

TOWN OF GAINES
REGULAR MEETING – MARCH 21, 2022 (POSTPONED FROM MARCH 14)

The regular meeting of the Town Board of the Town of Gaines, County of Orleans, State of New York was called to order by Deputy Supervisor James Kirby at 7:00 P. M. on the 21st day of March, 2022.

The following town officials were present:

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

Excused: Supervisor Tyler Allport and Councilperson Neilans

The following individuals were present during the meeting: Dan Strong, Code Enforcement Officer, Chris Watt, Planning Board Chairman and two town residents.

The Deputy Supervisor opened the meeting with the Pledge to the Flag, followed by a moment of silence in remembrance of former Councilperson and Town Supervisor, Richard DeCarlo, Sr.

RESOLUTION NO. 18 – 0322
APPROVAL OF MINUTES OF THE JANUARY 10, 2022 REGULAR MEETING

Moved by Councilperson Mannella seconded by Councilperson Rush to approve the minutes of the January 10, 2022 meeting.

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 19 – 0322
PRESENTATION AND ACCEPTANCE OF THE TOWN CLERK’S REPORT FOR JANUARY 2022

The Town Clerk reported the local shares paid to the Town Supervisor as \$1,046.67; NYS Ag & Markets was paid \$39.00 and NYS Environmental Conservation was paid \$276.13.

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

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 20 – 0322

PRESENTATION AND ACCEPTANCE OF THE TOWN CLERK’S REPORT FOR FEBRUARY 2022

The Town Clerk reported the local shares paid to the Town Supervisor of \$360.00 and \$10.00 to NYS Ag & Markets for dog licenses. A very light month in regular fees, but very good for tax collection. The Town taxes have been paid in full \$639,615.57 (including the water relevies) to the Supervisor; the County Treasurer has been paid \$1,072,000 year to date for taxes, and \$209,195 for Recycling fees.

The Clerk also wanted to note the letter from the Planning Board Chairman, Chris Watt, was placed on the desks for the Board to read, review and respond in order for the Planning Board to move forward regarding a steering committee to work on the Solar Zoning Codes.

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

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 21 - 0322

PRESENTATION AND ACCEPTANCE OF THE JANUARY SUPERVISOR’S REPORT

The Town Supervisor included the report in the meeting packet for each board member with the monthly report showing all funds, all water districts, etc. No comments were made.

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

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 22 - 0322

PRESENTATION AND ACCEPTANCE OF THE FEBRUARY SUPERVISOR’S REPORT

The Town Supervisor included the report in the meeting packet for each board member with the monthly report showing all funds, all water districts, etc. No comments were made.

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

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 23 – 0322
HIGHWAY SUPERINTENDENT’S REPORT FOR JANUARY 2022

The Town Highway Superintendent reported the total fuel usage of Diesel 1,213 gallons; Gas 297 gallons.

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

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 24 – 0322
HIGHWAY SUPERINTENDENT’S REPORT FOR FEBRUARY 2022

The Town Highway Superintendent reported the total fuel usage of Diesel 1,404 gallons; Gas 252 gallons. There was a main water leak on Brown Road on February 23rd that has been fixed. He talked to the bookkeeper Tim Hungerford regarding the American Rescue funds; the money may only be used for certain things and must be spent before 2024. One of projects he would like to consider would be a new water reading system. He will work on getting quotes for a new automatic water reading system.

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

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 25 – 0322
APPROVAL OF ABSTRACTS – PREPAID FOR FEBRUARY

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

General Fund	\$ 3,384.25
Highway	\$ 5,879.04

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 26 – 0322
APPROVAL OF ABSTRACTS FOR MARCH 2022

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

General Fund	\$ 21,954.57
Highway	\$ 16,811.13
Water	\$ 80,297.99
Fire	\$113,557.50 (Fire Contract 2022)

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 27 – 0322

APPROVAL TO RELEASE BID FOR MOWING SERVICES

Moved by Councilperson Mannella and seconded by Councilperson Rush to release a bid package for lawn mowing services for the 2022 season, with the option for an alternative bid for three (3) years, with the intention to award the bid at the April meeting. Further authorize the Town Clerk to advertise for bids.

Reminder: The bid includes trimming around the Town Hall, Highway Garage and the various cemeteries to keep a clean appearance. The specification will clearly state this.

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 28 – 0322

AUTHORIZATION TO SIGN LETTER OF SUPPORT FOR ACQUIRING GRANT FUNDS TO REFURBISH THE “WARD HOUSE” FOR THE COBBLESTONE SOCIETY

Moved by Councilperson Rush and seconded by Councilperson Mannella to authorize the Town Supervisor to sign a letter of support for the Cobblestone Society to seek grant funding for refurbishing the Ward House, part of the Cobblestone complex. The Town of Gaines fully supports this request.

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 29 -0322

AUTHORIZE TOWN CLERK TO ADVERTISE FOR 2ND DEPUTY TOWN CLERK/WATER CLERK

Moved by Councilperson Rush and seconded by Councilperson Mannella to authorize the Town Clerk to advertise for the vacant 2nd Deputy Town Clerk/Water Clerk position.

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 30 – 0322

APPROVAL OF AGREEMENT TO EXPEND HIGHWAY FUNDS FOR 2022

Moved by Councilperson Mannella and seconded by Councilperson Rush to approve an agreement with the Superintendent of Highways for expenditure of highway fund for improvement to West Bacon Road in the amount of \$130,000.

Fiscal Impact: \$130,000 Budgeted funds

Ayes 3; Nays 0; Excused 2, Allport, Neilans

RESOLUTION NO. 31 – 0322

LOCAL LAW NUMBER 1 OF THE YEAR 2022

RESOLUTION DULY ADOPTED AT A RESCHEDULED MEETING OF THE TOWN BOARD OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, HELD ON THE 21ST DAY OF MARCH, 2022 AT 7:00 P.M. AT THE GAINES TOWN HALL, 14087 RIDGE ROAD, ALBION, NEW YORK, AT WHICH THE FOLLOWING WERE:

Present: Deputy Supervisor James Kirby
Councilperson Ronald Mannella
Councilperson Kenneth Rush

Excused: Supervisor Tyler Allport
Councilperson Mary Neilans

FURTHER 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 and No. 2 OF 2021

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

RESOLVED, that Local Law No. 1 of the Year 2022 of the Town of Gaines, Orleans County, New York, being a local law "Further 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 and No. 2 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. 1 of the Year 2022 on the 11th day of April, 2022, 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:

Kirby, Mannella and Rush

The following voted "No" in opposition thereto: None
The resolution was declared adopted.

March 21, 2022

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 21st day of March, 2022, 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: March 24, 2022
Gaines, New York

Susan M. Heard, Gaines Town Clerk

OTHER NEW BUSINESS FROM THE TOWN BOARD - None

PRIVILEGE OF THE FLOOR

David Thom asked about the web-site, who maintains it, etc. He was told the Supervisor updates the website. He said it hasn't been kept up to date with minutes, legal notices, etc. Councilperson Mannella said we could look at the cost to have our computer company do the updates. He also mentioned a missing street light bulb.

Chris Watt, Chairman of the Planning Board, spoke regarding the letter on the desks. He said when the Moratorium for Solar Projects was discussed there was going to be a committee formed to look at the rules. The Planning Board has been working on the language but would like a member from the Town Board, and someone from the community to serve on this committee. He suggested James Kirby and Doug Farley from the Cobblestone Society. Councilperson Rush said he would be willing to attend their next meeting in April and get up to speed on where the Planning Board is on the process.

ADJOURNMENT

Moved by Councilperson Mannella and seconded by Councilperson Rush to adjourn the meeting at 7:25 P.M.

Ayes 3; Nays 0; Excused 2, Allport, Neilans