

Town of Yates December Board Meeting
8 S. Main St., Lyndonville, NY 14098
December 12, 2019, 7:00PM

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

Excused: Roger Wolfe, Highway Superintendent

Others :	Larry Wolfe	Paul Lauricella	Sandy Lauricella
	Anne Smith	Cynthia Hellert	Bob LaPorte
	Agnes LaPorte	Shane Price	Phares Zimmerman
	Steve Royce	Maryellen Royce	James Hoffman
	Agnes Recco	Georgette Stockman	Dennis Seekins
	William Jurinich		

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

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REPORT

Supervisor Simon reminded the audience that there are two privileges of the floor for people to speak; one at the beginning of the meeting for agenda items only and one at the end of the meeting for all other concerns.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Paul Lauricella, Town of Yates, commented on Resolution Nos. 115, 117 and 118. He wondered why we are already giving money to our Engineers when we haven't even heard or discussed the overall cost of the project. He thinks that resolution No. 117-12/19 is wrong because all of the same people are on the same Boards in this community and he feels that a bad precedent was set when the Lyndonville Foundation gave money to a municipality to use for a local project. He thinks that this is unethical and a conflict of interest because the people involved are on multiple boards. Lastly, he asked why the general bills were so high this month.

Supervisor Simon said that we have a timeline where we need to start to commit the money that the grant is providing. He said in a sense Resolution No. 115-12/19 could be committing us if we decide that all we're doing is a playground, for example; if we get 2.5 million and we don't use all of the money. He said that as we work with the Task Force the project may be curtailed. He sat in on a webinar last Monday that said that this can be done. He explained that the Board by these votes is moving in that direction but is not committed to the full amount and that the application has not been finalized.

Supervisor Simon explained that the amount to be authorized in Resolution No. 115-12/19 is \$44,000 and covers the engineering report which is due in February and the SEQ. R.

Councilman Bradley said that the charter of the Lyndonville Area Foundation was set up by the Lion's Club back in the 1960's. He said there are 3 classes of Board of Director's. Class 1 directors are automatics and are made up of the Village Mayor, Town Supervisor, Superintendent of Schools, Lions Club President and past Lion's Club President. Those 5 people automatically have to be there as per the charter.

Supervisor Simon said that he would obviously recuse himself from the vote.

Supervisor Simon explained that 95% of the Keeler Construction work from the Lakefront Remediation Grant is being paid this month with 5% being held back for remediation and asphalt damage. He added that the money comes in from the State and is then paid out.

William Jurinich, Town of Yates, asked if the money comes out of a different account.

Supervisor Simon said that yes, there is a separate account that manages all of the money from this grant which is being finished up.

Shane Price, Town of Yates, explained that he lives on Morrison Road which borders the park. He asked why this project was not brought before the public with a survey before any money was spent. He feels that it's unethical to go to the Lyndonville Area Foundation for money. He said that an expanded Town Park is not needed when we have Hamlin Beach, Lakeside Park and the Golden Hill State Park close by. He said that he is up most of the night with his children and sees the "shenanigans" that happen at night. He finds drug paraphernalia down there regularly and asked who will be policing and maintaining the park. He thinks there are more questions to be answered but that because the Town was given money they will be moving very quickly to spend it. He said that he will be selling his house if the Park is expanded.

Sandy Lauricella, Town of Yates, said that she doesn't agree with any park expansion because she remembers being a teenager and looking for a place to misbehave and believes that this will be the case here. She's worried that somebody could get hurt and that the Town will be held accountable. She believes the Town Park is already nice like it is and does not need to be expanded because there isn't anything else around here to draw people to the area. She feels bad for the residents who live in close proximity to the park because all they want is peace and quiet and they pay their taxes so they should have that.

Agnes Recco, Town of Yates, said that there is a problem with drug paraphernalia down at the park and that everybody sees it. She asked if any of the Board members have talked to the Town Police Officer because she did. He told her that the park expansion is not a good idea. She also talked to a State Trooper friend who also said that it's not a good idea because it's known to be a drug hangout. She encouraged the Board to gather more feedback from law enforcement.

Shane Price, Town of Yates, said that when he takes his son to the park he has to sweep the area for drug needles every time. He said when the park first went in he called the cops repeatedly for ongoing issues. Because they aren't around during the day they have installed cameras to keep track of what's going on at their house because of their proximity to the park. He believes that if the park is expanded some of the trails will be within 200' of their home which is way too close.

Agnes Recco, Town of Yates, asked how many of the Board members have been to the park for a BBQ or to enjoy a sunset.

Supervisor Simon said that he has heard resident's concerns and that they are valid and appropriate for the Board to hear now but that this is not a time for cross-examination.

William Jurinich, Town of Yates, said that he doesn't want to sit at a meeting and wait until it's all done. Now is the time to talk about it and ask questions because they live there.

Shane Price, Town of Yates said that the Board wants to expand the park to his back yard without knowing what goes on down there. That doesn't make sense.

William Jurinich, Town of Yates, said that there probably isn't much to talk about because the Board has already made up their minds.

Supervisor Simon said that this is not the case. He invited the audience to attend the Task Force Workshop Meeting next week on Wednesday, December 18th at the Village Hall from 5:00pm – 7:00pm.

There was a verbal exchange between William Jurinich and Councilman Suhr with regard to the history of the property located at the corner of Morrison and Lakeshore Road.

RESOLUTION NO. 111-12/19

RESOLUTION TO APPROVE MINUTES

RESOLVED, to approve the minutes of the November 14, 2019 Regular Board Meeting as presented to each Board Member.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 112-12/19

RESOLUTION TO AUTHORIZE WATER SHUT-OFF

WHEREAS, the Rules and Regulations for the Water District of the Town of Yates directs the Water Superintendent to shut-off water upon the request of the Town Board because of failure of payment by the consumer, and

WHEREAS, there are water accounts that are delinquent sixty (60) days after the end of the period, be it

RESOLVED, that the Town of Yates authorizes the Water Superintendent to turn-off water for non-payment of delinquent water accounts.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 113-12/19

RESOLUTION TO SET YEAREND MEETING

RESOLVED, to set the yearend meeting for Thursday, December 26, 2019 at 5:30PM.

Supervisor Simon explained that the year-end meeting is to close out the books but that if any agenda items are added they will be posted just like we do for our regular monthly meetings.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 114-12/19

RESOLUTION AUTHORIZING YATES HIGHWAY SUPERINTENDENT TO CONSULT WITH ORLEANS COUNTY AND NY STATE REGARDING POSSIBILITY OF DECREASING SPEED LIMITS AND INCREASING SIGNAGE ON GREENMAN ROAD.

WHEREAS, several Yates residents are concerned with the speeding and the blind spots due to curves and rolling hills that occur on Greenman Road, be it

RESOLVED, that the Town Board authorizes the Yates Highway Superintendent to directly consult with Orleans County and New York State regarding the possibility of decreasing the speed limits and/or installing additional street signage on Greenman Road to protect the health, welfare and safety of Yates residents.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 115-12/19

RESOLUTION AUTHORIZING TOWN SUPERVISOR TO SIGN ENGINEERING CONTRACT FOR REDI GRANT FOR TOWN PARK

WHEREAS, the Town of Yates was awarded a \$2.531 Million grant for the Yates Town Park, and

WHEREAS, MRB Group is the Town Engineer based on the January 2019 Organizational Meeting Resolution, and

WHEREAS, the Town Procurement Policy does not apply to professional services, be it

RESOLVED, that the Town of Yates authorizes the Town Supervisor to sign an agreement with MRB Group to complete the Engineering Report and to complete the SEQR process for the REDI Grant for an amount not to exceed \$44,500.

Supervisor Simon said that this is simply to do the engineering report which is due in February and the grant application if they choose to move forward with it would take place in March.

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

Councilman Bradley said that he will not be voting for this because they have until February. The Task Force is meeting again next Wednesday and that group should give their go ahead before the Board continues with this project because some people are opposed to it. At this time he feels that the resolution is not appropriate.

Supervisor Simon said the Task Force is not the approval authority for the project they can only make recommendations to the Town Board who will decide if based on all of the inputs from the public and the Task Force whether or not they will proceed with the project.

Councilman Bradley said that the Board should wait to hear from the Task Force before moving forward.

4 Ayes 1 Nay (Bradley)

Motion: Carried

RESOLUTION NO. 116-12/19

RESOLUTION IN SUPPORT OF NYS LAWSUIT AGAINST THE INTERNATIONAL JOINT COMMISSION FOR LAKE ONTARIO FLOODING

WHEREAS, the International Joint Commission's (IJC) influence on the St Lawrence River Board of Control to act in response to the disastrous flooding of the Lake Ontario shoreline in the Town of Yates has caused the Town residents to suffer millions of dollars of damages due to devastating high lake levels, and

WHEREAS, the IJC's mismanagement of the Lake Ontario water levels not only wreaked havoc on our vulnerable Town of Yates residents but also caused significant damage to the Yates Town Park and several municipal roads, and

WHEREAS, NY State Attorney General Letitia James and Governor Andrew Cuomo have filed an expanded lawsuit with the NYS Department of Environmental Conservation against the IJC for failing to implement its flood protocol and failing in their primary mission of properly managing Lake Ontario's water levels, stating that NY is hopeful that this lawsuit will bring safety, security and justice to those impacted by the IJC's negligence, be it

RESOLVED, that the Yates Town Board fully supports NY State's legal action in holding the IJC accountable for its failing to protect the shoreline of Lake Ontario, and be it further

RESOLVED, that the Clerk of the Town shall forward this resolution to Governor Cuomo, Senator Ort, Assemblyman Hawley, Assemblyman Norris, the Orleans County Legislature, and the Towns of Carlton and Kendall, and all others deemed necessary and proper.

Supervisor Simon said that this resolution mirrors the resolution that the County just passed and does not bind us to any funds or legal commitment to the lawsuit; we are joining in support of the lawsuit. Many Municipalities and Towns are doing the same thing so the State will have that much more support moving forward.

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

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 117-12/19

RESOLUTION TO AUTHORIZE THE TOWN SUPERVISOR TO APPLY FOR A LYNDONVILLE AREA FOUNDATION GRANT TO SUPPLEMENT THE REDI GRANT FOR THE TOWN PARK

WHEREAS, the Town of Yates was awarded a \$2.531 Million Grant from the REDI Commission for damage to the Yates Town Park, and

WHEREAS, the Town is responsible for 5% of the cost of the project, and

WHEREAS, the Town Supervisor will work with the Yates Town Park Task Force to determine how much of the 5% can be obtained through in-kind services, be it

RESOLVED, that the Town authorizes the Town Supervisor to submit a grant application to the Lyndonville Area Foundation to help offset the remaining costs of the project.

Supervisor Simon said that the Lyndonville Area Foundation is a separate entity that makes their own decisions and that the Town is looking at the Town Highway to be able to do some of the in-kind service that will count toward the 5%. He explained that 5% equals \$126,000 and the Board does not want to necessarily commit the Town to that whole amount. He will ask Roger Wolfe, Highway Superintendent to do some analysis and when that's done one option is to seek a grant from the Foundation to offset the remaining costs.

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

Councilman Bradley said that he is opposed to this and that there should be a maximum number in this resolution that the Board would allow the Supervisor to submit an application for. He said that by voting for this the Board is potentially allowing the Supervisor to ask for up to \$126,000; along with in-kind service which is still taxpayer money and that is not anywhere near what the Board should authorize at any point.

Supervisor Simon said that the whereas in this resolution that talks about in-kind service should clear that up and there will be another board meeting before the Lyndonville Area Foundation Meeting and by that time they could have more concrete figures.

4 Ayes 1 Nay (Bradley)

Motion: Carried

RESOLUTION NO. 118-12/19

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)	\$358,252.01
Fund B (General – Outside Village)	\$ 2,143.71
Fund DA (Highway – Townwide)	\$ 25,453.27
Fund DB (Highway – Outside Village)	\$ 9,272.17
Water 4-	\$ 29,421.03
Water 2-	\$
Youth-	\$
Fire- -----	
TOTAL	\$424,542.19

Offered by Councilman Riggi, who moved its adoption

Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Anne Smith, Town of Yates, thanked the Board for the help that they have given over the last 5 years in fighting the wind turbine project and wished the Board a Merry Christmas. She said that she has lived by a park before and it was very disturbing. She feels the lakeshore should be protected. She read an article that said that the lakeshore levels may be even higher next year. She said you can build up a park but if the shoreline is not secure, it won't make a difference. She feels bad for the people in that area and said that she would not want the park to be expanded either.

William Jurinich, Town of Yates, apologized for getting angry earlier in the meeting and asked if the Board had a chance to look into the cost to taxpayers of the ongoing maintenance of the park if it's expanded. He said that jetties would be destroyed by the lake. He asked about the cost and manpower needed to maintain a pavilion.

Supervisor Simon explained that the Board did have initial conversations with Roger Wolfe and what the Highway may or may not be able to do with added responsibilities. He asked everyone to keep in mind that the Town is already maintaining what we already have and that they may not be increasing the land size. The jetties are open-ended questions because we don't know if the Army Corp of Engineers will approve the current design. He said that the Task Force may have some answers as they meet and some may come from the Highway. He explained a lot of these questions have been brought up but not sorted out yet.

Shane Price, Town of Yates, asked if the NYSEG property does become available can any of the \$2.531 million be used to acquire the land. He asked if the land does come off of the tax rolls, who will pay those taxes. He said that with in-kind service and Roger's crew being pulled off

from other projects, this could take a lot of time. Lastly he asked that money be held back from Keeler Construction because the parking lot is trashed and the ground has not been left in good condition.

Supervisor Simon said that it can but it's a great question because they are not relinquishing the land to date and the Town is running out of time for that to be an option. This will be discussed with the Task Force next week and he just reached out to NYSEG today and asked for an update by next Wednesday. The State would have the final approval of the land requisition and they are aware that the Town has Option A and an Option B plans. If the land became available they would have to go back to the State and see if that's acceptable and if some of the money could be allowed to purchase the land. He explained that if the land comes off the rolls there will be about a \$3,000 decrease in taxes to the Town and that this is an ongoing conversation. He explained that funds have been withheld from Keeler Construction for the same concerns Shane Price raised.

Georgette Stockman, Town of Yates, asked for clarification on the refuse pick-up along the lakefront lanes. She went to a presentation held in Shelby where they explained how the new recycling project was going to work and she was told that Modern was going to supply smaller trucks for the Lakefront Lanes. She said it's hard to pull the big bins very far when they're full because after 2 weeks they're very heavy. She wished that they could go back to the smaller recycling bins they had before.

Supervisor Simon explained that the County contract was challenged by Modern. All of the municipalities met and said that the service cannot just be stopped. Modern created a color-coded list; green implies that there is no problem with providing service at this time, yellow means that there are some concerns but that service can still be provided and red means that Modern will not be going down the lanes because of safety issues. There were some issues with communication over the list but finally Modern said that they would continue with service and they would all meet again. He explained that the Town's position is not very strong. Some of the lanes at the lakefront are not very good. The County will be in control of the negotiations because it is their contract. He said that going back to the smaller bins has been raised. He hopes that they can go lane by lane and for those lanes that are coded red, that the residents will have a chance to make it more serviceable for the Modern trucks.

Cindy Hellert, Town of Yates, said that she spoke to Modern twice because after getting their large bin to the road, the recyclables were not picked up. She asked if the Board was aware that there are 4 lanes in the Town that Modern trucks go down; Kelley, Willow, Shadigee and Wescott. She wondered how that was ever negotiated because 2 of them are long narrow lanes without year-round residents.

Supervisor Simon said that's a good point and it doesn't seem like there is a clear-cut list of which lanes will be picked up. He explained that Councilman Riggi and Roger Wolfe have done a lot of analysis on this.

Councilman Riggi said that at this point he's surprised that Modern is not simply saying that they will not go on private property at all.

Cindy Hellert, Town of Yates, said that if that happens then they would definitely need the smaller bins back for weekly pick-up.

Sandy Lauricella, Town of Yates said that as soon as she heard about the possible park expansion she started praying that NYSEG would not sell the Town additional property.

Paul Lauricella, Town of Yates, thanked Councilman Bradley for his years of service to the Town. He said that he's faced a lot of opposition in his voting and it takes a lot of courage to vote your conscience. He said it's hard to vote for what you think is right when everyone else is voting against you; he personally knows the feeling. He said that Councilman Bradley has done a lot for the Town and has been one heck of a Councilman. He said that they didn't always agree on everything and that sometimes Wes was right and that he will be missed.

TOWN OFFICERS REMARKS

Dan Wolfe, Code Enforcement Officer, met with the Town Board at the Workshop this week and is in the process of working with the Planning Board to give strength to our Zoning regulations by updating our definitions and adding the terms "Hotel/Motel", "Bed and Breakfast" which will include "Airbnb", and "Transient" which is in the building code of the State of New York. These will be sent down to the Planning Board for their recommendations and then will come back to the Town Board. He is catching up on building permits and trying to get them closed by the end of the year and wished everyone a very Merry Christmas.

Trisha Laszewski, Town Assessor, no report.

Councilman Riggi said that he wanted to echo Paul Lauricella's sentiments about Councilman Bradley. He said that they have probably disagreed more on things than they have agreed but the one thing that he never doubted about Councilman Bradley was that he was always coming from a very pure place because of his love for the Town and what he believed was right for the Town. He congratulated Wes on a job well done and wished everyone a Merry Christmas.

Councilman Whipple congratulated Wes on his retirement and said that he will be missed.

Supervisor Simon said that the Task Force will be meeting next Wednesday, December 18th from 5:00pm – 7:00pm at the Village Hall, not the Yates Town Hall because court will be in session in the Town Hall. He added that this is a Workshop Meeting so people will not be able to speak during the meeting. There will be a chance after the meeting to speak with the Task Force members and ask questions. With regard to the Town Park grant he said that it is not an entity in isolation. He explained that shortly after he was elected, they formed the Western Orleans Comprehensive Plan Committee who met over the course of 2 years; this being one of the big items on that. It was also subject to public hearings so the possibility of Town Park expansion has been around for a long time. The LWRP update was also started shortly after he was elected. They have also been meeting for about 2 years and have been talking about community investments including the Town Park. Inputs are important and the final design is yet to be determined. The deadline for a final application and design is in March. He asked all to stay

engaged and understands that it is more emotional for some than others. He guaranteed that there is no attempt for him personally or anyone on the Board to force this, it has been worked on for years. They are talking about enhancements and perhaps expansion if the land becomes available, but he has his doubts.

Supervisor Simon thanked Councilman Bradley for his service and presented him with a gift certificate. He explained that when he first became involved in Town Government Wes made a very good impression on him on how to approach serving the Town on a Board. He learned that people will have differences, and they did, but they were always able to bring the discussion back to get the work done and Wes was always good at that. He explained that Wes always did his homework and analyzed the materials and Supervisor Simon appreciated that.

ADJOURNMENT

Moved by Councilman Suhr, whereas there is no new business to be brought before the Board, the meeting be adjourned at 7:50PM.

Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk