

TOWN OF GAINES

Regular Meeting – March 11, 2019

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 11th day of March, 2019.

The following town officials were present:

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

Excused: James Kirby

The following individuals were present during the meeting: 16 Town residents; Gary Katsanis, Village of Albion representative

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

**RESOLUTION NO. 33 – 0319
APPROVAL OF MINUTES OF THE FEBRUARY 11TH MEETING**

Moved by Councilperson Allport and seconded by Councilperson Neilans to approve the minutes of the February 11, 2019 minutes, with correction under Privilege of the Floor to read “8 miles of transite pipe” instead of 30 miles.

Ayes 4; Nays 0

**RESOLUTION NO. 34 – 0319
PRESENTATION AND ACCEPTANCE OF TOWN CLERK’S REPORT**

The Town Clerk reported February as a slow month, with \$204.00 paid to the Town Supervisor; and \$23.00 to the NYS Ag & Markets. Reported the total paid to the County Treasurer for tax collection of \$1,025,000 and \$204,262 for 963.5 units of Recycling.

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

Ayes 4; Nays 0

RESOLUTION NO. 35 – 0319
PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR’S REPORT

PowerPoint presentation by the Town Supervisor listing the Balance Sheet for each fund; General Fund, Highway Funds and Water District accounts. Supervisor Grube indicated after all 2018 year-end adjustments were made, Water District #1 is back in the red, but is slowly working its way out.

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

Ayes 4; Nays 0

RESOLUTION NO. 36 – 0319
PRESENTATION AND ACCEPTANCE OF THE HIGHWAY SUPERINTENDENT’S REPORT

The Highway Superintendent reported the fuel usage for the month of February, 2019 with a total of 1,202 gallons of diesel and 151 gallons of gas. Reported overtime hours of 777.5, and a lot of salt has been used keeping the roads clear.

Superintendent Mannella handed out two articles: Asbestos-Cement (Transite) Pipe in Water Distribution Systems and Mesothelioma Risk for Aging Asbestos Water Pipes for the Board to review.

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

Ayes 4; Nays 0

RESOLUTION NO. 36 – 0319
APPROVAL OF ABSTRACTS

Moved by Councilperson Allport and seconded by Councilperson Black to approve the abstracts, as follows:

General	\$11,581.36
Highway	\$24,520.91
Water	\$22,377.60

Amounts for Highway and Water include Debt Service payments; \$14,297.50 and \$20,387.08, respectively.

Ayes 4; Nays 0

RESOLUTION NO. 37 – 0319
ACCEPTANCE OF RETIREMENT

Moved by Councilperson Neilans and seconded by Councilperson Allport to accept the retirement of David Rustay from the position of Motor Equipment Operator/Mechanic effective September 16, 2018.

Ayes 4; Nays 0

RESOLUTION NO. 38 – 0319
APPOINTMENT TO THE ASSESSMENT REVIEW BOARD

Moved by Councilperson Neilans and seconded by Councilperson Allport to appoint Cornelius Newton to the Assessment Review Board for a term of October 1, 2018 through September 30, 2023.

Ayes 4; Nays 0

RESOLUTION NO. 39 – 0319
ACCEPTING JCAP GRANT AND MAKING REQUIRED 2019 BUDGET ADJUSTMENTS

Moved by Councilperson Black and seconded by Councilperson Allport to accept the JCAP Grant from the State of New York in the amount of \$17,923.00, to be utilized for replacing chairs in the Court Room, and partially funding the replacement of the generator at the Town Hall with one sufficient in size to power the entire building.

Further resolved, to make the 2019 Budget adjustments to reflect the grant funds, as follows:

- Increase Revenue A3089 Justice Grant Revenue from \$15,000 to \$17,923
- Increase Expense A1110.4A Justice Grant Expense to \$18,305.72
- Increase Appropriated Fund Balance A599 from \$48,000 to \$48,382.72 (to reflect a carryover of \$382.72 in justice grant funds from 2018)

Ayes 4; Nays 0

RESOLUTION NO. 40 – 0319
AUTHORIZING TOWN FUNDS TO BE USED TO COURT/BOARD ROOM CHAIRS

Moved by Councilperson Black and seconded by Councilperson Allport to authorize the expenditure of \$1,238 of town funds towards replacing all the audience chairs in the court room/board room, and sell the remaining unused chairs.

Discussion: The Court grant approved 40 chairs for the Court Room. At the present time there are 48 chairs, zip tied together in sets of 5, one row has 4 chairs, and 4 chairs at the rear of the room for prisoner seating. The \$1,238 would allow the town to have 50 matching chairs, a uniform look, as well as matching dye lot. Councilperson Allport felt the old chairs should be auctioned, or sold as surplus to recoup some of the funds. It was noted the chairs were given to the Town without cost, they could be moved down stairs, sorted to keep the best of them for use at meetings held downstairs, by the election inspectors, etc. and then sell the remaining chairs.

RESOLUTION NO. 41 – 0319
AUTHORIZING CONTRACT FOR GENERATOR PURCHASE

Moved by Councilperson Allport and seconded by Councilperson Black to award the work for replacing the generator at the Gaines Town Hall to Suburban Electric in the amount of \$9,473.

Discussion: Three bids were received \$9,473; \$11,425 and \$11,750. The Suburban Electric bid was the lowest. It has been determined the old generator would not work for the Highway garage, therefore, when the new generator is installed, the old generator would be sold at auction or by sealed bid.

Ayes 4; Nays 0

**RESOLUTION NO. 42 – 0319
AWARD OF BID FOR MOWING SERVICES**

Moved by Councilperson Allport and seconded by Councilperson Neilans to award the bid for mowing services for the Town Hall, Highway Garage and Cemeteries to Vicks Plowing, Landscaping and Removal in the amount of \$5,850 for the 2019 season.

Discussion: Three bids were received ranging from \$5,850 to \$12,500. Vicks Plowing, Landscaping & Removal was the successful bidder.

Ayes 4; Nays 0

OTHER NEW BUSINESS FROM THE TOWN BOARD

Supervisor Grube reported to the Town Board members that Michael Grabowski failed to execute and file his Oath of Office and official undertaking upon his reappointment to the Gaines Zoning Board of Appeals on January 3, 2017 for an additional five year term, as required by law. Attorney Heath advised the Board that upon failure of the public officer to execute and file his/her oath within the required 30 day period, a vacancy in that position is created, and the incumbent continues as a holdover merely until the Town Board appoints someone to fill the vacancy.

Discussion: Councilperson Neilans questioned if the previous actions taken by the ZBA would be considered null and void. Attorney Heath said no, the fact that the public official failed to execute and file his/her oath does not affect any prior action taken by the body. As indicated above, the incumbent is considered a “holdover” until another is appointed to fill the vacancy.

**RESOLUTION NO. 43 – 0319
AUTHORIZING THE FILLING OF THE VACANCY ON THE ZONING BOARD OF APPEALS**

Moved by Supervisor Grube and seconded by Councilperson Black to fill the vacancy created by the failure to execute the Oath of Office as required by New York State law.

Ayes 4; Nays 0

**RESOLUTION NO. 44 – 0319
AUTHORIZING THE ADVERTISING FOR FILLING THE ZBA VACANCY**

Moved by Supervisor Grube and seconded by Councilperson Black to advertise by placing a notice in the Batavia Daily and the Pennysaver to seek interested candidates to serve on the Zoning Board of Appeals. The candidate should notify the Board in writing of their interest by the close of business on April 1, 2019; with the candidate/s to be interviewed by the Town Board at the April 8th Board meeting.

Ayes 4; Nays 0

PRIVILEGE OF THE FLOOR

No comments or remarks

ADJOURNMENT

Moved by Councilperson Neilans and seconded by Councilperson Allport to adjourn the meeting at 7:28 P. M.

Ayes 4; Nays 0

DRAFT