

TOWN OF GAINES

Organizational and Regular Meeting – January 14, 2019

The Organizational and Regular Meeting of the Town Board of the Town of Gaines, County of Orleans, State of New York was called to order at 7:00 P. M. on the 14th day of January, 2019.

The following town officials were present:

Joseph Grube	Supervisor
James Kirby	Councilperson
Corey Black	Councilperson
Mary Neilans	Councilperson
Tyler Allport	Councilperson
Susan Heard	Town Clerk
Ronald Mannella	Highway Superintendent

The following individuals were present during the meeting: 28 Residents; Tim Hungerford, Bookkeeper for the Town of Gaines

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

**RESOLUTION NO. 1 – 0119
PROFESSIONAL SERVICES APPOINTMENTS FOR 2019**

Moved by Councilperson Kirby and seconded by Councilperson Allport to appoint Douglas M. Heath, Esq. as Attorney for the Town of Gaines.

Ayes 5; Nays 0

Moved by Councilperson Neilans and seconded by Councilperson Kirby to designate MRB Group as provider of engineering services to the Town of Gaines.

Ayes 5; Nays 0

**RESOLUTION NO. 2 – 0119
REQUIRED EXAMINATION OF THE RECORDS OF THE JUSTICES COURT, TOWN CLERK, AND TAX COLLECTOR**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to perform the required examination of the records of the justice court, town clerk and tax collector at 6:00 P. M. on February 11, 2019 and make report of their findings at the regular meeting of the town board.

Ayes 5; Nays 0

RESOLUTION NO. 3 – 0119
APPROVAL OF PAYMENTS IN ADVANCE OF AUDIT

Moved by Councilperson Kirby and seconded by Councilperson Allport to approve the payment of claims in advance of audit for items in accordance with Section 118(2) of the Town Law.

Ayes 5; Nays 0

RESOLUTION NO. 4 – 0119
AUTHORIZING THE CREATION OF A PETTY CASH ACCOUNT FOR TAX COLLECTION

Moved by Councilperson Kirby and seconded by Councilperson Allport to authorize the Town Clerk to establish a petty cash account in the amount of Two Hundred dollars (\$200) for use during the collection of taxes.

Ayes 5; Nay 0

RESOLUTION NO. 5 – 0119
SETTING HOLIDAYS FOR THE TOWN HALL

Moved by Councilperson Allport and seconded by Councilperson Kirby to set the holidays for the Town Hall for 2019 to match published Federal holidays, plus Election Day, the day after Thanksgiving, and Christmas Eve.

Ayes 5; Nays 0

APPOINTMENTS BY THE TOWN SUPERVISOR

Deputy Supervisor	James Kirby
Budget Officer	N/A (Note: Section 103(2) of the Town Law requires the Supervisor shall be budget officer unless the supervisor appoints another individual To fulfill the role)
Historian	Adrienne E. Kirby
Bookkeeper	Timothy Hungerford

COMMITTEE APPOINTMENTS

Highway - Mr. Black, Mr. Kirby
Water – Mr. Black, Mrs. Allport
Finance and Budget – Dr. Neilans, Mr. Black
Zoning – Mr. Allport, Mr. Black
Audit – Entire Board with a minimum of three (3) board members approving all abstracts.

Appointments by the Supervisor do not require Board Approval, but are required to made part of the minutes.

**RESOLUTION NO. 6 – 0119
BOARD APPOINTMENTS**

Moved by Councilperson Black and seconded by Councilperson Neilans to fill the following Positions as indicated:

Fair Housing Officer	Susan Heard
Registrar of Vital Statistics	Susan Heard
Water Billing Clerk	Renee Ebbs
Zoning Board of Appeals Secretary	Renee Ebbs
Court Clerk	Maureen Kline
Water Superintendent	Ronald Mannella
Deputy Highway Superintendent	Mark Radzinski
Co-Deputy Highway Supt.	Seth Dumrese
Deputy Water Superintendent	Mark Radzinski
Co-Deputy Water Supt.	Seth Dumrese

**RESOLUTION NO. 7 – 0119
APPOINTMENT TO ZONING BOARD OF APPEALS**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to appoint David Thom to the Zoning Board of Appeals for a term to commence immediately and to expire on December 31, 2023.

Ayes 4; Nays 0, Abstention 1, Grube

**RESOLUTION NO. 8 – 0119
REVISION OF APPOINTMENTS TO SERVE AS ALTERNATES ON THE ZONING BOARD OF APPEALS**

Moved by Councilperson Kirby and seconded by Councilperson Black to rescind any and all appointments to serve as alternate members on the Zoning Board of Appeals, as the current Zoning Ordinance for the Town of Gaines does not provide for said alternate positions.

Ayes 5; Nays 0

**RESOLUTION NO. 9 -0119
SETTING SALARIES, WAGE RATES, AND ALLOWANCES FOR VARIOUS POSITIONS**

Moved by Councilperson Black and seconded by Councilperson Kirby to set the salaries and wages for appointed positions, as follows:

Registrar of Vital Statistics	\$975
1 st Deputy Town Clerk	\$14.85/hour
2 nd Deputy Town Clerk	\$13.40/hour
Water Billing Clerk	\$13.40/hour
Zoning Board of Appeal Secretary	\$13.40/hour
Court Clerk	\$15.82/hour
Water Superintendent	\$19,598

Seasonal Highway Employees	\$18.90/hour with paid holidays when scheduled over 30 hours in a work week
Election Inspectors	\$12.34/hour

Ayes 5; Nays 0

RESOLUTION NO. 10 – 0119
SETTING NON-WAGE REIMBURSEMENTS AND ALLOWANCES

Moved by Councilperson Kirby and seconded by Councilperson Black to set the non-wage allowances and rates, as follows:

Clothing allowance - \$500 for Highway Superintendent
Cell phone allowance - \$500 for Highway Superintendent and Town Justice
Mileage for Town Business – tied to the IRS mileage rate, with is \$0.58 per mile for 2019

Ayes 5; Nays 0

RESOLUTION NO. 11 – 0119
DESIGNATING OF OFFICIAL NEWSPAPER AND FINANCIAL INSTITUTIONS

Moved by Councilperson Kirby and seconded by Councilperson Black to designate official Institutions, as follows:

Official Newspaper	Batavia Daily News
Official Depository	Five-Star Bank
Official Investment Depositories	Five-Star Bank, M&T Bank, Key Bank

Ayes 4, Nays 0, Abstention 1, Allport

RESOLUTION NO. 12 – 0119
SETTING THE TIMES AND LOCATIONS OF MEETINGS FOR THE TOWN BOARD

Moved by Councilperson Allport and seconded by Councilperson Kirby to set the monthly meeting of the Gaines Town Board to the second Monday of each month at 7:00 P. M. at the Gaines Town Hall, with the exception of the November meeting, which will be held on Thursday, November 7, 2019 at 7:00 P.M. A required Budget presentation meeting will be held on October 3, 2019 at 7:00 P. M. A second December, year-end meeting will be held on December 30, 2019 at 7:00 P. M. (Note: November meeting and additional October meeting are scheduled/moved to meet NY State Law required budget meetings)

Ayes 5; Nays 0

REGULAR AGENDA ITEMS:

RESOLUTION NO. 13 – 0119

APPROVAL OF MINUTES OF DECEMBER 10TH AND DECEMBER 27TH MEETINGS

Moved by Councilperson Neilans and seconded by Councilperson Allport to approve the minutes of the December 10th and December 27th meetings.

Ayes 5; Nays 0

RESOLUTION NO. 14 – 0119

PRESENTATION AND ACCEPTANCE OF THE TOWN CLERK'S REPORT

The Town Clerk reported the month of December as a slow month, with total receipts of \$647.25 for the month. Local Share of \$172.95, paid to Town Supervisor; \$21.00 to NYS Ag & Markets; and \$453.30 paid to NYS Environmental Conservation. Mentioned the 2019 Tax Collection is doing well, and has paid the Town Supervisor \$175,000 towards the levy.

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

Ayes 5; Nays 0

RESOLUTION NO. 15 – 0119

PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT

PowerPoint presentation by the Town Supervisor listing the Balance Sheet for the General Fund, Highway Fund and Water Districts accounts. Noted the December report is preliminary, until all the accrued expenditures and revenues are posted. Tim Hungerford, the Town Bookkeeper, said this is normal at year-end; expenses for 2018 will be posted against the 2018 budget.

Moved by Councilperson Black and seconded by Councilperson Allport to accept the monthly report by the Town Supervisor.

Ayes 5; Nays 0

RESOLUTION NO. 16 – 0119

PRESENTATION AND ACCEPTANCE OF THE HIGHWAY SUPERINTENDENT'S REPORT

The Highway Superintendent reported the total fuel usage for December of 387 gallons of Diesel; and 250 gallons of Gas. Sensus, our water meter reading company, would like to do a demo for residential water meter replacement. NY Rural Water would like to do a presentation which shows us their GPS equipment for curb box locations.

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

Ayes 5; Nays 0

**RESOLUTION NO. 17 – 0119
APPROVAL OF ABSTRACTS**

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

General Fund	\$28,279.95
Highway	\$ 5,854.71
Water	\$ 3,008.08

REQUEST TO BE ON AGENDA – MICHEAL GRABOWSKI, ZBA

Mr. Grabowski addressed the Board regarding an invoice he submitted for reimbursement for secretarial services and copies. The Town did not pay him in December, and his request for reimbursement was denied by Supervisor Grube. Mr. Grabowski wanted the entire board to make the decision.

The discussion revolved around two invoices being submitted, one invoice Mr. Grabowski gave to the ZBA secretary to give to the Town Clerk for payment indicating the Town Clerk was to include the money in his year end payment. When payment was not received; another invoice was issued by his company, NHArchitecture, on their letterhead requesting the funds payable to someone named Crystal Wells. Councilperson Black felt the copies should have been made at the Town Hall, as the service is available free of charge to the ZBA. Councilperson Allport thought the 2nd invoice could have been typed by anyone, and didn't appear appropriate.

The Town Bookkeeper thought the conversation was very interesting because he is also a fraud investigator. He indicated it sounded like fraud to him, and probably a felony. Councilperson Black indicated it would be a Class E felony.

PRIVILEGE OF THE FLOOR

Joe Marvin felt that copies should be made in the Town Hall. Toni Plummer stated she was disappointed that Board would reappoint the same member to the ZBA. She also stated that ZBA minutes weren't "supplies" and are not put on the town website in a timely fashion as required.

EXECUTIVE SESSION

Moved by Councilperson Kirby and seconded by Councilperson Allport to move into an Executive Session to discuss the Medical and/or employment history of a particular person at 7:35 P. M.

Ayes 5; Nays 0

Motion by Councilperson Kirby and seconded by Councilperson Allport to return to the Organizational and Regular meeting for further business at 8:45 P. M.

Ayes 5; Nays 0

RESOLUTION NO. 18 - 0119

APPOINTMENTS TO THE ZONING BOARD OF APPEALS

WHEREAS, the Town of Gaines Zoning Ordinance, Article VIII, Sec. 822 (a) gives the Town Board the authority to appoint a Chairman and Vice Chairman to the Zoning Board of Appeals at its organizational meeting.

Moved by Councilperson Black and seconded by Councilperson Kirby to appoint Gerard Morrisey to serve as Chairman; and Marilyn Miller to serve as Vice Chairman of the Town of Gaines Zoning Board of Appeals for the year 2019.

Ayes 5; Nays 0

RESOLUTION NO. 19 - 0119

APPOINTMENTS TO THE COUNTY PLANNING BOARD

Moved by Supervisor Grube and seconded by Councilperson Allport to appoint Bruce Kirby to the Orleans County Planning Board to serve as the Town of Gaines Primary member; Christopher Watt as the Town of Gaines alternate member, for the term of office January 1, 2019 through December 31, 2021.

Ayes 4; 1 Abstention, Kirby

RESOLUTION NO. 20 - 0119

DEMAND OF ALL TOWN RECORDS FROM THE ZONING BOARD OF APPEALS

Motion by Councilperson Allport and seconded by Councilperson Kirby to instruct and demand all Town documents from the Zoning Board of Appeals, as amended;

WHEREAS, the Town Board is instructing the Zoning Board of Appeals to turn over to the Town Clerk every document, including but not limited to, the ZBA minutes for December 2017 through January 2019; Subdivision approvals, variances, decisions, pending applications, and any other document deemed an official Town record. Said documents must be returned to the Town Hall no later than February 11, 2019 .

Motion by Councilperson Allport and seconded by Councilperson Kirby to amend resolution to include minutes from December 2017. Amendment Carried.

Ayes 5; Nays 0

RESOLUTION NO. 21 -0119

MEETING LOCATION FOR THE ZONING BOARD APPEAL MEETINGS

Moved by Councilperson Kirby and seconded by Councilperson Allport that all Zoning Board of Appeals meetings shall be held at the Town Hall, for the convenience of the taxpayers and residents in Gaines. In

the event the ZBA reasonably believes upon good cause shown that the anticipated number of attendees at any one meeting will exceed capacity of available meeting space in the Gaines Town Hall, then, in such case, the location of a meeting may be changed upon public notice no more than 30 days in advance of such meeting. Whenever a meeting location is changed to a place other than the Gaines Town Hall, such meeting will be conducted in accordance with the applicable provisions of the Public Officers Law and Open Meetings Law of the State of New York.

Ayes 5; Nays 0

ADJOURNMENT

Moved by Councilperson Neilans and seconded by Councilperson Kirby to adjourn the meeting at 8:55 P. M.

Ayes 5; Nays 0

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