

Town of Yates October Board Meeting
8 S. Main St., Lyndonville, NY 14098
October 10, 2019, 7:00PM

Present: Jim Simon, Supervisor
Wes Bradley, Councilman
Jim Whipple, Councilman
Harold Suhr, Councilman
Michele Harling, Town Clerk
Trisha Laszewski, Assessor
Dan Wolfe, Code Enforcement Officer

Excused: John Riggi, Councilman
Roger Wolfe, Highway Superintendent

Others :	Larry Wolfe	Alice Wolanyk	Betty Wolanyk
	Bob LaPorte	Agnes LaPorte	Paul Lauricella
	Sandy Lauricella	Steve Royce	Maryellen Royce
	Richard Hellert	James Hoffman	Georgette Stockman
	Edward Jay	Dale Aikita	Bruce Williams

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

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS

No remarks.

CORRESPONDENCE

Michele Harling read a letter sent by Karli Sturtevant, Summer Recreation Supervisor, to the Yates Town Board with regard to the successful 2019 summer recreation program. She stated that there was on average 100-120 students in attendance and thanked the Village of Lyndonville, Town of Yates, Lyndonville Area Foundation, Board of Education, Administration, and the maintenance and clerical staff for their support.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Dick Hellert, Town of Yates, said that there are items in the current Town of Yates sound ordinance that can be defined and/or redefined since it was written back in 1988. He asked if the ordinance was filed with the state at the time that it was adopted by the Town. He hopes that the Planning Board can come up with a good new sound ordinance because it's really needed, especially in the lakefront neighborhoods.

Dan Wolfe, Code Enforcement Officer, said that all local laws are filed with the Secretary of State before they are in effect.

Paul Lauricella, Town of Yates commented on Resolution No. 96-10/19 and asked where the Board is with the tax rate and what the percentage increase was going to be. He said that in a reassessment year an increase in the tax rate is not good. He asked the Supervisor to explain Resolution No. 98-10/19. He wondered if this was just for the shoreline remediation or if the proposed upgrades to the Town Park are included. He asked if there was anything in the works to upgrade the water treatment plant and wondered what an HVAC system is as mentioned in Resolution No. 100-10/19.

Supervisor Simon said that the Tentative Budget will be below the tax cap, but they are pushing up against it like they have the last couple of years. He said that a resolution was passed last July authorizing the Board to override the tax cap if necessary but he believes that they will not be doing that. He wished that the rate could be kept flat or decrease but because they are still working on improving the general fund balance that's not possible. He said that the increase will be near 2% and that depending on how your assessment changed in the Town wide update, an increase in the tax rate may not be good for certain individuals.

Supervisor Simon explained that the Lakeshore grant that the Town received last year to remediate the Town Park shoreline, end of County Line Road and the end of Marshall Road has gone out to bid; run by LaBella Associates and MRB, and has come back. The bid is about to be awarded to Keeler Construction as the lowest bidder. The engineers reviewed the bid and believe that the scope of what is proposed and the price is good. He explained that this is only for the Shoreline Remediation Project and that the REDI Commission will be announcing any day now, maybe as early as next week, those award recipients. We don't know if we'll get any funding for that proposal or not. He said that there are no plans in our lakefront remediation plan to upgrade the water treatment plant.

Supervisor Simon explained that the Town applied for and was awarded a Records Retention Grant to upgrade the records vault in the Town Hall and that part of that grant was to replace the inoperable HVAC heating and cooling unit as well as new shelving and a new map desk and base. Bids have been submitted for the work and will be awarded tonight.

Dan Wolfe, Code Enforcement Officer, explained that HVAC stands for Heating Ventilation and Air Conditioning.

RESOLUTION NO. 95-10/19

RESOLUTION TO APPROVE MINUTES

RESOLVED, to approve the minutes of the September 12, 2019 regular Board Meeting as presented to each Board Member.

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

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

RESOLUTION NO. 96-10/19

RESOLUTION TO ADOPT THE TENTATIVE BUDGET AS PRELIMINARY BUDGET FOR THE YEAR 2020

WHEREAS, the Town Clerk presented the Town Board with the Tentative Budget on October 7, 2019 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 2020.

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

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

RESOLUTION NO. 97-10/19

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 7, 2019 at 7:00PM at the Yates Town Hall, 8 South Main Street, Lyndonville, NY 14098.

Supervisor Simon explained that the law states that the Public Hearing for the budget has to be held by the Thursday after Election Day which is November 5th so we had to switch the hearing date from our normal Workshop Meeting date. The budget will not be voted on that night, but will be on the agenda for the regular Town Board Meeting the following Thursday, November 14th. The Workshop Meeting will be held on Thursday, November 7th before the Preliminary Budget Public Hearing. This will all be posted on the Town website.

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

Councilman Bradley asked if we need to make a formal announcement with a change to the Workshop Meeting date since we set those dates by resolution at the January Organizational Meeting.

Supervisor Simon said that he doesn't think that it requires public notice but that we can pass a resolution later in the meeting to change the Workshop date.

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

RESOLUTION NO. 98-10/19

RESOLUTION TO AWARD CONTRACT FOR LAKE ONTARIO SHORELINE FLOOD GRANT FOR TOWN SHORELINE REMEDIATION

WHEREAS, three closed bids were received, opened and reviewed on October 8, 2019, to complete the Lake Ontario Shoreline flood remediation for three town shoreline locations (Town Park, Marshall Road, and Countyline Road), be it

RESOLVED, the Town Board authorizes the Town Supervisor to accept the bid in the amount of \$339,205 and award the contract to Keeler Construction.

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

Councilman Bradley asked what happens if between engineering fees with MRB, Labella's fees, and the fees of the project itself we come in below the amount granted by the State. He wondered if we have to give the money back because as it looks right now, we'll be coming in below the amount granted.

Supervisor Simon said that he believes that we will have to give the money back to the State. He said that it's a great question that he asked too and he thinks that it's HCR rules. With other types of grants we may not have, but he thinks that with this one we do. Right now we're \$15,000 below so we have some wiggle room but chances are it may get used up.

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

RESOLUTION NO. 99-10/19

RESOLUTION TO REQUEST THE TOWN PLANNING BOARD CONDUCT A REVIEW OF TOWN NOISE REGULATION AND CONTROL LAW AND MAKE RECOMMENDATIONS TO THE TOWN BOARD

WHEREAS, the Town's Ordinance to Regulate and Control Noise is over thirty years old and that a resident has expressed concerns and has requested a review, be it

RESOLVED, that the Yates Town Board requests the Yates Planning Board conduct a thorough review of the Town's existing zoning law regarding noise regulation and control, consider other

more recent municipal zoning laws in light of current circumstances, and provide recommendations to the Yates Town Board.

Offered by Supervisor Simon who moved its adoption.
Seconded by Councilman Suhr

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

RESOLUTION NO. 100-10/19

RESOLUTION TO AWARD CONTRACTS FOR HVAC SYSTEM AND OFFICE EQUIPMENT FOR RECORDS RETENTION GRANT

WHEREAS, the Yates Town Clerk received multiple bids for the Records Management Grant for a new HVAC system and replacement office equipment and furniture, be it

RESOLVED, the Town Board approves the recommendations of the Town Clerk for awarding the HVAC system to Isaac HVACR Commercial and Industrial Services (\$3,650); the shelving units awarded to ASR Systems Group (\$5,820); and the map desks awarded to Eaton Office Supply (\$3,060.57).

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

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

RESOLUTION NO. 101-10/19

RESOLUTION TO MOVE THE NOVEMBER WORKSHOP MEETING TO NOVEMBER 7, 2019 AT 5:30PM

WHEREAS, the Public Hearing for the Preliminary Budget is scheduled for November 7, 2019 at 7:00pm and the Board would like to hold both meeting the same night, be it

RESOLVED, to move the November Workshop Meeting to November 7, 2019 at 5:30pm.

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

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

RESOLUTION NO. 102-10/19

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)	\$ 35,059.25
Fund B (General – Outside Village)	\$ 1,290.21
Fund DA (Highway – Townwide)	\$117,605.46
Fund DB (Highway – Outside Village)	\$ 18,105.49
Water 4-	\$ 6,630.56
Water 2-	\$ 43,044.79
Youth-	\$
Fire-	\$

TOTAL	\$221,735.76

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

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

PRIVILEGE OF THE FLOOR

Betty Wolanyk, Town of Somerset, did some fact finding research and found that on the APEX website Lighthouse Wind was still listed as an active project with a completion date of 2021. The Galloo Island Project was listed with a completion date of 2023. She doesn't think that this is outdated information because Galloo Island was before Lighthouse Wind and they already had a formal proposal in that they withdrew so they must have moved the date back for Galloo Island. She is concerned that both are still listed because it means that APEX has not gone away. She added that 2 MET towers in the Town of Somerset are coming down but the first tower up, the Nellist tower, is staying. That tower doesn't have the restrictions that the other two had or the reporting requirements of the others, which further shows that they're not going away.

Supervisor Simon said that he was notified that the Austin MET tower was going to be removed this fall.

Steve Royce, Town of Appleton, submitted a document with statistical data about the electrical power generated from New York State wind turbines. He pointed out that there are 1987 megawatts of "installed wind capacity" from 1,128 large-scale wind turbines in 29 facilities in New York State and that overall a capacity factor of 15.4% was attained. On only 3 days did the daily output exceed 40%. During the hot summer months of July and August, the capacity factor was 14.4%. He said

that “New Yorkers are paying for this poor performance and other planned wind projects through massive subsidies from NYSEDA and increased electric rates.

James Hoffman, Town of Somerset, submitted some wind turbine facts and figures titled: “Steuben County: The Horrors of Industrial Wind”; an excerpt from the September 19 Livingston County News. It said that a state siting board gave approval to build a wind farm in northern Steuben County which will be a 242-megawatt farm called Baron Winds. Part of the project will be 16.5 miles of access roads, 31 miles of underground electricity lines, an electrical substation, a point of interconnection with existing electrical grid, up to four, 328-foot tall meteorological towers, up to two temporary staging areas for construction, and a 4,000-6,000sf operations and maintenance building. He asked if we want to subject our towns to all of this carnage. He also submitted information from the ECCC session on Noise from September 10, 2019.

Agnes LaPorte, Town of Somerset, thanked the Town Board for continuing to work with the Town of Somerset and said that we need to continue to work together against this evil.

Paul Lauricella, Town of Yates, said that the State is offering “golden carrots” for industrial solar farms and Albion and Medina got sucked into it and now they’re offering more “golden carrots” to Albion for an electric car charging station. He asked where the electricity will come from to charge the cars. He feels that it’s a big scam.

Supervisor Simon said that there will be a revolution in technology that will involve batteries and once that takes place you will see electric cars and there will no longer be the need for fossil fuels. He feels that when it happens it will be revolutionary, we’ll be saving the environment in the process, but we’re far away from that right now.

TOWN OFFICERS REMARKS

Dan Wolfe, Code Enforcement Officer, said that he will pass along a Noise Ordinance from Albion that he likes to the Yates Planning Board and said that he’d work on it with them.

Trisha Laszewski, Town Assessor, said that Julie completed a NYS required Ethics Class in September and that the STAR credit checks and the Property Tax Relief credit checks are creating a lot of traffic. She has made up a handout with phone numbers on it for those that feel that they should have gotten a Property Tax Relief Credit check and didn’t because she believes that those checks have all been sent. She said that the State has caused a lot of confusion over this with multiple sources of inaccurate information. She said what they’re talking about right now involves a fraction of the population.

Supervisor Simon asked if there was something that we could put on our website that would be helpful to our residents.

Trisha said that she’ll get something ready for us to post on the website.

Councilman Bradley said that the LED conversion to the Town’s streetlights is complete except for one pole in the Town of Ridgeway that the Town of Yates uses and pays for. He said hopefully that

will be complete within the week and the project will be totally finished. He said that he hopes that everyone can adjust to the lights and that they work for everyone. He added that it will save electricity for the Town.

Councilman Suhr said that the Town lost two Lyndonville graduates on their way to work this morning and asked for a moment of silence for both of them.

Supervisor Simon said that the Town Park Construction final design and remediation may require a Public Hearing; he will find out tomorrow morning and let everyone know. He added that if it's required the Town will post something on the website and place a Legal Notice in the newspaper and to be looking for those notifications. He thanked Councilman Suhr for remembering the Lyndonville students that passed and reminded everyone to drive carefully this time of year with all of the deer that are out and to please pray for the families of the students.

ADJOURNMENT

Moved by Councilman Whipple, Whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:40PM.

Seconded by Councilman Bradley

4 Ayes 0 Nays 1 Absent (Riggi)

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk