

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

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

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

Others: Phillip Zimmerman Larry Wolfe

Deputy Supervisor Riggi called the March Town Board Meeting to order at 7:00PM.

PLEDGE OF ALLEGIANCE

SUPERVISORS REMARKS

No remarks.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

No comments.

RESOLUTION NO. 42-3/21

RESOLUTION TO APPROVE FEBRUARY REGULAR BOARD MINUTES

RESOLVED, to approve the minutes of the February 11, 2021 regular Board Meeting as presented to each Board Member.

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

Roll Call Vote:
Councilman Riggi: Aye

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 43-3/21

RESOLUTION TO ISSUE JUNKYARD LICENSES

WHEREAS, the Town has received two applications for Junkyard License renewals, and

WHEREAS, the Code Enforcement Officer has inspected each of these Junkyards, be it

RESOLVED, that Junkyard licenses shall be issued to Terry Chaffee 1859 Murdock Road, Lyndonville, NY and Paul, Sandra, Leonard, Rachel & Vanessa Lauricella 12469 Roosevelt Highway, Lyndonville, NY.

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

Roll Call Vote:

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 44-3/21

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 _____

Roll Call Vote:

Councilman Riggi: _____

Councilman Whipple: _____

Councilman Hrovat: _____

Councilman Suhr: _____

Supervisor Simon: _____

_____ Ayes _____ Nays

Motion: _____

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

RESOLUTION NO. 45-3/21

RESOLUTION OPPOSING THE ADDITION OF SECTION 575-B TO THE REAL PROPERTY TAX LAW IN THE 2022 NYS BUDGET

WHEREAS, the New York Real Property Tax Law – Section 487 – provides a 15-year real property tax exemption for properties on which wind or solar energy projects are built, and

WHEREAS, the real property tax exemption is not mandatory under current law since Section 487 allows local governments to opt out of the exemption and tax wind or solar energy projects based on their full assessed value, and

WHEREAS, if a town does not opt out of the current Section 487, it can require the wind or solar project to enter into a Payment In Lieu of Taxes (PILOT) agreement, and

WHEREAS, under the current Section 487 provision, towns have the ability to negotiate a PILOT with a developer or require that the project pay full taxation based on the assessed value, and

WHEREAS, through the budget process, the State seeks to add Section 575-b to the Real Property Tax Law, which will drastically change the way real property is assessed for wind and solar energy systems (equal to or greater than 1 megawatt) by establishing a state-wide standardized approach for real property tax assessment for wind and solar energy projects, and

WHEREAS, through the budget process, the State also seeks to mandate that the assessed value for solar or wind energy projects will be determined by an income capitalization or discounted cash flow approach that considers an appraisal model created by the New York State Department of Taxation and Finance, and in consultation with the New York State Energy Research and Development Authority, and

WHEREAS, through the budget process, the State-determined assessment will also include a solar or wind energy discount rate that is set annually by the New York State Department of Taxation and Finance, be it

RESOLVED, the Town of Yates holds strongly to the right to home rule established in Article 9 of the NY State Constitution, especially with regard to land use and real property taxation, and be it further

RESOLVED, Governor Cuomo has introduced Section 575-b in this year's budget bill in order to abolish the Town of Yate's ability to assess real property used for renewable energy projects and effectively eliminate any local control currently provided by Section 487, and be it further

RESOLVED, the Town of Yates is adamantly opposed to the addition of Section 575-b to the Real Property Tax Law in the 2022 NYS budget, and be it further

RESOLVED, the Town of Yates calls upon the NY State Senate and Assembly to oppose Section 575-b of the Real Property Tax Law before it is enacted in the budget process, and be it further

RESOLVED, this resolution be sent immediately to Governor Andrew Cuomo, Lt Governor Kathy Hochul, Senate Leader Andrea Stewart-Cousins, Assembly Leader Carl Heastie, Senator Ortt, Assemblyman Hawley, and Orleans County Legislature Chair Johnson.

Offered by Supervisor Simon, who moved its adoption
Seconded by Councilman Riggi

Supervisor Simon said that this is something that has been reviewed and they are working with the coalition on. Lippes has looked at the language and believes that it is solid. The problem is that it is a political football. There is pretty good traffic from different entities; the last being realtors and assessors pushing back with AOT applying pressure as well which really needs to be applied to the Assembly Leader and the Senate Leader. By the end of this month when they get into the final negotiations about the budget, maybe we will have enough momentum and enough pressure for them to remove this completely- this whole idea needs to be scrapped.

Roll Call Vote:

Councilman Riggi: Aye

Councilman Whipple: Aye

Councilman Hrovat: Aye

Councilman Suhr: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 46-3/21

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)-	\$ 60,095.34
Fund B (General – Outside Village)-	\$ 1,114.30
Fund DA (Highway – Townwide)-	\$ 31,073.61
Fund DB (Highway – Outside Village)-	\$ 6,481.83
H- (REDI Town Park Project)-	\$ 23,458.00
Water 4-	\$ 46,098.99
Water 2-	\$
Youth-	\$
Fire-	\$

TOTAL	\$168,322.07

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

Roll Call Vote:

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

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

No comments.

REPORT OF TOWN OFFICERS

Trisha Laszewski, Town Assessor, is getting ready to put values on closed building permits and Julie has been holding down the fort in the Town of Yates Assessor's Office for the last few weeks.

Supervisor Simon said that they had a meeting with the fire department. He said that it was a bit testy at times but that it went ok, it's they're move. He did not budge on our position and he explained the Town's position and the Village explained theirs. They were not happy about it but they did understand so we'll see whether they come down on the amount that we pay them in two installments. There will be another meeting after this budget issue is resolved to be held at the end of March or early April to start discussing next year's budget. Mayor Belson said that he will try to have exact numbers available for review at that meeting for our representatives to the Safety Committee, John Riggi and Harold Suhr, to discuss. Supervisor Simon will be summarizing the meeting results and will send an email to the Board members and Town Attorney, Andrew Meier, so that everyone is up to speed.

ADJOURNMENT

Moved by Councilman Whipple, Whereas there is no new business to be brought before the Board, the meeting be adjourned at 7:07PM.

Seconded by Councilman Suhr

Roll Call Vote:

Councilman Riggi: Aye

Councilman Whipple: Aye

Councilman Hrovat: Aye

Councilman Suhr: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,

Michele Harling
Yates Town Clerk