

Town of Yates May Board Meeting
8 S. Main St., Lyndonville, NY 14098
June 14, 2018, 7:00PM

Present: Jim Simon, Supervisor
Jim Whipple, Councilman
Wes Bradley, Councilman
John Riggi, Councilman
Harold Suhr, Councilman
Michele Harling, Town Clerk
Andrew Meier, Town Attorney
Dan Wolfe, Code Enforcement Officer

Excused: Roger Wolfe, Highway Superintendent
Trisha Laszewski, Town Assessor

Others:	Brent Boring	Larry Wolfe	Betty Wolanyk
	Alice Wolanyk	Ron Pones	Frank McGorray
	Steve Royce	Chris Bronson	Bob Verhyne
	Jim Hoffman	Lynn Wright	Bob LaPorte
	Agnes LaPorte	Howrd Pierce	Becki Winters
	Anne Smith	Cynthia Hellert	Richard Hellert
	Michael Basil	Faith Basil	Judy Esposito
	Kathy Evans	John Zimmerman	Paul Lauricella
	Georgette Stockman	Jim Bansbach	Kate Kremer
	Peg Schwabel	Bruce Williams	Dale Nikitas

Supervisor Simon called the June Board Meeting to order at 7:00PM.

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS

Supervisor Simon addressed the interaction between residents and the Board during Privilege of the Floor. He said that the comments should be directed to the Board. If the Board asks for clarification or has questions and the speaker desires to answer, he would like to allow for that interaction but asks that the exchange be professional and civil.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Cynthia Hellert, Town of Yates, commented on Resolution No. 68-6/18. She said that she heard the letter read by Dan Engert at the Town of Somerset's meeting last night and that it was an excellent letter. She asked that Board to pass the resolution unanimously.

Betty Wolanyk, Town of Somerset, commented on Resolution No. 68-6/18. She heard the letter read the night before and urged the Board to send it to the Governor and Lieutenant Governor because all it

really asks is that all of the citizens of New York be treated equally and to give the residents of Yates and Somerset the same consideration as others in the State.

Peg Schwabel, Town of Somerset, commented on Resolution No. 68-6/18. She said that she supports the resolution and asked the Board to send the letter. She said that we all have a sense of justice and injustice and when doing business justice means not stacking the deck knowing that it will cause long-lasting division. The letter speaks to that effect and to that of fairness.

Anne Smith, Town of Yates, commented on Resolution No. 68-6/18. She too, heard the letter read last night and feels that it is a good letter. She hopes that it is sent to the Governor, Lieutenant Governor, NY Times, Buffalo News, Albany Register and to as many newspapers as the Governor reads.

Paul Lauricella, Town of Yates, commented on Resolution No. 69-6/18. He knows that the tax cap is done as a precautionary measure but asked the Board to make cuts and hold the line as close to "0" as possible.

Agnes LaPorte, Town of Somerset, commented on Resolution No. 68-6/18. She felt that the letter was excellent and she hopes that all of the Board members support it.

RESOLUTION NO. 62-6/18

RESOLUTION TO APPROVE MINUTES OF THE REGULAR MAY TOWN BOARD MEETING

RESOLVED, to approve the minutes of the May 10, 2018 regular Board Meeting as presented to each Board Member.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 63-6/18

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 Riggi, who moved its adoption
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 64-6/18

RESOLUTION IN OF SUPPORT OF THE 2019 REASSESSMENT PROJECT

WHEREAS, the Town of Yates is desirous in conducting a 2019 Reevaluation Project, and

WHEREAS, the Assessor was presented with a Memorandum of Understanding from the New York State Office of Real Property, be it

RESOLVED, that the Supervisor and Assessor shall sign the Memorandum of Understanding and return it to the New York State Office of Real Property Services, and further

RESOLVED, that a copy of the Memorandum of Understanding shall be attached to these minutes.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 65-6/18

RESOLUTION TO AUTHORIZE THE YATES TOWN SUPERVISOR TO SIGN THE ACCEPTANCE LETTER FOR THE NYS LAKESHORE FLOOD RELIEF & RECOVERY PROGRAM GRANT

WHEREAS, the Town of Yates received a NYS Lakeshore Flood Relief & Recovery Program Grant from the NYS Office of Community Renewal to remediate the shoreline of the Yates Town Park and the shorelines at the foot of Marshall and Countyline Roads, be it

RESOLVED, the Yates Town Board authorizes the Yates Town Supervisor to sign the acceptance letter and to oversee the execution of the grant.

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

Supervisor Simon explained that this was the \$414,000 grant to apply to the Yates Town Park and the shorelines of Marshall and Countyline Roads. It precludes the Town from seeking FEMA funding.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 66-6/18

RESOLUTION TO AUTHORIZE THE YATES TOWN SUPERVISOR TO SIGN THE LETTER TO PROGRAM DIRECTOR NYS ECONOMIC DEVELOPMENT REQUESTING AN EXTENSION OF THE NIAGARA FOOD SPECIALTIES COMPLETION DATE

WHEREAS, Niagara Food Specialties faced challenges with financing their project and fulfilling the requirements of the NYS Office of Community Renewal Grant, and

WHEREAS, the Orleans County Economic Development Agency has reassured the Town of Yates that Niagara Food Specialties has secured strong financial backing and has revised and updated its application, be it

RESOLVED, the Yates Town Board authorizes the Yates Town Supervisor to sign a letter of support to the OCR requesting an extension of the project completion date to February 28, 2019.

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

Supervisor Simon said that Niagara Food Specialties got behind in meeting the reporting and expenditure requirements of the grant from the State and so they had to reprove their financial strength and status to get their extension request. The extension runs until February 28, 2019 for them to complete the project.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 67-6/18

RESOLUTION TO AUTHORIZE THE YATES TOWN SUPERVISOR TO SIGN THE LETTER REGARDING CHATFIELD ENGINEERING CONSENT TO ASSIGN TO MRB GROUP

WHEREAS, the Town Board received a letter from Chatfield Engineers, P.C. explaining that the company entered into an Asset Purchase Agreement with the MRB Group, Engineering, Architecture & Surveying, D.P.C. which includes the assignment of existing Contracts and/or Agreements, and

WHEREAS, Paul Chatfield met with Supervisor Simon to explain the details of the transition and that there would be no lapse in services to the Town, be it

RESOLVED, that the Town Board authorize the Supervisor to acknowledge his consent to the assignment of the Contracts and/or Agreements by the Seller to the Buyer, effective as of June 29, 2018, by signing the letter.

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

Councilman Whipple said that Paul Chatfield has been a great engineer for the Town and Village and that he wishes him the best in combing his firm with MRB who is another great engineering firm.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 68-6/18

RESOLUTION TO AUTHORIZE THE YATES TOWN SUPERVISOR TO SIGN THE LETTER FROM THE TOWNS OF YATES AND SOMERSET TO GOVERNOR CUOMO AND LIEUTENANT GOVERNOR HOCHUL REGARDING THE LIGHTHOUSE WIND ARTICLE 10 PROPOSAL

WHEREAS, the Towns of Yates and Somerset have observed numerous instances over the past two years where Governor Cuomo and Lieutenant Governor Hochul have not treated and protected our towns from the Article 10 Lighthouse Wind proposal with the same advocacy and equity with which they have treated and protected other towns facing unwanted projects that threaten their home rule in NY State, be it

RESOLVED, that the Yates Town Board authorizes the Yates Supervisor to jointly sign a letter with the Somerset Town Supervisor to Governor Cuomo and Lt Governor Hochul that addresses our concerns.

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

Councilman Bradley said that he is not opposed to the letter. He believes that it's too soon to send it now. He thinks that it would be more effective and appropriate at a later point.

Supervisor Simon said that in response to a request made during Privilege of the Floor, the Board will not be sending the letter to any of the newspapers initially. The Board would like to give the Governor and Lieutenant Governor an opportunity to respond which would be the professional thing to do and he hopes that they will. He added that they decided that only the Supervisors will sign the letter but that it is on behalf of both Boards. Upon request, Supervisor Simon read the letter in entirety.

4 Ayes 1 Nay (Bradley)

Motion: Carried

RESOLUTION NO. 69-6/18

RESOLUTION ANNOUNCING PUBLIC HEARING FOR LOCAL LAW #5 OF 2018 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

WHEREAS, it is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Yates pursuant to General Municipal Law §3-c, and to allow the Town of Yates to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c, and

WHEREAS, this local law is proposed pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board, and

WHEREAS, the Town Board of the Town of Yates, County of Orleans, is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c, and

WHEREAS, if any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its separation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered, and

WHEREAS, this local law would take effect immediately upon filing with the Secretary of State, therefore, be it

RESOLVED, a Public Hearing is set for Monday, July 9, 2018, at 6:30 P.M. at the Yates Town Hall for Local Law # 5.

Offered by Councilman Bradley, who moved its adoption

Seconded by Councilman Suhr

Supervisor Simon said that they do not want to raise taxes and definitely do not want to exceed the tax cap but based on some of the things they’ve heard about next year’s budget they’re putting this in place. He said that the Public Hearing is set for next month’s workshop and he encourages people to attend to ask questions and provide input.

Councilman Bradley asked that the time of the Public Hearing be pushed back to 6:30pm based on a prior request from Paul Lauricella, so that more people can attend.

Supervisor Simon agreed and set the Public Hearing time for 6:30pm.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 70- 6/18

RESOLUTION TO PAY BILLS

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

RESOLVED to pay bills as follows:

A-Accounts-	\$ 28,141.90
B-Accounts-	\$ 1,157.29
DA-Accounts-	\$ 10,428.51
DB-Accounts-	\$ 86,818.00
Water 4-	\$ 29,337.40
Water 2-	\$
Fire-	\$

TOTAL	\$155,883.10

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

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Kate Kremer, Town of Yates, read a letter on behalf of SOS where she stated that they're support for the Town's efforts against the Lighthouse Wind Project is stronger than ever. She said that opposition continues to grow from those concerned about tourism, hunting and fishing, bat populations, raptors and song birds, and the Niagara Falls Air Reserve Station. She added that SOS is partners with the POWER Coalition and named the members of that group. She further explained a prior claim by APEX that there are over 100 landowners who have signed leases for more than 10,000 acres. She said a more accurate count is 9,200 acres "recorded" which represents 57 separate entities. Finally, she asked "Why is APEX still here"?

Paul Lauricella, Town of Yates, said that the only way to get rid of APEX is to go vote in November. He asked the audience to go tell your friends, "Go vote".

Georgette Stockman, Town of Yates, thanked the Town Board for the new Lane sign, with corrections, at the end of FL41.

Agnes LaPorte, Town of Somerset, commented on a Verizon Cell tower proposal in Lockport. At a public hearing where it was voted down three to two one of the members that voted for it publicly stated that if he lived anywhere near it he would have voted against it. In response to the flyer that APEX recently sent she said “Numbers don’t lie like liars use numbers”.

Anne Smith, Town of Yates, asked the Board if they’ve heard from APEX regarding the stipulations that were submitted by the public to the DPS website. There were 67 letters posted by the public that covered a wide range of concerns. She said that the stipulations were not that easy to read but people spent a lot of time doing it and responding to them and she feels that it’s very poor that APEX has not taken the time to respond to the public’s input. It shows APEX’s true colors.

Supervisor Simon responded that “No” they have not heard from APEX. He added that they are not bound by law to respond to the stipulations directly or in any timeframe, which is a flaw in the Article 10 process. He said that it is frustrating to the Board as well. He urged everyone to keep their notes fresh and close at hand just in case APEX decides to respond, those responses will need to be reviewed.

Peg Schwabel, Town of Somerset, submitted a handout where she demonstrated how APEX is “Stacking the deck” by lobbying through Cassidy and Associates, participating with State Officials, and sending their team to lobby the halls of Congress with pictures taken with Bill Clinton to stay politically connected. She mentioned upcoming venues where APEX will be networking to further their agenda at the AWEA Regional Wind Energy Conference and in New York City.

James Hoffman, Town of Somerset, submitted a letter where he reiterates the many ways that the Towns of Somerset and Yates have voiced their objections to the Lighthouse Wind Project. He adds that there is no long term economic benefit from the project and that from the beginning APEX wanted a PILOT to get by “On the cheap”. He says that Yates and Somerset will recommit their opposition because this is the wrong project in the wrong place.

Howard Pierce, Town of Yates, mentioned that at last month’s meeting a resident made a false statement about the number of wind farms in Wyoming County. He named 5 wind farms and the date that they went online. He added that on a post card recently sent by APEX although the numbers were before the Article 10 process, they did include a PILOT payment and a Host Community Agreement. He said that with a PILOT payment of \$1.2 million, where did the \$40,000 number come from. He says that if the time comes we’ll see how well the Board negotiates an agreement for the Town.

Betty Wolanyk, Town of Somerset, said that the information she mentioned at last month’s meeting came directly from the Wyoming County Business Council. She said that the first Wethersfield Project was a pilot, included a few number of turbines, and today is included in and considered part of the other Wethersfield Project making a total of 4 projects in Wyoming County. She thanked the Board for letting the Town of Somerset residents speak since we’re all in this together.

TOWN OFFICERS REMARKS

Dan Wolfe, Code Enforcement Officer, said that the Town has 21 building permits so far half way through the year. He feels that we’re lagging behind last year where we had a total of 74 for the year. He was happy to report that we have 2 building permits for single family dwellings. He added that we

used to have around 5-7 building permits for new homes each year and blames the decline on the economy. He added that it seems to be picking back up lately.

Supervisor Simon said that he was disappointed to learn that APEX representatives are in the Town. He said that they have tried to communicate multiple times with the CEO of the company who does not acknowledge their attempts. He questions why they are not at the meeting. He mentioned a letter received just before the meeting where Mr. Paul Williamson, the new project manager for the Lighthouse Wind Project, invited the Board to meet with him. He said the he wants to meet with the CEO and question why they are still pressing this case. He is very disturbed and frustrated that as per the intent of the Article 10 Law, APEX is failing to communicate with key stakeholders, which is unacceptable.

He said that there have only been a small number of comments with regard to the Comprehensive Plan draft. He said that copies are available for review in numerous places and that although there are over 300 pages, please read what applies to the Town so that it can be tweaked before the final draft.

Lastly he said that the bridge over the canal on Route 63 in Medina will be closed for several weeks over the summer. He said to look for the announcement and consider how you can work around it.

ADJOURNMENT

Moved by Councilman Riggi, Whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:50PM.

Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk