

TOWN OF GAINES
REGULAR MEETING – AUGUST 14, 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 14th of August 2023.

The following town officials were present:

| | |
|-----------------|------------------------|
| Tyler Allport | Supervisor |
| James Kirby | Deputy Supervisor |
| Ronald Mannella | Councilperson |
| Mary Neilans | Councilperson |
| Kenneth Rush | Councilperson |
| Janet Cheverie | Town Clerk |
| Mark Radzinski | Highway Superintendent |
| Doug Heath | Town Attorney |

The following individuals were present during the meeting: Three (3) residents and/or guests.

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

RESOLUTION NO. 63 - 0823
APPROVAL OF MINUTES OF JULY 10th, 2023, MEETING

Moved by Councilperson Neilans and seconded by Councilperson Kirby to approve the minutes of the July 10, 2023, Regular Meeting.

Ayes 5; Nays 0

RESOLUTION NO. 64 - 0823
PRESENTATION AND ACCEPTANCE OF THE TOWN CLERK'S REPORT FOR JULY 2023

The Town Clerk presented the July report, with the payment to the Town Supervisor of \$663.22, \$67.00 paid to NYS Ag & Markets for dog licenses; and \$58.58 to NYS Environmental Conservation.

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

Ayes 5; Nays 0

PRESENTATION OF THE TOWN SUPERVISOR'S REPORT FOR JULY 2023

The Supervisor handed out paper copies of the Supervisor's Report listing all balances in each fund, including General, Highway and all Water Districts through July 2023. There appears to be a division error at the top of the page. The Supervisor wants to check with the Town's bookkeeper, so the report has to be tabled until next month.

**RESOLUTION NO. 65-0823
HIGHWAY SUPERINTENDENT'S REPORT**

The Highway Superintendent reported the total fuel usage for July of 160 Gallons of Gas and 666 Gallons of Diesel.

The Highway Superintendent has a meeting tomorrow regarding the new truck payment. Transit Rd has been repaved.

Moved by Councilperson Mannella and seconded by Councilperson Rush to accept the July monthly report of the Town Highway Superintendent.

Ayes 5; Nays 0

**RESOLUTION NO. 66-0823
APPROVAL OF ABSTRACTS**

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

| | |
|--------------|-------------|
| General Fund | \$ 30577.64 |
| Highway | \$ 52875.35 |
| Water | \$ 87922.91 |

Ayes 4; Nays 0; Abstain 1, Neilans (did not review)

SELECTING AND APPROVAL FOR WATER BILLING UPDATE - TABLED

UPDATE ON THE NEW WATER BILLING PROGRAM

The Town Clerk reported that there is a zoom meeting on 8/28/23 @ 11:00 for a demonstration of the updated program. The Town Clerk, Deputy Town Clerk's, Water Clerk, Highway Superintendent and some of the Highway personnel are planning to attend. There should be a report next month.

**RESOLUTION NO. 67-0823
AUTHORIZE TOWN SUPERVISOR TO SIGN CONTRACT FOR LEGAL SERVICES**

With respect to the creation of a Fire District between the Town of Gaines, Town of Albion and Village of Albion, the Town of Albion and the Village of Albion have signed a contract with Raymond S. DiRaddo for Legal Services. The \$175.00/hour rate would be shared equally between the three entities.

Moved by Councilperson Kirby and seconded by Councilperson Mannella to authorize the Town Supervisor to enter a Contract with Raymond S. DiRaddo for Legal Services regarding the creation of a Fire District.

Ayes 5; Nays 0

RESOLUTION NO. 68-0823

ADJOURN MEETING TO ENTER EXECUTIVE SESSION TO DISCUSS MATTERS RELATING TO A PERSONNEL ISSUE

Moved by Councilperson Neilans and seconded by Councilperson Kirby to enter into an executive session at 7:18 PM to discuss matters leading to the appointment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.

Ayes 5; Nays 0

RESOLUTION NO. 69-0823

EXIT EXECUTIVE SESSION TO REJOIN REGULAR MEETING

Moved by Councilperson Mannella and seconded by Councilperson Kirby to exit Executive Session at 7:26 PM.

Ayes 5; Nays 0

ITEMS FOR DISCUSSION

RESOLUTION NO. 70-0823

SETTING THE RATE OF PAY FOR THE WATER CLERK AT \$17.00/HOUR

Moved by Councilperson Mannella and seconded by Councilperson Kirby to set the rate of pay for the water clerk at \$17.00/hour.

Ayes 5; Nays 0

SUPERVISOR'S COMMENTS

The creation of the Fire District is moving forward. It is expected that there will be a public hearing in March or April 2024. Due to the anticipated number of people attending, it will most likely be held in either the LGI room at the High School or the Middle School Auditorium.

PRIVILEGE OF THE FLOOR

Resident Andrew Eibl indicated that there is a problem on Brown Rd which he believes is due the farm across the street from his property having dug a large hole with a pipe that was pushed under the road and has a pump that drains the water from their field. It goes into his back yard and it really "stinks" back there. He is unable to sin in his back yard as a result. There are numerous bugs and mosquitoes. He indicated that he spoke with a representative of the DEC and was told that if the farmer did not get a permit, it is illegal. There is a gully and a ditch that could have been used for the water to go to. In his words, "it is a swamp & stinks, the stagnant water is worse than a waste treatment plant". The Town employees got stuck there when they were mowing, and Lynn-ette Farms did this. The Health Department has told him that they won't do anything about the resulting ticks or mosquitoes that could pose malaria and West Nile virus risks. The Highway Superintendent was there to see this mess that has

been created. When he spoke with the DEC, they suggested that he bring this concern to the Town Board. He thanked the Town Board for allowing him the opportunity to speak about this.

The Highway Superintendent will get in contact with the County Highway Department to be put on their schedule to have their excavator come out & clean out the ditch, which should help the water flow instead of building up in Mr. Eibl's backyard.

Rick Ebbs is reported to be the lone candidate for Town Councilperson on the November ballot, running on the Democratic party line. He indicated that he is looking forward to joining the current board and working together. He is not planning on fighting with them. He goes to Florida for approximately 4 months in the winter. It would be nice if the Town Board meetings could be made available via Zoom so that he could be a part of it as well as members of the community could attend remotely. The Supervisor will investigate the legality of having the meetings via Zoom and also Mr. Ebbs voting via Zoom. Mr. Ebbs also asked when and where the swearing in usually occurs. The Supervisor indicated that it is usually some time in January at the County Clerk's office, but he will check with the County Clerk to be sure.

ADJOURNMENT

Moved by Councilperson Rush and seconded by Councilperson Kirby to adjourn the regular board meeting at 8:00 PM.

Ayes 5; Nays 0