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

Present: Jim Simon, Supervisor
Susan Hrovat, Councilman
Jim Whipple, Councilman
Harold Suhr, Councilman
John Riggi, Councilman
Michele Harling, Town Clerk
Trisha Laszewski, Assessor

Excused: Roger Wolfe, Highway Superintendent
Dan Wolfe, Code Enforcement Officer

Others : Georgette Stockman

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

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS

No remarks.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

No comments.

RESOLUTION NO. 85-10/20

RESOLUTION TO APPROVE MINUTES

RESOLVED, to approve the minutes of the September 10, 2020 regular Board Meeting as presented to each Board Member.

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

4 Ayes 0 Nays 1 Abstain (Suhr)

Motion: Carried

RESOLUTION NO. 86-10/20

RESOLUTION TO ADOPT THE TENTATIVE BUDGET AS PRELIMINARY BUDGET FOR THE YEAR 2021

WHEREAS, the Town Clerk presented the Town Board with the Tentative Budget on October 4, 2020 and the Board has had a chance to review such Budget and confer, be it

RESOLVED, that the Tentative Budget be adopted as the Preliminary Budget for the year 2021.

Supervisor Simon apologized for the late tweak of the budget and explained that he should have the revised version available on Tuesday.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 87-10/20

RESOLUTION TO SET PUBLIC HEARING FOR PRELIMINARY BUDGET

WHEREAS, the Preliminary Budget has been approved, be it

RESOLVED, to set a Public Hearing for the adoption of the Preliminary Budget on November 5, 2020 at 7:00PM at the Yates Town Hall, 8 South Main Street, Lyndonville, NY 14098.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 88-10/20

RESOLUTION TO MOVE THE NOVEMBER WORKSHOP MEETING TO NOVEMBER 5, 2020 AT 6:00PM

WHEREAS, the Public Hearing for the Preliminary Budget is scheduled for November 5, 2020 at 7:00pm and the Board would like to hold its Workshop meeting the same night, be it

RESOLVED, to move the November Workshop Meeting to November 5, 2020 at 6:00pm.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 89-10/20

RESOLUTION TO ADOPT RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-01) REPLACING CO-2, MU-1, MI-1, AND ED-1 SCHEDULES

WHEREAS**,** The State Archives revised and consolidated its local government records retention and disposition schedules and issued a single, comprehensive retention schedule for all types of local governments on August 1st, 2020, be it

RESOLVED, by the Yates Town Board of the Town of Yates that Retention and Disposition Schedule of New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein, and be it

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 90-10/20

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 as no motion was brought before the floor.

RESOLUTION NO. 91-10/20

RESOLUTION TO WAIVE WATER DISTRICT #2 AND #4 LATE FEES AND PENALTIES RELEVIED ON 2021 TOWN TAX BILLS

WHEREAS, there are water customers with delinquent water bills that have not been paid by the consumer sixty (60) days after the end of the period, and

WHEREAS, the Rules and Regulations for the Water District of the Town of Yates states that all delinquent charges shall be a lien against the property and be relevied on the Town and County tax bills, and

WHEREAS, the Public Service Law enacted a moratorium on disconnecting residential electricity, gas, steam, telephone, and water customers during COVID-19 state of emergency, and

WHEREAS, the law does not eliminate a customer's obligation to pay for service and instead requires water systems to offer deferred payment agreements with no money down, late fees, or penalties to customers who would otherwise be subject to be disconnected for nonpayment, be it

RESOLVED, that the Town of Yates will forgive late fees and penalties for water bills relevied on the 2021 Town and County tax bills in both Water Districts #2 and #4.

Supervisor Simon said that the Town received a notice from the Public Service Commission which was due to COVID. Town Attorney Andrew Meier was contacted for his opinion and recommended that we waive the late fees and penalties this year.

Offered by Councilman Riggi, who moved its adoption

Seconded by Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 92-10/20

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)	$ 37,353.89
Fund B (General – Outside Village)	$ 1,375.62
Fund DA (Highway – Townwide)	$ 9,916.67
Fund DB (Highway – Outside Village)	$ 13,236.20
Water 4-	$ 9,725.04
Water 2-	$ 150.00
Youth-	$
Fire-	$
H-	$ 94.50
TOTAL	$ 71,851.92

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

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Georgette Stockman, Town of Yates, said that she is still working on the garbage pick-up issue on the lakefront and that Roger Barth had obtained a list of Modern's results of the fire lane conditions from Orleans County. She said she is on FL41 and the list says "currently collected curbside" which is funny because there is no curbside on their fire lane. It also says "no change" for her lane. A neighbor that has been on that lane for 50 years said that there has never been any attempt to pick-up trash on the actual lane; it has always been taken to Lakeshore Road. She disagrees that there has not been a change. They used to put recyclables in a plastic bag and take them up to the road. Then they were told to use the small recyclable bins which could be taken in their car up to the road. Now, they are forced to drag the large wheelie bins up the lane to Lakeshore Road. So, although there may not be a change for the County, there has definitely been a change for the lakefront residents. She submitted the results list to the Board and said that essentially every lane failed. She added that the lakefront lanes are unlike a normal municipal

street. She had heard that there used to be large dumpsters at the end of the lanes that were very unpopular. She said that she was told two years ago about the possibility of Modern sending "smaller trucks" and doesn't feel that it's a solution to the problem.

Supervisor Simon responded that he had talked to Roger Barth and was aware of the problem and is concerned. He said that there is some discussion and a review that is taking place. He said that an email from Jack Welch said that Modern is thinking about using smaller trucks on the lanes which could possibly go down the fire lanes.

Councilman Suhr said that they should push for smaller recycling bins for the residents on the lakeshore. He said he feels that the problem is that they're using the truck with the mechanical arm to pick-up and dump the large bins instead of a person doing the job.

Supervisor Simon said that there are quite a few lakefront residents that are raising concerns and rightly so. The Board is not giving up on the subject and would like to remain in the loop.

TOWN OFFICERS REMARKS

Trisha Laszewski, Town Assessor, told the Board that a new BAR member will need to be appointed as a current member had recently moved out of state. She said that she would like to see this vacancy filled before Grievance Day but that it is not absolutely necessary because it's not an update year. She also said that the Assessing contract will expire at the end of the year. She explained that last year she started working on amendments to the contract because it was not being followed exactly as the contract had been written. She was basing her changes on what was actually being done. She sent Brian Napoli a revised version based on what was being done, especially with regard to billing, and she sent a copy to their Town Attorney for review. She expects the final version back by Tuesday to share with the other Towns. She said that the contract states that she is in the Town of Yates 1-day and in the Town of Ridgeway 4-days and that the Town of Yates determines which day she will be in the their office.

Supervisor Simon said that he feels that her service is outstanding and that the contract is a no brainer. He said that the Board will review the changes.

A**DJOURNMENT**

Moved by Councilman Riggi, Whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:13PM.
Seconded by Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk