

Town of Yates October Board Meeting  
8 S. Main St., Lyndonville, NY 14098  
October 12, 2017, 7:00PM

Present:        Jim Simon, Supervisor  
                 Wes Bradley, Councilman  
                 Jim Whipple, Councilman  
                 Brad Bentley, Councilman  
                 John Riggi, Councilman  
                 Michele Harling, Town Clerk  
                 Andrew Meier, Town Attorney  
                 Dan Wolfe, Code Enforcement Officer  
                 Trisha Laszewski, Assessor

Excused:        Roger Wolfe, Highway Superintendent

Others :	Larry Wolfe	Jim Hoffman	Bob LaPorte
	Agnes LaPorte	Taylor Quarles	Susan Campbell
	Harvey Campbell	Steve Royce	Linda Fisk
	Anne Smith	Alice M. Wolanyk	Betty Wolanyk
	Jason James	Donn Riggi	Georgette Stockman
	Judy Esposito	Paul Lauricella	Richard Pucher

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

**PLEDGE OF ALLEGIANCE**

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

Richard Pucher, Town of Yates, responded to a prior statement made by Councilman Bradley at last month's Board Meeting by saying that the Town was sent a bill due to the SOS Bane MET Tower Lawsuit for slightly over \$15,000 and all but slightly less than \$30.00 was reimbursed by APEX.

Paul Lauricella, Town of Yates, questioned Resolution No. 86 and the tentative budget and asked where the Board stood on taxes.

Supervisor Simon responded that his goal was to stay considerably under the tax cap and to keep the rate as flat as possible.

Paul Lauricella responded that he would like to see a decrease in the tax rate if possible. He also questioned Resolution No. 89 and asked what equipment was being sold, is it junk, and who it will be available to.

Supervisor Simon said that one truck will be sold for scrap and that he thinks the other one will be sold at Municipal Auction.

Paul Lauricella asked where the funds from the sale of highway equipment will go. He also requested that the bills that are paid monthly be outlined and available to the public with totals for each fund account so that residents can see where their money is going.

Supervisor Simon responded that he believes that the funds would go back into the DA account but will check into it. He will also consider a way to list the amounts of the bills broken into fund accounts, if possible.

Steve Royce, Town of Appleton, questioned Resolution No. 92 and asked if the Board would expand upon the nature of the letters.

Supervisor Simon explained that they had received 2 letters from Young Sommer LLC, one on the 6<sup>th</sup> of October and another on the 10<sup>th</sup> of October. He added that the letters have been forwarded to Hodgson Russ and that Special Counsel, Dan Spitzer, is in the process of reviewing and responding to them. There is disagreement between Hodgson Russ and Young Sommer as to whether or not the vote at last month's meeting was a denial of the Austin MET tower application or if it requires another vote, since the vote was split. This is also being reviewed.

Harvey Campbell, Town of Yates, asked if Resolution No. 91 was a leash law.

Supervisor Simon responded that the County is in the process of passing County-wide dog control laws. He explained that a while back the Yates Board was approached by someone that was having issues with coyote hunter's dogs crossing property boundary lines. He added that the Board should wait to see the language in the County law before passing their own local law because the County law would supersede the Town's law.

#### **RESOLUTION NO. 85-10/17**

#### **RESOLUTION TO APPROVE MINUTES**

RESOLVED, to approve the minutes of the September 14, 2017 regular Board Meeting as presented to each Board Member.

Offered by Councilman Bentley, who moved its adoption

Seconded by Councilman Bradley

4 Ayes   0 Nays   1 Abstain (Riggi)

Motion: Carried

#### **RESOLUTION NO. 86-10/17**

#### **RESOLUTION TO ADOPT THE TENTATIVE BUDGET AS PRELIMINARY BUDGET FOR THE YEAR 2018**

WHEREAS, the Town Clerk presented the Town Board with the Tentative Budget on October 5, 2017 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 2018.

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

5 Ayes 0 Nays

Motion: Carried

#### **RESOLUTION NO. 87-10/17**

#### **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 6, 2017 at 6:00PM at the Yates Town Hall, 8 South Main Street, Lyndonville, NY 14098.

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

Supervisor Simon explained that a copy of the preliminary budget will be available for public review on the Town website and in the Clerk's office during regular office hours.

5 Ayes 0 Nays

Motion: Carried

#### **RESOLUTION NO. 88-10/17**

#### **RESOLUTION TO APPROVE WATER DISTRICT #4 PHASE 10 CHANGE ORDER #1 AND CHANGE ORDER #2**

WHEREAS, Change Order #1 consists of the directional boring of the 6-inch HDPE water main along Ward Road between Stations W26+80 and W28+20 as agreed upon by the Town of Yates and Pilon Construction Co., Inc.; at an additional cost to their contract of \$7,400.00, and

WHEREAS, Change Order #2 consists of Pilon Construction to pave the Town of Yates culvert cuts on Ward Road and Goodwin Road as requested by the Town of Yates and should be paid in the amount of \$21,786.00 out of highway money through the water contract per Roger Wolfe, be it

RESOLVED, the Town of Yates hereby approves Change Order #1 and Change Order #2 for the Town of Yates Water District #4, Phase 10.

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

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 89-10/17**

**RESOLUTION AUTHORIZING YATES HIGHWAY SUPERINTENDENT TO SELL  
AND/OR DISPOSE OF UNUSED EQUIPMENT**

WHEREAS, the Town of Yates has unneeded equipment and scrap, be it

RESOLVED, to allow the Town to sell and/or dispose of such material as necessary.

Offered by Councilman Bradley, who moved its adoption.  
Seconded by Councilman Bentley

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 90-10/17**

**RESOLUTION AUTHORIZING FUND TRANSFER TO PAY INVOICES FOR NEW  
YATES HIGHWAY DEPARTMENT TRUCKS**

WHEREAS, the combined invoices total \$86,513.74, be it

RESOLVED, to authorize the transfer of unreserved DA balance to DA designated 911 account to pay said invoices.

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

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 91-10/17**

**RESOLUTION DIRECTING HODGSON RUSS TO REPLY TO YOUNG SOMMER LLC  
LETTERS DATED 10/6/17 AND 10/10/17 REGARDING AUSTIN MET TOWER  
APPLICATION**

WHEREAS, Hodgson Russ and the Town of Yates have received two letters from Young Sommer LLC representing Lighthouse Wind, LLC dated October 6, 2017 and October 10, 2017, and

WHEREAS, Hodgson Russ was in the process of formulating a summary of unanswered questions regarding Lighthouse Wind LLC's Austin Met Tower Application and was fashioning a response to the October 6, 2017 letter when the October 10, 2017 letter arrived, and

WHEREAS, The Town of Yates still has unanswered questions regarding Lighthouse Wind LLC's Austin Met Tower Application, be it

RESOLVED, that the Town of Yates directs Hodgson Russ to respond to Young Sommer LLC with the remaining unanswered questions and also to respond to relevant items in the Young Sommer LLC letters of October 6<sup>th</sup> and 10<sup>th</sup>, and be it further

RESOLVED, that the Yates Town Board will reconsider, at its discretion pending Lighthouse Wind LLC's response to the forthcoming Hodgson Russ letter, the Austin Met Tower Application at its November board meeting.

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

5 Ayes    0 Nays

Motion: Carried

## **RESOLUTION NO. 92-10/17**

### **RESOLUTION TO PAY BILLS**

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

RESOLVED to pay bills as follows:

A-Accounts-	\$ 25,161.69
B-Accounts-	\$ 1,074.25
DA-Accounts-	\$ 94,796.76
DB-Accounts-	\$ 36,337.18
Water 4-	\$ 13,939.92
Water 2-	\$ 30,589.83
Youth-	\$
Fire-	\$
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TOTAL	\$201,899.63

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

5 Ayes 0 Nays

Motion: Carried

## **PRIVILEGE OF THE FLOOR**

Paul Lauricella, Town of Yates, asked if there would be budget copies available at the Public Hearing for residents to review. He added that the County makes them available at their hearing.

Supervisor Simon said that we'll have a few copies printed and available for review.

Richard Pucher, Town of Yates, asked if the audit was approved last month and if there were any deficiencies. He added "then the bookkeeper is doing a good job".

Supervisor Simon responded that the audit report was accepted at last month's meeting and said that the only "ding" was the amount spent on legal services. He added that yes, the bookkeeper did a good job.

Agnes LaPorte, Town of Somerset, submitted a letter where she addresses Secretary Burgess and the Public Service Commission discussing the proposed Lighthouse Wind Project and her opinion that it would destroy lives and force many to move out of state. She also said that the Event Tracking Log submitted by Lighthouse Wind from May – June 2017 notes attendance information that is not correct. She submitted the logs and noted the inconsistencies.

James Hoffman, Town of Somerset, submitted an article written by a Sheldon Town Councilor with regard to the High Sheldon Wind Farm where the Councilman outlines the negative impacts the Town and its residents have experienced such as noise, shadow flicker, health issues, loss of property values, electromagnetic interference and overall complaints. He added that "living among turbines is vastly different than a few hour visit on a nice afternoon."

Susan Campbell, Town of Yates, stressed that not everyone that supports the wind project will be benefitting financially. She lives in the Village of Lyndonville and cannot sign a lease but would love to have one to be able to help support the future of our children and the future of our earth.

Donn Riggi, Town of Yates, said that if we care about the future of our children and grandchildren then we should look for alternate energy sources that do not leave such a large carbon footprint like solar or geothermal energy.

Betty Wolanyk, Town of Somerset, submitted some findings from her recent research into the economic impact on rural communities due to industrial wind turbines. Some of these include: no economic growth, negative impact on tourism, turbines using more power then they generate causing price surges and a decline in property values.

Harvey Campbell, Town of Yates, wondered whether or not any of the members on the Board have addressed the recent sewage dumping into Lake Ontario in Niagara County. He asked if they have talked to the DEC and asked for an official statement by the Board.

Supervisor Simon said that the Village does a great job with their water plant.

Harvey Campbell said that this concern should be addressed at the Board level.

Richard Fisk, Town of Yates, said that as the Board tackles the budget process it would be made much easier with the \$650,000 that APEX would pay toward it each year for the next 20 years. He added that we don't need to listen to studies done in Australia, we can check out the Maple Ridge Wind Farm in Lowville where business is growing and the schools are doing well with the money they receive from the wind project.

Linda Fisk, Town of Yates, stressed that even with the "threat" of a pending wind farm, a lot of homes in the Town of Yates have sold recently.

Paul Lauricella, Town of Yates, asked if the proposed new business on Route 18 is a dead proposal.

Supervisor Simon said that there has been no movement there recently.

Councilman Whipple added that the project is not dead. He said that no financial assistance will be available to the business owner until he moves forward with his plans and that there are no requirements that hold him to his original proposal; he can walk away if he so chooses.

## **TOWN OFFICERS REMARKS**

Dan Wolfe, Code Enforcement Officer, no report.

Trisha Laszewski, Assessor, no report.

Councilman Bradley reread a prior statement made by him at the September Board meeting where he said "The Town received a bill in the amount of \$27,000 for the legal defense of that lawsuit".

## **ADJOURNMENT**

Moved by Councilman Whipple, Whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:33PM.

Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,  
Michele L. Harling, Yates Town Clerk