

TOWN OF GAINES
REGULAR MEETING – April 11, 2022

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 11th day of April, 2022.

The following town officials were present:

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

The following individuals were present during the meeting: 2 Town residents; Dan Strong, Code Enforcement Officer; Tim & Cheryl Hungerford, Bookkeepers

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

OPEN PUBLIC HEARING – LOCAL LAW NO. 1 OF 2022 – EXTENDING MORATORIUM FOR LARGE BATTERY STORAGE SYSTEMS IN THE TOWN OF GAINES

Moved by Councilperson Kirby and seconded by Councilperson Neilans to open the public hearing.
Ayes 4; Nays 0; Absent 1, Rush

Lorienda Smith asked the Supervisor to explain what this moratorium means. The Supervisor said it's in regards to the Battery Storage systems in relation to the Solar Projects and what happens to these batteries after their useful life span.

No further questions.

Moved by Councilperson Mannella and seconded by Councilperson Neilans to close the public hearing.
Ayes 4; Nays 0; Absent 1, Rush

RESOLUTION NO. 32 – 0422
ADOPTION OF LOCAL LAW NO. 1 OF THE YEAR 2022

Moved by Councilperson Neilans and seconded by Councilperson Kirby to approve the further extension of 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.

WHEREAS, 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 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 batter storage systems in the Town of Gaines as provided in Local Laws No. 1 and 2 or 2021” was introduced and placed on the desks and the table of the members of the Town Board at least seven (7) days prior to final adoption, and

WHEREAS, Local Law No. 1 and 2 for the year 2021 was referred to the Orleans County Planning Board (CPB) for review and comment and the CPB did approve the proposed adoption of Local Law No. 1 and 2 at their February and August 2021 meetings, respectively; and

WHEREAS, the Gaines Town Board did conduct a public hearing to consider the adoption of proposed Local Law No. 1 of the Year 2022 on April 11, 2022, at which public hearing all persons wishing to be heard in favor or against said adoption were heard, and

WHEREAS, the Gaines Town Board has determined that no further action is needed within the meaning of SEQR prior to adoption of Local Law No. 1 of the Year 2022, and

WHEREAS, it is now the intent and desire of the Town Board to adopt Local law No. 1 of the Year 2022, now therefore, be it

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 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 as provided in Local Law No. 1 and 2 of the year 2021”, be and the same is hereby adopted. Upon being put to a vote, the following voted “Aye” in favor of adoption.

Supervisor Tyler Allport	Aye
Mary Neilans, Councilperson	Aye
James Kirby, Councilperson	Aye
Ronald Mannella, Councilperson	Aye
Kenneth Rush, Councilperson	Absent

Ayes 4; Nays 1; Absent 1, Rush

Susan M. Heard, Town Clerk
Dated: April 12, 2022

RESOLUTION 33 – 0422

LOCAL LAW NO. 2 OF 2022

RESOLUTION DULY ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, HELD ON THE 11TH DAY OF APRIL, 2022 AT 7:00 P.M. IN THE GAINES TOWN AHLL, 14087 RIDGE ROAD, ALBION, NEW YORK AT WHICH THE FOLLOWING WERE PRESENT:

Allport, Kirby, Neilans, Mannella

Absent 1, Rush

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

RESOLVED, that Local Law No. 2 of the Year 2022 of the Town of Gaines, Orleans County, New York, being a local law “Extending the Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems 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; and, be it

FURTHER RESOLVED, that the Town Board shall conduct a public hearing to consider adoption of proposed Local Law No. 2 of 2022 on the 9th day of May, 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:

Allport, Kirby, Neilans, Mannella

Absent 1, Rush

The following voted “No” in opposition thereto: None

The resolution was declared adopted.

Dated: April 11, 2022

Gaines Town Board

CERTIFICATION OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: SS.:

I, Susan 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 11th day of April, 2022, with the original now on file in my office, and the same is a correct and true copy of said resolution and the whole thereof.

Dated: April 12, 2022
Gaines, New York

Susan Heard, Gaines Town Clerk

RESOLUTION NO. 34 - 0422
APPROVAL OF MINUTES OF THE MARCH 21, 2022 REGULAR MEETING

Moved by Councilperson Kirby and seconded by Councilperson Mannella to approve the minutes of the March 21, 2022 meeting.

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

RESOLUTION NO. 35 – 0422
PRESENTATION AND ACCEPTANCE OF THE TOWN CLERK’S REPORT

The Town Clerk reported the local shares paid to the Town Supervisor as \$1,936.73 (the Building permits have started coming in); NYS Ag & Markets was paid \$35.00 and NYS Environmental Conservation was paid \$23.62. Tax Collection has slowed way down during the month of March, with \$137,844 collected for taxes and \$7,344 for Recycling. This money all belongs to the County.

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

Ayes 4; Nays 0; Absent 1, Rush

RESOLUTION NO. 36 – 0422
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, including General, Highway, etc.

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

Ayes 4; Nays 0; Absent 1, Rush

RESOLUTION NO. 37 – 0422
HIGHWAY SUPERINTENDENT’S REPORT

The Town Highway Superintendent reported the total fuel usage as Diesel 209 gallons; Gas 182 gallons. He told the Board he has met with three different vendors for new water reading systems and will meet with one more in the next week. The American Rescue Plan money would cover updating the reading system. The Bookkeeper advised him of changes allowed for the use of this money, and a new pick-up truck may now be allowed. The Superintendent is getting the three bids required. Also, they had two burials this past weekend at Otter Creek.

Moved by Councilperson Kirby and seconded by Councilperson Mannella to accept the Highway Superintendent report.
(Councilperson Rush arrived at 7:15 P.M.)

Ayes 5; Nays 0

RESOLUTION NO. 38 – 0422
APPROVAL OF ABSTRACTS

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

General Fund	\$ 14,979.71
Highway	\$ 6,423.31
Water	\$ 2,088.78

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

RESOLUTION NO. 39 – 0422
AWARDING MOWING BID FOR THE 2022 SEASON

The Supervisor opened the sealed envelope received for the 2022 Mowing Bid.

Moved by Councilperson Mannella seconded by Councilperson Kirby to award the 2022 Mowing Season contract to Perry’s Lawn Maintenance in the amount of \$9,213 for the season; upon proof of insurance.

Discussion: There were no problems last year, and the Town received compliments on how nice the mowing looked at the Town Hall and the various cemeteries.

Ayes 5; Nays 0

RESOLUTION NO. 40 – 0422

AUTHORIZING SUPERVISOR TO SIGN LETTER OF SUPPORT FOR THE COBBLESTONE SOCIETY AND MUSEUM FOR THE ORLEANS VISITORS CENTER

Moved by Councilperson Rush and seconded by Councilperson Kirby to authorize the Supervisor to sign a letter of support for the Cobblestone Society and Museum's application for Community Project Funding from Congressman Chris Jacobs for the Orleans Visitors Center.

Ayes 5; Nays 0

RESOLUTION NO. 41 – 0422

AUTHORIZING SUPERVISOR TO SIGN LETTER OF SUPPORT FOR THE COBBLESTONE SOCIETY AND MUSEUM FOR 2022 PRESERVE NEW YORK (PNY) GRANT PROGRAM

Moved by Councilperson Kirby and seconded by Councilperson Mannella to authorize the Supervisor to sign a letter of support for the Cobblestone Society and Museum's application for a grant from the Preservation League of New York named the 2022 Preserve New York (PNY) Grant Program.

Ayes 5; Nays 0

RESOLUTION NO. 42 – 0422

COMPLETION OF THE TOWN AUDITS

Moved by Councilperson Rush and seconded by Councilperson Kirby to declare all books for the year 2021 have been reviewed and audited by said Town Board.

The Criminal and Civil Dockets of the Town Justice for 2021 having been duly examined with the monthly cash summary being viewed and the fines and fees have been turned over to the proper officials; and

The records of the Town Clerk/Tax Collector for 2021 have been duly examined and found all fees have been turned over to the proper officials.

Ayes 5; Nays 0

OTHER NEW BUSINESS

The Supervisor asked the Town Attorney about the Water Contract with the Town of Albion, as the Town of Albion Supervisor has made inquiries as to the status; he said the contract will be ready for the May meeting. The Highway Contract was mentioned, and Attorney Heath said he would forward to the Town Clerk for her to make copies for the Highway personnel to review.

ADJOURNMENT

Moved by Councilperson Mannella and seconded by Councilperson Kirby to adjourn the meeting at 8:10 P.M.

Ayes 5; Nays 0

