

TOWN OF GAINES

2024 ORGANIZATIONAL MEETING AND REGULAR MEETING January 8, 2024 and recessed to January 16, 2024

The Organizational Meeting (required by Section 62 and 123 of the NYS Town Law) and Regular Meeting 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 08th day of January, 2024.

The following town officials were present:

Tyler Allport	Supervisor
James Kirby	Deputy Supervisor
Ron Mannella	Councilperson
Rick Ebbs (by phone)	Councilperson
Ken Rush	Councilperson
Janet Cheverie	Town Clerk
Mark Radzinski	Highway Superintendent
Douglas Heath	Attorney for the Town

The following individuals were present during the meeting: Janet Ward, Nextera Energy; Cassidy Albone, Accountant

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

ORGANIZATIONAL MEETING

RESOLUTION NO. 01-0124

PROFESSIONAL SERVICES APPOINTMENTS FOR 2024

Moved by Councilman Kirby and seconded by Councilman Rush to appoint Douglas M. Heath, Esq. as Attorney for the Town of Gaines.

Discussion

Ayes 4; Nays 0; Abstained 1 Councilman Ebbs not allowed to vote via phone.

Moved by Councilman Mannella and seconded by Councilman Kirby to designate MRB Group as provider of engineering services for the Town.

Discussion

Ayes 4; Nays 0; Abstained 1 Rick Ebbs

RESOLUTION NO. 02-0124

REQUIRED EXAMINATION OF THE RECORDS OF THE JUSTICE COURT, TOWN CLERK AND TAX COLLECTOR

Moved by Councilman Kirby and seconded by Councilman Rush to perform the required examination of the records of the Justice Court, Town Clerk and Tax Collector at 6:00 P. M. on February 12, 2024 and make a report of their findings at the regular meeting of the town board.

Discussion

Ayes 4; Nays 0; Abstained 1 Rick Ebbs

RESOLUTION NO. 03-0124

SETTING HOLIDAYS FOR THE TOWN HALL

Moved by Councilman Kirby and seconded by Councilman Mannella to set the holidays for the Town Hall for the year 2024 to match published Federal holidays, plus Election Day, the Day after Thanksgiving, and Christmas Eve.

Discussion

Ayes 4; Nays 0; Abstained 1 Rick Ebbs

APPOINTMENTS BY THE TOWN SUPERVISOR

1. Deputy Supervisor: James Kirby
2. Budget Officer: N/A
 - a. (Note Section 103(2) of the Town Law requires the Supervisor shall be Budget Officer unless the supervisor appoints another individual to fulfill the role)
3. Historian: Adrienne E. Kirby
4. Bookkeeper: Cassidy Albone and Associates

COMMITTEE APPOINTMENTS

1. Highway: Mr. Mannella, Mr. Rush
2. Water: Mr. Kirby, Mr. Ebbs
3. Finance & Budget: Mr. Manella, Mr. Kirby
4. Zoning: Mr. Ebbs, Mr. Rush
5. Audit: Entire Board with a minimum of three (3) Board members approving all abstracts

RESOLUTION NO. 04-0124
BOARD APPOINTMENTS

Moved by Councilman Mannella and seconded by Councilman Rush to fill the following positions as indicated:

1. Fair Housing Officer: Janet Cheverie
2. Registrar of Vital Statistics: Janet Cheverie
3. Court Clerk: Maureen Kline
4. Water Superintendent: Mark Radzinski
5. Deputy Highway Supt.: Seth Dumrese
6. Deputy Water Supt.: Seth Dumrese

Discussion

Ayes 4; Nays 0; Abstained 1 Rick Ebbs

RESOLUTION NO. 05-0124
SETTING SALARIES, WAGE RATES AND ALLOWANCES FOR VARIOUS POSITIONS

Moved by Councilman Kirby and seconded by Councilman Mannella to set the salaries and wages for appointed positions as follows:

1. Registrar of Vital Statistics: **\$1088.00**
2. 1st Deputy Town Clerk: **\$17.50** per hour
3. Deputy Town Clerk: \$ per hour **\$15.75** per hour
4. Water Billing Clerk: **\$17.50** per hour
5. Planning and Zoning Board of Appeals Secretary: **\$16.74** per hour
6. Court Clerk: **\$17.80** per hour

Tabled the following to do more research

7. Water Superintendent: \$
8. Seasonal Highway Employees: _____per hour with paid holiday when scheduled over 30 hours in a work week
9. Election Inspectors: \$ _____ per hour

Discussion

Ayes 4; Nays 0; Abstained Rick Ebbs

RESOLUTION NO. 06-0124
SETTING NON-WAGE REIMBURSEMENTS AND ALLOWANCES

Moved by Councilman Kirby and seconded by Councilman Mannella to set the non-wage allowances and rates as follows:

1. Clothing Allowance: \$500 for Highway Superintendent
2. Cell Phone Allowance: \$500 for Highway Superintendent and Town Justice
3. Mileage for Town Business Tied to IRS Mileage Rate, which is currently \$0.67 per mile for 2024
 - a. Up from \$.655 per mile in 2023

Discussion

Ayes 4; Nays 0; Abstained 1 Rick Ebbs

RESOLUTION NO. 07-0124
DESIGNATING THE OFFICIAL NEWSPAPER

Moved by Councilman Kirby and seconded by Councilman Rush to designate the official newspaper as the Batavia Daily News.

Discussion

Ayes 4; Nays 0; Abstained 1 Rick Ebbs

RESOLUTION NO. 08-0124
DESIGNATING THE FINANCIAL INSTITUTIONS

Moved by Councilman Rush and seconded by Councilman Kirby to designate the financial institutions, as follows:

1. Official Depository: Five-Star Bank
2. Official Investment Depositories: Five-Star Bank, M & T and Key Bank

Discussion

Ayes 3; Nays 0; Abstained 2 Rick Ebbs and Tyler Allport

RESOLUTION NO. 09-0124

SETTING THE TIMES AND LOCATIONS OF MEETINGS FOR THE TOWN BOARD

Moved by Councilman Kirby and seconded by Councilman Mannella to set the monthly meeting of the Gaines Town Board to the second Monday of each month at 7:00 P.M. at the Gaines Town Hall, with the exception of the October and November meetings. These will be held October 07, 2024 and November 07, 2024 respectively due to required Budget Presentations and Public Hearings. A second year-end meeting will be held in December on December 27, 2024 at 7:00 P. M.

Discussion

Ayes 4; Nays 0; Abstained 1 Rick Ebbs

APPOINTMENT OF ZONING BOARD OF APPEALS CHAIRMAN

Discussion: There was no response from Dave Thom as to whether he was willing to fulfill this role so the Board will not be appointing a chairman, so the Zoning Board of Appeals will elect a chairman.

APPOINTMENT OF ZONING BOARD OF APPEALS VICE CHAIRMAN

Discussion: The Town Board will not appoint a chairman, so the Zoning Board of Appeals will elect a vice-chairman.

RESOLUTION NO. 10-0124

RE-APPOINTMENT OF DAVID THOM TO THE ZONING BOARD OF APPEALS FOR A TERM OF 5 YEARS.

Moved by Councilman Mannella and seconded by Councilman Kirby to reappoint David Thom to the Zoning Board of Appeals for a term of 5 years.

Discussion:

Ayes 4; Nays 0; Abstained 1 Rick Ebbs

This concludes the 2024 Organization Meeting.

Regular Town Board Meeting to immediately follow

APPROVAL OF MINUTES OF DECEMBER 11th 2023 AND DECEMBER 27th RECESSED MEETING

Tabled

RESOLUTION NO. 11-0124
PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT

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

Discussion

Ayes 4; Nays 0; Abstained 1 Rick Ebbs

RESOLUTION NO. 12-0124
PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT

Moved by Mannella and seconded by Kirby accept the monthly report of the Town Supervisor.

Discussion: Cassidy Albone, bookkeeper, is in the process of finalizing the water account. Town Clerk Cheverie and Bookkeeper Albone will be meeting next week to discuss anything that needs clarification.

Ayes 4; Nays 0; Abstained 1, Rick Ebbs

RESOLUTION NO. 13-0124
HIGHWAY SUPERINTENDENT'S REPORT

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

Discussion: Highway Superintendent Radzinski reported 135 Gallons of gasoline and 288 Gallons of diesel were used in the past month. There has only been a little bit of snow so far this year. The lead inventory reports have been coming in from the water customers. Councilman Rush asked if there was any news on the progress of the truck. Highway Superintendent Radzinski advised that February is the build date so there has been no new information received.

Ayes 4; Nays 0; Abstained 1, Rick Ebbs

RESOLUTION NO. 14-0124
APPROVAL OF ABSTRACTS

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

General	\$ 73194.94
Highway	\$ 5200.79
Water	\$ 1199.85

Discussion

Ayes 4; Nays 0; Abstained 1 Rick Ebbs

ADDED TO AGENDA

Janet Ward of DG Gaines Solar Project - Janet Ward indicated that she has submitted updated civil plans regarding the Geoweb which she believes is the final piece of information needed for the building permit. She also submitted the updated decommissioning plan and an electronic copy of the letter of credit. 7-10 days after Town Clerk Cheverie sends the approval, a hard copy of the letter of credit can be issued. They would like to start the building permit process pending the hard copy being received by the Town. Town Attorney, Doug Heath has not had an opportunity to review what was submitted. It appears that the Town Engineer, Sherman Gittens is satisfied with what has been submitted. Attorney Heath recommended that the board recess the meeting until Tuesday, January 16, 2024 so he can review it and then, if it is approved, we can send the approval to Janet Ward. Ms. Ward does not need to appear at the proposed recessed meeting.

Attorney Douglas Heath to address the Board with an update on the proposed Albion Fire District;

Attorney Heath reported that the Board needs to make a motion to investigate the formal formation of the Albion Fire District. The Gaines and Albion Fire Protection Districts will need to be dissolved. The Board will need to authorize Supervisor Allport to sign a memorandum of understanding and a draft plan. The Town and Village of Albion are doing the same thing. The proposed plan has been reviewed but no action has been taken. There needs to be an agreement along with the SEQRA, subject to review. The Town of Albion is willing to take the lead as long as the Town of Gaines agrees. The Town of Albion will be the lead agency with the creation of the Albion Fire District. This means that they will take care of all the advertising for the public hearings. The Town of Gaines will need to do the dissolution of the Gaines Fire Protection District and in January 2025 the new Albion Fire District would begin. The residents of both towns and the Village could force a vote. There would be a fire tax for all the residents. The tax base would be spread across the three municipalities to fund the Fire Department. There is expected to be little to no additional cost to the residents. A new 5-member board of commissioners for the district would need to be appointed. The Board needs to lay out suggestions to the proposed board of commissioners. We will be looking for 2 from the Town of Gaines who are fiscally responsible. The Memorandum of Understanding between the three municipalities will replace the existing contract. By December 31, 2024, it is proposed that all apparatus would be transferred to the Fire Department and the building would be leased from the Village to house the apparatus, until other arrangements are made. The Albion Town Clerk will send out all legal notices for all 3 municipalities. There needs to be a resolution to adopt the Memorandum of Understanding which authorizes Supervisor Allport to sign it.

RESOLUTION NO. 15-0124

APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF ALBION, TOWN OF ALBION AND TOWN OF GAINES TO INVESTIGATE THE FORMATION OF THE ALBION JOINT FIRE DISTRICT AND AUTHORIZATION FOR SUPERVISOR ALLPORT TO SIGN IT ON BEHALF OF THE TOWN OF GAINES

Motion was made by Councilman Mannella and seconded by Councilman Kirby authorizing Supervisor, Tyler J Allport, to sign the Memorandum of Understanding between the Village of Albion, Town of Albion and Town of Gaines to investigate the formation of the Albion Joint Fire District.

Discussion: Councilman Rush asked if there is a checks and balances for the Commissioners? In other words, does the Town have some oversight to be sure they are fiscally responsible. Attorney Heath indicated that the Town would no longer have any oversight, the commissioners would be elected in December 2024 so the election by the residents would be the only checks and balances. This would just begin investigating a Joint Fire District, we are not starting the actual formation.

Ayes 4; Nays 0; Abstained 1, Rick Ebbs

RESOLUTION 16-0124

AUTHORIZING THE TOWN OF ALBION TO ACT AS THE LEAD AGENCY SEQRA FOR CREATION OF THE JOINT FIRE DISTRICT AND AUTHORIZING SUPERVISOR ALLPORT TO SIGN IT ON BEHALF OF THE TOWN OF GAINES

Motion was made by Councilman Rush and seconded by Councilman Kirby authorizing the Town of Albion to act as the lead agency SEQRA for creation of the Joint Fire District and authorizing Supervisor Allport to sign it on behalf of the Town of Gaines.

Discussion: Attorney Heath presented the draft SEQRA and explained that in essence, it just addresses whether it adversely affects the environment if the district goes through.

Roll call vote:

Tyler Allport : Aye
James Kirby: Aye
Ron Mannella: Aye
Rick Ebbs: Excused Absence
Ken Rush: Aye

SUPERVISOR'S COMMENTS: Supervisor Allport reported that National Grid called about the anticipated windstorm on Tuesday and Wednesday of this week. They recommended that everyone should assume any downed wires are live and to stay away from them. It is possible that the area may be without power for more than 48 hours.

RECESS

Moved by Councilman Mannella and seconded by Councilman Kirby to recess the meeting to 6:00 PM.

Ayes 4; Nays 0; Abstained 1, Rick Ebbs

RESUME RECESSED MEETING

Moved by Councilman Rush and seconded by Councilman Mannella to resume the Recessed Meeting of the Town of Gaines, County of Orleans, State of New York.

Ayes 3; Nays 0; Abstained 1, Rick Ebbs

Recessed Meeting was called to order by Supervisor Tyler James Allport at 6:00 P.M. on the 16th day of January, 2024.

The following town officials were present:

Tyler Allport	Supervisor
Ron Mannella	Councilperson
Rick Ebbs by phone	Councilperson
Ken Rush	Councilperson
Janet Cheverie	Town Clerk
Douglas Heath by phone later	Attorney for the Town

The following individuals were present during the meeting: No guests

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

RESOLUTION NO. 17-0124

SETTING SALARIES, WAGE RATES AND ALLOWANCES FOR VARIOUS POSITIONS

Moved by Councilman Mannella and seconded by Councilman Rush to set the salaries and wages for appointed positions as follows:

1. Water Superintendent: \$8197.80
2. Seasonal Highway Employees: \$21.27 per hour with paid holiday when scheduled over 30 hours in a work week
3. Election Inspectors: \$15.24 per hour

Discussion

Ayes 3; Nays 0; Abstained 1, Rick Ebbs

RESOLUTION NO. 18-0124

APPROVAL OF MINUTES OF DECEMBER 11th 2023 AND DECEMBER 27th RECESSED MEETING

Moved by Councilman Mannella and seconded by Councilman Rush to approve the minutes of the December 11th and December 27th 2023 Recessed Meeting.

Discussion

Ayes 3; Nays 0; Abstained 1 Rick Ebbs

RESOLUTION NO. 19-0124

AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR POSITION OF PLANNING BOARD AND ZONING BOARD OF APPEALS SECRETARY

Moved by Councilman Rush and seconded by Councilman Mannella to Authorize the Town Clerk to Advertise for the position of Town of Gaines Planning Board and Zoning Board of Appeals Secretary.

Discussion

Ayes 3; Nays 0; Abstained 1, Rick Ebbs

SUPERVISOR'S COMMENTS

Attorney Heath is not here to discuss the Solar Project. (Call was made to Attorney Heath). Attorney Heath stated that he didn't see any reason why the decommissioning plan and letter of credit should not be approved.

RESOLUTION NO. 20-0124

APPROVE THE DECOMMISSIONING PLAN AND LETTER OF CREDIT FOR DG GAINES SOLAR AND AUTHORIZING THE SUPERVISOR TO SIGN THE DECOMMISSIONING PLAN

Motion was made by Councilman Mannella and seconded by Councilman Rush approving the decommissioning plan and the letter of credit for DG Gaines Solar and also authorizing the Town Supervisor to sign the decommissioning plan.

Discussion

Ayes 3; Nays 0; Abstained 1 Rick Ebbs

ADJOURNMENT

Moved by Councilman Mannella and seconded by Councilman Rush to adjourn the meeting at 6:14 PM.

Discussion

Ayes 3; Nays 0; Abstained 1, Rick Ebbs

Respectfully Submitted,
Janet K Cheverie
Gaines Town Clerk