

# Gaines Regular Town Board

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October 13, 2015

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 13<sup>th</sup> day of October 2015 at 7:00PM.

PRESENT:	Carol Culhane	-----	Supervisor
	David Kast	-----	Councilperson
	James Kirby	-----	Councilperson
	Susan Smith	-----	Councilperson
	Douglas Syck	-----	Councilperson
	Ron Mannella	-----	Highway Superintendent
	Jean Klatt	-----	Town Clerk
	Andrew Meier	-----	Attorney for the Town

Excused: None

OTHERS PRESENT: Mary Jo Syck, Marcia Thom, Emily Barnosky, Leonard Barnosky, Lorienda Smith, Ray Burke, Ronald Radzinski, Bill Lattin, F. Lattin, Bruce Schmidt, Mary Neilans, Patrick Swiercznsky, Tibbs Ahlberg

Supervisor Culhane called the meeting to order at 7:00PM with the Pledge to the Flag.

RESOLUTION 87 -15

**APPROVAL OF MINUTES**

On a motion from Councilperson Smith, seconded by Councilperson Kirby the following resolution was

ADOPTED	Ayes	5	Culhane, Smith, Kast, Kirby, Syck
	Nays	0	

Resolved that the minutes of the September 8, 2015 Town Board Meeting are approved as presented.

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RESOLUTION 88 -15

## **APPROVAL OF ABSTRACTS**

On a motion from Councilperson Smith and seconded by Councilperson Syck the following resolution was

ADOPTED Ayes 5 Culhane, Smith, Kast, Kirby, Syck  
Nays 0

Resolved that the bills on abstract #10, voucher #'s 1890 - 1980, totaling \$ 75,664.40 will be paid as presented.

RESOLUTION 89 -15

## **HIGHWAY FUND TRANSFER**

On a motion from Councilperson Kast, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Syck, Culhane, Smith, Kast, Kirby  
Nays 0

Resolved, to transfer the sum of \$65,146 from General Fund balance, representing 2014 budget surplus from Highway Funds, to account DA.5130.210, Equipment Reserve.

RESOLUTION 90 -15

### ***Town of Gaines Comprehensive Plan State Environmental Quality Review (SEQR)***

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) procedures, the Town Board of the Town of Gaines, New York previously expressed their intent to serve as lead agency to comply with SEQR.

WHEREAS the Gaines Town Board shall refer to this action as the "***Town of Gaines Comprehensive Plan***", and

*WHEREAS, The Gaines Town Board has notified other Involved Agencies or Interested Parties of the proposed Lead Agency designation and the Gaines Town Board's intent to complete the environmental review for the action under SEQR, pending the receipt of any comments or objections from other Involved Agencies or Interested Parties;*

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WHEREAS, the Gaines Town Board has received no comments or objections to its request to serve as lead agency or the content of information included in Part 1 of the Long Environmental Assessment Form prepared for the action;

WHEREAS, the Gaines Town Board previously accepted the environmental assessment of the Project prepared and has furthermore determined the significance of any potential impacts of the Project;

RESOLVED, that the Gaines Town Board hereby designates itself to serve as lead agency, and accepts the Environmental Assessment of this project prepared. The Gaines Town Board further declares that, based on the Environmental Assessment, it finds that the action will result in no significant adverse impacts to the environment and HEREBY issues a Negative Declaration for the Project. This HEREBY completes the SEQR

Process in accordance with 6 NYCRR Part 617 SEQR Regulations.

On a motion from Councilperson Syck and seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Culhane, Smith, Kast, Kirby, Syck

Nays 0

Superintendent Mannella informed the board that Orleans County would like a follow up letter stating that the Town of Gaines does not have the man power or equipment to plow the Gaines Basin Road bridge. Supervisor Culhane will draft the letter with the assistance of Superintendent Mannella.

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RESOLUTION 91 -15

## **PURCHASE MXU's FROM TOWN OF BATAVIA**

On a motion from Councilperson Kast, seconded by Councilperson Syck the following resolution was

ADOPTED    Ayes        5    Syck, Culhane, Smith, Kast, Kirby  
                 Nays        0

Resolved that the Town of Gaines will purchase 15 - 20 MXU'S from the Town of Batavia at a cost of \$100.00 each. This is a cost savings of \$48.00 per unit.

RESOLUTION 92-15

## **GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Gaines. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the Town of Gaines.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Town of Gaines, ADA Coordinator, Susan Smith  
Susan Smith, ADA Coordinator  
14087 Ridge Road  
Albion, NY 14411

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the

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complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Gaines and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the Town of Gaines for at least three (3) years.

On a motion from Councilperson Smith and seconded by Councilperson Kirby the following resolution was

ADOPTED    Ayes        5    Culhane, Smith, Kast, Kirby, Syck  
                 Nays            0

Resolved that the Town of Gaines does hereby adopt the Grievance Procedure to establish and meet the requirements of the Americans with Disabilities Act of 1990 (ADA). The Town Board also appoints Councilperson Susan Smith as the ADA Coordinator.

## **RESOLUTION 93-15**

### **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Gaines will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

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**Employment:** The Town of Gaines does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

**Effective Communication:** The Town of Gaines will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Town of Gaines programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The Town of Gaines will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in The Town of Gaines offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of The Town of Gaines, should contact the office of Susan Smith, ADA Officer, at [sue.smith@rochester.rr.com](mailto:sue.smith@rochester.rr.com) or 585-589-4592 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Gaines to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Town of Gaines is not accessible to persons with disabilities should be directed to Susan Smith, ADA coordinator, at [sue.smith@rochester.rr.com](mailto:sue.smith@rochester.rr.com) or 585-589-4592.

The Town of Gaines will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

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On a motion from Councilperson Syck and seconded by Councilperson Kast the following resolution was

ADOPTED   Ayes       5   Culhane, Smith, Kast, Kirby, Syck  
              Nays        0

Resolved that the Town of Gaines will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

Supervisor Culhane asked the board if anyone had detailed information regarding the joint water district between Gaines and Murray (#9/14) and the debt service charges. She has no idea how much of the debt service payment they are responsible for. No one had any helpful information.

Supervisor Culhane informed the board that the request to reduce the speed limit on Eagle Harbor Knowlesville Road had been denied by New York State.

## **Privilege of the Floor**

Bill Lattin commended the board for appointing an historian and asked what the salary would be. Supervisor Culhane said it would be \$100.00 for the remainder of 2015 and \$450.00 for the 2016 calendar year.

## **MOTION TO ADJOURN**

On a motion from Councilperson Smith, seconded by Councilperson Syck, the motion was

ADOPTED   Ayes        5       Culhane, Syck, Smith, Kirby, Kast  
              Nays        0

Resolved that with no further business, the October 13th, 2015 regular town board meeting is adjourned at 7:45PM.

Respectfully Submitted,

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Jean Klatt  
Gaines Town Clerk