

Gaines Regular Town Board Meeting

March 8, 2016

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 8th day of March 2016 at 7:00PM.

PRESENT: Carol Culhane ----- Supervisor
Mary Neilans, DVM ----- Councilperson
Susan Smith ----- Councilperson
James Kirby ----- Councilperson
Ron Mannella ----- Highway Superintendent
Jean Klatt ----- Town Clerk
Andrew Meier ----- Attorney for the Town

Excused: Richard DeCarlo ----- Councilperson

OTHERS PRESENT: Kay Marsh, Jess Vailencourt, Marcia Thom, Vicki Havholm, Ronald Radzinski, Robin & Jill Stinson, Charlie Monacelli, Dave & Jen Allchin, Jim & Joy Rodas, Marilyn Miller, Jim Peruzzini, Lorienda Smith, Henry Smith Jr., John & Connie Mosher, Lisa Mannella, Guy Smith, Bill Lattin, Larry Williams, Jerry Culhane, Gretchen Sepik, Walter Jakubowski, Tibbs Ahlberg

Supervisor Culhane called the meeting to order at 7:00PM with the Pledge to the Flag.

RESOLUTION 25-16

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Culhane, Smith, Neilans, Kirby
Nays 0

Resolved that the minutes of the February 9th, 2016 Town Board Meeting are approved as presented.

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RESOLUTION 26-16

APPROVAL OF ABSTRACTS

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

ADOPTED Ayes 4 Culhane, Smith, Neilans, Kirby
 Nays 0

Resolved that the bills on abstract #3, voucher #'s 2279 - 2352, totaling \$ 41,344.32 will be paid as presented.

RESOLUTION 27 -16

PERMISSION FOR SUPERVISOR TO PURSE QUOTES FOR POLLING LOCATION RENOVATIONS

On a motion from Councilperson Kirby and seconded by Councilperson Neilans the following resolution was

ADOPTED Ayes 4 Culhane, Smith, Neilans, Kirby
 Nays 0

Resolved that Supervisor Culhane is authorized to purse getting quotes to upgrade the polling place location so it will be more handicap accessible. The election office has \$1609.00 available to the town to be used for the upgrades.

RESOLUTION 28 -16

PERMISSION FOR SUPERVISOR TO SIGN CONTRACT WITH TOWER CONSTRUCTION

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

ADOPTED Ayes 4 Culhane, Smith, Neilans, Kirby
 Nays 0

Resolved that Supervisor Culhane is authorized to sign the contract with Tower Construction for a new door on the court clerk' s office. The cost of the project is \$6000.00 to be paid out of JCAP funds the town was awarded.

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RESOLUTION 29 -16

RE-APPOINT JOHN LONG TO BOARD OF ASSESSMENT REVIEW

On a motion from Councilperson Kirby and seconded by Councilperson Neilans the following resolution was

ADOPTED Ayes 4 Culhane, Smith, Neilans, Kirby
 Nays 0

Resolved that John Long is re-appointed to the Board of Assessment Review for the term of 10/1/2015 - 9/30/2016.

RESOLUTION 30 -16

RESIGNATION OF LYNNE JOHNSON

On a motion from Councilperson Kirby and seconded by Councilperson Neilans the following resolution was

ADOPTED Ayes 4 Culhane, Smith, Neilans, Kirby
 Nays 0

Resolved that resignation of Lynne Johnson is accepted with great regret effective March 3, 2016.

Supervisor Culhane praised Attorney Meier for securing an interest rate of 1.9% for the BAN for Water District #7.

PRIVILEGE OF THE FLOOR

Henry Smith Jr. acknowledged that the attorney cost for the Watt turbine litigation was approximately \$50,000.00. He asked if the town expected to incur further expenses. Attorney Meier said at this time he doesn't believe the town has any intentions to pursue the matter further so no further expenses are expected unless new litigation is brought against the town. Mr. Smith asked why the issue was taken as far as it was. Attorney Meier said because the issue was never settled. Supervisor Culhane said the litigation took over 4 years. Mr. Smith asked what was the purpose of the resolution adopted in January regarding the Watt turbine. Attorney Meier responded that it was to protect the town.

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Lorienda Smith asked if the taxpayers are responsible to pay the \$50,000.00 in legal fees. Attorney Meier said yes the town has to pay the legal fees. Mrs. Smith said that in the past Carol Culhane had stated that the Watt turbine was a safety issues. She said he had taken 50 people to the Watt property during the summer and no one expressed any concerns for their safety. She said there may be safety issues but that day no blades were flying and there were no safety concerns.

Lorienda Smith asked what would happen to the KVS software the town purchased when Lynne Johnson was hired as the bookkeeper. Supervisor Culhane said the town would retain it because it belongs to the town. Mrs. Smith asked if the clerk or a new bookkeeper would be using the software. Supervisor Culhane replied yes and that the software is used in the office on a daily basis. She said we now have access to all of our accounting files at all times. In the past this was never the case.

Lorienda Smith asked how workshops had been advertised. Supervisor Culhane said she notices the Batavia Daily Paper and the notices are placed on the clerk's bulletin board greater than 72 hours prior to the workshop. Mrs. Smith asked if the notices are placed on the website. Supervisor Culhane responded that if she does it they are there also.

Mrs. Smith asked about the fire contract. She asked who the fire contract is executed with and if we currently have a signed contract in place. Attorney Meier responded that the contract is between the Town of Gaines and the Village of Albion. The contract expired at the end of 2015 and we are currently negotiating with the Village to come to a new agreement with the Village. She asked if anyone else is bidding for the job. Attorney Meier responded it is not a service that is subject to bid so no. Mrs. Smith asked when the town expects to sign the contract and if we currently have fire protection. Attorney Meier said that the town will sign the contract when negotiations are complete, hopefully soon. He also said the Attorney Gavenda who represents the Village of Albion has assured him that we will continue to have fire protection during the negotiations.

Mrs. Smith asked if we had obtained more than 1 quote for the court clerk's door. Supervisor Culhane responded no because it isn't required for less than \$20,000.00. She said because Tower Construction had responded so quickly when she requested the quote when no other contractor responded to her request she felt it was only right to award him the bid. Having the quote so quickly was instrumental in applying for and being awarded the JCAP grant.

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Tibbs Ahlberg asked who drafted the resolution adopted in January regarding the Watt turbine. Attorney Meier responded that it was drafted with the assistance of council. Mr. Ahlberg asked what council. Attorney Meier responded that he had an eye on it with the assistance of Dan Spitzer to drafted the resoluton.

MOTION TO ADJOURN

On a motion from Councilperson Smith, seconded by Councilperson Neilans the motion was

ADOPTED	Ayes	4	Culhane, Neilans, Smith, Kirby
	Nays	0	

Resolved that with no further business, the March 8th, 2016 Regular Town Board meeting is adjourned at 7:19PM.

Respectfully Submitted,

Jean Klatt
Gaines Town Clerk