

**Town of Gaines  
Town Board Meeting Minutes  
November 4, 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 7:02 P.M. on the 4<sup>th</sup> day of November, 2024.

The following town officials were present:

Tyler Allport	Supervisor
James Kirby	Deputy Supervisor
Ron Mannella	Councilperson
Rick Ebbs	Councilperson
Ken Rush	Councilperson
Janet Cheverie	Town Clerk
Mark Radzinski	Highway Superintendent
Douglas Heath	Attorney for the Town
Cassidy Albone	Bookkeeper with Albone & Associates

The following individuals were present during the meeting: Lorienda Smith

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

**RESOLUTION NO. 113-1124**

**OPEN PUBLIC HEARING FOR APPROVAL AND ADOPTION OF THE CHARTER FRANCHISE AGREEMENT RENEWAL**

Moved by Councilperson Kirby and seconded by Councilperson Rush to open Public Hearing at 7:03 PM for Approval and Adoption of the Charter Franchise Agreement Renewal.

Discussion: None

Ayes 5; Nays 0

**RESOLUTION NO. 114-1124**

**CLOSE PUBLIC HEARING FOR APPROVAL AND ADOPTION OF THE CHARTER FRANCHISE AGREEMENT RENEWAL**

Moved by Councilperson Mannella and seconded by Councilperson Kirby to close Public Hearing at 7:04 PM for the Approval and Adoption of the Charter Franchise Agreement Renewal.

Discussion: No comments were received by the Town Clerk or from anyone in attendance.

Ayes 5; Nays 0

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**RESOLUTION NO. 115-1124**

**APPROVAL AND ADOPTION OF THE CHARTER FRANCHISE AGREEMENT RENEWAL**

Moved by Councilperson Kirby and seconded by Councilperson Ebbs to Approve and Adopt, and further authorize the Town of Gaines Supervisor to execute the presented Charter Franchise Agreement Renewal as follows:

**RESOLUTION**

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An application has been duly made to the Board of the **Town of Gaines, County of Orleans**, New York, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Gaines, New York on November 4, 2024 at 7:00 P.M., and notice of the hearing was published in the Batavia Daily Journal on October 25, 2024

**NOW, THEREFORE**, the Board of the Town of Gaines finds that:

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1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
  
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
  
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED** that the Board of the **Town of Gaines** hereby grants the cable television franchise of Spectrum Northeast, LLC and the **Town of Gaines** for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

**BE IT FURTHER RESOLVED** that the Board of the **Town of Gaines** hereby confirms acceptance of this franchise renewal agreement.

Roll Call Vote Taken:

Councilman Ebbs:	Aye
Councilman Rush:	Aye
Supervisor Allport:	Aye
Deputy Supervisor Kirby:	Aye
Councilman Mannella:	Aye

**RESOLUTION NO. 116-1124**

**APPROVAL OF MINUTES OF OCTOBER 21<sup>st</sup>, 2024 REGULAR MEETING**

Moved by Councilperson Mannella and seconded by Councilperson Kirby to approve the October 21, 2024 Regular Meeting.

Discussion: None

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Ayes 5; Nays 0

**RESOLUTION NO. 117-1124  
PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT**

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

Discussion: Clerk Cheverie reported that 2 computers have been ordered and are scheduled to be installed next week in the Town Clerk's office, replacing computers that were from 2011. The cost is \$699.00 each for a total of \$1398.00.

Ayes 5; Nays 0

**RESOLUTION NO. 118-1124  
PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT**

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

Discussion: Everything is lining up very well this year with the budget

Ayes 5; Nays 0

**RESOLUTION NO. 119-1124  
HIGHWAY SUPERINTENDENT'S REPORT**

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

Discussion: 145 gallons of gasoline and 129 gallons of diesel were used this month. There is an issue with the gas pump reading. Damien Perry from Perry's Lawncare needs to do some community service and wondered if he could do some lawncare type work for the Town at no cost? Mark will talk to him to get more information on what he is proposing.

Ayes 5; Nays 0

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**RESOLUTION NO. 120-1124  
APPROVAL OF ABSTRACTS**

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

General	\$11,108.17
Highway	\$ 422.32
Water	\$ 3,223.21

Discussion: None

Ayes 5; Nays 0

**RESOLUTION NO. 121-1124  
APPOINTMENT OF THE OPEN TOWN OF GAINES CLEANER POSITION**

Moved by Councilperson Ebbs and seconded by Councilperson Mannella to Appoint Michelle Chalker, d/b/a SAVE Time Cleaning Services to the open Cleaner Position at the same rate of pay that the past cleaner was making, \$60.00/week for the Town Hall and \$45.00/week for the Highway Garage.

Discussion: Ms. Chalker has contracts with several other Towns and Fire Companies in the County, so she has experience with this type of work. She is also insured.

Ayes 5; Nays 0

**RESOLUTION NO. 122-1124  
ISSUE BOND RESOLUTION FOR THE PURCHASE OF THE TRUCK AND PLOW USING THE FORM PROVIDED BY OUR BOND COUNCIL**

Moved by Councilperson Kirby and seconded by Councilperson Mannella to issue a Bond for the purchase of the Truck and Plow for the balance owed after using ARPA funds. The form is to be provided by the Town's Bond Council.

Discussion: 50% of ARPA funds need to be used by the end of December, 2024.

Ayes 5; Nays 0

**RESOLUTION NO. 123-1124**

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**OPEN PUBLIC HEARING FOR ADOPTION OF 2025 TOWN OF GAINES BUDGET**

Moved by Councilperson Ebbs and seconded by Councilperson Rush to open Public Hearing at 7:15 PM for the Adoption of the 2025 Town of Gaines Budget.

Discussion: None

Ayes 5; Nays 0

**Public Comments:**

Ms. Smith asked about the increase for insurance. Ms. Albone explained that our Insurance Agent, Albion Agencies has advised the Town to expect a 15% increase in insurance for 2025. Ms. Smith also questioned the large jump of \$60,000.00 for the ambulance contract. Supervisor Allport indicated that since the tentative budget was prepared, the amount is now only expected to be \$35,000.00, not \$60,000.00. Ms. Smith asked how the employee benefits amount could decrease. Ms. Albone explained that one of the Highway employees is no longer receiving health insurance through the Town. Ms. Smith questioned why the snow removal line increased so much since we haven't had particularly bad winters for the past few years. Highway Superintendent Radzinski explained that the price of salt has increased and there is no way to predict how much snow we will get in any given year, we need to have the salt, in case we have a bad winter. Ms. Smith wondered about the line in the Highway section of the budget for CHIPS, what is that? Highway Superintendent Radzinski explained that it is safe reimbursement for road work that the Town Highway does. Ms. Smith inquired why, on summary page 1, is there a big increase in metered water for all districts except for district #5, which has a decrease. Ms. Albone explained that the amounts budgeted were based on actual usage for the districts in 2024. Ms. Smith asked what the impact would be on taxes with the new assessments and with the Gaines Fire District being dissolved. Supervisor Allport indicated there may be a slight increase in taxes, but it would be below the 2% cap. Ms. Smith also asked why the Town needs a new truck. Highway Superintendent Radzinski explained that the truck that is being replaced is a 2004 truck and he has had difficulty getting parts for repairs, due to the age of the truck. It was also explained by Supervisor Allport, that Gaines is the only Town in the County that still has ARPA funds left. Those funds are being utilized to offset the purchase of the new truck. The Town has been very responsible with the use of these funds.

**RESOLUTION NO. 124-1124**

**CLOSE PUBLIC HEARING FOR ADOPTION OF 2025 TOWN OF GAINES BUDGET**

Moved by Councilperson Mannella and seconded by Councilperson Kirby to close Public Hearing at 7:30 PM for the Adoption of the 2025 Town of Gaines Budget.

Discussion: None

Ayes 5; Nays 0

**RESOLUTION NO. 125-1124**

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**APPROVAL AND ADOPTION OF THE BUDGET FOR THE TOWN OF GAINES FOR FISCAL YEAR 2025**

Moved by Councilperson Rush and seconded by Councilperson Ebbs to adopt the Tentative Budget as the Final Budget for fiscal year 2025, pending the water parcels numbers on the front page being adjusted for accuracy.

Discussion: The final budget is needed by November 9, 2024 per Supervisor Allport

Ayes 5; Nays 0

**RESOLUTION NO. 126-1124**

**AUTHORIZE TOWN CLERK TO ASSUME RESPONSIBILITIES AND PAY AS TOWN OF GAINES PLANNING AND ZONING BOARD OF APPEALS SECRETARY**

Moved by Councilperson Ebbs and seconded by Councilperson Kirby to Authorize the Town Clerk to Assume the Responsibilities and Pay as Town of Gaines Planning Board and Zoning Board of Appeals Secretary effective January 1, 2025.

Discussion: Numerous ads have been placed for these positions and there have not been any applications. It doesn't seem prudent to spend any more money on advertising, with no results.

Ayes 5; Nays 0

**SUPERVISOR'S COMMENTS:** None

**OTHER NEW BUSINESS FROM THE TOWN BOARD:** None

**PRIVILEGE OF THE FLOOR:** None

**ADJOURNMENT**

Moved by moved by Councilperson Ebbs and seconded by Councilperson Mannella to adjourn the meeting at 7:33 PM.

Ayes 5; Nays 0

Respectfully Submitted,

Janet K. Cheverie  
Gaines Town Clerk