

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

Present: James Simon, Supervisor
John Riggi, Councilman
Susan Hrovat, Councilman
Harold Suhr, Councilman, via Zoom
Michele Harling, Town Clerk
Dan Wolfe, Code Enforcement Officer

Excused: Roger Wolfe, Highway Superintendent
Trisha Laszewski, Town Assessor
James Whipple, Councilman

Others: Larry Wolfe Paul Lauricella

Supervisor Simon called the April 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

Paul Lauricella, Town of Yates, said that the Board should not accept the resignation of Councilman Whipple; they should make him fill out his term because he feels that it's a ploy by the Town of Yates Republican Committee to slip in their candidate making an incumbent harder to beat at the next election. He said that the republican endorsed candidate has never been to a board meeting or involved in politics. He questioned the appointment being made to the Board of Assessment Review and asked if anyone would give him the time of day if he didn't have a lot of money and questioned how he will be able to relate to the folks coming to the BAR that don't have enough money to pay their taxes; can he be empathetic to those residents. He urged that the excessive force resolution be voted on one way or another to get it out of the way. He urged the Board not to pay for the Association of Towns membership because he thinks that they are a bunch of left-wing liberals who will take money from Schumer when he does nothing for this country.

Supervisor Simon said that it's fair for Paul to suspect that but Councilman Whipple's resignation is for personal reasons and if he says it's time, it's time. He explained that this is the

process and that an elected republican that leaves his seat early should be replaced by another republican in the interim. He explained that the Board felt that the Association of Towns did not support them last year but in the last three months, they have done quite a bit. He feels that the resolution is supportable for the work that they have done, specifically in answering questions from Councilman Riggi.

RESOLUTION NO. 47-4/21

RESOLUTION TO APPROVE MARCH REGULAR BOARD MINUTES

RESOLVED, to approve the minutes of the March 11, 2021 regular Board Meeting as presented to each Board Member.

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

Roll Call Vote:

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

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 48-4/21

RESOLUTION TO ACCEPT RESIGNATION OF JAMES WHIPPLE FROM YATES TOWN BOARD

WHEREAS, on March 25, 2021 James Whipple submitted a formal resignation letter from his duties as Councilman on the Yates Town Board, effective April 1, 2021, be it

RESOLVED, that the Yates Town Board accepts, with regret, the resignation of James Whipple from the Yates Town Board, and thanks him for his many years of faithful service.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat, with thanks for service

Roll Call Vote:

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

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 49-4/21

RESOLUTION TO APPOINT STEVE VANN TO BOARD OF ASSESSMENT REVIEW

WHEREAS, the Yates Town Board has accepted the resignation of Rhonda McKinney thereby leaving a vacancy on the Board of Assessment Review, and

WHEREAS, the Board desires to fill the vacancy effective immediately through September 30, 2022, be it

RESOLVED, that the Yates Town Board appoints Steve Vann to fill the seat.

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

Councilman Hrovat said that she has worked with Steve Vann in other areas and he is very conservative when spending other people's money and has come from humble beginnings. She said they don't always agree on everything but that she has a lot of respect for him. She feels confident that once you get to know him you'll see that he will be a responsible and humble member of the Board.

Roll Call Vote:

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

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 50-4/21

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.

Supervisor Simon explained that this is a CDBG requirement that has been on the agenda for several months and he supports putting it to rest one way or another.

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

Roll Call Vote:
Councilman Riggi: Nay
Councilman Hrovat: Nay
Councilman Suhr: Nay
Supervisor Simon: Nay

0 Ayes 4 Nays

Motion: Denied

RESOLUTION NO. 51-4/21

RESOLUTION AUTHORIZING TOWN OF YATES PAY ANNUAL MEMBERSHIP FOR THE ASSOCIATION OF TOWNS

RESOLVED, the Town Board authorizes paying the annual membership fee for the Association of Towns for 2021-2022.

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

Councilman Riggi said that last year the Association of Towns was instrumental in getting a very critical part of a 94-C renewable siting regulation taken off the board, which gave us another year to prepare. They called other towns and lobbied to get this removed. They also went to bat for us this year but unfortunately there is no appetite at the downstate level to help Western New York or the rural part of NYS and our ability to enjoy home rule. The people from downstate are bent to put as many renewable projects up here as possible to feed New York City. AOT understood that but was unsuccessful this time around.

Roll Call Vote:
Councilman Riggi: Aye
Councilman Hrovat: Aye
Councilman Suhr: Aye
Supervisor Simon: Aye

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 52-4/21

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

RESOLVED, the membership of the 200th Anniversary Planning Committee for the Town of Yates as constituted by RESOLUTION NO. 39-2/21 shall be: Jim Simon (Chair), Susan Hrovat (Deputy Chair), Dawn Metty (Historian), Brad Bentley, Kelly Cousins, Cindy Grabowski, Ginny Hughes, Russ Martino, Cal Stinson, Georgette Stockman, Joanne Suhr, Tom Wenhold, and Katie Whipple.

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

Roll Call Vote:

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

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 53-4/21

RESOLUTION TO PAY BILLS

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

RESOLVED to pay bills as follows:

Fund A (General – Townwide)	\$ 49,143.41
Fund B (General – Outside Village)	\$ 934.38
Fund DA (Highway – Townwide)	\$ 11,264.49
Fund DB (Highway – Outside Village)	\$ 7,739.03
H-	\$ 9,586.70
Water 4-	\$ 4,620.99
Water 2-	\$ 160.00
Youth-	\$
Fire-	\$ 53,800.00

TOTAL \$137,249.00

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

Roll Call Vote:

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

4 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Paul Lauricella, Town of Yates, is concerned about the workshop discussion to spend \$1,000,000.00 to renovate the Town Hall when you could probably knock this building down and build a new one for less than that. He questioned putting bike paths on Route 18, trails, and a sidewalk to nowhere (Shadigee). He knows that the Board is thinking that the STAMP Project is going to come to fruition but he asked when has any of Cuomo's economic development projects come to anything. He gets everyone excited and then pulls the rug out at the last minute. He asked why people from that area would want to move down here when they would be closer to Shelby where there is a lot of farmland. He said that a major concern is that people here will lose their privacy. He added that we live in the country because we want privacy and who would want people walking on sidewalks in front of their homes in the country. He added that this is why the folks around the town park were upset, it infringes on their privacy. He asked who will maintain these great ideas when all of the grant money is gone. It's all "pie in the sky". He said when you keep messing with people they will get mad and start coming to board meetings and start yelling and screaming. Then they'll run for election and flip the board.

Supervisor Simon replied that the Town Hall does need some work and it would seem prudent to go after a grant to do the work. He would not want any of the money to come from the Town's people. There is money out there to do this. He said that in terms of the Comprehensive Plan, the path to Shadigee was supported by both local people and folks outside of Town who wanted to come here and make it an event; maybe to walk to the lake from Lyndonville or to walk trails along the lake, possibly down Lake Shore Road or Route 18. He said that this may impact people's privacy and that's why they listened so carefully to what the neighbors of the park had to say. They took about a dozen suggestions from their comments but added that it is still not perfect for them; it is a public park and public access with good accommodations for the public is the job of the Town Board. He said that he is not concerned with flipping boards and people attending board meetings upset, it seems to him that people need to start coming to board meetings, like Paul. If people are upset about the proposed trails and bike paths then the Board wants to hear about it so they can take it into consideration.

Councilman Suhr said that the Board is very Republican and very conservative and if it is flipped, it will probably be much more liberal which may not be ideal.

TOWN OFFICERS REMARKS

Dan Wolfe, Code Enforcement Officer, said that it's a new year and he hopes that the building permits will start coming in. He said the Department of State is still not offering in-person training and has not waived the requirement of 24 hours per year so he has been trying to take on-line courses to meet this requirement. He said that this is very frustrating because so many people are trying to get into these classes to keep their certification which is essential when serving a community.

Supervisor Simon said that he and Councilman Riggi attended the Fire Department Meeting yesterday with the Village and a Fire Department representative and despite a little bit of fireworks they came to a good resolution. He will be sending a summary of the meeting to the other board members to memorialize the agreement. They agreed not to contest last year's budget, holding the Town's contribution flat based on the concerns over reserves and for next year's budget there will be a 6% increase in their operating costs and the Town asked that they decrease the amount going into their reserves by \$15,000.00 and the Village agreed. The logic used was that they have been paying for truck 67 for 4 years now, that's eating into the reserves, you can't maintain the amount going into reserves while you're still paying off a truck. When that truck is paid off then the additional money not being used to pay off the truck can be used to start to beef up the reserves to pay for a pumper. They board would like an estimate this fall to replace the pumper with all of the specifications but the Fire Chief explained that sometimes it takes a while to get a quote with all of the different vendors. Another idea was that after truck 67 is paid off in 3 years to take what is in the reserves and put it toward a new pumper and bond the rest. The agreement to decrease the reserves by \$15,000.00 is in effect for the next 3 years.

Councilman Hrovat asked if they discussed whether or not a new truck is really necessary. She asked if this something to drive around in a parade or is it something that we need. Is it a want or is it a need.

Supervisor Simon said that's a good question and what was explained to them was that there are certain things that have to be done to these trucks based on OSHA and other standards that you wouldn't have to do to your own truck. For example, they had to replace the tires on one of the trucks, not because the tread was bad but because of the rules on how long a set of tires can be on a firetruck. He is not convinced that they need a new pumper but now they have the time to discuss the amount of money going into the reserves and they will have a 3 year conversation about the pumper and what is really needed because 80% of the money comes from the town so we should have 80% of the say.

Councilman Hrovat asked if an ambulance would suit our needs better than a new pumper. She wondered if we got together with the other towns if our needs are being met for an ambulance with people trained as EMT's and are we sustaining our trucks and pumpers and can we come together and share resources in a better way than just trying to keep up with the Jones's.

Supervisor Simon said that Councilman Suhr had raised the ambulance question and that now we have the time to discuss this option.

Councilman Riggi said that one of the positives that came out of the Fire Meeting was that the Town will be keeping a close eye on the budget and how it is developed and not just taking the preliminary budget and agreeing to it which has been done in the past. The Town Board will be taking a much more active role in the development of the fire budget on an annual basis.

Supervisor Simon said that the Fire Department is required to submit to the Village their budget by March 1st but they have never given it to the Town at the same time. The reasoning was that the Village Clerk has some TBD entries to make like insurance which is fine but the Town would like to see the budget on March 1st as well to see what the Fire Department is thinking. He said that another thing that came up was that the contract says that a February Meeting is to be held to resolve the budget but that the budget isn't close to being done yet. He said a meeting at the end of March or early April is when the budget issues should be discussed and resolved.

He said that the State budget was approved and did include 575b and there was heavy push back from a lot of the towns and the Association of Towns and it was not in the assembly side of the budget but stayed in the senate and the Governor won the argument. Losing this does not bode well because it was the last backstop to say if you want to force your way through under the new law, 94-C, than you will pay full taxation. For renewable energy solar and wind projects over 1 megawatt the State will set the assessment. Even if a PILOT is negotiated, the State will be involved and look at the average of the last few PILOTS negotiated and say that yes, that looks good- \$8,000.00 per megawatt regardless of solar or wind, that's all you're going to get. There will no longer be a way to make them pay full taxation.

Councilman Riggi is working with the Association of Towns and urging them to start thinking outside of the box like maybe they lead a class action lawsuit. They don't want to do that but he continues to push because we have a Governor that has thrown all of the rules out to get his way. If he is throwing all of the rules out then we shouldn't be operating by the rules either. We need to start thinking outside of the box about what we can do with all of the towns that we are in contact with and the Association of Towns, the Assessors Association and any other agency that would be affected by the loss of home rule. There are a lot of legs in our state for that fight. People don't like to be told we will determine how you'll live. This fight is not over. He said that they learned their lesson the first time they came here and they will learn it again if they come back because we are even stronger, we have allies throughout the state, and we have national media on our side which we didn't have before.

He talked to Martin about the bio-digesters and they are doing a scoping study. They are good from the middle of April on. They would like to meet either this week or next week. He will try to set up a Zoom meeting and he will let Councilman Suhr know so that he can attend. They are interested in our town and potentially any other town that has farmers that would be feeding manure into a bio-digester. It could involve many towns and could be a nice renewable energy anchor for the town for which then we could go to Cuomo and say we are doing our own thing that fits our culture and what is right for us- we don't need your solar and wind farms. It's moving forward.

ADJOURNMENT

Moved by Councilman Riggi, Whereas there is no new business to be brought before the Board, the meeting be adjourned at 7:40PM.

Seconded by Councilman Hrovat

4 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,

Michele L. Harling
Yates Town Clerk