

Town of Yates Public Hearing and
Workshop Meeting
8 South Main Street, Lyndonville, NY 14098
August 10, 2020, 5:30PM

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

Excused:

Others: Larry Wolfe Bill Jurinich Agnes Recco
Ed Jay Paul Lauricella

PLEDGE OF ALLEGIANCE

Supervisor Simon called the Public Hearing to order for the adoption of Local Law #3 of 2020 known as “A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c” at 5:32PM.

PUBLIC HEARING

Notice of said Public Hearing was duly published in the Batavia Daily News on July 24, 2020 and posted at the Yates Town Hall and on the Town of Yates website.

The purpose of such Public Hearing is to discuss the adoption of Local Law #3 of 2020 known as “A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c” intended to override the limit on the amount of real property taxes that may be levied by the Town of Yates pursuant to General Municipal Law 3-c and to allow the Town of Yates to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law 3-c.

Supervisor Simon explained that this does not override the tax levy limit, this is a step in the process should the Board decide to do so. They still need to crunch the numbers toward the end of August and into September then he will propose a budget. This step was taken the last 2 years and the Board did not exceed a 2% increase. He said that there are a lot of unknowns this year.

PUBLIC COMMENT

Ed Jay asked if there was a fine in place from the State if the Board exceeded a 2% increase.

Supervisor Simon said that he was not aware of a fine. He explained that the Board would vote in a separate resolution around October after the budget is developed as part of the budget process. He doesn't believe there is a penalty if the Board were to exceed the tax cap. He said that the penalty is public opinion and he does not want to exceed the cap. He feels that it may come down to decreasing services because there isn't much fat in the budget. He said that the Board is worried about State Aid; for example, the County has already withheld sales tax this year.

Agnes Recco thought that if the resolution passes that it does restrict the amount of State Aid that the Town will receive. She asked if the Board does pass this what limit would the Supervisor put on the Board with regard to the amount of the overall percentage increase.

Supervisor Simon explained that it can cause other restrictions for state aid. He said that he has read the initial steps for the tax cap but not the whole process because they have not had to do it in the past. He added that there is a lot of fine print and the potential for losing certain aspects of state aid. He said that the CHIPS program was not affected this year but they are worried that it could be next year which would be a large hit to the highway budget. He said the Town is on a 3-4 year plan to make the general fund healthy. We have good cash reserves and good overall reserves but not good general town-wide reserves. Those reserves are negative and have been trending that way for a long time so the Town is in the process of building it back up. One argument to exceeding the tax cap is that it would help make the general fund healthy again. He has proposed to the State that this should be a multi-year plan. He explained the amount of the increase in the budget would be determined by the objectives of the Board; would they be to maintain the same level of services, to fix the general town-wide reserves fund, or will the Town need to deal with less state aid which right now doesn't look good. He added that the budget process is an open process, worked through in several phases, one of which is a public hearing to talk about it and get public inputs.

Bill Jurinich said that when overriding the school budget it has to be done by the voters, which is not the same process for the Town. He said that if he is running a business and is looking at the end of the year, he would budget for the shortfall he had last year in this year's budget. He said that the Board is putting the 2% in, or more, and that it allows the Board to be less conservative with spending. He said the Town just purchased a \$105,000 tractor/mower. He said that residents have to cut back because of the situation going on and doesn't understand why municipalities and government doesn't have to. He said that the increase in the tax cap may only mean \$50-\$60 in taxes overall but that he is on a fixed income and a lot of other people in the town are too. He feels that the budget should be developed and if there is a problem, next year increase taxes.

Supervisor Simon said that the budget they prepare this year will be in effect for January 2021. He said that it has not been his appetite to increase the budget over 2% for the last 2 years even though the general fund does need to be fixed but the question comes down to which town

service does the town wants to curtail and that is of serious discussion. He welcomes inputs from the public and admits that it is a challenge and much different from the operations of a business.

Paul Lauricella said that he is on a “fished income” because he has to “fish for his income every day”. He thinks that the property tax is the most vile and disgusting tax because you can work hard and pay off your home but if you don’t pay your taxes, in 3 years they will take your property and put you out in the street by force. He said that he doesn’t like Cuomo at all but the tax cap was maybe one good thing that he did but the politicians don’t like it because they can’t spend money. He said now would be a perfect time to make cuts because the public hasn’t been in the habit of using certain services with businesses closed. He said that the only thing the Town needs is highway and that most anything else is not needed unless it brings money into the town like dog licensing. He added that most of the services that the Town provides are forced upon them by the government. He said there hasn’t been a tax cut in this town for a long time. He said that the County is having the same problem. He does not support a tax increase and does not support overriding the tax cap. He said that if you own property in New York State you don’t make money on it because when you go to sell it you’ve paid so much in taxes on it year after year that it doesn’t pay to own real estate.

RESOLUTION NO. 73 -8/20

RESOLUTION TO CLOSE THE PUBLIC HEARING ON TOWN OF YATES LOCAL LAW #3 OF 2020 KNOWN AS A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

RESOLVED, to close the Public Hearing at 5:47PM.

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

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk