

Gaines Town Board Regular Meeting

April 14, 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 14th day of April 2015 at 7:00PM.

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

OTHERS PRESENT: Mary Jo Syck, Kathy Kast, Lorienda Smith, David Rustay, Ray Burke, Tabitha, Bill Lattin, Lorraine Oakley, Susan Heard, Lisa Mannella, Connie Mosher, Marilyn Miller, Mary Neilans, Dan Geiger, David Allchin, Jerry Culhane, Tibbs Ahlberg, Lynne Johnson

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

RESOLUTION 27 -15

EXECUTIVE SESSION

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

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

Resolved that the board will enter into executive session for medical, financial, credit or employment history of a particular person or corporation, or relating to appointing, promotion, demotion, discipline or removal at 7:01PM.

RESOLUTION 28 -15

REGULAR SESSION

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

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

Resolved that the board will enter into regular session at 7:20PM

Gaines Town Board Regular Meeting

April 14, 2015

RESOLUTION 29 -15

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the March 16, 2015 Town Board Meeting are approved as presented.

RESOLUTION 30 -15

APPROVAL OF ABSTRACTS

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

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

Resolved that the bills on abstract #4, voucher #'s 1466 - 1539, totaling \$ 50,026.33 will be paid as presented. Noted that Clerk Klatt needs to sign voucher # 1506.

Bill Downey made a presentation to the board regarding new town signs that he has been contracted to build. He presented design ideas and suggested a size of 4 x6 feet. He told the board he will need their decision on color and design before proceeding.

Superintendent Mannella reminded the board that they will need to obtain permits from the state to put any signage on a state road.

Supervisor Culhane informed the board that she had met with Jean O'Connell, a grant writer regarding a Community Block Grant through the USDA. She was told that the town would be a good candidate for the grant because of security concerns for the court. She will continue researching the options available to the town.

Supervisor Culhane said that she is continuing to work with 1st Niagara Bank on the possibility of direct online payments for water bills.

Gaines Town Board Regular Meeting

April 14, 2015

RESOLUTION 31 -15

PERMISION FOR SUPERVISOR TO AWARD AND SIGN CONTACT FOR THE 2015 LAWN MOWING SEASON

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

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

Resolved that Preston's Lawn Care and Landscaping is awarded the contract for the 2015 lawn mowing season at a seasonal rate of \$6750.00.

RESOLUTION 32 -15

REAPPOINTMENT OF JAMES THEODORAKUS TO BOARD OF ASSESSMENT REVIEW

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 James Theodorakus is reappointed to the Board of Assessment Review for the term of 10-1-2014 to 9-30-2017.

RESOLUTION 33 -15

PERMISSION TO PUT OUT RFP FOR 2014 AUDIT

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

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

Resolved that Supervisor Culhane has permission to put out RFP for 2014 Independent Audit.

RESOLUTION 34 -15

PERMISSION TO SIGN COLLARERAL AGREEMENT WITH FIRST NIAGARA

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

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

Resolved that Supervisor Culhane has permission to sign the Collateral Agreement with 1st Niagara. Farmer's Home Loan Administration will now handle our Collateral Managemant.

Gaines Town Board Regular Meeting

April 14, 2015

Resolution 35-15

OPPOSING PART W OF GOVERNOR'S PROPOSED 2015 BUDGET CONCERNING LOCAL INDUSTRIAL DEVELOPMENT AGENCIES

WHEREAS, Industrial Development Agencies (IDA) are an important economic development tool to promote job creation and retention in our communities and are the main source of economic development subsidies at the local and county level; and

WHEREAS, our Local IDA has been a driver of development in Orleans County, and we need to continue relying on them; and

WHEREAS, part of their success lies in the fact that they have the best knowledge of and interest in the areas that they serve; and

WHEREAS, Governor Cuomo's proposed Revenue Bill - Part W, as indicated in the State of the State, is set to add an additional layer of redundant paperwork and delays to projects utilizing IDA assistance; and

WHEREAS, Part W of this budget severely restricts the ability of Industrial Development Agencies to respond to the needs of businesses by removing home rule decisions and placing certain incentive decisions with the Regional Economic Development Council and Empire State Development; and

WHEREAS, allowing the State to have a larger role in approving IDA incentives will decrease the ability of local municipalities to decide how they plan to economically develop and replace that with the decisions coming from downstate; and

WHEREAS, Part W of this budget also grants the Authorities Budget Office greater power over local Industrial Development Agencies, inhibits County's ability to build industry clusters, and significantly slows Industrial Development Agencies ability to respond to "at the speed of business"; now, therefore be it

RESOLVED, that the Orleans County Legislature and the Town of Gaines continues to support our local IDA and endorses their activities unburdened by additional State regulations and mandates; and be it

FURTHER RESOLVED, that the Orleans County Legislature and the Town of Gaines joins with all local IDAs within the State of New York in their opposition to Governor Cuomo's proposal to add further paperwork to the IDA incentive process; and be it

Gaines Town Board Regular Meeting

April 14, 2015

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

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 Town of Gaines does hereby support the Orleans County Legislature and the Industrial Development Agencies.

Resolution 36 - 15

SUPPORTING THE NEW YORK STATE COUNTY HIGHWAY SUPERINTENDENT'S ASSOCIATION'S IDENTIFIED NEED TO IMMEDIATELY FUND HIGHWAY AND BRIDGE FUNDING

WHEREAS, Governor Cuomo calls for a direct linkage between tourism, agriculture, and marketing the Upstate New York region as a whole in order to foster economic development; and

WHEREAS, Upstate New York relies solely upon safe and secure roads and bridges to move products to markets, produce food and fiber, and to receive tourists; and WHEREAS, the lack of state and federal aid has impacted both the New York State Department of Transportation and local municipalities abilities to maintain and replace infrastructure, and

WHEREAS, aging bridges have been flagged, load posted, or restricted due to lack of funding; and

WHEREAS, such restrictions on the state highway system have had an impact on the delivery of agricultural products and good movements in general; and

WHEREAS, impacts have been realized in the form of ticketed vehicles or added time to deliver goods on long detours on local roads not intended for such heavy vehicles; and

WHEREAS, a significant investment has been made by the Governor's Office to support the expansion of agricultural products such as yogurt, barley, and wine as the hallmark of economic recovery in Upstate New York; and

Gaines Town Board Regular Meeting

April 14, 2015

WHEREAS, stagnant highway and bridge funding at the state level, especially for rural counties, has a significant impact on the Governor's plans for recovery and threatens the investment made in agriculture; and

WHEREAS, federal highway and bridge funding available for use by counties in New York has been reduced significant by the emphasis placed on interstate highways under the Moving Ahead for Progress in the 21st Century (MAP-21) Act and further impacted by the New York State Department of Transportation decision to allocate available federal construction funding towards the preservation of the state highway and bridge system; now, therefore be it

RESOLVED, that the Town of Gaines does hereby request that the Governor and the State Legislature immediately fund highway and bridges as to meet the needs identified by the New York State County Highway Superintendent's Association which calls for \$615 million in annual CHIPS funding and a \$500 million local road and bridge program funded over 5 years with funds to be distributed through the CHIPS formula; and be it

FURTHER RESOLVED, that the Town of Gaines does hereby request that Senator Schumer, Senator Gillibrand, and Congressman Collins work toward repairing the Dedicated Highway and Bridge Trust Fund and amending MAP-21 or its reauthorization to allow for more concentration of funding on Off-System Bridges rather than interstate maintenance; and be it

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

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 Town of Gaines does hereby support the Orleans County Legislature and the New York State County Highway Superintendent's Association's identified need to immediately fund highway and bridge funding.

Gaines Town Board Regular Meeting

April 14, 2015

Resolution 37 - 15

OPPOSING NEW STATE'S PLAN TO CLOSE SKILL DEVELOPMENT CENTERS AND WORK CENTERS

WHEREAS, the Town of Gaines believes that people have the right to participate in their community to their full ability; that people have the right to a supportive network of friends and advocates and that people have the responsibility to care for themselves and their neighbors in a safe, holistic, healthy community; and

WHEREAS people with intellectual and other developmental disabilities currently receive funding for employment in sheltered workshops also know as skill development centers. This means that a student transitioning out of high school with a disability are able to pursue employment and a paycheck in this vocational setting upon graduation; and

WHEREAS, the Orleans Enterprises (OE) workshop at 215 Washington Street opened in 1981 providing employment to hundreds of individuals leading with a mission to promote community inclusion through community based supported employment; and

WHEREAS, new vocational service recipients start in sheltered, many were found through vocational evaluation funded by VESID (Vocational and Education Services for Individuals with Disabilities a branch of State Ed now known as ACCESS-VR) to be appropriate for community based employment. Some individuals have chosen to stay in sheltered work, which is the right of every American to choose where they want to work and they are provided support and information to choose other options on a regular basis through case reviews; and

WHEREAS, the State's plan to close vocational workshops like the one operated by the ARC of Orleans will force those employed now to either stay home or participate in a Day Care program, thus removing the dignity associated with employment and taking away a vital step to community based employment; and

WHEREAS, The U.S. Supreme Court's decision in *Olmstead v. L.C.* recognized the right of the individual with developmental disabilities who are currently in a sheltered workshop to remain in that setting if they wish to do so; now be it

RESOLVED, that the Town of Gaines does hereby oppose the New York State's plan to close SKILL DEVELOPMENT CENTERS AND WORK CENTERS, thus removing this important step towards Community Based supported employment; and be it

Gaines Town Board Regular Meeting

April 14, 2015

FURTHER RESOLVED, that the Town of Gaines is requesting this plan to close the Center Based workshops to be rescinded and allow the funding of these Work Centers to continue allowing them to stay open and continue giving those working there the self-advocacy of choosing where they want to work; and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Orleans County Legislature.

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 Town of Gaines does hereby support the Orleans County Legislature opposing New York State's plan to close Skill Development Centers and Work Centers.

Resolution 38-15

RESOLUTION OF THE TOWN OF GAINES PETITIONING GOVERNOR CUOMO AND THE STATE LEGISLATURE TO DELAY PROPOSED LEGISLATION WHICH WOULD MOVE THE STAR EXEMPTION FROM A REAL PROPERTY TAX EXEMPTION TO A PERSONAL INCOME TAX CREDIT

WHEREAS, included in the 2015/2016 New York State Budget is a proposal to convert the STAR real property tax exemption to a Personal Income Tax (PIT) credit; and

WHEREAS, this transition is supported by both the New York State Assessors Association and the New York State Association of County Directors of Real Property Tax Services as New York State is better equipped to ensure the accuracy of this exemption; and

WHEREAS, this transition to a PIT credit would start with any STAR exemption that was granted for property owners that were not eligible as of March 3, 2014; and

WHEREAS, this transition would result in much confusion to the local property owner who has been under the assumption that they would be eligible for the exemption since they applied with their local Assessor; and

Gaines Town Board Regular Meeting

April 14, 2015

WHEREAS, when additional confusion is added to an already complicated property tax system taxpayers become more frustrated with the whole tax system; and

WHEREAS, this transition will require the Assessors' offices in Orleans County to send out approximately 276 denial letters for this exemption which will increase the amount of phone calls, letters, and foot traffic to explain why the denial has to occur when an approval was already sent out; and

WHEREAS, this transition will result in either a shortage in their escrow account which would then have to be made up in double for the next escrow payment year or their anticipated tax bill will be approximately \$600 more with Basic STAR and \$1,400 more with Enhanced STAR than they budgeted on their own; and

WHEREAS, this additional tax amount might disqualify potential buyers of real property as it will put them over the 43% Debt to Income ratio established in the provisions of DODD FRANK that became effective January 2014; now therefore be it

RESOLVED, that the Orleans County Legislature on recommendation of the Finance Committee petitions New York State to delay this transition to any STAR exemption that was granted after the 2015 Assessment Roll to more adequately inform the public of this important change in their taxes; and be it

FURTHER RESOLVED, that the Clerk of this Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Robert Ortt, New York State Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, New York State Association of Counties, and all others deemed necessary and proper.

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

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

Resolved that the Town of Gaines does hereby support the Orleans County Legislature in petitioning Governor Cuomo and the State Legislature to delay proposed legislation which would move the Star Exemption from a Real Property Tax Exemption to a Personal Income Tax Exemption.

Gaines Town Board Regular Meeting

April 14, 2015

PRIVILEGE OF THE FLOOR

Bill Lattin - Has always tried to live by the Golden Rule, Do unto others as you would have them do unto you. In reference to the letter to the editor that appeared in the Orleans Hub, the Batavia Daily, and in the recent town newsletter included in the water bills regarding the town clerk he feels it was mean spirited and harrassment.

Lorraine Oakley - Agrees with Bill Lattin and would also add bullying. She would like to poll the board to ask who was in agreement to sign the letter.

Andrew Meier - This is the time for the audience to address the board and the board can respond if they wish but he feels that this matter is can be better addressed in private.

Lorraine Oakley - Feels comments from the public fall on deaf ears and are never addressed.

Supervisor Culhane - Takes great offense to that comment. Feels she works very hard, puts in many hours, and has corrected many mistakes that past boards have made.

David Allchin - He doesn't think the letter was bullying if the facts were brought out in the audit. The people need to be informed.

Susan Heard - Does the Town Clerk sign her own checks? Doesn't board approve and sign her checks?

Supervisor Culhane responded that she signs the checks.

Susan Heard - Feels the letter was mean spirited and seems like bullying. This is old news from a couple of years ago.

Dan Geiger - How much are town signs costing? How old are the present signs?

Supervisor Culhane responded \$4100.00 and they are as old as the building she would guess.

Bill Lattin commented that he thinks all of the signs are about 25 years old.

Lorrienda Smith - How much is wind turbine lawsuit costing the town? Is it still in litigation?

Supervisor Culhane responded yes.

Gaines Town Board Regular Meeting

April 14, 2015

Marilynn Miller - Wanted to thank Superintendent Mannella and the entire highway department for clearing the fire hydrants out this past winter. She is very grateful.

Ray Burke - Thanked Superintendent Mannella for finding a water leak in his barn and preventing a lot of water damage.

Connie Mosher - She feels Supervisor Culhane does hear and act on comments from the public. The Supervisor followed through on her concerns over the water levy payment she was paying and went above and beyond to resolve the issue.

MOTION TO ADJOURN

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

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

Resolved that with no further business, the April 14th, 2015 regular town board meeting is adjourned at 7:58PM.

Respectfully Submitted,

Jean Klatt
Gaines Town Clerk