

Town of Yates February Board Meeting
8 S. Main St., Lyndonville, NY 14098
February 11, 2021, 7:00PM

Present: Jim Simon, Supervisor, via Zoom
Jim Whipple, Councilman, via Zoom
Susan Hrovat, Councilman, via Zoom
John Riggi, Councilman
Harold Suhr, Councilman
Michele Harling, Town Clerk
Trisha Laszewski, Town Assessor, via Zoom
Dan Wolfe, Code Enforcement Officer, via Zoom

Excused: Roger Wolfe, Highway Superintendent

Others: Wes Bradley Paul Lauricella

Deputy Supervisor Riggi called the February Board Meeting to order at 7:00PM.

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

No remarks.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

No comments.

RESOLUTION NO. 34-2/21

RESOLUTION TO APPROVE MINUTES OF JANUARY ORGANIZATIONAL MEETING

RESOLVED, to approve the minutes of the January 14, 2021 Organizational and Regular Board Meeting as presented to each Board Member.

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

Roll Call Vote:

Councilman Riggi: Aye

Councilman Whipple: Aye

Councilman Hrovat: Aye
Councilman Suhr: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 35-2/21

RESOLUTION TO APPROVE MINUTES OF FEBRUARY PUBLIC HEARING

RESOLVED, to approve the minutes of the February 8, 2021 “Yates Solar Energy Systems Law” Public Hearing as presented to each Board Member.

Offered by Councilman Whipple, who moved its adoption
Seconded by Supervisor Simon

Roll Call Vote:

Councilman Riggi: Aye
Councilman Whipple: Aye
Councilman Hrovat: Aye
Councilman Suhr: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 36-2/21

RESOLUTION ADOPTING LOCAL LAW 1 OF 2021

WHEREAS, proposed Local Law No. 1 of the Year 2021, known as the “Town of Yates Solar Energy Systems Law” was introduced at a duly called meeting of the Town Board of the Town of Yates on the 14th day of January, 2021, with a copy thereof having been duly given to all board members; and

WHEREAS, due notice of a public hearing to be held thereon on the 8th day of February, 2021, was duly published in the Batavia Daily News, the official newspaper of the Town of Yates, on January 22, 2021, and posted as required by law; and

WHEREAS, copies of the proposed local law were mailed to each person entitled to service of same pursuant to New York Town Law 264(2); and

WHEREAS, such public hearing was held on the 8th day of February, 2021, at which time all interested persons were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED that the Town of Yates hereby adopts Local Law No. 1 of the Year 2021, entitled, "Town of Yates Solar Energy Systems Law."

Offered by Supervisor Simon, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Riggi: Aye

Councilman Whipple: Nay

Councilman Hrovat: Aye

Councilman Suhr: Aye

Supervisor Simon: Aye

4 Ayes 1 Nay

Motion: Carried

RESOLUTION NO. 37-2/21

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 _____

Roll Call Vote:

Councilman Riggi: _____

Councilman Whipple: _____

Councilman Hrovat: _____

Councilman Suhr: _____

Supervisor Simon: _____

_____ Ayes _____ Nays

Motion: _____

The resolution was tabled as no motion was brought before the floor.

RESOLUTION NO. 38-2/21

RESOLUTION TO SCHEDULE A SPECIAL TOWN WORKSHOP TO DISCUSS REDI PROJECT ENGINEERING DESIGN, ROADMAP, TIMELINE AND COST ESTIMATES

WHEREAS, further discussion is needed to address certain details of the Yates Town Park REDI Project, be it

RESOLVED, that there will be a Special Town Workshop scheduled for Wednesday, February 17, 2021 from 4:00PM – 5:00PM at the Yates Town Hall.

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

Supervisor Simon said that this will be a workshop meeting open to the public with Jon Hinman, Engineer for the Town of Yates REDI Project, available to give a project status update.

Roll Call Vote:

Councilman Riggi: Aye
Councilman Whipple: Aye
Councilman Hrovat: Aye
Councilman Suhr: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 39-2/21

RESOLUTION TO ESTABLISH THE TOWN OF YATES 200TH ANNIVERSARY PLANNING COMMITTEE

WHEREAS, the Town of Yates was established in 1822, and 2022 will mark the 200th anniversary of the founding of the Town, be it

RESOLVED, that the Town of Yates hereby authorizes the establishment of the Town of Yates 200th Anniversary Planning Committee, and be it further

RESOLVED, that the Committee membership will be finalized in writing and filed with the Town Clerk by March 1, 2021, and be it further

RESOLVED, that the Charter of the Committee will be to meet at their discretion, “To develop and recommend 200th anniversary ideas, efforts, activities and events for Yates Town Board approval by September 30, 2021, and be it further

RESOLVED, that the Committee will stay constituted through the end of 2022 in order to assist the Town Board with the implementation of approved activities and events during the anniversary year.

Offered by Supervisor Simon, who moved its adoption
Seconded by Councilman Hrovat

Supervisor Simon said that he was going to add names to this resolution to establish the committee but he wasn't quite there yet, but he's close. He will be confirming the names with Board members hopefully over the next few days and once that's done, he will ask the Town Clerk to send formal letters asking residents to be on the committee so that by March 1st we should be ready to go. Then we can establish how and when the committee wants to meet.

Roll Call Vote:

Councilman Riggi: Aye

Councilman Whipple: Aye

Councilman Hrovat: Aye

Councilman Suhr: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 40-2/21

RESOLUTION TO ACCEPT GROUNDS MAINTENANCE BID AS WRITTEN

WHEREAS, the Town of Yates advertised for sealed bids for grounds maintenance for the town cemeteries and town park in the Batavia Daily News and the Orleans County Pennysaver, and

WHEREAS, the Town received only one bid from Budget Lawn Care, Inc. for \$33,000 per year, and

WHEREAS, the bid offer was more than the Town allocated in the 2021 budget therefore the contractor revised his bid and adjusted it to \$26,000.00 per year, be it

RESOLVED, to authorize the Town Supervisor to finalize and sign the Mowing Agreement in the amount of \$26,000 per year for the years 2021 and 2022.

Offered by Supervisor Simon, who moved its adoption
Seconded by Councilman Hrovat

Supervisor Simon said that Roger Wolfe found a good resolution with the single bidder that we had. This contractor also mows for the Town of Shelby and so even though it will be more expensive than the wonderful couple that was mowing before, this is probably the best we can do so he recommends that we support this resolution. He added that Roger Wolfe believes that this is a good move for the Town.

Roll Call Vote:

Councilman Riggi: Aye
Councilman Whipple: Aye
Councilman Hrovat: Aye
Councilman Suhr: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 41-2/21

RESOLUTION TO PAY BILLS

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

RESOLVED to pay the bills as follows:

Fund A (General – Townwide)-	\$ 31,246.30
Fund B (General – Outside Village)-	\$ 1,009.74
Fund DA (Highway – Townwide)-	\$ 27,258.51
Fund DB (Highway – Outside Village)-	\$ 2,548.96
Water 4-	\$ 11,074.07
H- (REDI Town Park Project)-	\$ 4,551.00
Water 2-	\$
Youth-	\$
Fire-	\$ 53,800.00

TOTAL	\$131,488.58

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

Roll Call Vote:

Councilman Riggi: Aye

Councilman Whipple: Aye

Councilman Hrovat: Aye

Councilman Suhr: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Paul Lauricella, Town of Yates, asked for the bid price of the Grounds Maintenance Contract and what we paid last year. He commented that in October of 2020 the Town paid Millennium Roads \$24,890.00 for their salt product and then we paid them again in February of 2021 the amount of \$1,675.00. He wondered what the payment in February was for because we shouldn't need more salt after what we ordered in 2020.

Michele Harling, Town Clerk, explained that the \$1,675 payment in February of 2021 was for bookkeeping services and that we pay the same amount to Millennium Roads for bookkeeping service every month.

Councilman Suhr said that the original single bid for mowing was \$33,000, but was dropped to \$26,000 for the Grounds Maintenance Contract for 2021 and 2022 and that we paid \$20,000 in 2020.

Wes Bradley, Town of Yates, submitted comments with regard to the "enormous tax increase for the taxpayers in the Village of Lyndonville compared to those outside the Village for 2021". He said that he is in disagreement with what the Board did with the tax rates and the Board's explanations for the increase. He listed the tax rates for all of the Villages in 2021 and for 2020. In 2021, the Village of Lyndonville is now the second highest "inside" rate of the six Towns, contrary to what Supervisor Simon at last month's meeting. When the new Yates/Lyndonville rate is compared to the rates of all of the Villages in 2020, they would still have been the second highest rate, surpassed by the Town of Shelby, by only \$0.03. He added that he is disappointed with the Boards research, or lack thereof, in their preparation of the 2021 budget.

REPORT OF TOWN OFFICERS

Dan Wolfe, Code Enforcement Officer, said that he has been closing out 2020 building permits. He said that he has completed the Department of State Reporting. He attended the County Planning Board Meeting several weeks ago as the Yates representative for the Solar Law referral. He explained that each year he must take 24 hours of continuing education to stay current and certified as a Code Enforcement Officer and that this year they have cancelled all in-person classes, but the Department of State is still requiring 24 hours of education credit. He will try his best to take the classes online to obtain the hours that he needs.

Trisha Laszewski, Town Assessor, explained that Julie has taken and passed the second class of “Cost Market and Income”, required for her certification. She has two classes left to go. She’s hoping that these can be completed by the end of the year which will make her eligible for her Assessor’s Certification. NYS Tax and Finance sent out an email with regard to Enhanced STAR and the possibility that anyone applying for Enhanced STAR will have to switch from a credit on their school tax bill to a STAR check. She should find out for sure some time in the beginning of April. When someone comes in the office to apply for Enhanced STAR, they give them this information. This is just another change that Assessors have been expecting. She has been working on the Town of Shelby and Town of Ridgeway update. Julie has been in the Yates office the last few weeks which is good for her as she becomes more familiar with the Town of Yates properties.

Supervisor Simon said that he met with Lippes to try and sort out what’s happening with 94-C and the RPTL 487 exemption and to try and get an analysis with what Jim Whipple brought forward to assess if we’re still in a good position with the IDA to opt out of RPTL 487. He said that there is some potential language going into the budget that is of concern and beyond our control but something that we’re looking at. More to follow; he feels that the steamroller is beginning; they’re getting a foothold in the County because of the Town of Barre Wind Project. He believes that now that we have revised the Solar Law we should go back and look very closely at the Wind Law, based on what is going on all over the Country as well as within New York State to protect our constituents.

He thanked Wes Bradley for his comments and said that he will take a look at the numbers. He offered to give him a call or meet with him to discuss how the Town of Yates compares with other locations within the County.

ADJOURNMENT

Moved by Supervisor Simon, Whereas there is no new business to be brought before the Board that the meeting be adjourned at 7:19PM.

Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Riggi: Aye

Councilman Whipple: Aye

Councilman Hrovat: Aye

Councilman Suhr: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted

Michele L. Harling, Yates Town Clerk