

TOWN OF GAINES

2021 ORGANIZATIONAL MEETING AND REGULAR MEETING – JANUARY 11, 2021

The Organizational Meeting (as required by Section 62 and 123 of the NYS Town Law) and Regular Meeting of the Town of Gaines, County of Orleans, State of New York was called to order by Supervisor Tyler Allport at 7:00 P. M. on the 11th day of January, 2021.

The following town officials were present:

Tyler Allport	Supervisor
James Kirby	Deputy Supervisor
Ronald Mannella	Councilperson
Mary Neilans	Councilperson
Kenneth Rush	Councilperson
Susan Heard	Town Clerk
Mark Radzinski	Highway Superintendent
Douglas Heath	Attorney for the Town of Gaines

The following individuals were present during the meeting: Three (3) Town Residents; Paul Chatfield, MRB Group and Sherman Gittens, MRB Group

The Supervisor opened the meeting with the Pledge to the Flag.

ORGANIZATIONAL MEETING

RESOLUTION NO. 01 – 0121

PROFESSIONAL SERVICE APPOINTMENTS FOR 2021

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

Ayes 5; Nays 0

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

Ayes 5; Nays 0

RESOLUTION NO. 02 – 0121

AUTHORIZING EXAMINATION OF THE RECORDS OF THE JUSTICE COURT, TOWN CLERK AND TAX COLLECTOR

Moved by Councilperson Kirby and seconded by Councilperson Rush to perform the required annual examination of the records of the Justice Court, the Town Clerk and Tax Collector at 6:00 P. M. on February 8, 2021 and make a report of their findings at the regular meeting of the Town Board.

Ayes 5; Nays 0

RESOLUTION NO. 03 – 0121
SETTING HOLIDAYS FOR THE TOWN HALL

Moved by Councilperson Neilans and seconded by Councilperson Kirby to set the holidays for the Town Hall for the year 2021 to match published Federal holidays, plus Election Day, the Day after Thanksgiving, and Christmas Eve.

Discussion: Attorney Heath mentioned Juneteenth Day which may become a Federal holiday.

Ayes 5; Nays 0

THE FOLLOWING APPOINTMENTS BY THE TOWN SUPERVISOR ARE AS FOLLOWS:

Deputy Supervisor	James Kirby
Budget Officer	N/A
(Town Law, Section 103 (2) requires the Town Supervisor shall be Budget Officer unless the Supervisor appoints another individual to fulfill the role)	
Historian	Adrienne E. Kirby
Bookkeeper	Timothy Hungerford

COMMITTEE APPOINTMENTS, AS FOLLOWS:

Highway:	Mannella, Rush
Water:	Kirby, Mannella
Finance/Budget:	Neilans, Kirby
Zoning:	Neilans, Rush
Audit:	Entire Board; minimum of three (3) members approving all abstracts

Appointments by the Supervisor do not require Board approval but are required to be made part of the official minutes of the Town.

RESOLUTION NO. 04 – 0121
BOARD APPOINTMENTS

Moved by Councilperson Rush and seconded by Councilperson Neilans to fill the following positions:

Fair Housing Officer:	Susan Heard
Registrar of Vital Statistics:	Susan Heard
Court Clerk:	Maureen Kline
Water Superintendent:	Mark Radzinski
Deputy Highway Supt.:	Seth Dumrese
Deputy Water Supt.:	Seth Dumrese

Ayes 5; Nays 0

RESOLUTION NO. 05 – 0121

SETTING SALARIES, WAGE RATES AND ALLOWANCES FOR VARIOUS POSITIONS

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

Registrar of Vital Statistics	\$1,015 annual
1 st Deputy Town Clerk	\$15.59 per hour
2 nd Deputy Town Clerk	\$14.07 per hour
Water Billing Clerk	\$14.07 per hour
Zoning Board of Appeals Secretary	\$14.07 per hour
Planning Board Secretary	\$14.07 per hour
Election Inspectors	\$14.07 per hour
Court Clerk	\$16.61 per hour
Water Superintendent	\$7,650 annual
Seasonal Highway Employees	\$20.05 per hour, with paid holiday when scheduled over 30 hours in a work week

Ayes 5; Nays 0

RESOLUTION NO. 06 – 0121

SETTING NON-WAGE REIMBURSEMENT AND ALLOWANCES

Moved by Councilperson Kirby and seconded by Councilperson Neilans 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 IRS Mileage rate, \$.56 per mile for 2021

Ayes 5; Nays 0

RESOLUTION NO. 07 – 0121

DESIGNATING THE OFFICIAL NEWSPAPER

Moved by Councilperson Neilans and seconded by Councilperson Kirby to designate the Batavia Daily News as the official newspaper for the Town of Gaines

Ayes 5; Nays 0

**RESOLUTION NO. 08 – 0121
DESIGNATING THE FINANCIAL INSTITUTIONS**

Moved by Councilperson Mannella and seconded by Councilperson Rush to designate the financial institutions, as follows:

Official Depository:	Five Star Bank
Official Investment Depositories:	Five Star Bank, M & T, and Key Bank

Ayes 4; Nays 0; Abstain, 1, Allport

**RESOLUTION NO. 09 – 0121
SETTING THE TIMES AND LOCATIONS OF MEETINGS FOR THE TOWN BOARD FOR 2021**

Moved by Councilperson Kirby and seconded by Councilperson Neilans 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 October and November meetings. These will be held October 4, 2021 and November 4, 2021 respectively due to required Budget Presentation and Public Hearings. A second December year-end meeting will be held December 30, 2021 at 7:00 P. M.

Ayes 5; Nays 0

**RESOLUTION NO. 10 – 0121
APPOINTMENT OF ZONING BOARD OF APPEALS CHAIR AND VICE CHAIR**

Moved by Councilperson Kirby and seconded by Councilperson Mannella to appoint Gerard Morrissey as Chairman of the Zoning Board of Appeals and David Thom as Vice Chairman of the Zoning Board of Appeals

This concludes the Organizational Meeting. Regular Town Board Meeting to follow.

**TOWN OF GAINES
REGULAR MEETING – January 11, 2021**

**RESOLUTION NO. 11 – 0121
APPROVAL OF MINUTES OF THE DECEMBER 30, 2020 YEAR END MEETING**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to approve the minutes of the December 30, 2020 Year End meeting.

Ayes 5; Nays 0

RESOLUTION NO. 12 – 0121
PRESENTATION AND ACCEPTANCE OF THE TOWN CLERK’S REPORT

The Town Clerk recited the December report with approximate numbers (with tax collection and water billing payments underway, she forgot to bring the report with her). The Supervisor read the payments made to the Supervisor, NYS Ag & Markets and NYS Environmental Conservation.

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

Ayes 5; Nays 0

RESOLUTION NO. 13 – 0121
PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR’S REPORT

The Town Supervisor presented each board member with the monthly report showing all funds, all water districts, etc.

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

Ayes 5; Nays 0

RESOLUTION NO. 14 – 0121
HIGHWAY SUPERINTENDENT’S REPORT

The Town Highway Superintendent reported the total fuel usage as Diesel 484 gallons; Gas 184 gallons. Requested the Board sign the annual expenditure report required by the Orleans County Highway Department. This year \$130,000 is designated for West Bacon Road.

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

Ayes 5; Nays 0

RESOLUTION NO. 15 – 0121
APPROVAL OF ABSTRACTS

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

General Fund	\$ 5,758.09
Highway	\$ 7,670.26
Water	\$ 823.94

Ayes 4; Nays 0, Abstain, 1, Neilans (arrived too late to audit)

RESOLUTION NO. 16 -0121

AUTHORIZING THE CREATION OF PETTY CASH ACCOUNT FOR TAX COLLECTION

Moved by Councilperson Rush and seconded by Councilperson Kirby to authorize the Tax Collector to establish a petty cash account in the amount of two hundred dollars (\$200.00) for use during the collection of taxes.

Ayes 5; Nays 0

RESOLUTION NO. 17 – 0121

APPOINTMENT OF GERALD MONAGAN TO THE TOWN OF GAINES PLANNING BOARD

Moved by Councilperson Kirby and seconded by Councilperson Neilans to appoint Gerald Monagan to the Town of Gaines Planning Board, replacing the seat held by Al Capurso, for the remaining term of office through December 31, 2022.

Ayes 5; Nays 0

OTHER NEW BUSINESS FROM THE TOWN BOARD

Sherman Gittens, from our engineering firm the MRB Group, handed out packets and wanted to discuss Battery Energy Storage Systems, and what other local governments are doing in relation to the new solar projects going on across the state. He advised the town Planning Board, and now the Town Board, that a plan should be implemented that all safety measures are in place. He suggested a moratorium for six (6) months to allow for investigation and research. This is just a pause to make sure.

Following discussion, Town Attorney Heath asked for time of one week to develop a Local Law for a Moratorium on Battery Energy Storage Systems, and suggested the Board recess this meeting until next week.

RESOLUTION NO. 18 – 0121

AUTHORIZE THE TOWN ATTORNEY TO BEGIN LOCAL LAW NO. 1 OF 2021 FOR A SIX MONTH MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS AND AUTHORIZE THE MRB GROUP TO BEGIN INVESTIGATION AND RESEARCH

Moved by Councilperson Kirby and seconded by Councilperson Rush to authorize the Town Attorney to prepare Local Law No. 1 of 2021 and further authorize the MRB Group to begin their investigation and research into Battery Storage Systems.

Ayes 5; Nays 0

EXECUTIVE SESSION

Moved by Councilperson Kirby and seconded by Councilperson Mannella to enter into an executive session to discuss matters leading to the appointment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person and/or a legal issue at 7:41 P. M.

RESUME MEETING

Moved by Councilperson Neilans and seconded by Councilperson Kirby to exit the executive session at 7:52 P. M.

RECESS MEETING

Moved by Councilperson Neilans and seconded by Councilperson Kirby to recess the meeting at 7:53 P. M. and reconvene on Tuesday, January 19, 2021 at 7:00 P. M.

Ayes 5; Nays 0

TOWN OF GAINES

RECESSED MEETING – JANUARY 19, 2021

Moved by Councilperson Kirby and seconded by Councilperson Mannella to reconvene the meeting at 7:00 P. M.

The following Town Officials were present:

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

Absent: Kenneth Rush, Councilperson

Attorney Heath has been approached by the Village of Albion attorney to discuss the Fire Contract with the Village of Albion. The preliminary meeting discussions indicate the Village of Albion would like a 3 to 5 percent increase. Attorney Heath was not comfortable attending a meeting without the Supervisor or a Town Board member. He would like to table the Local Law for a Renewal of the Fire Contract until the parties have a meeting.

RESOLUTION NO. 19 – 0121

LOCAL LAW NO. 1 OF 2021 “MORATORIUM ON THE ACCEPTANCE, PROCESSING AND/OR APPROVAL OF ALL APPLICATIONS FOR BUILDING PERMITS, AREA OR USE VARIANCES, SPECIAL USE PERMITS, AND/OR SITE PLAN APPROVALS FOR LARGE BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF GAINES”

Moved by Councilperson Mannella and seconded by Councilperson Kirby.

RESOLVED, that Local Law No. 1 of the Year 2021 of the Town of Gaines, Orleans County, New York, being a “Moratorium on the Acceptance, Processing and/or Approval of all Applications for Building Permits, Area or Use Variances, Special Use Permits, and/or Site Plan Approvals for Large Battery Energy Storages Systems in the Town of Gaines”, be and the same is hereby

introduced and placed on the tables and desks of the members of the Town Board at least seven (7) days prior to final adoption, exclusive of Sundays; and, be it

FURTHER RESOLVED, said Local Law shall be referred to the Orleans County Planning Board for review subject to the applicable provisions of Section 239-m of the General Municipal Law and MRB Engineering prepare the appropriate SEQR review to be completed prior to adoption, and be it

FURTHER RESOLVED, that the Town Board shall conduct a public hearing to consider adoption of proposed Local Law No. 1 of the Year 2021 on the 9th day of February, 2021 at 7:00 P. M. in the Gaines Town Hall, 14087 Ridge Road, Albion, New York 14411, at which time all persons wishing to be heard in favor or in opposition thereto shall be heard; and, be it

FURTHER RESOLVED, that the Town Clerk shall cause notice of said public hearing to be posted on the official signboard of the Town of Gaines and published in the Batavia Daily News, the official newspaper of the Town at least five (5) days prior to the date of said public hearing; and be it

Upon being put to a vote, the foregoing resolution was adopted.

Ayes 4; Nays 0; Absent 1, Rush

**RESOLUTION NO. 20 – 0121
AUTHORIZING PAYMENT IN LIEU OF HEALTH INSURANCE**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to authorize the agreement with Jean Klatt for cash payment in lieu of health insurance, required by Res. 22-09 as adopted April 14, 2009, at the agreed upon reduced rate.

Ayes 3; Abstain 1, Mannella; Absent 1, Rush

OTHER NEW BUSINESS

The Supervisor was approached by the USDA regarding the European Cherry Fruit flies, the cherry trees in front of the Town Hall may have been infected and they will be using traps to collect the flies. The Attorney did not believe this required a resolution, as this was discussed a few years ago, and we want to assist them with their studies of this type of fruit fly.

The Supervisor asked the Attorney if the Town needs to renew the Senior Citizen exemption as we received notification from the County Real Property Tax office, and Attorney Heath answered that we are subject to NYS Real Property Tax Laws and should do a simple resolution at the February meeting affirming our renewal.

ADJOURNMENT

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

Ayes 4; Nays 0; Absent 1, Rush

