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TOWN OF GAINES MONTHLY TOWN BOARD MEETING JUNE 10, 2024 AND RECESSED TO JUNE 17, 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 10th day of June, 2024.

The following town officials were present:

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

The following town official was absent during the meeting: Ken Rush, Councilperson

The following individuals were present during the meeting: Penny Nice, Carrie Cosentino & Cody Smith

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

OPEN PUBLIC HEARING – UPDATE TO TOWN OF GAINES SOLAR ENERGY LAW – LOCAL LAW 1:2024 AMENDMENT PERTAINING TO THE SOLAR ENERGY

Moved by Councilperson Kirby and seconded by Councilperson Ebbs to Open the Public Hearing at 7:00 PM

No one had any comments or questions.

Moved by Councilperson Mannella and seconded by Councilperson Kirby to Close the Public Hearing at 7:01PM

OPEN PUBLIC HEARING – UPDATE TO TOWN OF GAINES BATTERY STORAGE SYSTEM LAW – LOCAL LAW 2:2024 AMENDMENT PERTAINING TO THE BATTERY STORAGE SYSTEM

Moved by Councilperson Ebbs and seconded by Councilperson Kirby to Open the Public Hearing at 7:02 PM

No one had any comments or questions.

Moved by Councilperson Mannella and seconded by Councilperson Ebbs to Close the Public Hearing at 7:03PM

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RESOLUTION NO. 60-0624

APPROVAL OF MINUTES OF APRIL 08th, 2024 REGULAR MEETING

Moved by Councilperson Mannella and seconded by Councilperson Kirby to approve the April 08th, 2024 Regular Meeting.

Discussion

Ayes 4; Nays 0

RESOLUTION NO. 61-0624

APPROVAL OF MINUTES OF MAY 13th, 2024 REGULAR MEETING

Moved by Councilperson Ebbs and seconded by Councilperson Kirby to approve the May 13th, 2024 Regular Meeting.

Discussion

Ayes 4; Nays 0

RESOLUTION NO. 62-0624

PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT

Moved by Councilperson Kirby and seconded by Councilperson Ebbs to accept the April and May monthly reports of the Town Clerk.

Discussion: Clerk Cheverie also reported that the fire/security system will not work with VOIP phone systems. We currently pay Verizon for a dedicated hardwired line that used to also be the fax line for the court but is no longer needed by the court. According to West Fire, there are only 2 options: 1) continue with the landline phone line and 2) use a cellular communicator. There is a one-time fee of \$450.00 fee which includes the unit, the installation, programming and the service call. When they install it, they will do a signal strength test & if, on a rare occasion, there is no signal, they will uninstall it and not charge anything, not even the \$450.00. There is a monthly monitoring cost that includes the monitoring and the cell fee for a total of \$41.50/month. There is no per call fee, like we currently have with Verizon. The monitoring is paying for the service of basically a dispatch service. If there's an alarm, the panel will notify them & they will make the calls to the appropriate people, based on the nature of the alarm. Currently the Town is paying West Fire \$258.00/year and Verizon approximately \$70.00/month (\$840.00/year) for a grand total of approximately \$1100.00/year. Using the cellular communicator, it would be \$41.50/month or \$498.00/year. There would also be the one-time fee of \$450.00.

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The question was raised about the Highway garage as it appears there is not a landline phone there. Clerk Cheverie was asked to research this and report back to the Board.

Ayes 4; Nays 0

RESOLUTION NO. 63-0624

PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT

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

Ayes 4; Nays 0

RESOLUTION NO. 64-0624

HIGHWAY SUPERINTENDENT'S REPORT

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

Discussion: 333 gallons of Gasoline were used, and 92 gallons of Diesel were used this month. Highway Superintendent met with Sensus regarding bad units. They are working on possibly buying out of the old & coming in with the new. The molding around the overhead doors were replaced. The Truck is at Peterbilt now and at the end of the week or beginning of next it will be going to Viking. Attorney Heath is working on the bond for the truck. Councilperson Mannella got a call about Doug Ashbery's water problem. Superintendent Radzinski said that he didn't find anything and hasn't received any more calls so he believes it is resolved.

Ayes 4; Nays 0

RESOLUTION NO. 65-0624

APPROVAL OF ABSTRACTS

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

General	\$22763.92
Highway	\$ 3117.14
Water	\$ 238.47

Ayes 4; Nays 0

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RESOLUTION NO. 66-0624

APPROVAL OF CVE GROUP-PESCARA 1 SOLAR PROJECT DECOMMISSIONING PLAN

Attorney Heath has been in contact with the Town Engineer and there are no objections so it is recommended that the Board approves the Decommissioning Plan.

Ayes 4; Nays 0

RESOLUTION NO. 67-0624

ADOPT SCHEDULE LGS-1 RETENTION AND DISPOSITION SCHEDULE

RESOLVED, By the Town Board of the Town of Gaines, New York that *Retention and Disposition Schedule for New York Local Government Records*, LGS-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, it hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

- a) Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Record*, LGS-1, after they have met the minimum retention periods described therein;
- b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Motion made by Councilperson Kirby and seconded by Councilperson Ebbs.

Aye 4; Nays 0

RESOLUTION NO. 68-0624

STORMWATER MANAGEMENT REQUIREMENTS FOR SOLAR PROJECTS-LIVE ZOOM WEBINAR

Moved by Councilperson Kirby and seconded by Councilperson Ebbs to authorize interested Planning Board and Zoning Board of Appeals Members to register for this training offered by Monroe County on June 26, 2024 at 6:00 pm costing \$20.00 per registration.

Ayes 4; Nays 0

RESOLUTION 69-0624

RESOLUTION TO HOLD SPECIAL ELECTION TO VOTE ON PROPOSITION

The **TOWN BOARD OF THE TOWN OF GAINES**, (Board) in the County of Orleans, State of New York, met in regular session at the Town Offices in the Town of Gaines, located at 14087 Ridge Road West, Gaines, New York, Orleans County, State of New York, on June 10, 2024, 7:00 p.m. The meeting was called to order by Tyler Allport, Supervisor, and the following were present, namely Supervisor Tyler Allport, Deputy Supervisor James Kirby, Ronald Mannella, Councilperson, Richard Ebbs, Councilperson and Kenneth Rush, Councilperson was absent.

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WHEREAS, on May 30, 2024, a petition (the “Petition”) was filed with Town Clerk of the Town of Gaines (the “Town Clerk”) in response to a resolution subject to a permissive referendum dated April 30th, 2024 made by this board to establish a joint fire district encompassing the Towns of Albion and Gaines, including the incorporated Village of Albion. The Town Clerk of Gaines has no objection to the petition submitted to the Town of Gaines, requiring the Town Board to hold a special election to vote on the proposition.

WHEREAS the Town Board wishes to establish the date, time, and location for a special election to consider the question of establishing a joint fire district in the Town of Albion and Gaines on August 6th, 2024 (the “Special Election”), and, to set forth the parameters of the Special Election.

NOW, THEREFORE BE IT RESOLVED, that:

1. The Special Election shall be held on August 6th, 2024.
2. The Proposition before the voters, as set forth on the Petition, shall be:

“SHALL THE RESOLUTION AUTHORIZING THE BOARD OF TRUSTEES OF THE VILLAGE OF ALBION, THE TOWN BOARD OF THE TOWN OF ALBION AND THE TOWN BOARD OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, DATED APRIL 30, 2024, TO ESTABLISH A JOINT FIRE DISTRICT TO BE KNOWN AS THE ALBION JOINT FIRE DISTRICT, WHICH FIRE DISTRICT WILL ENCOMPASS THE VILLAGE OF ALBION, THE TOWN OF ALBION AND THE TOWN OF GAINES BE APPROVED?”

3. The polling place for the Proposition shall be Hoag Library, 134 South Main Street, Albion, New York 14411.
4. The time the polling place shall be open shall be from 12:00 pm to 8:00 pm.
5. The Special Election shall be noticed in accordance with the provisions of New York Town Law Section 82 by the Town Clerk by causing to be published in the Batavia Daily News, a newspaper published in the Town, a notice specifying the time when and place where the Special Election will be held, the hours during which the polls will remain open for the purpose of receiving ballots and setting forth in full the proposition to be voted on (the “Special Election Notice”). The Special Election Notice shall be published no later than July 25th, 2024. In addition, the Town Clerk shall post or cause to be posted a copy of the Special Election Notice on the signboard of the Town of Gaines at Town Hall, on the website of the Town of Gaines and in the Orleans Hub, no later than July 26th, 2024.
6. The Town shall allocate the necessary funds to pay the cost of the Special Election and hereby designates the Orleans County Board of Elections (the “Board of Elections”) to assist and provide guidance in the administration of the Special Election in accordance with the relevant provisions of New York State law. The Town Board shall appoint the election inspectors and ballot clerks for the Special Election based on the advice and counsel of the Orleans County Board of Elections and through the existing election inspectors and ballot clerk’s list it maintains. Each election inspector and ballot clerk shall be paid the sum of \$130.00 for their services for the special election.
7. Absentee voting shall be allowed for the Special Election and shall be coordinated with the Orleans County Board of Elections. The Town Clerk is hereby authorized and directed to work with the Board of Elections to prepare the necessary documents to issue absentee ballots and rely on its expertise in processing the absentee ballots and spend the necessary

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- funds to coordinate this effort. Notwithstanding the foregoing, an application for an absentee ballot must be received by the Town Clerk (i) at least seven days before the election if the ballot is to be mailed to the voter, or (ii) at the day before the election if the ballot is to be personally delivered to the voter or his or her agent. For an absentee ballot to be eligible for the Special Election, the Town Clerk shall receive all absentee ballots no later than 5:00 P.M. on August 6, 2024. The Town Clerk shall, on the day of the Special Election, transmit all absentee voters' envelopes, received by her, to the inspectors of election.
8. Upon closing of the polls on August 6th, 2024, the election inspectors shall proceed to canvass the votes thereat and shall complete such canvass without adjournment. As soon as possible after completion, the inspectors shall file with the Town Clerk a certificate setting forth the holding of the election, the total number of votes cast upon the proposition and the number of votes cast for and against the proposition, together with the name and address of every person voting at such election upon such proposition.
 9. The Town Supervisor is hereby authorized to take all steps necessary to ensure the Special Election shall take place pursuant to Town Law and Election Law and hereby has the authority to enter into an agreement with the Board of Elections to assist and provide guidance regarding the Special Election pursuant to this Resolution.
 10. The Town Board hereby further authorizes the Town Supervisor to work with the Board of Elections to make provision at the Special Election for affidavit ballots under the same terms, conditions and regulations allowed for under New York State Law.

The above resolution was moved by Deputy Supervisor Kirby, seconded by Councilperson Ebbs, and adopted as follows:

Tyler Allport, Supervisor	Voting Yes
Deputy Supervisor James Kirby	Voting Yes
Ronald Mannella, Councilperson	Voting Yes
Richard Ebbs, Councilperson	Voting Yes
Kenneth Rush, Councilperson	Absent

OTHER NEW BUSINESS FROM THE TOWN BOARD

The Town has received notice of increases in water rates from the Village of Albion and the Town of Albion. This matter is tabled as clarification is needed regarding the large discrepancy between the Village and the Town of Albion rates.

3 IT estimates were presented however the one from CPR, Computer and Phone Repair was not really in the form of a formal quote. Clerk Cheverie has been asked to obtain a more formal quote and present it next month.

PRIVILEGE OF THE FLOOR

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Penny Nice from the Orleans County Chapter of the DAR would like to refurbish the flag pole in front of the Congregational Church. They will fund it but they need help with labor, new hardware, light and new flag, sanding and painting. The stone was dedicated by 4 groups. It was asked who owns the flag pole and that is unclear. Superintendent Radzinski will approach Bill Lattin to see if he knows. Attorney Heath will look at the legality of using public employees for this type of work.

ADJOURN MEETING TO ENTER EXECUTIVE SESSION

Moved by Councilperson Kirby and seconded by Councilperson Mannella to enter into an executive session at 7:34 PM to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.

Discussion

Ayes 4; Nays 0

EXIT EXECUTIVE SESSION TO REJOIN REGULAR MEETING

Moved by Councilperson Mannella and seconded by Councilperson Ebbs to exit Executive Session at 7:47 PM.

Discussion

Ayes 4; Nays 0

RECESS MEETING TO JUNE 17, 2024 @ 7:00 PM

Moved by Councilperson Mannella and seconded by Councilperson Ebbs to recess the meeting at 7:47 PM.

Ayes 4; Nays 0