Town of Yates August Regular Board Meeting
8 S. Main St., Lyndonville, NY 14098
August 13, 2020 7:00PM

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

Excused: Roger Wolfe, Highway Superintendent
Trisha Laszewski, Assessor

Others : Paul Lauricella Larry Wolfe Bill Jurinich

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

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

No comments.

CORRESPONDENCE

No comments.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Paul Lauricella asked which grant the excessive force resolution supported. He asked about resolution 78-8/20 and if the Town would be able to get outside funding to help with the expense of the coalition. He said that he is opposed to Resolution No. 76-8/20, to exceed that tax cap.

Supervisor Simon said that the excessive force resolution was to satisfy a CDBG regulation for the Town Park Remediation grant in the amount of $414,500 that is just about finished. LaBella Associates was the point of contact for this grant and let us know that it was a requirement. He said that there is not a specific grant out there that will help cover the cost like Councilman Hrovat had suggested at the Workshop Meeting, but there are 2 other Towns that have joined the coalition and they're hoping to get more Towns to join which would decrease the cost.

RESOLUTION NO. 74 -8/20

RESOLUTION TO APPROVE MINUTES OF THE JULY REGULAR MEETING

RESOLVED, to approve the minutes of the July 9, 2020, 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. 75 -8/20

RESOLUTION TO APPROVE MINUTES OF THE AUGUST PUBLIC HEARING

RESOLVED, to approve the minutes of the August 10, 2020, regular Public Hearing 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. 76-8/20

RESOLUTION TO ADOPT LOCAL LAW 3 OF 2020 KNOWN AS A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

WHEREAS, proposed Local Law No. 3 of the Year 2020, 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 9th day of July, 2020, 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 10th day of August, 2020, was duly published in the Batavia Daily News, the official newspaper of the Town of Yates, on July 24, 2020, 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 10th day of August, 2020, 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. 3 of the Year 2020 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c."

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

Councilman Whipple said that he was going to vote for the resolution because he thinks that it's the right thing to do but that he was concerned that with the legal fees that the Town is starting to see; that those legal fees do not cause the Town to exceed the tax cap as seen in the Town of Somerset where the guy left and went to Florida after incurring hundreds of thousands of dollars worth of legal fees. He is adamant about all of these legal fees.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 77-8/20

RESOLUTION TO ADOPT EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES POLICY

WHEREAS, the Town of Yates, State of New York, has made application for Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications;

BE IT RESOLVED, that pursuant to the Town of Yates being granted CDBG funds by the State; the Town of Yates, by administrative act, does adopt a statement of policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.

Offered by Councilman _____, who moved its adoption
Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

The resolution was tabled until next month as no motion was brought before the floor. Kathy Dear from LaBella Associates highlighted a couple of additional points earlier today and said that if the resolution didn't pass today that she would be willing to talk to the group and help grapple with any of the board's concerns.

RESOLUTION NO. 78-8/20

RESOLUTION AUTHORIZING TOWN SUPERVISOR TO SIGN A CONTRACT WITH LIPPES / TRY SAIL FOR THE "IT'S OUR TOWN" COALITION

WHEREAS, the recently enacted Section 94c law of NY State is a direct threat to municipal home rule as protected by Article 9 of the NY State Constitution, and

WHEREAS, a significant number of towns and several counties have passed Section 94c "Sanctuary Town" resolutions or "Local Control" resolutions in opposition to Section 94c, and

WHEREAS, a growing number of state actions regarding land use and other policies have increasingly undermined municipal home rule, be it

RESOLVED, that the Town of Yates authorizes the Yates Supervisor to enter the Town into a $6,300 contract with Lippes (et al) / Try Sail for the launch and FY2020 sustainment of the “It's Our Town” coalition.

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

Supervisor Simon said that hopefully everyone has had a chance to read the email and to answer Paul’s question, there are 2 other Towns that have joined the coalition; Cambria and Somerset, who are contributing more than we are. That is helping us to kick start the coalition for the first few months and to allow for more towns to join and decrease the cost as quickly as possible. He spoke to Councilman Whipple’s point; this fiscal year our legal services law contractual will probably be exceeded. If it is they are going to have to take some of the money that they were hoping to put against the negative reserve fund and the general town-wide fund and put towards this but looking toward next year when developing the budget, try to accommodate that this may be one of the concerns that they have to cover.

4 Ayes 1 Nay (Whipple)

Motion: Carried

RESOLUTION NO. 79-8/20

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)	$ 55,506.36
Fund B (General – Outside Village)	$ 1,369.07
Fund DA (Highway – Townwide)	$ 24,724.01
Fund DB (Highway – Outside Village)	$ 11,036.84
Water 4-	$ 69,304.06
Water 2-	$ 38,383.68
Youth-	$
Fire-	
TOTAL	$200,324.02

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

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Paul Lauricella asked if David Hydock retired and if so, why didn't anybody know about it. He wondered why it wasn't in the minutes. He asked if Roger could step up and work for a year to cover the recent vacancy. He asked about David's retirement because when Roger retired, it wasn't announced; he retired from the State and kept working for the Town. He could only do that because he is an elected official. He asked about cell towers in the Town because the reception here is horrible.

Supervisor Simon responded that it was the normal retirement process and that everyone handles their retirement differently. A small farewell party was held with the Highway and the Board sent a card, it was low-key. He added that there is not a retirement requirement for a board resolution but that there was some discussion for reimbursement of accumulated sick days. He said that the Highway has been working with a part-time person since David retired but that a full-time person will need to be hired after talking with Roger Wolfe, Highway Superintendent. The savings were good during the months that the Highway used a part-time worker. He asked Roger about the highway's level of service without an additional full-time worker and Roger said that we are running behind on town projects without the extra help.

Supervisor Simon said that there is a permit open for a cell tower that is being pursued.

Dan Wolfe, Code Enforcement Officer, said that there was a Special Use Permit issued for a cell tower to be built on the corner of the County Line Road. He doesn't know why it has not been erected yet. He said that hopefully it will help with local service.

Bill Jurinich was told by a person at Verizon that they are planning, within a year to a year and a half, to put up 15 towers in Orleans County. He said that Spectrum is out working and they were in front of his house this week putting cables on the poles. He said that without the booster service that he pays for, he wouldn't have any cell service at his house.

Councilman Hrovat said that there was a meeting of the local Orleans County School Superintendents to discuss the issue because we're all online now and there are a lot of kids in the County that don't have access to internet. She spoke to Assemblyman Hawley's office about it and they're trying to get a plan together to push for it. He has pending legislation in place and is waiting to see if it will move forward and make cell phone towers a requirement in every area. They need to hear some noise from us out here because they don't and there aren't that many of us. The schools, supervisors, superintendents, school boards and kids in the area are our biggest population. We need to get these people together. She would like to learn more about it and will be meeting with the Lyndonville School Superintendent, Jason Smith next week. She said that once the schools are on board then the towns can back them up with their support because it is definitely needed. Assemblyman Hawley's office said that they don't want petitions in support of additional cell towers, they want letter and post card drives.

Councilman Suhr said that they want to put more hot spots up so that the whole county can be covered. He added that there are a few companies working toward that goal but that it's taking forever.

Supervisor Simon said that if anyone has questions about cell towers to contact Dan Wolfe, Code Enforcement Officer, because a Special Use Permit is required from that office.

Dan Wolfe said that it is approximately a 2-3 month process.

Paul Lauricella said that the Town had pursued a grant for historical purposes across the street and asked where that stands. He asked if indeed it was granted and if anything has started. He also heard that the owner was awarded $500,000 and asked why nothing is happening there. He looks for progress but does not see anything happening, it all looks ripped apart.

Supervisor Simon said that the Town endorsed the grant request that went out from the Village for the historic designation. He said that he believes that a good portion of the request was granted. He suggested that Paul contact the Village of Lyndonville for the latest updates. He said that most of the grant focus is on the Weber Hotel piece and the additional money would help with the old Pennysaver portion of the building.

Dan Wolfe said that the owner had not yet received the money that was awarded. He added that the owner has been working on the Weber building and that behind the façade the work that has been done is beautiful. The inside is all studded and Dan is ready to issue a building permit and is just waiting for architectural drawings. From what he understands, the owner does not receive the grant money until after they have spent their own money and these structures needed a lot of work. He said we have a home town boy here that is willing to put his own money into this project so we owe him the time he needs to complete the project. He said that it has been finished so far to be historically correct and it looks amazing.

TOWN OFFICERS REMARKS

Dan Wolfe said that he has been working on property maintenance issues with the house that burned on the Roosevelt Highway. He talked to our Town Attorney who asked that Dan try to find a responsible party to that property. He said that there is a mortgage holder at that property and that the taxes have been paid. He also contacted the owners of 2 other properties on the North Lyndonville Road that are in bad condition and have been abandoned.

ADJOURNMENT

Moved by Councilman Riggi, whereas there is no new business to be brought before the Board, the meeting be adjourned at 7:22PM.
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk