

TOWN OF GAINES
REGULAR MEETING – APRIL 10, 2023

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 10th of April, 2023.

The following town officials were present:

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

The following individuals were present during the meeting: Six town residents, including Cub Scouts; and Janet Ward, NextEra Energy

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

RESOLUTION NO. 32 - 0423
APPROVAL OF MINUTES OF MARCH 13, 2023 MEETING

Moved by Councilperson Rush and seconded by Councilperson Kirby to approve the minutes of the March 13, 2023 Regular Meeting.

Ayes 5; Nays 0

RESOLUTION NO. 33 – 0423
PRESENTATION AND ACCEPTANCE OF THE TOWN CLERK’S REPORT FOR MARCH 2023

The Town Clerk presented the March report, with the payment to the Town Supervisor of \$470.50; \$35.00 paid to NYS Ag & Markets for dog licenses, and \$67.50 to the NYS Health Dept for three Marriage Licenses.

The Clerk reported the Real Property taxes paid to the County Treasurer to date of \$1,222,000, plus \$220,428 for Recycling Fees.

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

Ayes 5; Nays 0

RESOLUTION NO. 34 – 0423

PRESENTATION AND ACCEPTANCE OF THE TOWN SUPERVISOR’S REPORT FOR MARCH 2023

The Supervisor included copies of the Supervisor’s Report in the packet listing all balances in each fund, including General, Highway and all Water Districts through March 2023.

Our new bookkeeper, Liam Mears, was unable to attend the meeting tonight as he’s wrapping up his master’s degree and cannot miss the class this evening. He will make every effort to appear in May or June.

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

Ayes 5; Nays 0

RESOLUTION NO. 35 – 0423

HIGHWAY SUPERINTENDENT’S REPORT

The Highway Superintendent reported the total fuel usage for March of 182 Gallons of Gas and 245 Gallons of Diesel.

Discussion regarding a new truck purchase, to replace the 2003 Sterling. The Highway Superintendent has contacted Peterbilt and is waiting for prices.

Looking into having a demo from Edmunds GovTech for the Water Program.

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

Ayes 5; Nays 0

RESOLUTION NO. 36 – 0423

APPROVAL OF ABSTRACTS

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

General Fund	\$ 19,702.83
Fire	\$116,914.23
Highway	\$ 8,953.67
Water	\$ 3,429.46

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

RESOLUTION NO. 37 – 0423
APPROVAL TO AWARD BID FOR MOWING SERVICES FOR THE YEAR 2023

The Supervisor opened the bids.

Moved by Councilperson Kirby and seconded by Councilperson Rush to award the bid to Perry's Lawn Service for lawn mowing services for the 2023 mowing season, in the amount of \$9,700.00 for the season, upon proof of insurance. Monthly payments of \$1,616.67 over 6 months (May-October).

Ayes 5; Nays 0

Tabled – Water Billing Update

Attorney Doug Heath requested an add-on resolution regarding the Uderitz Solar Project. The pre-construction meetings have taken place; the application is in order and ready to move forward. The ownership of the project has changed hands and requires the Town Board to accept the change.

RESOLUTION NO. 38 – 0423
CONSENTING TO CHANGE OF OWNERSHIP OF THE UDERITZ SOLAR PROJECT

Moved by Councilperson Kirby and seconded by Councilperson Mannella to approve and consent to the change of ownership, as follows:

RESOLVED, that upon a showing by the applicant, DG New York CS, LLC, that it has transferred and assigned all of its rights, duties and obligation in and to the solar energy project located at 2436 Gaines Waterport Road, Tax Parcel #39.-3-23.1, in the Town of Gaines, Orleans County, New York to its successor, DG Gaines, LLC, the Gaines Town Board does hereby consent to such assignment; and be it

FURTHER RESOLVED, that all future proceedings, permits and approval for said Project, and execution of any agreements with respect thereto, shall be issued and/or signed in the name of the successor entity, DG Gaines, LLC and the Supervisor of the Town of Gaines, including but not limited to the Decommissioning Plan and Bond previously approved by the Gaines Town Board dated May 9, 2022.

Ayes 5; Nays 0

PRIVILEGE OF THE FLOOR

Christopher Watt, Chairman of the Planning Board, asked for the floor. He has heard comments that may or may not have been made by the Town Board regarding the Planning Board and the handling of the Village Inn parcels. Rumors say the Planning Board has been harsh, unfair, etc. when the Planning Board has been trying to work with the new owner for more than a year. They have followed the Town Zoning Laws and New York State laws, and unfortunately don't make these rules or regulations. Councilperson Kirby said not to believe everything you hear; people can say whatever they want, but it doesn't make it true. Councilperson Mannella and Councilperson Rush echoed the sentiment. Supervisor Allport said that it is not our place (meaning the Town Board) to get involved in Planning Board matters, and he realizes it's a thankless job, and the Town Board appreciates the Planning Boards work.

Lorienda Smith asked about the fight over telephone poles and broadband; and what it means for Gaines. She gave the Supervisor an article from a newspaper for his review. She also asked what the Town would be doing with the leftover COVID funds, which we believe refers to the ARPA funds, and the Supervisor indicated all the money remaining would be needed for the purchase of a snowplow.

SUPERVISOR'S COMMENTS

Supervisor Allport read the Code Enforcement Officer report and said he appreciates Jeff Gifaldi's work.

Discussed the Village of Albion raising our water rates. We will be forced to raise the rates to our customers to break even. The Town Clerk will look to see when the last time the rates were raised and how the Town Board needs to move forward.

Discussion of creating a Fire District. Attorney Doug Heath said creating a Fire District as a new entity, there will be many things to consider. A Fire District is its own taxing entity; all equipment would be owned by the Fire District. The process will take time, determinations of what to do with trucks, gear, etc. as the Village taxpayers have already bought this equipment. A commission would be set up, with five (5) members appointed to the Commission, then each would need to be elected. What is driving this is the cost of replacing fire trucks, two (2) trucks could be \$3,000,000. This is a long way from resolution, there will be many discussions moving forward, with the earliest time frame being 2025.

No further business to be acted upon, the Board called for an Executive Session.

EXECUTIVE SESSION

Moved by Councilperson Rush and seconded by Councilperson Kirby to enter into an executive session at 7:36 P. M. to discuss matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removable of a particular person.

Ayes 5; Nays 0

Moved by Councilperson Mannella and seconded by Councilperson Kirby to exit the Executive Session at 7:48 P. M.

Ayes 5; Nays 0

ADJOURNMENT

Moved by Councilperson Kirby and seconded by Councilperson Rush to adjourn the regular board meeting at 7:50 P. M.

Ayes 5; Nays 0