

GAINES TOWN BOARD
2014 BUDGET PUBLIC HEARING
Gaines, NY November 7, 2013

A Budget Public Hearing was held by the Town Board of the Town of Gaines, County of Orleans and the State of New York at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 7th day of November 2013.

PRESENT:	Carol Culhane	-----	Supervisor
	James Kirby	-----	Councilperson
	Susan Smith	-----	Councilperson
	David Kast	-----	Councilperson
	Douglas Syck	-----	Councilperson
	Ron Mannella	-----	Highway Superintendent
	Jean Klatt	-----	Town Clerk
	Andrew Meier	-----	Council

EXCUSED: None

OTHERS PRESENT: G Vaillancourt, K. Marsh, William Schuler, Mary Schuler, Bruce Schmidt, Linda Prince, Gregg Rush, Mark Radzinski, Ronald Radzinski, Marita Dumrese, David Rustay, Mary Jo Syck, Lorienda Smith, Lynne Johnson, Sharon Harding, Lisa Mannella, Sue Heard, Marilyn Miller, Connie Mosher, Ray Burke, Jerry Culhane, Larry Williams

Supervisor Culhane called the meeting to order at 7:30PM with the Pledge to the Flag and proceeded with the reading of the legal notice.

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LEGAL NOTICE

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Gaines, Town Hall, 14087 Ridge Road, Albion, New York 14411, on Tuesday, November 7, 2013 at 7:30 P.M. The purpose of such hearing is to present the preliminary budget for the Town of Gaines beginning January 1, 2014. A copy of said preliminary budget is available for review at the Town Clerk's Office at 14087 Ridge Road, Albion, New York Monday thru Thursday from 8:00 a.m. to 3:00 p.m. and on Friday from 8:00 a.m. to 12:00 p.m.

At such public hearing all persons, either for or against the same, shall be heard.
The compensation proposed to be paid to each of the elected officials is as follows:

Supervisor \$ 5,500.00
Councilman (4) \$ 2,800.00 each
Town Clerk \$23,640.00
Highway Superintendent \$48,983.46
Justice \$15,000.00

Jean Klatt
Town Clerk
Town of Gaines

The public hearing was opened at 7:31PM.

Justice Bruce Schmidt stated that he was asking the board to consider a \$1000.00 increase because he had not had an increase in 5 years. He asked to have his court clerk's hourly wage increased to \$12.00 per hour which would still leave her as the second lowest court clerk in Orleans County.

Connie Mosher asked why there was no payroll processing in the budget. Supervisor Culhane explained it was now included in the accounting budget.

Lorienda Smith asked how much the previous accounting firm, Baldwin Associates, had cost the town. Supervisor Culhane said about \$16,000.00.

Katherine Marsh pointed out that the computer services line had a typo. It reads 12,000 but should be 1,200.

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Marilynn Miller asked if Supervisor Culhane could just give a few highlights of the overall budget. Supervisor Culhane stated that the board had worked hard to be fiscally conservative, segregate duties, and drop the tax rate.

With no further comment from the public, on a motion from Councilperson Smith and seconded by Councilperson Kirby with all board members voting in favor, the public hearing was closed at 7:42 PM.

RESOLUTION 86 -13
Local Law # 1 of 2013 OVERRIDE TAX LEVY LIMIT

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

ADOPTED Ayes 5 Smith, Kirby, Culhane, Kast Syck
Nays 0

Resolved that Local Law # 1 of 2013 overriding the tax levy limit was unanimously adopted.

Local Law Filing 12231 New York State Department of State
99 Washington Avenue, Albany, NY

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Gaines, Orleans County, New York
Town
Village

Local Law No. 1 of the year 2013.

A local law to override the tax levy limit established in General Municipal Law 3-c
(Insert Title)

Be it enacted by the _____ Town Board _____ of the
(Name of Legislative Body)

~~County~~
City of _____ Gaines, Orleans County, New York _____ as follows:
Town
~~Village~~

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Gaines pursuant to General Municipal Law §3-c, and to allow the Town of Gaines to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c, and to allow the Town of Gaines to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Gaines, County of Orleans, is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its separation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2013, of the ~~(County)~~ (City) (Town) (~~Village~~) of Gaines, New York was duly passed by the Town Board on October _____, 2013, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)~~ (City) (~~Town~~) (Village) _____ was duly passed by the _____ on _____ 20____, and was (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2010, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2013 of the ~~(County)~~(City) (Town) (~~Village~~) of _____ was duly passed by the _____ on _____ 2013, and was by the _____ on _____ 2013. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2013 of the ~~(County)~~(City) (Town) (~~Village~~) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 2013, and was (approved) (~~not disapproved~~) (~~repassed after disapproval~~) by the _____ on _____ 2013. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2013, in accordance with the applicable provisions of law.

*** Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)

Jean Klatt
Town Clerk, Town of Gaines

Date: 11/7/2013

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PRIVILEGE OF THE FLOOR

No comment.

MOTION TO ADJOURN

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

ADOPTED Ayes 5 Kirby, Culhane, Smith, Kast, Syck
 Nays 0

Resolved that with no further business, the November 7th, 2013 Budget Public Hearing for the 2014 budget was adjourned at 7:45 PM.

Respectfully Submitted,

Jean Klatt
Gaines Town Clerk