

**TOWN OF GAINES**  
**Regular Meeting - August 13, 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 Joseph Grube at 7:00 P. M. on the 13th day of August, 2018.

The following town officials were present:

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

The following were present during the meeting: 29 Town Residents; Doug Farley, Cobblestone Museum Director; Adrienne Kirby, Town of Gaines Historian; Donald Allport, Orleans County Legislator

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

**RESOLUTION NO. 77 - 0818**  
**APPROVAL OF MINUTES OF JULY 9TH MEETING**

Moved by Councilperson Allport and seconded by Councilperson Neilans to approve the minutes of the July 9th meeting.

Ayes 4; Nays 0

**RESOLUTION NO. 78 - 0818**  
**PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT**

The Town Clerk reported the total receipts for the month of July; total local share of \$566.08, paid to the Town Supervisor; \$46.00 to NYS Ag & Markets; \$22.50 to State Health Dept.; and \$23.62 to NYS Environmental Conservation.

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

Ayes 4; Nays 0

**RESOLUTION NO. 79 - 0818**  
**PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT**

Supervisor Grube's power point presentation showed each fund for the month of July, 2018. He commented on the balance of Water District #1, and noted the district will be out of the red by the next water billing cycle.

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

Ayes 4; Nays 0

**RESOLUTION NO. 80 - 0818  
APPROVAL OF ABSTRACTS**

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

General	\$18,507.62
Highway	\$ 7,428.77
Water	\$62,008.68

Ayes 4; Nays 0

**RESOLUTION NO. 81 - 0818  
HIGHWAY SUPERINTENDENT'S REPORT**

The Highway Superintendent reported the total fuel usage for the month of July; 714 gallons of Diesel; 169 gallons of Gas. Have been busy hauling road millings from the Village road project to the Highway garage for future use.

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

Ayes 4; Nays 0

**PRESENTATION BY TOWN HISTORIAN ADRIENNE KIRBY**

Adrienne Kirby, the Town Historian, reported on what she has been working on her first seven months in office. She highlighted (using the power point) the Historian's page on the Town web-site. Each month she adds a new article, and to date has covered the time span from the 1850's to the 1950's. She said the librarian in her has made her want the Historian's office in order. She has spent time rearranging files, records, and news articles. She said knowing what you have and where to find it when you need it is important. She attended the recent ground breaking event and has also lent assistance to Holly Ricci-Canham on her latest project.

**RESOLUTION NO. 82 - 0818  
MAKING MODIFICATIONS TO THE 2018 BUDGET RELATING TO CHIPS HIGHWAY IMPROVEMENT  
REIMBURSEMENT**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to make the following modifications to the 2018 budget due to an increase in funding from the CHIPS program, as follows:

- Increase Revenue DB3501 CHIPS from \$45,000 to \$65,863.33
- Increase Appropriation DB5112.2 CHIPS from \$40,000 to \$65,863.33
- Increase Revenue DB599 - Appropriated Fund Balance from \$15,056.33 to \$20,056.33

Discussion: Budget adjustments were recommended by the Town Bookkeeper to correct the \$5,000 error to balance the fund; and to account for the increased CHIPS revenue received and spent in 2018

**RESOLUTION NO. 83 - 0818**

**RESOLUTION REQUESTING NYSDOT TO REVIEW THE SPEED LIMIT ON BUTTS ROAD**

Resolution Defeated: Councilperson Kirby - Aye  
Supervisor Grube - Aye  
Councilperson Allport - Nay  
Councilperson Neilans - Nay

Discussion: The Village of Albion was seeking the Town of Gaines assistance asking the NYSDOT to review the various speed limits on Butts Road because of the three entities are involved, the Village of Albion, the Town of Albion and the Town of Gaines. Councilperson Allport asked why and who makes the final determination. The decision is made by NYSDOT.

**RESOLUTION NO. 84 - 0818**

**RESOLUTION AUTHORIZING TOWN-WIDE REASSESSMENT IN 2019**

Moved by Councilperson Allport and seconded by Councilperson Neilans, the following resolution:

WHEREAS, Section 305 of the New York State Real Property Tax law mandates uniform and equitable assessments; and

WHEREAS, computer-assisted mass appraisal systems, technical advice and financial assistance are available by cooperative agreement with the New York State Office of Real Property and the Orleans County Real Property Tax Service; and

WHEREAS, the last town-wide reassessment of real property took place in 2016.

NOW THEREFORE, BE IT RESOLVED, by the Gaines Town Board as follows:

- 1) That the Assessor of the Town of Gaines is hereby authorized to undertake and implement a reassessment of the 2019 assessment roll.
- 2) That the Town Board does hereby agree, in conjunction with the New York State Real Property Services and the County of Orleans Real Property Tax Service to support the Town Assessment staff in this reassessment.
- 3) That the Town Board and Assessor are authorized to enter into any necessary agreements to achieve this purpose. Any agreement with a private contractor to provide services for the reassessment shall entered into only upon review of the Town Supervisor and the Assessor. The Gaines Town Board shall approve said agreements that result in an expenditure.

Ayes 4; Nays 0

**RESOLUTION NO. 85 - 0818  
AUTHORIZING THE JUSTICE COURT TO APPLY FOR JCAP GRANT FUNDING FOR THE UPCOMING  
2018/2019 GRANT CYCLE**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to authorize the town court to make application to the New York State JCAP Grant Program for improvements to the court facilities.

Resolved, that the Honorable Bruce R. Schmidt is authorized to apply for the 2018/2019 JCAP Grant.

Ayes 4; Nays 0

**RESOLUTION NO. 86 - 0818  
AUTHORIZING THE TOWN CLERK TO ADVERTISE FOR POSITION OF WATER CLERK AND  
SECRETARY TO THE ZONING BOARD OF APPEALS**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to authorize the Town Clerk to advertise for part-time clerical positions to fill vacancies for Water Billing Clerk and Secretary to the Zoning Board of Appeals. Appointments will be made at a later date from existing and/or new applicants.

Ayes 4; Nays 0

**MEETING ADJOURNED AT 7:30 PM FOR EXECUTIVE SESSION RELATING TO A PERSONNEL  
MATTER**

Moved by Councilperson Kirby and seconded by Councilperson Allport to enter into an executive session to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.

Ayes 4; Nays 0

**REGULAR MEETING RESUMED AT 7:45 PM**

Moved by Councilperson Neilans and seconded by Councilperson Allport to resume the Regular meeting at 7:45 PM.

Ayes 4; Nays 0

**PRIVILEGE OF THE FLOOR**

Doug Farley, Cobblestone Museum Director, spoke on behalf of the members of the Cobblestone Society. The membership does not support the building of a Dollar General store in Historical Cobblestone District. He read various sections in its entirety from the Town of Gaines Zoning Ordinance.

Section 521 - Purpose. The purpose of the CH District is to preserve certain areas of historical or cultural significance...It is the intention of this district to restrict further commercial development unless it is consistent with the architectural, cultural and historical character of the area...

Section 523 (c) The Town ZBA Site Plan Review must establish compliance with the following additional requirements; Sub-section (2) The proposed building or use does not encroach upon, diminish or otherwise adversely impact upon other structures.

He mentioned the various agencies who support the Cobblestone Society; including the Town Historian, the County Historian, all Historians in Orleans County, the NYS Parks and Historical Preservation; as well as the National Register of Historic Places.

In 1993, the Cobblestone School House was named as a National Historic Landmark; this designation is one of only 262 in the entire State of New York.

The Cobblestone Society questions why the Dollar General isn't looking at alternative locations? Why was the location changed from Route 98?

He attended the ZBA meeting last week, and said the ZBA is not acting properly; not letting Cobblestone or community members speak; misinformation; the claim there is "no formal" application, yet a SEQR review has been conducted; the failure to recognize the National significance of the Cobblestone district; the opinion seems to be "you're out of luck".

Mr. Farley ended his presentation with a picture of what school students sitting at the desks in the Cobblestone School would see looking out the window, the big yellow Dollar General store logo.

John "Jack" Mack asked to speak. He wanted to know who is in charge of Route 279, north of the Ridge Road. He said it's been resurfaced and needs to have lines drawn for no passing and passing zones. He was advised that particular section of Rt. 279 is a County road.

Mr. Mack addressed a recent anonymous letter his son received in the mail. His son is serving his country as an Airborne Ranger, and he told his father to open the letter. Mr. Mack's advice is: If you want to write a letter claiming things you know nothing about, misleading and lying to people, sign your name, be an adult. The audience applauded.

Bruce Kirby asked if the Zoning Board of Appeals would work on the Solar Farms section of the Zoning Ordinance. We could lose a huge solar project if it takes one or two years to complete the Zoning Ordinance updates. Supervisor Grube said he will discuss with LaBella, who would be able to write up the Solar section, and hopefully be completed within 2 or 3 months.

C. W. Lattin spoke on behalf of the Cobblestone Museum. He is asking the Town Board to place a one year moratorium on building in the Historical District.

#### **ADJOURNMENT**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to adjourn the meeting at 8:10 PM.

Ayes 4; Nays 0