

Town of Yates December Board Meeting
8 S. Main St., Lyndonville, NY 14098
December 10, 2020, 7:00PM

Present: Jim Simon, Supervisor
John Riggi, Councilman, via Zoom
Jim Whipple, Councilman, via Zoom
Harold Suhr, Councilman
Susan Hrovat, Councilman
Michele Harling, Town Clerk
Trisha Laszewski, Assessor
Dan Wolfe, Code Enforcement Officer

Excused: Roger Wolfe, Highway Superintendent

Others : Larry Wolfe Paul Lauricella

Supervisor Simon called the December Board Meeting to order at 7:05PM.

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REPORT

Supervisor Simon explained that Councilman Riggi and Councilman Whipple would be attending the meeting via Zoom. He also apologized for the last minute adjustments to the agenda and minutes.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Paul Lauricella, Town of Yates, said that he is in opposition to Resolution Nos. 106 and 108. He thinks that you have to be in denial or just not paying attention to the suppression of any dissenting views on climate change. He said the schools, media, and politicians, most everybody on the left, have been pushing this for decades. They will not debate, even the scientists, that have differing opinions. Many are shunned and shut down. He said that if we allow this agenda to take hold, our lives will be controlled by it. He believes that this is junk science and said that "He who controls the environment, controls the world."

Councilman Suhr said that they also take funding away from scientists that do not believe in climate change.

RESOLUTION NO. 103-12/20

RESOLUTION TO APPROVE MINUTES OF REGULAR BOARD MEETING

RESOLVED, to approve the minutes of the November 12, 2020 Regular Board Meeting as presented to each Board Member.

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

Roll Call Vote:

Councilman Suhr:	Aye
Councilman Hrovat:	Aye
Councilman Whipple:	Aye
Councilman Riggi:	Aye
Supervisor Simon:	Aye

Motion: Carried

RESOLUTION NO. 104-12/20

RESOLUTION TO APPROVE MINUTES OF SPECIAL BOARD MEETING

RESOLVED, to approve the minutes of the November 19, 2020 Special Board Meeting as presented to each Board Member.

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

Roll Call Vote:

Councilman Suhr:	Aye
Councilman Hrovat:	Aye
Councilman Whipple:	Abstain
Councilman Riggi:	Aye
Supervisor Simon:	Aye

Motion: Carried

RESOLUTION NO. 105-12/20

RESOLUTION TO SET YEAREND MEETING

RESOLVED, to set the yearend meeting for Monday, December 28, 2020 at 5:30PM.

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

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Whipple: Aye
Councilman Riggi: Aye
Supervisor Simon: Aye

Motion: Carried

RESOLUTION NO. 106-12/20

RESOLUTION TO ADOPT EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES POLICY

WHEREAS, the Town of Yates, State of New York, has made application for Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications;

BE IT RESOLVED, that pursuant to the Town of Yates being granted CDBG funds by the State; the Town of Yates, by administrative act, does adopt a statement of policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.

Offered by Councilman _____, who moved its adoption
Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

The resolution was tabled as no motion was brought before the floor

RESOLUTION NO. 107-12/20

RESOLUTION TO AMEND 2021 UNIT CHARGES FOR LEVELS 1, 2 AND 3 OF WATER DISTRICT 4

WHEREAS, upon review as part of the 2021 budget process, the Town Board determined that a change in the unit charges is desirable and adopted new level charges at their Regular Board Meeting on November 12, 2021; and

WHEREAS, the 2021 Final Budget and Budget Summary was adopted at a Special Board Meeting on November 19, 2021 with a change to the SW4 amount to be raised by taxes, be it

RESOLVED, that the following Unit Charges are hereby established for Water District 4, effective January 1, 2021:

Level 1: \$195.73

Level 2: \$162.08

Level 3: \$ 5.04

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

Supervisor Simon explained that this is a tweak from what was put in the budget after a thorough review by Dawn Allen at the Orleans County Real Property Office. This adjustment is to make sure that the exact amount raised through the Water 4 level charges matches the expenses.

Roll Call Vote:

Councilman Suhr: Aye

Councilman Hrovat: Aye

Councilman Whipple: Aye

Councilman Riggi: Aye

Supervisor Simon: Aye

Motion: Carried

RESOLUTION NO. 108-12/20

RESOLUTION AUTHORIZING YATES TOWN SUPERVISOR TO SIGN LETTER REGARDING CLIMATE CHANGE TO ORLEANS COUNTY HAZARD MITIGATION PLAN COMMITTEE

WHEREAS, the Orleans County Hazard Mitigation Plan Committee requires towns to indicate a position on climate change impacts, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to sign the letter below and send it to the Orleans County Hazard Mitigation Plan Committee:

To: Orleans County Hazard Mitigation Plan Committee

Date: December 10, 2020

Subject: Statement Regarding Inclusion of Climate Change Requirements in Orleans County Hazard Mitigation Plan for the Town of Yates

The Town of Yates is communicating, with this memo, that the Town of Yates does not require the Orleans County Hazard Mitigation Plan to include any ratings other than zero (ie: 0) in the climate change section of Yates Plan Assessment.

Scientists argue that there are two primary causes of climate change – natural and anthropogenic. The Town of Yates remains skeptical on the latter, and we find good company with the 500 scientists who signed the European Climate Declaration in September of 2019, who stated:

The geological archive reveals that Earth’s climate has varied as long as the planet has existed, with natural cold and warm phases. The Little Ice Age ended as recently as 1850. Therefore, it is no surprise that we now are experiencing a period of warming

The world has warmed at less than half the originally-predicted rate, and at less than half the rate to be expected on the basis of net anthropogenic forcing and radiative imbalance. It tells us that we are far from understanding climate change.

Climate models have many shortcomings and are not remotely plausible as policy tools. Moreover, they most likely exaggerate the effect of greenhouse gases such as CO2. In addition, they ignore the fact that enriching the atmosphere with CO2 is beneficial.

CO2 is not a pollutant. It is essential to all life on Earth. Photosynthesis is a blessing. More CO2 is beneficial for nature, greening the Earth: additional CO2 in the air has promoted growth in global plant biomass. It is also good for agriculture, increasing the yields of crops worldwide.

There is no statistical evidence that global warming is intensifying hurricanes, floods, droughts and suchlike natural disasters, or making them more frequent. However, CO2-mitigation measures are as damaging as they are costly. For instance, wind turbines kill birds and bats, and palm-oil plantations destroy the biodiversity of the rainforests.

There is no climate emergency.¹

Yates Town Board position:

The case for anthropogenic climate change is not conclusive based on available analysis nor from the perspective of data sample sizes, timetables or statistical significance. As such, the Yates Town Board does not find it prudent to draft plans or set policies which are based on climate change.

As such, Yates requires that any ratings in the Yates portion of the Orleans County Hazard Mitigation Plan be held to zero (ie: 0) or as “not-applicable” (ie: N/A).

Sincerely,

Jim Simon, Supervisor, Town of Yates

¹ <https://clintel.nl/wp-content/uploads/2019/09/ecd-letter-to-un.pdf>

Supervisor Simon thanked Councilman Riggi for working out the details on the letter based on his participation on the committee. He said as you can see, anything like this that gets connected to the recently enacted COCPA of NYS will drive a lot of things, as Paul mentioned earlier, including wind turbines in the lake. In this case we’re not saying one thing or another about climate change, we’re saying the anthropogenic causes are debatable and there are 500 scientists of eminent prestige and certifications who say that science isn’t closed on this and it is open for debate. He added that we don’t think that’s a good way to base policy or plans.

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

Roll Call Vote:

Councilman Suhr:	Aye
Councilman Hrovat:	Aye
Councilman Whipple:	Nay
Councilman Riggi:	Aye
Supervisor Simon:	Aye

Motion: Carried

RESOLUTION NO. 109-12/20

RESOLUTION AUTHORIZING YATES TOWN SUPERVISOR TO SIGN LETTER TO APEX CLEAN ENERGY DEMANDING REMOVAL OF LIGHTHOUSE WIND FROM SITING BOARD ARTICLE TEN PROCEEDINGS AND THE NYISO QUEUE

WHEREAS, for five years the Yates Town Board has unanimously opposed the Lighthouse Wind proposal by Apex Clean Energy, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a letter on behalf of the board demanding Apex Clean Energy remove the Lighthouse Wind project from the DPS Siting Board Article Ten Proceedings and from the NYISO queue.

Supervisor Simon explained that the idea here is that APEX has been stringing the Town along now for 5 years. He said that he did not include any language about Section 94C because he thinks that this should be a separate initiative. He thinks that Lighthouse Wind should be removed from the Article 10 proceedings and the NYISO queue and then they can discuss at the next workshop what they want to do or say about 94C.

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

Roll Call Vote:

Councilman Suhr:	Aye
Councilman Hrovat:	Aye
Councilman Whipple:	Aye
Councilman Riggi:	Aye
Supervisor Simon:	Aye

Motion: Carried

RESOLUTION NO. 110-12/20

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)-	\$ 45,702.62
Fund B (General – Outside Village)-	\$ 3,525.52
Fund DA (Highway – Townwide)-	\$ 36,921.43
Fund DB (Highway – Outside Village)-	\$ 28,329.87
H- (Capital Projects)-	\$ 1,461.50
Water 4-	\$ 38,722.46
Water 2-	\$
Youth-	\$
Fire- -----	
TOTAL	\$154,663.40

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

Supervisor Simon commended the Highway Department for trying to keep costs down in 2020.

Roll Call Vote:

Councilman Suhr:	Aye
Councilman Hrovat:	Aye
Councilman Whipple:	Aye
Councilman Riggi:	Aye
Supervisor Simon:	Aye

Motion: Carried

PRIVILEGE OF THE FLOOR

Paul Lauricella, Town of Yates, said that he heard that the taxes in the Town are going up double digits. He wondered why. He asked what the exact tax rate was. He also asked what was going on with Dollar General. He added that he would be all for that business if they pay taxes.

Supervisor Simon responded that the tax rate is going up and they exceeded the tax cap by, on average, 11.9%. He explained that the reasons are multi-faceted. He said that the Board had multiple discussions over the course of several months in addition to a Special Meeting so a lot of those details are in the minutes. In general, he said that the problems that they are facing in the A-Fund had to be fixed and they can't keep stretching it out another year. The Town has had the lowest inside the Village rate in the County and the 3rd lowest outside the Village tax rate in the County. Now they will be going up into the mid-range when compared to the other Towns. He explained that they have earmarked in 2 particular cases an increase that they believe is prudent. One is the attorney costs if they have to fight the 94C battle and the second is a contingency account where if they don't have to fight that battle, the money that is raised in taxes will finalize the low deficit in the general Town-wide reserve.

Dan Wolfe, Code Enforcement Officer said that an application for Site Plan review has been submitted from Dollar General to the Village of Lyndonville for the old Crosby Whipple building. He said that for several years he and John Belson have been working with developers that purchase property and then lease it out to Dollar General. He added that the company would be responsible for taking care of environmental concerns at the site. He said some people are upset about it but the Crosby Whipple building has been sitting there vacant and deteriorating for years. He added that it's in a Historic District so maybe the Village can work with the developers to have it designed right so that we can have a brand new building in the Village. He said the business would need a Certificate of Appropriateness outlining all of the fine details and that he is all for it as the Code Enforcement Officer.

TOWN OFFICERS REMARKS

Dan Wolfe, Code Enforcement Officer, said that he has been closing out permits and has been dealing with issues at the lake. He applauded the Board on their vote on the climate change resolution and for "Not drinking the Kool-Aid".

Tricia Laszewski, Town Assessor, said that last Friday she took a Continuing Education class called "Valuation of Amish and Non-Electric Properties" which completes her requirements for 2021. She has also been helping Dawn sort through the old assessment records for the Town's Record Retention Grant requirements.

Councilman Suhr commended the Board for sticking to their conservative values.

Councilman Riggi recognized Kathy Evans for cleaning up a fair amount of garbage from one of the Lakefront lanes and paying it forward and doing the work. He also said that the budget process was a difficult one this year but that he was impressed with the ability of the members to work together and come to an agreement. He said that there were very hard decisions to make.

Supervisor Simon said that the Board and those that attended the meeting for their leadership and willingness to be involved and sticking with in in these perilous times.

ADJOURNMENT

Moved by Councilman Suhr, whereas there is no new business to be brought before the Board, the meeting be adjourned at 7:35PM.

Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk