17-1/20

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 $332,000.00 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 Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 18-1/20

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 Hrovat, who moved its adoption
Seconded by Councilman Suhr

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 19-1/20

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 Hrovat, who moved its adoption
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 20-1/20

RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENT FOR LEGAL SERVICES WITH WEBSTER, SCHUBEL & MEIER LLP

LEGAL SERVICES AGREEMENT

THIS AGREEMENT made as of the 1st day of January, 2020, 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:

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 $205.00 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.

The terms of this Agreement shall be for the period of one (1) year from January 1, 2020, to December 31, 2020. 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 Suhr, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 21-1/20

RESOLUTION TO COMPENSATE DEPUTY HIGHWAY SUPERINTENDENT FOR TIME WORKED

RESOLVED, David Hydock, as Deputy Highway Superintendent, will receive $3,000.00 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 2020, April 2020, July 2020 and October 2020.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 22 -1/20

RESOLUTION TO SET CODE ENFORCEMENT TIME AND PAY

RESOLVED, the Code Enforcement Officer shall be paid $23.65 per hour and shall work Mondays from 8:00AM until 4:30PM, he shall be allowed 4 Vacation days and 2 Personal days. All other time shall be made up.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 23-1/20

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, 2019, 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 Hrovat, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 24-1/20

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 Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 25-1/20

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 each quarterly billing period, be it

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

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 26-1/20

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 Whipple, who moved its adoption
Seconded by Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 27-1/20

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 Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 28-1/20

RESOLUTION TO OPPOSE APEX CLEAN ENERGY'S LIGHTHOUSE WIND PROJECT AND ANY ATTEMPT BY THE ARTICLE 10 SITING BOARD TO WAIVE THE TOWN'S WIND LOCAL LAW AND TO AUTHORIZE SUPERVISOR TO COSIGN LETTER WITH TOWN OF SOMERSET SUPERVISOR TO APEX CLEAN ENERGY CEO AND THE ARTICLE 10 SITING BOARD OUTLINING THE TOWN'S OPPOSITION

WHEREAS, Apex Clean Energy, through its subsidiary, Lighthouse Wind LLC, has advanced a proposed 201 MW industrial energy facility in the Town of Yates and the Town of Somerset since 2014, and
WHEREAS, under the NY State's Article 10 Law, the NY State Board on Electric Generation Siting and the Environment must consider any local law ordinance, but may disregard such local law or ordinance if the Siting Board finds it to be unreasonably burdensome, and

WHEREAS, in 2016 and again in 2018, the Yates Town Board listened carefully to the residents of the town and adopted local laws based upon relevant scientific data, recent studies and technological advances, due consideration of the Western Orleans Comprehensive Plan, and in-depth analysis of the local environmental, economic and cultural conditions of the town, and

WHEREAS, the local laws in the Town of Yates aim to regulate the placement of commercial and industrial wind energy conversion systems to protect the public safety, health and welfare; to provide a regulatory structure that promotes the protection of the Town's residents; to minimize the adverse impacts on the Town's character, environment, economy and property values; to minimize negative impacts on the Town's unique resources including but not limited to the Great

Lakes Seaway Trail, the Lake Ontario shoreline corridor and adjacent lands, waterways and watersheds, and the residential and farming communities of the Town, and

WHEREAS, the Siting Board recently approved a wind project in Case No. 16-F-0328 Application of Number Three Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Wind Project in Lewis County, and

WHEREAS, in the decision approving Case No. 16-F-0328, the Siting Board stated, "Other ways a Town can make its intent known with respect to this issue is through the filing of testimony in the proceeding or a town resolution making clear that it does not object to the waiver of specific local laws," and

WHEREAS, the Town of Yates desires to express to the NY State Board of Electric Generation Siting and the Environment that the Town of Yates explicitly objects to the waiver of any local law, and

WHEREAS, over the past 5 years via multiple town board resolutions and case filings with the Siting Board, the Town of Yates has repeatedly called upon Apex Clean Energy to completely cancel the Lighthouse Wind LLC project, be it

RESOLVED, that the Yates Town Board categorically opposes the waiver of any Town of Yates local law in regards to the application of Lighthouse Wind LLC for a certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to construct a 201 MW Wind Energy Facility, and be it further

RESOLVED, that the Yates Town Board authorizes the Supervisor to cosign another joint letter with the Town of Somerset Supervisor to the CEO of Apex Clean Energy calling for the cancellation of the Lighthouse Wind LLC project, and be it further

RESOLVED, that the Town of Yates Clerk is hereby directed to file a copy of this resolution and the above joint letter with the NY State Public Service Commission under Case No. 14-F-0845, and to send official copies of the resolution and letter to President Donald Trump, Senator Chuck Schumer, Senator Kirsten Gillibrand, Governor Andrew Cuomo, Lt Governor Kathy Hochul, State Senator Rob Ortt, State Assemblyman Steve Hawley, Orleans County Legislature Chair Lynne Johnson, Niagara County Legislature Chair Rebecca Wydysh, Town of Somerset Supervisor Jeffrey Dewart, Lyndonville Mayor John Belson, Lyndonville Central School District Board of Education President Ted Lewis, Barker Central School District Board of Education President Randy Atwater, and Orleans County Industrial Development Agency Executive Director Jim Whipple.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 29-1/20

RESOLUTION TO SET THE DATE FOR A PUBLIC FORUM AND PUBLIC HEARING FOR THE YATES TOWN PARK REDI GRANT PROJECT FOR FEBRUARY 13, 7:00PM AND 7:30PM RESPECTIVELY AND TO ADJUST THE START TIME FOR THE YATES MONTHLY TOWN BOARD MEETING

WHEREAS, the Town of Yates was awarded a $2.531 million NY State Resiliency and Economic Development Initiative (REDI) Grant for the Yates Town Park, and

WHEREAS, the Yates Town Park Task Force should be making final recommendations to the Town Board following its final meeting on Monday, February 10, 5:30 – 7:00pm, and

WHEREAS, the Town Board is keenly interested in receiving as much feedback from the Town residents about the Town Park project as possible before making a final decision to accept the REDI grant, be it

RESOLVED, that a Public Forum will take place on Thursday, February 13, 7:00 – 7:30pm at the Yates Town Hall, 8 S. Main St, Lyndonville, NY, 14098, and be it further

RESOLVED, that a Public Hearing will take place on Thursday, February 13, 7:30pm at the Yates Town Hall, and be it further

RESOLVED, that the Yates Monthly Town Board meeting will immediately follow the aforementioned Public Hearing at approximately 8pm.

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

Supervisor Simon said that the Public Forum will be similar to what they did at the Town of Shelby for the Comprehensive Plan. At 7:00pm on the 13th of February he plans to have a placard up with the final design that the Task Force is representing along with the final cost breakdown recommended to the public and to the Town Board along with an informal period for interaction between residents, Town Board members and those Park Task force members that attend. At 7:30pm the Public Hearing will open and will be run like a formal meeting with minutes being taken. The Town Board will start immediately following the Public Hearing. He added that the Town is up against a deadline. The State has requested final acceptance of the grant no later than March 16, 2020 and our timeline is based on that date.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 30-1/20

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)	$ 40,188.72
Fund B (General – Outside Village)	$ 1,719.81
Fund DA (Highway – Townwide)	$ 17,865.98
Fund DB (Highway – Outside Village)	$ 9,722.20
Water 4-	$100,099.63
Water 2-	$
Youth-	$
Fire-	
TOTAL	$169,596.34

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

Supervisor Simon said that the bills are not all in and that it could take a bit longer. He said that we have to tweak a bill from MRB for the Lakeshore Remediation Grant project and we are still expecting a bill from Lippes Mathias that will come out of the 2019 budget. He said that it will be wrapped up by the end of February one way or another and that we don't have too many loose ends.

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Bill Jurinich, Town of Yates, asked if the figures and solid plans will be ready for the public forum on the 13th because he attended the last two meetings and it didn't seem like they were close to anything final. He also asked if anyone has talked to the State of New York about getting an extension to the deadline date, especially with so much money being spent. He said that many years and thousands of dollars were spent fighting the windmills and now that the State has found some mystery money, in spite of their 6 billion dollar deficit, we are going to jump into this project in 6-8 months and the best we can do is upgrade the Town Park. He asked the Board to slow down.

Ralph Smith, Town of Yates, asked if there was any news on the garbage pick-up issue.

Supervisor Simon said that all of the Highway Superintendents along the shoreline will be riding along with a Modern Waste Disposal specialist down every firelane within the next week or two. Councilman Suhr will be riding along, as well. The group will indicate using a green, yellow,

and red light theory the status of each lane. Green light meaning the lane is fine for garbage pick-up, yellow light meaning they will pick-up if the following conditions are met and red light meaning the lane is unsafe and the garbage trucks will not go down those lanes. He expects the Town to have a better idea of the situation by the end of January. He knows that this affects a lot of people and wished that he had more information.

Sandy Lauricella, Town of Yates, asked if anything was put in the Pennysaver about the REDI Grant public hearing being held in February. She's worried that there may be people that don't get the Batavia Daily News or use computers and won't be aware of the forum.

Michele Harling said that the Town's Public Hearing notices are printed in the Batavia Daily News and are posted on the Town of Yates website.

Supervisor Simon said that especially the Mennonite and Amish communities should be contacted and asked the Town Clerk to speak with them directly and share the date of the Public Hearing if possible at the Town Hall counter.

Anne Smith, Town of Yates, asked if it would be possible for either the Town or Village to have a community dumpster, especially for the Lakefront Residents, to bring their refuge to so that they aren't throwing their recyclables in with the regular garbage in the event that Modern stops picking up the recyclables on any of the firelanes.

Supervisor Simon said that this has been discussed but this will probably be partly up to Modern. The question then becomes where this will go, the problem being the number of people on the lane and where all of that garbage will be placed if it has to come up on the road. The space at the road may be a problem.

Paul Lauricella, Town of Yates, said that he is strongly opposed to using any funds from the Lyndonville Area Foundation for the REDI grant park expansion project. He said that the Board should approach the taxpayers and ask if they are interested in this. He feels that because of the people on the local Boards it's a conflict of interest to approach the Lyndonville Area Foundation for money. He said that Governor Cuomo is dumping money all over Orleans County for solar projects. He said if the lake levels keep pounding the shores the State will start relocating people (Agenda 21) and that this is his goal. He said that the Governor is also proposing Article 10 for the Town's local zoning. He said that the State is 6.5 billion dollars in debt and still giving money away. He hates to hear politicians say "If we don't take the money somebody else will". He said that the park will have to be maintained by the taxpayers and our population here is declining.

Betty Wolanyk, Town of Somerset, attended a meeting in Cambria to learn more about industrial solar. The speaker was Charlie Fendt who is an expert in electricity and the grid. His presentation was to warn communities about the issues and dangers of renewable energy generation and storage. She outlined the proposed specs of the Hartland Ridge View Solar Project and said that it will be monitored from the operations control center in San Diego, California which is dangerous. She outlined many solar panel issues like solar panel fires, the

release of toxic gases, lithium ion storage fires and/or explosions and gases, the panels are always live, wind damage to the glass panels, subsurface drainage and recycling issues.

James Hoffman, Town of Somerset, thanked the Board for Resolution No. 28-1/20 and their continued fight against the APEX Lighthouse Wind Project. He thanked the Board for their past opposition and thanked them for their support in holding off APEX for the last 7 years. He shared that Senator Rob Ortt said that this project is on life support but we still have to pull the plug. He said one MET tower is still up in the Town of Somerset so there is still work yet to be done.

REPORT OF TOWN OFFICERS

Dan Wolfe, Code Enforcement Officer said that he met with the Planning Board and discussed the additions to the zoning definitions "Hotel/Motel", "Bed and Breakfast" to included Airbnb, and the definition of "Transient". He will be meeting with the Town Attorney, Andrew Meier, to discuss these proposed changes. He will be talking to Donald Grabowski with the Lyndonville Fire Department on preparing a "soft letter" to be sent to those residents without house numbers posted on their homes. This will be a gentle reminder and not a violation letter at first but he stressed that this is important for emergency responders.

Trisha Laszewski, Town Assessor, said that all exemption renewal forms have been mailed and that only new Enhanced STAR for those turning 65 this year need to come in and see her before March 1, 2020. This is a one-time application and then the exemption is handled by New York State after that.

Councilman Suhr showed the audience the brand new windmill that was installed in the Bronx. All 3 propellers snapped off and ruined a billboard but thankfully no one was hurt. He said that this is why they want the windmills out here. He's glad that the Town Board put a halt to this project. He said unfortunately now we're going to have to fight the solar people.

Councilman Riggi welcomed Sue Hrovat to the Board and thanked her for serving. He mentioned that Paul Lauricella had discussed earlier the potential to relocate people if their homes have been damaged and they cannot afford to fix them. He said that this legislation has not been passed but it is being considered. He said it's pretty scary that the Government can declare eminent domain over someone's property, this is dangerous, and the Board should be looking out for that kind of thing. He also mentioned the APEX project and stated that the Board has been at it for 7 years now. He said that you can see from the results of the elections that the Board remains steadfastly opposed to it and will remain that way and will continue to throw punches. He said it has been quieter for the last few months but to expect to see things coming because the Board is not happy that the MET tower has not been removed from Somerset and that the project has not been removed from the NYISO queue and that they have not stopped the Article 10 proceeding. He said they need to get out and this may be the year that we can finish these guys off once and for all.

Councilman Whipple welcomed Councilman Hrovat to the Board.

Supervisor Simon welcomed Councilman Hrovat to the Board. He said that he has a teleconference meeting with the Department of State that oversees the REDI Grants and he will ask if the deadline can be extended because that is a fair question. They have been operating on the assumption that these projects are on a fast-track with deadlines but maybe they have gotten other feedback from Municipalities that they, too, need a little more time. He said that the $6 billion dollar deficit makes him sick, yet he believes earnestly that the work that was done by the Comprehensive Plan Committee and the LWRP Committee is bearing fruit and that some of the things that were identified in these plans are very positive things for the Town. He said that when he and Paula decided to move to this area he was drawn to the library, the school and the Town Park on the lake; these types of things draw people and may, if enhanced certain ways, stave off this exodus caused by Albany. He said that he is 1 vote of 5 when it comes down to whether or not we accept this grant. He verified with Councilman Whipple that the industrial solar PILOT discussions that were on the HUB are being treated the same way as wind. For those that are not aware, when the Town opted out of RPTL487, it said that whoever comes here as a developer that their starting point is they are going to pay full taxation on whatever investments they make. That still stands and applies to wind, solar and bio fuels so this Town is in that position. He believes that's the reason why we haven't had any inquiries about industrial solar projects. Certainly APEX knows that and although they have said over the years that this doesn't matter the Board knows that it does. Councilman Riggi has done the math and APEX would be paying like 5 times more than they would trough a PILOT. He asked what Town would be crazy enough to accept a PILOT when they could be getting 5 times that amount. He said that if a solar company shows up tomorrow and asks if the Town is interested he'll tell them that we've opted out of RPTL487 and they will no longer be interested. He wanted to address this for those that were concerned about industrial solar and thanked the audience for the information on solar batteries.

ADJOURNMENT

Moved by Councilman Riggi, whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:50PM.
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk

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	[redacted]		☐	1/1/20-12/31/24	22.45	☐
Councilman	6.00	James Whipple	[redacted]		☐	1/1/18-12/31/21	1.50	☐
Councilman	6.00	John Riggi	[redacted]		☐	1/1/20-12/31/24	7.56	☐
Appointed Officials								
					☐			☐
Code Enforcement Officer	8.00	Daniel Wolfe	[redacted]		☐	1/1/20-12/31/20	4 Days	☐
Deputy Town Clerk	6.00	Dawn Metty	[redacted]		☐	1/1/20-12/31/20	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 9 day of January, 20 20 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 9 day of January, 20 20, Michele L Harling (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 01/9/2020 (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)

Office of the New York State Comptroller

NYSLRS

New York State and Local Retirement System

110 State Street, Albany, New York 12244-0001

Please type or print clearly in blue or black ink

Employer Location Code

Received Date

Standard Work Day and Reporting Resolution for Elected and Appointed Officials Continuation Form

RS 2417-B

(Rev.09/18)

Title:	Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs	Name: (First and Last)	Social Security Number: (Last 4 digits)	NYSLRS ID:	Tier 1 (Check only if member is 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:								
Councilman	6.00	Susan Hrovat	[redacted]		☐	1/1/20-12/31/24	1.50	☐
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Appointed Officials:								
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Employer: Town of Yates Location Code: 30101 Page 2 of 2 (use with form RS 2417-A)

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 9 day of January, 20 20

Michele L Harling
(Signature of clerk)

Date enacted: January 9, 2020

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 9 day of January, 20 20 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

MRB Group
Employee Contact List

TO: Our Valued Clients

December 10, 2019

The following is an abbreviated list of MRB Group Staff for your use in contacting us:

Employee with E-Mail Address	Cellular
Chatfield, Paul **paul.chatfield@mrbgroup.com**	**585-506-6059**
Oberst, James **J.oberst@mrbgroup.com**	**585-703-7257**
Schepp, John Paul **jpschepp@mrbgroup.com**	**585-732-8811**
Hetzer, James Jim.hetzer@mrbgroup.com	585-509-2845
Hinman, Jonathan Jon.Hinman@mrbgroup.com	585-703-1455
Mattison, Scott Scott.Mattison@mrbgroup.com	585-313-7569
Moran, Emilio Emilio.Moran@mrbgroup.com	323-804-8879
Nesbitt, James nesbitt2497@aol.com	585-964-2497 (Home)
Raymond, Ronald ron.raymond@mrbgroup.com	585-749-1782
Schlieter, Chris Christopher.schlieter@mrbgroup.com	585-507-5353
VanTroost, Steve steve.vantroost@mrbgroup.com	585-748-6362

You can always reach our President, Ryan Colvin by cell at **585-703-7262** or by email at **rcolvin@mrbgroup.com.**

MRB | group

145 Culver Road, Suite 160
Rochester, New York 14620
Telephone: 585-381-9250
www.mrbgroup.com

The MRB Group rates for 2020 are as follows:

Senior Project Manager (Paul Chatfield) $189/hour

Project Manager (Jon Hinman) $175/hour

Civil Engineer II (Emilio Moran) $120/hour

Design Technician (John Laing) $90/hour

Resident Observation (Various) $85/hour

Our Capital Project fees will remain as previously agreed upon.