

TOWN OF GAINES
REGULAR MEETING –October 16, 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 PM on the 16th of October, 2023.

The following town officials were present:

Tyler Allport	Supervisor
James Kirby	Deputy Supervisor
Ron Mannella	Councilperson
Mary Neilans	Councilperson
Ken Rush	Councilperson
Janet Cheverie	Town Clerk
Mark Radzinski	Highway Superintendent

The following individuals were present during the meeting: Chris Watt, Planning Board Chairman; Sue Paul; Cassidy Albone, Albone & Associates; Chad Pike; another female that did not sign in

The Supervisor opened the meeting with the Pledge to the Flag

RESOLUTION NO. 80-1023

APPROVAL OF MINUTES OF SEPTEMBER 11TH, 2023 REGULAR MEETING MINUTES

Moved by Councilperson Mannella and seconded by Councilperson Kirby to approve the minutes of the September 11th, 2023 Regular Meeting.

Ayes 5; Nays 0

MINUTES OF THE SEPTEMBER 27TH, 2023 SPECIAL MEETING

Tabled pending preparation and submission of them.

RESOLUTION NO. 81-1023

PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT

The Town Clerk presented the August report, with the payment to the Town Supervisor to be made in the amount of \$494.70; NYS Ag & Markets for dog licenses in the amount of \$17.00 and the State Health Department for marriage licenses in the amount of \$22.50.

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

Ayes 5; Nays 0

PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT

Tabled until next month.

**RESOLUTION NO. 82-1023
HIGHWAY SUPERINTENDENT'S REPORT**

The Highway Superintendent reported the total fuel usage for September was 127 gallons of gasoline and 276 gallons of diesel. Once the county excavator is available, the ditch on Andy Eibl's property will be cleaned to assist with the drainage problem. Town Attorney, Doug Heath, has prepared an easement to allow access to the ditch and it is ready to be signed by the property owner(s).

Discussion: Councilperson Mannella questioned if we have gotten to use the county boom mower yet. Highway Superintendent Radzinski advised that it has not been available for the town to use last year or this year. Councilman Mannella suggested that the town needs to ask for the \$1000.00 back that we paid for the use of it. Highway Superintendent Radzinski advised that there is a meeting on 10/17/2023 and he will ask for the \$1000.00 back.

Highway Superintendent Radzinski also offered praise to the new water clerk, Kim Neihaus for the great job she is doing taking care of getting some of the problems with the water billing resolved. It was also reported that the new billing program update will likely take 9 months to a year to complete.

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

Ayes 5; Nays 0

**RESOLUTION NO. 83-1023
APPROVAL OF ABSTRACTS**

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

General	\$22985.53
Highway	\$ 7920.61
Water	\$14902.23

Ayes 5; Nays 0

RESOLUTION NO. 84-1023

COURT TO APPLY FOR JCAP GRANT FUNDING FOR THE 2023-2024 GRANT CYCLE

Moved by Councilperson Kirby and seconded by Councilperson Mannella to authorize the town court to make application to the New York State JCAP Grant Program, as follows:

Be it RESOLVED, the Board of the Town of Gaines authorizes the Town of Gaines Town Court to apply for the JCAP grant in the 2023-2024 grant cycle. This motion is to be rescinded if not needed.

Ayes 5; Nays 0

RESOLUTION NO. 85-1023

WAIVE 30 DAY WAITING PERIOD FOR TAVERN ON THE RIDGE

Moved by Councilperson Mannella and seconded by Councilperson Kirby to authorize the waiving of a 30-day waiting period for Tavern on the Ridge.

Discussion: Town Clerk to prepare it and notify Chad Pike when it is completed.

Ayes 5; Nays 0

RESOLUTION NO. 86-1023

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 7:08 PM to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.

Ayes 5; Nays 0

RESOLUTION NO. 87-1023

EXIT EXECUTIVE SESSION TO REOIN REGULAR MEETING

Moved by Councilperson Neilans and seconded by Councilperson Kirby to exit Executive Session at 7:39 PM.

Ayes 5; Nays 0

RESOLUTION NO. 88-1023

PRESENTATION AND ACCEPTANCE OF THE TENTATIVE BUDGET FOR 2024

Moved by Councilperson Kirby and seconded by Councilperson Mannella to approve and adopt the 2024 Tentative Budget as presented.

Discussion: Tentatively the budget came in at 1.5% which is under the 2% tax cap. Councilperson Mannella asked if there were any big purchases needed in the water department. Highway Superintendent Radzinski noted that the pit in Ridgeway is currently turned off. The one in the Village on Densmore and on Gaines Rd (Route 279) may need to be replaced. He will check on the cost and get that number back to the board.

Ayes 5; Nays 0

RESOLUTION NO. 89-1023

AUTHORIZING PUBLIC HEARING FOR THE TOWN OF GAINES 2024 BUDGET

Moved by Councilperson Neilans and seconded by Councilperson Rush to hold a Public Hearing on the 2024 Town of Gaines Budget on November 13, 2023 at 7:00 PM. The Town Clerk to publish legal notice as required.

Ayes 5; Nays 0

RESOLUTION NO. 90-1023

AUTHORIZING ADVERTISING FOR PLANNING BOARD SECRETARY

Moved by Councilperson Neilans and seconded by Councilperson Kirby to authorize the Town Clerk to publish a notice advertising for the position of Planning Board Secretary.

Ayes 5; Nays 0

RESOLUTION NO. 91-1023

APPOINTING CRAIG LANE TO FILL THE VACANT PLANNING BOARD MEMBER POSITION WITH TERM EXPIRING DECEMBER 31, 2023

Moved by Councilperson Mannella and seconded by Councilperson Rush to appoint Craig Lane to fill the vacant planning board member position with the term expiring December 31, 2023

Ayes 5; Nays 0

ITEMS OF DISCUSSION

Planning Board Chairman Watt gave the board an update on the solar project on Route 279 which involves both the Town of Gaines and the Town of Carlton. Approximately 4 months ago, the developers spoke as if everything was all ready to go, however in reality, there was a redesign and a new decommissioning plan was needed. It was not done for approximately 2 months, and when that was submitted, it was not acceptable due to the proposed receiving station being on Washington Street in the Village of Albion and it was far too small to accommodate everything that would need to be disposed of properly. The planning board advised them that this was unacceptable and are still waiting for it to be resubmitted. The decommissioning plan will go up substantially. The problem appears to be that they will not be up front about what is going on and therefore there has been no approval.

Chairman Watt is also concerned because it appears that the economic development agency is repeatedly giving tax breaks and he doesn't understand why.

With the solar projects, the decommissioning bonds are very important due to change of ownership happening frequently. We must think 20-30 years down the line.

Regarding the joint solar project with the Town of Carlton, it is a nightmare. It has already been sold once and it hasn't even been approved yet. Finally, after 5 months, they are coming up with a decommissioning plan that appears to be sufficient. The Gaines Planning Board is not ready to sign off until the Town of Carlton Planning Board also signs off. It appears that they are trying to put the two towns against one another.

Supervisor Allport has an update that he will discuss with Chairman Watt later today or tomorrow.

Chairman Watt also reported that Lake Ontario Fruit is looking to expand, but there is a large storm water system that doesn't work, and they admit has not been kept up.

PRIVILEGE OF THE FLOOR

Susan Paul brought up that she was upset on August 16, 2023, at 8:00-8:15 AM because she went to rinse out her coffee cup and had no water. She could see out her window that the Town of Gaines was working at the bowling alley. She did not get water again until 12:15 PM. Why were there no notifications? What would happen if someone was in the shower covered in soap and shampoo and the water just turned off, people are getting ready for work at that time. Highway Superintendent Radzinski advised that there was a leak, and they didn't think they would need to turn off the water and when they found that they did, they thought it would be a quick fix. Unfortunately, the problem was more serious when they got in there to fix it and it was too late to make notifications. He did advise the Town Clerk in case anyone called to inquire. Ms. Paul was adamant that she feels that the public should be notified if there is any chance that the water will need to be turned off. Town Supervisor Allport

thanked her for expressing her concerns and the Town will look into the logistics of making notifications in the future.

ADJOURNMENT

Moved by Councilperson Neilans and seconded by Councilperson Kirby to adjourn the meeting at 8:05 PM.

Ayes 5; Nays 0

Respectfully submitted,

Janet K Cheverie
Gaines Town Clerk