

TOWN OF GAINES

Regular Meeting – December 9, 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 Joseph Grube at 7:00 P. M. on the 9th day of December, 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
Mark Radzinski	Deputy Highway Superintendent
Douglas Heath	Attorney for the Town

The following individuals were present during the meeting: Nine (9) Town residents; two (2) students

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

PUBLIC HEARING – LOCAL LAW NO. 2 OF 2019 – TOWN OF GAINES ZONING REGULATIONS

Motion by Councilperson Black and seconded by Councilperson Kirby to open the Public Hearing at 7:02 P. M. Ayes 5; Nays 0; Carried.

No comments were made.

Motion by Councilperson Black and seconded by Councilperson Allport to close the Public Hearing at 7:03 P. M. Ayes 5; Nays 0; Carried.

RESOLUTION NO. 115 – 1219

APPROVAL OF MINUTES OF NOVEMBER 7TH MEETING

Moved by Councilperson Neilans and seconded by Councilperson Allport to approve the minutes of the November 7th regular meeting.

Ayes 5; Nays 0

RESOLUTION NO. 116 – 1219

PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT

The Town Clerk reported the total paid to the Town Supervisor of \$383.28; NYS Ag & Markets \$19.00; NYS Environmental Conservation \$105.82; and \$22.50 State Health Dept. for a Marriage License for the month of November.

The Town Clerk mentioned she had received a letter of resignation from Renee Ebbs, Water Clerk, in the drop box this morning.

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

Ayes 5; Nays 0

**RESOLUTION NO. 117 – 1219
PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR’S REPORT**

The Supervisor presented the balances for all funds in a PowerPoint presentation. He believes Water District #1 will now remain in red going forward.

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

Ayes 5; Nays 0

**RESOLUTION NO. 118 – 1219
HIGHWAY DEPARTMENT REPORT**

Deputy Highway Superintendent Mark Radzinski reported the fuel usage for the month of November. Diesel 792 gallons, Gas 189 gallons. The department has been busy with the snow. Mr. Radzinski wanted to publicly thank out-going Highway Superintendent Ron Mannella for his help and the smooth transition.

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

Ayes 5; Nays 0

**RESOLUTION NO. 119 – 1219
APPROVAL OF ABSTRACTS**

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

General	\$ 44,734.16
Highway	\$ 4,589.45
Water	\$ 2,424.78

Ayes 5; Nays 0

RESOLUTION NO. 120 – 1219
SETTING DATE FOR THE 2020 ORGANIZATIONAL MEETING

Discussion: The Supervisor asked if the Board wanted a separate Organizational meeting, or would they prefer to have the Organization meeting at the regularly scheduled meeting on January 13th. All agreed the meetings could be combined.

Moved by Councilperson Allport and seconded by Councilperson Black to set the 2020 Organizational and Regular meeting on the regular meeting day of January 13, 2020 at 7:00 P. M.

Ayes 5; Nays 0

RESOLUTION NO. 121 – 1219
APPROVING AN INCREASE TO FEE FOR CLEANING SERVICES AT THE TOWN HIGHWAY GARAGE

Moved by Councilperson Kirby and seconded by Councilperson Black to approve an increase in cleaning fee with ARC of Orleans for the Town Highway garage to \$78.96 per month in 2020.

Ayes 5; Nays 0

Discussion: The cost in 2019 was \$73.79 per month, the increase of \$5.17 per month is due to the NYS minimum wage increase.

RESOLUTION NO. 122 – 1219
APPROVING PETTY CASH FOR THE TAX COLLECTOR FOR THE 2020 PROPERTY TAX COLLECTION

Moved by Councilperson Neilans and seconded by Councilperson Kirby to authorize a petty cash account for the tax collector in the amount of \$200.00 for the duration of the 2020 property tax collection season.

Ayes 5; Nays 0

RESOLUTION NO. 123 – 1219
SEQRA NEGATIVE DECLARATION FOR THE REPEAL OF THE TOWN'S ZONING ORDINANCE AND ADOPTION OF THE GAINES ZONING REGULATIONS AND THE OFFICIAL ZONING MAP BY LOCAL LAW

WHEREAS, the Town Board of the Town of Gaines ("Town Board") proposes to enact a Local Law to adopt zoning regulations and repeal the existing Zoning Ordinance, including repeal of the existing zoning map and adoption of a new zoning map ("Action"); and,

WHEREAS, the Town Board considered the recommendations of the Zoning Advisory Committee and draft zoning text and map prepared by LaBella Associates and the Advisory Committee; and,

WHEREAS, the Town Board finds that the Proposed Action is Type 1 pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and,

WHEREAS, the Town Board is the only Involved Agency; and,

WHEREAS, the Town Board has comprehensively reviewed Part 1 of the Environmental Assessment Form and environmental record concerning the Proposed Action, as well as completed the applicable Parts 2 and 3 of the Environmental Assessment Form;

NOW THEREFORE BE IT RESOLVED, that as indicated in the attached Negative Declaration of Environmental Significance, using the criteria for determining significance identified in 6 NYCRR Sect. 617.7(c) (1) and in accordance with 6 NYCRR Sect. 617.7(c) (2) and (3), no potential significant adverse environmental impacts were identified with this Action, and the Town Board hereby finds and concludes that the Proposed Action will not present a potential significant adverse environmental impact and hereby issues a Negative Declaration for the Proposed Action pursuant to SEQRA; and be it further

RESOLVED, that the Town Board’s adoption of the Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law of the State of New York and implemented under 6 N. Y.C. R.R. Part 617; and it is further

RESOLVED, that copies of this Resolution and notice of the Negative Declaration as adopted by the Town Board be filed, published and circulated to the extent required by any applicable ordinance, statute or regulation, including publication in NYSDEC’s Environmental Notice Bulletin as well as provided to the Town Clerk.

The above Resolution was moved by Councilperson Black and seconded by Councilperson Kirby at the Town Board Meeting held December 9, 2019, and after discussion was approved by a roll call vote of the Town Board recorded as follows:

ROLL CALL VOTE:	Councilperson Neilans	Aye
	Councilperson Kirby	Aye
	Supervisor Grube	Aye
	Councilperson Allport	Aye
	Councilperson Black	Aye

I, Susan M. Heard, Town Clerk, Town of Gaines, Orleans County, New York, do hereby certify that the foregoing resolution to be a true and exact copy of said original resolution as adopted by the Gaines Town Board and contained in the official minutes of said Board.

Susan M. Heard, Town Clerk L.S.

Dated: December 9, 2019

**RESOLUTION NO. 124 – 1219
ADOPTION OF LOCAL LAW NO. 2 OF 2019 – ZONING REGULATIONS FOR THE TOWN OF GAINES**

WHEREAS, the Gaines Town Board has received a final draft of proposed Town of Gaines Zoning Local Law and Zoning Map that will replace the existing zoning ordinance and zoning map. The Zoning Local Law incorporates the following changes to the existing regulations: reestablishment of the Planning Board with responsibilities for special use permits and site plan review; revised list of permitted uses and definitions; design-based development standards for the Commercial-Historic zoning district;

regulations for new unmapped Residential and Planned Development zoning districts; revised criteria for certain permitted and special uses; new sign regulations. In addition, the zoning map is modified to expand the Commercial zoning district east along Route 104 to Brown Road, eliminate the Commercial zoning district at Eagle Harbor, and align zoning district boundaries with property lines where feasible, and

WHEREAS, appropriate public notice of the proposed zoning revisions were made, as well as referral to the Orleans County Planning Department for review and comment and notification to the Clerks of adjoining municipalities; and

WHEREAS, the Gaines Town Board has considered comments made by the public and interested agencies at the Public hearings held on October 3, 2019 and on December 9, 2019; and

WHEREAS, the Gaines Town Board, as the only involved agency, has completed the Environmental Review of the adoption of said Code revisions and issued a “Negative Declaration” of significance, pursuant to the State Environmental Quality Review (SEQR) regulations;

NOW THEREFORE BE IT RESOLVED that the Gaines Town Board hereby adopts the above described zoning revisions as a Local Law; and be it further

RESOLVED that the Town Clerk is directed to notify the Orleans County Planning Department of this action, to file the adopted law with the New York State Department of State, and to file appropriate notices and documentation as required by New York State law, and be it further

RESOLVED that this resolution shall take effect immediately, and that Local Law No. 2 of 2019 – Zoning Regulations will go into full force and effect upon receipt of notice of filing with the New York State Department of State.

The above Resolution was moved by Councilperson Kirby and seconded by Councilperson Allport at the Town Board Meeting held on December 9, 2019, and after discussion was approved by roll call vote of the Town Board recorded as follows:

ROLL CALL VOTE:	Councilperson Neilans	Aye
	Councilperson Kirby	Aye
	Supervisor Grube	Aye
	Councilperson Allport	Aye
	Councilperson Black	Aye

I, Susan M. Heard, Town Clerk, Town of Gaines, Orleans County, New York, do hereby certify that the foregoing resolution to be a true and exact copy of said original resolution as adopted by the Gaines Town Board and contained in the official minutes of said Board.

Susan M. Heard L.S.

Dated: December 9, 2019

RESOLUTION NO. 124 – 1219

APPROVING ADVERTISING FOR INTERESTED GAINES RESIDENTS TO SERVE ON THE PLANNING BOARD AND THE ZONING BOARD OF APPEALS; ADVERTISE FOR VACANT WATER CLERK POSITION

Moved by Councilperson Allport and seconded by Councilperson Black to authorize the Town Clerk to advertise for open positions in the Batavia Daily News, Lake Country Pennysaver, and the Orleans Hub seeking Gaines residents who are interested in serving on the Planning Board, Zoning Board of Appeals and the Billing Clerk for the Water Dept. All letters of interest, and or resumes should be returned by December 31, 2019.

Ayes 5; Nays 0

OTHER NEW BUSINESS FROM THE TOWN BOARD

Councilperson Neilans asked about the Bond Resolution recently published. Attorney Heath responded the loader arrived sooner than he anticipated, but all is well.

Supervisor Grube wanted to thank the Zoning Steering Committee and LaBella for all the input and work that went into creating the new Zoning Law for the Town of Gaines. A job well done.

PRIVILEGE OF THE FLOOR

Ray Burke asked about the newsletter, trees in the front of the Town Hall and the missing rose from the plaque. Supervisor Grube responded the residents don't appear to miss the newsletter, as not one person has asked about it, and most get their information from the website. A couple of the trees in the front of the Town Hall have been struggling, and we will decide in the spring if one or more need to be cut down. The bronze rose has been missing since before he took office in 2018, and was likely stolen. If it had just fallen off, it would have been on the ground, and someone would have returned it to the office. We will look into the cost of replacing the rose.

EXECUTIVE SESSION

Moved by Councilperson Allport and seconded by Councilperson Black to move into Executive Session to discuss a personnel matter at 7:30 P.M. Ayes 5; Nays 0

Moved by Councilperson Kirby and seconded by Councilperson Neilans to exit the Executive Session at 7:56 P. M. Ayes 5; Nays 0

ADJOURNMENT

Moved by Councilperson Allport and seconded by Councilperson Black to adjourn the regular meeting at 7:57 P. M.

Ayes 5; Nays 0