Town of Yates May Board Meeting
8 S. Main St., Lyndonville, NY 14098
June 13, 2024, 7:00PM

Present:	Jim Simon, Supervisor		
	John Riggi, Councilman		
	Harold Suhr, Councilman		
	Susan Hrovat, Councilman		
	Terry Chaffe, Jr., Councilman		
	Michele Harling, Town Clerk		
Excused:	Roger Wolfe, Highway Superintendent		
	David Reese, Code Enforcement Officer		
	Trisha Laszewski, Town Assessor		
Others:	Larry Wolfe	Bob DeMallie	Steve Colon
	Georgette Stockman	Noelle Wiedemer	Paul Lauricella
	Sandy Lauricella		

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

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

No remarks.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Georgette Stockman, Town of Yates, thanked the Board for the Solar Energy Systems Law and the Wind Energy Facilities Law and the public hearings that will follow so that people can talk about them. She saw "eminent domain" words appearing here and there and was grateful to know that we're doing what we can.

RESOLUTION NO. 58-6/24

RESOLUTION TO APPROVE MINUTES OF THE REGULAR MAY TOWN BOARD MEETING

RESOLVED, to approve the minutes of the May 09, 2024 regular Board Meeting as presented to each Board Member.

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

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

RESOLUTION NO. 59-6/24

RESOLUTION TO APPROVE MINUTES OF LOCAL LAW #1 OF 2024 PUBLIC HEARING

RESOLVED, to approve the minutes of the June 10, 2024 Local Law #1 of 2024 Public Hearing as presented to each Board Member.

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

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

RESOLUTION NO. 60-6/24

RESOLUTION TO ADOPT LOCAL LAW #1 OF 2024: "TOWN OF YATES SOLAR ENERGY SYSTEMS LAW"

WHEREAS, proposed Local Law #1 of 2024, known as "Town of Yates Solar Energy Systems Law" was introduced at a duly called meeting of the Town Board of the Town of Yates on the 9th day of May, 2024, with a copy thereof having been duly given to all board members; and

WHEREAS, due notice of a public hearing to be held thereon on the 10th day of June, 2024, was duly published in the Batavia Daily News, the official newspaper of the Town of Yates, on May 14, 2024, and posted as required by law; and

WHEREAS, the Orleans County Planning Board approved the law without conditions on May 23, 2024, and

WHEREAS, such public hearing was held on the 10th day of June, 2024, at which time all interested persons were given an opportunity to be heard thereon; therefore, be it

RESOLVED that the Town of Yates hereby adopts Local Law #1 of 2024, "Town of Yates Solar Energy Systems Law;" and be it further

RESOLVED, that the Town Clerk send this local law to the NYS Department of State, and to eCode360.

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

Supervisor Simon said that the County Planning Board made a very positive comment about the Solar Energy Systems Law. We feel strongly to Georgette's point that even if it's an Office of Renewable Energy Siting project over 20 megawatts, we have provisions and substantive parts of our law that will be difficult for them to waive so we're hopeful that we've tightened that up. We still allow for solar on roofs and ground mounted arrays to provide for residential electricity. The other big provision is the Battery Energy Systems Storage Law which is to protect us against massive battery systems being built. If it's at the State driven level, then we have some provisions in there that they would have to meet that could not be waived.

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

RESOLUTION NO. 61-6/24

RESOLUTION TO INTRODUCE LOCAL LAW #2 OF 2024: "A LOCAL LAW TO AMEND THE TOWN OF YATES WIND ENERGY FACILITIES LAW" AND TO SCHEDULE A PUBLIC HEARING

WHEREAS, the Town of Yates recognizes that the existing Wind Energy Facilities Law is in need of modifications to protect and preserve public health, welfare, and safety of the citizens, as well as the value, use and enjoyment of property in the Town, be it

RESOLVED, that the Town Board introduces Local Law #2 of 2024: "A Local Law to Amend the Town of Yates Wind Energy Facilities Law," and be it further

RESOLVED, that the Town Board directs the Town Clerk to make public notice for a Public Hearing on July 8, 2024, 5:30pm, at the Yates Town Hall, and be it further

RESOLVED, that the Town Clerk send this local law to the Orleans County Planning Board for review and recommendations.

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

Supervisor Simon said that this one and the next two Local Law Public Hearings will be scheduled for the day of our next workshop meeting, July 8th, and will begin at 5:30pm. They will all be sent to the County Planning Board for review. The text of the law will be in the minutes, posted on the Town website and available in print at the Town Clerk's Office.

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

A Local Law to Amend the Town of Yates Wind Energy Facilities Law

Be it hereby enacted by the Town Board of the Town of Yates, in the County of Orleans, New York, as follows:

The Zoning Regulations of the Town of Yates shall be amended by the following modifications to Section 591, entitled "Wind Energy Facilities," which are as follows:

SECTION I

Section 591(H)(2)(a) of the Zoning Ordinance of the Town of Yates, within the existing Wind Energy Facilities law, is hereby deleted in its entirety and replaced with the following:

a) From restricted areas:

(i) From the boundary line of a non-AR or Industrial District:

(1) A minimum of 0.5 miles or 6 times the Total Height of the turbine, whichever is greater.

(2) A minimum of 0.5 miles or 6 times the Total Height of the turbine, whichever is greater.

(ii) From the Waterfront Revitalization Area Boundary as established in the Town of Yates LWRP:

(1) A minimum of 0.5 miles or 6 times the Total Height of the turbine, whichever is greater.

(2) A minimum of 0.5 miles or 6 times the Total Height of the turbine, whichever is greater.

(iii) From the Lake Ontario shoreline:

(1) Three miles.

SECTION II

Section 591(H)(2)(b) of the Zoning Ordinance of the Town of Yates, within the existing Wind Energy Facilities Law, is hereby deleted in its entirety and replaced with the following: b) From structures (excluding residences):

A minimum of 0.5 miles or 6 times the Total Height of the turbine, whichever is greater, from any building.

SECTION III

Section 591(H)(2)(c) of the Zoning Ordinance of the Town of Yates, within the existing Wind Energy Facilities Law, is hereby deleted in its entirety and replaced with the following:

c) From the Project Property Line (property lines of Non-Participant properties):

A minimum of 1 mile.

SECTION IV

Section 591(H)(2)(g) of the Zoning Ordinance of the Town of Yates, within the existing Wind Energy Facilities Law, is hereby deleted in its entirety and replaced with the following:

g) From all boundaries with other towns:

A minimum of 1 mile.

SECTION V

Section 591(H)(2)(h) of the Zoning Ordinance of the Town of Yates, within the existing Wind Energy Facilities Law, is hereby deleted in its entirety and replaced with the following:

h) From residences:

A minimum of 1 mile.

SECTION VI

A. This local law shall take effect immediately upon filing in the Office of the Secretary of State.
B. If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.
C. All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

RESOLUTION NO. 62-6/24

RESOLUTION TO INTRODUCE LOCAL LAW #3 OF 2024: "A LOCAL LAW TO ENACT THE TOWN OF YATES SHORT-TERM RENTAL LAW" AND TO SCHEDULE A PUBLIC HEARING

WHEREAS, there is not currently a short-term rental local law in the Town of Yates, yet there are a number of existing short-term rentals, and there are an increasing number of short-term rental inquiries being made to the Town, be it

RESOLVED, that the Town Board introduces Local Law #3 of 2024: "A Local Law to Enact the Town of Yates Short-term Rental Law;" and be it further

RESOLVED, that the Town Board directs the Town Clerk to make public notice for a Public Hearing on July 8, 2024, 5:45pm, at the Yates Town Hall, and be it further

RESOLVED, that the Town Clerk send this local law to Orleans County Planning Board for review and recommendations.

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

Supervisor Simon added a clause that is a part of the Local Law language below. It was voted on with the added clause. In the beginning when we talk about the legislative intent we talk about "grandfathering existing short-term rentals" but, still requiring them to get a Special Use Permit. He read the sentence added that explains what "grandfathering" means. This is so that all of the other safety and Special Use requirements that are listed in the proposed Law will apply even to pre-existing short-term rentals except for A- the lot size, H- if you live on a lane with multiple dwellings and I- parking restrictions.

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

A Local Law to Enact the Town of Yates Short Term Rental Law

Be it hereby enacted by the Town Board of the Town of Yates, in the County of Orleans, New York, as follows:

The Zoning Regulations of the Town of Yates shall be amended by the following modifications to Section 210, and the promulgation of the new section to be added, Section 706, entitled "Town of Yates Short-term Rental," which are as follows:

SECTION I LEGISLATIVE INTENT

There exists in the Town of Yates no short-term rental ("STR") local law, yet there are a number of existing short-term rentals, and there are an increasing number of short-term rental inquiries being made to the Town. The intent of this local law is to grandfather existing short-term rentals and to require them to obtain a special use permit; to address the addition of short-term rentals which may be created in the future; and to require permitting requirements established herein to apply to all future short-term rentals. STRs are a benefit to the Town, its residents, and the general public. However, the Town holds that STRs can have a negative impact on neighboring residents of STRs if they are not properly licensed and regulated so as to ensure the rights of neighbors are protected. These supplementary regulations are designed to foster STRs and to protect the health, safety and welfare of its citizens and visitors and to minimize adverse impacts to the Town of Yates.

SECTION II – DEFINITIONS

Section 210 of the Zoning Regulations of the Town of Yates, entitled "Definitions," is hereby amended by the addition of the following defined terms:

> SHORT-TERM RENTAL (STR)- A dwelling unit or portion thereof that may or may not be occupied by the owner of record or their immediate family that is offered or provided to a guest by a short-term rental for a fee for less than thirty (30) consecutive nights. They are a form of tourist or transient accommodations that may also include property offered by or booked through online accommodation marketplace platforms (such as Airbnb, Vrbo, etc). Note: For the purpose of administration and enforcement of this title, the terms "overnight rental," "nightly rental," and "vacation rental" are interchangeable with short-term rentals. This definition specifically excludes bed and breakfasts, hotels, and motels.

SECTION III Town of Yates Short-Term Rental

The Zoning Ordinance of the Town of Yates is hereby amended by the addition of Section 706, entitled "Short-Term Rental." All owners or operators of preexisting STRs shall submit a special use permit application as per this regulation, and will be required to meet the requirements of this section except paragraphs A, H, & I. The text of Section 706 shall read as follows:

The Planning Board may approve a special use permit for STRs in the Agricultural/Residential, Hamlet, Residential, General Business, Waterfront Development, and Waterfront Residential District provided that the following standards and provisions are maintained:

> A. The minimum lot size, frontage and setback requirements shall conform to the specifications set forth in the specific zoning district in which the STR is located.
>
> B. STRs shall require a special use permit and are subject to all requirements of this section and those of this Zoning Ordinance relative to Special Use Permits and Procedures.
>
> C. STRs shall be either owner occupied or managed by the owner.
>
> D. The building proposed for occupancy as an STR shall contain no more than four bedrooms for hire.
>
> E. No more than two (2) persons are allowed to occupy each bedroom.
>
> F. No STR guest shall stay on one visit for more than thirty (30) consecutive days.
>
> G. The STR shall not be altered in a manner which would cause the premises to differ from its residential character.

H. No STR shall be permitted where access is provided by a shared driveway or a shared private lane.

I. Off-street parking shall be provided as follows:

1. At least two spaces shall be provided STR guests.

2. No such parking space shall be located in the front yard area, outside of an approved driveway, and each space shall be not less 10 feet by 20 feet in size.

3. No recreational vehicles, campers, trailers, or motor vehicles larger than a pickup truck of one-ton payload capacity other than trailers for boats or jet skis to be launched at nearby ramps, may be parked on the premises during any transient accommodation. Automobiles, pickup truck of one-ton payload capacity, and/or boat and jet ski trailers in association with any transient accommodation may be parked on site in designated off-street parking areas.

4. No vehicles shall be parked on lawns or in other areas not specifically approved as parking areas under the provisions of this ordinance.

J. The dwelling may display one (1) sign not to exceed four (4) square feet in size and shall be set back from the street right-of-way line a minimum of 10 feet.

K. The Planning Board shall specify the minimum amount and location of landscaping and buffer screening to ensure that the use does not create a nuisance for adjoining property owners.

L. Subleasing or subletting of units for short- term rental is prohibited.

M. The structure proposed for use as a STR shall meet the requirements of the NYS Uniform Fire Prevention and Building Code. The permit application must include a drawing of the building floor plan and the designated parking areas and setbacks from property lines and roads.

N. Each rental unit in a STR shall maintain working smoke and carbon monoxide detectors that meet the requirements of the NYS Uniform Fire Prevention and Building Code.

O. Each rental unit in a STR shall have clearly defined fire and emergency exit routes posted.

P. During the short-term rental the owner, his agent, or a local responsible person designated by the owner shall be available at all times to respond in person no later than

30 minutes of acknowledging complaints regarding the condition, operation, or conduct of the occupants of the STR.

Q. The STR to be utilized by guests shall not be permitted in any accessory structure, sheds or similar structures, basements, attics, sunrooms, porches or garages.

R. Owners/operators of STRs shall provide to the Town proof of general liability insurance against claims for personal injury, death, or property damage occurring on, in, or about the STR premises in amounts and with limits as determined and set by the Town Board, by resolution, from time to time.

S. The owner of the rental unit shall conspicuously post contact information for the owner, agent, or contact person as well as any specific rules pertaining to the occupancy.

T. The Code Enforcement Officer (CEO) shall be authorized, after inspecting an STR for compliance with the requirements of the NYS Uniform Fire Prevention and Building Code and payment of the appropriate fees, to issue a Special Use Permit to the owner (s) of the STR upon approval of same by the Planning Board.

U. Duration of permit. A Special Use Permit for the STR shall be valid for two (2) years.

V. Expiration of existing Special Use Permit. Within 90 days of the expiration of an existing permit, the owner of an STR desiring to renew said Special Use Permit, shall file an application for renewal with the CEO.

W. Any STR which has not operated as such for a period of 12 months or longer must reapply for a new special use permit.

X. STRs shall have quiet hour restrictions between 10:00 pm and 8:00 am.

Y. The yearly fee for the permit shall be set by the Town Board by resolution from time to time.

SECTION IV

1. This local law shall take effect immediately upon filing in the Office of the Secretary of State.
2. If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.
3. All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

RESOLUTION NO. 63-6/24

RESOLUTION TO INTRODUCE LOCAL LAW #4 OF 2024: "A LOCAL LAW TO ENACT THE TOWN OF YATES FARM WORKER HOUSING LAW" AND TO SCHEDULE A PUBLIC HEARING

WHEREAS, the Town of Yates recognizes the importance of protecting the health, safety and welfare of the residents of the Town of Yates and of maintaining the status quo as to certain farm uses, as the present zoning regulations do not adequately address farm worker housing, be it

RESOLVED, that the Town Board introduces Local Law # 4 of 2024: "A Local Law to Enact the Town of Yates Farm Worker Housing Law;" and be it further

RESOLVED, that the Town Board directs the Town Clerk to make public notice for a Public Hearing on July 8, 2024, 6:00pm, at the Yates Town Hall, and be it further

RESOLVED, that the Town Clerk send this local law to Orleans County Planning Board for review and recommendations.

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

Supervisor Simon said that Hodgson Russ LLP and a committee helped us to redo this Law and about a week and a half ago we received feedback from New York State Ag and Markets so we feel very confident that this is the way that this Law should read.

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

A Local Law to Enact the Town of Yates Farm Worker Housing Law

Be it hereby enacted by the Town Board of the Town of Yates, in the County of Orleans, New York, as follows:

The Zoning Regulations of the Town of Yates shall be amended by the following modifications to Sections 210, 620 and 730, entitled "Town of Yates Farm Worker Housing Law," which are as follows:

SECTION 1. DEFINITIONS

A. The following definitions in Section 210 of the Zoning Regulations of the Town of Yates shall be deleted in their entirety and replaced with the following:
ACCESSORY USE: A use incidental and subordinate to the principal use of a building or farm on the same lot and serving a purpose customarily incidental to the use of the principal building or farm.

AGRICULTURE/ (FARMING)/AGRICULTURAL ACTIVITIES: The use of land for agricultural production purposes including, tilling of the soil, dairying, pasture, animal and poultry husbandry, apiculture, arboriculture, horticulture, floriculture, viticulture, and Accessory Uses for cleaning, packing, and storing of products for marketing of crops and other agricultural products, provided that the operation of any such Accessory Uses shall be secondary to that of the principal agricultural production activities located on the same commonly owned or controlled parcel or Farm Operation. Agriculture and Agricultural Activities shall not include manufacturing products from raw materials, food processing, and machining.

The following definitions shall be added within Section 210 of the Zoning Regulations of the Town of Yates:

FARM WORKER HOUSING: Any structure or combination of structures, building or buildings in which Farm Workers are housed on a farmer's own land, whether owned or under his or her control by a valid and existing lease. At least 51% of the Farm Workers living in the Farm Worker Housing, at any given time, must be employed by or used more than 51% of the time by the Farm Operation where the Farm Worker Housing is located. Farm Operations may house their Farm Workers at the Farm Worker Housing of a different Farm Operation so long as at least 51% of the Farm Workers living in that Farm Worker Housing, at any time, are working at least 51% of the time for the Farm Operation where the Farm Worker Housing is located.

FARM WORKER(S): Any person who (1) spends at least thirty or more hours per week engaged in a Farm Operation's Agricultural Activities; (2) earns most of his or her income from a Farm Operation's Agricultural Activities; (3) is employed and used at more than 51% of the time by the same Farm Operation; and (4) is not an immediate family member of the farmer. Workers who predominantly perform work related to the manufacturing products from raw materials, food processing, and machining, are excluded from this definition.

FARM OPERATION: The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other, if there is common ownership or control of the parcels. Off-farm labor including grading, sorting, and/or packing of agricultural products may be part of a farm operation only if such off-farm labor handles at least 51% of agricultural products that come from that same farm operation's own production and preparation of crops.

SECTION II: MODIFICATIONS TO AGRICULTURAL/RESIDENTIAL DISTRICT (AR) REGULATIONS

Subsection D of Section 510 of the Zoning Ordinance of the Town of Yates shall be amended by the deletion of "4. Farm Labor Camp," which shall be replaced with "4. Farm Worker Housing".

SECTION III: TOWN OF YATES INDIVIDUAL MANUFACTURED HOME LAW

Section 620 of the Zoning Ordinance of the Town of Yates shall be amended by the deletion of the term "Farm Labor Camp" and replacement with the term "Farm Worker Housing" throughout the text of such Section.

SECTION IV: TOWN OF YATES FARM WORKER HOUSING LAW

Section 730 of the Zoning Ordinance of the Town of Yates, entitled "Farm Labor Camps," shall be and hereby is repealed and replaced in its entirety with the following:

Farm Worker Housing

The Planning Board may approve a special use permit for farm worker housing in the Agricultural/ Residential (AR) District provided that the following standards and provisions are maintained.

A. Special permits for the establishment and operation of Farm Worker Housing may be subject to annual inspection, but will typically be reviewed every three years for compliance with its permit and the Town Code. Failure to comply with the permit or Town Code may result in enforcement by the Town Code Enforcement Officer, consistent with the Town Code. Violations of the Town Code or the permit may lead to the permit's revocation.

B. Minimum site area of proposed Farm Worker Housing shall not be less than two acres, absent a showing that less acreage will not present any hazard to public health or safety or the health and safety of farm housing occupants in close proximity to other farm operations and facilities.

C. Minimum front, side and rear setbacks shall not be less than 200 feet, absent a showing that less acreage will not present any hazard to public health or safety or the health and safety of farm housing occupants in close proximity to other farm operations and facilities.

D. Like any property, the design and location of Farm Worker Housing must comply with the Western Orleans Comprehensive Plan and the Local Waterfront Revitalization Program. This provision is intended to pertain solely to the design and location of Farm Working Housing on a parcel(s) and not the eligibility to construct Farmer Worker Housing.

E. Farm Worker Housing should operate from February through November, absent a showing that the Farm Workers housed in the Farm Worker Housing will be engaged in either: (a) on-farm work in December and January or (b) year-round work for the Farm Operation where the housing is located.

F. Only persons falling within the definition of a "Farm Worker", together with their immediate family, are entitled to occupy Farm Worker Housing.

G. The Farm Worker Housing and buildings must continually comply with all applicable local, state and federal laws, rules and regulations.

H. At the direction of the Code Enforcement Officer, Farm Worker Housing that has not been occupied by Farm Worker(s) for a period of three consecutive years shall be removed from the property.

I. If the proposed Farm Worker Housing is within a County Agricultural District and is operated in support of reasonable farming practices, the Planning Board may not unreasonably restrict its operation.

SECION V

1. This local law shall take effect immediately upon filing in the Office of the Secretary of State.
2. If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.
3. All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

RESOLUTION NO. 64-6/24

RESOLUTION TO APPROVE APPOINTMENT OF SPECIAL ELECTION INSPECTOR AND BALLOT CLERKS

WHEREAS, the Yates Town Board set June 20, 2024, for the Special Election whose proposition reads: "Utilizing grant funds, shall the Town of Yates be authorized to purchase 153.3 acres from NYSEG for $700,000 to expand the Yates Town Park?" and

WHEREAS, the Yates Town Clerk shall, as per NY Town Law Sections 81-84, oversee the special election, and

WHEREAS, the Yates Town Clerk has appointed Carla Woodworth as the Election Inspector, and Paul Daigler and Bob DeMallie as ballot clerks, be it

RESOLVED, that the Yates Town Board approves the appointment of said election inspector and ballot clerks.

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

Supervisor Simon explained that this is simply to reinforce what Town Law says to be able to run a Special Election.

Councilman Riggi asked what the dollar amount is for these positions and asked if we're on the hook for paying the inspectors?

Supervisor Simon said it is the standard rate paid, we think it's $15.00 per hour. Yes, we pay the inspectors.

Councilman Riggi asked for the total amount that the Town had to pay to hold the Special Election.

Supervisor Simon thinks that it will be north of $2,000. He said the County Elections could have cost us between $3,000 and $4,000. This was the less expensive version but it is money that we weren't planning on spending. We'll have to figure out the total expense to the Town.

Councilman Riggi said that this is disgusting. We get hit all the time on our budget but yet we have to come up with $2,000 for a Special Election. $2,000 would be equal to the tax levy lost to the Town from the purchase of the land so we're getting hit twice. He's trying to make a point.

3 Ayes 1 Nays (Riggi) 1 Absent (Chaffee)

Motion: Carried

RESOLUTION NO. 65-6/24

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)	$ 49,805.65
Fund B (General – Outside Village)	$ 2,397.10
Fund DA (Highway – Townwide)	$ 12,668.25
Fund DB (Highway – Outside Village)	$ 12,671.16
Water 4-	$ 40,226.21
H-	$
Water 2-	$
Youth-	$
Fire-	$

TOTAL $117,768.37

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

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

PRIVILEGE OF THE FLOOR

Bill Jurinich, Town of Yates, said that we have a Board Member that is going to put a monetary figure on what we as tax payers have a right to do, and were told that we were allowed to do, while we sit back and watch you spend money any way you see fit. You're just trying to put the word of the people to rest. He added, I'm sure you're going to state this down at the Town Park meeting on Saturday that it's going to cost us $2,500 to put this Special Election on which is what one year's tax revenue would be for the Town, alone. What about the rest of the State?

Councilman Riggi said that he appreciates Bill's outburst, but he's wrong.

Steve Colon, Town of Yates, asked if the proposed local laws are available to look at. He asked if the Supervisor attended the climate meeting in Niagara Falls and did he get a chance to speak.

Supervisor Simon said that they will be posted in the minutes, on the Town website, and at the Town Clerk's Office. He said he did attend the climate meeting and he did speak. There were mostly people who had valid concerns about a wide range of environmental issues. But, we also had several people speak against State dictatorial approaches to Towns when it comes to siting of industrial solar and wind. The new RAPID law that went into effect allows for eminent domain for transmission lines supplying new wind and solar industrial sites. So, if there is an approved wind or solar site in this Town, they now have eminent domain to run the wires right across your land.

Paul Lauricella, Town of Yates, thinks it's hypocritical that the Board has spent hundreds of thousands of dollars dividing this Town and fighting with people. He understands the wind turbines and solar stuff because that's not what most people would want but not the short-term rental and Dobbins fight. It's there right to do this as citizens. They worked hard at it, so, it's kind of hypocritical when we're talking $600 - $1,000 when the Board has spent hundreds of thousands of dollars.

Councilman Suhr said that he doesn't think that the board has wasted money. He feels that this Board is very conservative. He disagrees that any money has been wasted. He doesn't think that the people hate them for that; we have been frugal. Are there some things that we fight that you don't agree with? Yes. We represent 3,000 people out there. There is no way to please 3,000 people without someone in disagreement. He doesn't care how much it cost for the Special Election; the residents had the right to do it.

Councilman Hrovat did vote yes for the Special Election and added that sometimes to do things right and do a thorough job we need to make sure that we follow all of the steps. Jim offered that up in total transparency; residents have the right to bring this to the public to vote on. She said it's important to remember that sometimes you can be penny wise and pound foolish. This is being responsible stewards of what we've been given and it's important to recognize that we may lose $3,500 - $4,000 in taxes a year but it's important that we all take a look and weigh in on possibly having that land or losing control of it to someone who doesn't really care about our Town. Anyone could pop something up there that we don't have any control of that could really be detrimental to our community. There's a lot of different ways to look at this and regardless of whether we agree or disagree, it's important that we don't nickel and dime this because it is so important. Five to ten years down the road we could have a nuclear power plant there. Yes, we've spent a little money but its preventative maintenance that we need to do. We also need to make sure that everyone can weigh in.

Sandy Lauricella, Town of Yates, asked if NYSEG would sell the land to anyone else if the Town of Yates didn't buy it. She doesn't think that they would.

Supervisor Simon said we thought early on of asking that question of NYSEG but decided not to. The person who is working with us is their real estate manager for all NYSEG lands and for decades, NYSEG has not been willing to sell that land. All of a sudden after multiple attempts to purchase it (originally we asked for $4,500,000, not $2,500,000 from the REDI Grant Commission who was ready to give it to us but NYSEG would not sell it to us because it was green space offset) they decided to sell. He's had a number of inquiries from people out of the blue asking about the land and offering ideas for what to do with it. Two of the calls were from people that wanted to buy it if our sale doesn't go through.

Councilman Riggi said that if we don't buy it, it won't be offered for $700,000 to somebody else.

Georgette Stockman, Town of Yates, said it was her understanding that the parcel had been much larger and NYSEG had sold off pieces in the past.

Supervisor Simon said that is correct. Originally the parcel was 750 – 800 acres. There hasn't been any action with that land for several decades. There are 5 contiguous parcels to make up one stretch of preserved land.

Bill Jurinich, Town of Yates, said NYSEG made a deal with the Mennonites to buy everything south of the Lower Lake Road, that's how they got their property.

Paul Lauricella, Town of Yates, said the property is managed by a company in Maine. They are a globalist, Agenda 21company

Supervisor Simon said yes, it is AVANGRID, which is an international energy company. They have built many industrial wind farms. They are into renewable energy. He doesn't want to make this anything like fear mongering; he is simply stating the facts. The property is zoned Waterfront Development, not Waterfront Residential. There are different permitted uses in the Waterfront Development area that are not allowed in Waterfront Residential. The whole 153

acres is waterfront development. If the vote is no, they will decide whether to sell the property or hold it for green space.

TOWN OFFICERS REMARKS

Councilman Riggi said that he is looking forward to the meeting on Saturday.

Supervisor Simon said that the meeting is Saturday at 10:00am at the Town Park Pavilion and the Special Election in Thursday, June 20th at the Yates Town Hall from 12:00pm – 8:00pm. The other thing that factors into the NYSEG land is the concern over the cost of the upgrades and maintenance that were made to the Town Park, and rightly so. We have just about completely offset that with the fees we charge for the pavilion rental. The pavilion has been rented for almost every weekend for the rest of the summer. This is one of the ways that we try to be frugal with taxpayer money.

Councilman Riggi asked for an estimate of the income that we took in through pavilion rentals.

Supervisor Simon said that we could get that figure for him. The costs for the maintenance of the park are a little harder to delineate. It has definitely been an investment but people seem to be enjoying it.

ADJOURNMENT

Moved by Councilman Riggi, Whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:27PM.
Seconded by Councilman Suhr

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk