

# TOWN OF GAINES REGULAR BOARD MEETING

June 13, 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 13<sup>th</sup> day of June 2017.

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

OTHERS PRESENT: Gary W. Reuter, Marilyn Miller, Connie Mosher, Susan Heard, Donald Allport, Lisa Mannella, Larry Williams, Lorraine Oakley, Tibbs Ahlberg

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

## **PUBLIC HEARING - LOCAL LAW 1 OF 2017**

### **Changing the date established for Grievance Day of Real Property Assessment Review**

Supervisor Culhane opened the Public Hearing at 7:00PM with the reading of the Public Notice

#### **LEGAL NOTICE**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Gaines, at 14087 Ridge Road, Albion, New York, on Tuesday, June 13, 2017, at 7:00 P.M., on the adoption of a Local Law known as Changing the Date Established for Grievance Day of Real Property Assessment Review, which said Local Law provides as follows:

SECTION I. References legislative authority for the law; provides for supersession of inconsistent provisions of state law; and provides that the earlier local law on the same subject is repealed and replaced by this local law.

SECTION II. States the legislative intent of the law is to establish a date for the meeting of the Board of Assessment Review other than that provided in Subdivision 1 of § 512 of the Real Property Tax Law.

SECTION III. The Town of Gaines adopts as and for its grievance day the first Wednesday following the fourth Tuesday of May, and as many days thereafter as the Board of Assessment Review deems necessary, when such Board shall meet to hear complaints in relation to assessments pursuant to § 512 of the New York State Real Property Tax Law.

SECTION IV. This local law is effective upon filing with the Secretary of State of the State of New York.

Sharon Harding, Town Clerk  
Town of Gaines

Publish once on May 30, 2017  
Send Proof of Publication to Town Hall Town of Gaines  
Send Bill to Webster, Schubel & Meier, LLP

# TOWN OF GAINES REGULAR BOARD MEETING

---

June 13, 2017

RESOLUTION 45- 17

**PUBLIC HEARING CLOSED**

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

ADOPTED    Ayes    4            Culhane, Kirby, Neilans, Smith  
                 Nays    0

Resolved that the Public Hearing was closed at 7:02PM.

RESOLUTION 46- 17

**APPROVAL OF MINUTES - May 9, 2017**

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

ADOPTED    Ayes    4            Culhane, Kirby, Neilans, Smith  
                 Nays    0

Resolved that the Minutes of May 9, 2017 are approved as presented.

RESOLUTION 47- 17

**APPROVAL OF ABSTRACTS**

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

ADOPTED    Ayes    4            Culhane, Kirby, Neilans, Smith  
                 Nays    0

Resolved that the bills on Abstract #6 Vouchers, General \$24,784.24, Highway \$101,981.17, Water \$11,679.06 will be paid as presented.

RESOLUTION 48- 17

**KLIPS CONSTRUCTION ESTIMATE**

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

ADOPTED    Ayes    4            Culhane, Kirby, Neilans, Smith  
                 Nays    0

Resolved that Klips Construction will begin the Town Hall renovations at prevailing wage using the JCAP Grant (\$16,000) to become ADA compliant concerning the west door, with completion by August 18<sup>th</sup>.

# TOWN OF GAINES REGULAR BOARD MEETING

---

June 13, 2017

## **Water Committee**

### **Hydrant Meter Policy**

No Current Meter Rental Agreement

Mary Neilans advises:

- \$50 hook-up fee/ season
- Renter must have an account with the Town of Gaines
- Hook-up and movement must be done by a Certified Handler
- Renter will be held liable if meter is stolen under their watch

RESOLUTION 49- 17

### **HYDRANT METER POLICY**

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

ADOPTED    Ayes    4            Culhane, Kirby, Neilans, Smith  
                 Nays    0

Resolved that Attorney Andrew Meier is directed to draft a policy to be addressed at the next meeting.

### **Privilege of the Floor**

Gary Reuter- Two Issues

1. Has complained about the illegal repair shop across the street since 2009, has tried to address and stop with the CEO to no avail. He brought photos for review, and has filed claims with small claims court. He feels he has had no cooperation with the current Codes Officer, but has had success in this with the previous Code Enforcement Officers. Mr. Reuter referred to Town of Gaines Zoning Ordinances - Article VII §715 - it is not legal, he sent certified letters to the parties involved, he stated he has suffered emotional duress and harassment from the bike shop his next step will be with an attorney. Wants the board to review.

Supervisor Culhane responded that they will review them and he will get an answer.

2. Had to take down his pool due to not having a permit, already has a 6 foot fence around his property, was told he has to have a separate fence around the pool he wants more clarification on that what that means. He feels that the Codes Officer practices selective enforcement.

# TOWN OF GAINES REGULAR BOARD MEETING

---

June 13, 2017

Lorraine Oakley-

Inquired as to the Code Officer's hours, and stated that she has heard the Town of Gaines does selective code enforcement and that the former CEO worked hard to clean the town up and now it's back to where it was. There are numerous places in deplorable condition.

Supervisor Culhane advised she should meet with the Codes Officer, he has an open door policy, to see where his concerns are and what his restrictions are, to better her understanding of the process. She also explained that the Codes officer has no fixed hours, it depends on the availability of who he is serving, he is contracted shared services with the Town of Albion.

Lorraine Oakley did not think she should have to make an appointment. She wondered why just seeing something wasn't enough information, and that people are leery of complaining about their neighbor, Dan informed her that he has never had repercussions from neighbor vs. neighbor they are very understanding.

Gary Reuter interjected and asked if there was a way to file a written complaint so that code enforcement can be held accountable.

CEO Dan Strong - Requested complaints be in writing and explained that there are two violations going to court currently that began with written complaints. Complaints cannot be addressed in an open meeting, proper documentation is necessary per state guidelines, which eliminates "selective enforcement". He also concluded that he keeps any hours, day and evening.

Lorraine Oakley inquired as to whether the Fire Marshal comes through, the CEO explained that in small towns the Codes Officer acts as the Fire Marshal.

Marilynn Miller-

Addressed the Highway Superintendent and asked who mowed on Transit Road and who was responsible for the ditch. He stated that we mow but the County is responsible for the ditch.

Ron Mannella-

Mentioned that Attorney Meier has an update on the Agreement with the Village of Albion concerning Meters.

# TOWN OF GAINES REGULAR BOARD MEETING

---

June 13, 2017

Attorney Andrew Meier-

Attorney Meier stated that he spoke with John Gavenda, Attorney for the Village of Albion, on the 17<sup>th</sup> pertaining to the board's concern about maintenance of the infrastructure, the Village was stating that the Town of Gaines would contribute to any cost of a third party vendor that may be called for maintenance. He clarified that the Village would contribute to any maintenance and they now have an understanding of what the language would be. It is now ready for execution. The Board responded that they would like to see the final contract before proceeding, Andrew confirmed that it would be available at the next meeting.

## **MOTION TO ADJOURN**

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

ADOPTED            Ayes    4            Culhane, Kirby, Neilans, Smith  
                             Nays    0

Resolved that with no further business the June 13, 2017 Regular Town Board Meeting is adjourned at 7:27PM.

Respectfully Submitted,

Debra S Mitchell  
Gaines Deputy Clerk