Town of Yates September Board Meeting
8 S. Main St., Lyndonville, NY 14098
October 10, 2024, 7:00PM

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

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

SUPERVISOR'S REMARKS

No remarks.

CORRESPONDENCE

Supervisor Simon said that the Town Highway Department had received a very nice note from a Town resident thanking them for the roadwork completed on Alps Road.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Paul Lauricella, Town of Yates, asked if anything could change with the 2025 Tentative Budget between now and the public hearing. Is there any possibility that we could find some money somewhere?

Bill Jurinich, Town of Yates, said that at the Workshop Meeting on Monday, one of the topics was the Fire and Ambulance Contracts. Is there any way to form committees to discuss these contracts?

RESOLUTION NO. 90-10/24

RESOLUTION TO APPROVE TOWN BOARD MINUTES

RESOLVED, to approve the minutes of the September 12, 2024 regular Board Meeting as presented to each Board Member.

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

3 Ayes 0 Nays 2 Absent (Riggi, Chaffee)

Motion: Carried

RESOLUTION NO. 91-10/24

RESOLUTION TO ADOPT THE TENTATIVE BUDGET AS PRELIMINARY BUDGET FOR THE YEAR 2025

WHEREAS, the Town Clerk presented the Town Board with the Tentative Budget on October 1, 2024 and the Board has had a chance to review such Budget and confer, be it

RESOLVED, that the Tentative Budget be adopted as the Preliminary Budget for the year 2025.

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

Supervisor Simon said that a lot can change between now and the moment the Final Budget is voted on. There have already been tweaks to the budget that he originally submitted after discussions with employees. The Board will continue to have these discussions. What will be posted on the website and at the counter is what is approved tonight but even that could change between now and the public hearing. He will put some slides on the TV monitor at the public hearing that will outline any changes. One of the things that have already changed because of feedback from the Village of Lyndonville is our water account. We do have standing committees with the ambulance. The ambulance contract calls for annual meetings and we have not met those meetings, it has been an issue. For those that were not here on Monday night, we sent a long memo to the Village of Medina and copied the Town's of Shelby and Ridgeway about our concerns regarding the ambulance cost but as they know, we don't have options, so they were able to increase our ambulance cost 233%. As Joanna pointed out at the Workshop Meeting, that ate up the whole 2% tax cap, just with the ambulance increase. Please bring any budget feedback to the Town Board for them to consider.

3 Ayes 0 Nays 2 Absent (Riggi, Chaffee)

Motion: Carried

RESOLUTION NO. 92-10/24

RESOLUTION TO SET PUBLIC HEARING FOR PRELIMINARY BUDGET

WHEREAS, the Preliminary Budget has been approved, be it

RESOLVED, to set a Public Hearing for the adoption of the Preliminary Budget on November 7, 2024 at 5:30PM at the Yates Town Hall, 8 South Main Street, Lyndonville, NY 14098.

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

Supervisor Simon said that NYS law requires that the budget public hearing be held within 4 days prior to or 4 days after the election. Given the sequence of events, we decided to move the public hearing and Workshop Meeting to November 7th, which is a Thursday.

3 Ayes 0 Nays 2 Absent (Riggi, Chaffee)

Motion: Carried

RESOLUTION NO. 93-10/24

RESOLUTION TO ADD DELINQUENT WATER TO TAXES

WHEREAS, there are Water District #2 and Water District #4 customers with delinquent water accounts that have been notified by mail of the overdue amounts, and

WHEREAS, the Board passed Resolution No. 86-9/24 to delay filing a list of unpaid water charges with the Town Board until November 1st pursuant to Town Law Section 198(3d) and 215(12), be it

RESOLVED, that the Town Board authorizes the Town Clerk to send a list of delinquent water charges in arrears to the Orleans County Real Property Director to be added to the January 2025 Town/County bills and, be it

FURTHER RESOLVED, that the $100.00 levy fee that was authorized by Resolution No. 10-10/08, "Resolution to apply a $100.00 Fee to Unpaid Water that has Been Placed on Property Taxes" will be added.

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

3 Ayes 0 Nays 2 Absent (Riggi, Chaffee)

Motion: Carried

RESOLUTION NO. 94-10/24

RESOLUTION TO RE-APPOINT EDWARD JAY TO THE ASSESSMENT REVIEW BOARD

WHEREAS, Edward Jay's term on the Assessment Review Board expired September 30, 2024, be it

RESOLVED, that Edward Jay be re-appointed to the Assessment Review Board commencing on October 1, 2024 for a 5-year term through September 30, 2029.

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

3 Ayes 0 Nays 2 Absent (Riggi, Chaffee)

Motion: Carried

RESOLUTION NO. 95-10/24

RESOLUTION TO PAY BILLS

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

RESOLVED to pay bills as follows:

Fund A (General – Town wide)	$ 32,278.47
Fund B (General – Outside Village)	$ 1,785.02
Fund DA (Highway – Town wide)	$ 16,249.63
Fund DB (Highway – Outside Village)	$ 13,395.79
H2 (Park REDI Project)	$
Water 4-	$ 5,751.11
Water 2-	$ 175.00
Youth-	$
Fire-	$
Total	$ 69,635.02

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

3 Ayes 0 Nays 2 Absent (Riggi, Chaffee)

Motion: Carried

PRIVILEGE OF THE FLOOR

Paul Lauricella, Town of Yates, said that at the Workshop Meeting, there was discussion on the A-account being depleted and he remembers that it took almost 3 years to build that account up when there was a bookkeeping error. Here we go again. He didn't realize how much money was spent in the Dobbins lawsuit. He FOILED information from the Town Clerk and one of the attorney's vouchers was $33,876.60 from 2023 and another was $19,771.24 from 2024. Andrew Meier's voucher was $6,500 over 2 years for a total of $60,147.84. Didn't Hodgson Russ let the Town know that there was a possibility that the Town could lose the lawsuit? That was a lot of money; he didn't realize it was that much. He has been looking into the ECode 360 project and knows that it was paid for by our ARPA funds but asked if those funds were a part of the A-fund. Did they help to balance the A-fund. He doesn't know if it was money well spent or not because the project was never explained. The total cost of ECode360 was $13,132.90. ARPA money is Federal Grant money but now the Town will have to spend $1,000.00 per year to maintain it which is another bill that the Town residents are stuck with. Combined with the new town assessments that went up and the possibility of going over the 2% tax cap next year which would increase the tax rate, it's getting to the point that it will be unaffordable to live here. The

ambulance contract went from $15,000 to $35,000 and he knows that it wasn't the Town's fault, but we could get to the point that we just can't afford that service. Will it keep going up in the future? Someone needs to put their foot down.

Councilman Suhr said that we didn't lose the Dobbins case; we gave up because of the cost.

Sandy Lauricella, Town of Yates, brought up a concern with the safety of a young girl that she met while shopping. She said that the worker feels like she is being stalked. Sandy wanted the Town to know about this behavior.

TOWN OFFICERS REMARKS

Councilman Hrovat said that the young lady that feels threatened should be referred to our local law enforcement instead of bringing it to the Town Board. She needs to report it to the Sherriff the best she can. She added that the money we spent on the lawsuit seemed like a lot but when we're dealing with people's safety, it's not a lot of money. Our efforts were valiant and worthwhile and she supports 100% the decision the Board made to litigate. They did what they could with what they had and the issue was brought to the forefront. The fact that they spent a lot of money is important but they did what they thought was right at the time and here is an example of why they need to be vigilant. We need to know who is here, why they are here and where they are living. This is a small town and we need to look out for each other. She added that she hears positive feedback from residents all the time for the great work that our Town Highway Department does, especially with trimming the road sides back so far so that people can see. She said it's appreciated.

Supervisor Simon said that they were very pleased with the remediation of the A-fund after three years under the watchful eye of the comptroller. They were plus $14,000 two years ago and then the lawsuit hit. It should be known that the Planning Board did the right thing. They consulted Andrew Meier, Town Attorney, and we did spend money with him over the course of eight months to try to work through it but Dobbins had requested year round housing and they wanted H2B workers housed there. H2B is a Federal designation for a non-agricultural worker and they said these non-agricultural workers are working in the factory processing apples and therefore they should be considered eligible for farm housing. If we had the money, we would have won probably at the Appellate. It's two or three fold what we have already spent. Hodgson Russ gave us good advice. Andrew recommended them based on their background in this type of litigation and they made a great case. The judge, without any comment about any of the arguments that the Town had made through Hodgson Russ, said I rule with Dobbins. He probably suspected since we hired Hodgson Russ that we would appeal anyways so he just waved his wand which was inexplicable and very frustrating. It was the right thing to do, it cost a ton of money and it bled into this year so the end of this year is going to look like maybe the A-fund is more under pressure. This is a very tight budget. He did say that he's not sure what will happen next year, they may have to exceed the tax cap depending on what is happening, not only with the budget, but with inflation. He said that ECode36 is an excellent investment. It's all ARPA. The $1,000 a year maintenance charge is similar to what we pay for other things and we will have a very robust digital code that has been vetted through the attorneys at ECode to make sure that all of the different aspects of the code are not in conflict. There were multiple examples of this where if someone had done their homework they could have said over here you're saying this but over there you're saying that. This is one of the reasons we went ahead with the project using ARPA money. He asked if anyone read Justin Niederhofer's Letter to the Editor in the

Orleans Hub. It was very informative. He is the head of Orleans County Emergency Management and is an EMT. He gave a lot of true information; he feels bad for political leadership to have to make these tough budget decisions. That includes the Village of Medina. We made a very strong case that of the three Towns involved; Ridgeway, Shelby and Yates, we have the least population, the smallest budget, and the least number of calls. We do have slightly more distance for the ambulance to travel so he threw in mileage calculations, a new set of tires every two years and routine maintenance to add some money back in; none of that was refuted; they just waved the wand and said no, you're paying the same amount as Ridgeway and Shelby. So, if you want to complain, go to Ridgeway's meeting and tell them that Ridgeway is not paying roughly $7,000 - $8,000 that they should be paying (they should be at about $42,000) at the expense of the Yates residents who should be paying around $25,000 - $27,000.

Councilman Suhr said that none of that money goes toward the ride. You're on the hook for that. The nice thing about Barker is that they don't charge for the ride. They have two ambulances but they don't have EMT's. Maybe we should look into melding with Barker.

Supervisor Simon said that every year Councilman Suhr has made the point to our local Fire Department that instead of looking at a new pumper because they still have two and one is relatively new, that maybe they should get an ambulance. They do have at least one EMT and maybe that would give the incentive for a few more to get qualified. Lastly, he said that part of what got the Board in trouble early on was fighting big companies like APEX, who was fought successfully. We supported the Planning Board when Dobbins was trying to get non-ag workers approved to live in farm worker housing. He hopes that they have not set a precedent in NYS by not fighting that through to the Appellate but here we are with that. We could end up in other battles and he thinks it would be wrong legally, ethically and politically to not fight these fights on behalf of our constituents. There have been many approaches to this town about solar that could take up 2,000 – 3,000 acres. The Town of Barre just bought into that and it will destroy Barre. They will have thousands of acres of solar and are up to 34 wind turbines at 650' high and no one is going to want to move there and many will want to leave. The surrounding Towns will see the blinking lights and will hear the turbines and their property values will go down as well. Industrial solar is a mess. The counties and the schools get most of the money. The town's portions are very small. It won't make a big impact on the town tax rate and when people receive their town tax bill they'll see that there isn't a big change and will wonder what happened to all of those "savings".

ADJOURNMENT

Moved by Councilman Suhr, whereas there is no new business to be brought before the Board, the meeting be adjourned at 7:25PM.
Seconded by Councilman Hrovat

3 Ayes 0 Nays 2 Absent (Riggi, Chaffee)

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk