

Gaines Town Board Regular Meeting

May 12, 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 12th day of May 2015 at 7:00PM.

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

Excused: Douglas Syck ----- Councilperson

OTHERS PRESENT: Mike Grabowski, Bruce Schmidt, Kathy Kast, Jess Vaillancourt, Kay Marsh, Elizabeth Bentley, Josh Rosendale, Barry Hildabrand, Larry Williams, Bert White, Bill Lattin, Marilyn Miller, Marcia Thom, Ray Burke, Jerry Culhane, Dave Thom, Connie Mosher, Tibbs Ahlberg

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

RESOLUTION 39 -15

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Culhane, Smith, Kast, Kirby
Nays 0
Absent 1 Syck

Resolved that the minutes of the April 14, 2015 Town Board Meeting are approved with the correction of Kast and Kirby abstaining from the vote on resolution # 29-1.

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RESOLUTION 40 -15

APPROVAL OF ABSTRACTS

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

ADOPTED	Ayes	3	Culhane, Smith, Kirby
	Nays	0	
	Abstain	1	Kast
	Absent	1	Syck

Resolved that the bills on abstract #5, voucher #'s 1540 - 1608, totaling \$190,213.44 will be paid as presented.

Ron Mannella informed the board that the fuel monitoring system had been installed and is operational. The installer will return in about 3 weeks to make sure everything is operating correctly.

Supervisor Culhane said the water levies had been paid down on Water Districts 5, 6, 9, &10. Water District 4 had been paid in full and that more would be paid on the water levy debt soon as payments become due. She said a women had called to thank her for not having to pay the \$194.00 debt service charge on her tax bill.

Supervisor Culhane presented the board with a draft of the employee handbook for their review. She also gave them a list of the properties that will be auctioned at the Orleans County Tax Auction and a copy of the water analysis worksheet.

Supervisor Culhane spoke of the concerns with our present cleaning service and provided the board with a quote from Paula's Cleaning Service for their review.

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RESOLUTION 41 -15

NORA INITIATIVE IN SUPPORTING CONGRESSMEN COLLINS FIGHT AGAINST IJC PLAN 2014

WHEREAS, In June of last year, the International Joint Commission introduced Lake Ontario St. Lawrence River Plan (Plan 2014); and

WHEREAS, the U.S. Department of State is currently conducting an inter-agency review of Plan 2014, seeking information specifically from the Environmental Protection Agency, the Army Corps of Engineers and the Department of Transportation; and

WHEREAS, Plan 2014 will have a devastating impact on the communities along the Lake's southern shoreline. The Plan will increase the frequency of raising and lowering the water levels in Lake Ontario. The fluctuation in water levels will result in increased erosion damage to the shoreline, including the properties of businesses and homeowners; and

WHEREAS, Plan 2014 would also raise the current water maximum by 2.4 inches and will increase the annual cost of shoreline maintenance and protections by 13 percent. The plan offers no means of compensation to the stakeholders who will be negatively impacted by this man made property damage; and

WHEREAS, the IJC received over 5,000 letters from organizations and constituents opposing the plan, yet the IJC has done nothing to address the negative impacts that increasing frequency of water level fluctuation will have on these communities; and

WHEREAS, the Plan spans six counties in Upstate New York and would cause damage to land assessed at nearly four billion dollars; and

WHEREAS, U.S. Representatives Chris Collins (NY-27) and John Katko (NY-24) jointly sent a letter to the House Committee on Appropriations Subcommittee on State, Foreign, Operations and Related Programs requesting language be included in the House Budget preventing any use of federal funding to implement IJC Plan 2014; now be it

RESOLVED, that The Town of Gaines supports NORA's initiative in supporting Congressman Collins fight to eliminate the IJC's ability to implement Plan 2014 which will provide certainty to the communities who have seen repeated efforts by the IJC to disrupt the current shoreline protections; and now be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to the Orleans County Legislature and all others deemed necessary and proper.

Moved, Smith; second, Kast.

Adopted. 3 ayes; 0 nays; 1 excused.

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RESOLUTION 42 -15

PERMISSION TO SELL 2004 PICK UP TRUCK THROUGH SEALED BID

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

ADOPTED	Ayes	4	Culhane, Smith, Kast, Kirby
	Nays	0	
	Absent	1	Syck

Resolved that Attorney Meier will prepare a legal ad and advertise to sell the 2004 Pickup truck through sealed bid.

Mike Grabowski presented the board with the draft of the Comprehensive Plan that the committee has been working on for 3 years. He noted that the maps are county specific maps not town specific. Town specific maps will be available from the County soon. He said the committee held a public hearing on May 4th and voted to send the draft to the Town Board shortly after. Councilman Kast asked if the public hearing was advertised and posted. He didn't think it was posted as of Friday May 1st. He didn't appreciate not being informed. Attorney Meier said he will be sure all board members are notified of all public hearings in the future. Councilman Kast didn't feel it was well attended from reviewing the attendance list.

Dan Strong commented that when he went through the process in the past with other towns usually only 2 or 3 residence attended the public hearing.

Sue Smith said her experience is that very few people have attended any of the meetings.

Supervisor Culhane said that of the people that did attend the public hearing only 3 were there for the hearing. Everyone else had another reason to be there such as the ZBA meeting that followed the public hearing.

Marilynn Miller would like to read a letter and have it submitted into the minutes.

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Letter: Problems in Gaines should get an airing - The Daily News Online: Commentary A... Page 1 of 1

Letter: Problems in Gaines should get an airing

By Marilyn Miller | Posted: Saturday, May 9, 2015 12:14 am

I'm writing to comment on the accusations that were levied at the last Town Board meeting in Gaines. Some members of the audience came to criticize the inclusion of an article in the town newsletter discussing the wrongdoings in the town clerk's office.

The discovery of these wrongdoings occurred during independent financial audits of the town by Bonadio & Co. LLP and Amato & Fox Co. The findings were made public at another Town Board meeting (not attended by those making accusations); this report has been available to the public on the town's website for some time.

The motive for including this information in the newsletter was not the self-serving motive of "bullying" the town clerk, as was accused. Rather, the intent was to try to inform the public, who continues to ask "what is being done" to rectify these wrongdoings and "why isn't more being done." I personally have had three separate individuals ask me why nothing had been done remove or discipline the offending official. I relayed each instance to the supervisor who was getting the very same questions from other town residents. The reply in the newsletter was another attempt to reach as many people as possible to answer that recurring line of questioning.

Until the residents of Gaines are satisfied that the misappropriation of their tax dollars by an elected official has been rectified, it should continue to be discussed, not buried as some would like.

Marilynn Miller

Gaines

http://www.thedailynewsonline.com/blogs/commentary_and_letters/article_eb72f230-f601... 5/11/2015

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Connie Mosher spoke regarding her concern over the dollar amount she had paid for her water relevy. In 2008 it was \$223, in 2009 it was \$575, and in 2010 it was \$305. She had brought this to the attention of a previous town boards and they were not able to determine the reason and give her a clear answer about the discrepancy. When she addressed the issue with Supervisor Culhane she looked into the problem and with the help of many professionals was able to determine the problem and correct it. This one question also helped many other residents because it brought other water levy issues to light. Many residents have seen their water levy payments reduced or eliminated. She encourages those residence with concerns to bring up the issues so they may be resolved.

Supervisor Culhane stated that she had been asked why she wanted to be Supervisor. She said she takes the responsibility very seriously. She is from Rochester and moved to Gaines in 1968. She has been a resident and/or land owner in Orleans County ever since. There is nothing left of the community she grew up in. Gaines is her home. She loves the town and the people. That is the reason she wants to be Supervisor.

PRIVILEGE OF THE FLOOR

Marilynn Miller - Wishes people would come to meeting and speak but they don't up so she has too. She is sorry its always her. She feels the minutes from April were very detailed. More so than at other times. She wonders if this will be how the minutes will be done in the future? During times like the wind energy she was told by the clerk that discussions were summarized. Clerk Klatt responded that she summarizes lengthy board discussions but tries to put 2 or 3 sentences for each person that speaks during privilege of the floor. Marilynn thinks the April minutes were verbatim. Clerk Klatt said that was because each person only spoke for a short time.

Connie Mosher asked why the minutes were not recorded. Clerk Klatt responded that it wasn't required. The recorder used in the past didn't pick up the voices that well. The town has to be capable of reproducing the recordings for foil. She also told them the retention period for recordings is only 4 months. Connie asked why the clerk fees listed on the website include a \$5.00 CD recording fee. Supervisor Culhane said she had noticed that also. Clerk Klatt responded that was a fee used in the past to copy recordings using her personal boom box.

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Bruce Schmidt stated that the state requires all court proceedings to be recorded and reproduce so it is possible. He said the court laptop and microphone pick up everything. He also said he was glad that Councilman Kast and the board had passed the NORA resolution to support the Orleans County Legislature regarding the water front at Lake Ontario. He owns property in Carlton and this could have a great impact on the property values.

Supervisor Culhane said she had attended some of the meetings on the issue and knows how important it is to property owners.

Councilman Kast said he had just needed time to read the resolution. He knows how important the issue is and was glad to support it.

MOTION TO ADJOURN

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

ADOPTED	Ayes	4	Culhane, Smith, Kast, Kirby
	Nays	0	
	Absent	1	Syck

Resolved that with no further business, the May 12th, 2015 regular town board meeting is adjourned at 7:40PM.

Respectfully Submitted,

Jean Klatt
Gaines Town Clerk