

**TOWN OF GAINES**  
**REGULAR MEETING – FEBRUARY 8, 2021**

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 Tyler James Allport at 7:00 P. M. on the 8<sup>th</sup> of February, 2021.

The following town officials were present:

Tyler Allport	Supervisor
Ronald Mannella	Councilperson
Mary Neilans	Councilperson
Ken Rush	Councilperson
Susan Heard	Town Clerk
Mark Radzinski	Highway Superintendent
Bruce Schmidt	Town Justice
Douglas Heath	Attorney for the Town of Gaines

Absent: Councilperson James Kirby

The following individuals were present during the meeting: 3 Residents; Sherman Gittens, MRB Group

The Supervisor opened by the meeting with the Pledge to the Flag. Moment of Silence for former Town Justice, Eugene Leigh.

**PUBLIC HEARING**

**LOCAL LAW 1 OF 2021 – SETTING MORATORIUM OF 180 DAYS ON LARGE SOLAR BATTERY STORAGE UNITS**

Moved by Councilperson Neilans and seconded by Councilperson Rush to Open the Public Hearing at 7:01 P.M. Ayes 4; Nays 0; Absent 1, Kirby

Sherman Gittens, from our engineering firm MRB Group, spoke explaining Large Battery Storage within the Town of Gaines. The purpose of the moratorium is to allow time to develop a Local Law which implements the language we would like; allows time to gather information; allows studies to be reviewed; and allows time to get feedback from Emergency Management.

The Town Clerk said we received a letter from the County Planning Board with their Approval.

No further comments.

Moved by Councilperson Neilans and seconded by Councilperson Mannella to Close the Public Hearing at 7:05 P. M. Ayes 4; Nays 0; Absent 1, Kirby

**RESOLUTION NO. 21 – 0221**

**ADOPTING LOCAL LAW NO. 1 OF THE YEAR 2021 ENTITLED “MORATORIUM OF 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”**

Resolution adopted at a regular meeting of the Gaines Town Board held on the 8<sup>th</sup> day of February, 2021 at 7:00 P. M., at which the following were:

PRESENT: Allport, Neilans, Mannella, Rush  
ABSENT: Kirby

Councilperson Rush moved the adoption of the following resolution; Councilperson Neilans seconded the motion;

WHEREAS, Local Law No. 1 of the Year 2021 of the Town of Gaines, Orleans County, New York, being a local law entitled “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”, was introduced and placed on the desks and the tables of the members of the Town Board at least seven (7) days prior to final adoption at a recessed meeting of the Gaines Town Board held on January 19, 2021, and

WHEREAS, said Local Law was referred to the Orleans County Planning Board for review as otherwise required by law, and upon review, the Orleans County Planning Board recommended APPROVAL of said local law; and

WHEREAS, the Town Board conducted a public hearing to consider the adoption of proposed Local Law No. 1 on the 8<sup>th</sup> day of February, 2021 at 7:00 P. M., at which public hearing all persons wishing to be heard in favor or against said adoption were heard; and

WHEREAS, the Town Board, acting upon the recommendation of MRB Group as Engineers for the Town, has determined that such action is a “Type II” action under the provisions of SEQR and as such, does not require a Determination of Significance of preparation of any other documents under the provisions of SEQR (6NYCRR 617.5(c)(30); and

WHEREAS, it is now the intent and desire of the Town Board to adopt Local Law No. 1 of the Year 2021, now therefore, be it

RESOLVED, that Local Law No. 1 of the Year 2021 of the Town of Gaines, Orleans County, New York, being a local law entitled “Moratorium of 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”, be and the same is hereby ADOPTED.

Upon being put to a roll call vote, the following voted “Aye” in favor of adoption: Allport, Neilans, Mannella and Rush. Absent, Kirby.

Dated: February 16, 2021

Susan M. Heard, Gaines Town Clerk

**RESOLUTION NO. 22 – 0221**

**APPROVAL OF MINUTES OF JANUARY 11, 2021 and JANUARY 19, 2021 RECESSED MEETING**

Moved by Councilperson Neilans and seconded by Councilperson Mannella to approve the minutes of the January 11, 2021 Organizational and Regular Meeting; as well as the Recessed January 19, 2021 Meeting.

Ayes 4; Nays 0; Absent 1, Kirby

**RESOLUTION NO. 23 – 0221**

**PRESENTATION AND ACCEPTANCE OF THE TOWN CLERK'S REPORT**

The Town Clerk presented the January report, with the payment to the Town Supervisor of \$3,539.40 (including one solar site plan review of \$3,000); and \$16.00 paid to NYS Ag & Markets. The Clerk attached a copy of the December 2020 report for their information.

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

Ayes 4; Nays 0; Absent 1, Kirby

**RESOLUTION NO. 24 – 0221**

**PRESENTATION AND ACCEPTANCE OF THE TOWN SUPERVISOR'S REPORT**

The Supervisor handed out paper copies of the Supervisor's Report listing all balances in each fund, including General, Highway and all Water Districts through January 2021. The Water Districts are all showing in the positive.

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

Ayes 4; Nay 0; Absent 1, Kirby

**RESOLUTION NO. 25 – 0221**

**HIGHWAY SUPERINTENDENT'S REPORT**

The Highway Superintendent reported the total fuel usage for January of 190 Gallons of Gas and 1,392 Gallons of Diesel. Reported on a main value leak on Crandall and Zig Zag Road, which was fixed the same day.

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

Ayes 4; Nays 0; Absent 1, Kirby

**RESOLUTION NO. 26 – 0221  
APPROVAL OF ABSTRACTS**

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

General Fund	\$37,210.57
Highway	\$ 7,297.82
Water	\$61,701.58

Ayes 3; Nays 0; Abstain 1, Neilans; Absent 1, Kirby

**EXECUTIVE SESSION**

Moved by Councilperson Neilans and seconded by Councilperson Mannella to move into an executive session at 7:12 P. M. to discuss the medical, financial, credit or employment history of a particular person or corporation, or matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Ayes 4; Nays 0, Absent 1, Kirby

**RETURN TO REGULAR MEETING**

Moved by Councilperson Neilans and seconded by Councilperson Rush to close the Executive Session at 7:35 P. M. and return to Regular Meeting.

Ayes 4; Nays 0, Absent 1, Kirby

**OTHER NEWS FROM THE TOWN BOARD**

None

**PRIVILEGE OF THE FLOOR**

No Comments

**ADJOURNMENT**

Moved by Councilperson Neilans and seconded by Councilperson Rush to adjourn the meeting at 7:37 P. M.

Ayes 4; Nays 0; Absent 1, Kirby

