

GAINES TOWN BOARD MEETING REGULAR  
Gaines, NY February 12th, 2013

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 12<sup>th</sup> day of February 2013 at 7:30PM.

PRESENT: Carol Culhane ----- Supervisor  
James Kirby ----- Councilperson  
Douglas Syck ----- Councilperson  
Ron Mannella ----- Highway Superintendent  
Jean Klatt ----- Town Clerk  
Andrew Meier ----- Attorney for the Town

EXCUSED: Susan Smith ----- Councilperson  
David Kast ----- Councilperson

OTHERS PRESENT: Jerry Culhane, MaryJo Syck, Marilyn Miller, Guy Smith, Connie Mosher, David Allchin, Tibbs Ahlberg, Lorienda Smith, Henry Smith Jr., Mary Neilans, Lisa Mannella, David Thom, Gretchen Sepik, Walter Jakubowski,

Supervisor Culhane called the meeting to order at 7:30PM with the Pledge to the Flag.

RESOLUTION 16-13

**APPROVAL OF MINUTES**

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

ADOPTED Ayes 3 Kirby, Culhane, Syck  
Nays 0

Resolved that the minutes of the January 8th, 2013 Town Board Meeting are approved with the addition of adding a salary of 896.00 to the town registrar appointment..

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RESOLUTION 17-13

**APPROVAL OF SUPERVISOR'S MONTHLY REPORT**

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

ADOPTED Ayes 3 Culhane, Kirby, Syck  
Nays 0

Resolved that the January 2013 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 18-13

**APPROVAL OF ABSTRACTS**

On a motion from

General Councilperson Syck and seconded by Councilperson Kirby  
Highway Councilperson Kirby and seconded by Councilperson Syck  
Water 1 & 10 Councilperson Syck and seconded by Councilperson Kirby

ADOPTED Ayes 3 Kirby, Syck, Culhane  
Nays 0

Resolved that the bills on abstract #2 will be paid as presented.

General	Voucher # 19 - # 39	in the amount of \$	6,751.53
Highway	Voucher # 13 - # 29	in the amount of \$	8,852.10
Water 1	Voucher # 4 - # 10	in the amount of \$	146.04
Water 10	Voucher# 2 - # 6	in the amount of \$	256,876.06

Supervisor Culhane presented the board with a maintenance agreement from V2D Tech for their review.

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RESOLUTION 19-13

**CHATFIELD ENGINEERING AMENDMENT**

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

ADOPTED Ayes 3 Kirby, Culhane, Syck  
Nays 0

Resolved that Supervisor Culhane is authorized to sign the engineering amendments presented from Chatfield Engineers regarding WD#10 in the additional amount of \$647.50.

RESOLUTION 20 -13

**APPROVE PAYMENT TO SOIL & WATER FOR BOOM MOWER USE**

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

ADOPTED Ayes 3 Kirby, Culhane, Syck  
Nays 0

Resolved that the Town of Gaines agrees to pay \$1000.00 per year to Orleans County Soil and Water for use of the boom mower.

RESOLUTION 21-12

**RETURN DEPOSIT TO OUT OF DISTRICT WATER USERS**

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

ADOPTED Ayes 3 Syck, Culhane, Kirby  
Nays 0

Resolved that the town will return the \$500.00 deposit plus accrued interest to all out of district water users.

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RESOLUTION 22-13

**ACCEPT BID ON BUSHHOG**

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

ADOPTED    Ayes    3    Kirby, Culhane, Syck  
                 Nays    0

Resolved that Lynette Farms is awarded the winning bid of \$5600.00 for a 2002 Rotary Bush Hog Mower.

Councilperson Smith presented a letter to the board to be entered into the record pertaining to a vote she participated in at the January 2013 meeting.

Dear Carol,

At the last meeting, I realized that I should have recused myself from the vote on Resolution 11-13 Insurance Plan by virtue of a potential or perceived conflict of interest I may have. My sister-in-law works for the bank that was the subject of the resolution. I apologize for overlooking my potential conflict at the time of the vote.

I'm not sure if you think a revote would be necessary, but I wanted to bring it to your attention.

Thank you,

Sue Smith

Supervisor Culhane presented the town board with a new contract from G4S Security for their review.

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Supervisor Culhane presented the board with the following resolution:

RESOLUTION IN SUPPORT OF SENATE BILL NO. S2026-2013 TO AMEND THE LIEN  
LAW IN RELATION TO FILING OF FALSE LIENS AGAINST PUBLIC OFFICIALS

WHEREAS, the Orleans County Legislature strongly supports this lien law legislation as it relates to the filing of false records against public officials and the prosecution of those who do; be it

RESOLVED, that the Orleans County Legislature does hereby support Senate Bill No. S2026-2013 to amend the lien law in relation to filing of false liens against public officials; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Maziarz, Assemblyman Hawley, NYSAC, Intercounty Association of WNY, Orleans County Towns and Villages; and all those deemed necessary and proper.

After a short discussion Councilperson Syck asked that the resolution be tabled until a full board was present.

Supervisor Culhane presented Councilpersons Kirby and Syck with a packet from the Bonadio Group and asked them to attend a workshop meeting on Tuesday, February 19th, 2013 to see a presentation.

Supervisor Culhane advised the board that the furnace had been cleaned. She has been advised that the furnace is in good working order at this time but if it were to break parts are no longer available. An estimate for a new furnace is \$3250.00. This was presented for information purposes only.

Supervisor Culhane presented a letter in support of the EDA for the boards review.

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Supervisor Culhane asked the board to attend a workshop meeting on February 19, 2013 at 6:30 PM.

RESOLUTION 23 -13

**ADVERTISE FOR BIDS ON A NEW ROAD SIDE MOWING TRACTOR**

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

ADOPTED Ayes 3 Kirby, Culhane, Syck  
Nays 0

Resolved that Attorney Meier is authorized to prepare an advertisement for bid on a road side mowing tractor.

**PRIVILEGE OF THE FLOOR**

Marilynn Miller asked what would be the subject discussed at the workshop. Supervisor Culhane responded it would be the G4S security contract and a presentation from the Bonadio Group.

Henry Smith reported that OTS has secured grant funds to do the engineering plans on a new garage.

Tibbs Ahlberg asked how the town is planning on proceeding regarding a letter they received from Ag & Markets. Supervisor Culhane said the town is waiting to be advised by Attorney Spitzer.

**MOTION TO ADJOURN**

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

ADOPTED Ayes 3 Kirby, Culhane, Syck  
Nays 0

Resolved that with no further business, the February 12th, 2013 regular town board meeting is adjourned at 8:10PM.

Respectfully Submitted,

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Jean Klatt  
Gaines Town Clerk