

Town of Yates November Board Meeting  
8 S. Main St., Lyndonville, NY 14098  
November 10, 2016, 7:00PM

Present: Jim Simon, Supervisor  
Wes Bradley, Councilman  
Jim Whipple, Councilman  
Brad Bentley, Councilman  
John Riggi, Councilman  
Michele Harling, Town Clerk  
Andrew Meier, Town Attorney  
Dan Wolfe, Code Enforcement Officer  
Trisha Laszewski, Assessor

Excused:

Others :	Paula Simon	Steve Royce	Maryellen Royce
	Becky Winters	Howard Pierce	Cynthia Hellert
	Richard Pucher	Richard Fisk	Linda Fisk
	Rick Riggi	Donn Riggi	James Hoffman
	Jim Bansbach	Donna Bane	Taylor Quarles
	Jacob Kremer	Pam Atwater	Paul Lauricella
	Sandy Lauricella	Kate Kremer	

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

**PLEDGE OF ALLEGIANCE**

**SUPERVISOR REMARKS**

Supervisor Simon asked that during both Privilege of the Floor sessions that speakers compose their thoughts and put all comments into one statement, that they be no more than 3 minutes in duration, and that all comments be respectful and directed to the board and not to each other. He added that he continues to work toward making the agenda available on the Town website as early in the week as possible and mentioned that draft minutes will not be available to the public prior to the regular board meeting.

**CORRESPONDENCE**

Michele Harling received a letter from Karli Sturtevant with regard to the Lyndonville/Yates summer recreation program. Karli thanked all involved for the program's success and added that many of the parents of the participating students were grateful that the swim program at the Medina School was offered.

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

Paul Lauricella, Town of Yates, questioned Resolution No. 108-11/16 and whether or not taxes were going up and if there were any major purchases for next year.

Supervisor Simon responded that there will be slight increases to the rate because the Town may have to contribute to the Medina Ambulance Service. He added that there are not any major purchases scheduled for next year but that there will be increased expenses due to the expansion of Water District 4.

Donn Riggi, Town of Yates, encouraged the extension of the Wind Moratorium and added that Apex has everything to gain at our expense.

Linda Fisk, Town of Yates, opposed the extension of the Wind Moratorium.

Donna Bane, Town of Yates, opposed the extension of the Wind Moratorium and added that the MET Tower is not in violation of any of the Town's zoning.

Richard Fisk, Town of Yates, opposed the extension of the Wind Moratorium and said that if the Town didn't complete what they needed to in the last 6 months, that 6 more months won't matter.

Kate Kremer, Town of Yates, was in favor of extending the Wind Moratorium so that the Town could continue to work on the Comprehensive Plan.

Rebecca Winters, Town of Yates, opposed the extension of the Wind Moratorium and added that the work should be done.

Anne Smith, Town of Yates, asked the Board to extend the Moratorium to protect the safety, health and welfare of their constituents and to preserve people's home value, which is their biggest asset.

Taylor Quarles, Lighthouse Wind, opposed the extension of the Moratorium and stressed that it's important for them to put up the MET Tower to collect meteorological and scientific data.

Howard Pierce, Town of Yates, opposed the extension of the Wind Moratorium and stressed that if the Board hasn't finished the LWRP and Comprehensive Plan in the last 6 months that he doubts they will finish it with 6 more months.

Rick Riggi, Town of Newfane, urged the Board to extend the Wind Moratorium and stressed that there is nothing wrong with taking the time they need to make a decision that will affect people's lives.

Agnes Laport, Town of Somerset, agreed with the prior speaker and added that a 6 month extension is not long enough.

Councilman Whipple stated that he will vote yes to the 6 month moratorium but made it clear that he will not vote for another extension after this.

Councilman Bentley said that he has struggled with the decision on the vote on the Moratorium Extension. He will vote to extend the Moratorium because he thinks it's important to finish the Comprehensive Plan and hopes that the survey questions are good and added that he will not vote for another extension.

Supervisor Simon explained that the LWRP has been stalled because the State has not released the necessary grant funds. He spoke with Orleans County Planner, Jim Bensley, who thought that they may be released within 30 days and then they could move forward. He added that the Comprehensive Plan is moving forward and that the members assigned to that committee are in the process of developing a survey. He said that the Plan could take up to 8 – 10 more months to finish.

Councilman Bradley said that if the LWRP has not even been started and the Comprehensive Plan may take another 8 – 10 months to finish that there is no reason to extend the Wind Moratorium another 6 months with the likelihood that neither of these things will be completed within that time frame.

Councilman Riggi agreed with the extension. He added that the Comprehensive Plan is moving forward and that the Town needs another 6 months to gather information through the survey to see if the current Wind Law needs to be amended. He said that it is a possibility that the Town could move forward on the LWRP alone, without the other Towns, and have it completed at the end of 6 months.

Councilman Bradley stressed that if the Comprehensive Plan is not done in 6 months that the Board should not consider making any changes to the Wind Law at that time.

#### **RESOLUTION NO. 106-11/16**

#### **RESOLUTION TO APPROVE MINUTES**

RESOLVED, to approve the minutes of the October 13, 2016 Regular Board Meeting as presented to each Board Member.

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

5 Ayes 0 Nays

Motion: Carried

#### **RESOLUTION NO. 107-11/16**

#### **RESOLUTION TO APPROVE MINUTES**

RESOLVED, to approve the minutes of the November 7, 2016 Public Hearing and Workshop Meeting as presented to each Board Member.

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

4 Ayes 0 Nays 1 Abstention (Whipple)

Motion: Carried

**RESOLUTION NO. 108-11/16**

**RESOLUTION TO ADOPT THE PRELIMINARY BUDGET AS THE TOWN OF YATES  
FINAL BUDGET FOR FISCAL YEAR 2017**

WHEREAS, a Public Hearing was held on November 7, 2016 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 2017 and, be it

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

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

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 109-11/16**

**RESOLUTION TO ADD DELINQUENT WATER TO TAXES AND ADD \$100.00 FEE**

WHEREAS, there are water customers with delinquent water bills that have been notified via certified mail that such bills not paid by November 10, 2016 will be releived on their Town/County tax bill with an additional \$100.00 fee, 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 2017 Town/County bills.

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

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 110-11/16**

**RESOLUTION TO ADOPT ADA COMPLIANCE PROCEDURES AND STATEMENT FOR CDBG FUNDING**

WHEREAS, the Town of Yates has received funding under the Community Development Block Grant (CDBG) Act and is required to take affirmative steps to ensure that the CDBG programs, services and activities are accessible to, and usable by, individuals with disabilities, be it

RESOLVED, that the Town of Yates hereby adopts the attached policy statement regarding compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, and be it further

RESOLVED, that the Town of Yates hereby adopts the complaint procedures described in the policy statement to address complaints of discrimination with regard to the ADA and/or Section 504 of the Rehabilitation Act of 1973, and be it further

RESOLVED, that the Town of Yates Clerk is hereby directed to post the policy statement in the Town of Yates Office and publish a notice regarding the availability of the policy statement and complaint form.

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

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 111-11/16**

**RESOLUTION TO EXTEND THE TOWN OF YATES MORATORIUM ON WIND ENERGY FACILITIES LAW**

WHEREAS, Local Law No. 1 of 2016 entitled, “The Town of Yates Moratorium on Wind Energy Facilities Law” was enacted by unanimous vote on May 12, 2016, and

WHEREAS, a public hearing was held on October 13, 2016, to discuss Local Law No. 3 of 2016 entitled, “Extension of the Town of Yates Moratorium on Wind Energy Facilities Law,” and

WHEREAS, the proposed Local Law No. 3 of 2016, extending the moratorium was submitted to the Orleans County Planning Board, and 30 days has elapsed since the date of submittal without action by the County Planning Board; and

WHEREAS, the proposed Local Law No. 3 of 2016 is a Type II action under the State Environmental Quality Review Act and therefore no review is required; and

WHEREAS, the Town of Yates continues to make good faith efforts toward updating the Western Orleans Comprehensive Plan and the Lake Waterfront Revitalization Plan, and

WHEREAS, Local Law No. 2 of 2016 amending the Wind Energy Facilities Law of 2008 (enacted June 9, 2016) will undergo a complete review in light of the comprehensive planning efforts of the Town, and

WHEREAS, the Town Board, having given due consideration to the public comments regarding Local Law No. 3 of 2016, and determining that the adoption of a 180-day extension to Local Law No. 1 of 2016 to be in the public interest, be it

RESOLVED, that Local Law No. 3 of 2016 is hereby adopted in its entirety, and be it further

RESOLVED, that the Attorney for the Town is directed to file the law with the Department of State.

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

4 Ayes 1 Nay (Bradley)

Motion: Carried

## **RESOLUTION NO. 112-11/16**

### **RESOLUTION TO PAY BILLS**

WHEREAS, bills have been reviewed by the Town Board, be it

RESOLVED to pay bills as follows:

A-Accounts-	\$ 40,149.92
B-Accounts-	\$ 905.43
DA-Accounts-	\$ 14,742.73
DB-Accounts-	\$ 12,665.30
Water 4-	\$ 5,432.50
Water 2-	\$ 26,976.55
Youth-	\$
Fire-	\$

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TOTAL \$100,872.43

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

5 Ayes 0 Nays

Motion: Carried

## **PRIVILEGE OF THE FLOOR**

Paula Simon, Town of Yates, explained that Mr. Quarles had offered a tour of a wind farm to any interested residents and that when she replied that she was interested that he responded that he could not extend the invitation to her because it would be considered a gift to the spouse of an elected official. She added that her request was not a request for a gift of any sort.

Linda Fisk, Town of Yates, mentioned that she is on the committee assembled to review the Comprehensive Plan and that she is not convinced that it can be completed in 6 months and that they would be lucky to have 25% response to the survey as it is currently written.

Howard Pierce, Town of Yates, added that there are far too many questions on the survey and that they should scrap it and come up with another one that has around 25 questions so that people will respond.

Supervisor Simon, agreed with both Howard and Linda and would like to see a survey with fewer questions.

Paul Lauricella, Town of Yates, was not happy to see an increase in the budget and stressed that taxes should not go up.

Councilman Bradley responded that since 2014, overall, the budget has gone up \$13,000 and that if it wasn't for the Ambulance Contract that they had to budget for in 2017 that the tax rate would have gone down. He added that it's important to have good ambulance service and that even with the increase in the rate the Board kept the increase under the 2% tax cap.

Supervisor Simon explained that the County contacted all of the Municipalities earlier in the year with a new Animal Control proposal with a 300% increase from last year. Upon meeting with the Towns, the County decided to keep the cost and the coverage the same for animal control in 2017 but that they would revisit it for 2018.

Donna Bane, Town of Yates, questioned what agencies would be contributing to the Ambulance Service Contract.

Councilman Bradley responded that among those contributing would be the Towns of Yates, Shelby, and Ridgeway, the Village of Medina and possibly the Village of Lyndonville. He added that the contract is not done yet and that they are still in negotiations. One topic of discussion was replacement vehicles. They are proposing 4 ambulances total, 1 to be replaced every 2 years.

Councilman Simon added that how the charge for the Ambulance Service is apportioned between the Town of Yates and the Village of Lyndonville is not decided yet.

Paul Lauricella, Town of Yates, asked if the Ambulance Service has been paid up for previous years.

Sandy Lauricella, Town of Yates, said that she could help with animal control because enough animals show up at her house.

Anne Smith, Town of Yates, agreed that the Ambulance Service is an excellent idea and that they recently helped a neighbor of hers.

Kate Kremer, Town of Yates, mentioned that Save Ontario Shores has been keeping track of the Lighthouse Wind leases and submitted a copy of the totals to the Board.

Pam Atwater, Town of Yates, submitted a publication released on October 21, 2016 titled "Wind Turbine Noise and Human Health".

Taylor Quarles, Lighthouse Wind, said that stipulations negotiations were ongoing.

Councilman Riggi questioned if in fact the stipulations were ongoing since he and the Town had not seen any call for work sessions since August.

Taylor Quarles, Lighthouse Wind, clarified that while work sessions had not been called, Lighthouse Wind was still continuing with the studies required for the pre-application phase.

Councilman Riggi responded that he was concerned that if stipulations negotiations were continuing, why all parties had not been notified. He also asked Mr. Quarles to confirm if stipulations negotiations are voluntary on the part of the developer.

Taylor Quarles, Lighthouse Wind, responded that stipulations negotiations are a voluntary part of article 10, but that they are still planning to continue to work on stipulations.

Donn Riggi, Town of Yates, submitted a letter addressing 2 arguments used in favor of the wind project; that people have the right to do what they want with their land and that more birds are killed by buildings and cars.

Anne Smith, Town of Yates, questioned when the tax paying residents of the Town will be able to see the results of the data.

## **TOWN OFFICERS REMARKS**

Dan Wolfe, Code Enforcement Officer, told the Board that to date he has issued 70 building permits for the 2016 year and that 26 remain open with 44 closed. He recently issued a violation letter to a Lakeshore resident for property maintenance issues.

Trisha Laszewski, Town Assessor, mentioned that her assistant, Carianne, passed the Civil Service Exam. She expects to start taking classes to become a certified Assessor in the spring. She added that she is in the process of preparing exemption renewals.

Councilman Riggi told the public that he feels that the Board meetings revolve around wind farm discussions and that he would like to start updating residents on some of the other projects the Board has been working on. He gave updates on the Niagara Food Specialties business located on the Roosevelt Highway at the old Atwater site, recent legislation that applies to the Town, an infrastructure update on the expansion of Water District 4, the Lyndonville Fire Department, Orleans County Animal Control Contract, Ambulance Contract, and that they recently had new roofs put on the Town Hall and Salt Storage Building. He said that the fact that the Town had 70 building permits in 2016 was a good sign.

Supervisor Simon closed by saying that he and his wife enjoyed handing out timbits and cider at the Town Hall for Halloween.

### **ADJOURNMENT**

Moved by Councilman Whipple, Whereas there is no new business to be brought before the Board, the meeting be adjourned at 8:15PM.

Seconded by Councilman Bentley

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,  
Michele L. Harling  
Yates Town Clerk