

TOWN OF GAINES
Regular Meeting - May 14, 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 14th of May, 2018.

Supervisor Grube opened the Public Hearing on Local Law #1 of the year 2018, AMENDING THE ZONING ORDINANCE OF THE TOWN OF GAINES

Supervisor Grube read a letter of support from the Orleans County Farm Bureau President Alan Panek.

Marilyn Miller questioned the date of publishing, as she didn't see it. Supervisor Grube and Attorney Heath told her the date. Lorienda Smith asked about the exact language change in the Zoning Ordinance. Supervisor Grube read the Public Notice and language change. Marilyn Miller questioned the change in double wide/single. Attorney Heath explained the County Planning Board's wording was off. Code Enforcement Officer, Dan Strong, attended the County Planning Board meeting and vouched the Board had read the actual law, municipal law and approved as submitted. David Thom urged against the vote. Attorney Heath explained that 665B is in itself inconsistent with the NYS Dept. of Health and the Orleans County Dept. of Health; units on an acre; 10 persons per unit, and does not address square foot per person. This Local Law is applicable to all agriculture and all farms in the Town of Gaines, and seeks to establish a uniform law.

David Thom questioned why change for one person. Brett Kast indicated he had discussed with all the other farmers within the town, including Nesbitt, Haylett, Doug Kirby and all were in favor of the proposed change.

Councilperson Neilans asked if in the event of a grievance, why we wouldn't wait until Ag & Markets orders the Town to fix the Zoning Ordinance? (Corrected 6/11/18 to add "in the event of a grievance")

David Thom, Marilyn Miller and Ray Burke's spoke negatively against the Board, Attorney and the farm requesting the language change.

Code Enforcement Officer, Dan Strong, explained the County Public Health department has been reaching out to Code officials in an attempt to make the codes uniform across the county. He stated the goal was to have the State/Town/Public Health match.

Councilperson Allport questioned if a farmer has land in overlapping Towns how would it work, if one Town law says one way, and the other says another. Each would follow their own laws.

All persons wishing to be heard had spoken.

Supervisor Grube closed the Public Hearing at 7:31 P.M. Seconded by Councilperson Allport.

Regular Meeting - May 14, 2018 Resumed at 7:31 P. M.

The following town officials were present:

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

The following were present during the meeting: 16 Town residents

Approval of Minutes of the April 9, 2018 minutes were tabled.

RESOLUTION NO. 56 - 0518

PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT

The Town Clerk reported the total receipts for the month of April; total local share of \$1,001.04, paid to the Supervisor on May 2nd; total non-local share of \$109.06 have been paid to NYS Ag & Markets and NYS Environmental Conservation. Reported the total unpaid taxes and Recycling fees turned over to the County Treasurer. The Town collected 93% of the Tax Levy.

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

Ayes 4; Nays 0

RESOLUTION NO. 57 - 0518

PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT

Supervisor Grube's Power Point presentation highlighted the April 2018 expenses and revenues; as well as cash balances for each fund, including Water Districts. Water District 1 should be out of the red within the year.

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

Ayes 4; Nays 0

**RESOLUTION NO. 58 - 0518
APPROVAL OF ABSTRACTS**

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

General	\$ 34,022.16
Highway	\$ 22,504.84
Water	\$ 68,930.53

Ayes 4; Nays 0

**RESOLUTION NO. 59 - 0518
HIGHWAY SUPERINTENDENT'S REPORT**

The Highway Superintendent reported the total fuel use for April of 175 gallons of Diesel and 201 gallons of Gas. Reported the Town received \$5,016.81 in Disaster Aid for Storm Stella. Asked if the Board would consider an add on resolution for sealing the parking lot at the Town Hall with local vendor, J-Co Driveway Sealing, at a cost of \$600.

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

Ayes 4; Nays 0

**ADOPTING LOCAL LAW NUMBER 1 OF THE YEAR 2018 - AN AMENDMENT TO ZONING
ORDINANCE SECTION 665(B) RELATED TO FARM LABOR HOUSING OCCUPANCY STANDARD**

Councilperson Allport: Aye; Supervisor Grube: Aye; Councilperson Kirby: Abstain;
Councilperson Neilans: Abstain

Local Law Defeated

**RESOLUTION NO. 60 - 0518
AUTHORIZING CHATFIELD ENGINEERS, P. C. TO CONDUCT A SITE PLAN REVIEW OF
PROPOSED DOLLAR GENERAL SITE**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to authorize Chatfield Engineers, P. C. as the Town Engineer to provide a review of the proposed Site Plan and related documents associated with the Project, and provide any necessary consultation related to the Project.

Ayes 4; Nays 0

Discussion: Councilperson Allport wanted to go on record saying that he thinks the Dollar General project is fabulous, and we need to do whatever we can to make it happen. The ZBA discussed traffic flow, unique building design, parking set back, landscaping and the physical appearance of the building to fit in with the historical district of the location.

RESOLUTION NO. 61 - 0518

AUTHORIZING J-CO DRIVEWAY SEALING TO SEAL TOWN HALL PARKING LOT

Moved by Councilperson Kirby and seconded by Councilperson Allport to have J-Co Driveway Sealing to seal the parking lot at the Town Hall at a cost of \$600.00.

Ayes 4; Nays 0

FUTHER DISCUSSION ON FILLING VACANT TOWN BOARD SEAT

Discussion: Councilperson Allport said he feels it should go through the Election Process. All candidates were impressive and it would be hard to be unbiased. Supervisor Grube agreed the candidates were all good choices, and would difficult to pick one. Councilperson Kirby said it was great to have so many candidates interested in serving.

PRIVILEGE OF THE FLOOR

C. W. Lattin discussed the Erie Canal tow-path and gaining access from Gaines Basin Road for walking, bikers, etc. Jim Panek is very agreeable to a "path easement" to allow access. The State has been approached; Supervisor Grube indicated the Town is in the process of seeking a grant to make this a reality. We would like signs highlighting our historical treasures, the nearby Cobblestone school, the exact location marked that the northern most point in the Erie Canal is located in Gaines, and more. Our Town Engineers, Chatfield, will be doing a study to get this ready for the next phase.

ADJOURNMENT

Moved by Councilperson Kirby and seconded by Councilperson Neilans to adjourn the meeting at 8:15 P. M.

