

**TOWN OF GAINES**

**Regular Meeting - November 8, 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 8th day of November, 2018.

**PUBLIC HEARING - 2019 TOWN BUDGET**

Supervisor Grube opened the Public Hearing on the 2019 Town of Gaines Budget at 7:00 P. M. He reviewed the Tentative Budget as adopted on October 30, 2018. Explained the Equalization Rate as set by the State of New York; the difference between the 2019 rate at 98% versus 2018 rate at 100% and how it effects the tax rate. Councilperson Neilans questioned the use of fund balance, and it was explained how the fund balance should be maintained a certain levels, and excessive fund balances mean you are overtaxing the taxpayers.

The following changes to the Tentative Budget were made, as follows:

Special District - Fire Protection	\$105,000.00 reduced to \$102,000
Water Dist. 6 Revenue 1001 Real Prop. Taxes	\$7,200 reduced to \$7,150
Water Dist. 6 Revenue 2140 Metered Water	\$2,690 increased to \$2,740
Water Dist. 8 Revenue 1001 Real Prop. Taxes	\$8,823 reduced to \$8,650
Water Dist. 8 Revenue 2140 Metered Water	\$8,500 increased to \$8,673
Water Dist. 9 Revenue 1001 Real Prop. Taxes	\$9,000 increased to \$9,300
Water Dist. 9 Revenue 2140 Metered Water	\$4,700 reduced to \$4,400
Water Dist. 10 Revenue 1001 Real Prop. Taxes	\$9,000 increased to \$9,400
Water Dist. 10 Revenue 2140 Metered Water	\$14,211 reduced to \$13,811

The 2019 Town of Gaines budget lowers the tax levy, and lowers the tax rate for both Village of Albion residents and Gaines town-wide residents. Maintains services, as well as being below the State mandated "Tax Cap".

No further comments.

Supervisor Grube closed the Public Hearing at 7:13 P. M.

**Regular Meeting - November 8, 2018 Resumed at 7:13 P. M.**

The following town officials were present:

Joseph Grube	Supervisor
Mary Neilans	Councilperson
Tyler Allport	Councilperson
Susan Heard	Town Clerk
Douglas Heath	Attorney for the Town

Absent: James Kirby, Councilperson

The following individuals were present during the meeting: 27 Residents and concerned citizens; Mallory Deifenbach, Daily News

The Supervisor opened the meeting with the Pledge to the Flag.

**RESOLUTION NO. 99 - 1118**  
**APPROVAL OF MINUTES OF OCTOBER 4TH MEETING**

Moved by Councilperson Allport and seconded by Councilperson Neilans to approve the minutes of the October 4th meeting.

Ayes 3; Nays 0

APPOINTMENT TO FILL VACANCY ON TOWN BOARD  
No action taken.

**RESOLUTION NO. 100 - 1118**  
**PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT**

The Town Clerk reported the total receipts for the month of October; total local share of \$1,283.32, paid to Town Supervisor; \$80.00 to NYS Ag & Markets; and \$172.18 to NYS Environmental Conservation. The Town Clerk reported the number of signatures and/or letters in opposition to the Dollar General store being proposed in the historical district is now 1,181, or an addition of 105 signatures since October.

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

Ayes 3; Nays 0

RESOLUTION NO. 101 - 1118  
PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT - Tabled until next month

**RESOLUTION NO. 102 - 1118**  
**APPROVAL OF ABSTRACTS - PENDING REVIEW**

Moved by Councilperson Neilans and seconded by Councilperson Allport to approve the abstracts, pending review, as follows:

General	\$48,153.27
Highway	\$15,199.41
Water	\$92,177.48

Discussion: Councilperson Neilans wanted to table approval of the abstracts because she didn't have time to audit the bills prior to the meeting. The Town Clerk said that our vendors will need to be paid in a timely manner to avoid late fees, and they shouldn't have to wait until December to be paid. (Note: Supervisor Grube, Councilperson Allport audited the bills, and Councilperson Kirby came in to audit and approve the expenditures).

Ayes 3; Nays 0

**RESOLUTION NO. 103 - 1118**

**ADOPTING THE BUDGET FOR THE TOWN OF GAINES FOR 2019**

Moved by Councilperson Neilans and seconded by Councilperson Allport to adopt the tentative budget for 2019, as amended during the Public Hearing held November 8, 2018 at 7:00 P. M., and included in the record of this meeting as the Final Budget. (See changes above)

Ayes 3; Nays 0

**RESOLUTION NO. 104 - 1118**

**APPOINTMENT TO FILL VACANT HIGHWAY SUPERINTENDENT POSITION FOR REMAINDER OF ELECTED TERM OF OFFICE**

Whereas, Ronald Mannella, has tendered his retirement effective November 7, 2018, and the Town is desirous of maintaining a smooth transition through this change and has requested Mr. Mannella to stay in his position until the end of December 2019, for a cost savings to the Town of \$12,000.

Moved by Councilperson Allport and seconded by Councilperson Neilans to appoint Ronald Mannella to serve as Highway Superintendent to fill the remainder of the term of office, which ends December 31, 2019.

Ayes 3; Nays 0

**RESOLUTION NO. 105 - 1118**

**HIGHWAY SUPERINTENDENT'S REPORT**

The Highway Superintendent reported the Highway Department is ready for the winter, all trucks have been serviced and are ready.

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

Ayes 3; Nays 0

**RESOLUTION NO. 106 -1118**

**AUTHORIZING PUBLICATION OF A REQUEST FOR PROPOSALS FOR INFORMATION TECHNOLOGY SERVICES FOR THE TOWN**

Moved by Councilperson Allport and seconded by Councilperson Neilans to publish a Request for Proposals to provide information technology services to the Town of Gaines, with a due date of Thursday, December 6, 2018.

Discussion: Councilperson Allport asked how we would advertise. A RFP notice would be published in both the Daily News and the Lake Country Pennysaver, allowing interested parties to come forward. After review, the Board could make a decision in December.

Ayes 3; Nays 0

**RESOLUTION NO. 107 - 1118**  
**APPOINTMENT TO THE ERIE CANAL LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)**  
**ADVISORY COMMITTEE**

Moved by Councilperson Neilans and seconded by Councilperson Allport to appoint Tyler Allport to serve as the representative for the Town of Gaines on the Erie Canal Local Waterfront Revitalization Advisory Committee.

Ayes 3; Nays 0

**AUTHORIZING PARTICIPATION IN A STUDY INTO A REGIONAL WATER SYSTEM IN COOPERATION WITH ORLEANS COUNTY AND OTHER ORLEANS COUNTY MUNICIPALITIES**

No action taken. The Board would like to invite Chuck Nesbitt, Chief Administrative Officer for Orleans County and/or a County Legislator to explain the study and the process.

**RESOLUTION NO. 108 - 1118**  
**APPROVING PAYMENT ADJUSTMENT TO CONTRACT WITH THE TOWN OF ALBION FOR CODE ENFORCEMENT SERVICES**

Moved by Councilperson Neilans and seconded by Councilperson Allport to adjust the annual payment to the Town of Albion for Code Enforcement services to \$19,650 for 2018 and \$19,650 for 2019.

Discussion: Prior Board failed to update the agreement with the Town of Albion since 2016. When the Town of Gaines was billed for services, there was no authorization to pay the amount billed. This resolution corrects the problem.

Ayes 3; Nay 0

**RESOLUTION NO. 109 - 1118**  
**APPROVING PAYMENT TO AMATO FOX FOR AUDIT SERVICES TO SATISFY OUTSTANDING LIABILITY**

Moved by Councilperson Allport and seconded by Councilperson Neilans to approve payment to Amato Fox for audit services for the year 2015 in the amount of \$7,500 to satisfy unmet contractual obligation.

Discussion: Prior Board failed to pay for professional services rendered in connection of the 2015 Town Audit.

Ayes 3; Nays 0

**RESOLUTION NO. 110 - 1118**  
**DISCUSSION ON ZONING PROJECT STEERING COMMITTEE AND APPOINTMENTS THERETO**

Moved by Councilperson Allport and seconded by Councilperson Neilans to appoint eleven (11) members to serve on the Zoning Review Steering Committee. The following will serve on this

committee: Brian Alexander, Ray Burke, Brenda Radzinski, Mike Grabowski, Jim Navarra, Toni Plummer, Justin Kirby, Al Capurso, Corey Black, Doug Syck and Bruce Kirby.

Attorney Heath said the Town Board may direct the Committee to appoint their own Chairperson and co-chairperson (at the first meeting); failure to appoint such chairpersons, the appointment will revert back to the Town Board to appoint. The meeting of this Committee should comply with NYS Open Meeting Laws.

Discussion: The Zoning Steering Committee is designed to bring a "fresh set of eyes" to the zoning process in the Town of Gaines. LaBella will lead the discussion and provide the assistance to move the project forward.

#### DISCUSSION ON ZONING MORATORIUM REQUESTS

LaBella has prepared the paperwork for a Solar Moratorium and a schedule for a Public Hearing. Councilperson Allport asked why have a moratorium, Attorney Heath responded that it allows the Town to review, make changes, etc. Bruce Kirby said all solar vendors prefer to know in advance what a Town is doing regarding Solar projects within the Town. Marilyn Miller submitted a letter and commented regarding the ZBA's recommendation. LaBella will do a presentation to the ZBA, then the ZBA can express their thoughts. Introduce a Local Law in January, with a Public Hearing in January or February.

Al Capurso requested a Moratorium on "any destruction of green space within the Cobblestone Historical District; as well as on any subdivision of property". Mr. Capurso said it would be prudent to issue a moratorium until LaBella concludes the new Zoning Ordinance. He feels it creates a short term gain and a long term blight. He wanted to make it clear that he is in favor of development in Gaines, just not in the Historical District.

#### PRIVILEGE OF THE FLOOR

Toni Plummer has attended recent ZBA meetings and said the meetings are not being conducted according to Open Meeting Laws, and cited various problems. C. W. Lattin attended a recent ZBA meeting, and his observation is that legal counsel should be present at their meetings.

#### ADJOURNMENT

Moved by Councilperson Neilans and seconded by Councilperson Allport to adjourn the meeting at 8:27 P. M.

Ayes 3; Nays 0