

**TOWN OF GAINES**  
**Regular Meeting - March 12, 2018**

The regular meeting of the Town Board of the Town of Gaines, County of Orleans, State of New York was called to order by Supervisor Grube at 7:00 PM on the 12th of March, 2018.

The following town officials were present:

Joseph Grube	Supervisor
James Kirby	Councilperson
Mary Neilans	Councilperson
Tyler Allport	Councilperson
Susan Heard	Town Clerk
Douglas Heath	Attorney for the Town
Ron Mannella	Highway Supt.

The following individuals were present during the meeting: E. John DeFilipps, County Legislator; Dan Strong, Code Enforcement, Mike Grabowski, ZBA Chairman; 23 Town Residents

Supervisor Grube opened the meeting with the Pledge to the Flag, followed by a moment of silent reflection.

**RESOLUTION NO. 34 - 0318**  
**APPROVAL OF MINUTES OF FEBRUARY 12TH MEETING**

Moved by Councilperson Kirby and seconded by Councilperson Allport to approve the minutes of the February 12th meeting. With one correction noted: Change Privilege of the Floor to read " and several members of the public discussed the window in the Clerk's office".

Ayes 4; Nays 0

**RESOLUTION NO. 35 - 0318**  
**PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT**

The Town Clerk reported the total receipts for the month of February; total local share of \$392.00, which was turned over to the Supervisor on March 1st; total non-local share of \$37.00 was paid to the NYS Ag & Markets. Reported the total returned to the County Treasurer to date of \$950,000 in taxes and \$200,022 for Recycling fees.

Moved by Councilperson Neilans and seconded by Councilperson Kirby to accept the monthly report of the Town Clerk.

Ayes 4; Nays 0

**RESOLUTION NO. 36 -0318**  
**PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to accept the monthly report of the Town Supervisor.

Ayes 4; Nays 0

Discussion: Councilperson Allport thought the vote on the Supervisor's report was on the details listed, and wanted to be able to have early access to the figures to go over and make changes, if necessary. It was explained the law requires the Supervisor and Clerk to publicly distribute their reports for the purpose of being noted in the minutes. The previous month's cash, receipts and disbursements are completed by month end, therefore, the facts cannot be altered. A question was asked regarding Water District #1 appearing in the red. The Supervisor explained it's been in the red for quite a few years, but the Supervisor's report was not presented in detail at board meetings or presented in a power point presentation, therefore, one might not be aware of the long standing problem. Adjustments are being implemented to correct this moving forward.

**RESOLUTION NO. 37 - 0318  
APPROVAL OF ABSTRACTS**

Moved by Councilperson Allport and seconded by Councilperson Kirby to approve the abstracts, as follows:

General	\$ 8,557.44
Highway	\$ 19,925.05
Water	\$110,721.11

Ayes 4; Nays 0

**RESOLUTION NO. 38 - 0318  
HIGHWAY SUPERINTENDENT'S REPORT**

The Highway Superintendent reported the total fuel and gas used, as well as the total number of overtime hours used for Snow removal. Fuel 1,046 gallons; Gas 231 gallons and 61 hours of overtime.

Moved by Councilperson Neilans and seconded by Councilperson Allport to accept the report of the Highway Superintendent.

Ayes 4; Nays 0

**PRESENTATION BY KLIPS CONSTRUCTION REGARDING REPLACEMENT OF CUPOLA ON TOWN HALL**

David Klips discussed the problems encountered when working on the Town Hall project. The cupola has had issues for years. Snow and rain has caused moisture and some rot to the structure. Mr. Klips advised the cupola has not rotted through, and could be fixed. C.W. Lattin recalled the structure was made by Lynn Condoluci for approx. \$5,000. Councilperson Allport would like Klips Construction to explore the cost of removal and the price for shingles, and return to this board the costs for removal; replacement and or repair.

Resolution Approving the Work on the Cupola on the Town Hall - TABLED

## **PRESENTATION BY C&H PC REGARDING NEW TOWN WEBSITE**

Presentation by C&H PC to show some of their ideas for updating the Town website. Working with Supervisor Grube, the new website is designed for ease of use. The website features each department, town clerk, town code enforcement, historian, highway, supervisor, justice dept. and is designed for user friendly contact, making payments, printing forms, and much more. The design is both eye appealing and features historical sites in Gaines (the Eagle Harbor bridge, canal towpath, town building, and Cobblestone Museum complex). No formal action was taken.

### **RESOLUTION NO. 39 - 0318**

#### **RESOLUTION SUPPORTING ASSEMBLYMAN STEVE HAWLEY'S OPPOSITION TO THE FREE TABLET PROGRAM FOR PRISONERS**

WHEREAS, as a result of the decision by the New York State Department of Corrections and Community Supervision (DOCCS) to allow over 51,000 inmates statewide to use electronic tablets free of charge, Assemblyman Hawley has written a letter to Governor Andrew Cuomo and DOCCS demanding that the program be shut down immediately and reconsider the misguided policy and urge JayP Inc. to work with our school system, libraries and veterans organizations to furnish tablets to law abiding citizens; now be it

RESOLVED, the Orleans County Legislature supports Assemblyman Hawley's position in opposing the free tablet program to statewide inmates housed in our New York State Correctional facilities; and

WHEREAS, the Gaines Town Board also demands that this program be shut down immediately; and

BE IT RESOLVED, the Town Clerk of the Town of Gaines shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Robert Ortt, Assemblyman Steve Hawley, Assemblyman Michael Norris, New York State Department of Corrections and Community Supervision and all others deemed necessary and proper.

Moved by Councilperson Kirby; seconded by Councilperson Allport.

Adopted. Ayes 4; Nays 0

### **RESOLUTION NO. 40 - 0318**

#### **AUTHORIZING RETAINING WEBSTER SZANYI LLP TO PROVIDE SPECIAL LEGAL COUNSEL TO THE TOWN RELATING TO A PERSONNEL MATTER**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to authorize the Supervisor to execute a retainer agreement with Webster Szanyi, LLP of East Aurora, NY to provide special legal counsel to the Town of Gaines relating to a personnel issue.

Ayes 3; Abstain 1, Allport

**RESOLUTION NO. 41- 0318  
AWARDING BID FOR MOWING SERVICES**

Moved by Councilperson Allport and seconded by Councilperson Kirby to award the 2018 mowing services contract to Specialty Lawn Rx in the amount of \$5,900.

Ayes 4; Nays 0

**PRESENTATION AND DISCUSSION BY ZONING BOARD OF APPEALS CHAIRMAN MICHAEL GRABOWSKI**

Mr. Grabowski made a presentation to the Board. Stated his credentials and the reasons for his appearance. Understands the current Zoning Ordinance, as it relates to the Town of Gaines Comprehensive Plan is not in compliance. The official Zoning Ordinance was written in 1983, and updated numerous times, with the last update in 2011. The Board in 2012 combined the Planning Board and the Zoning Board of Appeals, but never addressed the changes in the actual Zoning Ordinance manual. Some parts need to be eliminated, revised or changed to comply with the Comprehensive Plan.

Discussion: Attorney Heath suggested the ZBA Chairman Grabowski and he meet and put the documents together, Zoning Ordinance and Comprehensive Plan and work together to update the Town's policy. Councilperson Allport requested to be part of the committee. The Board will be updated on the progress at the June meeting.

No Board action taken.

**CONTINUING DISCUSSION ON TOWN CLERK WINDOW**

No action taken. Various members of the audience spoke on behalf of the window barrier on the Town Clerk's office. A letter presented to the Clerk was filed.

**PRIVILEGE OF THE FLOOR**

Legislator E. John DeFilipps discussed the Broadband statewide grant that was awarded to Orleans County, disappointed in the amount and unfortunately, it will be taking longer to get broadband in all parts of the county. Hopefully by 2020 all areas will have access. Supervisor Grube suggested the Town Board could present a resolution to support the County in their endeavor to make broadband accessible to all town and county residents.

Bruce Kirby asked about the moratorium on solar farms. He understood the moratorium had expired, and Supervisor Grube assured him that he was correct.

Marilyn Miller questioned the ability to establish an alternate position on the ZBA by resolution versus local law. Questioned how many alternates are allowed and if advertising is required.

**ADJOURNMENT**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to adjourn the meeting at 8:40 PM.

Ayes 4; Nays 0

DRAFT