

# TOWN OF GAINES REGULAR BOARD MEETING

April 11, 2017

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 11<sup>th</sup> day of April 2017.

PRESENT:	Carol Culhane	-----	Supervisor
	Richard DeCarlo Sr.	-----	Councilperson
	James Kirby	-----	Councilperson
	Mary Neilans	-----	Councilperson
	Sue Smith	-----	Councilperson
	Sharon Harding	-----	Town Clerk
	Debra Mitchell	-----	Deputy Town Clerk
	Ron Mannella	-----	Highway Superintendent

OTHERS PRESENT: Savannah Wirth, Isabella Prest, Ray Burke, Larry Williams, Marilyn Miller, Connie Mosher, Mark Radzinski, Lorienda Smith, Lisa Mannella, Tim Hungerford, Tibbs Ahlberg, Daniel Strong

Supervisor Culhane called the meeting to order at 7:01PM with the Pledge to the Flag.

## RESOLUTION 27- 17

### **APPROVAL OF MINUTES - March 14, 2017**

On a Motion of Councilperson Smith, seconded by Councilperson Neilans the following was

ADOPTED	Ayes	5	Culhane, DeCarlo, Kirby, Neilans, Smith
	Nays	0	

Resolved that the minutes of the March 14, 2017 meeting are approved as presented.

## RESOLUTION 28- 17

### **APPROVAL OF ABSTRACTS**

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

ADOPTED	Ayes	5	Culhane, DeCarlo, Kirby, Neilans, Smith
	Nays	0	

Resolved that the bills on Abstract #4 Vouchers; General \$16,215.85, Highway \$7764.59, Water \$3088.85 will be paid as presented.

# TOWN OF GAINES REGULAR BOARD MEETING

---

April 11, 2017

## **Loader**

Highway Superintendent Ron Mannella will pursue NYS Senator Ort's office for \$100,000.00 in grant money to purchase a new loader. It was explained that the current loader was purchased in 1999 and has some mechanical issues and has a current value of \$45,000 - \$50,000, that if sold could be used in conjunction with the grant money to purchase a new loader. Ron will also research the possibility of renting/leasing a loader as per Councilperson DeCarlo.

## RESOLUTION 29- 17

### **EXCESS DIRT**

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

ADOPTED                      Ayes    5              Culhane, DeCarlo, Kirby, Neilans, Smith  
   Nays    0

Resolved that the Highway Department has permission at their discretion to allow residents to have access to the excess dirt created from cleaning ditches.

## RESOLUTION 30- 17

### **PART TIME HELP**

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

ADOPTED                      Ayes    5              Culhane, DeCarlo, Kirby, Neilans, Smith  
   Nays    0

Resolved that Superintendent Mannella has permission to hire a part-time employee as John Foote is retiring.

## RESOLUTION 31- 17

### **RESIDENTIAL METERS**

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

ADOPTED                      Ayes    5              Culhane, DeCarlo, Kirby, Neilans, Smith  
   Nays    0

Resolved that Superintendent Mannella has permission to replace 50 meters at a time beginning with the meters with the most gallons, as per the Water Clerk's numbers.

# TOWN OF GAINES REGULAR BOARD MEETING

---

April 11, 2017

## **Hydrant Meter Charges**

Councilperson DeCarlo explained that the Water Committee needs to further discuss this issue with Supervisor Culhane and the Town Attorney Andrew Meier before a decision can be reached, they expect to be able to move forward by May.

## **Agreement with Village of Albion - Meters**

Superintendent Mannella explained that the agreement would benefit the Town of Gaines financially by sharing the initial engagement fee of \$5000.00 with 7 municipalities, and the cellular charges of \$96.12 would also be shared with other municipalities

Supervisor Culhane expressed concerns with the Village of Albion being the administrator and asked about the mention of increases in charges. It also only appeared to be a 2 year contract.

Attorney Meier advised that he would like to omit the "Where as" clause in the agreement that pertains to "operation / repair" and explained the cost for the Town of Gaines would consist of a one time fee of \$669.00 and that the ongoing cellular charges would amount to approximately \$267.00, invoicing Carlton and Murray for their share. Andrew will discuss the agreement with the Village of Albion Attorney, John Gavenda and then, to sufficiently document the agreement, move ahead and forward it to the respective Town Attorneys, requesting confirmation of the understanding from the Town Boards involved.

Councilperson DeCarlo inquired about leak detectors, Superintendent Mannella agreed to look into obtaining information from Jim Lewis of Blair Supply.

The action will be delayed for further discussion and inquiry.

RESOLUTION 32- 17

## **LOCAL LAW No. 1 of 2003 CHANGE**

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

ADOPTED	Ayes	5	Culhane, DeCarlo, Kirby, Neilans, Smith
	Nays	0	

Attorney Andrew Meier will be tasked with changing the verbiage of the Local Law as pertains to the timing of Grievance Day.

# TOWN OF GAINES REGULAR BOARD MEETING

---

April 11, 2017

## Privilege of the Floor

Marilyn Miller:

1. Inquired of Andrew as to whether the agreement with the municipalities' reimbursements included cell charges in the first year? Andrew reiterated that the cellular cost would be \$270.00 the first year and the equipment costs, \$411.00 reimbursed by the municipalities.

2. Has the 6 month Solar Moratorium been reinstated or ended? Supervisor Culhane explained that there has been no discussion that she is aware of and there have been no further inquiries. She explained that there was concern for the soil on farm land.

Ms. Miller asked if there were any new Zoning Ordinances addressing that? Dan Strong replied if/when there were a local law it would be placed into the Zoning Ordinances. Supervisor Culhane mentioned that the board may revisit that issue at the next meeting.

Lorienda Smith:

1. Asked about the status of the lawsuits, how much it is costing the tax payers and how many lawsuits are against the town.

Attorney Andrew Meier responded that he is not prepared to discuss the status of the lawsuit and Supervisor Culhane answered that there is only one lawsuit against the town, cost to the tax payers is \$0, because our NYMIR insurance covers any cost.

2. Concern about Route 279 that it looks like a dump, she understood that there was a zoning law about unlicensed vehicles, tractor trailers, unused trailers and garbage. CEO Dan Strong encouraged Ms. Smith to schedule an appointment with him or file a formal complaint with the addresses so that he could act on them. Ms. Smith explained she works and is unavailable, Dan offered evening hours. Ms. Smith asked if there were any previous complaints. There had not been on those properties. Dan offered to work around her schedule and Ms. Smith agreed to come in.

3. Lorienda referred to the newsletter and the fact that the taxes have gone down in the Town of Gaines is great but that it should have been mentioned that the County Taxes have gone up because the assessments have gone up and the residents should be informed of the difference between taxes going down and the assessments going up.

4. Inquiry as to the side door being moved to the front of the Town Hall, mentioned that she has never seen the door open. Supervisor Culhane explained that that is an emergency exit that we

# TOWN OF GAINES REGULAR BOARD MEETING

---

April 11, 2017

are required to have and that it is not ADA compliant and that we have already been warned by Rural Development in our Civil Rights Review last year.

5. Lorienda referred to the diseased trees mentioned in the newsletter, and asked if the town was responsible for the removal? Supervisor Culhane explained that we contacted a forestry worker, who will pay to take the trees before they are diseased and the goal was to raise some money from the property behind the Town Hall before the trees became useless. Lorienda inquired if that money goes to the town. Supervisor Culhane answered yes.

CEO Dan Strong:

Explained that he and Highway Superintendent Mannella had discussed and are meeting with an individual who requested water service on vacant land to fill a pond, and a second inquiry by someone who wanted to water a garden. Asking the board to discuss options, installing a hydrant meter temporarily? Ron foresees future issues in allowing it. Supervisor Culhane suggested they should talk about a policy, and asked Andrew to help with the legal way of saying that that is not something we want to get involved with. Andrew suggested some addition of language in the Water Ordinance and will work on that.

RESOLUTION 33- 17

## **EXECUTIVE SESSION**

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

ADOPTED	Ayes 5	Culhane, DeCarlo, Kirby, Neilans, Smith
	Nays 0	

Resolved the board will enter into executive session for medical financial, credit or employment history of a particular person or corporation, or relating to appointment, promotion, demotion, discipline or removal at 7:52 PM.

RESOLUTION 34- 17

## **REGULAR SESSION**

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

ADOPTED	Ayes 5	Culhane, DeCarlo, Kirby, Neilans, Smith
	Nays 0	

Resolved that the board will enter into regular session at 08:58PM

# TOWN OF GAINES REGULAR BOARD MEETING

---

April 11, 2017

RESOLUTION 35- 17

## **SENSUS SYSTEM**

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

ADOPTED           Ayes 5       Culhane, DeCarlo, Kirby, Neilans, Smith  
                      Nays 0

Resolved to pay outright \$35,000.00 for the Sensus System.

## **MOTION TO ADJOURN**

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

ADOPTED           Ayes 5       Culhane, DeCarlo, Kirby, Neilans, Smith  
                      Nays 0

Resolved that with no further business the April 11, 2017 regular Town Board Meeting is adjourned at 09:03PM.

Respectfully Submitted,

Debra S Mitchell  
Gaines Deputy Clerk