

Town of Yates November Board Meeting  
8 S. Main St., Lyndonville, NY 14098  
November 11, 2021, 7:00PM

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

Excused: Roger Wolfe, Highway Superintendent  
Dan Wolfe, Code Enforcement Officer  
Terry Chaffee, Jr., Councilman

Others :

Supervisor Simon called the November Board Meeting to order at 7:02PM.

**PLEDGE OF ALLEGIANCE**

**SUPERVISOR REMARKS**

No remarks.

**CORRESPONDENCE**

No correspondence.

**PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY**

No comments.

**RESOLUTION NO. 97-11/21**

**RESOLUTION TO APPROVE OCTOBER REGULAR BOARD MEETING MINUTES**

RESOLVED, to approve the minutes of the October 14, 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 1 Absent (Chaffee)

Motion: Carried

**RESOLUTION NO. 98-11/21**

**RESOLUTION TO APPROVE MARIJUANA OPT OUT PUBLIC HEARING MINUTES**

RESOLVED, to approve the minutes of the November 4, 2021 Public Hearing minutes as presented to each Board Member.

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

Supervisor Simon explained that all of the comments collected at the first Public Hearing held at the Yates Town Hall on October 12, 2021 were added to the November 4, 2021 Public Hearing minutes.

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

**RESOLUTION NO. 99-11/21**

**RESOLUTION TO APPROVE PRELIMINARY BUDGET PUBLIC HEARING MINUTES**

RESOLVED, to approve the minutes of the November 4, 2021 Public Hearing as presented to each Board Member.

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

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

**RESOLUTION NO. 100-11/21**

**RESOLUTION TO ADOPT LOCAL LAW #2 OF 2021, A LOCAL LAW OPTING OUT OF ADULT USE CANNABIS RETAIL DISPENSARIES AND ON SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE #4**

WHEREAS, Local Law #2 of 2021 was introduced at a regular meeting of the Town of Yates held on October 14, 2021 and a duly noticed Public Hearing was held on November 4, 2021, at which time all interested persons wishing to speak were heard, be it

RESOLVED, that the Yates Town Board enact the following Local Law #2 of 2021:

**Section I. Legislative Intent-** It is the intent of this local law to promote the public health, safety, and general welfare of the Town of Yates and its residents by opting out of state legislation enabling the establishment of retail dispensaries and on-site cannabis consumption sites in the Town of Yates, outside the Village of Lyndonville, that would otherwise be allowed under Cannabis Law Article 4.

**Section II. Authority-** This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town outside the limits of any incorporated village and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

**Section III. Local Opt Out-**The Town Board of the Town of Yates hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town’s jurisdiction outside the Village of Lyndonville.

**Section IV. Severability-** 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 operation 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.

**Section V. Permissive Referendum/Referendum on Petition-** This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

**Section VI. Effective Date-** This local law shall take effect immediately upon filing with the Secretary of State.

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

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

**RESOLUTION NO. 101-11/21**

**RESOLUTION TO ADOPT THE PRELIMINARY BUDGET AS THE TOWN OF YATES FINAL BUDGET FOR FISCAL YEAR 2022**

WHEREAS, a Public Hearing was held on November 4, 2021, at 7:00PM at the Yates Town Hall to present the Preliminary Budget and all persons wishing to be heard had a chance to speak, be it

RESOLVED that the Preliminary Budget be adopted as the Final Budget for the year 2022 and, be it

FURTHER RESOLVED, that a copy of such budget shall be attached to these minutes.

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

Supervisor Simon explained that there were a couple of tweaks to the Preliminary Budget but that everyone present saw those at the Workshop Meeting on Monday.

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

#### **RESOLUTION NO. 102-11/21**

#### **RESOLUTION TO ADD DELINQUENT WATER TO TAXES**

WHEREAS, there are water customers with delinquent water bills that have been notified by mail that such bill not paid by November 15, 2021 will be relieved on their Town/County tax bill, be it

RESOLVED, that the clerk shall send a list of said delinquent water bills to the Orleans County Real Property Director and levy unpaid water bills on the 2022 Town/County bills and, be it

FURTHER RESOLVED, that the \$100.00 levy fee that was authorized by Resolution No. 10-10/08, "Resolution to apply a \$100.00 Fee to Unpaid Water that has Been Placed on Property Taxes" will be forgiven for the tax year 2022 due to COVID hardships.

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

Supervisor Simon said that this is just for the delinquent bills because we are no longer under the COVID restrictions starting January 1, 2022.

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

#### **RESOLUTION NO. 103-11/21**

**RESOLUTION ESTABLISHING UNIT CHARGES FOR LEVELS 1, 2 AND 3 OF WATER DISTRICT 4**

WHEREAS, the Town from time to time reviews Water District Unit Charges and makes adjustments as needed, and

WHEREAS, upon review as part of the 2022 budget process, the Town Board determined that a change in the unit charges is desirable, be it

RESOLVED, that the following Unit Charges are hereby established for Water District 4, effective January 1, 2022:

Level 1: \$191.97

Level 2: \$160.02

Level 3: \$ 4.94

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

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

**RESOLUTION NO. 104-11/21**

**RESOLUTION TO ADOPT ORLEANS COUNTY HAZARD MITIGATION PLAN**

WHEREAS, the Town of Yates, with the assistance from Tetra Tech Inc., has gathered information and prepared the Orleans County Hazard Mitigation Plan, and

WHEREAS, the Orleans County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS, the Town of Yates is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan, and

WHEREAS, the Town of Yates has reviewed the Plan and affirms that the Plan will be updated no less than every five years, be it

RESOLVED, by Yates Town Council that the Town of Yates adopts the Orleans County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions of this Plan.

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

4 Ayes 0 Nay 1 Absent (Chaffee)

Motion: Carried

**RESOLUTION NO. 105-11/21**

**RESOLUTION TO INCREASE WATER DISTRICT #4 WATER RATES**

WHEREAS, the water rates in District #4 have not been increased since the Water District was created in 1996 and the cost for water supply and line maintenance within the district have risen over the years, and

WHEREAS, pursuant to Town Code Section 195-17, the Town Board may establish water rental rates, be it

RESOLVED, that the water rates for water sales in the Town of Yates Water District #4, are hereby established as per the water rate schedule attached below, effective January 1, 2022, and that the Water District #4 charges for meters, meter pits, and taps will be updated at the regular December Town Board Meeting.

**2022 Water District #4 Charges**

**Annual Charge for Water Availability**

|  |          |
|--|----------|
| Level 1- Parcel with a Residence or Water Tap-         | \$191.97 |
| Level 2- Vacant Parcel-                                | \$160.02 |
| Level 3- Parcel in District without Water Line Access- | \$ 4.94  |

**Meter and Meter Pit Charges**

|           |          |                   |          |
|-----------|----------|-------------------|----------|
| ¾” Meter- | \$250.00 | ¾” Meter and Pit- | \$550.00 |
| 1” Meter- | \$300.00 | 1” Meter and Pit- | \$750.00 |

**Tap Charges**

|         |  |
|---------|--|
| ¾” Tap- | \$ 500.00 Plus \$2.00 per Foot Over 40 Feet  |
| 1” Tap- | \$ 600.00 Plus \$2.50 per Foot Over 40 Feet  |
| 2” Tap- | \$1,000.00 Plus \$8.00 per Foot Over 40 Feet |

- Seasonal Turn-On and Shut-Off- No Charge
- Shut-Off for Non-Payment- \$50.00 Will be Charged to Have Water Turned Back On
- Penalty for Quarterly Unpaid Water Bill-10% of Original Bill Amount

**Water Prices**

Minimum Quarterly Bill- \$18.00- Includes First 4,000 Gallons  
\$3.50 per Thousand of Gallons Used Over 4,000 Gallons  
\$3.25 per Thousand of Gallons Used Over 125,000 Gallons

### **Fire Hydrant Usage Charge**

\$200.00 Deposit (Non-Refundable) for Meter  
Includes up to 40,000 Gallons of Water  
Any Usage Over 40,000 Gallons will be Billed at a Rate of \$3.00 per Thousand Gallons

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

Supervisor Simon said that the reserves on the 2022 Budget Summary have been adjusted to reflect the new water rate increases and that the amount of fund balance projected for 2022 may come down with the increases that Roger will be making to the price of our water supplies.

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

### **RESOLUTION NO. 106-11/21**

#### **RESOLUTION AGAINST COVID VACCINE MANDATE AND TESTING**

WHEREAS, the Town of Yates holds that the common good is not only served by governmental measures to protect public health but also by upholding individual liberty, and

WHEREAS, individuals have the inalienable right to make personal and private decisions regarding their health care according to their consciences including the right to refuse medical treatment, just as they have the right to be free from arbitrary discrimination or detention, and

WHEREAS, the HIPAA Privacy Rule establishes national standards to protect individuals' medical records and other personal health information and sets limits and conditions on the uses and disclosures that may be made of such information without the individual's authorization, and

WHEREAS, the COVID-19 virus is a serious threat to public health but so too are the shockingly repressive governmental restrictions of individual liberties under the guise of public health, and

WHEREAS, no government should mandate COVID vaccinations or testing if such measures will severely restrict or possibly eliminate an individual's right to work, to travel, and to enjoy the life, liberty and pursuit of happiness which comes with participation in U.S. civil society, therefore, be it

RESOLVED, that the Town of Yates hereby declares that the town employees - and all the residents of the town – have the inalienable right to refuse medical treatments and the right to privacy of their medical status with regard to COVID vaccinations and testing, and be it further

RESOLVED, that this resolution be sent to the Orleans Hub, Orleans County Public Health Director Paul Pettit, Orleans County Legislative Chair Lynne Johnson, NYS Assemblyman Steve Hawley, NYS Assemblyman Michael Norris, NYS Senator Robert Ortt, and NYS Governor Kathy Hochul.

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

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

#### **RESOLUTION NO. 107-11/21**

#### **RESOLUTION TO APPROVE KEELER CONSTRUCTION PAY APPLICATION NO. 1 FOR REDI PROJECT WORK COMPLETED**

WHEREAS, Keeler Construction has submitted an invoice for work and/or materials, in place or delivered for the Town of Yates Park Expansion- REDI NO. 40 project for the Application Period: 10/12/2021-10/18/2021 (known as Pay Application No.1), and

WHEREAS, the invoice has been reviewed and approved for payment as of 11/02/2021 by Jon Hinman with the MRB Group, be it

RESOLVED, to pay Keeler Construction the invoice amount less retainages or deductions for a net invoice total of \$23,624.13.

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

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

#### **RESOLUTION NO. 108-11/21**

#### **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)                      \$ 28,861.87

|                                     |              |
|-------------------------------------|--------------|
| Fund B (General – Outside Village)  | \$ 1,089.84  |
| Fund DA (Highway – Townwide)        | \$ 7,158.02  |
| Fund DB (Highway – Outside Village) | \$ 12,558.65 |
| H (REDI)-                           | \$ 33,941.68 |
| Water 4-                            | \$ 10,758.41 |
| Water 2-                            | \$ 44,802.72 |
| Youth-                              | \$           |
| Fire-                               | \$           |
| -----                               |              |
| TOTAL                               | \$139,171.19 |

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

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

**PRIVILEGE OF THE FLOOR**

No comments.

**TOWN OFFICERS REMARKS**

Trisha Laszewski, Town Assessor, announced that the Julie has successfully completed her last class and is now a “Certified Candidate for Assessor”. She said that they are both very excited because it’s a stressful process that took about 2 years to complete.

The Board congratulated Julie on her recent accomplishment.

Councilman Suhr thanked those that voted for him at the recent General Election.

**ADJOURNMENT**

Moved by Councilman Hrovat, whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:10PM.

Seconded by Councilman Suhr

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

Respectfully Submitted,  
 Michele L. Harling  
 Yates Town Clerk