

REGULAR TOWN BOARD MEETING
Gaines, NY January 3, 2008

PRESENT: Richard DeCarlo ----- Supervisor
David Kast ----- Councilman
James Kirby ----- Councilman arrived at 7:33PM
Bill Lattin ----- Councilman
Lorraine Oakley ----- Councilwoman
Ron Mannella ----- Highway Superintendent
Jean Klatt ----- Town Clerk
Douglas Heath ----- Council

EXCUSED: None

OTHERS PRESENT: Tom Rivers, Jim Theodorakas, Carole Patterson, Elizabeth Rush, David Hemmingway, Terri Miller, Kevin Miller, Jack Dumrese, Marita Dumrese, Lori Laine, Sue Smith, Guy Smith, Janet Sanford, David Sanford Sr., Marilyn Miller, Elise Draper, Gretchen Sepik, Walter Jakubowski, Roger Beam, Jen Stillwell, Connie Mosher, Andrea Rebeck, Megan McElligott, Jason Gotte, Judy Kohler

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

Clerk Klatt administered the Oath of Office to Supervisor DeCarlo & Councilpersons Kast and Oakley.

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RESOLUTION 1 - 08

Appointment of Zoning Board Member

On a motion from Councilperson Lattin, and seconded by Councilperson Kast the resolution was declared

ADOPTED 4 Ayes DeCarlo, Oakley, Lattin, Kast
 0 Nays
 1 Absent Kirby

Resolved that Don Morton is appointed to the Zoning Board of Appeals for a term of 5 years.

RESOLUTION 2 - 08

Appointment of Deputy Town Clerk

On a motion from Councilperson Lattin, and seconded by Councilperson Oakley the resolution was declared

ADOPTED 4 Ayes DeCarlo, Oakley, Lattin, Kast
 0 Nays
 1 Absent Kirby

Resolved that Marita Dumrese is appointed as Deputy Town Clerk.

Clerk Klatt administered the Oath of Office to Deputy Town Clerk, Marita Dumrese.

REGULAR TOWN BOARD MEETING
Gaines, NY January 3, 2008

RESOLUTION 3 -08

Appoint Special Council for Article 78 filed by the Smith's

RESOLUTION

Resolution adopted at a meeting of the Gaines Town Board held on the 3rd day of January, 2008 at 7:30 p.m. which the following were:

PRESENT: Richard A. DeCarlo, Sr., Town Supervisor
C.W. Lattin, Councilperson
Lorraine Oakley, Councilperson
James Kirby, Councilperson
David Kast, Councilperson

Councilperson, Kast moved the adoption of the following resolution; Councilperson Oakley seconded the motion.

WHEREAS, Guy D. Smith and Susan M. Smith having filed a Declaratory Judgment and Article 78 action against the Town of Gaines Planning Board, James R. Kirby and Jean M. Kirby with respect to action taken on the application by James R. Kirby for migrant labor housing; and

WHEREAS, the Town Board for the Town of Gaines realizes the necessity for the retention of special counsel to answer said action on behalf of the Town of Gaines; and

WHEREAS, John C. Gavenda, Esq., was previously appointed as special counsel to represent the Gaines Town Planning Board with respect to the application of James R. Kirby; and

WHEREAS, the Town Board for the Town of Gaines deems it appropriate to appoint John C. Gavenda, Esq., special counsel to represent the Town of Gaines in the aforementioned action commenced by Mr. and Mrs. Smith; and

WHEREAS, any response to said action will have to be verified by a Town of Gaines official; and

NOW, THEREFORE BE IT

RESOLVED, that John C. Gavenda, Esq. is hereby appointed special counsel for the Town of Gaines to prepare the necessary documentation to respond to the Smith action; and be it further

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RESOLVED, that Supervisor Richard DeCarlo and/or Theobert Ahlberg, chairman of the Town of Gaines Planning Board are authorized to sign any responding papers for the Town of Gaines prepared by John C. Gavenda, Esq., for the above referenced Smith action against the Town of Gaines.

Upon being put to a vote, the following voted "AYE" in favor of adoption of the foregoing resolution: Richard DeCarlo, Sr., Lorraine Oakley, C.W. Lattin., David Kast and James R. Kirby

The following voted "NAY" in opposition thereto: NONE

The following abstained:

Dated: January 4, 2008

Jean Klatt, Town Clerk

CERTIFICATION OF CLERK

STATE OF NEW YORK)
COUNTY OF ORLEANS) SS.:

I, JEAN KLATT, Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY, that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines, on the 3rd day of January, 2008 with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: January 3, 2008
Gaines, New York

Jean Klatt, Gaines Town Clerk

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While proceeding to the Appointments of 2008 Councilman Oakley asked why the planning board was omitted from the appointments. Councilperson DeCarlo stated that he wanted to table the planning board appointments until the town board has time to review the planning board practices. Councilman Lattin made a motion that he would like to have the Attorney for the Town look into the law to study the feasibility of possibly dissolving the planning board and consolidating the duties of the planning board to other boards within the town and report back to the town board by the February Town Board Meeting..

RESOLUTION 4 -08

Feasibility of Dissolving the Planning Board

On a motion from Councilperson Lattin, and seconded by Supervisor DeCarlo the resolution was declared

ADOPTED	Roll Call	Kirby	Aye
		Kast	Aye
		Oakley	Aye
		Lattin	Aye
		DeCarlo	Aye

Resolved that the Attorney for the Town look into the law to study the feasibility of possibly dissolving the planning board and consolidating the duties of the planning board and consolidating the duties of the planning board to other boards within the town and report back to the town board by the February Town Board Meeting.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS:

After discussion from the public regarding the planning board practices over the past 6 to 8 months Gretchen Sepik stated that the public was also treated with disrespect over the cell tower issue a few years back. The Smith's again complained that the Town Board has had since July 2007 to deal with the practices of the planning board.

A letter that Supervisor DeCarlo received from Betty Lou Standish was entered into the record.

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Gaines, NY January 3, 2008

13105 Eagle Harbor-Knowlesville Road
Albion, New York 14411
December 31, 2007

To whom it May Concern:

I am writing this letter to express my opinion and concerns regarding the placement of a migrant camp behind residential homes. My pleas of placing the migrant home next to mine have been previously ignored.

First of all I never received any notification from the Gaines Town Board regarding the migrant workers that were moving in next door to me. Therefore I did not attend the first town board meeting addressing this matter. Some of my neighbors did attend the meeting and discovered it was already a "done deal" and no discussion was needed. No one had a chance to oppose the issue. At the second town board meeting, which I did attend, I found that it was already passed, apparently previous to the meeting, and again I had no say what so ever. We were the only ones present; the farmer did not even show up at the meeting. I assumed that since the house was already built and everything was already decided, the farmer did not feel it was necessary to come. Later I was told that people would be living in the home for approximately three months in the fall, however they do live there year round.

Now you are considering putting a migrant camp behind a resident's home at approximately 50 feet from the property line. This family has young children that will be exposed to these migrant workers and all their bad habits. For example, the men urinating outside (which I have personally witnessed), the language we do not understand (God only knows what they are saying) and from the number of DUI's they are obviously drinking, which brings into focus the possible violence. They drive their vehicles under the influence of alcohol and/or drugs and have been seen switching license plates from one vehicle to another.

Why is it up to the residents around the farmer's property to keep an eye on these workers? Shouldn't the farmer locate these camps near their own residence in order to keep a closer watch in case any problems occur? Let the farmer listen to the fighting, swearing and arguments. Let the farmer witness all the bad habits being displayed. Let the farmer call the police if necessary.

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What about the decrease in the value of the resident's home and property when a camp is located right next to it? Why are everyday residents only allowed to have a specific number of people (according to health and fire codes) living in their home depending upon the size of the home and the number of bedrooms and bathrooms but at the migrant camps these same codes are ignored? This would also include the health department codes regarding water and septic systems. I personally called the health board and fire department to verify these codes and was told that the migrant camps were approved as is.

Why was this proposal, regarding migrant camps, brought before the Gaines Town Board in an almost hush, hush atmosphere, therefore not allowing anyone a chance to oppose it, especially when it goes directly behind their property. I am sure that everyone knows why - It is because they are FARMERS and all the farmers stick together. Let me add here that I am not against the farmer. We need farmers. I am against the location and operations of the migrant camp. We, as taxpayers, and the voters who put you into office, have to abide by all the codes and rules and pay higher taxes than the farmers who do not have to follow the same codes and rules. WHY?

I am hoping and praying that you can help the residents that may face this problem now and in the future.

I thank you for your time in assisting me in this matter.

Yours Truly,

Betty Lou Standish
Betty Lou Standish

REGULAR TOWN BOARD MEETING
Gaines, NY January 3, 2008

RESOLUTION 5 -08

Feasibility of Dissolving the Zoning Board

On a motion from Councilperson Lattin, and seconded by Supervisor DeCarlo the resolution was declared

ADOPTED	Roll Cal	Kirby	Aye	
		Kast	Aye	
		Oakley	Aye	
		Lattin	Nay	Redundant
		DeCarlo	Nay	Redundant

Resolved that the Attorney for the Town look into the law to study the feasibility of possibly dissolving the zoning board and consolidating the duties of the zoning board to other boards within the town and report back to the town board by the February Town Board Meeting.

RESOLUTION 6 - 08

Table Planning and Zoning Board Appointments

On a motion from Councilperson Kast, and seconded by Councilperson Kirby the resolution was declared

ADOPTED	5 Ayes	DeCarlo, Kirby, Oakley, Lattin, Kast
	0 Nays	

Resolved that the 2008 Planning & Zoning Board Appointments will be tabled until a later date and the boards will operate on the 2007 appointments.

REGULAR TOWN BOARD MEETING
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RESOLUTION 7 - 08

2008 Appointments

Budget Officer.....	TBA
Attorney for the Town	Heath & Martin (Douglas M. Heath)
Special Council for Wind Energy.....	John Gavenda
Town Engineer.....	Chatfield Engineers
Tax Collector.....	Jean Klatt
Records Management Officer.....	Jean Klatt
Town Registrar.....	Jean Klatt
Deputy Registrar.....	Jessica Klatt
Town Assessor.....	Colleen Pahura
Deputy Town Clerk.....	Loretta Long (\$9.35)
Deputy Town Clerk.....	Jessica Klatt [\$ 10.00/hr)
Deputy Town Clerk.....	Marita Dumrese(\$9.00/hr)
Dog Control Officer.....	William Robinson
Town Historian.....	Delia Robinson
Deputy Historian.....	.Janice Thaine
Accountant.....	St. John & Baldwin
Constable.....	William Robinson [\$15.30/trip+\$.485/mile]
Code Enforcement Officer/Bldg. Inspector....	Robert McGaffick
Financial Institution.....	HSBC Bank

Water Department

Water Supervisor.....	Ronald Mannella
Deputy Water Supervisor.....	Dave Rustay
Co Deputy Water Supervisor.....	Mark Radzinski
Water Clerk.....	Jessica Klatt
Deputy Water Clerk.....	Jean Klatt

Highway Department

Highway Superintendent.....	Ron Mannella	
Dep. Highway Superintendent.....	Mark Radzinski	\$18.13/hr
Co Dep. Highway Superintendent.....	David Rustay	\$18.69/hr
MEO.....	Mark Radzinski..	\$18.13/hr
MEO/ Mechanic.....	David Rustay	\$18.69/hr
Summer.....		\$12.00/hr
Winter.....		\$13.50/hr
Clothing Allowance.....		\$500.00/year

Election Inspectors.....	\$8.00/hr or \$130.00/day
Town Mileage Rate.....	\$.485/ mile

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Planning Board Members.....	\$25.00/meeting
Zoning Board Members.....	\$25.00/meeting
Zoning Board Secretary.....	\$9.35/hr
Board of Assessment & Review.....	\$165.00/year

Town Board Committees

HIGHWAY.....	Lattin, Oakley, Kast
WATER.....	Kirby, Kast
BUILDINGS & GROUNDS.....	Oakley, Kirby
PLANNING & ZONING.....	DeCarlo, Oakley
CODES ENFORCEMENT.....	DeCarlo
ASSESSOR.....	DeCarlo
CEMETARIES.....	Oakley, Lattin, Mannella & Jean Klatt
FINANCE.....	Kast, DeCarlo
RECORDS MANAGEMENT.....	Lattin, Klatt, Robinson

Town of Gaines: Current Boards as of January 1, 2008

COUNTY PLANNING BOARD [2 Year Appointments]

Theobert Ahlberg.....	01/01/2006-12/31/2008
Elizabeth Capacci.....	01/01/2006-12/31/2008

BOARD OF ASSESSMENT & REVIEW [5 Year Appointments]

John W. Long.....	9/30/2005-9/30/2010
Cornelius Newton.....	9/30/2003-9/30/2008
Jim Theodorakos.....	9/30/2004-9/30/2009

On a motion from Councilperson Oakley, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kirby, Oakley, Lattin, Kast
 0 Nays

Resolved that the 2008 Appointments are accepted as presented.

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The recommendations of the Wind Advisory Committee were presented by Supervisor DeCarlo and entered into the record.

RECOMMENDATIONS

TOWN OF GAINES
WIND ADVISORY COMMITTEE
AS SUBMITTED TO THE
GAINES TOWN BOARD

Completed: December 9, 2007
Submitted: January 3, 2008

REGULAR TOWN BOARD MEETING
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12-9-07

We, the Town of Gaines Wind Advisory Committee, having duly researched industrial wind turbine development, have concluded that this type of development is NOT in the best interest of the Town of Gaines by a majority vote of 6 to 2. Following is a non-comprehensive list of recommendations for regulating wind turbines in this community:

- Advisory committees: We recommend that the Town Board examine reports from other towns' advisory committees (such as Stafford, Bethany, etc.). These reports are full of researched, documented data on the pros and cons of industrial wind energy development.
- Blade height (clearance) from ground: 30'
- Construction period: One year. Workday and workweek to take neighboring homes into consideration, as well as school bus schedules.
- Decommissioning: At minimum, allowance for 100% of today's cost of decommissioning fund adjusted for inflation on a yearly basis. Optimum idea is for funds to be kept in an escrow account; minimum suggestion is for a performance bond. As a group, we recommend an escrow account to be adjusted yearly for inflation at 100%.
- External tower façade: No devices, advertising, radio antennas, images, except to provide function and safety, to be placed on wind towers, turbines, buildings, or any other structures associated with a wind energy system. No guy wires. Exterior surface of any visible components of a wind energy system to be nonreflective and neutral in color.
- Electromagnetic interference (EMI)/ Emissions: as per county codes, or FCC rules and regulations contained in 47CFR parts 15 and 18. Objective should be that tower or towers shall not interfere with signals for radio, television, cell phone, or other personal communication systems.
- Fire planning: Training and additional equipment to be provided and paid for by wind energy company.

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- Historical overlay impact: Cobblestone Society recommendations should be taken into consideration for the Cobblestone Historic District and areas in Gaines designated as National Historic Landmark areas, as well as the impact on the NYS (Erie) Canal which is designated as a National Heritage Corridor. View shed from Mt. Albion Cemetery (also on the National Historic Register) must also be considered as that was a major factor in preventing the reopening of the Transit Road landfill.
- Idle tower time: We agreed upon 6 months as a maximum allowable time for a wind turbine to remain idle before decommissioning. A time of one year's idle time was also suggested.
- Insurance: The applicant shall provide the Town proof of insurance at a level to be determined by the Town, the Town's insurer, and the Town's attorney to cover any damages or injury that might be caused the failure of a tower, towers, or any part of the generation and transmission facility.
- Land restoration depth: Maximum required depth for restoring land after decommissioning should be 5'.
- Maximum overall tower height: Committee was divided with 4 members suggesting a maximum tower height of 200' and 4 members suggesting a maximum tower height of 400'.
- Moratorium: We recommend that the Town Board extend the moratorium on industrial wind development for six months past the June 2008 expiration date so that information can be researched, regulations set, and the public adequately informed. We suggest using bullets in the next newsletter, as well as sending separate mailings informing the residents of pros and cons of industrial wind development in this community.
- Noise level: A suggestion of 45dB at the property line was suggested. Another suggestion of 10% above ambient noise at the property line. World Health Organization (WHO) states: "For people to understand each other easily when talking, environmental noise levels should be 35dB or less" and "The percentage of highly annoyed people in a population starts to increase at 42dB, and the percentage of moderately annoyed at 37dB."
- Number of turbines: To be determined by zoning regulations.

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- Power transmission lines: Lines to run underground to the nearest transmission station.
- Private (agricultural and residential) wind towers: We recommend that private wind towers/turbines be permitted for residential or single farm use, but regulated separately from industrial wind turbines.
- Property value: Wind energy company will be responsible for any reduction in property values to be determined through a comparison of property sales in the vicinity and away from facility footprint before and after construction. Wind energy company shall reimburse landowners for property value reduction within a 1.5-2 mile radius from towers.
- Public Referendum: We recommend referring the issue to the citizens of Gaines, after a thorough series of attempts to educate the public. The Town could do the through the use of a nonbinding referendum, or straw poll conducted at the Town Hall.
- Security for tower access: Distance from the ground to the nearest climbing peg to be 15'. Tower must have a steel bolted door. No fencing around the tower.
- Setback: (also see final 2 pages for references)
 - A.) Setbacks for the turbines should be measured from the property line, not the residence.
 - B.) Suggested setback for individual turbines from property lines are as follows, *with the number of members in agreement in parenthesis*:
 - 5000'-- (4);
 - 2.5 times the tower height including vertical blade--(2);
 - 3 times the tower height with vertical blade--(1);
 - 1.5 times the tower height with vertical blade--(1).
 - C.) Neighboring landowners accepting easement agreements with the wind energy company will not be subject to these particular restrictions except in instances where turbine placement will affect public areas including roadways and neighbors without easement agreements.
 - D.)Setbacks for public areas such as schools, hospital, libraries, and other healthcare facilities are as follows with the numbers of members in agreement in parenthesis: 5000'--(4), 4 times the tower height (4).

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E.) Setbacks from natural resources, such as wetlands and watersheds, are to be determined by regulations of the Dept. of Environmental Conservation and any other independent study deemed necessary.

- Shadow flicker: Where shadow flicker is determined to have an adverse impact on a dwelling by the persons residing in that dwelling, the company will be responsible for programming the turbine(s) to shut down during a specific time period, until the sun no longer causes the turbine to cast the flicker on the residence.
- Tax regulations: We strongly recommend that the Town exercises its right to opt out of tax exemption provisions of the Real Property Tax Law 487, pursuant to the authority granted by paragraph 8 of that Law. We recommend that the wind energy company be fully assessed and fully taxed. This does not prevent the town/county from additionally utilizing its right to enter into Host or PILOT agreements with the wind energy company.
- Tower lighting: As per minimum FAA regulations.
- Tower/turbine warning signs: Pre-established (?)
- Town acceptance of test/SEQRA data: Town must have full access to reports and studies conducted on behalf of the wind energy company, as well as full explanation of any results. Town will hire its own experts in addition to those hired by the wind energy company or governmental agencies, where it deems necessary.
- Transfer of Utility Ownership: Committee suggests wording that the transfer of ownership will require approval of the Town in a case involving 51% or more transfer of ownership.
- Turbine generator capacity: 1.5 megawatts was one suggestion; 3.0 megawatts was another suggestion.
- Water districts: Wind energy company will pay for the installation of Town water on any roads directly surrounding any of its turbines, if that/those roads do not already have Town water.

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*Dr. Oguz Soysal, Professor and Chairman of the Dept. of Physics and Engineering at Frostburg State University in Maryland, measured sound levels over ½ mile away from the 20 turbine wind farm in Meyersdale, Pa., in 2005. Audible (A-weighted) dB (decibel) levels were in the 50-60 range, and audible plus low-frequency (C-weighted) dB were in the 65-70 range. (1) A difference of 10dB between A and C weighting represents a significant amount of low-frequency noise by World Health Organization standards. (2) Dr. van den Berg measured wind turbine sound spectra at 0.47 miles from a 17 turbine installation in 2002. His graphs reveal dB levels averaging 68-90 dB in the frequency range less than 10Hz, and over 60 dB in the 10-100Hz frequency range. (3) Though this is of no great significance to the sound that humans perceive, the Vibroacoustic Disease Project centered in Portugal and including physicians from Poland, Russia, and the United States has published extensively on the effects of low-frequency noise on parts of the body other than the ears, particularly on the cardiovascular, pulmonary, and neurological systems. (4) Vibroacoustic Disease, as it is called, includes fibrosis (laying down of additional fibrous thickening in the form of collagen) in the cardiovascular and pulmonary systems, and seizures and cognitive changes in the brain.

- (1) Soysal, OA. 2005. "Acoustic noise generated by wind turbines." Presented to the Lycoming County, PA, Zoning Board 12-14-05. Osoysal@frostburg.edu;
- (2) WHO, 1999. *Guidelines for Community Noise*;
- (3) van den Berg, GP. 2004. "Do wind turbines produce significant noise & vibration and its control, Maastricht, The Netherlands, Aug. 30 to Sept. 1;
- (4) from a selection of papers: Branco M, and M Alves-Pereira. 2004. "Vibroacoustic disease." *Noise and Health* 6 (23):3-20; Alves-Pereira M. 1999. "Noise-induced extra-aural pathology: A review and commentary." *Aviation, Space, and Environmental Medicine* 70 (3 Pt @):A7-21; Martinho Pimenta AJ et al. 1999. "Balance disturbances in

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individuals with vibroacoustic disease." *Aviation, Space, and
Environmental Medicine* 70, no.3, section II:A96-99.

Respectfully submitted,

Marilynn Miller

Marilynn Miller, secretary

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Gaines, NY January 3, 2008

RESOLUTION 8 - 08

Approval of Minutes

On a motion from Councilperson Kirby, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kirby, Oakley, Lattin, Kast
0 Nays

Resolved that the minutes from December 11, 2007 are approved as presented.

RESOLUTION 9 - 08

Approval of Minutes

On a motion from Councilperson Kirby, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kirby, Oakley, Lattin, Kast
0 Nays

Resolved that the minutes from December 26, 2007 are approved as presented.

RESOLUTION 10 - 08

Approval of Abstracts

On a motion from
General Councilperson Kast, and seconded by Councilperson Oakley
Highway Councilperson Kirby and seconded by Councilperson Kast
Water Councilperson Oakley and seconded by Councilperson Kirby

the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kirby, Oakley, Lattin, Kast
0 Nays

Resolved that the bills on abstract #1 be paid as presented.

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The board agreed to have Supervisor DeCarlo write 2 letters to Assemblyman Stephen Hawley and Senator George Maziarz requesting that the Town of Gaines be considered for member dollars for 2 projects. The first being money for a salt storage shed. Ron Mannella will research the approximate cost. The second letter is to request funds to erect 4 wooden "Welcome to Gaines" signs at an approximate cost of \$2000.00.

Councilperson Oakley brought up the issue of court security and agreed to speak with the Judge regarding the issue. Clerk Klatt will speak with Saint John & Baldwin to see if any extra funds are available in the budget to pay for security.

Councilperson questioned if anyone had looked into the issue of reducing the number of election districts from 4 to 2. Clerk Klatt replied that she hadn't had time to inquire and Councilperson Lattin agreed to look into the possibility.

With no further business, on a motion from Councilperson Kast and seconded by Councilperson Oakley the meeting was adjourned at 9:17PM.

Respectfully Submitted,



Jean Klatt,
Gaines Town Clerk

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

PRESENT:	Richard DeCarlo	-----	Supervisor
	David Kast	-----	Councilman
	James Kirby	-----	Councilman
	Bill Lattin	-----	Councilman
	Lorraine Oakley	-----	Councilwoman
	Jean Klatt	-----	Town Clerk
	Douglas Heath	-----	Council

EXCUSED: None

OTHERS PRESENT: Colleen McKenna, Lora Laine, Sue Smith, Guy Smith, Ken Whitney, Roger Beam, Tibbs Ahlberg, Connie Mosher, Jenn Stilwell, Marilyn Miller, Don & Elisa Draper, Carole Patterson, Chris Watt, Nicole Coleman, Jason Gotte, John & Loretta Long, Glen Brown, Ray Burke, Debbie DiBacco

Supervisor DeCarlo called the meeting to order at 3:00PM with the Pledge to the Flag.

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

RESOLUTION 11-08
ACCEPTING COMPLETION OF WD#6

TOWN OF GAINES
WATER DISTRICT NO. 6

WHEREAS, the construction of the improvements for the Town of Gaines Water District No. 6 have been completed and approved by the NYS Department of Health; and

NOW THEREFORE BE IT RESOLVED, that the Town of Gaines accepts the project as constructed and hereby authorizes final payment to the contractor.

Be it further resolved that the Town of Gaines hereby appoints Ronald Mannella, a NYS certified operator, to operate the water system.

STATE OF NEW YORK)
COUNTY OF ORLEANS) ss.:
TOWN OF GAINES)

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Gaines Town Board on the 7th day of February, 2008.

Dated at Gaines, New York

February 7, 2007

Jean Klatt

Jean Klatt
Town Clerk of the Town of Gaines

gaines/wd6/construction resolution

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

RESOLUTION 12-08

ACCEPT BROWN ASSOC. SERVICES FOR WD#9

RESOLUTION

At a special meeting of the Gaines Town Board held on February 7, 2008, Councilperson Oahluu moved adoption of the following resolution; Councilperson Lattin seconded the motion:

"RESOLVED, that the Town Board of the Town of Gaines hereby accepts the Project Management Services proposal of Stuart I. Brown Associates of Fairport, New York for Gaines Water District No. 9, to be constructed jointly with the Town of Murray Water District No. 14 at a cost not to exceed \$12,000.00, pursuant to said proposal dated January 8, 2008, a copy of which is attached hereto; and be it

FURTHER RESOLVED, that Stuart I. Brown Associates is hereby authorized to submit a funding application on behalf of said Districts to the USDA, Rural Development for loan and/or grant assistance to construct the project; and be it

FURTHER RESOLVED, that Richard A. DeCarlo, Sr., Supervisor of the Town of Gaines is hereby authorized to execute said Project Management Services proposal and Funding Application on behalf of the Town of Gaines Water District No. 9.

Upon being put to a vote, the following voted "Aye" in favor of the resolution:

The following voted "No" in opposition thereto:

The resolution was deemed adopted.

Dated: February 7, 2008

Jean Klatt, Gaines Town Clerk

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:
TOWN OF GAINES:

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 7th day of February, 2008 with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: February 7, 2008
Town of Gaines

(SEAL)

Jean Klatt
Jean Klatt, Gaines Town Clerk

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

RESOLUTION 13-08

ACCEPT CHATFIELD ENGINEERS SERVICES FOR WD#9

RESOLUTION

At a special meeting of the Gaines Town Board held on February 7, 2008, Councilperson Lattin moved adoption of the following resolution; Councilperson Klatt seconded the motion:

"RESOLVED, that the Town Board of the Town of Gaines hereby accepts the Engineering Services Agreement of Chatfield Engineers of Rochester, New York, dated as of January 11, 2008, and hereby retains the services of Chatfield Engineers as Project Engineers for the construction of Gaines Water District No. 9 in accordance with said Engineering Services Agreement; and be it

FURTHER RESOLVED, that Richard A. DeCarlo, Sr., Supervisor of the Town of Gaines, is hereby authorized to execute said agreement by and on behalf of the Town of Gaines Water District No. 9.

Upon being put to a vote, the following voted "Aye" in favor of the resolution:

The following voted "No" in opposition thereto:

The resolution was deemed adopted.

Dated: February 7, 2008

Jean Klatt, Gaines Town Clerk

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:
TOWN OF GAINES:

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 7th day of February, 2008 with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: February 7, 2008
Town of Gaines

(SEAL)

Jean Klatt
Jean Klatt, Gaines Town Clerk

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

RESOLUTION 13-08
ADOPT BOND RESOLUTION FOR WD#8

BOND RESOLUTION

At a special meeting of the Town Board of the Town of Gaines, Orleans County, New York, held at the Gaines Town Hall, 14087 Ridge Road, Albion, New York, in said Town on the 7th day of February, 2008 at 3:00 o'clock p.m., prevailing time.

The meeting was called to order by Supervisor Richard A. DeCarlo, Sr. and upon roll being called there were

PRESENT: Richard A. DeCarlo, Sr., Supervisor
James Kirby, Councilman
David J. Kast, Councilman
Lorraine Oakley, Councilwoman
C.W. Lattin, Councilman

ABSENT: none

The following resolution was offered by Councilman Lattin who moved its adoption, seconded by Councilman Oakley to wit:

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

BOND RESOLUTION DATED FEBRUARY 7, 2008

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$400,125.00 SERIAL BONDS OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM TO SERVE GAINES WATER DISTRICT NO. 8 IN THE TOWN OF GAINES.

WHEREAS, by proceedings heretofore duly had and taken pursuant to the Town Law, the Town Board of the Town of Gaines, Orleans County, New York, has undertaken to duly establish the Gaines Water District No. 8 in and for said Town; and

WHEREAS, it is now desired of the Town of Gaines to provide for the financing of the cost of the construction of a water distribution system to serve said Gaines Water District No. 8, including land or rights in land and original furnishings, equipment, machinery or apparatus incidental thereto;

NOW, THEREFORE BE IT

RESOLVED, by the Town Board of the Town of Gaines, Orleans County, New York, as follows:

Section 1: The specific object or purpose to be financed pursuant to this resolution is the construction of a water distribution system to serve Gaines Water District No. 8 in and for the Town of Gaines, Orleans County, New York, consisting of installation of approximately 10,670 linear feet of 8" DR-18 PVC watermain pipe along portions of West Transit Church Road, Densmore Road and Zig Zag Road, together with the installation of individual water services to property lines; the installation of fire hydrants, gate valves and tracer wire; road and creek crossings; connection to existing water mains, acquisition of land or rights in land and all other original furnishings, equipment, machinery or apparatus incidental thereto, substantially in accordance with the map, plan and report heretofore prepared in connection with such improvements and now on file in the Office of the Town Clerk.

Section 2: The maximum estimated cost of such joint project is \$400,125.00, and the plan for the financing thereof shall be by the issuance of not exceeding \$400,125.00 serial bonds for said Town hereby authorized to be issued therefore pursuant to the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued will be reduced pro tanto by State and/or Federal grants-in-aid received in connection with said project.

Section 3: It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

Section 4: The faith and credit of said Town of Gaines, Orleans County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectfully become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within said Water District which the Town Board shall determine and specify to be especially benefitted by the improvements, an amount sufficient to pay the principal of and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5: Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6: All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7: The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purposes for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

Section 8: This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9: This resolution, which takes effect immediately, shall be published in full in Batavia Daily News, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor DeCarlo voting	Yes
Councilman Kirby voting	Yes
Councilman Kast voting	Yes
Councilwoman Oakley voting	Yes
Councilman Lattin voting	Yes

The resolution was thereupon declared duly adopted.

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

CLERK'S CERTIFICATE

STATE OF NEW YORK:

ss.:

COUNTY OF ORLEANS:

I, the undersigned Clerk of the Town of Gaines, Orleans County, New York, DO
HEREBY CERTIFY:

That I have compared the foregoing minutes of a special meeting of the Town Board of
said Town, including the Resolution contained therein, held on the 7th day of February, 2008,
with the original thereof on file in my office, and that the same is a true and correct copy of said
original and of the whole of said original so far as the same relates to the subject matter therein
referred to.

I FURTHER CERTIFY, that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY, that, pursuant to Section 103 of the Public Officers Law (Open
Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY, that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given and to be conspicuously published in the
following designated public location(s) on the following date:

Newspaper and/or news media

Date given

Batavia Daily News

February 4, 2008

I FURTHER CERTIFY, that, PRIOR to the time of said meeting, I duly caused public
notice of the time and place of said meeting to be conspicuously posted in the following designated
public location(s) on the following date:

Location of Posted Notice

Date of Posting

Official Town Signboard

February 4, 2008

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town
of Gaines this 7th day of February, 2008.

(SEAL)

Jean Klatt
Jean Klatt, Gaines Town Clerk

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

Councilperson Kast made a motion to move into executive session. Supervisor DeCarlo read the town law regarding executive session.

Lori Laine stated that the meeting was called at an inconvenient time. Not at all at a time when working taxpayers could attend and very little notice was given. She stated that she does not think that it is fair for the board to move into executive session is fair to the residents that have left their jobs early to attend this meeting.

RESOLUTION 14-08
RECESS MEETING

On a motion from Councilperson Kast and seconded by Councilperson Oakley the resolution was

ADOPTED	Ayes	5	DeCarlo, Kast, Oakley, Kirby
	Nay	1	Lattin

The meeting was recessed at 3:10 PM.

RESOLUTION 15-08
RECONVENED MEETING

On a motion from Councilperson Lattin and seconded by Councilperson Oakley the resolution was

ADOPTED	Ayes	5	DeCarlo, Kast, Kirby, Oakley, Lattin
	Nay	0	

The meeting was reconvened at 3:16 PM.

A short discussion about the rules for an executive session followed.

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

RESOLUTION 16-08
EXECUTIVE SESSION

On a motion from Councilperson Oakley and Councilperson Kast the resolution was

ADOPTED	ROLL CALL	Kirby	Aye
		Kast	Aye
		Lattin	Nay
		Oakley	Aye
		DeCarlo	Nay

The Town Board will move into executive session for the purpose of discussing the law suit against the planning board at 3:25 PM.

RESOLUTION 17-08
REGULAR SESSION

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

ADOPTED	Ayes	5
	Nay	0

The Town Board will move into regular session at 3:50 PM.

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

Councilperson Oakley stated that she would like to make a motion to suspend the resolutions to have our Town Attorney research the possibility of dissolving and consolidating both the planning and zoning boards and adopt the 2008 appointments& reorganization of members of both boards who have completed their mandatory training for 2007 and have certificates on file as set forth in the mandatory training for Planning and Zoning Board of Appeals members., Chapter 662 of the Laws of 2006, Section 271and 7-712.

Following a lengthy discussion with the public Councilperson Kast made a motion to "END DEBATE" and vote on the motion on the floor.

RESOLUTION 18-08

**SUSPEND RESOLUTION # 4 -08 & 5-08, APPOINT PLANNING & ZONING
BOARDS AND ACCEPT REORGANIZATION OF BOTH BOARDS**

On a motion from Councilperson Oakley and seconded by Councilperson Kast the resolution was declared

ADOPTED	Roll Call	Kirby	Aye
		Kast	Aye
		Lattin	Nay
		Oakley	Aye
		DeCarlo	Nay

Resolved to suspend the resolutions to have our Town Attorney research the possibility of dissolving and consolidating both the planning and zoning boards and adopt the 2008 appointments& reorganization of members of both boards who have completed their mandatory training for 2007 and have certificates on file as set forth in the mandatory training for Planning and Zoning Board of Appeals members., Chapter 662 of the Laws of 2006, Section 271and 7-712.

SPECIAL TOWN BOARD MEETING
Gaines, NY February 7, 2008

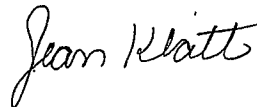
Supervisor DeCarlo asked to have the record show that there appears to be previous caucusing between board members regarding resolutions 4-08 and 5-08.

Councilman Kast asked Supervisor DeCarlo if he had spoken to Mr. Lattin about the planning board issues prior to the January 3, 2008 Town Board meeting.

Councilperson Oakley asked to have the record show that Supervisor DeCarlo had admitted to speaking to Councilperson Lattin regarding the planning board.

With no further business, on a motion from Councilperson Lattin and seconded by Councilperson Oakley the meeting was adjourned at 5:17PM.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jean Klatt".

Jean Klatt,
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY February 12, 2008

PRESENT:	Richard DeCarlo	-----	Supervisor
	David Kast	-----	Councilman
	James Kirby	-----	Councilman
	Bill Lattin	-----	Councilman
	Lorraine Oakley	-----	Councilwoman
	Ron Mannella	-----	Superintendent
	Jean Klatt	-----	Town Clerk
	Douglas Heath	-----	Council
	John Gavenda	-----	Special Council

EXCUSED: None

OTHERS PRESENT: Tibbs Ahlberg, Liz Cappacci, Mark Murphy, Jerry Culhane, Lora Laine, Nicole Coleman, Jen Stilwell, Gary Davy, Gerald Scharping, Phil & Colleen McKenna, Robert Pinson, S. Draper, Connie Mosher, Marilynn Miller, Bruce Schmidt, Roger Beam, Dean Pittman, Laurie Prentice, Charles Prentice, Ken Whitney, Jeff Braley, Megan McElligott, Jason Gotte, Sue & Guy Smith, Carole Patterson, John Goslau, Douglas Syck, Chris Watt, Henry Smith Jr., Deborah Roberts

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

RESOLUTION 19-08

PERMISSION TO GO TO BID ON A HIGHWAY TRUCK

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

ADOPTED	Ayes	5	DeCarlo, Kast, Oakley, Kirby, Lattin
	Nay	0	

Resolved that Highway Superintendent Mannella has permission to go out to bid on a new highway dump truck.

REGULAR TOWN BOARD MEETING
Gaines, NY February 12, 2008

RESOLUTION 20-08

2008 TOWN CLERK CONFERENCE

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

ADOPTED Ayes 5
 Nays 0

Resolved that Town Clerk Klatt will attend the 2008 Town Clerk Conference in Saratoga Springs from April 27, 2008 through April 30, 2008. The cost shall not exceed 579.00 plus mileage as budgeted for in the 2008 Town Clerk's contractual budget.

RESOLUTION 21-08

COVA

On a motion from Councilperson Kast and seconded by Councilperson Oakley the resolution was

ADOPTED Ayes 5 DeCarlo, Kast, Oakley, Kirby, Lattin
 Nay 0

Resolved that the board will table the resolution presented by COVA until March after the Attorney has a chance to review the agreement.

RESOLUTION 22-08

APPROVAL OF MINUTES

On a motion from Councilperson Lattin and seconded by Councilperson Kast the resolution was

ADOPTED Ayes 5 DeCarlo, Kast, Kirby, Oakley, Lattin
 Nay 0

The minutes from January 3, 2008 are approved as presented.

REGULAR TOWN BOARD MEETING
Gaines, NY February 12, 2008

RESOLUTION 23-08

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Lattin and seconded by Councilperson Oakley
Highway Councilperson Oakley and seconded by Councilperson Kirby
Water Councilperson Kast and seconded by Councilperson Lattin

The resolution was

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Oakley, Lattin
0 Nays

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

RESOLUTION 24-08

APPOINTMENT OF COURT CLERK

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

ADOPTED Ayes 5 DeCarlo, Kast, Kirby, Lattin, Oakley
Nay 0

Resolved that Marita Dumrese is appointed as Court Clerk for Judge Leigh. The hourly rate will be determined by the Judge.

Attorney Heath advised the Town Board on the financing of Water District #9. He also will be working with Ron Mannella on petitions.

REGULAR TOWN BOARD MEETING
Gaines, NY February 12, 2008

RESOLUTION 25-08
WATER DISTRICT #9

On a motion from Councilperson Kast and seconded by Councilperson Lattin the resolution was

ADOPTED	Ayes	5	DeCarlo, Kast, Kirby, Oakley, Lattin
	Nay	0	

Resolved that Attorney Heath will advise the Town Board on the financing of Water District #9. He will also be working with Ron Mannella on petitions.

Councilperson Oakley asked the audience not to discuss anything to do with the planning board until Special Council John Gavenda arrives.

Marilynn Miller asked to pass around a petition supporting Municipal Home Rule Law Article 10. She also read from the Town of Gaines Code of Ethics and asked each member of the Town Board, Planning Board, and Zoning Board of Appeals to reveal if they have any monetary contracts that may pose a conflict of interest. She would ask each person to disclose that information at the next public meeting. She would like each member to disclose that they have a conflict of interest and the date that the conflict arose and the date they disclosed to the town that they have a conflict of interest. After a lengthy discussion regarding wind energy Marilyn Miller read another statement from the Code of Ethics. She stated that she has little confidence in some members of the board.

RESOLUTION 26-08
RECESS MEETING

On a motion from Councilperson Oakley and seconded by Councilperson Kast the resolution was

ADOPTED	Ayes	5	DeCarlo, Kast, Kirby, Oakley, Lattin
	Nay	0	

Resolved that the meeting is recessed until 9:15PM.

REGULAR TOWN BOARD MEETING
Gaines, NY February 12, 2008

RESOLUTION 27-08
RECONVENED MEETING

On a motion from Councilperson Oakley and seconded by Councilperson Kast the resolution was

ADOPTED	Ayes	5	DeCarlo, Kast, Kirby, Oakley, Lattin
	Nay	0	

Resolved that the meeting is reconvened at 9:05PM.

Sue Smith asked Councilperson Oakley to read the resolution that was passed at the February 7, 2008 meeting regarding planning board appointments. After some discussions regarding planning board training & appointments Attorney Heath clarified the issues of appointments and trainings.

Supervisor DeCarlo, with the support of the board asked Attorney Heath to look into 2 issues. The 1st being a separate resolution appointing Gary Davy and Ray Burke to the Planning Board and Zoning Board of Appeals, respectfully. Secondly, he would like a resolution to consider the alternative training taken by Phil McKenna.

There was a lengthy discussion regarding ethics, code of conduct, training requirements, and town appointments the board moved to go into executive session.

RESOLUTION 29-08
EXECUTIVE SESSION

On a motion from Councilperson Oakley and seconded by Councilperson Kast the resolution was

ADOPTED	Roll Call	Kirby	Recused
		Kast	Aye
		Lattin	Aye
		Oakley	Aye
		DeCarlo	Aye

Resolved that the Town Board will move into executive session to discuss the law suit against the Gaines Planning Board with Attorney Gavenda at 10:07PM.

REGULAR TOWN BOARD MEETING
Gaines, NY February 12, 2008

RESOLUTION 30-08
REGULAR SESSION

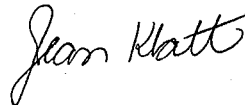
On a motion from Councilperson Kast and seconded by Councilperson Oakley the resolution was

ADOPTED	Roll Call	Kirby	Aye
		Kast	Aye
		Lattin	Aye
		Oakley	Aye
		DeCarlo	Aye

Resolved that the Town Board will return to regular session at 10:17PM.

With no further business, on a motion from Councilwoman Oakley and seconded by Councilman Kast the meeting was adjourned at 10:18 PM.

Respectfully submitted,



Jean Klatt
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY March 11, 2008

PRESENT:	Richard DeCarlo	-----	Supervisor
	James Kirby	-----	Councilman
	Bill Lattin	-----	Councilman
	Lorraine Oakley	-----	Councilwoman
	Jean Klatt	-----	Town Clerk
	Douglas Heath	-----	Council

EXCUSED: David Kast, Ron Mannella

OTHERS PRESENT: Jerry Culhane, Jen Stilwell, Don & Elise Draper, Connie Mosher, Marilynn Miller, Ken Whitney, Sue & Guy Smith, Lorienda Smith, Gerard Morrissey, Tom Rivers

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

RESOLUTION 31-08

2008 Lawn Mowing Agreement

At a regular meeting of the Gaines Town Board held on the 11th day of March, 2008, the following resolution was duly moved by Councilperson Kirby and seconded by Councilperson Lattin

ADOPTED	Ayes 4	DeCarlo, Kirby, Oakley, Lattin
	Nays 0	

“RESOLVED, that the Supervisor of the Town of Gaines, Orleans County, New York, is hereby authorized as the official representative of the Town to execute the 2008 Lawn Mowing Agreement with Richard Nenni.”

Attorney Heath informed the board that HSBC Bank was the lowest bidder and the BAN for Water District #7 would be issued ASAP.

REGULAR TOWN BOARD MEETING
Gaines, NY March 11, 2008

RESOLUTION 32-08
Set Public Hearing for WD#9

RESOLUTION

The following resolution being duly adopted at a regular meeting of the Gaines Town Board held on March 11, 2008 at 7:30 p.m.:

Councilperson Lattin moved the adoption of the following resolution; Councilperson Oakley seconded the motion;

"RESOLVED, that the Town Board of the Town of Gaines does hereby adopt the annexed Order, dated March 11, 2008, pertaining to the establishment of Gaines Water District No. 9 based upon a map, plan and report revised January 18, 2008, and setting the date and time of the public hearing to be conducted by the Town Board pursuant to §191 of the Town Law regarding establishment of said Water District."

Upon being put to a vote, the following voted "Aye" in favor of the adoption: Supervisor DeCarlo, Councilpersons Kirby, Oakley and Lattin. (Councilperson Kast - excused absence)

The following voted "No" in opposition thereto: None

The resolution was deemed adopted.

Dated: March 11, 2008

Jean Klatt, Gaines Town Clerk

CERTIFICATE OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:
TOWN OF GAINES:

I, JEAN KLATT, Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing Resolution with annexed Order duly adopted by the Town Board of the Town of Gaines, on the 11th day of March, 2008, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: March 11, 2008
Gaines, New York

(SEAL)

Jean Klatt
Jean Klatt, Gaines Town Clerk

The public hearing on the Formation of WD#9 will be held on April 8th at 7:30 PM.

REGULAR TOWN BOARD MEETING
Gaines, NY March 11, 2008

RESOLUTION 33 - 08

2008 Single Audit Authorization

At a regular meeting of the Gaines Town Board held on the 11th day of March, 2008, the following resolution was duly moved by Councilperson Oakley and seconded by Councilperson Lattin

ADOPTED Ayes 4 DeCarlo, Kirby, Oakley, Lattin
 Nays 0

“RESOLVED, that the Supervisor of the Town of Gaines, Orleans County, New York, is hereby authorized as the official representative of the Town to execute and submit an engagement letter to GRAY, Certified Public Accounting, P.C. for the 2008 Single if required.”

RESOLUTION 34 - 08

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Lattin and seconded by Councilperson Kirby
Highway Councilperson Lattin and seconded by Councilperson Oakley
Water Councilperson Kirby and seconded by Councilperson Oakley

The resolution was

ADOPTED 4 Ayes DeCarlo, Kirby, Oakley, Lattin
 0 Nays

Resolved that the bills on abstract #3 will be paid as presented.

REGULAR TOWN BOARD MEETING
Gaines, NY March 11, 2008

RESOLUTION 35 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Oakley and seconded by Councilperson Lattin the resolution was

ADOPTED	Ayes	4	DeCarlo, Kirby, Oakley, Lattin
	Nay	0	

The minutes from February 7, 2008 are approved as presented.

RESOLUTION 36 - 08

APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	DeCarlo, Kirby, Oakley, Lattin
	Nay	0	

The minutes from February 12, 2008 are approved as presented.

Supervisor DeCarlo informed the board that He and the Town of Albion Supervisor had been invited to a meeting the morning of 3-11-08 by District Attorney, Joseph Cardone to discuss the possibility of consolidating the Town of Albion and Gaines Town Court as the Towns of Ridgeway and Shelby had done last year. Mr. Cardone would like to meet with both Town Boards to discuss the matter. The board agreed to listen to his proposal.

REGULAR TOWN BOARD MEETING
Gaines, NY March 11, 2008

RESOLUTION 37 - 08

Authorize Supervisor to sign WD#9 Grant Application

At a regular meeting of the Gaines Town Board held on the 11 day of March 2008, the following resolution was duly moved, seconded and adopted by the affirmative vote of a majority of the total voting strength of the Board:

"RESOLVED, that the Supervisor of the Town of Gaines, Orleans County, New York, is hereby authorized as the official representative of the Town to execute and submit an application to the U. S. Department of Agriculture, Rural Development for grant and/or loan assistance for the construction of improvements to serve the Town of Gaines Water District No. 9 and the Town of Murray Water District No. 14, which includes portions of Transit Road and West Transit Church Road, and the Supervisor is hereby authorized and directed to act in connection with the submission of the application and to provide such additional information as may be required."

CERTIFICATE OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss:
TOWN OF GAINES

I, Jean Klatt, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 11 day of March 2008 with the original of such resolution now on file in my office, and the same is a correct and true copy of said original resolution and of the whole thereof.

Dated: March 21, 2008

Jean Klatt
Jean Klatt, Clerk

(SEAL)

X:\WPDOCS\GAINES\WD#9\RD Application Forms\Resolution.DOC

REGULAR TOWN BOARD MEETING
Gaines, NY March 11, 2008

Councilperson Lorraine Oakley updated her progress on the court. She informed everyone that Court Clerk; Marita Dumrese will be tracking down our new court computer and attending training in the near future. She also reported on the award of a court grant.

PRIVILEGE OF THE FLOOR/ PUBLIC CONCERNS

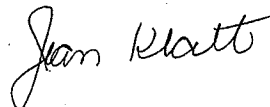
Connie Masher asked about the progress of Disclosure Statements being sent out to town employees and board members. Supervisor DeCarlo told her that Attorney Heath is working on it.

Marilynn Miller asked about the progress of the wind turbine regulations. Supervisor DeCarlo told her that the Town Board is having weekly consultations with Dan Spitzer who is writing the regulations. She also questioned the cost to WD#9 residents for WD#9 and the date of the public hearing.

Lorienda Smith asked about the water pollutant reports that were recently in the media. She was told they were in larger municipalities and that the village does all of our water testing. She also questioned the town purchasing a new truck and wondered if the town could consolidate with the County or State to avoid having to purchase new equipment. Supervisor DeCarlo told her that the consolidation study would answer those questions.

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Kirby the meeting was adjourned at 8:22PM.

Respectfully Submitted,



Jean Klatt,
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

PRESENT:	David Kast	-----	Councilman
	James Kirby	-----	Councilman
	Bill Lattin	-----	Councilman
	Lorraine Oakley	-----	Councilwoman
	Ron Mannella	-----	Superintendent
	Jean Klatt	-----	Town Clerk
	Douglas Heath	-----	Council

EXCUSED: Richard DeCarlo, Supervisor

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

OTHERS PRESENT: Tibbs Ahlberg, Jen Stilwell, Marilynn Miller, Elise Draper, Donald Draper, Sue Smith

RESOLUTION 38-08

WD#8 Authorize Supervisor to Sign Grant Agreement

WATER DISTRICT NO. 8 - GRANT AGREEMENT

RESOLUTION 38 duly adopted at a Regular Meeting of the Town Board of the Town of Gaines, Orleans County, New York, held on the 8th day of April, 2008 at 7:30 p.m. at the Gaines Town Hall, 14087 Ridge Road, Albion, New York.

Councilperson ~~Kirby~~ moved the adoption of the following resolution,
Councilperson ~~Oakley~~ seconded the motion:

"RESOLVED, that the Gaines Town Board does hereby authorize the Supervisor of the Town to execute the "Water or Waste System Grant Agreement" by and between the Town and the USDA, Rural Utilities Service, therein accepting a grant in the amount of Two Hundred Fifty Thousand One Hundred Twenty Five Dollars (\$250,125.00) to be applied to the cost of construction of Gaines Water District No. 8."

Upon being put to a vote, the following voted "Aye" in favor of adoption of the foregoing resolution: Lattin, Oakley, Kirby, Kast

The following voted "No" in opposition thereto: None

The resolution was declared adopted

Dated: April 8, 2008

Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 39-08

WD#8 Authorize Supervisor to Sign Loan Agreement

WATER DISTRICT NO. 8 - LOAN AGREEMENT

RESOLUTION 39, duly adopted at a Regular Meeting of the Town Board of the Town of Gaines, Orleans County, New York, held on the 8th day of April, 2008 at 7:30 p.m. at the Gaines Town Hall, 14087 Ridge Road, Albion, New York.

Councilperson Oakley moved the adoption of the following resolution, Councilperson Kirby seconded the motion:

"RESOLVED, that the Gaines Town Board does hereby authorize the Supervisor of the Town to execute the "Loan Resolution" by and between the Town and the USDA, Rural Utilities Service, therein accepting a grant in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) to be applied to the cost of construction of Gaines Water District No. 8."

Upon being put to a vote, the following voted "Aye" in favor of adoption of the foregoing resolution: Lattin, Oakley, Kirby, Kast

The following voted "No" in opposition thereto: None

The resolution was declared adopted

Dated: April 8, 2008

Jean Klatt, Gaines Town Clerk

RESOLUTION 40-08

Authorize Attorney to do Title Search work regarding Dixon Matter

On a motion from Councilperson Lattin and seconded by Councilperson Kast the resolution was

ADOPTED	Ayes	4	Kast, Kirby, Oakley, Lattin
	Nay	0	

Attorney Heath will do a title search to determine who owns property known as Academy Street and the surrounding area. Mr. Dixon has offered to sell the town the property known as Academy Street.

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

PUBLIC HEARING WD#9

The public hearing was opened at 7:43 PM. Paul Chatfield gave a presentation on the proposed formation of Water District #9. After entertaining questions from interested residents from the proposed district the public hearing was closed at 8:01 PM.

RESOLUTION 41-08
EST WD#9

RESOLUTION OF GAINES TOWN BOARD ESTABLISHING
TOWN OF GAINES WATER DISTRICT NO. 9

A regular meeting of the Town Board of the Town of Gaines, Orleans County, New York, was held in the Gaines Town Hall in said Town on April 8, 2008 at 7:30 P.M. to consider the establishment of proposed Water District No. 8 of the Town of Gaines, pursuant to the provisions of Article 12 of the Town Law.

A map, plan and report relating to the establishment of the proposed Water District No. 9, prepared by Chatfield Engineers, P.C., a competent engineer duly licensed by the State of New York, revised January 18, 2008, in the manner and detail required by the Town Board, has been filed with the Town Clerk of the Town of Gaines, in accordance with the requirements of Article 12 of the Town Law.

On March 11, 2008, an Order was adopted by the Gaines Town Board reciting the filing of the map, plan and report, the boundaries of the proposed water district, the improvements proposed, the estimated expense of the improvements, the cost of the water district to the typical property in the district, estimated hook-up charges, the proposed method of financing, the fact that the map, plan and report were on file in the Town Clerk's Office for public inspection and all other matters required by law to be stated. The Order further recited that the proposed Water District is being established together with the establishment of a new water district in the Town of Murray to be known as Murray Water District No. 14. For purposes of efficiency and reducing costs to the district users, the Town Boards of the Towns of Murray and Gaines have agreed to jointly construct, operate and maintain these two water districts, pursuant to a municipal cooperation agreement to be executed by and between the Towns.

The proposed joint project consists of approximately 10,550 linear feet of 8" DR-18 PVC water main along the west side of Transit Road extending southerly from Ridge Road; approximately 2,320 linear feet of 8" DR-18 PVC water main extending westerly along West Transit Church Road in the Town of Gaines; approximately 750 linear feet of 8" DR-18 PVC water main extending easterly along East Transit Church Road in the Town of Murray; installation of individual water services from the water main to the edge of the highway right-of-way; installation of gates valves; installation of fire hydrants at intervals of approximately 600 feet; connection to the existing municipal water source at Ridge Road; creek crossings; highway crossings; and driveway and lawn restoration.

The Order set April 8, 2008 at 7:30 P.M. in the Gaines Town Hall in said Town, to consider the map, plan and report and to hear all persons interested in this matter and to take action as required by law.

The order was published in the March 28, 2008 edition of the *Batavia Daily News* and posted as required by law.

A hearing on the matter was held by the Town Board as scheduled on April 8, 2008 beginning at 7:30 P.M., and the matter was fully discussed and all interested persons were heard.

Upon the evidence given at the hearing on April 8, 2008 and upon a motion duly made by Councilperson Oakley, seconded by Councilperson Kast and adopted by the affirmative vote of a majority of the Town Board, the following resolution was adopted:

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLVED that:

- (a) The petition complies with the requirements of §191 of the Town Law with respect to sufficiency of signers, describes the boundaries of the proposed water district in a manner sufficient to identify the lands included therein as in a deed of conveyance, is authenticated in the manner provided by the Election Law for the authentication of nominating petitions and is otherwise legally sufficient.
- (b) The notice of hearing was published and posted as required by law, and is otherwise sufficient.
- (c) All the property and property owners within the proposed water district are benefitted thereby.
- (d) All the property and property owners benefitted are included within the limits of the proposed water district.
- (e) The establishment of the water district is in the public interest; and it is .

FURTHER RESOLVED that the establishment of Water District No. 9, as set forth in the map, plan and report, be approved, and that the requested improvements be constructed upon the required funds being made available and provided for; and it is

FURTHER RESOLVED that this water district shall hereafter be known as the Town of Gaines Water District No. 9 and shall be bounded and described as set forth in Schedule A attached hereto and made a part hereof; and it is

FURTHER RESOLVED that the proposed joint project, consisting of construction of Gaines Water District No. 9 and Murray Water District No. 14, shall include the construction of approximately 10,550 linear feet of 8" DR-18 PVC water main along the west side of Transit Road extending southerly from Ridge Road; approximately 2,320 linear feet of 8" DR-18 PVC water main extending westerly along West Transit Church Road in the Town of Gaines; approximately 750 linear feet of 8" DR-18 PVC water main extending easterly along East Transit Church Road in the Town of Murray; installation of individual water services from the water main to the edge of the highway right-of-way; installation of gates valves; installation of fire hydrants at intervals of approximately 600 feet; connection to the existing municipal water source at Ridge Road; creek crossings; highway crossings; and driveway and lawn restoration; and it is

FURTHER RESOLVED that the total projected project cost for construction of the joint project is \$540,000.00, with \$370,000.00 of such amount to be paid from grant funds applied for solely in the name of the Town of Gaines through USDA, Rural Development, with the local share in the amount of \$163,000.00 to be financed in the form of loan assistance from USDA, Rural Development to the Town of Gaines. Gaines will issue all of the indebtedness for the project in the form of serial bonds to mature in annual installments over a period not to exceed 38 years and collect Murray's portion of such indebtedness pursuant to an inter-municipal agreement to be executed by Gaines and Murray. Each municipality's local share will be repaid over a period not to exceed thirty eight (38) years at an interest rate not to exceed 4.375 % per annum, with a projected annual debt service payment of approximately \$295.98 per parcel in Gaines and \$295.54 per parcel in Murray. Revenues necessary to be raised and applied to the annual debt payment shall be levied and collected against those parcels within proposed Gaines Water District No. 9 and Murray Water District No. 14 on a benefit basis as determined by a benefit formula, and not on an ad valorem basis; and be it

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

FURTHER RESOLVED that the proposed cost of the joint project should be allocated between each town utilizing the number of users and parcels benefitted thereby and the benefits associated with creating a joint water project. Based upon the foregoing, the Towns have determined that the local share to be allocated to each water district, after first subtracting any USDA, Rural Development grant funds received from the total project costs, is as follows: 66.70% of the net local share, not to exceed \$108,721.00, be allocated to Gaines Water District No. 9 and the remaining 33.30% of the net local share, not to exceed \$54,279.00, allocated to Murray Water District No. 14; and it is

FURTHER RESOLVED that the projected maximum benefit unit charge for any one unit in the Gaines Water District No. 9 shall not exceed 295.98 for debt repayment. The projected maximum amount that any "typical one or two family home" will be required to pay in the first year following approval for debt repayment, water purchase and operation and maintenance in Gaines Water District No. 9 shall not exceed \$611.98; and it is

FURTHER RESOLVED that the formation of Gaines Water District No. 9 is not subject to approval from the NYS Comptroller within the meaning of Section 193(1)(b)(1) of the Town Law of the State of New York.

Upon being put to a vote, the foregoing resolution was adopted by the Gaines Town Board.

Dated: April 8, 2008

CERTIFICATE OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss:

I, JEAN KLATT, Town Clerk of the Town of Gaines, County of Orleans and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 8th day of April, 2008 with the original thereof now on file in my office, and the same is a correct and true copy of said original resolution and of the whole thereof.

Dated: April 8, 2008.

(SEAL)


Jean Klatt

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

SCHEDULE A - BOUNDARY DESCRIPTION

Beginning at a point, said point being the intersection of the centerline of Transit Road also being the Gaines/Murray Town Line with a line parallel to and 500 feet southerly of the centerline of Ridge Road and also being a southeasterly boundary corner of the Town of Gaines Water District No. 5, Part C; thence (1) southerly 10643 feet more or less, along the centerline of Transit Road also being the Gaines/Murray Town Line to a point, said point being the intersection of an easterly extension of the southerly property line of the Town of Gaines Tax Account No. 63-1-19 with the centerline of Transit Road also being the Gaines/Murray Town Line; thence (2) westerly 500 feet more or less, along an easterly extension of the southerly property line and the southerly property line of Tax Account No. 63-1-19 to a point; said point being the intersection of a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line with the southerly property line of Tax Account No. 63-1-19; thence (3) northerly 5594 feet more or less, along a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line to a point, said point being the intersection of a line parallel to and 500 feet southerly of the centerline of West Transit Church Road with a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line; thence (4) westerly 2177 feet more or less, along a line parallel to and 500 feet southerly of the centerline of West Transit Church Road to a point, said point being the intersection of the westerly property line of Tax Account No. 63-1-10.1 with a line parallel to and 500 feet southerly of the centerline of West Transit Church Road; thence (5) northerly 500 feet more or less, along the westerly property line and a northerly extension of the westerly property line of Tax Account No. 63-1-10.1 to a point, said point being the intersection of the centerline of West Transit Church Road (49.5' ROW) with a northerly extension of the westerly property line of Tax Account No. 63-1-10.1; thence (6) westerly 5 feet more or less, along the centerline of West Transit Church Road to a point, said point being a southerly extension of the westerly property line of Tax Account No. 52-1-29.11 with the centerline of West Transit Church Road; thence (7) northerly 500 feet more or less, along a southerly extension of the westerly property line and the westerly property line of Tax Account No. 52-1-29.11 to a point, said point being the intersection of a line parallel to and 500 feet northerly of the centerline of West Transit Church Road with the westerly property line of Tax Account No. 52-1-29.11; thence (8) easterly 2186 feet more or less, along a line parallel to and 500 feet northerly of the centerline of West Transit Church Road to a point, said point being the intersection of a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line with a line parallel to and 500 feet northerly of the centerline of West Transit Church Road; thence (9) northerly 4200 feet more or less, along a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line to a point, said point being the intersection of a line parallel to and 500 feet southerly of the centerline of West Ridge Road also being a southerly boundary line of the Town of Gaines Water District No. 5, Part C with a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line; thence (10) easterly 514 feet more or less, along a line parallel to and 500 feet southerly of the centerline of Ridge Road also being a southerly boundary line of the Town of Gaines Water District No. 5, Part C to a point, said point being the intersection of the centerline of Transit Road also being the Gaines/Murray Town Line with a line parallel to and 500 feet southerly of the centerline of Ridge Road also being a southerly boundary line of the Town of Gaines Water District No. 5, Part C. Said point also being a southeasterly boundary corner of the Town of Gaines Water District No. 5, Part C and also being the point of beginning.

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 43-08
SEQR WD#9

TOWN OF GAINES WATER DISTRICT NO. 9
TOWN OF MURRAY WATER DISTRICT NO. 14

SEQR - LEAD AGENCY RESOLUTION
TOWN OF GAINES

At a meeting of the Gaines Town Board held on April 8, 2008, Councilman Kirby moved adoption of the following resolution; Councilman Kast seconded the motion and was passed.

"RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Gaines hereby announces its intent to serve as lead agency to conduct an environmental review of a project to construct a series of public water supply improvements to serve the Town of Gaines Water District No. 9 and the Town of Murray Water District No. 14. In accord with the likelihood that the Gaines Town Board will serve as lead agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project involves the installation of approximately 13,620 feet of watermain within the rights-of-way of Transit Road, West Transit Church Road and East Transit Church Road. Transit Road is the boundary between the Towns of Gaines and Murray. A total of 27 units will be served by the public water improvements within the Towns of Gaines and Murray.

FURTHER RESOLVED, the Gaines Town Board has determined that, as a segment of the project is located in an Orleans County Agricultural District, the proposed action is a Type I action as defined under SEQR; and, be it

FURTHER RESOLVED, that the Gaines Town Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc., and be it

FURTHER RESOLVED, the Gaines Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 44-08
Legal Services WD#9

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on April 8, 2008, in the Gaines Town Hall at 7:30 p.m.

Councilperson Oakley moved adoption of the following resolution;
Councilperson Kirby seconded the motion:

"RESOLVED, that the Town Board of the Town of Gaines hereby retains the services of Heath and Martin Attorneys of Holley, New York to provide legal services to the Town in connection with the establishment and construction of the water distribution system for Town of Gaines Water District No. 9 to include portions of Transit Road and West Transit Church Road in the Town of Gaines at a cost *not to exceed* the sum of \$14,472.00, pursuant to the attached legal services agreement; and it is further

RESOLVED, that Supervisor Richard A. DeCarlo, Sr., be and he hereby is authorized and directed to execute the Agreement for Legal Services dated April 8, 2008 on behalf of the Town of Gaines for such purpose."

Upon being put to a vote, the following voted in favor of adoption of the resolution:

Lattin, Oakley, Kast, Kirby

The following voted against adoption: None

The resolution was thereupon declared adopted.

Dated: April 8, 2008

Jean Klatt, Gaines Town Clerk

CERTIFICATE OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:
TOWN OF GAINES:

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 11th day of March, 2008 with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: April 8, 2008

(SEAL)


Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 45-08
Bond Council WD#9

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on April 8, 2008, in the Gaines Town Hall at 7:30 p.m. at which the following were:

Councilperson Kast moved adoption of the following resolution;
Councilperson Oakley seconded the motion:

"RESOLVED, that the Town Board of the Town of Gaines hereby retains the law firm of Orrick, Herrington & Sutcliffe, LLP, to provide Bond Counsel services in the matter of Gaines Water District No. 9 including the issuance and sale of short term construction financing and the issuance and sale of long term serial bonds to Rural Development at final close out of the project, in accordance with the bond counsel proposals dated March 4, 2008, a copy of which is attached hereto and made a part hereof."

Upon being put to a vote, the following voted "Aye" in favor of adoption:

Lattin, Kast, Kirby, Oakley

The following voted "No" in opposition thereto:

The resolution was deemed adopted.

Dated: April 8, 2008

Jean Klatt, Gaines Town Clerk

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:
TOWN OF GAINES:

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 11th day of March, 2008 with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: April 8, 2008
Town of Gaines

(SEAL)

Jean Klatt
Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 46-08
WD#9 Coop. Agreement

**RESOLUTION AUTHORIZING ENTERING INTO MUNICIPAL
COOPERATION AGREEMENT WITH THE TOWN OF MURRAY**

At a regular meeting of the Gaines Town Board duly noticed and held on April 8, 2008, Councilman Kirby moved the adoption of the following resolution; Councilman Kast seconded the motion;

WHEREAS, the residents of portions of Transit Road, West Transit Church Road and East Transit Church Road in the Towns of Gaines and Murray have experienced problems with limited quantity and poor quality drinking water, and they have requested that the Towns extend public water to those areas; and

WHEREAS, the Town Boards of Murray and Gaines have agreed to work together to solve the water supply problems facing residents in these areas, and Gaines will be making application to USDA (Rural Development) for a \$377,000 grant and a \$163,000 loan to pay the cost of the improvements; and

WHEREAS, the respective Town Boards of Gaines and Murray have adopted resolutions to establish individual water districts in each Town, consistent with the provisions of Article 12 of the Town Law, in order to formally create the legal entities for distribution of water to the residents of the area;

NOW, THEREFORE, IT IS RESOLVED, that the Towns of Gaines and Murray shall enter into a municipal cooperation agreement, as authorized by Article 5-G of the General Municipal Law of the State of New York, to address issues relating to construction, financing, debt service payments, operation and maintenance, meter reading and billing and other administrative concerns, said agreement to be prepared by Heath & Martin, Attorneys for the Towns of Gaines and Murray, and it is further

RESOLVED, that Richard A. DeCarlo, Sr., Town Supervisor, is hereby authorized to execute the agreement on behalf of the Town of Gaines.

Upon being put to a vote, the resolution was unanimously adopted.

CERTIFICATION OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss:
TOWN OF GAINES:

I, Jean Klatt, Town Clerk of the Town of Gaines, County of Orleans and State of New York, **DO HEREBY CERTIFY** that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 8th day of April, 2008 with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: April 8, 2008

(Seal)


Jean Klatt, Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

Tibbs Ahlberg, Planning Board Chairman presented the board with proposed changes to the zoning ordinance.

The Planning Board requested to meet with the Town Board, Planning Board, and Town Attorney to discuss planning board procedures. The clerk will schedule the meeting for April 28th or 29th.

The board discussed that Phil McKenna has received 2.5 hrs. of accredited training and will continue to complete his training.

PRIVILEGE OF THE FLOOR/ PUBLIC CONCERNS

Elise Draper had questions regarding the kind of training that the Planning Board receives. She also asked for some clarification regarding the installing of a water line into her home. Marilyn Miller asked if the full disclosure letters had been sent to town employees yet. The board told her that the attorney was working on the matter.

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 47-08
Accept Truck Bid

Resolution duly adopted at a Regular Meeting of the Town Board of the Town of Gaines, Orleans County, New York, held on the 8th day of April, 2008 at 7:30 p.m. at the Gaines Town Hall, 14087 Ridge Road, Albion, New York, at which the following were:

PRESENT: Councilman Lattin
 Councilman Kirby
 Councilman Kast
 Councilwoman Oakley
ABSENT: Supervisor DeCarlo (excused)

Councilperson Oakley moved the adoption of the following Resolution, Councilperson Kirby seconded the motion:

WHEREAS, the Gaines Town Board did advertise for sealed bids for the purchase of a new 2008 Heavy Duty Motor Truck Cab and Chassis and for the purchase of new snow plow equipment and dump body for said truck, which bids were publicly opened and read aloud on March 14, 2008; and

WHEREAS, the Gaines Highway Superintendent has reviewed the bids and offered his recommendation to the Gaines Town Board with respect to the award of the bids to the lowest responsible bidder; now, therefore, be it

RESOLVED, that upon the recommendation of the Gaines Highway Superintendent, the Gaines Town Board does hereby (a) award the bid for the purchase of a new Heavy Duty Motor Truck Cab and Chassis to Bean-Mack for sum of \$111,648.00; (b) award the bid for the purchase of new snow plow and dump body for said truck to Viking-Cives for the sum of \$77,778.00 including sander, for total an aggregate purchase price for the new truck with plow gear, sander and dump body of \$189,426.00; and be it

FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute all documents necessary to effect the award of the aforementioned bids for such purchases in the name of the Town of Gaines.

Upon being put to a vote, the following voted "Aye" in favor of the adoption of the foregoing resolution: Councilpersons Lattin, Kirby, Kast and Oakley

The following voted "No" in opposition thereto: None

The resolution was approved.

Dated: April 8, 2008

CERTIFICATION

STATE OF NEW YORK:
COUNTY OF ORLEANS:ss.:
TOWN OF GAINES:

I, JEAN KLATT, Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines, on the 8th day of April, 2008, with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: April 9, 2008



Jean Klatt, Gaines Town Clerk

TOTAL P.01

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 48-08

BOND RESOLUTION
Dump Truck with Plow Body
(effective immediately)

At a regular meeting of the Town Board of the Town of Gaines, Orleans County, New York, held at the Town Hall, 14087 Ridge Road, Gaines, New York in said Town, on the 8th day of April, 2008, at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Deputy Supervisor C. W. Lattin and upon roll being called, the following were

PRESENT:

Councilperson James Kirby
Councilperson David Kast
Councilperson Lorraine Oakley
Councilperson C.W. Lattin

ABSENT:

Supervisor Richard A. DeCarlo, Sr. (excused)

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

BOND RESOLUTION DATED APRIL 8, 2008

A RESOLUTION AUTHORIZING THE PURCHASE OF A DUMP TRUCK WITH PLOW BODY FOR THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$189,426.00, AND AUTHORIZING THE ISSUANCE OF \$161,426.00 BONDS AND THE APPROPRIATION AND EXPENDITURE OF \$28,000.00 FROM SURPLUS FUNDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Gaines, Orleans County, New York, as follows:

Section 1. The purchase of a dump truck with plow body for the Town of Gaines, Orleans County, New York, is hereby authorized at a maximum estimated cost of \$189,426.00.

Section 2. The plan for the financing of such maximum estimated cost is as follows:

a) By the issuance of \$161,426.00 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; and

b) By the appropriation and expenditure of \$28,000.00 of surplus funds of said Town available therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will not exceed five years.**

Section 4. The faith and credit of said Town of Gaines, Orleans County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in full in *The Batavia Daily News*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor DeCarlo	(Excused Absent)
Councilman Kirby	VOTING Aye
Councilman Kast	VOTING Aye
Councilman Lattin	VOTING Aye
Councilwoman Oakley	VOTING Aye

The resolution was thereupon declared duly adopted.

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

CERTIFICATION FORM

STATE OF NEW YORK)
COUNTY OF ORLEANS) ss.:

I, the undersigned Clerk of the Town of Gaines, Orleans County, New York (the "Issuer"),
DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held *and* conducted on the 8th day of April, 2008.
2. That such meeting was a **regular** meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That such meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication — should be a date or dates falling prior to the date set forth above in item 1)

Immediately following the organizational meeting of said town held in January, 2008 in the
Batavia Daily News

POSTING (here insert place(s) and date(s) of posting — should be a date or dates falling prior to the date set forth above in item 1)

Upon the official bulletin board of said Town in the Gaines Town Hall immediately following the organizational meeting held in January, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this
8th day of April, 2008.



Town Clerk

(CORPORATE SEAL)

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 48-08
APPROVAL OF MINUTES

On a motion from Councilperson Kast and seconded by Councilperson Oakley the resolution was

ADOPTED	Ayes	4	Kast, Kirby, Oakley, Lattin
	Nay	0	

The minutes from March 11, 2008 are approved as presented.

RESOLUTION 50-08
APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Kast and seconded by Councilperson Oakley
Highway Councilperson Oakley and seconded by Councilperson Kast
Water Councilperson Kast and seconded by Councilperson Kirby

The resolution was

ADOPTED	4 Ayes	Kast, Kirby, Oakley, Lattin
	0 Nays	

Resolved that the bills on abstract #4 will be paid as presented.

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 51-08

NEWPORT ALLIANCE AGREEMENT

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

ADOPTED	Ayes	4	Kast, Kirby, Oakley, Lattin
	Nay	0	

The Supervisor is authorized to sign the 2008 agreement contracting Newport Alliance to handle the Town of Gaines drug and alcohol testing.

RESOLUTION 52-08

VFW POST 4635

On a motion from Councilperson Oakley and seconded by Councilperson Kast the resolution was

ADOPTED	Ayes	4	Kast, Kirby, Oakley, Lattin
	Nay	0	

The Town of Gaines will donate \$200.00 to VFW Post 4635.

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 53-08

RESIDENT LETTER RE: Metcalf Property

Town of Gaines
4087 Ridge Road
Albion, New York 14411

April 4, 2008

Dear Members of the Town Board,

This letter is regarding the four unlicensed vehicles that have been standing in the yard at 2501 Oak Orchard Road for a very long, long, long time. Now I know that the concern has been for the very elderly and sickly Mr. Metcalf who had until last summer resided there. He is not in his home anymore and won't be but the mess is very glaring to the cars going bye.

The Metcalf family was contacted to see if they would sell the cars but was turned down. If they will not sell the junk cars then the zoning laws should apply to them as it does to everyone else. Others who have junk cars are given notice to get rid of the old vehicles or pay a fine. I expect the laws to pertain to all equally. Those cars must go!!

Yours truly;

A Taxpayer in Gaines

On a motion from Councilperson Kast and seconded by Councilperson Oakley the resolution was

ADOPTED	Ayes	4	Kast, Kirby, Oakley, Lattin
	Nay	0	

The Board would like CEO, Robert McGaffick to look into the matter on the Metcalf property.

REGULAR TOWN BOARD MEETING
Gaines, NY April 8, 2008

RESOLUTION 54-08
EXECUTIVE SESSION

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

ADOPTED	Roll Call	Kirby	Aye
		Kast	Aye
		Lattin	Aye
		Oakley	Aye
		DeCarlo	Excused

Resolved that the Town Board will move into executive session to discuss a personnel issue at 9:07 PM.

RESOLUTION 55-08
REGULAR SESSION

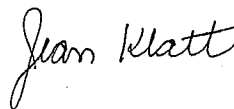
On a motion from Councilperson Kast and seconded by Councilperson Kirby the resolution was

ADOPTED	Roll Call	Kirby	Aye
		Kast	Aye
		Lattin	Aye
		Oakley	Aye
		DeCarlo	Excused

Resolved that the Town Board will return to regular session at 9:37 PM.

With no further business, on a motion from Councilwoman Oakley and seconded by Councilman Kast the meeting was adjourned at 9:38 PM.

Respectfully submitted,



Jean Klatt
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY May 1, 2008

PRESENT: Richard DeCarlo ----- Supervisor
Bill Lattin ----- Councilperson
Lorraine Oakley ----- Councilperson
James Kirby ----- Councilperson arrived at 5:32
Jean Klatt ----- Town Clerk

ABSENT: David Kast ----- Councilperson

OTHERS PRESENT: Gerard Morrissey

Supervisor DeCarlo called the meeting to order at 5:30PM with the Pledge to the Flag.

RESOLUTION 56 -08

Schedule Public Hearing for Wind Energy Regulations

On a motion from Councilperson Lattin and seconded by Councilperson Oakley the resolution was

ADOPTED Ayes 3 DeCarlo, Oakley, Lattin
 Nay 0

Resolved that the Public Hearing for Wind Energy, Local Law #1 for 2008, will be held on May 15, 2008 at 7:00 PM at the Gaines Town Hall.

With no further business, on a motion from Councilwoman Oakley and seconded by Councilman Lattin the meeting was adjourned at 5:34 PM.

Respectfully submitted,

Jean Klatt
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY May 13, 2008

PRESENT:	Richard DeCarlo	-----	Supervisor
	James Kirby	-----	Councilman
	David Kast	-----	Councilman
	Bill Lattin	-----	Councilman
	Lorraine Oakley	-----	Councilwoman
	Ron Mannella	-----	Highway Superintendent
	Jean Klatt	-----	Town Clerk
	Douglas Heath	-----	Council

ABSENT: None

OTHERS PRESENT: Robert McGaffick, CEO, Ray Burke, Connie Mosher, Elise & Don Draper, Guy Smith, Ken Whitney

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

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Questioned the progress on water district #8 & 9 Supervisor DeCarlo announced that District #8 will be going out to bid an #9 is waiting for approval from USDA

RESOLUTION 57 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Lattin, and seconded by Councilperson Kast the resolution was declared

ADOPTED	5 Ayes	DeCarlo, Kast, Kirby, Oakley, Lattin
	0 Nays	

Resolved that the minutes from the April 8, 2008 are approved.

REGULAR TOWN BOARD MEETING
Gaines, NY May 13, 2008

RESOLUTION 58 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Oakley, and seconded by Councilperson Kirby the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Oakley, Lattin
0 Nays

Resolved that the minutes from the May 1, 2008 are approved.

RESOLUTION 59 - 08

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Kast and seconded by Councilperson Lattin
Highway Councilperson Lattin and seconded by Councilperson Kast
Water Councilperson Oakley and seconded by Councilperson Kirby

The resolution was

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Oakley, Lattin
0 Nays

Resolved that the bills will be paid as presented.

REGULAR TOWN BOARD MEETING
Gaines, NY May 13, 2008

RESOLUTION 60 - 08
REDUCE WATER CHARGES

On a motion from Councilperson Lattin, and seconded by Councilperson Kirby the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Oakley, Lattin
0 Nays

Resolved that the yearly water charge will be reduced from \$65.00 to \$61.00 per year.

RESOLUTION 61 - 08
REMOVE MOBILE HOME AT RIDGE ROAD

On a motion from Councilperson Oakley, and seconded by Councilperson Kast the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Oakley, Lattin
0 Nays

Resolved that Mr. McGaffick and Mr. Heath have permission to proceed to with the demolition if it is deemed a danger to the public.

REGULAR TOWN BOARD MEETING
Gaines, NY May 13, 2008

RESOLUTION 62-08

Dog Census

WHEREAS, Per Article 7 of the Agriculture and Markets Law, every dog owned or harbored in New York State for longer than 30 days must be licensed, and

WHEREAS, a dog enumeration was last conducted in the Town of Gaines in 2005, and

WHEREAS, a dog enumeration always results in an increase in the licensing of dogs,

Councilperson Oakley moved the adoption of the following resolution,
Councilperson Kirby seconded the motion:

THEREFORE BE IT RESOLVED that William Robinson be contracted by the Town of Gaines to conduct a Dog Enumeration of the Town of Gaines

- 1) to commence on June 1, 2008 and be completed by October 1, 2008
- 2) to be paid \$1.25 per house visited, plus \$0.485 per mile
- 3) Enumerator will submit a final report to the Clerk, as well as weekly updates

Upon being put to a vote the following voted "Aye" in favor of the adoption of the foregoing resolution: DeCarlo, Lattin, Oakley, Kast, Kirby

The following voted "No" in opposition thereto: None

The resolution was declared adopted.

Dated: May 13, 2008

Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY May 13, 2008

LOCAL LAW NO. 2 OF 2008

RESOLUTION NO. 43-08 DULY ADOPTED AT A REGULAR MEETING OF THE GAINES TOWN BOARD HELD ON THE 13TH DAY OF MAY, 2008 AT 7:00 P.M. AT WHICH THE FOLLOWING WERE:

PRESENT: Richard A. DeCarlo, Sr., Supervisor
C. W. Lattin, Councilman
Lorraine Oakley, Councilman
James Kirby, Councilman
David Kast, Councilman

ABSENT:

Councilperson OAKLEY moved the adoption of the following resolution; Councilperson KAST seconded the motion;

"RESOLVED, that Local Law No. 2 of the Year 2008 of the Town of Gaines, Orleans County, New York, being a local law "Amending the Zoning Ordinance of the Town of Gaines, Orleans County, New York", be and the same is hereby introduced and placed on the tables and the desks of the members of the Town Board at least seven (7) days prior to final adoption, exclusive of Sundays, with a public hearing thereon to be held on a later date to be determined by the Town Board.

Upon being put to a vote, the foregoing resolution was unanimously adopted.

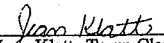
Dated: May 13, 2008

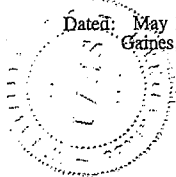
CERTIFICATION OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:

I, Jean Klatt, Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines, on the 13th day of May, 2008, with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: May 13, 2008
Gaines, New York


Jean Klatt, Town Clerk



REGULAR TOWN BOARD MEETING
Gaines, NY May 13, 2008

RESOLUTION NO. 64-08 duly adopted at the regular meeting of the Gaines Town Board held on the 13th day of May, 2008 at 7:30 p.m. in the Gaines Town Hall at which the following were:

PRESENT: Richard A. DeCarlo, Sr., Superintendent
 C.W. Lattin, Councilman
 David Kast, Councilman
 Lorraine Oakley, Councilwoman
 James Kirby, Councilman

ABSENT: None

Councilman **KAST** moved the adoption of the following resolution; Councilman **KIRBY** seconded the motion;

**RESOLUTION AMENDING
RESOLUTION NO. 64 OF THE
GAINES TOWN BOARD ADOPTED APRIL 10, 2007**

WHEREAS, the Gaines Town Board did adopted a resolution at its regular meeting on April 10, 2007 outlining provisions for training of Planning Board and Zoning Board of Appeal members pursuant to §§267 and 271 of the Town Law of the State of New York; and

WHEREAS, the Gaines Town Board has determined that it is necessary to amend said resolution setting forth additional provisions relating to said training;

NOW, THEREFORE, it is

RESOLVED, that a member of the Planning Board or Zoning Board of Appeals may make application to the Town Board upon good cause shown why such member has not been able to complete the training requirements in any one year and, upon such application, and the sole and absolute discretion of the Town Board, the Town Board may grant such member an extension to complete his or her training in the succeeding year; and, be it

FURTHER RESOLVED, if the Town Board does grant an extension, the member must, in the next succeeding year, complete not only the remaining training requirements for the prior year but also the minimum four hour training requirements for the succeeding year; and, be it

FURTHER RESOLVED, that on the failure of such member to complete the aforementioned training requirements after the granting of an extension by the Town Board, such member shall no longer be qualified to hold the office of Chairman or Vice Chairman of either the Planning Board or Zoning Board of Appeals, nor to attend any meeting as a member of either Board, or to participate in any manner whatsoever in any meetings or deliberations of the Planning Board or the Zoning Board of Appeals until such time as the member has completed all training; and, be it

REGULAR TOWN BOARD MEETING
Gaines, NY May 13, 2008

FURTHER RESOLVED, that the failure of any Planning Board or Zoning Board of Appeals member to complete their training at the end of the succeeding year as set forth above, shall be grounds for an action by the Gaines Town Board for removal of such member from office with cause; and, be it

FURTHER RESOLVED, that any other portion or provision of the prior resolution duly adopted by the Gaines Town Board on April 10, 2007, not otherwise modified or amended hereby, shall remain in full force and effect.

Upon being put to a vote, the following voted in favor of adoption of the foregoing resolution: DeCarlo, Kast, Kirby, Oakley, Lattin

The following voted against adoption: None

The following were absent from meeting: None

The resolution was thereupon declared adopted.

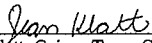
Dated: May 13, 2008
Gaines, New York

Gaines Town Board

CERTIFICATION OF CLERK

I, JEAN KLATT, Town Clerk of the Town of Gaines, County of Orleans and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on May 13, 2008, with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: May 13, 2008



Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY May 13, 2008

Attorney will review a letter that was received from Time Warner Cable and report to the board at a later date.

Supervisor DeCarlo reported that the Town of Gaines will be receiving \$2000.00 for town signs and \$35,000.00 for the Ridge Road drainage project.

Bill Lattin will ask Carol Culhane if she would be willing to oversee the design and purchasing of the signs.

RESOLUTION 65 - 08

WATER DISTRICT #8 TO BID

On a motion from Councilperson Oakley, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Oakley, Lattin
 0 Nays

Resolved that Chatfield Engineers is authorized by the Town of Gaines Water District #8 Water Main Installation for Bids, Contingent upon USDA Rural Development.

Supervisor DeCarlo announced that there would be a public hearing on May 15, 2008 at 7:00 PM at the Gaines Town Hall for Local Law #1 of 2008.

With no further business, on a motion from Councilperson Lattin and seconded by Councilperson Oakley the meeting was adjourned at 8:37 PM.

Respectfully submitted,



Jean Klatt
Gaines Town Clerk

TOWN BOARD MEETING
PUBLIC HEARING
Gaines, NY May 15, 2008

PRESENT: Richard DeCarlo ----- Supervisor
 Bill Lattin ----- Councilperson
 Lorraine Oakley ----- Councilperson
 Dave Kast ----- Councilperson
 Jean Klatt ----- Town Clerk
 Dan Spitzer ----- Special Council

EXCUSED: James Kirby ----- Councilperson

OTHERS PRESENT: Megan Mcelligott, John Mosher, Bill Mountain, Doug Bower, Everett Downey, Chris Appleton, Harold Suhr, Gretchen Sepik, Walter Jakowski, David Heminway, Edward Stuber, Erin Moody, Alicia Grandy, Jim Theodorakos, David Grandy Jr., Coleen Brown, Ray Burke, David & Kathy Kast, Elise Draper, Carole Patterson, Connie Mosher, Marilyn Miller, Walter Mack, Guy & Susan Smith, Barbara Ludington, Jane & Bob Mulrain, Gail & Roger Boetzold, John & Lorretta Long, Jen Stillwell, Don Draper, Carol Culhane, Robert Pinson, Jerry Culhane, John Goslau, Ken Whitney, Dick Meinhardt, Lori Mulrain, Jason Gotte

Supervisor DeCarlo called the meeting to order at 7:06 PM with the Pledge to the Flag.

PUBLIC HEARING FOR LOCAL LAW #1 of 2008

Local Law #1 of 2008 "Wind Energy Facilities Law of the Town of Gaines"

LEGAL NOTICE
TOWN OF GAINES

NOTICE IS HEREBY GIVE THAT THE Town Board of Gaines will conduct a public hearing on May 15, 2008 at 7:00 PM in the Gaines Town Hall, 14087 Ridge Road, Albion, New York to consider the adoption of proposed Local Law No. 1 of 2008 which is a local law regulating wind energy facilities in the Town of Gaines. A copy of the proposed local law is available for public inspection in the Town Clerk's Office in the Gaines Town Hall during regular business hours. All persons wishing to be heard in favor of or in opposition to such proposed local law will have the opportunity to be heard at said public hearing.

Dated May 2, 2008

Jean Klatt

Gaines Town Clerk

TOWN BOARD MEETING
PUBLIC HEARING
Gaines, NY May 15, 2008

Public Hearing was opened at 7:07 PM.

Special Council Dan Spitzer explained that Local Law #1 is a "No Wind Facilities Law" in the Town of Gaines.

Marilyn Miller entered signed petitions into the record.

✓ We, the residents of the town of Gaines, NY, demand that our Board Members oppose the permitting of wind turbines, otherwise known as wind farms.

	Printed Name	Signature	Address	Phone # (optional)
1	MARK ARIMA	<i>Mark Arima</i>	3252 O.O. Rd	(GAINES)
2	Patricia Arima	<i>Patricia Arima</i>	3252 Oak Orchard Rd Albion	(GAINES)
3	Jessica Matson	<i>Jessica Matson</i>	3242 Oak Orchard Rd Albion	(GAINES)
4	Susan Thayer	<i>Susan Thayer</i>	3234 Oak Orchard Rd Albion	(GAINES) 589-589-2707
5	Sarah Carlin	<i>Sarah Carlin</i>	3232 Oak Orchard Rd Albion	(GAINES)
6	Dolores Maxwell	<i>Dolores Maxwell</i>	3216 Oak Orchard Rd Albion	(GAINES) 589-5188
7	CAROL MPUTZ	<i>Carol Mputz</i>	3287 Oak Orchard Rd Albion	(GAINES)
8	Tammy A. Piccolo	<i>Tammy A. Piccolo</i>	2755 OAK ORCHARD RD Albion	283-4173
9	MATT PICCOLO	<i>Matt Piccolo</i>	2755 OAK ORCHARD Gaines	
10	Norm Quintean	<i>Norman E. Quintean</i>	2660 State Rd. Albion NY	589-8071
11	DANA MARTIN	<i>Dana Martin</i>	3102 DENSMORE Rd Albion NY	589-7462
12	Steve Klipp	<i>Steve Klipp</i>	14873 Zig Zag Rd. GAINES	589-4998
13	Dan Klipp	<i>Dan Klipp</i>	14873 Zig Zag Rd. GAINES	589-8778
14	Tom Hallenbeck	<i>Thomas A. Hallenbeck</i>	2749 BROWN RD, ALBION (GAINES)	589-7681
15	Manisha Hallenbeck	<i>Manisha Hallenbeck</i>	2749 BROWN RD ALBION	589-7681
16	Thomas E. Heard	<i>Thomas E. Heard</i>	3118 BROWN RD GAINES	589-5149

TOWN BOARD MEETING
PUBLIC HEARING
Gaines, NY May 15, 2008

② We, the residents of the town of Gaines, NY, demand that our Board Members oppose the permitting of wind turbines, otherwise known as wind farms.

Printed Name	Signature	Address	Phone # (optional)
Robert Neilans	Robert Neilans	2501 Oak Orchard Rd.	
Chris Beschner	Chris Beschner	2708 Lattin Rd.	
Robert Klugehn	Robert Klugehn	2708 Lattin Rd.	
Dan MacKey	Dan MacKey	2714 Lattin Rd.	589-0259
Chris Cruz	Chris Cruz	2720 Lattin Rd.	
Amy Bechteler	Amy Bechteler	2730 Lattin Rd.	
Joanne H. Taylor	Joanne H. Taylor	15180 21st Day Rd.	589-4786
Richard Taylor	Richard Taylor	15120 21st Day Rd.	4
Christy Gilly	Christy Gilly	3118 Densmore Road	589-1467
DAN GAUBP	Dan Gaubp	"	"
KEN WHITNEY	Ken Whitney	15298 W. TRANSIT RD.	589-0038
Margaret Letiecq	Margaret Letiecq	2827 Lattin Rd.	589-2160
Jan H. Letiecq	Jan H. Letiecq	2827 Lattin Rd.	589-2160
Terry Boop	Terry Boop	2806 Lattin Road	283-4254
Douglas Donahue	Douglas Donahue	2806 Lattin Road	283-4254
Barbara Mayon	Barbara Mayon	2684 Lattin Road	589-4345
Dean Conrad	Dean Conrad	"	"
Joyce KNAAK	Joyce Knaak	3349 Keitel Rd	589-9238
JOHN TOWER	John Tower	14823 Zig Zag Rd.	589-5845
Frances Tower	Frances Tower	" " " "	" "
Phillip M. Coville	Phillip M. Coville	15522 W. Transit Church Rd	589-1840
Daria A Robinson	Daria A Robinson	14407 Ridge Rd Albion	589-4355
Kelly Rosato	Kelly Rosato	3290 Oak Orchard Rd, Albion	589-5473
JANICE I. FERRIS	Janice I. Ferris	3284 " " Gaines	589-5941

We, the residents of the town of Gaines, NY, demand that our Board Members oppose the permitting of wind turbines, otherwise known as wind farms.

Printed Name	Signature	Address	Phone # (optional)
Glen Brown	Glen Brown	15071 Ridge Rd	589-1937
Sandra Brown	Sandra Brown	15071 Ridge Rd	589-1937
Walter Mack	Walter Mack	2812 Rt 279	589 5905
Larry Culhane	Larry Culhane	2500 Oak Orchard Rd.	682-6087
Randy Burke	Randy Burke	3120 Eagle Harbor Rd	589-7195
Richard Meinhardt	Richard Meinhardt	2507 GAINES WATERPORT RD	589-5028
Alicia Carandy	Alicia Carandy	15485 Ridge Rd	589-0912
John Goslan	John Goslan	1393 W Bacon Rd	585 883 4336
Lorenda Smith	Lorenda Smith	2371 Rte 279 Albion	682 4839
EVARETT DOWNEY	Evarett Downey	13576 RIDGE RD ALBION	589-5447
John Attila	John Attila	2501 Eagle Harbor Rd Albion	682-4607
Gretchen Sepulch	Gretchen Sepulch	3278 Oak Orchard Rd, Albion	589-7880
WALTER JAKUBOWSKI	Walter Jakubowski	" " "	"
Reynolds A. Stecher	Reynolds A. Stecher	3049 Lattin Rd, Albion	589-6882
MARK VAILLANCOURT	Mark Vaillancourt	15181 RIDGE RD ALBION	589-6047
Chantal Vaillancourt	Chantal Vaillancourt	15181 RIDGE RD ALBION	589-6047
Beverly Leigh	Beverly Leigh	14337 Ridge Rd Albion	589-4953
PAUL TAYLOR	Paul Taylor	14191 RIDGE RD	
PAUL TAYLOR	Paul Taylor	14191 RIDGE RD, Albion	589-1598
Terri Andersen	Terri Andersen	14167 Ridge Rd Albion	
JEFF ALBERTS	Jeff Alberts		
Marty Torrus	Marty Torrus	3209 Eagle Harbor	
Carol Callan	Carol Callan	2500 Oak Orchard Rd	682-0087
Dan Dorman	Dan Dorman	2501 Densmore Rd Albion NY	

TOWN BOARD MEETING PUBLIC HEARING

Gaines, NY

May 15, 2008

We, the residents of the town of Gaines, NY, demand that our Board Members oppose the permitting of wind turbines, otherwise known as wind farms.

	Printed Name	Signature	Address	Phone # (optional)
62	MARILYN Miller	Marilyn Miller	2800 Transit Rd.	589-1543
63	Elise Draper	ELISE DRAPER	2826 Transit Rd.	9-5807
64	DON DRAPER	Don Draper	" " "	"
65	DAVID GRADY	David Grady	15485 Ridge Rd	589-0912
66	Constance Mosher	CONSTANCE MOSHER	15052 W TRANSIT CHURCH RD	589-7421
67	John Mosher	John Mosher	" " "	"
68	Mike Levandowski	Michael Levandowski	2382 Kent Rd	585-682489
69	Bruce Levandowski	Bruce Levandowski	2382 Kent Rd Kent NY 1447	585-682489
70	Pat Levandowski	Patricia Levandowski	2382 Kent Rd Kent NY 1447	585-682489
71	Deborah Keitt	Deborah Keitt	15443 Ridge Rd	"
72	Sheri Forrester	Sheri Forrester	15443 Ridge Rd	"
73	Lind Boring	Lee K. Boring	15305 Ridge Rd W	589-0231
74	Bert Boring	Bert Boring	"	"
75	Dynan Schaeffer	Dynan Schaeffer	15135 Ridge Rd W	589-5005
76	Susan Smith	Susan Smith	2874 Grand Rd	589-1223
77	Victoria Moody	Victoria Moody	2297 Kent Rd Kent	-
78	Erin Moody	Erin Moody	2297 Kent Rd	-

We, the residents of the town of Gaines, NY, demand that our Board Members oppose the permitting of wind turbines, otherwise known as wind farms.

	Printed Name	Signature	Address	Phone # (optional)
79	Teresa Martella	Teresa Martella	234 Oak Orchard Rd	585-682489
80	Jeffrey Reigle	Jeffrey Reigle	2305 Kent Rd.	
81	Lorrie Reigle	Lorrie Reigle	2305 Kent Rd.	
82	Patricia Moody	PATRICIA MOODY	2289 Kent Rd.	
83	MEGAN MOODY	P.O.T.	2289 Kent Rd.	
84	C. J. MOODY	P.O.T.	"	
85	SHAWN MOODY	P.O.T.	"	
86	SAMANTHA MOODY	P.O.T.	"	
87	MARY JO CYCK	Mary Jo Cyck	2642 Crandall Rd Albion	
88	Mike Jones	Mike Jones	3031 CRANDALL RD	
89	Public Hearing		3031 Crandall Rd	
90	DONALD Allport	Donald Allport	3008 Crandall Rd.	
91	Basil Pettit	Basil Pettit	3169 Crandall Rd	
92	STEVEN CAVILLE	Steven Caville	3268 CRANDALL RD	
93	ANETTE CAVILLE	Anette Caville	3268 CRANDALL RD	
94	DONALD J. Merton	Donald J. Merton	3281 CRANDALL RD.	

TOWN BOARD MEETING
PUBLIC HEARING
Gaines, NY May 15, 2008

(C) We, the residents of the town of Gaines, NY, demand that our Board Members oppose the permitting of wind turbines, otherwise known as wind farms.

Printed Name	Signature	Address	Phone # (optional)
Don Draper	Don Draper	2826 Transit Rd. Albion, NY	
Don Draper	Don Draper	2826 " " "	
Guy Smith	Guy Smith	2024 Albion Rd. ALBION, NY	
Edmund STUBER	Edmund Stuber	3149 LATON ROAD	
Jim Theodorakis	Jim Theodorakis	2637 Oak Orchard Road	615-0800
Robert J. Coltrane	Robert J. Coltrane	4500 OAK ORCHARD RD	682-4858
Edward W. Marshall	Edward W. Marshall	13949 W. BACON RD. ALBION, NY	585-589-7237
KATHRYN MARSHALL	Kathryn Marshall	13949 W. BACON RD., ALBION, NY	585-589-7237

(7) We, the residents of the town of Gaines, NY, demand that our Board Members oppose the permitting of wind turbines, otherwise known as wind farms.

Printed Name	Signature	Address	Phone # (optional)
Raymon H Miller	Ray H Miller	2800 Transit Rd.	
Don Draper	Don Draper	2826 " " "	
T. Collier	T. Collier	2837 TRANSIT KENT	
David + Rose Edkin	David + Rose Edkin	2372 Transit Rd. Kent	
Jody + Craig Murphy	Jody + Craig Murphy	2390 Transit Rd. Kent	
Cedric Ford + Karen Santora	Cedric Ford + Karen Santora	2596 Transit Rd. Kent	
JAMES + HAZEL Winters	James + Hazel Winters	2618 Transit Rd. Kent	
MARIE CURTIS	Marie Curtis	2691 TRANSIT RD. ALBION	MURRAY
William Curtis	William Curtis	2681 Transit RD ALBION	MURRAY
Linda Goslaw	Linda Goslaw	13937 W BACON Rd.	

David Kast recused himself from the board do to a potential conflict of interest.

At 7:15 PM the Supervisor opened the public hearing to comments from the public.

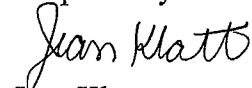
Each person wanting to be heard signed up to speak and was given a 3 a minute time limit. The following people addressed the Town Board and Attorney Spitzer regarding Local Law # 1 of 2008. David Kast, Marilyn Miller, Guy Smith, Connie Mosher, Harold Suhr, Dave Heminway, Ed Stuber, Tibbs Ahlberg, Susan Smith, Rob Pinson

TOWN BOARD MEETING
PUBLIC HEARING
Gaines, NY May 15, 2008

After all persons who had signed up to be heard had spoke Supervisor DeCarlo opened up the floor for anyone else wishing to be heard to speak. Following a few more questions from the public the supervisor declared the public hearing closed at 8:30 PM.

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Lattin the meeting was adjourned at 8:32 PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

PRESENT:	Richard DeCarlo	-----	Supervisor
	James Kirby	-----	Councilperson
	David Kast	-----	Councilperson
	Bill Lattin	-----	Councilperson
	Lorraine Oakley	-----	Councilperson
	Ron Mannella	-----	Highway Superintendent
	Jean Klatt	-----	Town Clerk

ABSENT: None

OTHERS PRESENT: JimTheodorakos, Glen Brown, Colleen McKenna, Ken Whitney, Carol & Jerry Culhane, Judy Kohler, Gretchin Sepik, Guy & Sue Smith, Connie Mosher, Marilynn Miller, Lorienda Smith, Carole Patterson, Marc Vaillencourt, David Heminway, Andrea Rebeck, Megan McElligott, Jason Gotte, Tibbs Ahlberg

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

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

None

RESOLUTION 58 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Kast, and seconded by Councilperson Oakley the resolution was declared

ADOPTED	5 Ayes	DeCarlo, Kast, Kirby, Oakley, Lattin
	0 Nays	

Resolved that the minutes from the May 13, 2008 are approved.

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

RESOLUTION 59 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Lattin and seconded by Councilperson Kirby the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Oakley, Lattin
0 Nays

Resolved that the minutes from the May 15, 2008 are approved.

RESOLUTION 60 - 08

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Oakley and seconded by Councilperson Kast
Highway Councilperson Kast and seconded by Councilperson Kirby
Water Councilperson Kirby and seconded by Councilperson Oakley

The resolution was

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Oakley, Lattin
0 Nays

Resolved that the bills will be paid as presented.

The Town board asked Ron Mannella to quote replacing the Town Hall sidewalk.

Clerk Klatt presented the board with a quote from Time Warner Cable for phone service.
The discussion was tabled.

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

RESOLUTION 61 - 08
WD#9 SEQR

SEQR RESOLUTION - NEGATIVE DECLARATION

TOWN OF GAINES WATER DISTRICT NO. 9
TOWN OF MURRAY WATER DISTRICT NO. 14

At a meeting of the Town Board of the Town of Gaines held on the 10th day of June, 2008, at the Town Hall in said Town, Councilman Kost moved adoption of the following resolution; Councilman Oakley seconded the motion:

WHEREAS,

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Gaines announced its intent to serve as lead agency on April 8, 2008, to conduct an environmental review of the extension of public water facilities along Transit Road, West Transit Church Road and East Transit Church Road to serve the Town of Gaines Water District No. 9 and the Town of Murray Water District No. 14. Transit Road is the Gaines/Murray Town line. The project will improve the quality and quantity of water available to area residents.
- 2) The Gaines Town Board has determined that, as a portion of the project is within Orleans County Agricultural District No. 3, the proposed action is a Type I action as defined under SEQR.
- 3) The Gaines Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
- 4) On April 29, 2008, the Gaines Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form.
- 5) Comments on the EAF from Involved and Interested Agencies have been addressed (see Negative Declaration). The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.
- 6) The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

NOW THEREFORE BE IT RESOLVED,

The Town Board of the Town of Gaines declares that it will serve as lead agency for the extension of public water supply facilities to Gaines Water District No. 9 and Murray Water District No. 14; and,

The Gaines Town Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss
TOWN OF GAINES:

I, Jean Klatt, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 10th day of June, 2008 with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

DATED: June 11, 2008

(SEAL)

Jean Klatt
Jean Klatt, Clerk

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REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

RESOLUTION 62 - 08

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Gaines, Orleans County, New York, held at the Gaines Town Hall, 14087 Ridge Road, New York, in said Town on the 10th day of June, 2008 at 7:30 o'clock p.m., prevailing time.

The meeting was called to order by Supervisor Richard A. DeCarlo, Sr. and upon roll being called there were

PRESENT: Richard A. DeCarlo, Sr., Supervisor
James Kirby, Councilman
David J. Kast, Councilman
Lorraine Oakley, Councilman
C. W. Lattin, Councilman

ABSENT: None

The following resolution was offered by Lattin who moved its adoption, seconded by Kirby to wit:

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

BOND RESOLUTION DATED JUNE 10, 2008

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$540,000.00 SERIAL BONDS OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF A JOINT WATER DISTRIBUTION SYSTEM TO SERVE BOTH THE TOWN OF MURRAY WATER DISTRICT 14 IN THE TOWN OF MURRAY AND GAINES WATER DISTRICT NO. 9 IN THE TOWN OF GAINES.

WHEREAS, by proceedings heretofore duly had and taken pursuant to the Town Law, the Town Board of the Town of Gaines, Orleans County, New York, has undertaken to duly establish the Gaines Water District No. 9 in and for said Town; and

WHEREAS, by proceedings heretofore duly had and taken pursuant to the Town Law, the Town Board of the Town of Murray, Orleans County, New York, simultaneously with the establishment of the Gaines Water District No. 9, has undertaken to duly establish the Town of Murray Water District No. 14 in and for said Town; and

WHEREAS, the proposed water districts are being established together for purposes of efficiency and reducing cost to district users and, to that end, each Town has agreed to jointly construct, operate and maintain these two water districts pursuant to the terms and conditions set forth herein together as authorized by Article 5-G of the General Municipal Law of the State of New York;

WHEREAS, as further set forth in the proceedings heretofore duly adopted by the Towns of Gaines and Murray in connection in the formation of the respective Water Districts, the Towns have provided that the serial bonds to pay for such improvements shall be issued individually in the name of the Town of Gaines and the Town of Murray repay to Gaines its proportionate share of indebtedness; and

WHEREAS, it is now desired of the Town of Gaines to provide for the financing of the cost of the construction of the water distribution system, including land or rights in land and original furnishings, equipment, machinery or apparatus incidental thereto;

NOW, THEREFORE BE IT

RESOLVED, by the Town Board of the Town of Gaines, Orleans County, New York, as follows:

Section 1: The specific object or purpose to be financed pursuant to this resolution is the construction of a joint water distribution system with the Town of Murray to serve the Gaines Water District No. 9 in and for the Town of Gaines, Orleans County, New York, consisting of installation of approximately 13,620 linear feet of 8" PVC watermain pipe in

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

both the Towns of Gaines and Murray, together with the installation of individual water services to property lines; the installation of fire hydrants, gate valves and tracer wire; road and creek crossings; connection to existing water mains, acquisition of land or rights in land and all other original furnishings, equipment, machinery or apparatus incidental thereto, substantially in accordance with the map, plan and report heretofore prepared in connection with such improvements and now on file in the Office of the Town Clerk. The construction of the Gaines Water District No. 9 shall occur simultaneously with the construction of the Town of Murray Water District No. 14.

Section 2: The maximum estimated cost of such specific object or purpose is \$540,000.00. The plan for the financing the repayment of any loan funds necessary therefor shall be for the issuance of serial bonds of the Town of Gaines for said project, which obligations are hereby authorized to be issued therefore pursuant to the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued will be reduced pro tanto by State and/or Federal grants-in-aid received in connection with said project. Any State and/or Federal grants-in-aid shall be applied to the total project cost. The amount of obligations hereby authorized to be issued in the name of the Town of Gaines, shall not exceed \$540,000.00

Section 3: It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4: The faith and credit of said Town of Gaines, Orleans County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectfully become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within said Water District which the Town Board shall determine and specify to be especially benefitted by the improvements, an amount sufficient to pay the principal of and interest on said bonds attributable to the Town of Gaines as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5: Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6: All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7: The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purposes for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8: This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9: This resolution, which takes effect immediately, shall be published in full in the *Batavia Daily News* together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor DeCarlo voting	Yes
Councilman Kirby voting	Yes
Councilman Kast voting	Yes
Councilman Oakley voting	Yes
Councilman Lattin	Yes

The resolution was thereupon declared duly adopted.

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

RESOLUTION 63 - 08

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on June 10, 2008 in the Gaines Town Hall at 7:30 p.m.

Councilperson Dakley moved the adoption of the following resolution;
Councilperson Klatt seconded the motion:

RESOLVED, that the Surplus Water Agreement by and between the Village of Albion and the Town of Gaines dated June 1, 1999 be and the same is hereby amended to include the sale of surplus water by the Village to the Town of Gaines to existing Gaines Water Districts 6 and 7 and to expand the sale of surplus water to Gaines Water Districts 8 and 9, yet to be constructed, upon the terms and conditions as set forth in the attached Modification Agreement; and be it

FURTHER RESOLVED, that Richard A. DeCarlo, Sr., Supervisor of the Town of Gaines, is hereby authorized to execute the Modification Agreement by and on behalf of the Town of Gaines for the benefit of the aforementioned Gaines Water Districts.

Upon being put to a vote, the following voted "aye" in favor of the adoption:

The following voted "no" in opposition thereto:

The Resolution was declared adopted:

Dated: June 10, 2008

Jean Klatt
Jean Klatt, Gaines Town Clerk

CLERK'S CERTIFICATION

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:

I, JEAN KLATT, the duly elected Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines, on the 10th day of June, 2008, with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: June 10, 2008
Gaines, New York

Jean Klatt
Jean Klatt, Gaines Town Clerk

A Public Hearing regarding Local Law #2, Zoning Amendments is scheduled for August 12, 2008 at 7:30 PM.

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

RESOLUTION 64 - 08

SEQR WIND ENERGY FACILITIES

On a motion from Councilperson Lattin and seconded by Councilperson Oakley the resolution was declared

ADOPTED	3 Ayes	DeCarlo, Oakley, Lattin
	0 Nays	
	2 Abstain	Kast, Kirby

Resolved that the Short Environmental Assessment is approved.

RESOLUTION 65 - 08

Local Law #1 WIND ENERGY FACILITIES

On a motion from Councilperson Lattin and seconded by Councilperson Oakley the resolution was declared

ADOPTED	Roll Call	DeCarlo	Aye
		Oakley	Aye
		Lattin	Aye
		Kast	Abstain
		Kirby	Abstain

Resolved that Local Law #1 of 2008 is approved.

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

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Local Law No. 1 of 2008

Be it hereby enacted by the Town Board of the Town of Gaines as follows:

Section 1: Chapter 728, entitled "WIND ENERGY FACILITIES," is added to the Town Code of the Town of Gaines to read in its entirety as follows:

WIND ENERGY FACILITIES

Article I

§ 728.A Title.

This Local Law may be cited as the "Wind Energy Facility Law of the Town of Gaines, New York."

§ 728.B Purpose.

The Town Board of the Town of Gaines adopts this chapter to promote the effective and efficient use of the Town's wind energy resource through wind energy conversion systems (WECS), without harming public health and safety, and to avoid jeopardizing the welfare of the residents.

§ 728.C Authority.

The Town Board of the Town of Gaines enacts this Local Law under the authority granted by

1. Article IX of the New York State Constitution, §2(c)(6) and (10).
2. New York Statute of Local Governments, § 10 (1), (6), and (7).
3. New York Municipal Home Rule Law, § 10 (1)(i) and (ii) and §10 (1)(a)(6), (11), (12), and (14).
4. The supersession authority of New York Municipal Home Rule Law, § 10 (2)(d)(3), specifically as it relates to determining which body shall have power to grant variances under this Local Law, to the extent such grant of power is different than under Town Law §267.
5. New York Town Law, Article 16 (Zoning).
6. New York Town Law §130(1)(Building Code), (3)(Electrical Code), (5)(Fire Prevention), (7)(Use of streets and highways), (7-a)(Location of Driveways), (11)(Peace, good order and safety), (15)(Promotion of public welfare), (15-a)(Excavated Lands), (16)(Unsafe buildings), (19)(Trespass), and (25)(Building lines).

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7. The internationally known Cobblestone Historical District is located in Gaines. This District is a National Historic Landmark designated by the U.S. Department of the Interior in 1993. It is the only NHL listing in Orleans County. Full appreciation of this resource requires that the setting remain the rural landscape in which the cobblestone houses and buildings were built. Construction of utility-scale wind turbines in the Town is inconsistent with preserving the District.
8. There are multiple historic and active cemeteries in the Town. These resources would be negatively impacted by the noise, shadow flicker, and visual imposition of utility-scale wind turbines in the Town.
9. Installation of large-scale multiple-tower Wind Energy Facilities can create drainage problems through erosion and lack of sediment control for facility and access road Sites, and harm farmlands through improper construction methods.
10. The Town of Gaines does not have the low density of residences typically found in wind farm host communities. Residential density is spread out evenly along Route 104 from east to west, and all Route 98 from north to south. The pattern of residentially zoned land is a checkerboard-type pattern with residential properties intermingled with agricultural properties. The location of residences and land designated for residential development throughout the community is inconsistent with the development of utility-scale wind turbines in the Town.
11. There are significant resources in adjoining towns that would be harmed by the construction of utility-scale wind turbines in the Town. South of the Town the Mount Albion Cemetery, which is on the National Register, has a memorial with a viewshed across all of Gaines. The enjoyment of the view from the tower would be severely

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Gaines, NY June 10, 2008

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harmful by the inclusion of a large, industrial-scale wind generating facility across the landscape of the Town.

12. North of the Town are areas of significant recreational activity that would be impaired by the noise and visual impact - including shadow flicker - of utility-scale wind turbines.
13. Large-scale multiple-tower Wind Energy Facilities may present risks to the property values of adjoining property owners.
14. Large-scale Wind Energy Facilities may be significant sources of noise, which, if unregulated, can negatively impact adjoining properties, particularly in areas of low ambient noise levels
15. Construction of large-scale multiple-tower Wind Energy Facilities can create traffic problems and damage local roads.
16. If improperly Sited, large-scale multiple-tower Wind Energy Facilities can interfere with various types of communications.
17. Sufficient areas exist in the County and region for the placement of any needed utility-scale wind turbines. The Towns of Ridgeway, Shelby and Murray all have laws allowing large wind farms. Numerous areas throughout the region have better access to the electric grid and stronger wind resources than Gaines. Hundreds of megawatts of wind energy generating facilities are being constructed throughout the region in areas where the facilities do not present the same intrusion on the landscape, and therefore have less impacts.
18. There is an airport in Gaines which would be negatively impacted by the placement of multiple tall turbines in the area.

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

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§ 728.F Permits Required.

A No Wind Energy Facility shall be constructed, reconstructed, modified, or operated in the Town of Gaines except in compliance with this Chapter.

B. No WECS other than a Small WECS shall be constructed, reconstructed, modified, or operated in the Town of Gaines. No Wind Measurement Tower shall be constructed, reconstructed, modified, or operated in the Town of Gaines, except in conjunction with and as part of an application for a Small WECS.

C No Small WECS shall be constructed, reconstructed, modified, or operated in the Town of Gaines except pursuant to a Special Use Permit issued pursuant to this Chapter.

D. This Local Law shall apply to all areas of the Town of Gaines except within the Village of Albion.

E. Exemptions. No permit or other approval shall be required under this Chapter for WECS utilized solely for agricultural operations in a state or county agricultural district, as long as the facility is set back at least one and a half times its Total Height from a property line, and does not exceed 120 feet in height. Towers over 120 feet in Total Height utilized solely for agricultural operations in a state or county agricultural district shall apply for a site plan in accordance with this Local Law, but shall not require a height variance. Prior to the construction of a WECS under this exemption, the property owner or a designated agent shall submit a sketch plan or building permit application to the Town to demonstrate compliance with the setback requirements.

REGULAR TOWN BOARD MEETING
Gaines, NY **June 10, 2008**

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F. **Transfer.** No transfer of any Wind Energy Facility or Special Use Permit, nor sale of the entity owning such facility including the sale of more than 30% of the stock of such entity (not counting sales of shares on a public exchange), shall occur without prior approval of the Town, which approval shall be granted upon (1) receipt of proof of the ability of the successor to meet all requirements of this Local Law and (2) written acceptance of the transferee of the obligations of the transferor under this Local Law. No transfer shall eliminate the liability of an applicant nor of any other party under this Local Law.

G. Notwithstanding the requirements of this Section, replacement in kind or modification of a Small WECS may occur without Town Board approval when (1) there will no increase in Total Height; (2) no change in the location of the Small WECS; (3) no additional lighting or change in facility color; and (4) no increase in noise produced by the Small WECS.

§728.F Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL OR FARM OPERATIONS - means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation" as defined in subdivision thirteen of this section and "timber processing" as defined in subdivision fourteen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

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EAF - Environmental Assessment Form used in the implementation of the SEQRA as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

RESIDENCE means any dwelling for habitation, either seasonally or permanently by one or more persons. A residence may be part of a multi-dwelling or multipurpose building, and shall include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, or correctional institutions.

SEQRA - the New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

SITE -The parcel of land where the WECS is to be placed. The Site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements.

SOUND PRESSURE LEVEL - means the level which is equaled or exceeded a stated percentage of time. An L_{10} - 50 dBA indicates that in any hour of the day 50 dBA can be equaled or exceeded only 10% of the time, or for 6 minutes. The measurement of the sound pressure level can be done according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other accepted procedures.

SMALL WIND ENERGY CONVERSION SYSTEM (Small WECS) - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion

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electronics, which has a rated capacity of not more than 10 kW and which is intended to primarily reduce on-site consumption of utility power.

TOTAL HEIGHT - The height of the tower and the furthest vertical extension of the WECS.

WIND ENERGY CONVERSION SYSTEM (WECS) - A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill").

WIND ENERGY FACILITY - Any Wind Energy Conversion System, Small Wind Energy Conversion System, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.

WIND MEASUREMENT TOWER - a tower used for the measurement of meteorological data such as temperature, wind speed and wind direction. Temporary (no more than 2 years) towers may be allowed as part of a Small WECS application, where the requested tower meets all height, setback and other requirements of this Chapter.

§728.G Applicability.

- A. The requirements of this Local Law shall apply to all Wind Energy Facilities proposed, operated, modified, or constructed after the effective date of this Local Law.

- B. Wind Energy Facilities for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this Local Law, shall not be required to meet the requirements of this Local Law; provided, however, that

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1. Any such preexisting Wind Energy Facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Local Law prior to recommencing production of energy.

2. No modification or alteration to an existing Wind Energy Facility shall be allowed without full compliance with this Local Law.

3. Any Wind Measurement Tower existing on the effective date of this Local Law shall be removed no later than twenty-four (24) months after said effective date, unless a Special Use Permit for said Wind Energy Facility is obtained.

C. Wind Energy Facilities are allowed as accessory uses. Wind Energy Facilities constructed and installed in accordance with this Local Law shall not be deemed expansions of a nonconforming use or structure.

Article II

Small Wind Energy Conversion Systems

§ 728.H Purpose and Intent.

The purpose of this Article is to provide standards for small wind energy conversion systems designed for on-site home, farm, and small commercial use, and that are primarily used to reduce on-site consumption of utility power. The intent of this Article is to encourage the development of small wind energy systems and to protect the public health, safety, and community welfare.

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

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§ 728.I Permitted Areas.

Small WECS may be permitted upon issuance of a Special Use Permit (1) on any parcel meeting the standards of this Chapter in the Countryside and Open Space Zones, or (2) in any zoning district on a Site of at least 5 acres.

§ 728.J Applications.

A. Applications for Small WECS special use permits shall include:

1. Name, address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent, as well as an original signature of the applicant authorizing the agent to represent the applicant, is required.
2. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
3. Address of each proposed tower Site, including Tax Map section, block and lot number.
4. Evidence that the proposed tower height does not exceed the height recommended by the manufacture or distributor of the system.
5. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.

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6. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
7. Written evidence that the electric utility service provider that serves the proposed Site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.
8. A visual analysis of the Small WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

§ 728.K Development Standards.

All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section.

1. A system shall be located on a lot a minimum of one acre in size, however, this requirement can be met by multiple owners submitting a joint application, where the aggregate size of their lots is at least one acre.

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2. Only one Small WECS (plus, where authorized, a temporary wind measurement tower) per legal lot shall be allowed. Where there are multiple applicants, their joint lots shall be treated as one lot for purposes of this limitation.

3. Small WECS shall be used primarily to reduce the on-site consumption of utility-provided electricity.

4. Tower heights shall be limited as follows:

- a. 65 feet or less on parcels between one and five acres.
- b. 80 feet or less on parcels of five or more acres.
- c. The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.

5. The maximum turbine power output is limited to 10 KW.

6. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.

7. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). Facilities shall not exceed the ridgeline level, where the ridgeline is defined as the average height of the summer-time vegetation on the parcel.

8. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

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9. All on-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the Town Board if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.

10. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

11. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

12. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:

- a. Tower-climbing apparatus located no closer than 12 feet from the ground.
- b. A locked anti-climb device installed on the tower.
- c. A locked, protective fence at least six feet in height that encloses the tower.

13. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

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14. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation.

15. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

16. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.

17. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacture.

§728.L Standards.

A Small Wind Energy System shall comply with the following standards:

1. **Setback requirements.** A Small WECS shall not be located closer to a property line than one and a half times the Total Height of the facility.

2. **Noise.** Except during short-term events including utility outages and severe wind storms, a Small WECS shall be designed, installed, and operated so that the statistical sound pressure level

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generated by a Small WECS shall not exceed L_{10} -45 dBA measured at the nearest off-Site dwelling existing at the time of approval (including structure under construction at said time), nor more than 6 dBA greater than either the nighttime or daytime pre-application background ambient noise level measured in leaf-off conditions for a period of no less than 24 hours.

§728.M Abandonment of Use.

A Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property within 24 additional months at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Town of Gaines.

B. All Small WECS shall be maintained in good condition and in accordance with all requirements of this section.

Article III

Miscellaneous

§728.N Variances.

A. The Zoning Board of Appeals in accordance with its normal procedures may grant variances for Small WECS, but in no event shall the Zoning Board of Appeals grant a variance allowing a larger WECS than permitted by this Chapter, or a WECS primarily designed to generate electricity for off-site use, or any large-scale multiple-tower wind facilities.

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B. If a court of competent jurisdiction (1) orders the Zoning Board of Appeals to consider a use variance for any Wind Energy Facility other than a Small WECS, and such use variance is granted, or (2) the prohibition on any Wind Energy Facility other than a Small WECS is invalidated, no Wind Energy Facility shall be allowed except upon issuance of a Special Use Permit issued by the Town Board after a public hearing, which Permit shall require a Decommissioning Plan and removal bond, site plan approval by the Planning Board pursuant to Article X of the Zoning Ordinance, a Public Improvement Bond to protect public roads, and shall comply with the following minimum setbacks:

a. The statistical sound pressure level generated by a WECS shall not exceed $L_{10} - 45$ dBA measured at the nearest off-Site dwelling existing at the time of approval (including structure under construction at said time), nor more than 6 dBA greater than either the nighttime or daytime pre-application background ambient noise level measured in leaf-off conditions for a period of no less than 24 hours. If the ambient sound pressure level exceeds 45 dBA, the standard shall be ambient dBA plus 5 dBA. Independent certification shall be provided before and after construction demonstrating compliance with this requirement.

b. 1,500 feet from the nearest Site boundary property line.

c. 1,500 feet from the nearest public road.

d. 2,500 feet from the nearest off-Site residence existing at the time of approval, measured from the exterior of such residence.

e. One and a half times the Total Height of the WECS from any non-WECS structure or any above-ground utilities.

f. 250 feet from federal or state-identified wetlands, to protect bird and bat populations. This distance may be adjusted to be greater or lesser at the discretion of the reviewing

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body, based on topography, land cover, land uses and other factors that influence the flight patterns of resident birds.

§728.O Fees.

A. Non-refundable Application Fees shall be as follows:

1. WECS Special Use Permit: \$150.

B. The fees established by this section may be changed by Town Board resolution, adopted after a duly-noticed public hearing.

§728.P Tax Exemption.

The Town hereby exercises its right to opt out of the Tax Exemption provisions of Real Property Tax Law §487, pursuant to the authority granted by paragraph 8 of that law.

§728.Q Enforcement; Penalties and remedies for violations.

A. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this Chapter.

B. Any person owning, controlling or managing any building, structure or land who shall undertake a wind energy facility in violation of this Chapter or in noncompliance with the terms and conditions of any permit issued pursuant to this Chapter, or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than \$350 or to imprisonment for a period of not more than six months, or

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subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of \$350 for each violation and each week said violation continues shall be deemed a separate violation.

C. In case of any violation or threatened violation of any of the provisions of this local law, including the terms and conditions imposed by any permit issued pursuant to this local law, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

D. The penalties established by this section may be changed by Town Board resolution, adopted after a duly-noticed public hearing

SECTION 2: Severability.

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 3: Effective Date.

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

Councilperson Oakley brought up the issue of Court Security. Supervisor DeCarlo asked Supervisor Koehler from the Town of Albion how Albion handles security. A short discussion followed.

RESOLUTION 66 - 08
COURT SECURITY

On a motion from Councilperson Oakley, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Oakley, Lattin
 0 Nays

Resolved that Supervisor DeCarlo is authorized to hire Court Security to begin prior to the July 9th District Attorney night.

Planning Board Chairman, Tibbs Ahlberg gave the Town Board an update on planning board activities. The Nesbitt and Kirby Farm Labor Camp were approved and the Heller welding shop was tabled until Chatfield Engineers can be consulted.

RESOLUTION 67 -08
EXECUTIVE SESSION

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

ADOPTED	Roll Call	Kirby	Aye
		Kast	Aye
		Lattin	Aye
		Oakley	Aye
		DeCarlo	Aye

Resolved that the Town Board will move into executive session to discuss a personal issue regarding retirement benefits or the Town Clerk and Highway Superintendent at 8:33PM.

~~VOID~~

REGULAR TOWN BOARD MEETING
Gaines, NY June 10, 2008

RESOLUTION 68 - 08
REGULAR SESSION

On a motion from Councilperson Lattin and seconded by Councilperson Oakley the resolution was

ADOPTED	Roll Call	Kirby	Aye
		Kast	Aye
		Lattin	Aye
		Oakley	Aye
		DeCarlo	Aye

Resolved that the Town Board will return to regular session at 9:00PM.

With no further business, on a motion from Councilperson Lattin and seconded by Councilperson Oakley the meeting was adjourned at 9:00 PM.

Respectfully submitted,



Jean Klatt
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY July 8, 2008

PRESENT: Richard DeCarlo ----- Supervisor
 James Kirby ----- Councilperson
 David Kast ----- Councilperson
 Bill Lattin ----- Councilperson
 Ron Mannella ----- Highway Superintendent
 Jean Klatt ----- Town Clerk
 Doug Heath ----- Council

ABSENT: None

EXCUSED: Lorraine Oakley ----- Councilperson

OTHERS PRESENT: Dean Theodorakos, Ken Whitney, Guy & Sue Smith, Marilynn Miller, Lorienda & Henry Smith, Marc Vaillancourt, Tibbs Ahlberg, John Gavenda, Elise Draper, Katherine Marsh

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

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Marc Vaillancourt brought before the board the issue of Mr. Heller wanting to open a welding shop for commercial use. The public feels that the planning board will allow this business regardless of the objections of the neighbors. Supervisor DeCarlo will instruct the Code Enforcement Officer to inform the Attorney for the Town of the situation. The Attorney for the Town will follow through with the situation.

Sue Smith addressed the board regarding proposed Local Law #2 of 2008. She asked the board to carefully read over the proposed law carefully. She feels the proposed law threatens Home Rule.

Tibbs Ahlberg informed the board that someone in the town is proposing a shooting range in the town.

County Chairman Smith questioned the status of the antique shops operation.

REGULAR TOWN BOARD MEETING
Gaines, NY July 8, 2008

Dean Theoderakaus addressed the board regarding the intermunicipal consolidation study. There is a balance of \$4,800.00 due to complete the study. The Village of Albion is looking for the Towns of Albion and Gaines to share 1/3rd of the cost. The Town of Albion and the Village of Albion have agreed to pay 1/3rd of the \$4,800.00. The board has agreed to look into the situation.

RESOLUTION 69 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Kast, and seconded by Councilperson Kirby the resolution was declared

ADOPTED 4 Ayes DeCarlo, Kast, Kirby, Lattin
0 Nays

Resolved that the minutes from the June 10, 2008 meeting are approved.

RESOLUTION 70 - 08

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Kast and seconded by Councilperson Lattin
Highway Councilperson Lattin and seconded by Councilperson Kirby
Water Councilperson Kirby and seconded by Councilperson Kast

The resolution was

ADOPTED 4 Ayes DeCarlo, Kast, Kirby, Lattin
0 Nays

Resolved that the bills will be paid as presented.

REGULAR TOWN BOARD MEETING
Gaines, NY July 8, 2008

RESOLUTION 71 - 08
MILAGE \$.48.8 to \$.58.5

On a motion from Councilperson Kast, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 4 Ayes DeCarlo, Kast, Kirby, Lattin
0 Nays

Resolved that the proposed mileage increase be tabled.

RESOLUTION 72 - 08
BUDGET TRANSFERS

On a motion from Councilperson Lattin, and seconded by Councilperson Kast the resolution was declared

ADOPTED 4 Ayes DeCarlo, Kast, Kirby, Lattin
0 Nays

Resolved that the budget transfers are tabled.

FRONT SIDEWALK

A motion was made by Councilperson Lattin to repair the front sidewalk. After the motion was made a short discussion followed and the motion was withdrawn.

REGULAR TOWN BOARD MEETING
Gaines, NY July 8, 2008

RESOLUTION 73-08

ORLEANS COUNTY INTERMUNICIPAL AGREEMENT

On a motion from Councilperson Kirby, and seconded by Councilperson Kast the resolution was declared

ADOPTED 4 Ayes DeCarlo, Kast, Kirby, Lattin
0 Nays

Resolved that Supervisor DeCarlo is authorized to sign the Intermunicipal Agreement Regarding County Wide shared Services.

**Intermunicipal Agreement
Regarding County Wide Shared Services**

An INTERMUNICIPAL AGREEMENT between ORLEANS COUNTY SOIL AND WATER CONSERVATION DISTRICT, a municipal agency with offices at 446 West Avenue, Albion, New York 14411; and Town of Gaines, a municipal agency with offices located at 14087 Ridge Road, Albion NY 14411; hereinafter referred to as "Town".

WHEREAS, the Town recognize the benefits of cooperating to reduce flooding concerns in the County; and

WHEREAS, Orleans County Soil and Water Conservation District is responsible for coordination of scheduling the use of shared services; and

WHEREAS, Orleans County Highway Department will provide an excavator; and

WHEREAS, Orleans County Highway Department is responsible for transportation of the equipment and maintenance of the equipment; and

WHEREAS, The Town's Highway Department is responsible for fuel and manpower when needed while equipment is operating in the Town; and

WHEREAS, Orleans County Soil and Water Conservation District has been rewarded a grant in the amount of \$43,470 from NYS Department of State Shared Municipal Service Incentive Grant Program 2007-2008 to support the purchase of equipment (Slashbuster) for shared services; and

REGULAR TOWN BOARD MEETING
Gaines, NY July 8, 2008

WHEAREAS, This equipment will be shared amongst the Orleans County Highway Department, and all of the Orleans County Towns of Albion, Barre, Clarendon, Carlton, Gaines, Murray, Kendall, Ridgeway, Shelby and Yates.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The term of this agreement shall be from March 1, 2008 through March 1, 2013. At such time, this agreement may be renewed, amended, or terminated. Any party may terminate this agreement upon 60 day written notice to the other parties.
2. The goals to be accomplished pursuant to this agreement are as follows:
 - a. Strengthen the formation of the County Wide Drainage Program.
 - b. Reduce the amount of flood and poor drainage areas throughout the County
 - c. Towns and County will work as a team for the overall good of the County
 - d. Follow the recommendations of the Flood Mitigation Prioritization Plan Orleans County, New York.

- e. Work in an environmentally friendly manner, seeding and mulching any bare ground that is caused by construction
- f. Work cooperatively with the Army Corp. of Engineers and NYS DEC.
3. The working relationship among the participating agencies is to be based on the following principals
 - a. For the purpose of this agreement, the relationship among the County and Towns is cooperative and advisory.
 - b. The County will complete the project in an order identified in the Flood Mitigation Prioritization Plan Orleans County, New York.
 - c. The County will provide an operator for the equipment.
 - d. The Towns will provide any additional manpower if needed to accomplish the project
4. This Agreement may be modified or amended in writing duly executed by all parties, which shall be attached to and become a part of this Agreement.
5. This agreement constitutes the entire agreement among the County and Towns. The Agreement shall be governed by and construed in accordance with the laws of New York State without regard or reference to its conflict of laws and principals.
6. Each party to this agreement will be responsible for its own acts and omissions, and shall not be responsible for the acts or omissions of any other party. Further, each party to this agreement specifically reserves its rights to seek relief in the appropriate forum for any loss or damage incurred as a result of the acts or omission of others, whether or not they are a party to this agreement.

REGULAR TOWN BOARD MEETING
Gaines, NY July 8, 2008

RESOLUTION 74-08

ACCEPT THE PILON CONSTRUCTION BID FOR WD#8

Resolution adopted by the Gaines Town Board at a regular meeting of said Board held on the 8th day of July, 2008, in the Gaines Town Hall, at which the following were:

PRESENT: Richard A. DeCarlo, Sr., Supervisor
C.W. Lattin, Councilman
David Kast, Councilman
James Kirby, Councilman

ABSENT: Lorraine Oakley, Councilman (excused)

Councilman Lattin moved the adoption of the following resolution; Councilman Kirby seconded the motion:

WHEREAS, the Town Board did heretofore authorize the letting of bids for construction of Gaines Water District No. 8, which bids were opened and publicly read aloud on June 26, 2008:

WHEREAS, Chatfield Engineers, P.C. has examined each of the bids received and issued a written recommendation to the Town Board with respect to the award of bid to the lowest responsible bidder; and

WHEREAS, the Town Board wishes to award the project to the lowest responsible bidder as set forth in the recommendation of Chatfield Engineers, P.C.:

NOW, THEREFORE, BE IT:

RESOLVED, by the Gaines Town Board does hereby determine that Pilon Construction, Inc. of Albion, New York, is the lowest responsible bidder based upon its total base bid with alternative no. 1, and further authorizes the award of contract for said project to Pilon Construction, Inc. in the amount of \$314,672.70; and be it

FURTHER RESOLVED, that this award is specifically contingent upon receipt of approval by USDA, Rural Development; and be it

FURTHER RESOLVED, that Richard A. DeCarlo, Sr. Supervisor of the Town of Gaines, is hereby authorized to execute any and all documents on behalf of Gaines Water District No. 8 for such purpose.

Upon being put to a vote, the following voted "Aye" in favor of the adoption:

DeCarlo, Kirby, Kast, Lattin

The following voted "No" in opposition thereto: None

The resolution was declared adopted

Dated: July 8, 2008

Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY July 8, 2008

RESOLUTION 75-08

STANDARDIZE WATER FLUSHING EQUIPMENT

RESOLUTION No. duly adopted at a regular meeting of the Gaines Town Board held on the 8th day of July, 2008, at which the following were:

PRESENT: Richard A. DeCarlo, Sr., Supervisor
C.W. Lattin, Councilman
David Kast, Councilman
James Kirby, Councilman

ABSENT: Lorraine Oakley, Councilman (excused)

Councilman Kast moved the adoption of the following resolution; Councilman Lattin seconded the motion;

WHEREAS, the Town of Gaines has been and continues to be engaged in the construction and installation of public water lines within the municipality which involves the installation of substantial quantity of water meters, valves, hydrants and other assemblies; and

WHEREAS, for reasons of efficiency and economy, there is a need for standardization of a particular brand of meters, hydrants, valves, gates and other assemblies as hereinafter described; and

WHEREAS, the Gaines Town Board, after thorough investigation and consultation with its Engineer and Water Superintendent, has selected the Hydro-Guard Standard Unit (HG-1), Automatic Water Distribution Flushing Equipment as standard equipment for the Town of Gaines,

NOW, THEREFORE, be it

RESOLVED, that the Gaines Town Board does hereby standardize its water flushing equipment to be installed in all water line projects in the Town of Gaines as Hydro-Guard Standard Unit (HG-1), Automatic Water Distribution Flushing Equipment based upon the specific recommendations of its Engineer and Water Superintendent.

Upon being put to a vote, the following "AYE" in favor of the adoption. Supervisor DeCarlo, Councilmen Kirby, Kast and Lattin

The following voted "NO" in opposition thereto: None. (Councilman Oakley excused absent)

The Resolution was deemed adopted.

Dated: July 8, 2008

Jean Klatt, Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY July 8, 2008

Court security quote was presented by Supervisor DeCarlo to be reviewed by the Town Attorney and the Town Board.

Supervisor DeCarlo presented the board with an invitation to proceed with the grant application for Wd#9 to USDA.

RESOLUTION 76 -08

EXECUTIVE SESSION REQUEST TABLED

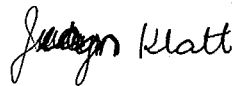
On a motion from Councilperson Kirby and seconded by Councilperson Kast the resolution was

ADOPTED 4 Ayes DeCarlo, Kast, Kirby, Lattin
0 Nays

Resolved that the Town Board will not move into executive session to discuss a personal issue regarding retirement benefits or the Town Clerk and Highway Superintendent until the complete board is present.

With no further business, on a motion from Councilperson Lattin and seconded by Councilperson Kirby the meeting was adjourned at 8:57 PM.

Respectfully submitted,



Jean Klatt
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY August 12, 2008

PRESENT:	Richard DeCarlo	-----	Supervisor
	James Kirby	-----	Councilperson
	David Kast	-----	Councilperson
	Bill Lattin	-----	Councilperson
	Lorraine Oakley	-----	Councilperson
	Ron Mannella	-----	Highway Superintendent
	Jean Klatt	-----	Town Clerk

ABSENT: None

OTHERS PRESENT: Harry Chambers, Dee Chambers, Neil Newton, Jen Stillwell, Ed Dixon, Del & Gloria Lonnen, Larry Williams, Carol Engle, Barbara Szklany, Howard Smith, Betty Lou & Richard Standish, Jerry Culhane, Ken Whitney, Barbara Grey, Don Karcy, Lora Laine, Laverne & Lois Miller, Roger Beam, Tibbs Ahlberg, Roy & Vera Daniels, John Goslau, Connie Mosher, Guy & Sue Smith, Marilyn Miller, Marc Vaillancourt, Katherine Marsh, Carole Patterson, Nicole Coleman, Tom Noon

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

Supervisor DeCarlo announced that there would be no public hearing regarding Local Law #2 of 2008. The public hearing will be September 9, 2008.

The Supervisor announced that the town has received a commitment for funding of Water District #9.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Dee Robinson addressed the Town regarding a marker to remember Katherine Rowley. She would like to purchase the marker out of her contractual budget. She would also like to also due a calendar for 2009.

REGULAR TOWN BOARD MEETING
Gaines, NY August 12, 2008

RESOLUTION 77 - 08

JUDGE LEIGH'S INTENDED RETIREMENT

On a motion from Councilperson Oakley, and seconded by Councilperson Kirby the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
0 Nays

Resolved that the town will advertise and accept applications for town justice.

Tibbs Ahlberg, Planning Board Chairman, presented the town board with a letter of resignation from Jeff Braley, planning board member, effective September 30, 2008. He also informed the town board that a resident is planning to follow through with a special use application for a shooting range in the Historical District.

RESOLUTION 78 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Kast, and seconded by Councilperson Kirby the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
0 Nays

Resolved that the minutes from the July 8, 2008 meeting are approved.

REGULAR TOWN BOARD MEETING
Gaines, NY August 12, 2008

RESOLUTION 79 - 08

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Lattin and seconded by Councilperson Oakley
Highway Councilperson Kast and seconded by Councilperson Lattin
Water Councilperson Oakley and seconded by Councilperson Lattin

The resolution was

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
0 Nays

Resolved that the bills will be paid as presented.

MILAGE \$.48.8 to \$.58.5

The proposed mileage increase was tabled at the July meeting and is off the table.

RESOLUTION 80 - 08

BUDGET TRANSFERS

On a motion from Councilperson Kast, and seconded by Councilperson Oakley the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
0 Nays

Resolved that the budget transfers are put back on the table.

REGULAR TOWN BOARD MEETING
Gaines, NY August 12, 2008

RESOLUTION 81 - 08
BUDGET TRANSFERS

On a motion from Councilperson Kast, and seconded by Councilperson Kirby the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
 0 Nays

Resolved that the budget transfers are approved as presented.

TOWN OF GAINES

PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 7/8/08 MEETING:

GENERAL FUND - TOWNWIDE

<i>Transfer From:</i>		Unanticipated Revenue	
	A3040	Real Property Tax Admin	\$ 1,257.00
	A3089	Justice Grant	\$ 1,500.00
		TOTAL:	\$ 2,757.00
<i>Transfer To:</i>	A1110.4A	Justice Grant	\$ 1,500.00
	A1310.1B	Director of Finance Dep Svc	\$ 75.00
	A7180.4	Recreation (Cable)	\$ 697.00
	A8020.4	Planning Contr - Wind	\$ 485.00
		TOTAL:	\$ 2,757.00

GENERAL FUND - OUTSIDE VILLAGE

<i>Transfer From:</i>	B3620.4	Bld & Fire Insp Contractual	\$ 50.00
		TOTAL:	\$ 50.00
<i>Transfer To:</i>	B3620.1A	Bld & Fire Insp Clerk	\$ 50.00
		TOTAL:	\$ 50.00

HIGHWAY FUND - TOWNWIDE

<i>Transfer From:</i>		Unanticipated Revenue	
	DA2650	Sale of Scrap Metal	\$ 125.00
		TOTAL:	\$ 125.00
<i>Transfer To:</i>	DA9055.8	Disability Insurance	\$ 125.00
		TOTAL:	\$ 125.00

REGULAR TOWN BOARD MEETING
Gaines, NY August 12, 2008

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WATER DISTRICT #4

<i>Transfer From:</i>	SWUB	Unanticipated Revenue	\$ 2,906.00
		Unexpended Balance	\$ 2,906.00
		TOTAL:	\$ 2,906.00

<i>Transfer To:</i>	SW8340.2	Trans. & Equip. Equipment	\$ 2,906.00
		TOTAL:	\$ 2,906.00

WATER DISTRICT #4

<i>Transfer From:</i>	SW9710.6	Bond Principal \$115,000	\$ 3,179.00
		TOTAL:	\$ 3,179.00

<i>Transfer To:</i>	SW9710.6A	Bond Principal \$9400	\$ 250.00
	SW9710.7	Bond Interest \$115,000	\$ 2,707.00
	SW9710.7A	Bond Interest \$9400	\$ 222.00
		TOTAL:	\$ 3,179.00

RESOLUTION 82 - 08
FRONT SIDEWALK

On a motion from Councilperson Lattin and seconded by Councilperson Oakley the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kirby, Lattin, Oakley, Kast
 0 Nays

Resolved that replacing the front sidewalk is back on the table.

REGULAR TOWN BOARD MEETING
Gaines, NY August 12, 2008

RESOLUTION 83 - 08
FRONT SIDEWALK

On a motion from Councilperson Lattin and seconded by Councilperson Oakley the resolution was declared

ADOPTED 4 Ayes DeCarlo, Kirby, Lattin, Oakley
 1 Nays Kast

Resolved that Ron Mannella will replace the front sidewalk.

RESOLUTION 84 - 08
TOWN HALL REPAIRS

On a motion from Councilperson Lattin and seconded by Councilperson Kast the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kirby, Lattin, Oakley, Kast
 0 Nays

Resolved that Ron Mannella will proceed to get quotes on replacing the wood on the exterior of the Town Hall building.

REGULAR TOWN BOARD MEETING
Gaines, NY August 12, 2008

RESOLUTION 85 - 08

TOWN OF GAINES
WATER DISTRICT NO. 9

LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Gaines has created Water District No. 9 pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Transit Road, West Transit Church Road and East Transit Church Road; and

WHEREAS, part of the land area within Water District No. 9 is also within Orleans County Agricultural District No. 3; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District and to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 3; and

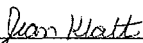
WHEREAS, the New York State Department of Agriculture and Markets has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Gaines, in recognition of the concerns that have been raised, hereby resolves to limit connections to the public water supply only to existing non-farm uses and to farm-related uses within that portion of Water District No. 9 which is also within the limits of Orleans County Agricultural District No. 3.

COUNTY OF ORLEANS)
STATE OF NEW YORK) SS:
TOWN OF GAINES)

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Gaines Town Board on the 12th day of August, 2008.

Dated at Gaines, New York



Jean Klatt
Town Clerk of the Town of Gaines

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REGULAR TOWN BOARD MEETING
Gaines, NY August 12, 2008

RESOLUTION 86 -08
EXECUTIVE SESSION

On a motion from Councilperson Kast and seconded by Councilperson Lattin the resolution was adopted by

ROLL CALL	DeCarlo	Aye
	Kast	Aye
	Kirby	Aye
	Lattin	Aye
	Oakley	Aye

Resolved that that the board will move into executive session at 8:42 to discuss a personal issue regarding retirement benefits or the Town Clerk and Highway Superintendent.

RESOLUTION 87 -08
EXECUTIVE SESSION

On a motion from Councilperson Kast and seconded by Councilperson Kirby the resolution was adopted by

ROLL CALL	DeCarlo	Aye
	Kast	Aye
	Kirby	Aye
	Lattin	Aye
	Oakley	Aye

Resolved that that the board will return to regular session at 8:54 PM.

With no further business, on a motion from Councilperson Kast and seconded by Councilperson Oakley the meeting was adjourned at 8:55 PM.

Respectfully submitted,



Jean Klatt
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY September 11, 2008

PRESENT: Richard DeCarlo ----- Supervisor
 David Kast ----- Councilperson
 Bill Lattin ----- Councilperson
 Ron Mannella ----- Highway Superintendent
 Jessica Klatt ----- Deputy Town Clerk

EXCUSED: Lorraine Oakley ----- Councilperson
 Jean Klatt ----- Town Clerk
 Douglas Heath ----- Council

ABSENT: Jim Kirby ----- Councilperson

OTHERS PRESENT: Tibbs Ahlberg, Gerry Culhane

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

Supervisor DeCarlo called for a moment of silence in remembrance of the 9-11 terrorist attacks.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

None

REGULAR TOWN BOARD MEETING
Gaines, NY September 12, 2008

RESOLUTION 88 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Kast, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 3 Ayes DeCarlo, Kast, Lattin,
 0 Nays

Resolved that the minutes from the August 12, 2008 meeting are approved.

RESOLUTION 89 - 08

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Kast and seconded by Councilperson Lattin
Highway Councilperson Lattin and seconded by Councilperson Kast
Water Councilperson Kast and seconded by Councilperson Lattin

The resolution was

ADOPTED 3 Ayes DeCarlo, Kast, Lattin
 0 Nays

Resolved that the bills on abstract #9 will be paid as presented.

REGULAR TOWN BOARD MEETING
Gaines, NY September 11, 2008

RESOLUTION 90 08

PLANNING BOARD RESIGNATION

On a motion from Councilperson Lattin (with regrets), and seconded by Councilperson Kast the resolution was declared

ADOPTED 3 Ayes DeCarlo, Kast, Lattin
0 Nays

Resolved that the resignation of Jeffrey Braley from the Town of Gaines Planning Board is accepted effective September 30, 2008.

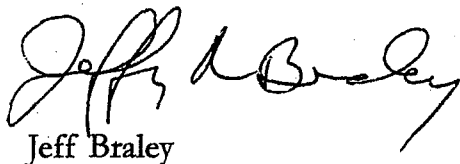
July 13, 2008

Tibbs Ahlberg, Planning Board Chairman
Town of Gaines
14087 Ridge Road
Albion, NY 14411

Dear Tibbs:

This letter is to inform you that as of the close of the September 2008 Town of Gaines Planning Board meeting, I will no longer be able to serve as a member of that board. My reason for leaving the board are personal as we've previously discussed. I would like to thank you and all the board members for making my time on the board a rewarding and educational experience. The Town of Gaines has a planning board that in my opinion should be the envy of other Towns. I am and will always be proud to have been a member of this board.

Sincerely,



Jeff Braley

REGULAR TOWN BOARD MEETING
Gaines, NY September 11, 2008

RESOLUTION 91- 08

AUDIT SIGNATURES FOR REPRESENTATION LETTER

On a motion from Councilperson Kast, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 3 Ayes DeCarlo, Kast, Lattin
 0 Nays

Resolved that the Town Board is authorized to sign the representation letter addressed to Gray, CPA .regarding the Town of Gaines 2007 Audit.

Supervisor DeCarlo requested that Deputy Town Clerk Jessica Klatt ask Town Clerk Jean Klatt to post an ad in the Pennysaver for the vacant position.

Ron Mannella reported that the flag stone for the mounting of the flag pole was donated to the Town by Vinny Navara. Supervisor DeCarlo requested a Thank You letter be sent to Mr. Navarra for the stone donation. The Board also thanked Highway Superintendent Ron Mannella for managing the project.

Ron Mannella also presented the board with a quote for repairs to the Town Hall. The quotes for repairs to the town hall will be considered at a later date after Douglas Syck can be contacted for an additional quote.

REGULAR TOWN BOARD MEETING
Gaines, NY September 11, 2008

RESOLUTION 92- 08

RESOLUTION ADOPTING ORLEANS COUNTY ALL-HAZARD MITIGATION PLAN

WHEREAS, the Town of Gaines, with assistance from the appointed Hazard Mitigation Planning Team and Genesee/Finger Lakes Regional Planning Council, has gathered and provided information for the completion of the Orleans County All-Hazard Mitigation Plan (the Plan) in order to better prepare for natural disasters and reduce their impacts to our communities; and

WHEREAS, The Orleans County All-Hazard Mitigation Plan was prepared in compliance with requirements implementing the Disaster Mitigation Act of 2000; and

WHEREAS, Town of Gaines is a local unit of government that has supported, and participated in, the planning process and provided input to the Plan and the actions in the Plan; now, therefore, be it

RESOLVED, that the Town of Gaines, upon review of the proposed Plan, does hereby adopt such Plan as this jurisdiction's official All-Hazard Mitigation Plan, and affirms that the Town of Gaines will provide updates to the plan less than every five years; and be it

FURTHER RESOLVED, that a certified copy of this resolution shall be sent to the chairman of the Orleans County Legislature.

The resolution was adopted.

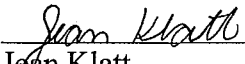
Those voting in favor: DeCarlo, Lattin, Kast

Those Voting against: NONE

COUNTY OF ORLEANS
STATE OF NEW YORK

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Town of Gaines on the 11th day of September 2008.

Dated at Gaines, New York
September 11th, 2008



Jean Klatt,
Gaines Town clerk

REGULAR TOWN BOARD MEETING
Gaines, NY September 11, 2008

MISCELLANEOUS

Planning Board Chairman Tibbs Ahlberg presented the matter of codes for doublewide trailers in the Town of Gaines. Mr. Ahlberg asked that the Board be made aware that the Town is possibly being challenged regarding the issue. After a short discussion, it was determined that the Town's zoning laws cannot be superseded by New York State and advisement from Town Council Douglas Heath is recommended.

With no further business, on a motion from Councilperson Lattin and seconded by Councilperson Kast the meeting was adjourned at 8:00 PM.

Respectfully submitted,

Jessica Klatt
Gaines Deputy Town Clerk

SPECIAL TOWN BOARD MEETING
Gaines, NY September 24, 2007

PRESENT:	Richard DeCarlo	-----	Supervisor
	Bill Lattin	-----	Councilperson
	James Kirby	-----	Councilperson
	Lorraine Oakley	-----	Councilperson
	Jean Klatt	-----	Town Clerk
	Douglas Heath	-----	Special Council

EXCUSED: David Kast

OTHERS PRESENT: Tonia Ettinger

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

Supervisor DeCarlo presented the tentative budget to Clerk Klatt. Clerk Klatt certified the tentative budget and presented the tentative budget to each Town Board Member.

RESOLUTION - 08

On a motion from Councilperson Kast, and seconded by Councilperson Lattin the resolution was declared

ADOPTED	3 Ayes	DeCarlo, Kast, Lattin,
	0 Nays	

Resolved that the minutes from the August 12, 2008 meeting are approved.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Charles Woodworth addressed the board regarding his wife not being paid for her services as a Court Translator. The board assured Mr. Woodworth that his wife would be paid in July.

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Kast the meeting was adjourned at 9:15PM.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jean Klatt".

Jean Klatt
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY October 14, 2008

PRESENT: Richard DeCarlo ----- Supervisor
 James Kirby ----- Councilperson
 David Kast ----- Councilperson
 Bill Lattin ----- Councilperson
 Lorraine Oakley ----- Councilperson
 Ron Mannella ----- Highway Superintendent
 Jean Klatt ----- Town Clerk
 Doug Heath ----- Council

ABSENT: None

OTHERS PRESENT: Guy & Sue Smith, Marilynn Miller, Lorienda Smith, Elise Draper, Tibbs Ahlberg, Richard & Batty Lou Standish, Jerry Culhane, Gary Davis, Nicole Coleman, Robert Albanese, Mary Jo Syck, David & Susan Newton, Bruce Schmidt, Henry Smith Jr., Donald & June Knapp, John Mack, Glenn Brown, Roland Sanford, Peggy & Charles VanOrden, Ray Burke, Dennis Kupka, Harry Chamber, Don Draper, John Goslau, Patricia & Gene Latendress

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

TOWN BOARD MEETING
PUBLIC HEARING
Gaines, NY October 14, 2008

PUBLIC HEARING FOR LOCAL LAW #2 of 2008

Local Law #2 of 2008 "Amending the Zoning Ordinance of the Town of Gaines"

At 7:31 PM the Supervisor opened the public hearing to comments from the public.

Susan Smith expressed that she feels the law lends itself to loosening home rule.

Marilyn Miller also shared her thoughts regarding the home rule issue.

With no further comments from the public the hearing was declared closed at 7:55PM.

REGULAR TOWN BOARD MEETING
Gaines, NY October 14, 2008

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Lorienda Smith questioned the safety of our water supply.

Tibbs Ahlberg presented the board with changes to the permit fees requested by CEO, Bob McGaffick.

RESOLUTION 94 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Oakley, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
 0 Nays

Resolved that the minutes from the September 11, 2008 meeting are approved.

RESOLUTION 95 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Kast, and seconded by Councilperson Kirby the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
 0 Nays

Resolved that the minutes from the September 24, 2008 meeting are approved.

REGULAR TOWN BOARD MEETING
Gaines, NY October 14, 2008

RESOLUTION 96 - 08

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Lattin and seconded by Councilperson Kast
Highway Councilperson Lattin and seconded by Councilperson Oakley
Water Councilperson Lattin and seconded by Councilperson Kirby

The resolution was

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
 0 Nays

Resolved that the bills will be paid as presented.

RESOLUTION 97 - 08

APPROVAL OF PRELIMINARY BUDGET

On a motion from Councilperson Kast, and seconded by Councilperson Oakley the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
 0 Nays

Resolved that the tentative budget is adopted as the preliminary budget with one revision. Account # A5132.4 is reduced from \$18,000.00 to \$17,500.00 and account # A4989.4 is increased from \$0.00 to \$500.00. The Public Hearing on the Preliminary Budget is set for November 5, 2008 at 7:30 PM.

REGULAR TOWN BOARD MEETING
Gaines, NY October 14, 2008

RESOLUTION 98 - 08

UNION CONTRACT REVISIONS

On a motion from Councilperson Kast, and seconded by Councilperson Oakley the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
 0 Nays

Resolved that Supervisor DeCarlo is authorized to sign the Union contract revisions, "Letters of Agreement," regarding a \$200.00 reimbursement for personal cell phones and the Town paying reimbursement for all out of pocket increased medical cost to the employee as a result of the Town changing Health Insurance carriers.

RESOLUTION 99- 08

PURCHASE TOWN HALL LANDSCAPING

On a motion from Councilperson Lattin, and seconded by Councilperson Kast the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kast, Kirby, Lattin, Oakley
 0 Nays

Resolved that Ron Mannella has permission to purchase shrubs and trees to landscape the front of the Town Hall from Salmon Creek Nursery at a cost of \$480.00.

REGULAR TOWN BOARD MEETING
Gaines, NY October 14, 2008

RESOLUTION No. 10 duly adopted at a regular meeting of the Gaines Town Board held on the 14th day of October, 2008, at which the following were:

PRESENT: Richard A. DeCarlo, Sr., Supervisor
C.W. Lattin, Councilman
David Kast, Councilman
Lorraine Oakley, Councilman
James Kirby, Councilman

ABSENT: None

Councilman Lattin moved the adoption of the following resolution; Councilman Oakley seconded the motion;

WHEREAS, Hon. C. Eugene Leigh, Town Justice of the Town of Gaines, following service to the community of Gaines for a period in excess of forty three (43) years, has notified the Town Board of his decision to retire from the Office of Town Justice effective December 31, 2008; and

WHEREAS, in order to provide consistency and continuity in the Office of Town Justice and the Justice Court in and for the Town of Gaines, the Gaines Town Board has heretofore conducted interviews of interested candidates to be appointed to fill the vacancy thereby created upon the retirement of Justice C. Eugene Leigh; and

WHEREAS, it is now the intent and the desire of the Gaines Town Board to provide for the appointment of the successor to Justice C. Eugene Leigh upon the effective date of his retirement, now therefore, be it

RESOLVED, that the Gaines Town Board does hereby appoint Bruce R. Schmidt, Esq., being a resident of the Town of Gaines, to fill the vacancy in Office of Town Justice of the Town of Gaines thereby created upon the retirement of Justice C. Eugene Leigh; and be it

FURTHER RESOLVED, that this appointment shall take effect as of January 1, 2009, to the vacancy created upon the retirement of Justice C. Eugene Leigh effective December 31, 2008; and be it

FURTHER RESOLVED, that the appointment of Bruce R. Schmidt, Esq., shall be for the balance of the unexpired term of Justice C. Eugene Leigh, said term expiring as of December 31, 2009; and be it

FURTHER RESOLVED, that the Office of Town Justice of the Town of Gaines shall be filled by election at the November 2009 election and such candidate thereby elected shall serve a new four (4) year term commencing January 1, 2010.

Upon being put to a vote, the following voted "Aye" in favor of the resolution:

DeCarlo, Lattin, Oakley, Kast, Kirby

The following voted "No" in opposition thereto:

None

The resolution was declared adopted.

Dated: October 14, 2008

Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY October 14, 2008

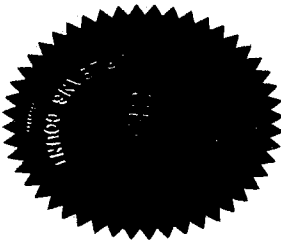
CERTIFICATION

STATE OF NEW YORK)
COUNTY OF ORLEANS)ss.:

I, JEAN KLATT, Town Clerk of the Town of Gaines, County of Orleans, and State of New York,
DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of
the Town of Gaines, on the 14th day of October, 2008, with the original now on file in my office, and the
same is a correct and true copy of said resolution and of the whole thereof.

Dated: October 14, 2008


Jean Klatt, Gaines Town Clerk



With no further business, on a motion from Councilperson Kirby and seconded by
Councilperson Lattin the meeting was adjourned at 8:33 PM.

Respectfully submitted,



Jean Klatt
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY November 5, 2008

PRESENT: Richard DeCarlo ----- Supervisor
 David Kast ----- Councilperson
 Bill Lattin ----- Councilperson
 Lorraine Oakley ----- Councilperson
 Ron Mannella ----- Highway Superintendent
 Jean Klatt ----- Town Clerk
 Doug Heath ----- Council

ABSENT: James Kirby ----- Councilperson

OTHERS PRESENT: Marilyn Miller, Elise Draper, Don Draper

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

TOWN BOARD MEETING
PUBLIC HEARING
Gaines, NY November 5, 2008

PUBLIC HEARING FOR BUDGET

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT THE PRELIMINARY BUDGET OF THE TOWN OF GAINES, Orleans County, New York, for the fiscal year beginning January 1, 2009 has been completed and filed in the office of the Town Clerk, located at the Gaines Town Hall, 14087 Ridge Road, Albion, New York where it is available for inspection during regular business hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Gaines will meet and review said preliminary budget and hold a public hearing thereon at the Gaines Town Hall at 7:30 PM, on the 5th day of November, 2008 and that at such hearing any person may be heard in favor or against any item contained therein.

AND FURTHER NOTICE IS HEREBY GIVEN, pursuant to Section 108 of the Town Law, that the following are proposed yearly salaries of the following elected officials:

Supervisor	\$5,000.00
Town Council	\$2,800.00
Town Clerk	\$25065.00
Highway	
Superintendent	\$38,831.00
Town Justice	\$14000.00

PLEASE TAKE FURTHER NOTICE THAT a regular meeting of the Gaines Town Board will be held following the public hearing.

Jean Klatt, Gaines Town Clerk

Dated: October 23, 2008

At 7:31 PM the Supervisor opened the public hearing to comments from the public.

Supervisor DeCarlo explained what the tax increase would be 2.3% outside the village and 1.3% inside the village.

With no further comments the meeting closed at 7:34PM.

REGULAR TOWN BOARD MEETING
Gaines, NY November 5, 2008

RESOLUTION 101 - 08
APPROVAL OF BUDGET

On a motion from Councilperson Kast, and seconded by Councilperson Oakley the resolution was declared

ADOPTED 4 Ayes DeCarlo, Kast, Lattin, Oakley
 0 Nays

Resolved that the preliminary budget is adopted as presented.

**2009 ADOPTED BUDGET PRESENTED FOLLOWING
THESE MINUTES**

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Elise Draper asked the town to consider a Veterans Tax Exemption in conjunction with the resolution that Orleans County has passes.

RESOLUTION 102 - 08
APPROVAL OF MINUTES

On a motion from Councilperson Kast, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 4 Ayes DeCarlo, Kast, Lattin, Oakley
 0 Nays

Resolved that the minutes from the October 14, 2008 meeting are approved.

REGULAR TOWN BOARD MEETING
Gaines, NY November 5, 2008

RESOLUTION 103 - 08
SCHEDULE PUBLIC HEARING FOR WD#9

RESOLUTION

The following resolution being duly adopted at a regular meeting of the Gaines Town Board held on November 5, 2008 at 7:30 p.m.:

Councilperson ~~Kast~~ moved the adoption of the following resolution; Councilperson ~~Oakley~~ seconded the motion;

"RESOLVED, that the Town Board of the Town of Gaines does hereby adopt the annexed Order, dated November 5, 2008, setting the date and time of the public hearing to be conducted by the Town Board upon the proposed revised method of financing of the joint water project between Gaines Water District No. 9 and Murray Water District No. 14."

Upon being put to a vote, the following voted "Aye" in favor of the adoption:

~~DeCarlo, Kast, Oakley, Lattin~~
The following voted "No" in opposition thereto: None

The resolution was deemed adopted.

Dated: November 5, 2008

Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY November 5, 2008

**ORDER OF THE TOWN BOARD OF THE TOWN OF GAINES
SCHEDULING A PUBLIC HEARING UPON THE REVISED METHOD
OF FINANCING OF GAINES WATER DISTRICT NO. 9**

The Gaines Town Board, by resolution adopted on April 8, 2008, authorized the establishment of Gaines Water District No. 9, a joint water project with the Town of Murray Water District No. 14, pursuant to the provisions of Article 12 of the Town Law. By resolution adopted March 25, 2008, the Murray Town Board authorized the establishment of Murray Water District No. 14, pursuant to the provisions of Article 12 of the Town Law, to be constructed and operated as a joint water project with Gaines Water District No. 9.

The proposed project provided for the construction of a joint water supply system for Gaines Water District No. 9 and Murray Water District No. 14, consisting of installation of water supply mains, hydrants, gate valves, individual water services and appurtenances extending southerly along a portion of Transit Road, easterly along a portion of East Transit Church Road, and westerly along a portion of West Transit Church Road in the Towns of Gaines and Murray. The exact boundaries of the water district were set forth in detail in the aforementioned resolutions.

The total projected cost of the project at the time of Petition and establishment of each water district was \$540,000.00, with \$377,000.00 of such amount to be paid from grant funds applied for solely in the name of the Town of Gaines through USDA, Rural Development, with the local share in the amount of \$163,000.00 to be financed in the form of loan assistance from USDA, Rural Development to the Town of Gaines. It was anticipated that each municipality's local share would be repaid over a period not to exceed thirty eight (38) years at an interest rate not to exceed 4.375 % per annum, with a projected annual debt service payment of approximately \$295.98 per parcel in Gaines and \$295.54 per parcel in Murray. Revenues necessary to be raised and applied to the annual debt payment would be levied and collected against those parcels within proposed Gaines Water District No. 9 and Murray Water District No. 14 on a benefit basis as determined by a benefit formula, and not on an ad valorem basis.

Upon due consideration of the application of the Town of Gaines for financing of said project, USDA, Rural Development, issued a Letter of Conditions to Gaines on July 22, 2008, awarding grant funds in the amount of \$335,000.00 and loan funds in the amount of \$205,000.00 for the project. The loan funds are to be repaid at a rate of interest of 2.75% per annum over a period not to exceed 38 years. Notwithstanding the fact that the award of grant and loan funds to Gaines differs from those amounts set forth in the Petitions and proceedings conducted thereon by Gaines and Murray, the annual debt service per parcel in both Gaines and Murray has decreased. Under the current method of financing, the annual debt service cost per parcel has decreased from \$295.98 to \$292.25 in Gaines and from \$295.54 to \$291.82 in Murray.

The Town Board of the Town of Gaines shall hold a public hearing to consider the change in the method of financing of the joint water project consisting of the reduction of grant funds by \$42,000.00, the corresponding increase in loan funds by \$42,000.00, the reduction of the rate of interest, and the resulting decreased in the annual debt service charge per parcel on November 17, 2008 at 7:00 p.m. at the Gaines Town Hall, 14087 Ridge Road, in said Town, at which public hearing all persons interested in the subject hereof shall be heard.

Dated: November 5, 2008

By Order of the Gaines Town Board
Orleans County, New York

REGULAR TOWN BOARD MEETING
Gaines, NY November 5, 2008

RESOLUTION 104 - 08

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Lattin and seconded by Councilperson Oakley

Highway Councilperson Oakley and seconded by Councilperson Kast

Water Councilperson Lattin and seconded by Councilperson Oakley

The resolution was

ADOPTED 4 Ayes DeCarlo, Kast, Lattin, Oakley
0 Nays

Resolved that the bills will be paid as presented.

The board asked Clerk Klatt to ask Gray CPA for a quote to audit the court for the year 2008.

RESOLUTION 105 - 08

JUSTICE TRAINING

On a motion from Councilperson Lattin and seconded by Councilperson Oakley
the resolution was

ADOPTED 4 Ayes DeCarlo, Kast, Lattin, Oakley
0 Nays

Resolved that the town will reimburse Bruce Schmidt for training expenses.

Ron Mannella addressed the board regarding some changes to the water regulations.

REGULAR TOWN BOARD MEETING
Gaines, NY November 5, 2008

The board directed Clerk Klatt to send justice applicants letters thanking them for the time they put into applying for the justice position.

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Kast the meeting was adjourned at 8:08 PM.

Respectfully submitted,



Jean Klatt
Gaines Town Clerk

TOWN BOARD MEETING
PUBLIC HEARING
Gaines, NY November 17, 2008

PRESENT:	Richard DeCarlo	-----	Supervisor
	Bill Lattin	-----	Councilperson
	James Kirby	-----	Councilperson
	Lorraine Oakley	-----	Councilperson
	Dave Kast	-----	Councilperson
	Jean Klatt	-----	Town Clerk
	Doug Heath	-----	Council

EXCUSED: None

OTHERS PRESENT: None

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

**TOWN BOARD MEETING
PUBLIC HEARING**
Gaines, NY November 17, 2008

LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that the following Order specifying the date and time of the Public hearing upon the revised method of financing of Water District No. 9 was duly adopted by the Gaines Town Board at its November 5, 2008 regular meeting:

**ORDER OF THE TOWN BOARD OF THE TOWN OF GAINES
SCHEDULING A PUBLIC HEARING UPON THE REVISED METHOD
OF FINANCING OF GAINES WATER DISTRICT NO. 9**

The Gaines Town Board, by resolution adopted on April 8, 2008, authorized the establishment of Gaines Water District No. 9, a joint water project with the Town of Murray Water District No. 14, pursuant to the provisions of Article 12 of the Town Law. By resolution adopted March 25, 2008, the Murray Town Board authorized the establishment of Murray Water District No. 14, pursuant to the provisions of Article 12 of the Town Law, to be constructed and operated as a joint water project with Gaines Water District No. 9.

The proposed project provided for the construction of a joint water supply system for Gaines Water District No. 9 and Murray Water District No. 14, consisting of installation of water supply mains, hydrants, gate valves, individual water services and appurtenances extending southerly along a portion of Transit Road, easterly along a portion of East Transit Church Road, and westerly along a portion of West Transit Church Road in the Towns of Gaines and Murray. The exact boundaries of the water district were set forth in detail in the aforementioned resolutions.

The total projected cost of the project at the time of Petition and establishment of each water district was \$540,000.00, with \$377,000.00 of such amount to be paid from grant funds applied for solely in the name of the Town of Gaines through USDA, Rural Development, with the local share in the amount of \$163,000.00 to be financed in the form of loan assistance from USDA, Rural Development to the Town of Gaines. It was anticipated that each municipality's local share would be repaid over a period not to exceed thirty eight (38) years at an interest rate not to exceed 4.375% per annum, with a projected annual debt service payment of approximately \$295.98 per parcel in Gaines and \$295.54 per parcel in Murray. Revenues necessary to be raised and applied to the annual debt payment would be levied and collected against those parcels within proposed Gaines Water District No. 9 and Murray Water District No. 14 on a benefit basis as determined by a benefit formula, and not on an ad valorem basis.

Upon due consideration of the application of the Town of Gaines for financing of said project, USDA, Rural Development, issued a Letter of Conditions to Gaines on July 22, 2008, awarding grant funds in the amount of \$335,000.00 and loan funds in the amount of \$205,000.00 for the project. The loan funds are to be repaid at a rate of interest of 2.75% per annum over a period not to exceed 38 years. Notwithstanding the fact that the award of grant and loan funds to Gaines differs from those amounts set forth in the Petitions and proceedings conducted thereon by Gaines and Murray, the annual debt service per parcel in both Gaines and Murray has decreased. Under the current method of financing, the annual debt service cost per parcel has decreased from \$295.98 to \$292.25 in Gaines and from \$295.54 to \$291.82 in Murray.

The Town Board of the Town of Gaines shall hold a public hearing to consider the change in the method of financing of the joint water project consisting of the reduction of grant funds by \$42,000.00, the corresponding increase in loan funds by \$42,000.00, the reduction of the rate of interest, and the resulting decreased in the annual debt service charge per parcel on November 17, 2008 at 7:00 p.m. at the Gaines Town Hall, 14087 Ridge Road, in said Town, at which public hearing all persons interested in the subject hereof shall be heard.

Dated: November 5, 2008

By Order of the Gaines Town Board

TOWN BOARD MEETING
PUBLIC HEARING
Gaines, NY November 17, 2008

Public Hearing was opened at 7:01 PM.

At 7:01 PM the Supervisor opened the public hearing to comments from the public. With no one present to comment the public hearing was closed at 7:02PM.

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Lattin the public hearing was adjourned at 7:02 PM.

Respectfully Submitted,



Jean Klatt

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

PRESENT: Richard DeCarlo ----- Supervisor
 James Kirby ----- Councilperson
 Bill Lattin ----- Councilperson
 Lorraine Oakley ----- Councilperson
 Ron Mannella ----- Highway Superintendent
 Jean Klatt ----- Town Clerk
 Doug Heath ----- Council

EXCUSED: David Kast ----- Councilperson

OTHERS PRESENT: Marilyn Miller, Guy & Susan Smith, George Manning, Janelle Flammger, Tibbs Ahlberg, Henry & Lorienda Smith, Jerry Culhane

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

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

RESOLUTION 106 - 08
WD#9 Authorize Financing

RESOLUTION

The following resolution being duly adopted at a regular meeting of the Gaines Town Board held on December 9, 2008 at 7:30 p.m.:

Councilperson ~~Kirby~~ moved the adoption of the following resolution; Councilperson ~~Lattin~~ seconded the motion;

"WHEREAS, the Gaines Town Board is conduct a public hearing upon the revised method of financing the construction of Gaines Water District No. 9 and Murray Water District No. 14, a joint water project between the Towns of Gaines and Murray on the 17th day of November, 2008, at which public hearing no persons appeared in opposition to the revised method of financing; now, therefore, be it

"RESOLVED, that the Town Board of the Town of Gaines does hereby adopt the revised method of financing of construction of Gaines Water District No. 9 and Murray Water District No. 14, whereby the amount of indebtedness to be issued by the Town of Gaines shall be increased by \$42,000.00 to \$377,000.00 and the amount of grant funds reduced by \$42,000.00 to \$163,000.00, together with a reduction in the annual percentage rate on debt service from 4.375% to 2.75%, with the total projected project cost of \$540,000.00 to remain unchanged.

Upon being put to a vote, the following voted "Aye" in favor of the adoption:
DeCarlo, Lattin, Oakley, Kirby
The following voted "No" in opposition thereto: None

The resolution was deemed adopted.

Dated: December 9, 2008

Jean Klatt, Gaines Town Clerk

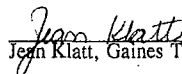
CERTIFICATE OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:
TOWN OF GAINES:

I, JEAN KLATT, Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing Resolution duly adopted by the Town Board of the Town of Gaines, on the 9th day of December, 2008, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: December 9, 2008
Gaines, New York

(SEAL)


Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

RESOLUTION 107 - 08

WD#9 Authorize bid

RESOLUTION

At a regular meeting of the Gaines Town Board held on December 9, 2008, Councilperson Lattin moved adoption of the following resolution; Councilperson Kirby seconded the motion:

"RESOLVED, that the Town Board of the Town of Gaines does hereby authorize the letting of bids for the construction of Gaines Water District No. 9, a joint water project with the Town of Murray Water District No. 14, pursuant to the terms and conditions of the Advertisement for Bids prepared by the Town Engineer; and be it

FURTHER RESOLVED, that sealed bids timely received shall be opened and read aloud in the Gaines Town Hall on Friday, January 9, 2009 at 11:00 a.m.; and be it

FURTHER RESOLVED, that this resolution, and the letting of bids herein authorized, shall be specifically conditioned upon receipt of approval of USDA, Rural Development to proceed to bid on the aforementioned project prior to the letting of the bids.

Upon being put to a vote, the following voted "Aye" in favor of the resolution:
DeCarlo, Lattin, Oakley, Kirby

The following voted "No" in opposition thereto:

The resolution was deemed adopted.

Dated: December 9, 2008

Jean Klatt, Gaines Town Clerk

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:
TOWN OF GAINES:

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 9th day of December, 2008 with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: December 9, 2008
Town of Gaines

(SEAL)

Jean Klatt
Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

RESOLUTION 108 - 08
MUNICIPALITY CONSOLIDATION STUDY PAYMENT

AGREEMENT

Made this 29th day of December, 2008 by and between the Village of Albion, New York a municipal corporation organized and existing pursuant to the laws of the State of New York, having its principal place of business at 35-37 East Bank Street, Albion, New York hereinafter referred to as "VILLAGE" and the Town of Albion also a municipal corporation organized pursuant to the laws of the State of New York having its principal place of business at 3665 Clarendon Road, Albion, New York hereinafter referred to as "TOWN OF ALBION"; and the Town of Gaines, a municipal corporation organized pursuant to the laws of the New York State, having its principal place of business at 14087 Ridge Road, Albion, New York, hereinafter referred to as "TOWN OF GAINES".

WITNESSETH:

WHEREAS, the VILLAGE has entered into a study with the TOWN OF ALBION and the TOWN OF GAINES to investigate the feasibility of consolidating municipal services which may be duplicated by the municipalities wherein if said services were consolidated one or all of the municipalities might achieve a cost savings which would ultimately be passed down to the tax payers of that municipality; and

WHEREAS, the Village has entered into a contract with Center for Governmental Research (CGR) to assist in the compilation of data obtained from the VILLAGE, TOWN OF ALBION and the TOWN OF GAINES

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

which is to be utilized in the analysis to determine the feasibility of consolidating services; and

WHEREAS, the VILLAGE is the lead agency in the aforementioned consolidation study and it has applied for and obtained a grant in the amount of Seventy Three Thousand (\$73,000.00) Dollars from the Shared Municipal Services Incentive Program. The funds are to be utilized in the process of compiling the necessary data and making any recommendation to either the VILLAGE, TOWN or TOWN OF GAINES whether consolidation of any municipal services would be advantageous to any or all of the above-referenced municipalities; and

WHEREAS, the VILLAGE, TOWN OF ALBION and TOWN OF GAINES are interested in the results that maybe obtained from this study, all municipalities realizing that any consolidation of services could have a positive impact on the supplying of municipal services to its constituents and any cost savings that may be obtained by any or all of the municipalities may achieve as a result of the consolidation; and

WHEREAS, the VILLAGE as lead agency has obligated itself to pay for ten (10%) percent of the cost of the study which is estimated to be Seventy Three Thousand (\$73,000.00) Dollars. Therefore the VILLAGE has agreed to pay up to Seven Thousand Three Hundred (\$73,000.00) Dollars towards the cost of said study; and

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

WHEREAS, the VILLAGE, TOWN OF ALBION and TOWN OF GAINES realize that the results of the aforementioned study may benefit any one or all of the municipalities and that it is advantageous for both the VILLAGE, TOWN OF ALBION and TOWN OF GAINES to participate in the consolidation study; and

WHEREAS, the municipalities collectively find that since it is in the best interest of their respective constituents to participate in the study that the out of pocket cost of the study of Seven Thousand Three Hundred (\$7,300.00) be shared equally by those municipalities taking part in the study; and

WHEREAS, the parties hereto recognize that the out of pocket cost for the said study to each municipality is out weighed by the potential savings to each municipality if through said study and implementation of the results of the study the municipality is able to provide the same or enhanced services at the same or reduced costs to its tax payers;

NOW, THEREFORE, based on that which is set forth above, it is agreed that the three municipalities hereby agree that each shall reimburse to the VILLAGE no more than one-third (1/3) the cost of any out of pocket expense incurred by the VILLAGE with respect to the shared municipal services study; and it is further

AGREED, that the maximum expense of the TOWN OF GAINES AND TOWN OF ALBION'S contribution to said joint/shared municipal services

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

study shall not exceed Two Thousand Four Hundred Thirty Three and 00/100 (\$2,433.00) Dollars; and it is further

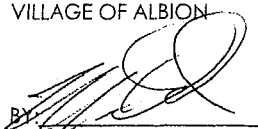
AGREED, that upon the receipt of said billing from the VILLAGE the TOWN OF ALBION and the TOWN OF GAINES will pay its share to the VILLAGE within thirty (30) days of receipt of said billing.

ATTEST

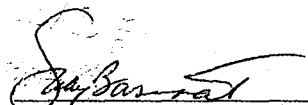


Linda Babcock,
Village Clerk-Treasurer

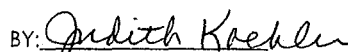
VILLAGE OF ALBION


BY: Michael Hadick, Mayor

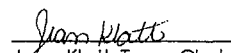
ATTEST


Sarah Basinait, Town Clerk

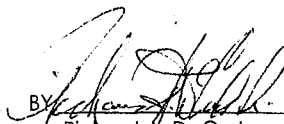
TOWN OF ALBION

BY: 
Judith Koehler,
Town Supervisor

ATTEST


Jean Klatt, Town Clerk

TOWN OF GAINES


BY: Richard A. DeCarlo,
Town Supervisor

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

RESOLUTION 109 - 08

FIRE CONTRACT

On a motion from Councilperson Oakley, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 4 Ayes DeCarlo, Kirby, Lattin, Oakley
 0 Nays

Resolved that Supervisor DeCarlo and Attorney Heath are authorized to meet with the Village of Albion to begin negotiations of the fire contract.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Janelle Flammger & George Manning addressed the board in regard to Academy Street. Mrs. Flammger asked why the board was no longer servicing Academy Street. Attorney Heath explained that because the most recent deeds don't clearly state needed information there is no verification that the Town of Gaines owns Academy Street. There is no information in the Orleans County Clerk's office stating that the Town of Gaines ever owned Academy Street. Mr. Dixon doesn't want the Town of Gaines on his property. The Town of Gaines is no longer crossing Mr. Dixon's property to maintain and plow Academy Street.

RESOLUTION 110 - 08

APPROVAL OF MINUTES

On a motion from Councilperson Oakley, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 4 Ayes DeCarlo, Kirby, Lattin, Oakley
 0 Nays

Resolved that the minutes from the November 5 & 17, 2008 meeting are approved.

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

RESOLUTION 109 - 08

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Lattin and seconded by Councilperson Oakley
Highway Councilperson Oakley and seconded by Councilperson Lattin
Water Councilperson Kirby and seconded by Councilperson Latin

The resolution was

ADOPTED 4 Ayes DeCarlo, Kirby, Lattin, Oakley
0 Nays

Resolved that the bills on abstract #12 will be paid as presented.

RESOLUTION 110 - 08

APPOINT DEPUTY CLERK

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

ADOPTED 4 Ayes DeCarlo, Kirby, Lattin, Oakley
0 Nays

Resolved that Jacklyn Taylor will be appointed as Deputy Town Clerk.

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

RESOLUTION 111 – 08

BAS E-TAX

On a motion from Councilperson Lattin and seconded by Councilperson Oakley
the resolution was

ADOPTED 4 Ayes DeCarlo, Kirby, Lattin, Oakley
0 Nays

Resolved that Town Clerk Klatt is authorized to purchase Tier III E-Tax from Business
Automated Systems at a cost of \$1290.00.

RESOLUTION 112 – 08

WEB SITE

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

ADOPTED 4 Ayes DeCarlo, Kirby, Lattin, Oakley
0 Nays

Resolved that Mike Zona will be contracted to develop the Town of Gaines web site at a
cost \$1000.00.

RESOLUTION 113 – 08

ADD INSERT TO 1ST CLASS MAILINGS

On a motion from Councilperson Lattin and seconded by Councilperson Oakley
the resolution was

ADOPTED 4 Ayes DeCarlo, Kirby, Lattin, Oakley
0 Nays

Resolved that the Town Clerk's office is authorized to ad inserts to any 1st class mailing.

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

RESOLUTION 114 – 08

VIDEO SURVEILLANCE EQUIPMENT

On a motion from Councilperson Lattin and seconded by Councilperson Oakley
the resolution was

ADOPTED 4 Ayes DeCarlo, Kirby, Lattin, Oakley
0 Nays

Resolved that V2D Technology will be awarded the contract to install Video Surveillance Equipment, and West will be awarded the contract to install panic buttons. All contracts will be paid in full through the court grant.

RESOLUTION 115 – 08

SECURITY GUARDS FOR COURT

On a motion from Councilperson Oakley and seconded by Councilperson Lattin
the resolution was

ADOPTED 4 Ayes DeCarlo, Kirby, Lattin, Oakley
0 Nays

Resolved that Supervisor DeCarlo is authorized to hire court security for all District Attorney Court dates.

Planning Board Chairman Tibbs Ahlberg informed the board that the planning board had interviewed 3 applicants for the vacant planning board position. The planning board recommended that the Town Board appoint Michael Grabowski to the planning board. The Town Board asked to interview the candidates before making an appointment.

REGULAR TOWN BOARD MEETING
Gaines, NY December 9, 2008

Marilynn Miller, and Guy and Sue Smith expressed concerns over discussions and procedures that they had witnessed at the last December Planning Board Meeting and asked the Town Board to monitor the actions of the planning board.

Lorienda Smith asked why the town wasn't having a Christmas Party. The supervisor explained that the Town had not scheduled a holiday party this year because of Jude Leigh's retirement party.

Sue Smith asked if there would be another Public Hearing regarding LL#2 – Zoning Changes. The Supervisor stated that there would indeed be another Public Hearing before further action would take place.

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Lattin the meeting was adjourned at 9:50 PM.

Respectfully submitted,



Jean Klatt
Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY December 30, 2008

PRESENT:	Richard DeCarlo	-----	Supervisor
	David Kast	-----	Councilman
	James Kirby	-----	Councilman
	Bill Lattin	-----	Councilman
	Lorraine Oakley	-----	Councilwoman
	Ron Mannella	-----	Highway Superintendent
	Jean Klatt	-----	Town Clerk
	Douglas Heath	-----	Council

EXCUSED: None

OTHERS PRESENT: None

Supervisor DeCarlo called the meeting to order at 4:12PM with the Pledge to the Flag.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

None

RESOLUTION 116 - 08

APPROVAL OF BUDGET TRANSFERS

On a motion from Councilperson Oakley, and seconded by Councilperson Lattin the resolution was declared

ADOPTED	5 Ayes	DeCarlo, Kirby, Oakley, Lattin, Kast
	0 Nays	

Resolved that the budget transfers are approved as presented.

REGULAR TOWN BOARD MEETING
Gaines, NY December 30, 2008

RESOLUTION 117 - 08

APPROVAL OF ABSTRACTS

On a motion from

General - Councilperson Kirby and seconded by Councilperson Kast
Highway - Councilperson Kast and seconded by Councilperson Kirby
Water- Councilperson Oakley and seconded by Councilperson Kast

The resolution was declared

ADOPTED 5 Ayes DeCarlo, Kirby, Oakley, Lattin, Kast
 0 Nays

Resolved that the bills from abstract # 13 will be paid as presented.

Each Board Member expressed their appreciation for the availability that Attorney Heath makes to all members of the Town of Gaines Team. They thanked Attorney Heath for his thorough and reasonable service.

Attorney Heath explained the status of the Dixon matter regarding Academy Street.

RESOLUTION 118 - 08

APPROVAL FOR TOWN TO MAINTAIN ACADEMY STREET

On a motion from Councilperson Oakley, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kirby, Oakley, Lattin, Kast
 0 Nays

Resolved that the Town of Gaines will plow and maintain the Class 3 Road known as Academy Street.

REGULAR TOWN BOARD MEETING
Gaines, NY December 30, 2008

RESOLUTION 116 - 08

**AUDIT TOWN CLERK, TAX COLLECTION AND TOWN JUSTICE
FINANCIAL RECORDS**

On a motion from Councilperson Oakley, and seconded by Councilperson Lattin the resolution was declared

ADOPTED 5 Ayes DeCarlo, Kirby, Oakley, Lattin, Kast
 0 Nays

Resolved that the town board has examined and audited the financial records of the Town Clerk, Tax Collector, and Town Justice and approved them as presented.

Attorney Heath gave the board an update on the static of the Spinks Lawsuit against the town. He explained that his request for an extension of time to respond has been granted.

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Lattin the meeting was adjourned at 4:55 PM.

Respectfully Submitted,



Jean Klatt
Town Clerk