

GAINES TOWN BOARD MEETING  
& PUBLIC HEARING  
Gaines, NY August 10, 2010

A Regular 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 10<sup>th</sup> day of August 2010.

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

EXCUSED: Jean Klatt

OTHERS PRESENT: Carol Culhane, Tibbs Ahlberg, Jim Whipple, Ray Burke, Connie and John Mosher, Marilynn Miller

Supervisor Lattin called the meeting to order at 7:30PM with the Pledge to the Flag.

Supervisor Lattin read aloud the legal notice for the Public Hearing that was held on July 27<sup>th</sup>, 2010 at 4:30 PM. The Public Hearing was then handed over to Attorney Heath who opened the floor to the public for any questions or concerns they may have. Jim Whipple was present from the IDA to help answer any questions.

Marilynn Miller wanted to know who is on the application and what advantages or benefits would this have for the Town.

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Attorney Heath informed her that the application list three owners as Dirk, Dirk, and John and there is a fourth individual, however, he has no interest in the Gaines ownership.

Jim Whipple gave some advantages of doing this which included: with the addition of about 18 acres to the greenhouse, employment, that while estimated at 25 could be as high as 45 needed employees; increased business to the Town and the area at restaurants, Bed and Breakfasts, and stores; a tax exemption from the Agricultural Department of NYS which is good for ten years. Also, when the IDA works with local municipalities like this it helps Towns to know what's happening and keeps them out of the dark.

With this project, the Town is ultimately responsible and we would guarantee the grant and the funds will be repaid by us if necessary. If there is an issue or problem the State would come directly to us; however, depending on our agreement with IDA we would take everything to them. The IDA is our eyes and ears, doing most of the work, reviewing and monitoring the project, and they will inform the Town on what to do and when to do it. Funds first come to the Town who then turns them over to the IDA office The IDA will disperse the money. The Towns involvement is done when the reimbursement money of about \$16,000 is dispersed. Jim Whipple told the board that what the IDA needs right now is a resolution that the Town supports the application, if the board decided at a later point not to sign than the project would fail. The grant funds for Intergrow phase 3 would be \$300,000 and the application is due mid August.

Attorney Heath gave Superintendent Lattin a copy of the program and the application. Page 39 listed the certification that the Town has to go through in respects of the program to the state. Attorney Heath also gave board members a memorandum from Harry Sichertman in regards to the project.

Attorney Heath talked with the Superintendent and Town Clerk from the Town of Ridgeway, who previously did a project like this. They both found the process to be simple and that the IDA makes it seamless. The only issue is more work for the Town Clerk. However, if things do go wrong, the Town will have a problem.

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Other concerns and questions included what if administrative costs exceed the reimbursement and if local contractors would be used. Attorney Heath could not answer without seeing the paperwork. Jim Whipple replied that by talking with Intergrow, he found that some of the work is done overseas, but all site work is done by local organizations, so it's a combination. It was also asked if an agreement could be made up that states that the Town doesn't accept responsibility if the project fails. Attorney Heath said that between us and the State, we really do not have any bargaining power, what the State says goes. We could possibly, through contracts, shift things to IDA, but the Town is still ultimately responsible. Ray Burke asked Jim Whipple if IDA has ever done something like this with a foreign company. IDA has worked a Canadian owned company.

The Board discussed pros and cons of the project. Pros included building up the Towns reputation as well as an opportunity to add to the community. Cons included there are too many unknowns, there is no way of knowing what will happen financially down the road, we have not been able to view all of the documents and would therefore be signing blindly, and there might be too much extra work for the Clerk. Councilperson Smith expressed concerns over being primarily responsible. After watching the permit process, she saw many discrepancies, inaccurate information, and incomplete applications. She also mentioned that a Stenographer had to be brought in at one point due to the discrepancies. Jim Whipple also brought up that if the Town of Gaines rejected the project, it could cause other Towns and the County to be apprehensive about working with IDA and doing projects such as this.

Councilperson Oakley would like Attorney Heath to read all of the material before we actually move forward and wanted to know if we could reject the project or go back after reading the documents, but Attorney Heath pointed out that he would not be able to see the documents till the grant is approved and at that point we would have no choice but to continue going forward.

Supervisor Lattin asked to close the public hearing at 8:35 PM and add voting on the application to the agenda.

At 8:36 PM the regular Town Board Meeting was called into session.

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RESOLUTION 69 -10

**COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

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

ADOPTED	Ayes	4	Kast, Kirby, Lattin, Oakley
	Nays	1	Smith

Resolved that Gaines be the host municipality for purposes of the submittal of the Community Development Block Grant on behalf of Intergrow Greenhouse's expansion project as well as authorizing the submission of the application and authorizing Supervisor Lattin to sign the application and any other supporting documentation.

Darin Beach did not show, but Ron Mannella provided some information to the board. A couple of years ago a waterline was put in on Transit-Church road and now Darrin Beach is coming forward about damaged being done to his septic system when the water line was done. He wants the town to fix it, but Ron said it needed board approval.

Ron also brought to the boards attention that the drainage ditch going from Bacon road to Gaines Basin to the creek by Sanford's needs cleaning. The County would need to be involved and some pipes would need to be replaced.

Ray Burke- handed papers to board members regarding issues that a group of concerned citizens and tax payers have. The issues were not made public to those present. The group had no board members present but, included Michael Grabowski and Jim Theodorakos

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RESOLUTION 70 -10

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes of the July 13, 2010 meeting are approved as submitted by the Town Clerk. Resolved that the minutes of the July 27, 2010 meeting are approved under the condition that missing information be added to them. The minutes are missing the vote for the Public Hearing to be held at the Town Board Meeting on August 10, 2010 at 7:30 pm. The vote was Ayes: Kirby, Kast, Oakley, Lattin and Nays: Smith

RESOLUTION 71-10

**APPROVAL OF ABSTRACTS**

On a motion from

General Councilperson Oakley and seconded by Councilperson Smith  
Highway Councilperson Kast and seconded by Councilperson Kirby  
Water Councilperson Kirby and seconded by Oakley Councilperson

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

Resolved that the bills on abstract #8 will be paid as presented.

General	Abstract # 193 - # 216	in the amount of \$ 11,391.40
Highway	Abstract # 91 - # 106	in the amount of \$ 67,492.83
Water 1	Abstract # 49 - # 58	in the amount of \$ 24,330.20

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RESOLUTION 72-10  
**APPROVAL OF SUPERVISOR'S MONTHLY REPORT**

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 June 2010 Supervisor's Monthly report is approved as submitted by the Supervisor Lattin.

RESOLUTION 73-10  
**APPROVAL OF QUOTES TO SEAL TOWN HALL PARKING LOT AND OTTER CREEK DRIVEWAY**

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 Pro Seal & Paint be awarded the job with the lowest quote of \$1,640.

RESOLUTION 74-10  
**APPROVAL OF QUOTES TO PAINT PLOW TRUCK**

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 Hahn Sales and Service be awarded the job, with the lowest quote of \$5,300.

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Ron Mannella would like a thank you card made for Francis Lippert for donating material and his time on a frame for the rules and regulations at Otter Creek Cemetery. It was asked that Mary make it.

RESOLUTION 75-10  
**APPROVAL OF BIDS TO PAINT AND RETILE THE BATHROOM FLOORS**

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

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

Resolved that the tiling be awarded to J & D Enterprises for \$623.00; however, the Board would like to see why the price is as high as it is and if it can be lowered. Also, it was resolved that the painting be awarded to Peter Madafferi for \$225.00 per bathroom and that Doug Bower come and do estimates on fixing the current toilets as well as estimates on installing new toilets.

Attorney Heath discussed with the board Oak Orchard Mobile Home Park (OOMHP). There are two pending article 7 proceedings against the Town by OOMHP. It looked as though the matter would proceed to litigation, and Attorney Heath contacted lawyers John Gavenda for the Village of Albion and Sandy Church for the Albion School District and David Schubel for the County to contribute to the cost of litigation. County will not participate, there was no response from Gavenda and Church would not do anything until there was more information, which Attorney Heath provided, but did not hear back from Church. If this goes to trial it will cost \$50,000. There were several settlement discussions. We offered a post settlement of \$4,750,000 with a freeze for 2010, 2011, and 2012 and no refunds. The settlement proposal was accepted. If there are future developments, the units are accessed and added on to the freeze. Attorney Heath recommended that the proposal be accepted. The lost revenue over the next three years for the school district would be \$37,000, the Village would lose \$30,000, and Gaines would lose \$8,300.

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RESOLUTION 76-10

**OAK ORCHARD MOBILE HOME PARK PROPOSAL**

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 accept the sum proposal and authorize Coleen Pahura or Supervisor Lattin to execute the necessary documents.

**PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**

None

Miscellaneous-

Tibbs Ahlberg had contacted Attorney Heath regarding last meetings misstatement that we were not going to permit farm labor camps but, he recalled that we adopted the right to farm law and thinks there is a conflict, Attorney Heath had no answer at the time regarding the issue, but he will look into it.

RESOLUTION 77-10

**EXECUTIVE 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 into executive session as requested by Tibbs Ahlberg to discuss a personnel issues and possible disciplinary action at 9:26 PM. Attorney Heath and Tibbs Ahlberg stayed for the session.

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

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

Resolved that the August 10, 2010 board meeting is adjourned at 9:59 PM.

Respectfully Submitted,

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Mary Pettit  
Gaines Deputy Town Clerk