

TOWN OF GAINES REGULAR BOARD MEETING

September 13, 2017

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 13th day of September 2017.

PRESENT:	Carol Culhane	-----	Supervisor
	Richard DeCarlo	-----	Councilperson
	James Kirby	-----	Councilperson
	Mary Neilans	-----	Councilperson
	Sue Smith	-----	Councilperson
	Sharon Harding	-----	Town Clerk
	Debra Mitchell	-----	Deputy Town Clerk
	Ron Mannella	-----	Highway Superintendent
	Dan Strong	-----	Code Enforcement Officer
	Andrew Meier	-----	Town Attorney

OTHERS PRESENT: Marilyn Miller, Ray Burke, Lorienda Smith, Joe Grube, Susan Heard, Lisa Mannella, Connie Mosher, John Mosher, Jerry Culhane, Lorraine Oakley, Tibbs Ahlberg

Supervisor Culhane called the meeting to order at 6:58 PM with the Pledge to the Flag.

RESOLUTION 63-17

APPROVAL OF MINUTES- AUGUST 8, 2017

On a motion of Councilperson Smith, seconded by Councilperson Neilans the following resolution was

ADOPTED	Ayes	5	Culhane, DeCarlo, Kirby, Neilans, Smith
	Nays	0	

Resolved that the Minutes of August 8, 2017 are approved as presented.

RESOLUTION 64- 17

APPROVAL OF ABSTRACTS

On a motion of Councilperson Smith, seconded by Councilperson Kirby the following resolution was

ADOPTED	Ayes	5	Culhane, DeCarlo, Kirby, Neilans, Smith
	Nays	0	

Resolved that the Abstract #9 Vouchers, General \$8,362.37, Highway \$45,262.67, Water \$81,566.41, will be paid as presented.

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Eliminating Certified Letter Mailings for Water Shut-Offs

After explaining that the Town has implemented a variety of ways to encourage payment of water bills and that this policy has been discussed at great lengths, Supervisor Culhane asked the board to consider eliminating the current policy of sending Certified Mail Letters to notify customers that their water will be shut off for nonpayment, and just shut them off after the due process that it goes through, she believes that the practice has become abused, and if the board would like to consider this, it can be discussed at the next board meeting. It would be a policy change and Attorney Meier would need to draft a new policy to change what we already have in place. It can be reviewed at the next board meeting.

Councilperson Kirby asked Attorney Meier if there was anything prohibiting turning the water off to a family, Attorney Meier assured him that no, not for nonpayment, all accounts are subject to water shut-off according to present policy and it comes down to the current process we are following and keeping the costs down. He stated that he will look up the policy and look into what precise language would have to be changed with this modification.

Councilperson Kirby asked that if once the water was shut off then they can't live in the house?

Attorney Meier answered concerning a certificate of occupancy, generally, yes.

Supervisor Culhane stated that it seems to be the same people that work the system and prolong the inevitable but they end up paying. You find that they drop off when they are shut off because they have to pay \$75.00 to turn it on. She asked Attorney Meier to proceed and they will review it at the next board meeting.

Discussion

RESOLUTION TO APPOINT COUNCIL IN CODES MATTER

Supervisor Culhane stated that our Codes Officer has a matter before our court that conflicts with Attorney Andrew Meier and his capacity. The court would like a resolution to allow James Bell to represent us in a codes matter in the court @ \$175/ hr, Supervisor Culhane asked Attorney Meier his opinion and he stated that he has been engaged before in other code enforcement matters with other towns and recommends him and believes him to be capable and reasonable. Supervisor Culhane asked the Board if they had any thoughts.

Councilperson Kirby said he thought that sounded fine to him.

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RESOLUTION 65- 17

APPOINT COUNCIL IN CODES MATTER

On a motion from Councilperson Kirby, seconded by Councilperson Smith the following resolution was

ADOPTED Ayes 5 Culhane, DeCarlo, Kirby, Neilans, Smith
 Nays 0

To engage James Bell at \$175.00 per hour, to represent the Town of Gaines in a Codes Matter before the Court.

FEMA Award

Supervisor Culhane explained that Mr. Biel from Homeland Security came in for a signature and to give us an amount that we would receive for the blizzard this past March is \$6,975.00 which is Federal money, but there is State money made, which he no answer to that but said it would come down the pike and Superintendent Mannella would be the one notified if the State is going to come through with it or not. There are no specifications as to time or amount.

Discussion

Partial Pay for Property Tax

Supervisor Culhane reminded the Board that they had discussed this at the last meeting and a resolution has been put forward. She reiterated that it states "there shall be no limit on the number of partial payments that a tax payer may make on a tax bill for a particular tax map parcel. From January 1 - April 30 of the current year, however any partial payment must be at least \$200.00 if the balance due on the tax bill is less than \$200.00 after crediting all partial payments previously made for the tax map parcel the unpaid balance must be paid in full." She commented on the statistics, that according to the Census and a Chris Collins' discussion about the highest property taxes in NY, Orleans County ranks first of the state's 62 counties with the highest property taxes, with the median property tax amount being \$3055.00, 3.35% of its \$91,300.00 median home value.

Supervisor Culhane stated that the Clerks' Offices have been meeting about this, in her opinion it would be a tough thing to implement we have; water levies, garbage collection, fire tax. She doesn't understand how it could work, but we are required to review it. She asked the board for input.

Councilperson DeCarlo asked the Tax Collector, Sharon Harding, her opinion and she stated that it would be a pain in the neck he further inquired as to whether it would mean more bookkeeping she responded that yes, a lot more. He also inquired as to the other towns and whether they are in support of it and she responded that yes they are talking about it and would like to do that.

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There was a brief discussion and commentary by the board.

RESOLUTION 66- 17

PARTIAL PAY FOR PROPERTY TAX

On a motion from Councilperson DeCarlo, seconded by Councilperson Neilans the following resolution was

ADOPTED Ayes 5 Culhane, DeCarlo, Kirby, Neilans, Smith
 Nays 0

Not to adopt the Partial Payment Resolution.

Schedule Budget Workshop

Supervisor Culhane believes there will only be need of one Budget Workshop meeting dates set for 10/09/2017 or 10/12/2017 with a Public Hearing 11/09/2017.

There was a brief discussion.

Budget Workshop meeting set for 10/09/2017 at 7:00PM and the Public Hearing 11/09/2017 at 7:00PM.

Revisited: Eliminating Certified Letter Mailings for Water Shut-Offs

Councilperson DeCarlo feels this is a black and white issue and asked Supervisor Culhane how many people were delinquent she stated we have 105 -120 on average in a quarter out of 687 bills sent out this past quarter. Councilperson DeCarlo inquired of Attorney Meier if there was any reason to delay this. Attorney Meier stated that there is nothing to approve at this meeting and would have to get the policy revised in the fourth quarter to consider at the next meeting.

No Privilege of the Floor was entertained

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MOTION TO ADJOURN

On a motion from Councilperson Smith, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Culhane, DeCarlo, Kirby, Neilans, Smith
 Nays 0

Resolved that the meeting was adjourned at 7:15 PM.

Respectfully Submitted,

Debra S Mitchell
Gaines Deputy Clerk