

Town of Yates March Board Meeting
8 S. Main St., Lyndonville, NY 14098
March 8, 2018, 7:00PM

Present: John Riggi, Councilman
Wes Bradley, Councilman
Jim Whipple, Councilman
Harold Suhr, Councilman
Michele Harling, Town Clerk
Andrew Meier, Town Attorney

Excused: Jim Simon, Supervisor
Roger Wolfe, Highway Superintendent
Trisha Laszewski, Town Assessor
Dan Wolfe, Code Enforcement Officer

Others:	Larry Wolfe	Alice Wolanyk	Betty Wolanyk
	Richard Pucher	Cynthia Hellert	Steve Royce
	Richard Hellert	James Hoffman	Bob LaPorte
	Agnes LaPorte	Paul Lauricella	Howard Pierce
	Becky Winters	E. John Defilippis	Pam Atwater
	Georgette Stockman	Carmin O'Keefe	Kathy Evans

Councilman Riggi called the March Town Board Meeting to order at 7:00PM.

PLEDGE OF ALLEGIANCE

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Paul Lauricella, Town of Yates, questioned Resolution No. 49-3/18 and whether or not the Board was actually finished with the Town Handbook or still working on it.

Councilman Riggi replied that the Board would be voting on it later on in the meeting.

Councilman Whipple added that they had made a few more minor changes and that it is a "living document" that can be changed anytime as the Board deems necessary.

Howard Pierce, Town of Yates, commented on Resolution No. 46-3/18 and urged the Town to rescind their current Dog Control Law since the County is already prepared to handle dog control Countywide. He urged the Board to pass Resolution No. 47-3/18 for the Cold War Veteran's exemption and added that it would be an extension of an already existing exemption so it would not be adding a new exemption to the Town. Lastly he thought that the Board should adopt the new Town Handbook with the understanding that it can be updated anytime in the future.

RESOLUTION NO. 43-3/18

RESOLUTION TO APPROVE FEBRUARY REGULAR BOARD MINUTES

RESOLVED, to approve the minutes of the February 8, 2018 regular Board Meeting as presented to each Board Member.

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

4 Ayes 0 Nays 1 Absent (Simon)

Motion: Carried

RESOLUTION NO. 44-3/18

RESOLUTION TO APPROVE MARCH WORKSHOP AND PUBLIC HEARINGS MINUTES

RESOLVED, to approve the minutes of the March 5, 2018 Workshop Meeting and Public Hearings as presented to each Board Member.

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

3 Ayes 0 Nays 1 Abstain (Riggi) 1 Absent (Simon)

Motion: Carried

RESOLUTION NO. 45-3/18

RESOLUTION TO ISSUE JUNKYARD LICENSES

WHEREAS, the Town has received three applications for Junkyard License renewal, and

WHEREAS, the Code Enforcement Officer has inspected each of these Junkyards, be it

RESOLVED, that Junkyard license shall be issued to Terry Chaffee 1859 Murdock Road, Lyndonville, NY, David Dunn Salvage, Inc. 1848 Goodwin Road, Lyndonville, NY, and Paul, Sandra, Leonard, Rachel & Vanessa Lauricella 12469 Roosevelt Highway, Lyndonville, NY.

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

4 Ayes 0 Nays 1 Absent (Simon)

Motion: Carried

RESOLUTION NO. 46-3/18

RESOLUTION ADOPTING LOCAL LAW NO.2 OF 2018 ENTITLED A LOCAL LAW REPEALING THE TOWN DOG CONTROL LAW

WHEREAS, Local Law No. 2 of 2018 was introduced at a regular meeting of the Town of Yates held on February 8, 2018 and a duly noticed Public Hearing was held on March 5, 2018, at which time all interested persons wishing to speak were heard, be it

RESOLVED, that the Yates Town Board enact the following Local Law No. 2 of 2018:

SECTION 1:

This Local Law shall be known as A Local Law Repealing the Town Dog Control Law.

SECTION 2:

The purpose of this Local Law is to repeal Local Law 1 of 1994, entitled “Dog Control Law of the Town of Yates,” thereby permitting the county animal control department to enforce the county animal control law in the Town of Yates.

SECTION 3:

Local Law 1 of 1994, entitled “Dog Control Law of the Town of Yates,” is hereby repealed in its entirety.

SECTION 4:

(a) This local law shall take effect immediately upon filing in the Office of the Secretary of State.

(b) If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.

(c) All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

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

4 Ayes 0 Nays 1 Absent (Simon)

Motion: Carried

RESOLUTION NO. 47-3/18

RESOLUTION ADOPTING LOCAL LAW NO.3 OF 2018 ENTITLED A LOCAL LAW EXTENDING PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS

WHEREAS, Local Law No. 3 of 2018 was introduced at a regular meeting of the Town of Yates held on February 8, 2018 and a duly noticed Public Hearing was held on March 5, 2018, at which time all interested persons wishing to speak were heard, be it

RESOLVED, that the Yates Town Board enact the following Local Law No. 3 of 2018:

SECTION 1:

This local law is adopted pursuant to the provisions of Section 458-b of the Real Property Tax Law and the Municipal Home Rule Law of the State of New York.

SECTION 2:

This Local Law shall be known as A Local Law Extending Property Tax Exemption for Cold War Veterans.

SECTION 3:

It is the intent of this law to extend beyond the 10-year limit an existing exemption of real property tax for Cold War Veterans pursuant to New York State Real Property Tax Law Section 458-b, allowing the exemption of fifteen percent (15%) of the assessed value of the property owned by such qualified veteran which exemption shall not exceed twelve thousand dollars (\$12,000), and in addition to provide a disability exemption to the multiple of fifty percent (50%) of the disability rating, not to exceed forty thousand dollars (\$40,000).

SECTION 4:

The exemption referenced in Section 3 of this Law is hereby extended to apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to the ten year limitation set forth in Real Property Tax Law 458-b.

SECTION 5:

- (a) This local law shall take effect immediately upon filing in the Office of the Secretary of State.
- (b) If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.
- (c) All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

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

4 Ayes 0 Nays 1 Absent (Simon)

Motion: Carried

RESOLUTION NO. 48-3/18

RESOLUTION TO AUTHORIZE WATER SHUT-OFF

WHEREAS, the Rules and Regulations for the Water District of the Town of Yates directs the Water Superintendent to shut-off water upon the request of the Town Board because of failure of payment by the consumer, and

WHEREAS, there are water accounts that are delinquent sixty (60) days after the end of the period, be it

RESOLVED, that the Town of Yates authorizes the Water Superintendent to turn-off water for non-payment of delinquent water accounts.

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

4 Ayes 0 Nays 1 Absent (Simon)

Motion: Carried

RESOLUTION NO. 49-3/18

RESOLUTION ADOPTING REVISED MARCH 8, 2018 EMPLOYEE HANDBOOK FOR TOWN OF YATES

WHEREAS, the Town of Yates last adopted changes to the Employee Handbook in 2003, and

WHEREAS, the Town of Yates went through a thorough review of the contents of the Employee Handbook and made a number of revisions, be it

RESOLVED, that the Town of Yates Board hereby adopts the March 8, 2018 Employee Handbook.

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

4 Ayes 0 Nays 1 Absent (Simon)

Motion: Carried

RESOLUTION NO. 50-3/18

RESOLUTION TO PAY BILLS

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

RESOLVED to pay bills as follows:

A-Accounts-	\$ 54,685.23
B-Accounts-	\$ 1,466.44
DA-Accounts-	\$ 27,286.57
DB-Accounts-	\$ 2,216.94
Water 4-	\$ 15,937.95
Water 2-	\$
Fire-	\$

TOTAL	\$101,593.13

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

4 Ayes 0 Nays 1 Absent (Simon)

Motion: Carried

PRIVILEGE OF THE FLOOR

Richard Hellert, Town of Yates, asked the Board if they would be adopting the Historical Building Exemption that the Village of Lyndonville and Orleans County Legislature recently passed. He felt that it would help business owners to remodel and improve the condition of downtown Lyndonville.

Councilman Riggi responded that they are considering the Historical Building Exemption.

Councilman Suhr added that everyone is in favor of revitalizing downtown Lyndonville.

Pamela Atwater, Town of Somerset, submitted two handouts to the Board; one titled “POWER Coalition Unites to Block Lighthouse Wind Project” the other was a letter written by Pamela Atwater, President of Save Ontario Shores, to Governor Cuomo announcing the formation of the POWER Coalition and the twelve organizations that make up the Coalition. The mission of the POWER Coalition is “To highlight the broad opposition to the current proposal by Apex to site up to 70, approximately 600-foot-tall industrial wind turbine along the Lake Ontario shoreline”.

Paul Lauricella, Town of Yates, supports the revitalization effort of downtown Lyndonville. He said that the way property is assessed in New York State discourages people from maintaining or

improving their property because they fear that their assessment will go up resulting in a higher tax burden. He said that it makes it impossible to make money on your house when you sell it.

Agnes LaPorte, Town of Somerset, thanked the Board for their continued diligent work in supporting both Counties to fight the Lighthouse Wind project.

Betty Wolanyk, Town of Somerset, explained that after examining the Lighthouse Wind Stipulations, that there are formatting issues, the Table of Contents does not specify appendices, there are more than twice as many pages of appendices than there are pages of original text and empty lines without numbers or text. She feels that it is another example of the “slipshod performance of APEX” and why would we allow them to build industrial wind turbines here.

Steve Royce, Town of Appleton, said that he was glad to see the assorted bird and animal authorities affiliated with the POWER Coalition because he has seen bald eagles near his home on a regular basis; not migrating; they live here.

James Hoffman, Town of Somerset, submitted a handout which was composed of his comments to the Lighthouse Wind stipulations. He felt that 21 days to formulate a response was not adequate and that there was no benefit for local leaders to sign off on the stipulations document. He also commented on noise, vibration, visual studies and the incidental take or non-purposeful take of eagles. He also submitted two additional handouts titled: “Proposed Bill Casts Dark Cloud over Ohio’s Wind Industry” and “GE Renewable Energy Unveils 12MW Giant”.

Howard Pierce, Town of Yates, explained the stipulations submitted by Lighthouse Wind were entirely voluntary and not required, but that they wanted to get some arguments out of the way before the application was filed. He added that the 21-day comment period was just extended to 65 days by the law judge.

REPORT OF TOWN OFFICERS

Councilman Suhr compared the Stipulation process to that of a “used car salesman” and said that its APEX’s way of seeing what will be allowed and then they sell you a junk car.

Councilman Whipple said that the Board is in favor of the Historic Building Exemption and that they have been and will continue to work on it. He added that the Town rate is the smallest portion of the overall tax load that residents pay.

Andrew Meier, Town Attorney, said that he will have language prepared for the Historic Building Exemption by the next Town Board Meeting.

Councilman Riggi commended the County Legislature for recently passing a resolution opposing offshore large-scale industrial wind projects in Lake Ontario in support of the Town of Yates.

ADJOURNMENT

Moved by Councilman Suhr, Whereas there is no new business to be brought before the Board,
the meeting be adjourned at 7:23PM.
Seconded by Councilman Whipple

4 Ayes 0 Nays 1 Absent (Simon)

Motion: Carried

Respectfully Submitted,

Michele Harling
Yates Town Clerk