

Town of Gaines
2025 Organizational and January Meeting
January 13, 2025

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 13th day of January, 2025.

The following town officials were present:

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

The following town officials were absent:

Rick Ebbs (excused) listened by phone	Councilperson
Charles Prentice, Jr.	Town Justice

The following individuals were present during the meeting: Lorienda Smith

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

ORGANIZATIONAL MEETING

**RESOLUTION NO. 01-0125
PROFESSIONAL SERVICES APPOINTMENTS FOR 2025**

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

Discussion: None

Ayes 4; Nays 0; 1 excused absence

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

Discussion: None

Ayes 4; Nays 0; 1 excused absence

RESOLUTION NO. 02-0125

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

Moved by Councilperson Mannella and seconded by Councilperson 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 10, 2025 and make a report of their findings at the regular meeting of the town board.

Discussion: None

Ayes 4; Nays 0; 1 excused absence

RESOLUTION NO. 03-0125

SETTING HOLIDAYS FOR THE TOWN HALL

Moved by Councilperson Kirby and seconded by Councilperson Mannella to set the holidays for the Town Hall for the year 2025 to match published Federal holidays, plus Election Day, the Day after Thanksgiving, and Christmas Eve.

Discussion: None

Ayes 4; Nays 0; 1 excused absence

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. Rush, Mr. Kirby

4. Zoning: Mr. Ebbs, Mr. Manella
5. Audit: Entire Board with a minimum of three (3) Board members approving all abstracts

RESOLUTION NO. 04-0125

BOARD APPOINTMENTS

Moved by Councilperson Kirby and seconded by Councilperson 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: None

Ayes 4; Nays 0; 1 excused absence

RESOLUTION NO. 05-0125

SETTING SALARIES, WAGE RATES AND ALLOWANCES FOR VARIOUS POSITIONS

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

1. Registrar of Vital Statistics: **\$1109.76**
2. 1st Deputy Town Clerk: **\$17.85** per hour
3. Deputy Town Clerk: **\$16.07** per hour
4. Water Billing Clerk: **\$17.85** per hour
5. Planning Board and Zoning Board of Appeals Secretary: *Completed by Town Clerk*
6. Court Clerk: **\$18.16** per hour
7. Water Superintendent: **\$8,217.08**
8. Seasonal Highway Employees: **\$21.71** per hour with paid holiday when scheduled over 30 hours in a work week
9. Election Inspectors: *Dictated by County*

Discussion: None

Ayes 4; Nays 0; 1 excused absence

RESOLUTION NO. 06-0125
SETTING NON-WAGE REIMBURSEMENTS AND ALLOWANCES

Moved by Councilperson Mannella and seconded by Councilperson Kirby 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 \$0.70 per mile for 2025
 - a. Up from \$0.67 per mile in 2024

Discussion: None

Ayes 4; Nays 0; 1 excused absence

RESOLUTION NO. 07-0125
DESIGNATING THE OFFICIAL NEWSPAPER

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

Discussion: None

Ayes 4; Nays 0; 1 excused absence

RESOLUTION NO. 08-0125
DESIGNATING THE FINANCIAL INSTITUTIONS

Moved by Councilperson Kirby and seconded by Councilperson Rush 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: None

Ayes 3; Nays 0; Abstained 1 Supervisor Allport; 1 excused absence

RESOLUTION NO. 09-0125

SETTING THE TIMES AND LOCATIONS OF MEETINGS FOR THE TOWN BOARD

Moved by Councilperson Mannella and seconded by Councilperson Kirby 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 meeting. This will be held October 02, 2025 due to required Budget Presentations and Public Hearings. A second year-end meeting will be held in December on December 29, 2025 at 5:00 P.M.

Discussion: None

Ayes 4; Nays 0; 1 excused absence

This concludes the 2025 Organization Meeting at 7:10 PM. Regular Town Board Meeting to immediately follow

RESOLUTION NO. 10-0125

APPROVAL OF MINUTES OF DECEMBER 30, 2024 YEAR END MEETING

Moved by Councilperson Mannella and seconded by Councilperson Rush to approve the minutes of the December 30, 2024 Regular Meeting.

Discussion: None

Ayes 4; Nays 0; 1 excused absence

RESOLUTION NO. 11-0125

PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT

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

Discussion: None

Ayes 4; Nays 0; 1 excused absence

RESOLUTION NO. 12-0125

PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT

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

Discussion: We are just starting the year so not much to report. Coming up later we will be discussing using up the remainder of the ARPA funds. Everything went more smoothly in 2024 since this was the first full year with Albone & Associates, Cassidy Albone doing our bookkeeping.

Ayes 4; Nays 0; 1 excused absence

**RESOLUTION NO. 13-0125
HIGHWAY SUPERINTENDENT'S REPORT**

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

Discussion: 228 gallons of gasoline were used this month and 773 gallons of diesel. We are working on the water readings and trying to resolve the issues so that the bills can go out. The board is requesting that if the reading system doesn't work with the new billing system, we need to go back and ask for a refund for the new billing system since they promised us it would correct the problem with reading the new meters. The Town Clerk was directed to forward the email from Shane Ireland that promised it would fix it.

Ayes 4; Nays 0; 1 excused absence

**RESOLUTION NO. 14-0125
APPOINTMENT OF FIRST DEPUTY TOWN CLERK**

Moved by Councilperson Mannella and seconded by Councilperson Kirby to appoint Sharon Belair-DeTar as the first deputy town clerk.

Discussion: She has been a huge help to the Town Clerk teaching everything that is involved with the job.

Ayes 4; Nays 0; 1 excused absence

**RESOLUTION NO. 15-0125
APPROVAL OF ABSTRACTS**

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

General	\$ 34,969.63
Highway	\$ 7,090.05
Water	\$ 1,241.33
ARPA	\$117,225.00

Discussion: Councilperson Ebbs inquired if all of the ARPA funds have been used and Attorney Heath explained that what hasn't been used has been allocated prior to December 31, 2024.

Motion was approved unanimously by a vote of Ayes 4; Nays 0; 1 excused absence

APPOINTMENT OF VOTING MEMBERS TO THE ASSOCIATION OF TOWNS

Supervisor Tyler Allport appointed himself and Deputy Supervisor Jim Kirby (alternate) as voting members to the Association of Towns.

RESOLUTION NO. 16-0125

BOND RESOLUTION AUTHORIZING THE ACQUISITION OF A SNOWPLOW TRUCK, AT AN ESTIMATED MAXIMUM COST OF \$338,415.00 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$338,415.00 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Gaines, in the County of Orleans, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire a snowplow truck, including all necessary equipment, apparatus and warranties and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$338, 415.00.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$338,415.00 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, grant funds expected to be received through the American Rescue Plan Act (ARPA) in the approximate amount of \$117, 225.00. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00 and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this

resolution, and any notes issued in anticipation thereof, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town’s municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

- (b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. Such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in

the Town, whichever newspaper shall be designated by the Town Board in a separate resolution.

SECTION 17, This Resolution is effective immediately.

Moved by Councilperson Rush and seconded by Councilperson Kirby to approve the above Snowplow bond resolution.

The roll call vote was taken as follows:

Supervisor Allport	Aye
Councilperson Kirby	Aye
Councilperson Mannella	Aye
Councilperson Rush	Aye
Councilperson Ebbs	Excused absence

Motion carried unanimously with the vote of Aye 4; Nay 0; Excused absence 1

SUPERVISOR'S COMMENTS

The Association of Towns has several proposed resolutions that they will be voting on at the Annual Business meeting which will be held on Tuesday, February 18, 2025. This is why it was important for me to appoint the voting members for the Association of Towns. Also, I will be sending letter to the Highway Employee's to begin Contract Negotiations. Hopefully we can start them in February, but it will be early this year. Code Enforcement Officer Gifaldi submitted his annual report listing all his activities for the year. Thank you, C.E.O. Gifaldi.

OTHER NEW BUSINESS FROM THE TOWN BOARD

Senator Ortt and Assemblyman Hawley are looking into grants that are available to local towns. If the project is for a joint County & Twon project, we would be able to use the County grant writer. It might be good for us to start looking for grants for water lines since Water District #1 is very old & it is just a matter of time before it will need to be replaced. MRB Group also helps with grants. It would be in the best interest of the Town to explore all options for grant opportunities and also check the success rate of the various options. Councilperson Rush suggested checking with the DEC for available grants. I was also asked where Stu Brown went, either LaBella or MRB. He used to write grants for the Town.

RESOLUTION NO. 17-0125

REALLOCATE \$3300.00 TO RESERVE ACCOUNT

Moved by Councilperson Mannella and seconded by Councilperson Kirby to reallocate \$3300.00 to the reserve account.

Discussion: Cassidy has been working with the state since they are saying that Gaines is over the 2% tax cap. It appears that we have the lowest tax rate in the County.

Aye 4; Nay 0; 1 excused absence

PRIVILEGE OF THE FLOOR: None

ADJOURNMENT

Moved by Councilperson Mannella and seconded by Councilperson Kirby to adjourn the meeting at 7:42PM.

Ayes 4; Nays 0; 1 excused absence

Respectfully submitted,

Janet K Cheverie

Town Clerk