

**TOWN OF GAINES**

**Regular Board Meeting – August 9, 2021**

The regular meeting of the Town Board of the Town of Gaines, Orleans County, State of New York was called to order by Supervisor Tyler J. Allport at 7:00 P. M. on the 9<sup>th</sup> day of August, 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

The following were present: Five (5) Town residents

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

**RESOLUTION NO. 61 – 0821**

**APPROVAL OF MINUTES**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to approve the minutes of the July 12, 2021 regular meeting.

Ayes 5; Nays 0

**RESOLUTION NO. 62 – 0821**

**PRESENTATION AND ACCEPTANCE OF TOWN CLERK’S REPORT**

The Town Clerk reported the income for the month of July, paying the Town Supervisor \$748.58; NYS Ag & Markets for Dog licenses \$33.00; and NYS Environmental Conservation \$4.72 for the sale of one fishing license; and the State Health Department \$22.50 for one marriage license.

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

Ayes 5; Nays 0

**RESOLUTION NO. 63 – 0821**

**PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR’S REPORT**

The Supervisor gave the Board the Supervisor’s Report with a breakdown of each Fund and Account, including General Fund, Highway Funds, Water Districts, etc. He noted the expenditures show 14% over budget, but this was expected with the increase in the Fire Contract. We will need to be creative with the 2022 Budget and will do our best.

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

Ayes 5; Nays 0

**RESOLUTION NO. 64 – 0821**

**HIGHWAY SUPERINTENDENT’S REPORT**

The Highway Superintendent reported the fuel usage for the month of July as 461 gallons of Diesel and 164 gallons of Gas. The new iPad has arrived and will be getting started with the new GPS system soon. The department is finishing up Bacon Road, the shoulders were extended, and T & L, etc. The salt has been mixed and is ready for the winter plowing.

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

Ayes 5; Nays 0

**RESOLUTION NO. 65 – 0821**

**APPROVAL OF ABSTRACTS**

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

General	\$17,156.55
Highway	\$22,493.97
Water	\$74,517.01

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

**RESOLUTION NO. 66 – 0821**

**AUTHORIZE TOWN SUPERVISOR TO RE-SIGN COORDINATED ASSESSMENT PROGRAM AGREEMENT**

Moved by Councilperson Rush and seconded by Councilperson Neilans to authorize the Town Supervisor to re-sign the Coordinated Assessment Program Agreement (CAP) which is set to expire on September 30, 2021; extending this agreement to September 30, 2026.

Ayes 5; Nays 0

**RESOLUTION NO. 67 – 0821**

**LOCAL LAW NUMBER 2 OF THE YEAR 2021 – EXTENDING THE MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND/OR APPROVAL OF ALL APPLICATIONS FOR BUILDING PERMITS, AREA AND USE VARIANCES, SPECIAL USE PERMITS, AND SITE PLAN APPROVALS FOR LARGE BATTERY STORAGE SYSTEMS IN THE TOWN OF GAINES AS PROVIDED IN LOCAL LAW NO. 1 OF 2021**

Councilperson Kirby moved the adoption of the following resolution; seconded by Councilperson Rush:

RESOLVED, that Local Law No. 2 of the Year 2021 of the Town of Gaines, Orleans County, New York, being a local law “Extending the Moratorium of the Acceptance, Processing, and/or Approval of all Applications for Building Permits, Area and Use Variances, Special Use Permits, and Site Plan Approvals for large battery storage systems in the Town of Gaines as provided in Local Law No. 1 of 2021”, be and the same is hereby introduced and placed on the tables and the 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, that the Town Board shall conduct a public hearing to consider adoption of proposed Local Law No. 2 of the Year 2021 on the 13<sup>th</sup> day of September, 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

FURTHER RESOLVED, that copies of the proposed moratorium shall be referred to the Orleans County Planning Board for review and comment pursuant to GML 239-m prior to adoption; and be it

FURTHER RESOLVED, that the Town Board hereby directs the Town Engineer to conduct the appropriate environmental review of the proposed amendments in accordance with the state environmental quality review act prior to adoption.

Upon being put to a vote, the following voted “Aye” in favor of adoption of the foregoing resolution:

Allport, Neilans, Kirby, Mannella and Rush

The following voted “No” in opposition thereto: None

The resolution was declared adopted.

August 9, 2021

Gaines Town Board

**CERTIFICATION OF CLERK**

STATE OF NEW YORK

COUNTY OF ORLEANS: ss.:

I, Susan M. Heard, Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines, on the 9<sup>th</sup> day of August, 2021, with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: August 11, 2021

Gaines, New York

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Susan M. Heard, Gaines Town Clerk

**RESOLUTION NO. 68 – 0821**

**LOCAL LAW NUMBER 3 OF THE YEAR 2021 – MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND/OR APPROVAL OF ALL APPLICATIONS FOR BUILDING PERMITS, AREA AND USE VARIANCES, SPECIAL USE PERMITS, AND SITE PLAN APPROVALS FOR SOLAR ENERGY PROJECTS IN THE TOWN OF GAINES**

Councilperson Rush moved the adoption of the following resolution; seconded by Councilperson Mannella:

RESOLVED, that Local Law No. 3 of the Year 2021 of the Town of Gaines, Orleans County, New York, being a local law “Moratorium of the Acceptance, Processing, and/or Approval of all Applications for Building Permits, Area and Use Variances, Special Use Permits, and Site Plan Approvals for Solar Energy Projects in the Town of Gaines”, be and the same is hereby introduced and placed on the tables and the desks of the members of the Town Board at least seven (7) days prior to final adoption, exclusive of Sundays

The following voted “Aye” in favor of adoption: Allport, Neilans, Kirby, Mannella and Rush

The following voted “Nay” in opposition thereto: None

Resolution declared adopted.

**(WAITING FOR LANGUAGE FROM TOWN ATTORNEY TO COMPLETE LOCAL LAW)**

**OTHER NEW BUSINESS FROM THE TOWN BOARD**

Supervisor Allport said he recently had a presentation (and included information with the agenda) for Text My Gov, which allows residents to text the Town, download documents or applications for building permits, report water leaks, and various other applications. The downside at this time is the cost of \$3,800 for the first year and approximately \$3,000 per year after. After discussion, the Board decided to hold off at this time, as it may be a difficult budget year ahead.

Supervisor Allport read a letter from the County seeking the Town of Gaines support for a CARES grant they are seeking.

**RESOLUTION NO. 69 – 0821**

**SUPPORTING THE COUNTY CARES GRANT APPLICATION**

Moved by Councilperson Kirby and seconded by Councilperson Mannella to write a letter supporting the CARES grant application for the County to pursue internet capabilities for all county residents.

Ayes 5; Nays 0

### **PRIVILEGE OF THE FLOOR**

Doug Bower wanted to discuss the Solar Law and look at the notification problem and have the Town look at the Zoning Laws again.

Charlene Stilwell asked about public hearing notices and why the Town doesn't use the Hub or Pennysaver; Attorney Heath responded the Town has only one legal paper which is the Batavia Daily News and the law must be followed for advertising our legal notices.

### **ADJOURNMENT**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to adjourn the meeting at 7:34 P. M.

Ayes 5; Nays 0