

Town of Yates May Board Meeting
8 S. Main St., Lyndonville, NY 14098
May 13, 2021, 7:00PM

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

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

Others: Larry Wolfe Kate Kremer Georgette Stockman
Paul Lauricella

PLEDGE OF ALLEGIANCE

Supervisor Simon called the May Board Meeting to order at 7:05PM.

SUPERVISOR'S REMARKS

No remarks.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Paul Lauricella, Town of Yates, wanted to confirm that the Town would not be putting in any money to support Resolution No. 58-5/21.

Supervisor Simon said that the Town would not be spending additional money to support the 94C lawsuit and that they had the Town Attorney, Andrew Meier, review the paperwork to make sure that there wasn't any language there that binds us to provide funding.

Kate Kremer, Town of Yates, suggested that if the Town is submitting comments for the Heritage Wind Project that there are a lot of good ideas in the SOS newsletters that they have been sending out. She also highlighted that from their perspective of the Town of Yates, one of the big issues involves tourism and the Iroquois Wildlife Refuge. She said the refuge is a county-wide resource and it is a benefit for all of the towns. She read a statement from the Hub that was also posted on the Orleans County Tourism website which said that Orleans County fared better than the metropolitan regions due to our wide open spaces including world class fishing, the Erie Canal, the Iroquois Wildlife Refuge and our camping facilities. She said what

they are proposing to do is industrialize the area up there which will change the character of a whole section of our county. She said that all written testimony must be submitted by 5:00PM on May 21st.

Supervisor Simon said the town did get ideas from discussions with SOS and from Keri Richardson. They have asked Lippes to cover a broad area of issues but are waiting to see what they come back with.

RESOLUTION NO. 55-5/21

RESOLUTION TO APPROVE MINUTES OF THE REGULAR APRIL TOWN BOARD MEETING

RESOLVED, to approve the minutes of the April 8, 2021 regular Board Meeting as presented to each Board Member.

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

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 56-5/21

RESOLUTION TO APPROVE MINUTES OF WORKSHOP MEETING EXECUTIVE SESSION

RESOLVED, to approve the minutes of the May 10, 2021 Workshop Meeting Executive Session as presented to each Board Member.

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

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 57-5/21

RESOLUTION TO APPOINT TERRY CHAFFEE JR. AS TOWN OF YATES COUNCILMAN EFFECTIVE IMMEDIATELY

WHEREAS, the Yates Town Board has accepted the resignation of James Whipple thereby leaving a vacancy on the Board, and

WHEREAS, the Board desires to fill the vacancy effective immediately through December 31, 2021, be it

RESOLVED, that the Yates Town Board appoints Terry Chaffee Jr., to fill the Councilman seat through the end of the year.

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

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 58-5/21

RESOLUTION TO AUTHORIZE TOWN SUPERVISOR TO ADD TOWN OF YATES TO SECTION 94C LAWSUIT

WHEREAS, the Yates Town Board fought the NYS Section 94c budget amendment regarding the establishment of the Office of Renewable Energy Siting (ORES), and opposed the ORES regulations becoming law without one change having been made to the draft regulations despite the fact that over 5,000 comments were made by New Yorkers and various stakeholders, be it

RESOLVED, that the Yates Town Board authorizes the Town Supervisor to enter the Town into a legal agreement to challenge the Section 94c law and regulations as a Coalition Member which does not include any Town funding.

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

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 59-5/21

RESOLUTION TO AUTHORIZE TOWN SUPERVISOR TO MAKE COMMENTS ON BEHALF OF THE TOWN REGARDING THE GREAT LAKES WIND FEASIBILITY STUDY AND TO SEEK SUPPORTING COMMENTS FROM THE TOWNS OF CARLTON AND KENDALL, AND THE COUNTY OF ORLEANS

WHEREAS, the Yates Town Board is stunned by the lack of depth and comprehensiveness proposed for the scope of the 2021 NYSERDA Great Lakes Wind Feasibility Study, be it

RESOLVED, that the Yates Town Board authorizes the Town Supervisor to make official comments (on the negative economic impact, the visual blight, the fresh water risk, and the

negative health impacts to lakeshore residents) to the NYSERDA virtual public forum on May 19th, and be it further

RESOLVED, that the Town Supervisor will request supporting comments to same from the Town of Carlton, the Town of Kendall, and Orleans County.

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

Councilman Riggi said that he feels this is the next great battle we need to fight regardless of what happens with Lighthouse Wind and it looks like the Federal Government has approved a wind project off Martha's Vineyard which let's face it, there is a lot of money there so it will probably get cancelled but we're going to be fighting the same battle here and they are going to want to put turbines in our fresh water supply. He has been in contact with Legislator DeRoller about the possibility of forming a coalition of all of the Lakefront towns and counties in New York State across Lake Erie and Lake Ontario. He thinks that this type of opposition will get a lot of attention and would be well funded. He said this battle is coming.

Supervisor Simon said that he still needs to write these out; having looked at and watched the last NYSERTA meeting which had slides presented from the status of the study at the time; he will go everything one more time and consolidate comments and send them to the board to review and fire them off to the Town Supervisors of Kendal and Carlton and Lynne Johnson to see if they agree. If so, he could submit the comments on behalf of all of them. He said that there was a whole slide about economic impact and job creation but nothing about the negative impact on tourism or fishing, for example.

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 60-5/21

RESOLUTION TO AUTHORIZE TOWN SUPERVISOR TO MAKE OFFICIAL COMMENTS ON BEHALF OF THE TOWN REGARDING THE HERITAGE WIND PROJECT IN BARRE NY

WHEREAS, the Town of Yates has reviewed the Heritage Wind application to the Office of Renewable Energy Siting (ORES) and found that it insufficiently addresses concerns of the Town, be it

RESOLVED, that the Yates Town Board authorizes the Town Supervisor to make official comments on the Heritage Wind ORES application, and be it further

RESOLVED, that the Town Clerk will send an official copy of this resolution along with the comments submitted to ORES to each member of the Barre Town Board as well as the Orleans

County Legislative Chair and the Executive Director of the Orleans County Economic Development Agency.

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

Supervisor Simon said that they will include as many comments as they can and that Lippes is working on a bunch of angles but he has not seen their draft yet. Lippes will help write the comments but they will be signed by the Town which he believes will have more impact, town to town. Copies will be sent to the individual members of the Barre Town Board as well as the County Legislative Chair and the Executive Director of the EDA.

4 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 61-5/21

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)	\$ 32,132.84
Fund B (General – Outside Village)	\$ 972.06
Fund DA (Highway – Townwide)	\$ 10,377.22
Fund DB (Highway – Outside Village)	\$ 30,554.21
H2 (REDI Park Project)	\$ 10,310.05
Water 4	\$ 2,204.41
Water 2	\$ 35,190.07
Youth	\$
Fire	\$

TOTAL	\$121,740.86

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

4 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Georgette Stockman, Town of Yates, thanked the Board for their careful consideration of the

Great Lakes Wind feasibility issue, Heritage Wind issue and the potential lawsuit from someone who holds this area dear. She also asked what is being done about refuge/trash now that the season is opening up. Last fall the Towns were supposed to color code the lanes. She is concerned that the next step will be to request that trash be brought to the road in wheeled receptacles which for her is ¼ of a mile next to the 6-7 recycling bins that already do not fit.

Supervisor Simon said that the town did color code the lanes but that beyond that he does not have an update. He will find out and get back to her. He asked if there have been any recent changes with garbage pick-up at the lake.

Councilman Riggi said that the garbage issue has been silent.

Kate Kremer, Town of Yates, said that SOS will be partnering in the lawsuit with the Town of Yates as they have in the past 6 years and will be submitting comments to Heritage Wind. At this point they will not be submitting comments to the feasibility study because of time constraints. She mentioned that they have received information that the former coal plant in Somerset is being looked at for a possible solar project that may impact farmland and wooded areas. She said that they are also looking to put a data center there that may be part of a Bitcoin operation. She mentioned it because if the plant becomes Bitcoin, they are intentionally built by water because they use it to cool down the machinery and then put the hot water back into the lake. She explained that Bitcoin mining is a highly energy intensive computer operation that involves a lot of people on computers crunching numbers. It's possible that they are looking at a 500 megawatt Bitcoin operation which uses an enormous amount of energy. She wanted the Town of Yates to be aware of this because of their lakefront property and because NYS is considering requiring the energy needed to operate these facilities green energy. This means that more and more towns will need wind turbines and solar panels to run these things. She said this is not a good thing and submitted documentation on the above-mentioned.

Councilman Riggi asked what the water temperature was that comes out of these Bitcoin facilities.

Kate Kremer said that the hot water being dumped back into the lake is a concern and she added that the facilities are loud with infrasound, unlike a normal data center.

Councilman Hrovat said that dumping hot water back into the lake will change the whole ecosystem of our lakeshore thereby affecting our world renowned fishing industry. She also added that increased algae from the heat will stink.

Georgette Stockman, Town of Yates, said that she attended the Town of Somerset meeting the night before and the company (AES) that wants to install the solar panels in Somerset were at the meeting and that an additional Town meeting will be held at the Fire Hall in Barker on June 16th. The company says that they do not have an agreement or relationship with the Bitcoin operation that was mentioned earlier. The Town of Somerset was hoping to have a coordinated effort that everyone agrees on for that site. She said this already seems to be falling apart.

Councilman Riggi said that it was his understanding that a 94C project is a quick thing with a

Brownfield property. He said he believed that the project was not going on a Brownfield property but that it was going on agricultural land. He said that it's not fair to the people living across the street that used to live across from agricultural land that now will live across the street from industrialized land. He feels that this should not still be a 94C project.

Georgette Stockman said that they flashed a map but did not leave copies of anything. They said that they would have more details at the meeting on the 16th but they did have areas on the map that were color coded that represented agricultural land, one area that was the plant, and another area that they were leaving untouched to give the eagles nest a 600' – 800' buffer. She said that they had not filed for 94C yet but that they had filed with NISO last year and had been refused. They need to refile and would do that before they filed for 94C.

Kate Kremer explained that this was for NYSERTA funding.

Paul Lauricella, Town of Yates, asked if the \$84,000 hole in account A will be fixed this year. He wondered if the tax rate increase to the village was supposed to help the A account and asked where the A account money went. He didn't remember a time when the Town of Yates ever had to bond any of their highway equipment. He asked if the Yates taxpayers still pay for the software for Millennium Roads bookkeeping services and if so how much is it. He mentioned that the board is in the collective bargaining process with the Highway employees and that in the private sector they do not give 2% and 3% raises and guaranteed 4-5 year contracts. He doesn't feel that enough work is done in-house. When he sits at the bank he can tell the municipal trucks because they look brand new from the private sector trucks which are 20 – 30 years old and used to be former municipal trucks but still have a lot of life left in them. He questioned the condition of our highway equipment and said that we need to get more out of it. He questioned why the foundation money for the town park improvements came in 2 checks. He thought that was odd. He commented on the bio-digester study presentation that was given at the workshop meeting. He felt that you could insert the word "wind" for "bio-digester" any time during the presentation, and was not in favor of them.

Supervisor Simon said that their hope is to repair the A account this year. He feels that they put together a good budget that they think will repair it completely. It's not a 100% guarantee. For example legal fees come out of account A and if we end up in a battle that could impact it. He said that the village increase does factor into remediating the general town-wide fund. He said the trend line was going negative before the current board was in office. The reserve fund was originally built up to pay for the last big highway snowplow and the spending was kept at that level so the budget the current board inherited set the stage for the account to go further into negative numbers and the auditor was the first person to catch it and say that it had to be fixed. He explained that the DA and A fund are still under pressure but that DB and the water funds are pretty high. The cash reserves are still high so the Town is in good shape. He said that we still use Millennium Roads for bookkeeping and that he would get him the exact amount that they are paid. He explained that he has the authority to hire the bookkeeper and that they do a good job so they have the contract. He said that the Foundation has to pull money from their investments when they cut checks for grants and we agreed to 2 separate checks.

Councilman Suhr said that the Foundation is fully invested so they have to sell off stocks in

order to process grant money.

Councilman Riggi said that the bio-digester idea may not be a good one if the Town does not own it. He said the people investing in the project will be making the money and that it would not be a benefit to the town if it was not making the investment; this is not the model they are looking at. He explained that the town is looking at getting money from the green bank and that these are the types of projects that are able to take money from the green bank. He said the best case for us is to get the money and pay for the project and then get the annual benefit which may be cheaper electric rates or more revenue with a reduction in taxes. He said that bio-digesters use manure, a resource that we have a lot of and can generate renewable energy. Then, the town could go back to Governor Cuomo and say stay out of here with wind turbines and solar panels, we are doing our part. We are at the very beginning of this.

TOWN OFFICERS REMARKS

Trisha Laszewski, Town Assessor, gave a verbal report to the Town Clerk: Change of Assessment Notices have been sent out and Grievance Day is scheduled for Thursday, May 27th from 4:00PM – 8:00PM.

Councilman Suhr said that the CDC announced today that if you have been fully vaccinated, 14 days after your second shot you don't have to wear a mask inside. Now we have to wait for Governor Cuomo make a decision.

Supervisor Simon said that we may have to look at updating the rules for the Town Hall and what's listed on the website depending on what trickles down. He mentioned a broadband email from Brian Napoli, Supervisor of Ridgeway. He sent a reply that summarized the board's discussion at the workshop meeting. Their view was that the technology seems odd, how much will the town be covering the costs over time for the individual home owners, and we don't even know if the money is coming and what the fine print will be.

ADJOURNMENT

Moved by Councilman Riggi, Whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:38PM.

Seconded by Councilman Hrovat

Roll Call Vote:

4 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling,
Yates Town Clerk