

TOWN OF GAINES MONTHLY TOWN BOARD MEETING MARCH 11TH, 2024

The 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 11th day of March 2024.

The following town officials were present:

Tyler Allport	Supervisor
James Kirby	Deputy Supervisor
Ron Mannella	Councilperson
Rick Ebbs	Councilperson/by phone, non-voting
Ken Rush	Councilperson
Janet Cheverie	Town Clerk
Douglas Heath	Attorney for the Town

The following town officials were absent: Charles Prentice, Town Justice; Mark Radzinski, Highway Superintendent

The following individuals were present during the meeting: John Fitzak, Gabrielle Barone, Lorienda Smith, Robert Brown III, Scott Henning, Mr. Jurs

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

APPROVAL OF MINUTES OF FEBRUARY 12TH, 2024 REGULAR MEETING

Tabled

RESOLUTION NO. 28-0324

PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT

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

Discussion: Town Clerk Cheverie requested to hire a third Deputy who has experience to help her learn her duties and be able to be more efficient.

Ayes 4; Nays 0; Abstained 1, Councilperson Ebbs due to telephonic attendance

RESOLUTION NO. 29-0324

PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT

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

Discussion: None

Ayes 4; Nays 0; Abstained 1, Councilperson Ebbs due to telephonic attendance

**RESOLUTION NO. 30-0324
HIGHWAY SUPERINTENDENT'S REPORT**

Moved by Councilperson Mannella and seconded by Councilperson Kirby to accept the report of the Highway Superintendent as presented by Town Clerk Cheverie.

Discussion: 193 gallons of gas used, and 418 gallons of diesel used. The new truck is at the dealers and will be invoiced for April. As soon as payment is received in April, they will send it to the body shop. We have already been reimbursed by the insurance company for the bill for the sander at George & Swede .

Ayes 4; Nays 0; Abstained 1, Councilperson Ebbs due to telephonic attendance

**RESOLUTION NO. 31-0324
APPROVAL OF ABSTRACTS**

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

General	\$19924.35
Highway	\$22719.99
Water	\$11287.24

Discussion

Ayes 4; Nays 0; Abstained 1, Councilperson Ebbs due to telephonic attendance

**RESOLUTION NO. 32-0324
APPROVAL TO RELEASE BID FOR MOWING SERVICES FOR THE YEAR 2024**

Moved by Councilperson Rush and seconded by Councilperson Kirby to release a bid package for lawn mowing services for the 2024 mowing season, with the intention to award the bid at the April meeting. Further authorizes the Town Clerk to advertise for said bids.

Discussion

Ayes 4; Nays 0; Abstained 1, Councilperson Ebbs due to telephonic attendance

COMPLETION OF THE TOWN AUDITS

The Criminal and Civil Dockets of the Town Justice for 2023 having been duly examined with the monthly cash summary being viewed and the fine and fees have been turned over to the proper officials;

and the records of the Town Clerk/Tax Collector for 2023 have not been duly examined and found all fees have been turned over to the proper officials.

Discussion this matter was tabled due to the Town Clerk/Tax Collector records having not been examined yet.

RESOLUTION NO. 34-0324

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

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

Discussion: No applications have been received from prior advertisements. Supervisor Allport stated he will advertise it on the Town website to see if that generates any interest.

Ayes 4; Nays 0; Abstained 1, Councilperson Ebbs due to telephonic attendance

RESOLUTION NO. 35-0324

AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR POSITION ON THE BOARD OF ASSESSMENTS (POSSIBLE COMBINATION WITH BOARD SECRETARY ADVERTISEMENT)

Moved by Councilperson Kirby and seconded by Councilperson Mannella to Authorize the Town Clerk to Advertise for position on the Town of Gaines Board of Assessments.

Discussion: John Long submitted his letter of resignation effective 2/17/2024 and Supervisor Allport read it aloud. He also expressed his appreciation for the years of dedicated service by Mr. Long. The Board of Assessments meets once per year for 5 hours.

Ayes 4; Nays 0; Abstained 1, Councilperson Ebbs due to telephonic attendance

RESOLUTION NO. 36-0324

AUTHORIZE 3RD DEPUTY PAY TO BE \$17.50/hour

Moved by Councilperson Mannella and seconded by Councilperson Kirby to Authorize the 3rd Deputy Town Clerk Pay to be set at \$17.50/hour, based on the experience of the person who will be in that position.

Ayes 4; Nays 0; Abstained 1, Councilperson Ebbs due to telephonic attendance

Town Attorney, Douglas Heath, informed the board that there will be a public hearing on 4/24/24 @ 6:00 pm at the Albion High School LGI to explain the proposed Albion Joint Fire District.

RESOLUTION NO. 37-0324

SEQR RESOLUTION

Motion was made by Councilperson Mannella and seconded by Councilperson Rush to adopt the following SEQR Resolution.

Whereas, the Town Board of the Towns of Albion, the Town Board of the Gaines and the Village Board of the Village of Albion (the Boards), have proposed to commence the process to establish a Joint Fire District, (Establishment Action) encompassing part of the Town of Albion, part of the Town of Gaines and the Village of Albion; and

Whereas, if so established, the Town of Gaines Fire Protection District will need to be dissolved and the Town of Gaines is the lead agency as the only interested or involved agency in the dissolution of the Town of Gaines Fire Protection District (Dissolution Action);and

Whereas this Dissolution Action is an action subject to the New York State Environmental Quality Review Act (SEQRA), the proposed action is unlisted actions pursuant to SEQRA; and

Whereas the Town Board of the Town of Gaines as Lead Agency for the dissolution action, has completed Parts 1, II and III of the Short Environmental Assessment Form (SEAF), which has been reviewed by the Town Board of Gaines; and,

NOW THEREFORE BE IT RESOLVED that the Board as part of its compliance with the State Environmental Quality Review Act, (SEQRA) Article 8, NYS Environmental Conservation Law, and the implementing regulations set forth in Title 6 NYCRR Part 617, that regarding the dissolution action the Town Board of the Town of Gaines is the only involved agency, and such, is the lead agency for this action and project. Any determination by the Town Board of the Town of Gaines shall be binding on all agencies. Pursuant to 6 NYCRR 617.6 (b)(3)(iii), and in accordance with 6NYCRR Part 617, the Town Board of Gaines determines that based on the information and analysis cited above and any supporting documentation, the proposed dissolution action will not result in any significant adverse environmental impacts.

This resolution is made pursuant to 6 NYCRR 617. 6 (b) (2) (i).and pursuant to the following vote of the Town Board of the Town of Gaines.

Town Board of the Town of Gaines

On the resolution.

TOWN OF GAINES

Supervisor Tyler Allport	Voting Aye
Deputy Supervisor James Kirby	Voting Aye
Ronald Mannella, Councilperson	Voting Aye
Richard Ebbs, Councilperson	Voting excused absence
Kenneth Rush, Councilperson	Voting Aye

RESOLUTION NO. 38-0324

RESOLUTION OF ENDORSEMENT

DISSOLUTION OF THE GAINES FIRE PROTECTION DISTRICT

Motion was made by Councilperson Kirby and seconded by Councilperson Rush to endorse the following Dissolution of the Gaines Fire Protection District.

RESOLUTION OF ENDORSEMENT

DISSOLUTION OF THE GAINES FIRE PROTECTION DISTRICT

A RESOLUTION AUTHORIZING THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, TO ENDORSE A PLAN TO DISSOLVE THE GAINES FIRE PROTECTION DISTRICT

WHEREAS, The Town Board of the Town of Gaines has begun the process to establish a joint fire district, to be called the Albion Joint Fire District, and

WHEREAS, the dissolution of the Gaines Fire Protection District would be necessary upon the establishment of the Albion Joint Fire District, and

WHEREAS, the Town Board of the Town of Gaines, having been presented a Dissolution Plan for the Dissolution of the Gaines Fire Protection District, endorses such plan for the purposes of commencing dissolution proceedings and in order to receive public comment on the plan.

BE IT RESOLVED that the Town Board of the Town of Gaines, Orleans County, New York, hereby endorses such Dissolution Plan dated March 11, 2024, and

BE IT FURTHER RESOLVED that the Clerk of the Town of Gaines is hereby authorized to publish, post and make available, pursuant to law, copies of such Dissolution Plan, and a descriptive summary where and when required, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Gaines will hold a public hearing on the Dissolution Plan on April 24, 2024 at the Albion High School LGI (Large Group Instruction), 324 East Avenue, Albion, New York 14411, 6:00 P.M. or as soon thereafter as this public hearing may be held at which time the Town Board will hear all interested parties regarding said Dissolution Plan.

TOWN OF GAINES

Supervisor Tyler Allport	Voting Aye
Deputy Supervisor James Kirby	Voting Aye
Ronald Mannella, Councilperson	Voting Aye
Richard Ebbs, Councilperson	Voting Excused Absence
Kenneth Rush, Councilperson	Voting Aye

The resolution has presented has passed

RESOLUTION NO. 39-0324

ADOPTION OF THE DISSOLUTION PLAN

GAINES FIRE PROTECTION DISTRICT

Motion was made to adopt the following Dissolution Plan, Gaines Fire Protection District by Councilperson Mannella and seconded by Councilperson Kirby

**DISSOLUTION PLAN
GAINES FIRE PROTECTION DISTRICT**

The Town Board of the Town of Gaines, County of Orleans, New York, pursuant to Article 17-A of the New York General Municipal Law proposes to dissolve the Gaines Fire Protection District , contingent upon the establishment of the Albion Joint Fire District .

(a) The name of the local government entity to be dissolved is the Gaines Fire Protection District. The Gaines Fire Protection District was established by action of the Gaines Town Board, Orleans County, New York in 1982.

(b) The territorial boundaries of the Gaines Fire Protection District encompass the entire geographic area of the Town of Gaines. Less that area of the Town of Gaines that encompasses the Village of Albion, Orleans County, New York.

(c) The type or class of entity to be dissolved is a Fire Protection District established by New York Town Law.

(d) the fiscal estimate of the cost of dissolution of the Gaines Fire Protection District is approximately \$ 5,000 for professional fees, publications fees and disbursements.

(e) Since the Gaines Fire Protection District does not employ any public employees, there is no plan for the transfer or elimination of public employees because of the dissolution.

(f) The Gaines Fire Protection District currently possesses no assets. Therefore , there will be no property transfer, real or personal because of the dissolution.

(g) The Gaines Fire Protection District has no liabilities and indebtedness, bonded and otherwise, except for the contractual obligations set forth in a 2023-2027 Fire Contract between the Village of Albion and the Town of Gaines currently in effect. This contract sets forth that the Town of Gaines does engage the Village of Albion (and derivatively the Albion Fire Department) to furnish firefighting and other emergency services conducted by the Albion Fire Department throughout the area encompassed within the Gaines Fire Protection District. The Town of Gaines is contracted to pay \$124,034.31 for calendar year 2024 and \$127,755.34 for calendar year 2025 to the Village of Albion for fire protection.

(h) According to the Memorandum of Understanding (MOU) executed among the Village of Albion, the Town of Albion and the Town of Gaines, last dated January 10th, 2024, the Town of Gaines and the Village of Albion will terminate their respective fire protection contracts effective December 31, 2024.

(i) The residents of the Gaines Fire Protection District will be furnished fire protection services by the newly established Albion Joint Fire District following the dissolution of the Gaines Fire Protection District. The level of fire protection services will remain the same as is currently provided within the Gaines Fire Protection District by the agreement with the Village of Albion.

Any expenses the Town of Gaines incurs, outside the cost fire protection contract, regarding the Gaines Fire Protection District will be eliminated from the Town of Gaines budget for 2025. For the calendar year 2024, it is proposed that the Town of Gaines and Village of Albion modify their fire protection contract to provide monthly payments, and that the Town of Gaines and the Village of Albion established a local law which will provide that a certain percentage of the unpaid fire protection monies be transferred to the newly established Albion Fire District.

(j) The Gaines Fire Protection District has no assets, liabilities or indebtedness. Other than the liability under the fire protection contract mentioned in paragraph (g) and (h) above. Any taxes levied, collected, and allocated to the Gaines Fire Protection District will be expended by the effective date of dissolution, pursuant to the terms of the fire protection agreement with the Village, which will expire December 31, 2027. There will be no unexpended taxes for the fire protection district as of December 31, 2024. Should there be any unexpended monies in the Gaines Fire Protection District budget, such monies will be paid to the newly formed Albion Joint Fire District, which will be used for fire protection until the Albion Joint Fire District can levy its own taxes commencing January 2025.

(k) The Gaines Fire Protection District did not adopt, or make, any rules or regulations for the Gaines Fire Protection District. Accordingly, there will be no rules or regulations remaining after the effective date of dissolution.

(l) The effective date of the proposed dissolution is December 31, 2024, at 11:59 PM contingent upon the successful establishment of the Albion Joint Fire District.

(m) The public hearing on the proposed dissolution plan will be held on April 24, 2024, at 6:00 PM, or as soon after as the matter can be heard, at the Albion High School LGI (Large Group Instruction), 324 East Avenue, Albion, New York 14411.

(n) In order to carry out this dissolution, the Albion Joint Fire District must be established so that there is uninterrupted fire protection for those residents of the Town of Gaines currently provided fire protection by the Gaines Fire Protection District. The process of establishment of the Albion Joint Fire District occurring simultaneously with this dissolution

Endorsed March 11, 2024, subject to a public hearing and resolution of Adoption.

TOWN OF GAINES

Supervisor Tyler Allport	Voting Aye
Deputy Supervisor James Kirby	Voting Aye
Ronald Mannella, Councilperson	Voting Aye
Richard Ebbs, Councilperson	Voting Excused Absence
Kenneth Rush, Councilperson	Voting Aye

RESOLUTION NO. 40-0324

ADOPTION OF THE DESCRIPTIVE SUMMARY

Motion was made by Councilperson Mannella and seconded by Councilperson Rush to adopt the following Descriptive Summary

**DESCRIPTIVE SUMMARY
DISSOLUTION PLAN
GAINES FIRE PROTECTION DISTRICT**

The Town Board of the Town of Gaines, pursuant to Article 17-A of the General Municipal Law proposes to dissolve the Gaines Fire Protection District, contingent upon the establishment of the Albion Joint Fire District.

- The entity to be dissolved is the Gaines Fire Protection District, established in 1982.
- The boundaries of the Gaines Fire Protection District is the Town of Gaines less that part of the Village of Albion, which lies within the Town of Gaines.
- The cost of dissolution of the Gaines Fire Protection District is approximately \$ 5,000 for professional fees, publications fees and disbursements.
- There is no plan for the transfer or elimination of public employees since the Gaines Fire Protection District does not employ any individuals.
- The Gaines Fire Protection District currently possesses no assets, therefore there will be no property transfer, real or personal, because of the dissolution.
- The Gaines Fire Protection District has no liabilities and indebtedness, bonded and otherwise, except for the contractual obligations set forth in a 2023-2027 Fire Contract between the VILLAGE OF ALBION and the TOWN OF GAINES currently in effect.
- The Gaines Fire Protection District encompasses the entire Town of Gaines, except the Village of Albion. The Town of Gaines fire protection agreement with the Village of Albion

which ends on December 31, 2027, will be terminated as of December 31, 2024, upon the successful establishment of the Albion Joint Fire District.

- The residents of the Gaines Fire Protection District will be furnished fire protection services by the Albion Joint Fire District and the level of fire protection services will remain the same.
- Any taxes allocated to the Gaines Fire Protection District will be spent by the effective date of dissolution, which is December 31, 2024.
- There will be no rules or regulations that pertain to the Gaines Fire Protection District effective after December 31, 2024.
- The effective date of the proposed dissolution is December 31, 2024, at 11:59 PM, contingent upon the successful establishment of the Albion Joint Fire District.
- The public hearing on the proposed dissolution plan will be held on April 24, 2024, at 6:00 PM, or as soon after as the matter can be heard, at the Albion High School LGI (Large Group Instruction), 324 East Avenue, Albion, New York 14411.

Endorsed March 11, 2024, subject to a public hearing and resolution of Adoption.

TOWN OF GAINES

Supervisor Tyler Allport

Voting Aye

Deputy Supervisor James Kirby

Voting Aye

Ronald Mannella, Councilperson

Voting Aye

Richard Ebbs, Councilperson

Voting Excused Absence

Kenneth Rush, Councilperson

Voting Aye

RESOLUTION NO. 41-0324

NOTICE OF PUBLIC HEARING

Motion was made by Councilperson Kirby and seconded by Councilperson Rush to approve the following Notice of Public Hearing

NOTICE OF PUBLIC HEARING DISSOLUTION OF GAINES FIRE PROTECTION DISTRICT

Whereas, The Town Board of Gaines (Board) having reviewed and discussed the Dissolution Plan for the Gaines Fire Protection District for dissolution dated March 11, 2024, and the having determined it is in the public interest to endorse said Dissolution Plan and hold a public hearing to commence the dissolution process, and

NOTICE IS HEREBY GIVEN that a Public Hearing regarding the Dissolution Plan of the Gaines Fire Protection District will be held by the Town Board of Gaines for its consideration at a public hearing to be held at the Albion High School LGI (Large Group Instruction), 324 East Ave., Albion, NY 14411 on April 24, 2024, at 6:00pm.

At such hearing, any interested person will be given a reasonable opportunity to be heard on any aspect of the proposed Dissolution of the Gaines Fire Protection District. The Resolution to be considered is as follows;

A RESOLUTION AUTHORIZING THE TOWN BOARD OF THE TOWN OF GAINES , ORLEANS COUNTY, NEW YORK, TO DISSOLVE THE GAINES FIRE PROTECTION DISTRICT SUBJECT TO THE TERMS AND CONDITIONS AS SET FORTH IN THE PLAN FOR DISSOLUTION DATED MARCH 11. 2024.

A brief description of the boundaries of the Gaines Fire Protection District is the entire Town of Gaines including the area of the Village of Albion that lies within the Town of Gaines located within the County of Orleans, State of New York.

The Descriptive Summary of the Plan for Dissolution is as follows

DESCRIPTIVE SUMMARY
DISSOLUTION PLAN
GAINES FIRE PROTECTION DISTRICT

The Town Board of the Town of Gaines, pursuant to Article 17-A of the General Municipal Law proposes to dissolve the Gaines Fire Protection District , contingent upon the establishment of the Albion Joint Fire District.

- The entity to be dissolved is the Gaines Fire Protection District, established in 1982.
- The boundaries of the Gaines Fire Protection District is the Town of Gaines less that part of the Village of Albion, which lies within the Town of Gaines.
- The cost of dissolution of the Gaines Fire Protection District is approximately \$ 5,000 for professional fees, publications fees and disbursements.
- There is no plan for the transfer or elimination of public employees since the Gaines Fire Protection District does not employ any individuals.
- The Gaines Fire Protection District currently possesses no assets, therefore there will be no property transfer, real or personal, because of the dissolution.
- The Gaines Fire Protection District has no liabilities and indebtedness, bonded and otherwise, except for the contractual obligations set forth in a 2023-2027 Fire Contract between the VILLAGE OF ALBION and the TOWN OF GAINES currently in effect.
- The Gaines Fire Protection District encompasses the entire Town of Gaines, except the Village of Albion . The Town of Gaines fire protection agreement with the Village of Albion which ends on December 31, 2027, will be terminated as of December 31, 2024, upon the successful establishment of the Albin Joint Fire District.
- The residents of the Gaines Fire Protection District will be furnished fire protection services by the Albion Joint Fire District and the level of fire protection services will remain the same.
- Any taxes allocated to the Gaines Fire Protection District will be spent by the effective date of dissolution, which is December 31, 2024.
- There will be no rules or regulations that pertain to the Gaines Fire Protection District effective after December 31, 2024.
- The effective date of the proposed dissolution is December 31, 2024, at 11:59 PM, contingent upon the successful establishment of the Albion Joint Fire District.

- The public hearing on the proposed dissolution plan will be held on April 24, 2024 , at 6:00 PM , or as soon after as the matter can be heard, at the Albion High School LGI (Large Group Instruction),324 East Avenue, Albion , New York 14411.

The full plan for Dissolution of the Gaines Fire Protection District may be examined at the following locations.

Town of Gaines Website
www.TownofGaines.org

Town Hall
Town of Gaines
14087 Ridge Road West
Albion, New York 14411

Crosby's Convenience Store
14383 Ridge Road West
Albion, New York 14411

Cobblestone Museum
14489 Ridge Road West
Albion, New York 14411

Oak Orchard Bowl
3291 Oak Orchard Road
Albion , New2 York 14411

Plan endorsed this date, subject to a public hearing.

TOWN OF GAINES

Supervisor Tyler Allport	Voting Aye
Deputy Supervisor James Kirby	Voting Aye
Ronald Mannella, Councilperson	Voting Aye
Richard Ebbs, Councilperson	Voting Excused Absence
Kenneth Rush, Councilperson	Voting Aye

SUPERVISOR'S COMMENTS

RECOGNITION OF JOHN LONG FOR SERVING 33 YEARS ON THE TOWN OF GAINES BOARD OF ASSESSMENTS. THANK YOU FOR YOUR MANY YESRS OF DEDICATED SERVICE.

OTHER NEW BUSINESS FROM THE TOWN BOARD

Gaines Historian, Adrienne Kirby, has submitted her annual report to be placed on the website.

PRIVILEGE OF THE FLOOR

Mr. Jurs stated that he has been a resident Oak Orchard Estates since June 2021. He has tried addressing his issues with the park owner about nothing being done with the landscaping or the roads in the park, however nothing has been done. Attorney Heath suggested that the Town send Codes Officer Gifaldi out to be sure there are no violations of the Town code. He also suggested that Mr. Jurs get a petition signed by the other residents and present that to the owner.

Scott Henning from Lake Ontario Fruit spoke about working on an expansion. They had their first meeting with the planning board in August. They have fired Schultz as their engineering firm and also several attorneys. The Schultz firm was scoffed at by the board. In October, Lake Ontario Fruit got a 90 day PILOT. The Chairman of the Planning Board couldn't understand why. The Town engineer was invited to visit the site and then the Planning board called to report them to the DEC. Every month it has been a new event. They feel that they are a very good business in the Town and they appreciate the Town of Gaines. However, since there are limitations on electric and water, there is not a lot that the Town can offer to businesses and they understand that, yet they continue to invest in the community. Mr. Henning would just request that the Town be sure that the Planning Board members have appropriate training in order to fulfill their duties to the Town. Maybe the need for input from the Town engineer is due to lack of training of the members. They are hoping to get the site plan signed tomorrow and can get their building permit.

Robert Brown, III from Lake Ontario Fruit stated that their tax bill is between \$55,000 and \$65,000. Between the Town of Gaines Engineering bill, Schultz and their attorney, it will cost them more than their annual taxes, just to get a building permit. They want to make it clear that they are not going to leave the Town of Gaines.

Motion was made by Councilperson Rush and seconded by Councilperson Kirby to enter into executive session.

Aye 4; Nay 0; Abstained 1, Councilperson Ebbs due to telephonic attendance

ADJOURNMENT

Moved by Councilperson Rush and seconded by Councilperson Kirby to adjourn the meeting at 8:15 PM.

Ayes 4; Nays 0; Abstained 1, Councilperson Ebbs due to telephonic attendance