

GAINES TOWN BOARD REGULAR MEETING

June 9, 2015

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 9th day of June 2015 at 7:00PM.

PRESENT:	Carol Culhane	-----	Supervisor
	David Kast	-----	Councilperson
	James Kirby	-----	Councilperson
	Susan Smith	-----	Councilperson
	Douglas Syck	-----	Councilperson
	Ron Mannella	-----	Highway Superintendent
	Jean Klatt	-----	Town Clerk
	Andrew Meier	-----	Attorney for the Town

Excused: None

OTHERS PRESENT: Al Capurso, Mary Jo Syck, Kathy Kast, Bruce Schmidt, Everett Jubenville, Bill Lattin, Connie Mosher, Marilyn Miller, Lisa Mannella, Marcia Thom, David Thom, Larry Williams, Jerry Culhane, Mike Grabowski, Dan Strong, Mary Neilans, Guy Smith, Tibbs Ahlberg, Lorienda Smith

Supervisor Culhane called the meeting to order at 7:00PM with the Pledge to the Flag.

RESOLUTION 43 -15

APPROVAL OF MINUTES

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

ADOPTED	Ayes	5	Culhane, Smith, Kast, Kirby, Syck
	Nays	0	

Resolved that the minutes of the May 12, 2015 Town Board Meeting are approved with the correction of Smith making the motion and Kirby seconded the motion for resolution # 39-15, Approval of Minutes.

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RESOLUTION 44 -15

HIRE NEW CLEANING SERVICE

On a motion from Councilperson Smith, seconded by Councilperson Syck the following resolution was

ADOPTED Ayes 5 Culhane, Smith, Kast, Kirby, Syck
Nays 0

Resolved that Paula's Cleaning Service will be hire to clean the Town Hall beginning July 1, 2015.

RESOLUTION 45 -15

EMPLOYEE HANDBOOK

On a motion from Councilperson Smith, seconded by Councilperson Syck the following resolution was

ADOPTED Ayes 5 Culhane, Smith, Kast, Kirby, Syck
Nays 0

Resolved that the employee handbook presented to board members in May is adopted and that the table of contents will be revised to coincide with the contents of the handbook.

Councilman Kast opened and read bids from 3 parties bidding on the 2004 Ford F250 4x4 Pickup Truck.

RESOLUTION 46 -15

2004 FORD F250 4X4 PICK UP TRUCK BID AWARDED

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

ADOPTED Ayes 5 Culhane, Smith, Kast, Kirby, Syck
Nays 0

Resolved that the 2004 Ford F250 4x4 pickup truck will be awarded to the highest bidder, Alan Robinson with a winning bid of \$3751.00.

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RESOLUTION 46 -15

APPROVAL OF ABSTRACTS

On a motion from Councilperson Syck and seconded by Councilperson Smith the following resolution was

ADOPTED Ayes 5 Culhane, Smith, Kast, Kirby, Syck
 Nays 0

Resolved that the bills on abstract #6, voucher #'s 1609 - 1678, totaling \$ 24,953.09 will be paid as presented.

Note: Following the board meeting it was discovered that voucher #'s 1652 & 1653 to Time Warner Cable were duplicated with voucher #'s 1659 & 1660. Voucher #'s 1659 & 1660 have been voided reducing the total amount of the vouchers to \$ 24,614.22.

Supervisor Culhane had presented the board with a draft version of the Comprehensive Plan in May and wondered if the board had comments or questions. Mike Grabowski offered to answer any questions the board might have. The board had no questions. Councilperson Syck asked for more time to review the plan. Everyone agreed more time was needed and the discussion was tabled.

Supervisor Culhane said she is continuing to research grant opportunities to correct some of the security concerns at the Town Hall.

RESOLUTION 47 -15

INDEPENDENT AUDIT OF 2014 FINANCIALS

On a motion from Councilperson Smith and seconded by Councilperson Kast the following resolution was

ADOPTED Ayes 5 Culhane, Smith, Kast, Kirby, Syck
 Nays 0

Resolved that Amato, Fox and Company, PC will be hired to conduct an Independent Audit of the 2014 financials.

Supervisor Culhane presented the clerk with 2 letters from residents to be entered into the record.

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RECEIVED JUN 05 2015

June 1, 2015

Town of Gaines Board
14087 Ridge Road
Albion, NY 14411

As a resident and tax payer in the Town of Gaines, I would like to commend Carol Culhane for the excellent job she has done since her election as town Supervisor. I believe she is "a breath of fresh air". She has character and integrity and I for one are thankful for the new transparency we are receiving.

Under her leadership, a much needed audit was done. It was warranted and certainly an eye opener. As a result, the water situation is being resolved. Record keeping has improved and abuses of funds have been curbed.

I think the Republican Committee is making a huge mistake in refusing to endorse her. Thankfully we have "write-ins" on our ballots and I sincerely hope this is how we will keep her as Supervisor.

I realize I am only one voice in a crowd of many. That said, I hope more will show their support for Carol.

Please read this at the Board meeting to appear in the record.

Sincerely,



Katherine Marsh
15182 Ridge Road
Albion, NY 14411

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RECEIVED JUN 08 2015

May 28, 2015

Town of Gaines Board
14087 Ridge Road
Albion, NY 14411

Please read at the Board Meeting so this letter is part of the record.

I write with thanks to Mrs. Culhane and the board members (Sue Smith and Doug Syck). It is you who have brought transparency and accountability to our previously otherwise FAILING board. You've given us a board no longer part of the "good ole boys club".

You have brought us a new attorney and accounting firm who have no conflict of interest or ties and have found years of waste....dare I say fraud? How dare those who say YOU do not REPRESENT ME. Those individuals who have created our mess and abused their positions DO NOT represent ME. With you we have accurate records.

Mrs. Culhane has exposed our water "waste" and many other UNAUTHORIZED payments to individuals. If you are harassing those who have stolen from the town as some claim, then I feel victimized by those same people who have lied to and stolen from our town. Mrs. Culhane, YOU DO REPRESENT ME and I thank you.

Sincerely,



Marc J. Vaillancourt
Registered INdependent

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RESOLUTION 48 -15

WATER REGULATION CHANGES

On a motion from Councilperson Syck and seconded by Councilperson Smith the following resolution was

ADOPTED Ayes 3 Culhane, Smith, Syck
Nays 0
Recluse 2 Kast, Kirby (they own these meters)

WHEREAS, by resolution number 5-4-2001, the Town of Gaines established Rules and Regulations relative to the Town water system and improvements, and

WHEREAS, the Town now desires to make modifications to such Water Rules and Regulations, Now, therefore, be it

RESOLVED, that the Water Rules and Regulations shall be modified as follows:

1. Section 1-4, Entitled "Installing of meters," shall be modified and restated as follows:

The setting of meters must be under the supervision of the person in charge of the operation of the Town of Gaines water system or his or her representative. Change-outs of meters shall be at the discretion of the Town. The expense for installation of the meter shall be borne by the Town, and the expense related to connection of same to customer's plumbing system shall be borne by the customer. The Town shall also maintain all meters installed throughout the Town. Wherever a meter is to be installed, a suitable place must be provided by the owner and must be a place free from frost and accessible at all times. If it is impossible to place the meter where it will be free from frost, a suitable boxing unit must be built and the meter packed to prevent freezing at all expense of the owner of property. This applies to all meters installed, whether they are sold or on rental basis. If over 200 feet exist from the curb box to inside the structure including the valve, the owner will be required to install a meter pit at curb box location. If less than 4 feet of crawl space exist, the owner will be required to provide a Town approved meter pit at curb box location. Notwithstanding any other town policies, rules or regulations to the contrary, all meters sized at 1.5 inches or above and installed after July 1, 2015 shall be owned and maintained by the Town of Gaines.

2. Section 1-8 (A)(1) shall be modified as follows:

1. By installing at the sole cost and expense of the Town requiring an approved air gap, reduced pressure zone device, double-check valve assembly or equivalent protective device according to the degree of hazard posed by the service connection.

a. Service connection can be new or existing.

b. The Town of Gaines will determine the degree of hazard as being:

(1) Hazardous, which will require, as a minimum, an air gap or a reduced pressure zone. (2) Aesthetically objectionable, which will require minimum a double-check valve assembly.

(3) Nonhazardous, which will require internal plumbing controls.

3. Section 1-8 (A)(3) shall be modified as follows:

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By assuring that all protective devices can shall be tested annually. Records of such test shall be made available to and maintained by the Town of Gaines. Such test shall be conducted by certified backflow testers certified by the New York State Department of Health in accordance with Subdivision 5-1.31 (a)(3) of Subpart 5-131 of the State Sanitary Code, and shall be scheduled by the Town on an annual basis. The Town of Gaines will supply the needed tests for a fee established by the Town Board per unit, per year. [A fee schedule is on file in the office of the Village Clerk.]

4. All other terms and conditions of the Town Water Rules and Regulations shall remain the same. and be it further

RESOLVED, that the Town Clerk is directed to codify such changes into the Water Rules and Regulations of the Town of Gaines, and to publish same in the records of the Town and on the Town website.

Al Capurso spoke to the board regarding effort being made by the Orleans County Historical Society to rescue, preserve, and restore the 1832 Cobblestone Schoolhouse located on Gaines Basin Road. It is 183 years old and was active for 112 years. It is believed to be the oldest Cobblestone building in Orleans County. With the help of the Gaines Highway Department a historical marker will be installed soon.

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Devin Rogers
14976 Holley Rd
Albion, NY 14411
585-331-3252
devinleerogers@gmail.com

May 26, 2015

Carol Culhane
Town Supervisor
Town of Gaines
14087 Ridge Rd.
Albion, NY 14411

Dear Carol Culhane:

I would like to inform you that I am resigning from my positions of Water Billing Clerk and Zoning Board of Appeals Secretary with the Town of Gaines effective Friday, June 5, 2015.

It has been a pleasure working with you and I thank you for the opportunities you have provided me during my time with the Town of Gaines.

If I can be of any assistance during this transition, please let me know.

Sincerely,



Devin L. Rogers

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RESOLUTION 49 -15

DEVIN ROGERS RESIGNATION

On a motion from Councilperson Smith and seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Culhane, Smith, Kast, Kirby, Syck
Nays 0

Resolved that the resignation of Devin Rogers is accepted with regrets effective 6/5/2015.

Supervisor Culhane informed the board she had received applications from 16 interested parties. She would like a committee to interview the applicants. Councilpersons Smith and Kirby volunteered to be on the committee. Sharon Harding will step in to do the water billing until a clerk is hired.

Supervisor Culhane advised the board that the Sensus water meter reading software needs to be updated and will cost about \$2600.00.

RESOLUTION 50 -15

SIGN REASSESSMENT MEMORANDUM OF UNDERSTANDING

On a motion from Councilperson Syck and seconded by Councilperson Smith the following resolution was

ADOPTED Ayes 5 Culhane, Smith, Kast, Kirby, Syck
Nays 0

Resolved that Supervisor Culhane is authorized to sign the Memorandum of Understanding for the property tax reassessment.

RESOLUTION 51 -15

URGING STATE REPRESENTATIVES TO AMEND THE NEW YORK STATE ELECTRONIC EQUIPMENT RECYCLING AND REUSE ACT

WHEREAS, the main reasons for the adoption of the New York State Electronic Equipment Recycling and Reuse Act (Act) was to assist local governments with managing the fast growing end-of-life electronics waste stream by relying on electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

WHEREAS, the Act has succeeded in significantly increasing electronics recovery and recycling in the state, but unfortunately the collection infrastructure is rapidly shrinking

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as governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

WHEREAS, the consequence, specifically following the January 2015 Disposal Ban, is significant as a growing number of municipalities such as Orleans County are faced with bearing more of the financial responsibility for continued e-scrap collection in their communities; and

WHEREAS, the Act requires, and the state relies on, electronics manufacturers to fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state; and

WHEREAS, once manufacturers meet their performance standard (goal), which in a number of cases is midway through the year, they no longer provide financial support to continue their programs, thus shifting management costs to unsuspecting and cash strapped local governments; and

WHEREAS, the issue is exasperated by the fact that electronics currently sold today are much lighter than the obsolete CRT devices that make up about 70% of the weight of e-scrap generated, which are cost intensive to responsibly manage. As a result, many local governments across the state have grappled with the burden to fund or cease e-scrap collection, which has been particularly difficult in rural communities that do not benefit from retail collectors or economies of scale; now be it

RESOLVED, that the Town of Gaines does hereby call upon Governor Cuomo, the New York State Assembly, the New York State Senate, and the State Department of Environmental Conservation to improve the current law intended to build toward the long-term goals of creating a more stable and comprehensive, manufacturer implemented electronics recycling infrastructure by implementing actions to strengthen communication among stakeholders, clarify key statutory provisions in their present rulemaking efforts, and promote the adoption of the Proposed Statutory Changes to the Act to provide for year round, no-cost collection of electronics, consistent with convenience standards for both rural and urban populations—that help alleviate the immediate financial pressures faced by local governments; and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded to the Orleans County Legislature.

Moved, Syck; second, Kast

Adopted. 5 ayes; 0 nays; 0 absent

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PRIVILEGE OF THE FLOOR

Robert Jubenville asked if the town can do anything about the reducing the speed limit between Midway and Eagle Harbor Road. The board agreed to start the process with the county.

Al Capurso announced that the Orleans County Historical Society would be meeting at the Pullman Church on June 10, 2015 at 7:00PM to discuss the Cobblestone Schoolhouse.

Connie Mosher said she had asked if the meetings are recorded a couple of months ago and they are not. She is wondering if the board has any thought on requiring the meetings to be recorded. She knows that court proceedings are recorded. Supervisor Culhane asked Attorney Meier to respond. Attorney Meier stated that New York State law only requires that actions taken at the meeting as minutes. He said there is nothing prohibiting the public from recording the meeting as long as it doesn't disrupt the meeting. She asked if the board can require that the meetings be recorded. He stated that nothing precludes the board from doing so but it may be difficult to keep track of the recordings. He would advise the board to proceed very carefully if they wish to require the meetings be recorded.

RESOLUTION 51-15 EXECUTIVE SESSION

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

ADOPTED	Ayes	5	Syck, Culhane, Smith, Kirby, Kast
	Nays	0	

Resolved that the board will convene into executive session to discuss information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed at 7:40PM.

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RESOLUTION 52 -15

REGULAR SESSION

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

ADOPTED Ayes 5 Syck, Culhane, Smith, Kast, Kirby
 Nays 0

Resolved that the board will enter into regular session at 7:57PM.

MOTION TO ADJOURN

On a motion from Councilperson Syck, seconded by Councilperson Smith, the motion was

ADOPTED Ayes 5 Culhane, Syck, Smith, Kirby, Kast
 Nays 0

Resolved that with no further business, the June 9th, 2015 regular town board meeting is adjourned at 7:58PM.

Respectfully Submitted,

Jean Klatt
Gaines Town Clerk