

GAINES TOWN BOARD MEETING
Gaines, NY September 6, 2011
RESUMED September 20, 2011

A Resumed Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Town Hall, 14087 Ridge Road, Gaines, New York on the 20th day of September 2011.

PRESENT: Bill Lattin ----- Supervisor
David Kast ----- Councilperson
James Kirby ----- Councilperson
Susan Smith ----- Councilperson
Lorraine Oakley ----- Councilperson
Ron Mannella ----- Highway Superintendent
Jean Klatt ----- Town Clerk
Douglas Heath ----- Council

EXCUSED: None

OTHERS PRESENT: Carol Culhane, Jerry Culhane, Ray Burke, Marilyn Miller, Connie Mosher, Jen Stillwell, Tibbs Ahlberg, Doug & MaryJo Syck, David & Jennifer Allchin, Valerie Beam, Mary Neilans, Jim Theodorakos, Chris Watt, Jim Krencik

Supervisor Lattin called the meeting back into session at 7:30PM with the Pledge to the Flag.

Attorney Heath requested that the board enter into executive session to discuss a personal matter.

RESOLUTION 70 -11

EXECUTIVE SESSION

On a motion of Councilperson Kast, seconded by Councilperson Oakley the following resolution was

ADOPTED Ayes 5 Smith, Kast, Kirby, Lattin, Oakley
Nays 0

Resolved that the Town Board will enter into executive session at 7:32PM.

RESOLUTION 71 -11

REGULAR SESSION

On a motion of Councilperson Oakley, seconded by Councilperson Kast the following resolution was

ADOPTED Ayes 5 Smith, Kast, Kirby, Lattin, Oakley
Nays 0

Resolved that the Town Board will enter back into regular session at session at 7:49PM.

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RESOLUTION 72-11

APPROVAL TO PAY DEPOSIT FOR SALT BARN GRANT SIGN

On a motion of Councilperson Kast, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Smith, Kast, Kirby, Lattin, Oakley
Nays 0

Resolved that the A Good Sign Company is authorized to prepare the sign for the salt barn storage grant and a \$140.00 deposit will be issued.

RESOLUTION 73 -11

TOWN SUPPORTS GRANT REQUEST FOR NEW FIRE TRUCK

On a motion of Councilperson Kast, seconded by Councilperson Oakley the following resolution was

ADOPTED Ayes 5 Smith, Kast, Kirby, Lattin, Oakley
Nays 0

Resolved that the Town of Gaines supports the Village of Albion in requesting a grant to purchase a new fire truck.

RESOLUTION 74-11

PURCHASE OF A PLOW TRUCK

On a motion of Councilperson Oakley, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Smith, Kast, Kirby, Lattin, Oakley
Nays 0

Resolved that Ron Mannella is authorized to send a purchase offer to purchase a new plow truck. Delivery and partial payment will be in the fall of 2012 with final payment being made in 2013.

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RESOLUTION 75 -11
ASSESSING CONTRACT

On a motion of Councilperson Kast, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Smith, Kast, Kirby, Lattin, Oakley
Nays 0

Resolved that the Supervisor is authorized to sign the Joint Services Agreement for Appraisal Services, Exemption Services and Assessment Services by the County of Orleans.

RESOLUTION NO. 76-11

Resolution duly adopted at a recessed meeting of the Gaines Town Board held on the 20th day of September, 2011 at 7:30 p.m. in the Gaines Town Hall, at which meeting the following were:

PRESENT: Supervisor Lattin, Councilpersons Kirby, Kast, Oakley and Smith

ABSENT: None

Councilperson Oakley moved the adoption of the following resolution; Councilperson Kast seconded the motion:

WHEREAS, the Gaines Town Board has heretofore authorized the Gaines Planning Board to prepare proposed amendments to the comprehensive plan of the Town of Gaines, hereafter referred to the "Gaines Master Plan", and a copy of said proposed amendments have been presented to the Town Board for review and consideration; and

WHEREAS, in accordance with the applicable provisions of Section 272-a of the Town Law of the State of New York, the Gaines Town Board wishes to refer of the proposed amendments to the Orleans County Planning Board and/or other involved agencies for review and comment and to further provide for the appropriate environmental review in accordance with the provisions of the state environmental quality review act, all prior to adoption of the proposed amendment; and

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WHEREAS, it is the further intent of the Town Board to establish a date and time for a public hearing upon the proposed amendments; now, therefore, be it

RESOLVED, that the Gaines Town Board does hereby direct that the proposed amendments to the so-called Gaines Master Plan in the form annexed hereto and made a part hereof be referred to the Orleans County Planning Board pursuant to the provisions of GML 239-m and to any other involved agency for review and comment prior to adoption; and be it

FURTHER RESOLVED, that the Town Board retains the services of Martin Environmental Services of Holley, New York to conduct the appropriate environmental review within the meaning of the state environmental quality review act of said amendments prior to adoption; and be it

FURTHER RESOLVED, that the Town Board conduct a public hearing on the 1 st day of November, 2011 at 7:30 p.m. in the Gaines Town Hall upon the proposed amendments and the Town Clerk shall cause notice of said public hearing to be posted and published as required by law.

Upon being put to a vote, the following voted "Aye" in favor of adoption of the foregoing resolution: Lattin, Kirby, Kast, Oakley and Smith

The following voted "No" in opposition thereto: None

The resolution was declared adopted.

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RESOLUTION 77-11
AMEND ZONING ORDINANCE

LOCAL LAW NO.5 OF 2011

RESOLUTION DULY ADOPTED AT A RECESSED MEETING OF THE TOWN BOARD OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, HELD ON THE 20TH DAY OF SEPTEMBER, 2011 AT 7:30 P.M. IN THE GAINES TOWN HALL, RIDGE ROAD, ALBION, NEW YORK, AT WHICH THE FOLLOWING WERE:

PRESENT: Supervisor Lattin, Councilpersons Kirby, Kast, Oakley and Smith

ABSENT: None

Councilman Kast moved the adoption of the following resolution; Councilman Kirby seconded the motion;

"RESOLVED, that Local Law No.5 of the Year 2011 of the Town of Gaines, Orleans County, New York, being a local law "Amending the Zoning Ordinance of the Town of Gaines", be and the same is hereby introduced and placed on the tables and the desks of the members of the Town Board at least seven (7) days prior to final adoption, exclusive of Sundays; and, be it

FURTHER RESOLVED, that the Town Board shall conduct a public hearing to consider adoption of proposed Local Law No.5 of the Year 2011 on the 1st day of November, 2011 at 8:00 p.m. in the Gaines Town Hall, 14087 Ridge Road, Albion, New York 14411, at which time all persons wishing to be heard in favor or in opposition thereto shall be heard; and, be it

FURTHER RESOLVED, that the Town Clerk shall cause notice of said public hearing to be posted on the official signboard of the Town of Gaines and published in the Batavia Daily News, the official newspaper of the Town at least five (5) days prior to the date of said public hearing; and be it

FURTHER RESOLVED, that copies of the proposed amendments shall be referred to the Orleans County Planning Board for review and comment pursuant to GML 239-m prior to adoption; and be it

FURTHER RESOLVED, that the Town Board hereby retains Martin Environmental Service of Holley, New York to conduct the appropriate environmental review of the proposed amendments in accordance with the state environmental quality review act prior to adoption.

Upon being put to a vote, the following voted "Aye" in favor of adoption of the foregoing resolution: Lattin, Kirby, Kast, Oakley and Smith

The following voted "No" in opposition thereto: None

The resolution was declared adopted.

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RESOLUTION 78-11

EXTEND MORITORIUM FOR LL#1 OF 2011 FOR 3 MONTHS

LOCAL LAW NO.4 OF 2011

RESOLUTION DULY ADOPTED AT A RECESSED MEETING OF THE TOWN BOARD OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, HELD ON THE 20TH DAY OF SEPTEMBER, 2011 AT 7:30. IN THE GAINES TOWN HALL, RIDGE ROAD, ALBION, NEW YORK, AT WHICH THE FOLLOWING WERE:

PRESENT: Supervisor Lattin, Councilpersons Kirby, Kast, Oakley and Smith

ABSENT: None

Councilman Oakley moved the adoption of the following resolution; Councilman Kast seconded the motion;

"RESOLVED, that Local Law No.4 of the Year 2011 of the Town of Gaines, Orleans County, New York, being a local law "Extending the Moratorium on the Acceptance, Processing, and/or Approval of all Applications for Building Permits, Area and Use Variances, Special Use Permits, and Site Plan Approvals in the Town of Gaines as Provided in Local Law No.1 of2011 ", be and the same is hereby introduced and placed on the tables and the desks of the members of the Town Board at least seven (7) days prior to final adoption, exclusive of Sundays; and, be it

FURTHER RESOLVED, that the Town Board shall conduct a public hearing to consider adoption of proposed Local Law No. 4 of the Year 2011 on the 1st day of November, 2011 at 8:00 p.m. in the Gaines Town Hall, 14087 Ridge Road, Albion, New York 14411, at which time all persons wishing to be heard in favor or in opposition thereto shall be heard; and, be it

FURTHER RESOLVED, that the Town Clerk shall cause notice of said public hearing to be posted on the official signboard of the Town of Gaines and published in the Batavia Daily News, the official newspaper of the Town at least five (5) days prior to the date of said public hearing; and be it

FURTHER RESOLVED, that copies of the proposed amendments shall be referred to the Orleans County Planning Board for review and comment pursuant to GML 239-m prior to adoption; and be it

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FURTHER RESOLVED, that the Town Board hereby retains Martin Environmental Service of Holley, New York to conduct the appropriate environmental review of the proposed amendments in accordance with the state environmental quality review act prior to adoption.

Upon being put to a vote, the following voted "Aye" in favor of adoption of the foregoing resolution: Oakley, Kirby and Kast

The following voted "No" in opposition thereto: Lattin and Smith

The resolution was declared adopted.

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RESOLUTION 79-11

Resolution Appointing Special Counsel

Resolution adopted at a recessed meeting of the Gaines Town Board held on the 20th day of September, 2011, at which the following were:

PRESENT: Lattin, Kast, Kirby, Oakley, Smith

ABSENT: None

Councilperson Smith moved the adoption of the following resolution; Councilperson Kast seconded the motion;

"RESOLVED, that Daniel A. Spitzer, Esq. of Hodgson Russ, LLP Attorneys, Buffalo, New York, is hereby retained as Special Counsel for the Town of Gaines all matters pertaining to the so-called Wind Energy Facilities Law of the Town of Gaines, including any amendments thereto, interpretations thereof or enforcement of in the Town of Gaines."

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Upon being put to a vote, the following voted "Aye" in favor of adoption of the foregoing resolution: Lattin, Smith, Oakley, Kast, Kirby

The following voted "No" in opposition thereto: None

The following abstained: None

The resolution was declared adopted.

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Jennifer Allchin & Valerie Beam have come before the board for direction and clarification of their special use permit with respect for the zoning moratorium that is currently in place. Attorney Heath said he felt the special use permit could be issued as an exception to the moratorium. The Attorney advised the applicant that if the applicant does not want to be a seasonal tourist business the applicant must file a variance application and go before the zoning board. If the applicant wants to continue with the special use permit as presented at the planning board meeting they may do so. As a 3rd option the applicant could request the town board amend their zoning ordinance to add a new category that would better suit the application.

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RESOLUTION 80 - 11

ALLCHIN/BEAM MORITORIUM EXEMPTION

On a motion of Councilperson Smith, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Smith, Kast, Kirby, Lattin, Oakley
Nays 0

Resolved that the board has determined that the property formally known as the Berry Barn is exempt from the zoning moratorium that is currently in place as long as the business is similar to what it was previously.

The Allchin / Beam Party have asked that their special use permit previously presented at the planning board meeting be withdrawn from the County Planning Board schedule. After careful consideration they have asked the town board to amend their zoning ordinance to add a new category that would better suit the application.

With no further business, on a motion from Councilperson Oakley, seconded by Councilperson Smith the following resolution was

ADOPTED Ayes 5 Smith, Kast, Kirby, Lattin, Oakley
Nays 0

Resolved that the September 20, 2011 board meeting is adjourned at 10:05 PM.

Respectfully Submitted,

Jean Klatt
Gaines Town Clerk