

Town of Yates October Board Meeting
8 S. Main St., Lyndonville, NY 14098
October 14, 2021, 7:00PM

Present: Jim Simon, Supervisor
Susan Hrovat, Councilman
Terry Chaffee, Jr., Councilman
Harold Suhr, Councilman
John Riggi, Councilman
Michele Harling, Town Clerk
Dan Wolfe, Code Enforcement Officer

Excused: Roger Wolfe, Highway Superintendent
Trisha Laszewski, Assessor

Others : Larry Wolfe Chris Craft Jim Wells
William Jurinich Paul Lauricella Sandy Lauricella
Russ Martino Wes Bradley

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

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS

No remarks.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Paul Lauricella, Town of Yates, asked what the tax rate was going to be and what the increase was in the union contract. He thinks that the union contract should be negotiated year by year.

Supervisor Simon explained that Privilege of the Floor was not a question and answers period it was an opportunity to collect comments from the public.

Paul Lauricella replied that if the board is going to pass a budget, and vote on a 4-year union contract then they should answer whether or not the tax rate is going to increase and what the increase will be in the highway agreement.

RESOLUTION NO. 85-10/21

RESOLUTION TO APPROVE MINUTES

RESOLVED, to approve the minutes of the September 9, 2021 regular Board Meeting as presented to each Board Member.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 86-10/21

RESOLUTION TO APPROVE PUBLIC HEARING MINUTES

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

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

Supervisor Simon said that they will have to hold one more public hearing because of the Local Law process. The Board appreciated all of the comments from the first public hearing but there will be one more round. All of the comments made at the first hearing will be a part of the official record.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 87-10/21

RESOLUTION TO ADOPT THE TENTATIVE BUDGET AS PRELIMINARY BUDGET FOR THE YEAR 2022

WHEREAS, the Town Clerk presented the Town Board with the Tentative Budget on October 4, 2021 and the Board has had a chance to review such Budget and confer, be it

RESOLVED, that the Tentative Budget be adopted as the Preliminary Budget for the year 2022.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 88-10/21

RESOLUTION TO SET PUBLIC HEARING FOR PRELIMINARY BUDGET

WHEREAS, the Preliminary Budget has been approved, be it

RESOLVED, to set a Public Hearing for the adoption of the Preliminary Budget on November 4th, 2021 at 7:00PM at the Yates Town Hall, 8 South Main Street, Lyndonville, NY 14098.

Offered by Councilman Chaffee, who moved its adoption.

Seconded by Councilman Hrovat

Supervisor Simon explained that the Preliminary Budget hearing had to be scheduled for Thursday, November 4th at 7:00PM instead of on our regular Workshop day because it has to be done within a certain number of days from Election Day so we had to move it up. The Preliminary budget will be posted as soon as possible for public review.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 89-10/21

RESOLUTION TO WAIVE WATER DISTRICT #2 AND #4 RELEVY CHARGE ON 2022 TOWN TAX BILLS

WHEREAS, there are water customers with delinquent water bills that have not been paid by the consumer sixty (60) days after the end of the period, and

WHEREAS, the Rules and Regulations for the Water District of the Town of Yates state that all delinquent charges shall be a lien against the property and be relevied on the Town and County tax bills, and

WHEREAS, the Public Service Law enacted a moratorium on disconnecting residential electricity, gas, steam, telephone, and water customers during COVID-19 state of emergency, be it

RESOLVED, that the Town of Yates will forgive relevy charges for water bills relevied on the 2022 Town and County tax bills in both Water Districts #2 and #4.

Offered by Councilman Hrovat, who moved its adoption

Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 90-10/21

RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN 4 YEAR CONTRACT WITH THE HIGHWAY WORKERS UNION

WHEREAS, the Yates Town Board, Yates Highway Employees, and the SEIU Local 200 United Union Representative have met and discussed the contract and have been forwarded a copy of the new contract for their review, and all parties have agreed upon the content of the new Tentative Agreement, be it

RESOLVED, that the Supervisor is authorized to sign said contract that will be in effect from January 1, 2022 through December 31, 2025.

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

Supervisor Simon explained that there will be a 2% raise in 2022, a 2.5% raise in 2023, a 2.5% raise in 2024 and a 2.75% raise in 2025. The clothing allowance was increased, a cell phone stipend was provided, 40 hours of vacation time is now allowed to be carried over to the next year or paid out and CDL costs will be covered for the highway employees as they need to re-license.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 91-10/21

RESOLUTION TO INTRODUCE LOCAL LAW NO. 2 OF 2021 TITLED “A LOCAL LAW OPTING OUT OF ADULT USE CANNABIS RETAIL DISPENSARIES AND ON SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4”

WHEREAS, Cities, Towns, and Villages can opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within their jurisdictions, and

WHEREAS, to opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses, a municipality must pass a local law by December 31, 2021 or nine months after the effective date of the legislation, be it

RESOLVED, that the Town Board hereby introduces for adoption Proposed Local Law No. 2 of 2021, entitled “A Local Law opting out of adult use cannabis retail dispensaries and on site consumption sites as authorized under cannabis law article 4”, and be it further

RESOLVED, that the Town Board hold a Public Hearing on the adoption of proposed Local Law No. 2 of 2021 to be held at the Yates Town Hall on 4th day of November, 2021 at 6:30PM and the Town Clerk is directed to post Notice of the Public Hearing and to publish the same in the Batavia Daily News as required by law.

Supervisor Simon said that this was discussed at an earlier public hearing but now the Board and the public have the actual Local Law that will be voted on after the public hearing. This public hearing will be held the same night as the Tentative Budget public hearing, on November 4th.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 92-10/21

RESOLUTION TO CLOSE TOWN PARK

WHEREAS, the Town of Yates is in the process of making upgrades to the Town Park through REDI Grant funds, be it

RESOLVED, that, for safety reasons, the Town of Yates Park will be closed to the public commencing October 18, 2021, until further notice, and be it further

RESOLVED, that the Town Clerk will publish notice of the closure on the town website and in the town hall, and that Keeler Construction will post closure signs at the town park and place barricades as needed.

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

Supervisor Simon said that construction will begin on the REDI Town Park project on October 18th and the Board is very excited. The park closure will be posted on the Town website and on the bulletin board at the Town Hall. He added that a barricade will be put up at the park entrance but it will not be completely blocked because there is a private residence that uses the driveway. Keeler Construction's timeline is available and it looks like the bulk of the work will be done by the summer. We should have Parkitects aspects of this soon which will probably be within the same window as Keeler so that we can open the park back up by summer or early fall.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 93-10/21

RESOLUTION AUTHORIZING SUPERVISOR TO SIGN POLICY FOR EARLY PROMOTION

WHEREAS, the Town Board encourages department heads to consider ways in which they may recognize the good work of their employees including supporting wage increases during budget negotiations and seeking changes to benefits in the Employee Handbook, and

WHEREAS, the Town Board recognizes that exemplary service of employees may merit early promotion, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to sign the new Policy on Early Promotion on behalf of the board, and be it further,

RESOLVED, that the Town Board will incorporate the new policy into the next update to the Employee Handbook.

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

Supervisor Simon said that this was part of the union negotiations but the Board decided that this is bigger than the union so it will apply to all Town of Yates employees. The procedure for promotions will be public knowledge and will become a part of the Employee Handbook.

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 94-10/21

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)	\$ 29,220.47
Fund B (General – Outside Village)	\$ 1,284.53
Fund DA (Highway – Townwide)	\$ 13,988.86
Fund DB (Highway – Outside Village)	\$ 55,288.97
Water 4-	\$ 20,484.66
Water 2-	\$ 150.00
Youth-	\$
Fire-	\$
H-	\$ 29,505.71

TOTAL \$149,923.20

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

Supervisor Simon explained that the board has been trying to remediate the town-wide fund and it looks like the spending has been staying on track. They hope to finally get past the negative reserve fund issue that the Town has faced. It looks good at this point.

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

William Jurinich, Town of Yates, asked if the public hearings will be the same day as the workshops.

Supervisor Simon replied that the Workshop and Town Board Meeting will be when they normally are. The Public Hearings will be the week before.

Paul Lauricella, Town of Yates, commented on the union contract percentage increases from year to year and asked if this was a school or college or something or if this is a little/small town with a limited budget. He said that he was in the Dollar Tree the other day and heard a couple of women talking and one said that she had gotten a promotion but she'll have to lose the .25% raise that she got. He feels that this is ridiculous and that the private sector doesn't give raises like this. He thinks that the Board is out of control. He thought that things were bad before.

William Jurinich, Town of Yates, asked where we stand on the broadband issue.

Supervisor Simon said that he will touch on that at the end of the meeting.

Chris Craft, Town of Yates, wanted to thank the Town employees that helped him with his water problem. He's glad to hear that the town park upgrades are moving forward. He said his wife, Georgette Stockman, asked that he mention the progress on the historical markers. They are in the process of being painted but some of them were too heavy to be moved by Melissa Ierlan so she asked that the highway crew pick them up and take them to the highway garage to be picked up at a later date.

Supervisor Simon asked that Chris let Georgette and Melissa Ierlan know how much the Town appreciates their help.

Wes Bradley, Town of Yates, submitted his comments in writing with regard to the Lyndonville Fire Department Privilege of the Floor comments at the September 9, 2021 Board Meeting. He said that what Supervisor Simon said in the minutes was true- 2 payments were made to the Fire Department in 2021 but when the Town was billed in February 2021 and April 2021, the Town

refused to pay its share of the increase in the Village's 2020-2021 fire budget. The Town did not pay the \$7,700 increase billed for each of its two payments, thus shorting the Village \$15,400 toward the Village's 2020-2021 fire budget. He said as Paul Harvey would say "Now you know the rest of the story".

Sandy Lauricella, Town of Yates, asked what "Other Culture & Recreation Inc." was in the back of the budget.

Supervisor Simon explained that this line was for the youth account for the summer recreation program and is a combination of funds from the Town, Foundation, and Village. He added it's a very popular program.

TOWN OFFICERS REMARKS

Dan Wolfe, Code Enforcement Officer, explained that he has been online completing his continuing education credits and that he has completed all of the 24 hours that were required. He is now certified through 2022. He added that although the Dollar General project is in the Village of Lyndonville, it's still in the Town of Yates and he is very happy with it and he thinks it looks really good. He said he is working with Mark Zimmerman to put up a farmer's market on Route 18, near the greenhouse, with a deli, bakery and cannery. There is a Special Use Permit coming up for a deer processing facility probably to be completed in 2022 and another person from the Mennonite community is interested in a cabinet shop.

Trisha Laszewski, Town Assessor submitted a written report: Julie and I are out checking building permits to add taxable value on finished projects. Julie took the Intro to Farm Appraisal exam and passed. She is currently taking the Mass Appraisal class and will take the exam on 10/25. Once the exam is taken and a passing grade is achieved Julie will have all courses needed for her NYS Assessor Certification. All is going well.

Councilman Suhr said that he is 100% behind the Fire Company but to give them a 43% increase in their budget when Mr. Lauricella is complaining about a 2% increase for the people that are plowing the roads makes him confused. He said when the Fire Department came to them with the budget he asked why they needed \$30,000.00 and they replied that they needed another pumper. When he asked why they needed another pumper, how many hours are on the pumpers they have now and how old are they (they have 2 of them) he never got an answer. He can't support a 43% raise over 3 years.

Councilman Hrovat asked Supervisor Simon to share the news the Town had received regarding the work that's been done to remediate the negative fund balance issue. She said that the Board has worked very hard to do this but that it comes at a cost. The Board does not want to keep taxing but they have to pay their bills and provide services with a limited amount of money. To keep supporting the local fire department she is proposing that in moving forward, they develop a plan together with information like how many hours are on the equipment, what the laws require, how often do you replace the tires etc... In 2018 they were asking for \$77,400.00 and

now they are asking for over \$120,000 which is a \$43,000 increase in 3 years. She said that she supports the fire company 100% but that the Town has been so far in the red with their reserves that they were forced to increase the taxes last year to rectify the problem because someone in the past was not managing the money responsibly. Now that it has been brought to this point, let's put together a plan of what is needed, what is wanted and what can actually be done to keep the town safe and work out a responsible and doable plan moving forward.

Councilman Riggi agreed with Councilman Suhr and Councilman Hrovat's comments.

Councilman Chaffee commented on the town workers getting a raise. He believes that in this country you should be able to keep up with the cost of living and that cost from year to year never goes down. The amount that it goes up is generally higher than the increase that the town employees receive but they came to an agreement on what was an acceptable amount to try and compensate the work they do and what is acceptable moving forward. It was not a "willy-nilly" decision; there was a lot of time and thought that went into the development of the contract and what they thought the town workers were worth. He said if you work in a job and you are being paid the same amount every year, you should probably look for another job and find a way to make yourself better. If you are accepting the fact that you will be making the same amount every single year- shame on you, that is not the American way.

Councilman Riggi said that the Town does have an A-fund that needs to be fixed and it is good prudent management and governance to negotiate hard when they negotiate with the fire department or the town employees to make sure that they come to an agreement where maybe not everyone is happy but everybody gets something. He will continue to make sure that they stick to that methodology as they negotiate in the future.

Councilman Suhr said that they (the union and the fire department) came in with a lot higher numbers and the board battled back and forth. The board irritated them and they irritated the fire company but sometimes you have to say enough is enough. The Town has to prepare a sound budget and he believes that hard negotiations are for the best of the community. They are trying to be frugal but this does not please everybody.

Supervisor Simon said that the union contract was a long and difficult negotiation and will still not put our highway department on par with the neighboring towns and won't keep up with inflation so to say that we are "free willy-nilly" giving out money is not accurate. He said that with regard to the fire budget meetings where Wes Bradley was present, it was not an easy budget discussion; there was some dispute with last year's budget and the payments that have been made over the past year. They did come to an agreement and as you can see there is a significant increase this year. The increase from just two budget lines this year would bust the whole Town of Yates budget. Those are the fire budget and the ambulance contract. Those increases alone would just about account for a 2% increase without increasing anything else. Some of these increases are unsustainable. He reiterated that the fire service and support that we

receive is outstanding; there is never a question about that. At the moment that the Town started negotiating the fire budget there was a 100% increase, over 4 years; from \$66,000 to over \$120,000. At that point we needed to start over because it was unsustainable to add \$30,000 to the Village's reserves for a pumper when the Town needs a new snow plow (our oldest snow plow is 20 years old and in rough shape) but cannot afford to put money in Town reserves.

Our S&P bond rating has gone up because they recognize what we've been doing to remediate the negative "A" fund balance. It's been a painful process starting with the comptroller showing up. We presented a plan and hopefully we will be able to finish it by the end of the year, it will be close. This rating could be important because if we need to bond a new snowplow; we can't afford to put all of that money into reserves, then we have some options because we have a better rating.

He asked everyone present to take a close look at the budget and provide feedback, that's what the public hearing is for. He believes that it's a good budget. He said that last year they raised taxes more than he wanted to and it was an impact that was felt differently inside the Village from outside of the Village. This year they are staying below the tax cap and he said that outside of the Village, in the County, we are still the 7th lowest out of 10 Towns and inside the Village we are the 2nd highest out of 6. We are still one of the lowest paying taxpayers in the County for all of our municipal taxes and charges. With this budget the inside the Village rate will actually decrease \$.11 per thousand and outside the Village the rate will increase \$.08 per thousand which is pretty meager. The fire budget goes from \$107,600 to \$120,200 and was a tough negotiation. Water went up slightly but it's time to look at water rates. He hopes to have some proposals before the board by the next meeting. This increase will not affect the taxes it will affect the amount of your water bill. It may end up being a 2-year fix/plan to get it healthy enough so that they don't have to worry about increasing the water rates any further. They are also looking at increasing the price of water supplies like water meters and taps.

With regard to broadband he explained that the County is using their ARPA funds to provide broadband for the county. He said that there are a lot of promises there. It will be a very expensive project but if the County's plan works it should remediate the rest of the Town of Yates. There are several pockets where residents have made requests. The Town is not able to jump into their budget and leverage taxpayer's money that would affect everybody to service a few. He asked Dan Wolfe about the cell phone tower on the Roosevelt and said that he heard that there was a proposal for a tower on the East side of Yates.

Dan Wolfe replied that the tower on the Roosevelt is finished and said that he has not heard about a proposal to put a cell tower on the East side of town.

Supervisor Simon said that the 200th anniversary committee has a lot of good people on it and some of the plans are already in motion. The town's historical markers are in the process of being repainted made possible from an anonymous generous donation. They are working on a 3-

month plan for separate celebrations in July, August and September. The dates are not final yet but when they are they will be posted on the town website or sent out in a newsletter. They anticipate that the final culmination in September will be the grand opening of the Town Park and because it's a state funded grant they will be inviting the governor and everyone else. They are looking forward to that being a major event. There will be a harvest festival in August and July's event will be in tandem with the 4th of July celebration and the Town Hall will be opened on the 3rd of July to display historical artifacts. If anyone has historical artifacts that they are willing to share, please bring them in to our Town Historian, Dawn Metty, so that they can be displayed during the July celebration.

Supervisor Simon responded to a comment made by Wes Bradley, about the priorities of Town spending with regard to the town budget, the fire budget and the contractual line for attorney fees.

A DJOURNMENT

Moved by Councilman Riggi, Whereas there is no new business to be brought before the Board, the meeting is adjourned at 6:40PM.

Seconded by Councilman Chaffee

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk