

TOWN OF GAINES
Regular Meeting - April 9, 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 P. M. on the 9th of April, 2018.

The following town officials were present:

Joseph Grube	Supervisor
James Kirby	Councilperson
Mary Neilans	Councilperson
Tyler Allport	Councilperson
Susan Heard	Town Clerk
Bruce Schmidt	Town Justice
Douglas Heath	Attorney for the Town
Ronald Mannella	Highway Superintendent

The following individuals were present during the meeting: Legislator Fred Miller; 33 Town residents

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

RESOLUTION NO. 42 - 0418
APPROVAL OF MINUTES OF MARCH 12TH MEETING

Moved by Councilperson Kirby and seconded by Councilperson Neilans to approve the minutes of the March 12th meeting.

Ayes 4; Nays 0

RESOLUTION NO. 43 - 0418
PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT

The Town Clerk reported the total receipts for the month of March; total local share of \$608.89, which was turned over to the Supervisor on April 2nd; total non-local share of \$20.00 was paid to NYS Ag & Markets, \$53.86 was paid to NYS Environmental Conservation; and \$22.50 to NYS Health Dept. for the first marriage license issued in 2018. Reported the total returned to the County Treasurer of \$1,030,000 for taxes and \$205,958 for Recycling Fees. 87% Real Property taxes have been collected year-to-date.

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

Ayes 4; Nays 0

**RESOLUTION NO. 44 - 0418
PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT**

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

Discussion: The PowerPoint presentation detailed the cash balances for each fund. Supervisor Grube highlighted the activity for the month of March.

Ayes 4; Nays 0

**RESOLUTION NO. 45 - 0418
APPROVAL OF ABSTRACTS**

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

General	\$14,582.03
Highway	\$ 3,940.83
Water	\$ 1,889.77

Ayes 4; Nays 0

**RESOLUTION NO. 46 - 0418
HIGHWAY SUPERINTENDENT'S REPORT**

The Highway Superintendent reported the total fuel use for March, as well as the overtime hours for Snow Removal. Fuel 633 gallons; Gas 204 gallons and 84.5 hours of overtime. All highway employees have attended Safety Training.

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

Ayes 4; Nays 0

**RESOLUTION NO. 47 - 0418
ACCEPTING RESIGNATION OF CAROL NEIBERT AS SECRETARY TO ZONING BOARD OF APPEALS**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to accept the resignation of Carol Neibert as secretary to the Zoning Board of Appeals.

Ayes 4; Nays 0

**RESOLUTION NO. 48 - 0418
APPOINTMENT OF SECRETARY TO ZONING BOARD OF APPEALS**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to appoint Sarah Connor as secretary to the Zoning Board of Appeals at the hourly rate set at the organizational meeting (\$13.01 per hour).

Supervisor Grube introduced and welcomed Sarah Connor. No fiscal impact as the position was budgeted and the rate has been set.

Ayes 4; Nays 0

RESOLUTION NO. 50 - 0418
CONSIDERATION OF LOCAL LAW NUMBER 1 OF THE YEAR 2018 - AN ADMENDMENT TO ZONING ORDINANCE SECTION 665(B) RELATED TO FARM LABOR HOUSING OCCUPANCE STANDAND

LOCAL LAW NO. 1 OF 2018

Supervisor Grube moved the adoption of the following resolution; seconded by Councilperson Kirby; and read the proposed resolution in its entirety;

RESOLVED, that Local law No. 1 of the Year 2018 of the Town of Gaines, Orleans County, New York being a local law "Amending the Zoning Ordinance of the Town of Gaines" is hereby introduced and placed on the tables and desks of the members of the Town Board at least seven (7) days prior to final adoption, exclusive of Sundays; and, be it

FURTHER RESOLVED, that the Town Board shall conduct a public hearing to consider adoption of proposed Local Law No. 1 of the Year 2018 on the 14th day of May, 2018 at 7:00 P. M. in the Gaines Town Hall, 14087 Ridge Road, Albion, New York 14411, at which time all persons wishing to be heard in favor or in opposition thereto shall be heard; and, be it

FURTHER RESOLVED, that the Town Clerk shall cause notice of said public hearing to be posted on the official signboard of the Town of Gaines and published in the Batavia Daily News, the official newspaper of the Town at least five (5) days prior to the date of said public hearing; and, be it

FURTHER RESOLVED, that proposed Local Law No. 1 shall be referred to the Orleans County Planning Board, as otherwise required by law, for review and comment prior to its final adoption.

Ayes 4; Nays 0

Discussion: Local Law No. 1 of 2018 is being proposed and in accordance with law, must be brought before the board, legal notices printed and a public hearing prior to adoption of the Local Law. This is the first step in the process. Councilperson Kirby stated that the Town of Gaines restriction should be the same as the County Health Department and the State of New York. Audience participation included Brett Kast who mentioned the standards of the Federal government, as well as the Dept. of Labor in connection with the number of sleeping quarters and square feet regulations required.

RESOLUTION NO. 51 - 0418

APPROVAL OF WORK ON THE CUPOLA ON THE TOWN HALL BY KLIPS CONSTRUCTION

Moved by Councilperson Kirby and seconded by Councilperson Allport to have the cupola on the Town hall repaired; said work to be completed by Klips Construction as an extension of the award for renovations to the Town Hall completed in late 2017. Work will be completed when the weather is appropriate.

Ayes 4; Nays 0

Discussion: Supervisor Grube stated the original grant from Senator Rob Ortt for \$75,000 required a local share of \$50,000; and to date the Town had not spent the \$50,000 total. Councilperson Allport questioned if the Town would have to return funds if we failed to spend the full amount. Supervisor Grube indicated that was one of the reasons we needed to move forward to finish the project. No fiscal impact, we are required to spend the remaining balance.

RESOLUTION NO. 52 - 0418

APPROVING C&H PC FOR DESIGN OF THE NEW TOWN WEBSITE

Moved by Supervisor Grube and seconded by Councilperson Kirby to have C&H PC of Medina, N.Y. serve as the design service for the official Town of Gaines website, with content to be provided by town employees and officials with coordination and approval by the Supervisor. A one time fee of \$1,350, and \$215.88 annual fee for hosting.

Ayes 4; Nays 0

Discussion: A question was posed as to whether or not other design services were entertained. Supervisor Grube said they are the only vendor in Orleans County, and we wished to keep our business local.

RESOLUTION NO. 53 - 0418

ACCEPTING JUSTICE COURT GRANT (JCAP) FROM THE STATE OF NEW YORK

Moved by Councilperson Kirby and seconded by Councilperson Neilans to accept a New York State Justice Court Grant in the amount of \$5,525.79 targeting improvements to the video surveillance system and remote door lock functionality for the courtroom. Vendor and total scope to be determined after receiving quotes for presentation and approval by the Board.

Ayes 4; Nays 0

Discussion: Justice Bruce Schmidt addressed the need to install cameras for use in the Court room. He explained the JCAP Grants are annual grants that are used to assist and develop Justice Courts. All expenditures must be reviewed by the Justice Court Administration, and used for allowable purposes.

RESOLUTION NO. 54 - 0418

APPROVAL OF LETTER OF SUPPORT REGARDING NYS SWAP PROGRAM

Moved by Councilperson Kirby and seconded by Councilperson Allport to send a letter in support of S3292/A3907, commonly known as the SWAP Program, to Senator Ortt and Assemblyman Hawley.

Ayes 4; Nays 0

Discussion: Ron Mannella, Highway Superintendent, explained the program is designed like the Highway CHIP's program, which fund highway road projects; only this program is designed to assist Towns with municipal water districts.

NEW BUSINESS:

Discussion regarding the filling of the vacancy on the Town Board. Form a committee, formally advertise for the position. Councilperson Allport suggested we weigh the pros and cons. The person who runs for the seat would run in 2018 to fill the remainder of the term; then again in 2019 for a full four year term. Attorney Heath said it was our legal responsibility to move forward, get someone appointed and fill the vacancy.

RESOLUTION NO. 55 - 0418

APPROVAL TO ADVERTISE FOR THE VACANT COUNCILPERSON POSITION

Moved by Councilperson Kirby and seconded by Supervisor Grube to place a notice in the legal newspaper, Batavia Daily News, and the Lake Country Pennysaver to seek interested candidates to fill the vacancy on the Town Board

Ayes 4; Nays 0

PRIVILEGE OF THE FLOOR

Christopher Watt spoke regarding the dissolving of the Planning Board in 2012. He said he has waited many years to say his thoughts. All Counties and almost all Towns have both the Planning Board and the Zoning Board of Appeals. It was designed to give people the rights to appeal a Planning Board decision. When the Planning Board disagrees with a proposal, the person has the right to seek an appeal with the ZBA. Without that step in the process, the person is forced to incur legal costs, file an Article 77. He concluded by saying this discourages growth in the Town, and it costs the person and it costs the Town vast sums of money.

ADJOURNMENT

Moved by Councilperson Kirby and seconded by Councilperson Neilans to adjourn the meeting at 7:55 P. M.

