

TOWN OF GAINES

Regular Board Meeting – September 13, 2021

The regular meeting of the Town Board of the Town of Gaines, Orleans County, State of New York was called to order by Supervisor Tyler J. Allport at 7:00 P. M. on the 13th day of September, 2021.

The following town officials were present:

Tyler Allport	Supervisor
James Kirby	Deputy Supervisor
Ronald Mannella	Councilperson
Mary Neilans	Councilperson
Kenneth Rush	Councilperson
Susan Heard	Town Clerk
Mark Radzinski	Highway Superintendent
Douglas Heath	Attorney for the Town

The following were present: Seven (7) Town residents; Dan Strong, Code Enforcement Officer

The Supervisor opened the meeting with the Pledge to the Flag, followed by a moment of silence in Remembrance of those who lost their lives in the terror attacks on September 11, 2001.

OPEN PUBLIC HEARING – LOCAL LAW NO. 2 OF 2021 – EXTENDING MORATORIUM FOR LARGE BATTERY STORAGE SYSTEMS IN THE TOWN OF GAINES

Moved by Councilperson Neilans and seconded by Councilperson Kirby to Open the Public Hearing at 7:03 P. M.

Ayes 5; Nays 0

No comments were made. The Supervisor asked the Town Attorney if we needed to allow for time for comments. Attorney Heath said we may close the Public Hearing if no comments are made.

Moved by Councilperson Kirby and seconded by Councilperson Neilans to Close the Public Hearing at 7:05 P. M.

Ayes 5; Nays 0

The following resolution was then presented:

RESOLUTION NO. 70 – 0921
ADOPTION OF LOCAL LAW NO. 2 OF THE YEAR 2021

RESOLUTION NO. 70-0921 duly adopted at a regular meeting of the Gaines Town Board held on the 13th day of September, 2021, at which meeting the following were:

PRESENT: Allport, Neilans, Kirby, Mannella and Rush
ABSENT: None

Councilperson Kirby moved the adoption of the following resolution; Councilperson Neilans, seconded the motion;

WHEREAS, Local Law No. 2 of the Year 2021 of the Town of Gaines, Orleans County, New York, being a local law “Extending the Moratorium on the Acceptance, Processing, and/or Approval of all Applications for Building Permits, Area and Use Variances, Special Use Permits, and Site Plan Approvals for Large Battery Storage Systems in the Town of Gaines as provided in Local Law No. 1 of the Year 2021” was introduced and placed on the desks and the table of the members of the Town Board at least seven (7) days prior to final adoption, and

WHEREAS, Local Law No. 2 was referred to the Orleans County Planning Board (CPB) for review and comment and the CPB did approve the proposed adoption of Local Law No. 2 at its August, 2021 meeting; and

WHEREAS, the Gaines Town Board did conduct a public hearing to consider the adoption of proposed Local Law No. 2 on September 13, 2021, at which public hearing all person wishing to be heard in favor or against said adoption were heard, and

WHEREAS, the Gaines Town Board has determined that no further action is needed within the meaning of SEQR prior to adoption of Local Law No. 2, and

WHEREAS, it is now the intent and desire of the Town Board to adopt Local Law No. 2 of the Year 2021, now therefore, be it

RESOLVED, that Local Law No. 2 of the Year 2021 of the Town of Gaines, Orleans County, New York, being a local law “Extending the Moratorium on the Acceptance, Processing, and/or Approval of all Applications for Building Permits, Area and Use Variances, Special Use Permits, and Site Plan Approvals for Large Battery Storage Systems as provided in Local Law No. 1 of the Year 2021”, be and the same is hereby adopted.

Upon being put to a vote, the following voted “Aye” in favor of adoption:

Allport, Neilans, Kirby, Mannella and Rush

The following voted “No” in opposition thereto: None

The resolution was declared adopted.

Dated: September 13, 2021

Gaines Town Board

CERTIFICATION OF THE CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:
TOWN OF GAINES:

I, Susan M. Heard, Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines, on the 13th day of September, 2021, with the original now on file in the office of the Town Clerk, and the same is a correct and true copy of said resolution and of the whole thereof.

DATED: September 13, 2021
Town of Gaines

Susan M. Heard, Gaines Town Clerk

(seal)

RESOLUTION NO. 71 – 0921 APPROVAL OF MINUTES

Moved by Councilperson Rush and seconded by Councilperson Neilans to approve the minutes of the August 9, 2021 regular meeting.

Ayes 5; Nays 0

RESOLUTION NO. 72 – 0921 PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT

The Town Clerk stated the handwritten numbers on the monthly report were because she couldn't seem to make the adjustment on hunting licenses in the BAS system. She reported August payments to the Supervisor of \$760.94; NYS Ag & Markets for Dog licenses \$64.00; and NYS Environmental Conservation \$448.06 for the sale of hunting/fishing licenses; and the State Health Department \$22.50 for one marriage license.

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

Ayes 5; Nays 0

RESOLUTION NO. 73 – 0921 PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT

The Supervisor gave the Board the Supervisor's Report with a breakdown of each Fund and Account, including General Fund, Highway Funds, Water Districts, etc. The 2022 Budget will be worked on later this month; reminded the Board the October meeting will be Monday, October 4th to meet the budget timeline (as adopted at the January meeting). He asked the Town Bookkeeper Tim Hungerford if he

anything he would like to add. Tim said he would be meeting with the Highway Superintendent to lock down the Highway budget.

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

Ayes 5; Nays 0

**RESOLUTION NO. 74 – 0921
HIGHWAY SUPERINTENDENT’S REPORT**

The Highway Superintendent reported the fuel usage for the month of August as 613 gallons of Diesel and 155 gallons of Gas. He wanted the Board to know he was working on a list to update the prices for various water supplies (pipes, meters, etc.) as when we bill a customer for these items the town is not absorbing any of the cost.

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

Ayes 5; Nays 0

**RESOLUTION NO. 75 – 0921
APPROVAL OF ABSTRACTS**

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

General	\$ 17,409.46
Highway	\$105,210.41
Water	\$ 2,731.37

Ayes 4; Nays 0; Abstain 1, Mannella (arrived late)

OTHER NEW BUSINESS FROM THE TOWN BOARD

The Town Attorney presented the language needed for the August 9, 2021 meeting minutes regarding Local Law No. 3 of the Year 2021, calling for a Moratorium on Solar Panels. This will now be ready to go to the County Planning Board for their September meeting and requires a legal notice for a Public Hearing regarding the same. The language in this Local Law does not include residential solar projects, but rather the Freestanding or Ground-Mounted Solar Energy Systems.

The Town Attorney further stated this Local Law allows for automatically extending the time. He wanted to be clear this Local Law applies to new properly submitted applications. It would not include the Stendts project, which is in the process. However, he said the Stendts projects has some issues they are working on.

The Board set October 4, 2021 to hold the Public Hearing. The Clerk to advertise said Public Hearing.

OTHER NEW BUSINESS (CON'T)

Attorney Heath has met with James Navarra regarding the out of district water project that Mr. Navarra talked about at the August meeting. They are ready to go forward with this project.

RESOLUTION NO. 76 – 0921

AUTHORIZING OUT OF DISTRICT WATER LINE FOR NAVARRA

Moved by Councilperson Rush and seconded by Councilperson Kirby to authorize an out of district water user in Water District 5, for a 2-inch water line, installed at the owners expense, for V. James Navarra.

Ayes 5; Nays 0

PRIVILEGE OF THE FLOOR

Christopher Watt, Chairman of the Planning Board, wanted to mention a couple things regarding the Solar Projects coming to the Town of Gaines. He wanted to point out the Town of Gaines opted out of Real Property Tax Law 489, which has to do with PILOT (Payment in Lieu of Taxes) agreements. The town will not receive money through the PILOT, but rather will be based on taxable value. He was concerned that some at the County might not realize the town opted out.

Mr. Watt also wanted to discuss fines and fees for Solar companies that fail to maintain the property, such as mowing the grass, broken fences, etc. Attorney Heath said it will be hard to enforce fines, as it's trying to get a national or foreign company to pay up and the landowner probably wouldn't be able to do the maintenance needed. Jim Navarra suggested getting money in advance, but who would do the actual work. Councilperson Rush suggested we hold a workshop meeting to discuss the various fines and/or fees. The Board agreed to hold a workshop meeting with the Chairman of the Planning Board, MRB Group, the Code Enforcement Officer and the Town Attorney on October 18, 2021 at 6 P. M.

ADJOURNMENT

Moved by Councilperson Neilans and seconded by Councilperson Mannella to adjourn the meeting at 7:37 P. M.

Ayes 5; Nays 0