

TOWN OF GAINES

Regular Board Meeting – November 4, 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 4th day of November, 2021.

The following town officials were present:

Tyler Allport	Supervisor
James Kirby	Deputy Supervisor
Ronald Mannella	Councilperson
Mary Neilans	Councilperson
Susan Heard	Town Clerk
Mark Radzinski	Highway Superintendent

Excused: Kenneth Rush, Councilperson and Douglas Heath, Town Attorney

The following were present: Three (3) Town residents; Dan Strong, Code Enforcement Officer; Tim Hungerford, Town Bookkeeper, Cheryl Hungerford

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

OPEN PUBLIC HEARING – 2022 BUDGET FOR THE TOWN OF GAINES

Moved by Councilperson Kirby and seconded by Councilperson Neilans to Open the Public Hearing at 7:00 P. M.

Ayes 4; Nays 0, Excused, 1, Rush

The Supervisor said the 2022 tentative budget calls for a 1.04% increase in the Town Levy. All departments are bare bones, and the increase is due to the higher Fire Contract with the Village of Albion. The Supervisor asked Tim Hungerford, the Town Bookkeeper, if he had anything to add. Mr. Hungerford reiterated the Fire Contract and the difference in the change from 2020 to 2021, etc. No further comments.

Moved by Councilperson Neilans and seconded by Councilperson Kirby to Close the Public Hearing at 7:04 P. M.

Ayes 4; Nays 0, Excused 1, Rush

OPEN PUBLIC HEARING – LOCAL LAW NO. 4 OF THE YEAR 2021 ENTITLED “OPTING OUT OF ADULT USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES”

Moved by Councilperson Kirby and seconded by Councilperson Neilans to Open Public Hearing at 7:04 P.M.

The Supervisor opened the floor for public comment. Doug Bower wondered about opting in or out, and whether it could be changed in the future. He personally thinks the Town should opt out. Tim Hungerford mentioned the difference between opting out and opting back in would be the difference in revenue the State would allow. At this time, the Town would receive a 3% Sales Tax on

sales, but that option is only good through year end. It is his understanding that the percent could drop to quite a bit less (maybe 1%).

Moved by Councilperson Kirby and seconded by Councilperson Neilans to close the Public Hearing at 7:08 P. M.

Ayes 4; Nays 0; Excused 1, Rush

RESOLUTION NO. 85 – 1121

APPROVAL AND ADOPTION OF THE BUDGET FOR THE TOWN OF GAINES FOR FISCAL YEAR 2022

Moved by Councilperson Mannella and seconded by Councilperson Kirby to adopt the tentative budget as the Final Budget for fiscal year 2022.

Ayes 4; Nays 0; Excused 1, Rush

RESOLUTION NO. 86 – 1121

APPROVAL OF MINUTES OF THE OCTOBER 4, 2021 MEETING

Moved by Councilperson Neilans and seconded by Councilperson Mannella to approve the minutes of the October 4, 2021 regular meeting.

Ayes 4; Nays 0; Excused 1, Rush

RESOLUTION NO. 87 – 1121

PRESENTATION AND ACCEPTANCE OF THE TOWN CLERK'S REPORT

The Town Clerk presented the September and the October monthly reports. For September, the Clerk remitted local shares of \$599.95 to the Town Supervisor; \$28.00 to Ag & Markets and \$1,768.45 to the NYS Environmental Conservation for hunting licenses issued. The October report turned over \$850.87 to the Town Supervisor; \$46.00 to Ag & Markets and \$239.03 to the NYS Environmental Conservation for hunting licenses.

Moved by Councilperson Neilans and seconded by Councilperson Kirby to accept the monthly reports from the Town Clerk.

Ayes 4; Nays 0; Excused 1, Rush

RESOLUTION NO. 88 - 1121

PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT

The Supervisor's report was not ready, as the Bookkeeper was not able to get everything posted, but the information will be available for the December meeting.

Resolution No. 88 was tabled. (Resolution number will stay as we cannot change the number because the resolutions following needed to remain as on the agenda).

**RESOLUTION NO. 89 – 1121
HIGHWAY SUPERINTENDENT’S REPORT**

The Highway Superintendent reported the total Fuel usage for the months of September and October of 674 gallons of Diesel and 267 gallons of Gas. The department is getting the equipment ready for the winter months. The Supervisor asked about the new GPS system. The Highway Superintendent said it hasn’t been used yet, and he would like to have a demonstration for the Board at an upcoming meeting.

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

Ayes 4; Nays 0; Excused 1, Rush

**RESOLUTION NO. 90 – 1121
APPROVAL OF ABSTRACTS**

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

General	\$ 47,081.19 (Includes Insurance Prem)
Highway	\$ 4,307.88
Water	\$ 4,137.73

Ayes 3; Nays 0; Abstain 1, Neilans (arrived late); Excused 1, Rush

**RESOLUTION NO. 91 – 1121
AUTHORIZE SUPERVISOR AND CLERK TO SIGN UPDATED ORLEANS COUNTY NY HAZARD MITIGATION PLAN**

WHEREAS, the Town of Gaines, with the assistance from Tetra Tech, Inc., has gathered information and prepared the Orleans County Hazard Mitigation Plan; and

WHEREAS, the Orleans County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Gaines is a local unit of government that has afforded the citizens and opportunity to comment and provide input in the plan and the actions in the Plan; and

WHEREAS, THE Town of Gaines has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Gaines Town Council that the Town of Gaines adopts the Orleans County Mitigation Plan, and resolves to execute the actions in the Plan.

Moved by Councilperson Neilans and seconded by Councilperson Kirby to authorize the Supervisor and Clerk to sign the Hazard Mitigation Plan.

Ayes 4; Nays 0; Excused 1, Rush

Discussion: Councilperson Neilans asked about the public input in the Hazard Mitigation plan. The project was undertaken by the County and required the Town to be involved in order for them to proceed with their grant process. The County would have been required to seek the public input. The plan was started in 2019, but then the Covid-19 pandemic halted the work, therefore, the Plan was recently completed. The County now requires a resolution from the Town stating we completed our portion of the Plan. (The Highway Superintendent and the Code Enforcement officer completed the necessary documents).

RESOLUTION NO. 92 – 1121

AUTHORIZE TOWN CLERK TO ADVERTISE FOR OPEN PLANNING BOARD POSITION

Moved by Councilperson Neilans and seconded by Councilperson Mannella to authorize the Town Clerk to advertise for a Planning Board position to fill the remainder of the term of office for Carole Patterson through December 31, 2025.

Ayes 4; Nays 0; Excused 1, Rush

RENEWAL OF PUBLIC WIFI

Niagara County Legislator David Godfrey requested the Town to renew/decline the license fee for the Public Wi-fi system installed during the pandemic. The Town Clerk said that when she learned the wi-fi no longer worked earlier this year, she authorized our IT vendor (C & H PC) to install a new one on the east side of the building to allow public access to wi-fi from either the front or back parking lots.

Supervisor Allport said he will follow up with C & H PC and respond to Mr. Godfrey. Resolution Tabled.

OTHER NEW BUSINESS FROM THE TOWN BOARD

Supervisor Allport discussed Town Justice Bruce Schmidt's resignation and that he was in receipt of a letter from the State of New York Unified Court System Eighth Judicial District appointing the Hon. Debra Kluth, as acting Town Justice for the Town of Gaines, effective November 1, 2021 through December 31, 2021. The Town of Gaines will pay Judge Kluth.

PRIVILEGE OF THE FLOOR - NONE

ADJOURNMENT

Moved by Councilperson Neilans and seconded by Councilperson Kirby to adjourn the meeting at 7:27 P.M.

Ayes 4; Nays 0, Excused 1, Rush