

Town of Yates Organizational and Regular Board Meeting
8 S. Main St. Lyndonville, NY 14098
January 10, 2019, 7:00PM

Present: Jim Simon, Supervisor
Wes Bradley, Councilman
John Riggi, Councilman
Jim Whipple, Councilman
Harold Suhr, Councilman
Michele Harling, Town Clerk
Trisha Laszewski, Town Assessor
Dan Wolfe, Code Enforcement Officer
Roger Wolfe, Highway Superintendent

Excused:

Others:

Supervisor Simon called the Organizational Meeting to order at _____PM.

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

CORRESPONDENCE

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

RESOLUTION NO. 01-1/19

**RESOLUTION TO ACCEPT THE MINUTES OF THE DECEMBER 27, 2018 YEAR
END MEETING**

RESOLVED, to accept the minutes of the yearend meeting held December 27, 2018 as presented to each Board Member.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 02-1/19

RESOLUTION TO NAME OFFICIAL DEPOSITORY

RESOLVED, to name M & T Bank and the Bank of Castile as the official depositories of the Town of Yates.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 03-1/19

RESOLUTION TO NAME OFFICIAL NEWSPAPER

RESOLVED, to name the Batavia Daily News as the official newspaper. Other advertising: Lake Plains Pennysaver and the Orleans HUB.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 04-1/19

RESOLUTION TO MAKE APPOINTMENTS BY THE TOWN BOARD

RESOLVED, to make the following appointments:

- Legal Service-----Webster, Schubel & Meier
- Fire & Building Code Officer-----Dan Wolfe
- Zoning Enforcement Officer-----Dan Wolfe
- Zoning Board of Appeals Clerk-----Dawn Metty
- Zoning Board Chairman-----Gary Daum-1/1/19-12/31/23
- Planning Board Member-----Mark Hughes-1/1/19-12/31/23
- Planning Board Clerk-----Dawn Metty
- Water Bookkeeper-----Millennium Roads, LLC
- Water District 4 Superintendent-----Roger W. Wolfe
- Cemetery Superintendent-----Roger W. Wolfe
- Youth Agency Representative-----Wes Bradley
- Registrar of Vital statistics-----Michele L. Harling
- Deputy Registrar-----Dawn Metty
- Dog Control Officer-----John W. Donald

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

_____ Ayes _____ Nay

Motion: _____

RESOLUTION NO. 05-1/19

RESOLUTION TO ACCEPT APPOINTMENTS BY DEPARTMENT HEADS

RESOLVED, to accept the following Department Head Appointments:

SUPERVISOR

Deputy Supervisor-----John Riggi
Bookkeeper-----Millennium Roads, LLC
Historian-----Dawn Metty

COMMITTEES

- Finance & Budget-----Simon (Chairman), Riggi
- Health & Public Safety-----Bradley (Chairman), Riggi
- Planning & Zoning-----Simon (Chairman), Whipple
- Public Works-----Riggi (Chairman), Suhr
- Sustainability-----Simon (Chairman), Riggi
- Business Advisory & Tourism-----Whipple (Chairman), Suhr

TOWN CLERK

Deputy Clerk-----Dawn Metty

HIGHWAY SUPERINTENDENT

Deputy Superintendent-----David Hydock

JUSTICE

Court Clerk-----Susanne Sanderson
Court Bailiff-----Eric Harling

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 06-1/19

RESOLUTION TO ALLOW SPECIFIC PERSONS TO ACT AS AUTHORIZED OFFICERS TO DO BANKING

RESOLVED, to allow the following to do banking in specific accounts:

- Accounts Payable Account: Supervisor, Deputy Supervisor and Town Clerk
- Money Market Account: Supervisor, Deputy Supervisor, and Town Clerk
- Payroll Account: Supervisor, Deputy Supervisor and Town Clerk
- Trust and Agency Fund: Supervisor, Deputy Supervisor and Town Clerk
- Town Clerk's Checking and Savings: Town Clerk, Deputy Town Clerk and Supervisor

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 07-1/19

RESOLUTION TO ADOPT OFFICE HOURS

RESOLVED, to set the following office hours

Supervisor:
Friday 4:30PM – 6:00PM or By Appointment
Supervisor will not hold office hours the week of a regular Board Meeting.

Town Clerk:
Monday, Tuesday, Thursday and Friday - 9:00AM - 12:30PM, 1:30PM - 4:30PM
Wednesday- 9:00AM - 12:30PM, 6:30PM - 8:30PM
The office will be closed on Wednesday nights from May 1st thru July 31st.

Assessor:
Thursday 9:00AM - 12:30PM, 1:30PM - 4:30PM

Code & Zoning Officer:
Monday 8:00AM - 4:30PM

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 08-1/19

RESOLUTION TO NAME TIMEKEEPER FOR ALL PERSONNEL

RESOLVED, to name the Town Clerk as the Official Timekeeper for all Town Personnel. Each Department Head shall submit time sheets showing daily hours worked, holidays, vacation, personal, funeral, sick days and days off without pay.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 09-1/19

RESOLUTION TO SET PETTY CASH FUNDS

RESOLVED, to set petty cash funds as follows:

Town Clerk---\$200.00
Petty Cash-----\$200.00

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 10-1/19

RESOLUTION TO SET MILEAGE ALLOWANCE

RESOLVED, to reimburse Town Officers and Employees using personal vehicles for Town Business at a rate of \$0.58 per mile.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 11-1/19

RESOLUTION TO SET MEETING DATES AND TIMES

RESOLVED, to set the following dates and times for meetings:

- Town Board Workshop Meetings—Monday before each Town Board Meeting, 5:30PM
- Town Board Meeting—Second Thursday of each month 7:00PM
- Planning Board—First Thursday of each Month 7:00PM
- Zoning Board of Appeals – at least twice a year, once with Town Board Representatives, and when needed to hear an appeal

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 12-1/19

RESOLUTION TO ALLOW SUPERVISOR TO PREPAY VOUCHERS

RESOLVED, to authorize the Supervisor to prepay the following vouchers:

- Bi-weekly, Monthly and Vacation Payrolls
- Utility Bills
- Installments on Contracts approved by the Board
- Insurance premiums
- Payment to Federal and State and County Agencies

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 13-1/19

RESOLUTION TO SET WORK PERIOD AND PAY DAYS

RESOLVED, to set the following:

- Bi-Weekly -Monday thru Sunday midnight (14 days)
- Pay day on the following Thursday

Monthly- first to last day of month

Pay day last banking day of Month

Others- completion of duties, end of the year, or if voucher after next regular Board meeting

When a payday falls on a Holiday the payday shall be on the preceding workday.

Offered by Councilman _____, who moved its adoption

Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 14-1/19

RESOLUTION TO SET SALARIES, WAGES AND COMPENSATION, EFFECTIVE JANUARY 1, 2019

MONTHLY

Legislative Board (4) -----	\$ 3,275.00
Justice (1)-----	\$ 8,670.00
Supervisor-----	\$ 8,000.00
Supervisor Bookkeeper-----	\$ 14,700.00
Water Bookkeeper-----	\$ 3,100.00
Budget Officer-----	\$ 1,500.00

BI-WEEKLY

Town Clerk-----	\$ 45,477.00
Vital Registrar-----	\$ 600.00
Highway Superintendent-----	\$ 67,756.00
Cemetery Superintendent-----	\$ 5,616.00
Water Superintendent-----	\$ 14,404.00

HOURLY

Court Clerk-----	\$15.95
Deputy Clerk-----	\$12.76
Code & Zoning-----	\$23.07
Highway MEO 3 Plus Years-----	\$25.22
Highway MEO 2 Plus, Minus 3 Years-----	\$23.88
Highway MEO 1 Plus, Minus 2 Years-----	\$22.56
Highway MEO Starting Rate-----	\$21.24
Highway Part-Time Employee-----	\$11.10

Court Baliff-----\$10.00 per summons +mileage
Dog Control-----\$10.00 per summons +mileage
Assessment Review Board Chairman-----\$130.00 Annually
Assessment Review Board Member-----\$60.00 daily

Election Inspectors as follows:

Training-----\$25.00
Primary 9 hours @ 11.10-----\$99.90 per day
Election 15.5 hours @ 11.10-----\$172.05 per day
Registration 7.5 @ 11.10-----\$83.25 per day
Registration 4 @ 11.10-----\$44.40 per day

Zoning Board Members-----\$15.00 per meeting payable yearend
Zoning Board Chairman-----\$25.00 per meeting
Planning Board Chairman-----\$25.00 per meeting
Planning Board Members-----\$15.00 per meeting payable yearend meeting
Historian-----\$600.00 annually

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 15-1/19

RESOLUTION TO ALLOW SUPERINTENDENT OF HIGHWAYS TO USE TOWN EQUIPMENT AND PERSONNEL IN EMERGENCY

RESOLVED, that the Town Board of the Town of Yates hereby renews an Emergency response procedure (of December 13, 1984) by giving the Superintendent of Highways authority to use Town of Yates Highway Equipment and Personnel when requested by local Police, Public Safety Coordinator, Chief of Volunteer Fire Department, or some other Officer to protect citizens and property within the Town.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 16-1/19

RESOLUTION TO SET TOWN HOLIDAYS

RESOLVED to set Town Holidays as follows:

- New Year’s Day
- Martin Luther King Day-Town Hall Offices
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Election day- Town Hall
- Columbus Day-Highway
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Day before Christmas
- Christmas Day
- Day before New Years

BE IT FURTHER RESOLVED, when the Holiday falls on a Saturday, it will be celebrated on the preceding Friday, and when the Holiday falls on a Sunday it will be celebrated on the following Monday.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 17-1/19

RESOLUTION TO ALLOW HIGHWAY SUPERINTENDENT TO EXPEND HIGHWAY MONEYS AS REQUESTED

WHEREAS, the Highway Superintendent has presented information of the Expenditure of Highway moneys as follows:

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

AGREEMENT, between the Highway Superintendent of the Town of Yates, Orleans County New York, and the undersigned members of the Town Board

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

The sum of \$320,000.00 shall be set aside to be Expended for the primary work and general repair OR Capital improvement upon 36.80 miles of town Highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewal thereof.

Offered by Councilman _____, who moved its adoption

Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 18-1/19

RESOLUTION TO ALLOW HIGHWAY SUPERINTENDENT TO MAKE PURCHASES NOT ONLY FROM STATE BIDS BUT ALSO FROM OTHER COUNTIES AND MUNICIPALITIES

WHEREAS, from time to time other Municipalities have bid purchases and reached low bids on purchases, therefore already going through a bid process, be it

RESOLVED, that the Highway Superintendent be allowed to make purchases, not only from State Bids but also from other Counties and municipalities.

Offered by Councilman _____, who moved its adoption

Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 19-1/19

RESOLUTION TO ALLOW TOWN OF YATES PERSONNEL TO ATTEND CONFERENCES, TRAINING AND CERTIFICATION SESSIONS

WHEREAS, the need for personnel to attend conferences, training, and certifications sessions is present, be it

RESOLVED, personnel has the approval to attend conferences, training and certification sessions, at Town expense, be it

FURTHER RESOLVED, Personnel shall notify the Board of upcoming conferences or training.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 20-1/19

**RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENT FOR
LEGAL SERVICES WITH WEBSTER, SCHUBEL & MEIER LLP**

WHEREAS, the agreement for legal services has been presented to the Town Board and the
Town Board has reviewed this agreement, be it

RESOLVED, the Supervisor is authorized by the Town Board to sign this agreement as follows:

THIS AGREEMENT made as of the 1st day of January, 2019, between the Town of Yates, a
municipal corporation of the State of New York, hereinafter referred to as "Town" and Andrew
W. Meier, ESQ., hereinafter referred to as "Meier",

WHEREAS, the Town requires legal services in connection with the operations and
functions of the government of the Town, and

WHEREAS, Meier is experienced in matters involving municipal law and wish to
perform necessary legal services for the Town,

NOW, THEREFORE, in consideration of the premises and the mutual covenants and
promises hereinafter set forth, it is agreed as follows:

1.) Meier will perform the following legal services for the Town:

- a.) General consultation with all board members and Town officers, as required.
- b.) Attendance at meetings, conference sessions, workshops and public hearings of Town
governmental bodies, including the Town Board, Planning Board and Zoning Board of Appeals,
as required or requested by the Supervisor.
- c.) Preparation of resolutions.
- d.) Preparation and review of contracts and like transactional matters but excluding tax
assessment proceedings, administrative agency proceedings, civil litigation and proceedings, in-
rem tax foreclosure proceedings, capital project matters, bond issues and other borrowings, and
the purchase and/or sale of real property.
- e.) General legal research and correspondence.

f.) Preparation of local laws.

g.) The representation of Town in administrative agency proceedings, civil litigation and proceedings, and in-rem tax foreclosure proceedings, except as to those matters for which the parties desire to engage outside counsel.

h.) Legal services in connection with capital projects, bond issues, and other borrowings and other related matters.

2.) As compensation for the services as enumerated above, and except where the parties negotiate flat fees for any individual service from time to time, the Town will pay Meier an hourly rate of \$200.00 which shall be paid monthly upon submission of a voucher therefor by Meier, payable upon approval by the Town. The vouchered payments shall not be considered compensation for the purposes of the New York State Retirement System.

3.) The terms of this Agreement shall be for the period of one (1) year from January 1, 2019, to December 31, 2019. This agreement may be terminated by either party upon ten (10) days written notice by certified mail return receipt requested or personal delivery.

Offered by Councilman _____, who moved its adoption

Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 21-1/19

RESOLUTION TO COMPENSATE DEPUTY HIGHWAY SUPERINTENDENT FOR TIME WORKED

RESOLVED, David Hydock, as Deputy Highway Superintendent, will receive \$2,700.00 for time worked as Deputy Superintendent, be it further

RESOLVED, duties of Deputy Highway Superintendent will be assigned and will include road checks and manpower call-ins when needed. Deputy Highway Superintendent will receive extra compensation if roadwork or plowing needs to be done. Deputy Superintendent assumes all the duties of the Highway Superintendent during Superintendent's absence, be it

FURTHER RESOLVED, David Hydock's compensation will be paid quarterly in his paycheck, starting January 2019, April 2019, July 2019 and October 2019.

Offered by Councilman _____, who moved its adoption

Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 22 -1/19

RESOLUTION TO SET CODE ENFORCEMENT TIME AND PAY

RESOLVED, the Code Enforcement Officer shall be paid \$23.07 per hour and shall work Mondays from 8:00AM until 4:30PM, he shall be allowed 4 Vacation days and 1 Personal day. All other time shall be made up.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 23-1/19

RESOLUTION TO ACCEPT FINAL REPORT FOR THE COURT CLERK

WHEREAS, the Court Clerk for Justice Grabowski has presented the final report for the Justice for the year ending December 31, 2018, and

WHEREAS, the Town Board has reviewed these records

BE IT RESOLVED, the Town Board accepts the final report for Justice Grabowski as presented and that the fines therein collected have been turned over to the proper officials of the Town as required by law.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 24-1/19

RESOLUTION TO APPOINT TOWN ENGINEER

WHEREAS, MRB Group, Engineering, Architecture & Surveying, D.P.C. has shown interest in being appointed the Town of Yates Engineering Firm for the coming year, be it

RESOLVED, the Town of Yates hereby appoints MRB Group, Engineering, Architecture & Surveying, D.P.C. as the Town of Yates Engineers, be it also

RESOLVED a copy of the hourly rate for such engineering be attached to these minutes.

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

_____Ayes _____ Nays

Motion: _____

RESOLUTION NO. 25-1/19

RESOLUTION ADOPTING RETIREMENT RESOLUTIONS FOR STANDARD WORK DAY REPORTING RS 2417 A&B and STANDARD WORK DAY RESOLUTION FOR EMPLOYEES RS 2418 FROM THE OFFICE OF THE NEW YORK STATE COMPTROLLER NEW YORK STATE AND LOCAL RETIREMENT SYSTEM

WHEREAS NEW FORMS RS2417 and RS2418 need to be submitted every year, be it

RESOLVED that these resolutions be adopted and be it further

RESOLVED, they shall be attached to these minutes and posted on the bulletin board in the Town Hall for 30 days.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 26-1/19

STANDARD WORK DAY RESOLUTION

WHEREAS, the Retirement system requires the Town to specify the standard work days of all employees, be it

RESOLVED, the following is hereby specified as standard workdays for retirement purposes

- Highway Superintendent: 8 hours
- Town Clerk: 6 hours
- Court Clerk: 6 hours
- Town Hall Custodian: 6 hours

Highway MEO & Laborers: 8 hours
Code and Zoning Officer: 8 hours
Clerical Staff & Councilman: 6 hours
Deputy Clerk: 6 hours

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 27 – 1/19

RESOLUTION TO RAISE WATER DISTRICT 2 ANNUAL RATES

WHEREAS,

RESOLVED,

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 28 – 1/19

RESOLUTION SELECTING FIRM TO PROVIDE ENGINEERING SERVICES FOR TOWN OF YATES' LAKE ONTARIO SHORELINE FLOOD RELIEF GRANT

WHEREAS, Requests for Qualifications (RFQs) were sent out and public notice was provided for the Town of Yates need for Engineering Services to be provided in support of the Lake Ontario Shoreline Flood Relief Grant, and

WHEREAS, three RFQs were submitted to the Town and reviewed by board members, be it

RESOLVED, that the Town selects _____ to provide engineering services to the Town for the grant.

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

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 29 – 1/19

RESOLUTION SELECTING FIRM TO PROVIDE GRANT ADMINISTRATION SERVICES FOR TOWN OF YATES' LAKE ONTARIO SHORELINE FLOOD RELIEF GRANT

WHEREAS, Requests for Qualifications (RFQs) were sent out and public notice was provided for the Town of Yates need for grant administration services to be provided in support of the Lake Ontario Shoreline Flood Relief Grant, and

WHEREAS, one RFQ submitted to the Town and reviewed by board members, be it

RESOLVED, that the Town selects _____ to provide grant administration services to the Town for the grant.

Offered by Councilman _____, who moved its adoption

Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 30 – 1/19

RESOLUTION CONFIRMING ACCEPTANCE OF UNCOMMITTED NYS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME FUNDS AND COMMITMENT TO UTILIZE FUNDS FOR IMPROVED HANDICAP ACCESS TO TOWN OF YATES FACILITIES

WHEREAS, the Town of Yates was informed that \$8,804.31 in NYS CBDG Program Income funds is uncommitted, be it

RESOLVED, that the Town of Yates accepts the \$8,804.31 and commits to complying with all state and federal CDBG grant requirements, and be it further

RESOLVED, that the Town plans to commit the funds to meet ADA compliance requirements for the Town Hall handicap parking, the handicap ramp, and handicap access to the restroom.

Offered by Councilman _____, who moved its adoption

Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

RESOLUTION NO. 31 -1/19

RESOLUTION TO PAY BILLS

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

RESOLVED to pay bills as follows:

RESOLVED to pay bills as follows:

Fund A (General – Townwide)	\$
Fund B (General – Outside Village)	\$
Fund DA (Highway – Townwide)	\$
Fund DB (Highway – Outside Village)	\$
Water 4-	\$
Water 2-	\$
Youth-	\$
Fire- -----	
TOTAL	\$

Offered by Councilman _____, who moved its adoption

Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

PRIVILEGE OF THE FLOOR

REPORT OF TOWN OFFICERS

ADJOURNMENT

Moved by Councilman _____, whereas there is no new business to be brought before the Board, the meeting is adjourned at _____ PM.

Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk