

Town of Gaines
February Town Board Meeting Minutes
February 10, 2025

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 February, 2025.

The following town officials were present:

Tyler Allport	Supervisor
Ron Mannella	Councilperson
Ken Rush	Councilperson
Janet Cheverie	Town Clerk
Mark Radzinski	Highway Superintendent

The following town officials were absent:

James Kirby (excused)	Deputy Supervisor
Rick Ebbs (excused, appeared by phone)	Councilperson
Charles Prentice	Town Justice
Douglas Heath (excused)	Attorney for the Town

The following individuals were present during the meeting: Cassidy Albone, Bookkeeper; Adam Rush, Wendel; David Thom; Maureen Kline; Tom Kline

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

RESOLUTION NO. 18-0225

APPROVAL OF MINUTES OF JANUARY 13th, 2025 ORGANIZATIONAL AND REGULAR MEETING

Moved by Councilperson Rush and seconded by Councilperson Mannella to approve January 13th, 2025 Organizational and Regular Meeting Minutes.

Discussion: None

Ayes 3; Nays 0

RESOLUTION NO. 19-0225

PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT

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

Discussion: None

Ayes 3; Nays 0

**RESOLUTION NO. 20-0225
PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT**

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

Discussion: Revenue is coming in as expected. Mrs. Albone reported that there is not a lot going on right now, the main source of revenue is taxes.

Ayes 3; Nays 0

**RESOLUTION NO. 21-0225
HIGHWAY SUPERINTENDENT'S REPORT**

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

Discussion: 278 gallons of Gas and 2106 gallons of diesel fuel were used this month. Auction International will possibly be auctioning off the truck and grader at no cost to the town. The Cobblestone Museum is requesting that the Town plows their driveway. There is concern about what if damage is done to the lawn or anything else, the Town can't be responsible for it. The board would like to talk to the Town Attorney regarding liability before agreeing to anything in this regard. It is also noted that since 1/13/25 there have been 32 days of overtime.

Ayes 3; Nays 0

**RESOLUTION NO. 22-0225
APPROVAL OF ABSTRACTS**

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

General	\$ 14,068.80
Highway	\$ 10,035.65
Water	\$134,061.17

Discussion: None

Ayes 3; Nays 0

RESOLUTION NO. 23-0225
APPOINTMENT TO THE TOWN OF GAINES PLANNING BOARD

Moved by Councilperson Mannella and seconded by Councilperson Rush to appoint Jeff Braley to the Town of Gaines Planning Board, effective immediately, to a 5-year term.

Discussion: The town has received 2 letters of resignation so far. Mr. Braley will replace Douglas Bower.

Ayes 3; Nays 0

RESOLUTION NO. 24-0225
NOMINATION OF BRUCE KIRBY TO BE THE REPRESENTATIVE OF THE TOWN OF GAINES ON THE ORLEANS COUNTY PLANNING BOARD

Moved by Councilperson Mannella and seconded by Councilperson Rush to nominate Bruce Kirby as the Town of Gaines representative on the Orleans County Planning Board. No alternate is being nominated at this time.

Discussion: Bruce Kirby is up to date with all the required training to be eligible for this nomination. The Town Clerk is directed to notify the Orleans County Planning and Development Department of this nomination.

Ayes 3; Nays 0; Excused absences 2- Councilmen Kirby and Ebbs.

RESOLUTION NO. 25-0225
STREAMLINE HOURLY TOWN HALL EMPLOYEE'S TIME DATA

Moved by Councilperson Rush and seconded by Councilperson Mannella to require all hourly Town Hall Employees to use the time clock located in the conference room beginning with the next payroll period.

Discussion: None

Ayes 3; Nays 0

SUPERVISOR'S COMMENTS

Adam Rush, a water operator with Wendel Companies, as well as a Town of Gaines resident, addressed the Board regarding potential Water System Grants. He stated that since Gaines is classified as a disadvantaged community, it would qualify for several grants. He provided several handouts, which are attached to the minutes, that show the types of services that Wendel could offer to the Town. For example, the water main on Route 104 is getting quite old however there are no grants currently available to upgrade it based on age alone. There are green innovation grants which cover up to 75% of a project for things like upgrading the full meter infrastructure. For example, a meter replacement project which would replace all water meters with meters that complete the readings with no driving around. The deadline to apply for this round of grants is April 11, 2025, and they are very competitive. Wendel has a grant writer, Adam Tabelski, who has a very good success rate for securing grants. Wendel would work with the Town to determine what is needed and how to best present the grant application. One of the Councilmen asked what the upfront cost for something like this would be. Mr.

A. Rush stated that it would be \$10,000 up front to talk with his boss, however they are very good at getting grants for the municipalities. He also indicated that the Town could look at WIA (Water Infrastructure Improvement Acts) grants. These grants are 65% of the project and usually bigger projects have better chances of being awarded this type of grant. Another type of grant is ICE (Integrated Capital and Energy Improvements). NYSERDA covers 75% of the study with grants. Wendel also has a very good planning department which offers services related to stormwater management, Site due diligence services, among other things. Drew Reilly is the best at working with solar services. If there are any future questions or he can be of assistance, Mr. A. Rush would be happy to assist the Town.

Court Clerk Kline addressed the Board. She stated that she has been the court clerk for 10 years and she would like to clarify the role of the court in the Town. She is requesting that her position be changed from hourly to salary due to the nature of the job. The Court is the Judicial branch of government for the Town. The Court answers to the Office of Court Administration (OCA), not the Town. In 2020, when COVID hit, the courts were the first to shut down & were the last to reopen. This caused an 18–24-month backlog in cases. Some of the people are hard to find. When the Courts were shut down, OCA allowed them to work remotely. Court Clerk Kline was able to obtain a JCAP grant which the court used to purchase the large screen TV in the Court room. The Town of Gaines court was the only court that was given permission to conduct virtual proceedings, utilizing the TV. Gaines Town Court was leaps and bounds ahead of the other courts. The Town Board is the Executive branch of government for the Town. The Court does not operate on traditional hours. During the COVID court shutdown, the Public Defender's office printed out a contact list for all the courts which included personal cell phone numbers, and they started using it. The distribution list for this included the District Attorney's, court stenographers, the Public Defender's, Attorney's, security, etc. All of these people continue to reach out to her after hours since they are usually in court during traditional working hours. She doesn't have the luxury of telling them that they can't call her after hours. She has a duty to respond. The alternative to not responding would frustrate the budget. As an example, if a case is adjourned at the last minute, after hours, failure to respond could result in an interpreter, court stenographer and security appearing the next morning for the case & it wouldn't be heard, however the Town would be required to pay them the minimum for showing up. By taking calls after hours & calling them to advise them, she has saved the Town a lot of money. Oftentimes, there are conflicts with Court reporters, security, etc. that can also cause a case to be adjourned. In the past, she didn't mind because they were few & far between, but it is happening much more frequently now. Timeliness matters in court. Many people aren't available during regular business hours. There are twice monthly meetings that are mandatory, which occur on Saturday's and last for 2-3 hours. She has 6 hours of mandatory training each year. It used to be done in person at a conference, which costs the Town money, but now it is offered virtually, which saves the Town money. She watches the trainings from home on Friday's. They may go back to in person training, which is good for the networking aspect. There is always money in the budget to cover the cost, should it go back to in person. There are multiple agencies involved with the Court system, and she has two decades working with all the partners. This is beneficial to the Town since it keeps the court running smoothly and efficiently. When there are trials, there is a lot of research that needs to be done. She is paralegal for the Judge. This can't be done in the office; she must scour the OCA for resources to provide to the Judge. She must stay available outside of business hours, otherwise jurors show up and must be paid by the Town. There are 4 other court clerks in the County that are salaried positions.

Ultimately it will save the Town money. She's worth it. She won't work for free. The compensation is already set in the budget, by going salaried it will be spread out evenly throughout all pay periods of the year. Also, the percentage for her raise this year is not correct. There have been issues with her getting paid the correct amount. This would eliminate that problem. She will be glad to answer any questions that the Board members have.

Supervisor Allport asked if her cell phone number can be removed so that she isn't bothered after hours.

Court Clerk Kline stated that you don't want her to not get that information. It's about coordination. Mileage is now added to the court reporter's bills so it would cost not only time but mileage reimbursement. Her budget is very conservative as she is acutely aware of small-town budgets. She doesn't charge for mileage to go to the bank. All the money that she collects must be deposited within 72 hours of receipt.

Councilperson Rush asked how she is allocating time for receiving and responding to text messages?

Court Clerk Kline stated that she does not charge for text messages independently, only the time it takes to accomplish the task and coordinate resources.

Councilperson Rush also thanked her for her service.

Court Clerk Kline stated that she only charges long-term fixes, not the 5-minute issues.

Councilperson Rush stated that nobody should be contact her after hours.

Court Clerk Kline indicated that for preliminary hearings she needs to be on call. Even if she is on vacation, she owes it to the Judge, the Town and the people. There have been numerous times that they have been on their way driving home from vacation and her husband has had to pull over so that she can take a phone call and handle court matters. Pre-COVID, Judge Schmidt had to go in for arraignments at all times of the day or night. By being available, it allows the court to run smoothly.

Councilperson Mannella asked what salary amount she is looking to receive.

Court Clerk Kline indicated she is looking for the amount in the budget already.

Councilperson Mannella stated that the money that is in the budget is not meant to be used up, it is there if it is needed due to the volume of cases. You are using it up to the penny. You are the highest paid court clerk in the County. There is money in the budget for the highway employees in case of overtime, but it is not meant to be spent every year, only if needed. Most years it is not spent completely.

Court Clerk Kline stated that she feels she should be paid for her knowledge, not the volume of cases. It is budgeted at 20 hours per week.

Councilperson Mannella indicated that is a lot of hours.

Court Clerk Kline stated that she gets 3 days paid time off for vacation and 3 days paid time off for sick time per year and no holidays. She works hard for what she does. Judge Prentice and she would welcome the Board to come and witness what happens in court and ask questions. This would help alleviate the hiccups.

Councilperson Rush stated with all due respect; this position should be an hourly position. The Town is going to try using the time clock for hourly employees.

Court Clerk Kline stated that she can't punch the time clock from home.

Supervisor Allport indicated that he will be reaching out to talk with Judge Prentice.

NO NEW BUSINESS FROM THE TOWN BOARD

PRIVILEGE OF THE FLOOR: None

ADJOURNMENT

Moved by Councilperson Mannella and seconded by Councilperson Rush to adjourn the meeting at 7:58 PM.

Ayes 3; Nays 0