

Town of Yates September Board Meeting
8 S. Main St., Lyndonville, NY 14098
September 9, 2021, 7:00PM

Present: Jim Simon, Supervisor
Susan Hrovat, Councilman
John Riggi, Councilman
Terry Chaffee, Jr., Councilman
Harold Suhr, Councilman
Michele Harling, Town Clerk
Trisha Laszewski, Assessor

Excused: Roger Wolfe, Highway Superintendent
Dan Wolfe, Code Enforcement Officer

Others : Georgette Stockman Paul Lauricella Sandy Lauricella

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

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS

No remarks.

CORRESPONDENCE

No remarks.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Paul Lauricella, Town of Yates, asked about Resolution No. 80-9/21, the marijuana opt-out public hearing. He wondered why the board holds public hearings at 5:30pm at a Workshop Meeting instead of 7:00pm at a Town Board meeting when more people could attend. At 5:30pm they are usually still at work or eating dinner.

Supervisor Simon replied that they hold public hearings before their Workshop Meetings on Mondays so that they can get the public's input for consideration to discuss at the Workshop Meeting before rendering a vote, if necessary, at the Town Board meeting on Thursday. He also thinks that it's a good thing that the people that spoke at the public hearing can stick around for the Workshop Meeting to listen to the Town Boards discussion on the subject.

Paul Lauricella, Town of Yates, asked about the application that was received for the Code Enforcement Officer's position. He wondered if the application will be public information.

Supervisor Simon said that it is an unofficial application because they have not posted the job description and qualifications yet. They will be approving the job description tonight and then the ad will go out which should be posted by September 15th and then they will go from there.

Sandy Lauricella, Town of Yates, wondered how the marijuana opt-out will work.

Supervisor Simon explained that each Town needs to decide whether or not to authorize dispensaries and lounges for marijuana usage and sale. It doesn't mean that we can stop them from using marijuana in the Town of Yates it just means that the board will decide if it can be sold or used in lounges in the Town. If it is allowed, the Town would receive a kickback from the State. If it is authorized by the Town by resolution then anyone could decide get a license to sell it.

RESOLUTION NO. 77-9/21

RESOLUTION TO APPROVE MINUTES

RESOLVED, to approve the minutes of the August 12, 2021 regular Board Meeting as presented to each Board Member.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 78-9/21

RESOLUTION TO APPROVE MINUTES

RESOLVED, to approve the minutes of the September 7, 2021 Workshop Meeting Executive Session as presented to each Board Member.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 79-9/21

RESOLUTION TO APPROVE JOB DESCRIPTION AND ADVERTISEMENT FOR CODE ENFORCEMENT OFFICER POSITION OPENING

RESOLVED, to approve the job description and advertising of the Code Enforcement Officer position opening with the Towns of Ridgeway and Shelby and the Village of Lyndonville with a hiring date no later than January 1, 2022.

Supervisor Simon wanted to make sure that all of the Board Members had received the email on the job description and posting of the position of Code Enforcement Officer.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 80-9/21

RESOLUTION TO SET DATE OF OCTOBER 12, 2021, FOR PUBLIC HEARING FOR MARIJUANA OPT-OUT

WHEREAS, each town in NY State must choose to opt in or out of the dispensary provisions of the new Marijuana Law no later than December 31, 2021, and

WHEREAS, the Yates Town Board would prefer to seek public input to help it weigh the pros and cons of the opt-out decision, be it

RESOLVED, that the Town Clerk should make notice that a Public Hearing will be held on October 12, 2021, at 5:30pm in the Yates Town Hall.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 81-9/21

RESOLUTION TO CHANGE NEXT WORKSHOP TO OCTOBER 12, 2021

RESOLVED, to change the next Town Workshop to Tuesday, October 12, 2021, at 6:00pm or immediately following the Public Hearing,

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 82-9/21

RESOLUTION TO ACCEPT BIDS FOR REDI TOWN PARK PROJECT

WHEREAS, the Town of Yates was awarded a \$2.531 million REDI grant for the Town Park, and

WHEREAS, the bidding process duly met all public notice and all local and state bid review/acceptance policies, be it

RESOLVED, to accept the Alternate 1 Bid in the amount of \$1,205,150.00 and awarding the Contract to Keeler Construction, Co. Inc., and be it further

RESOLVED, to accept proposals from Cedar Forest Product in the amount of \$499,858.38 for the Pavilion and from Landscape Structures in the amount of \$248,768.13 for the Playground.

Supervisor Simon said that the last two awards to Cedar Point and Landscape Structures are all done through Parkitects who has the State contract for this. The two subcontracts mentioned are also on the State contract so we can accept these without bidding. The Keeler bid was received yesterday. We had 4 construction companies that showed interest, two went to the meeting at the Yates Town Park to see what the project looked like and only one submitted a bid. The bid looked good and in a nutshell we should still have \$95,000 in contingency after the Lyndonville Foundation Grant and what Roger Wolfe, the Highway Superintendent, agreed to do. This could be used for any unforeseen circumstances which isn't bad. He asked Jon Hinman, the Town's engineer for the project, what he would like to see for contingencies and he said around 10%. Jon reminded Jim that in the General Contractor's bid, Keeler put \$50,000 separate for their contingency so really there is about \$145,000 to cover all of the contingencies. The money that is not spent can be used for other things like park benches or trees because of the type of grant it is. We just need to stay under budget.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 83-9/21

RESOLUTION TO PAY BILLS

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

RESOLVED to pay bills as follows:

Fund A (General – Town wide)	\$ 7,926.12
Fund B (General – Outside Village)	\$ 23.44
Fund DA (Highway – Town wide)	\$120,610.88
Fund DB (Highway – Outside Village)	\$ 57,635.73
H2 (Park REDI Project)	\$
Water 4-	\$ 35,576.64

Water 2-	\$	
Youth-	\$	21.78
Fire-	\$	

TOTAL		\$221,794.59

Supervisor Simon explained that KVS was down all day so the totals of the bills will be added as soon as KVS is up and running. He said all of the bills are on the table in the board room and can be reviewed by board members or anyone in attendance. If there are any questions, they can be addressed over the phone tomorrow.

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

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Paul Lauricella, Town of Yates, asked if the Lyndonville Fire Department agreement was rectified and if they have been paid for 2021.

Supervisor Simon said that it has been rectified after multiple meetings with John Riggi in attendance and it was a bit of a tug of war but they were asking for way too much to put into their reserves. We kept coming back to them to let them know that the Town understood the operational costs but that they can't build the Village's Fire reserves to buy a future pumper when the town-wide reserves are still negative. They ultimately agreed and kept the increase to a minimum and agreed to a 5-year plan to keep their operations going and slowly build their reserves but not to the extent that they originally wanted. They think that it's a reasonable agreement. Yes, the Village has been paid both installments for their fire budget for 2021. He expects the Village's final budget numbers by the end of this month which will be incorporated into his proposal for the initial Supervisor's budget to the Board. This will be public after it is posted on October 5th.

TOWN OFFICERS REMARKS

Trisha Laszewski, Town Assessor, said that Julie is taking one of her last two classes for the Assessor's certification in Batavia in a couple of weeks. She said that they have had several inquiries with the recent mailing of the school tax bills. She explained that the office traffic in both the Ridgeway and Yates offices has slowed down considerably over the years that she has worked as Assessor. She believes that people can find a lot of the information that they need online.

Supervisor Simon said that this is because she's doing a good job. He asked about the recent article in the Orleans Hub about the Orleans County Treasurer's Office taking over the job of school tax collector. He asked if it affects her or the Town Clerk.

Trisha responded that nothing has changed for the Assessor or Town Clerk's Offices, the bills will just be paid at the County. She believes that there should be a cost savings to the schools that participated.

Councilman Hrovat responded that it used to cost the school for the bank account to receive the school tax monies and for those who struggle to pay their school tax bill, eventually the payments are sent to the County anyways so the middle man was cut out, it just made sense.

Councilman Hrovat said that the Summer Recreation Program was a success. She has pictures to share with the board. They had approximately 100-125 students in attendance each day. There were a lot of kids involved, eight teachers, 3 aides and other helpers. She explained that the PE teachers hand-pick students to employ to help out with a summer job. No masks were required this summer and there were no COVID cases. Everyone was happy.

Supervisor Simon said that it would be nice to post the photos on the Town website for everyone to see.

Supervisor Simon said that there was supposed to be a preliminary injunction hearing yesterday with regard to 94C which was postponed until 9/21/2021. The email he received from Ben Wasnewski said that the hearing date may change again because our attorneys want more time and there is a lot of piling on going on with the other side which may be to our advantage. He said that if it's delayed until October or November, that's fine because it helps our case. Nothing is resolved yet. Jim said he appreciated the Board's feedback on the union contract. He explained that the final numbers will be incorporated into his budget proposal at the end of the month. He hopes for a tentative agreement within the next few weeks.

ADJOURNMENT

Moved by Councilman Riggi, whereas there is no new business to be brought before the Board, the meeting be adjourned at 7:30PM.

Seconded by Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling,
Yates Town Clerk