

**TOWN OF GAINES, NY**  
**Regular Meeting - February 12, 2018**

The regular meeting of the Town Board of the Town of Gaines, County of Orleans, State of New York was called to order by Supervisor Joseph Grube at 7:00 PM on the 12th of February, 2018.

The following town officials were present:

|               |                       |
|---------------|-----------------------|
| Joseph Grube  | Supervisor            |
| James Kirby   | Councilperson         |
| Mary Neilans  | Councilperson         |
| Tyler Allport | Councilperson         |
| Susan Heard   | Town Clerk            |
| Douglas Heath | Attorney for the Town |

Absent: Richard DeCarlo, Councilperson; Bruce Schmidt, Justice; Ron Mannella, Highway Supt.

The following individuals were present during the meeting: Tom Jennings, Metro 10 Race; Erin Smith, Metro 10 Race; Bill Fekete, Union Representative; 14 Town Residents

Supervisor Grube opened the meeting with the Pledge to the Flag, followed by a moment of silent reflection.

**RESOLUTION NO. 20 - 0218**  
**APPROVAL OF MINUTES OF JANUARY 2ND AND JANUARY 8TH MEETINGS**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to approve the minutes of the January 2nd and January 8th meetings.

Ayes 4; Nays 0; 1 Absent, DeCarlo

**RESOLUTION NO. 21 - 0218**  
**PRESENTATION AND ACCEPTANCE OF THE TOWN CLERK'S REPORT**

The Town Clerk reported the total receipts for the month of January; total local share of \$578.20, which was turned over to the Supervisor on February 1st; the total non-local share of \$21.00 was paid to the NYS Ag & Markets. The Clerk reported the Town Supervisor has received the total tax levy of \$642,210.41; the County Treasurer has been paid \$800,000 in taxes and \$185,712 in Recycling fees.

The Clerk then read a letter received at 5:00 PM on February 12, 2018 from Richard DeCarlo. Councilman DeCarlo resigned from his position immediately based on personal and private reasons. He was honored to serve the Town of Gaines residents.

Moved by Councilperson Kirby and seconded by Councilperson Allport to accept the monthly report of the Town Clerk.

Ayes 4; Nays 0

**RESOLUTION NO. 22 - 0218  
PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT**

Supervisor Grube gave his presentation for all accounts as of January 31, 2018; General Fund Townwide, In Town, Highway Funds, all Water Districts, Fire Protection and Trust & Agency. He also reported on the Revenues vs. the Expenditures.

Made improvements to the PowerPoint presentation making the information easy to read for members of the audience.

Moved by Councilperson Neilans and seconded by Councilperson Kirby to accept the monthly report of the Town Supervisor.

Ayes 4; Nays 0

**RESOLUTION NO. 23 - 0218  
APPROVAL OF ABSTRACTS**

Moved by Councilman Kirby and seconded by Councilperson Neilans to approve the abstracts, as follows:

|         |              |
|---------|--------------|
| General | \$ 13,263.98 |
| Highway | \$ 8,140.55  |
| Water   | \$ 264.60    |
| Fire    | \$100,000.00 |

Ayes 4; Nays 0

**RESOLUTION NO. 24 - 0218  
APPROVING FUNDING THE METRO 10 RACE ORGANIZATION IN THE AMOUNT OF \$500 FOR 2018**

Moved by Supervisor Grube and seconded by Councilperson Kirby to provide Metro 10 Race Organization \$500 to serve as a local government match to a grant they are applying for from the New York State Canal Corporation.

Ayes 4; Nays 0

Discussion: Presentation by Thom Jennings and Erin Smith regarding the merits of the Metro 10 Race. This race is growing in popularity in just four years, 200 runners up to 400 in 2017; with the expectation the race will draw 500 or more this year. The runners come from Rochester and Buffalo, and the race is drawing more new faces each year. The race includes running through the Town of Gaines, Watt's Orchard, Bacon Road, etc. This year they are adding a bike component, and bicyclist from all over will be able to compete in the Metro Race 10. The course is expected to include portions of the Erie Canal (located in Gaines) and the Cobblestone Museum district. All proceeds from the race are given to charities. The local Girl Scout troops, Hospice, Veterans Home in Middleport and others.

Councilperson Neilans suggested we set up a protocol to avoid other organizations from asking for funds. The Metro 10 Race is an event promoting Gaines and is intended to help them obtain the "match" needed. Discussed going forward and creating a written policy to address other requests.

**RESOLUTION NO. 25 - 0218**  
**APPROVE TRAINING AND ASSOCIATED TRAVEL FOR TOWN JUSTICE**

Moved by Councilperson Neilans and seconded by Councilperson Allport to approve attendance of Town Justice Bruce Schmidt for continuing legal education training held at the annual New York State Association of Towns conference, being held February 18-21, 2018.

Ayes 4; Nays 0

**RESOLUTION NO. 26 - 0218**  
**APPOINTMENT OF WATER BILLING CLERK**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to appoint Carol Neibert to the position of water billing clerk at the hourly rate set at the 2018 Organizational meeting (\$13.01 per hour).

Ayes 4; Nays 0

**RESOLUTION NO. 27 - 0218**  
**APPOINTMENT OF SECRETARY TO ZONING BOARD OF APPEALS**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to appoint Carol Neibert as secretary to the Zoning Board of Appeals at the hourly rate set at the 2018 Organizational meeting (\$13.01 per hour).

Ayes 4; Nay 0

**RESOLUTION NO. 28 - 0218**  
**AUTHORIZING TOWN SUPERVISOR TO ENTER INTO A LABOR AGREEMENT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 17C FOR THE TERM OF JANUARY 1, 2018 THROUGH DECEMBER 31, 2020**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to authorize the Supervisor to enter into a new labor agreement with the International Union of Operating Engineers, Local 17C, representing certain employees of the highway department, for the term of January 1, 2018 through December 31, 2020, and further authorizing the Supervisor to sign said labor contract on behalf of the Town. New wages effective February 13, 2018.

Ayes 4; Nays 0

**RESOLUTION NO. 29 - 0218**  
**APPROVAL TO RELEASE BID FOR MOWING SERVICES**

Moved by Councilperson Allport and seconded by Councilperson Neilans to release a bid package for lawn mowing services for the 2018 season, with the intention to award the bid a the March meeting.

Ayes 4; Nays 0

**RESOLUTION NO. 30 - 0218**  
**APPROVAL FOR CONTRACT WITH INDEPENDENT HEALTH FOR HEALTH INSURANCE COVERAGE, PER UNION CONTRACT**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to authorize the Supervisor to enter into a contract with Independent Health to provide health insurance for covered employees at the highway department, in accordance with requirements in the highway employee's union contract.

Ayes 4; Nays 0

**RESOLUTION NO. 31 - 0218**  
**RESCINDING RESOLUTION NO. 66-12 AND BEGINNING PARTICIPATION IN THE PICTOMETRY PROGRAM THROUGH ORLEANS COUNTY**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to rescind resolution 66-12, where the Town Board declined participation in the Orleans County Pictometry program, and to begin to participate in said program, effective immediately.

Ayes 4; Nays 0

**RESOLUTION NO. 32 - 0218**  
**APPOINTMENTS TO THE ZONING BOARD OF APPEALS**

Moved by Councilperson Kirby and seconded by Allport to appoint Gerard Morrisey as a member of the Zoning Board of Appeals, and Raymond Burke and James Navarra as alternates to the Zoning Board of Appeals, both terms to run January 1, 2018 through December 31, 2022.

Ayes 4; Nays 0

Discussion: Original resolution proposed to have Raymond Burke as member, James Navarra as an alternate. Marilyn Miller (Zoning Board member) was asked about attendance of Mr. Burke and Mr. Navarra, and she indicated when Mr. Burke is in town, he attends. Mr. Navarra, as an alternate is usually in attendance. Gerard Morrisey had expressed an interest in being on the Zoning Board of Appeals, and as former Town Assessor, and a career in NYS Real Property laws, the consensus was he would be an asset to the Board. After discussion, Councilperson Neilans who moved the first draft, without a second, rescinded her motion.

**RESOLUTION NO. 33 - 0218**  
**REQUIRE PLANNING AND ZONING PROCESS REVIEW AND PRESENTATION BY THE ZONING BOARD OF APPEALS**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to require the Zoning Board of Appeals and ad hoc committee to conduct a comprehensive review of the current configuration of the planning and zoning in the Town of Gaines, to include a report on changes required to the Town of Gaines Zoning Ordinance, the practice of utilizing solely a Zoning Board of Appeals for the planning process, and how the current configuration of planning and zoning in the town complies with zoning best practices in New York State. Said report to be made within ninety (90) days.

Ayes 4; Nays 0

**PRIVILEGE OF THE FLOOR**

C. W. Lattin said in the voice of late President Ronald Reagan "Tear down that window" referring the bulletproof glass window in the Town Clerk's office.

**ADJOURNMENT**

Moved by Councilperson Neilans and seconded by Councilperson Allport for adjournment at 8:20 PM.

Ayes 4; Nays 0

DRAFT