Town of Yates November Board Meeting
8 S. Main St., Lyndonville, NY 14098
November 10, 2022, 7:00PM

Present: Jim Simon, Supervisor
Susan Hrovat, Councilman
Harold Suhr, Councilman
Michele Harling, Town Clerk
Trisha Laszewski, Assessor
Jason Raduns, Code Enforcement Officer

Excused: John Riggi, Councilman
Roger Wolfe, Highway Superintendent
Terry Chaffee, Jr., Councilman

Others : Larry Wolfe Georgette Stockman Paul Lauricella

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

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

No remarks.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

RESOLUTION NO. 103-11/22

RESOLUTION TO APPROVE OCTOBER REGULAR BOARD MEETING MINUTES

RESOLVED, to approve the minutes of the October 13, 2022 regular Board Meeting as presented to each Board Member.

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

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

RESOLUTION NO. 104-11/22

RESOLUTION TO APPROVE PRELIMINARY BUDGET PUBLIC HEARING MINUTES

RESOLVED, to approve the minutes of the November 7, 2022 Public Hearing as presented to each Board Member.

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

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

RESOLUTION NO. 105-11/22

RESOLUTION TO ADOPT THE PRELIMINARY BUDGET AS THE TOWN OF YATES FINAL BUDGET FOR FISCAL YEAR 2023

WHEREAS, a Public Hearing was held on November 7, 2022, at 6:00PM 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 2023 and, be it

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

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

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

RESOLUTION NO. 106-11/22

RESOLUTION TO ADD DELINQUENT WATER TO TAXES

WHEREAS, there are water customers with delinquent water bills that have been notified by mail that such bill not paid by November 10, 2022 will be relevied on their Town/County tax bill, 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 2023 Town/County bills and, be it

FURTHER RESOLVED, that the $100.00 levy fee that was authorized by Resolution No. 10-10/08, “Resolution to apply a $100.00 Fee to Unpaid Water that has Been Placed on Property Taxes” will be added.

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

Supervisor Simon mentioned that this will only be for a small handful of people if it comes to it.

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

RESOLUTION NO. 107-11/22

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 2023 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, 2023:

Level 1: $191.82
Level 2: $159.05
Level 3: $ 5.00

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

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

RESOLUTION NO. 108-11/22

RESOLUTION TO APPROVE KEELER CONSTRUCTION PAY APPLICATION NO. 9 FOR REDI PROJECT WORK COMPLETED

WHEREAS, Keeler Construction has submitted an invoice for work and/or materials, in place or delivered for the Town of Yates Park Expansion- REDI NO. 40 project for the Application Period: 09/20/2022 – 10/17/2022 (known as Pay Application No. 9), and

WHEREAS, the invoice has been reviewed and approved for payment as of October 20, 2022 by Jon Hinman with the MRB Group, be it

RESOLVED, to pay Keeler Construction the invoice amount less retainages or deductions for a net invoice total of $370,810.84.

Supervisor Simon said that this will be the last large payment and then there will be a small payment with about $5,000.00 held until the spring just to make sure that everything looks good.

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

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

RESOLUTION NO. 109-11/22

RESOLUTION TO ALLOW SUPERVISOR TO SIGN AGREEMENT WITH BUDGET LAWN CARE, INC. TO MOW TOWN CEMETERIES AND TOWN PARK FOR 2023-2024

WHEREAS, Budget Lawn Care, Inc. has mowed the Town cemeteries and Town Park for the last 2 years and the prior agreement had a clause to extend the contract every two years by mutual written consent and agreement of the parties, subject to and upon compliance with laws of the State of New York, and

WHEREAS, they have read and understand the terms of the Mowing Agreement and agree to mow for the year 2023 and 2024 for the annual amount of $28,600.00; payments to be made in eight equal payments of $3,575.00 starting in April and the last payment in November, be it

RESOLVED, the Town Board authorizes the Supervisor to sign the Mowing Agreement with Budget Lawn Care, Inc.

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

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

RESOLUTION NO. 110-11/22

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 2 OF 2022 AND TO SCHEDULE A PUBLIC HEARING

WHEREAS, the Town Board of the Town of Yates, New York desires to consider adopting legislation to amend the income limits for seniors to qualify for property tax exemptions, which law shall be known as Town of Yates Local Law No. 2 of 2022, be it

RESOLVED that proposed Local Law No. 2 of 2022 entitled "A Local Law to Amend Tax Exemption Limits for Persons Over 65 Years of Age in the Town of Yates", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, is hereby introduced for adoption; and be it further

RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and a copy thereof be kept on file in the office of the Town Clerk until December 8, 2022, and that a public hearing be held before this Town Board on the 5th day of December, 2022, at 6:00 p.m. at the Yates Town Hall, 8 South Main Street, Lyndonville, New York, on the advisability of enacting said proposed Local Law; and be it further

RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Batavia News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

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

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

RESOLUTION NO. 111-11/22

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW NO. 3 OF 2022 AND TO SCHEDULE A PUBLIC HEARING

WHEREAS, the Town Board of the Town of Yates, New York desires to consider adopting legislation to amend the income limits for seniors to qualify for property tax exemptions, which law shall be known as Town of Yates Local Law No. 3 of 2022, be it

RESOLVED that proposed Local Law No. 3 of 2022 entitled "A Local Law providing for partial exemption from taxation on improvements to real property occupied by a physically disabled resident", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, is hereby introduced for adoption; and be it further

RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and a copy thereof be kept on file in the office of the Town Clerk until December 8, 2022, and that a public hearing be held before this Town Board on the 5th day of December, 2022, at 6:05 p.m. at the Yates Town Hall, 8 South Main Street, Lyndonville, New York, on the advisability of enacting said proposed Local Law; and be it further

RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Batavia News at least five (5) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

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

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

RESOLUTION NO. 112-11/22

RESOLUTION TO ESTABLISH DEADLINE FOR TOWN OF YATES TAX RECEIPT DISBURSEMENTS TO LYNDONVILLE FIRE DISTRICT ANNUALLY

WHEREAS, the Lyndonville Fire District tax receipts for their adopted budget are collected and disbursed through the Town of Yates, be it

RESOLVED, that the Town of Yates will transfer to the Lyndonville Fire District the full amount collected as early as practicable in January of each fiscal year but no later than the end of the third week of January.

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

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

RESOLUTION NO. 113-11/22

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) $ 61,569.61

Fund B (General – Outside Village)	$ 8,538.23
Fund DA (Highway – Townwide)	$ 35,397.57
Fund DB (Highway – Outside Village)	$ 11,498.15
H (REDI)-	$373,972.08
Water 4-	$ 6,628.55
Water 2-	$
Youth-	$
Fire-	$
TOTAL	$497,604.19

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

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

PRIVILEGE OF THE FLOOR

No comments.

TOWN OFFICERS REMARKS

Supervisor Simon asked Trisha Laszewski, Town Assessor, if she thought that a survey was necessary to privatize Gee Road.

Trisha said that she doesn't know for sure but that she sent Andrew a copy of the current tax map for his reference.

Jason Raduns, Code Enforcement Officer, said that he has issued 9 building permits since last month and has been working on gathering the missing zoning and local laws to get them added properly to our Zoning Book. He is putting together a proposal to help alleviate problems with building 900sf structures in the town. He's also been studying.

Supervisor Simon asked if Jason had all of the pieces of missing information from the Zoning Book. He said that these efforts will also apply to the ECode 360 ongoing project so that one will apply to the other.

Jason said that it will be another year and a half until that project is complete so he would like to update the Zoning Book sooner. He listed several of the missing pieces of the book. He just had a solar project application that came in but because the Zoning Book wasn't updated, he let the project go through.

Supervisor Simon asked if the solar project application issue was a question of roof mounted vs. ground installation.

Jason said that the application required Planning Board approval rather than him allowing it with the changes in the Local Law but because it wasn't in the Zoning Book for him or the applicants to see they weren't aware of it.

Supervisor Simon said that he would like to follow up with him about that and talk to him further.

Supervisor Simon thanked Georgette Stockman for volunteering to serve on the Board of Assessment Review Board.

ADJOURNMENT

Moved by Councilman Suhr, whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:20PM.
Seconded by Councilman Hrovat

3 Ayes 0 Nays 2 Absent (Chaffee & Riggi)

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk