

GAINES TOWN BOARD MEETING
Gaines, NY January 2, 2012

An Organizational Meeting of the Town of Gaines, County of Orleans and the State of New York were held at the Town Hall, 14087 Ridge Road, Gaines, New York on the 2nd day of January 2012.

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

Supervisor Culhane called the meeting to order at 10:00 AM with the Pledge to the Flag.

OTHERS PRESENT: MaryJo Syck, Jerry Culhane, Marilynn Miller, Dee Robinson, Tom Rivers, Connie Mosher, Tibbs Ahlberg, Richard Ebbs, Mike Grabowski, Chris Watt, Bruce Schmidt

RESOLUTION 1-12

APPROVAL OF ENGINEERING SERVICES

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

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

Resolved that Chatfield Engineers is approved to provide engineering services for 2012.

Supervisor Culhane asked the board to review a contract for Andrew Meier prior to the next board meeting. Councilperson Kast asked who had prepared the contract. Andrew Meier explained that he had been approached by Supervisor-Elect Culhane and had prepared the contract with no compensation.

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Supervisor Culhane expressed her desire to retain Andrew Meier as Attorney for the Town. Councilperson Kast asked why she wanted to retain a new attorney instead of the council the town had retained for the past 20 plus years. He feels this is doing Mr. Heath and the town an injustice. Councilperson Syck feels 6 months is a good trial period and the contract is a financial plus for the town. Councilperson Kirby stated that he felt the town should have talked to speak to the present attorney before a change and that the town should have advertised and interviewed potential legal counsel as a board. Councilperson Smith stated that she felt that Mr. Heath being the personal attorney for herself and other board members creates a conflict and that the town would be better served by someone neutral.

RESOLUTION 2-12

LEGAL SERVICES

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

ADOPTED	Ayes 3 Nays 2	Roll Call: Council person Smith Councilperson Syck Supervisor Culhane Councilman Kast Councilman Kirby	Aye Aye Aye Nay Nay
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Resolved that Andrew W. Meier Esq. from Webster, Schubel and Meier, LLP will provide legal services as Attorney for the Town of Gaines for a period of 1 year.

RESOLUTION 3-12

PREPAY BILLS

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

ADOPTED	Ayes 5 Nays 0	Kirby, Kast, Culhane, Syck, Smith
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Resolved that the Town Clerk is authorized to pre-pay bills if due date is prior to the next board meeting to avoid late fees and penalties.

GAINES TOWN BOARD MEETING
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RESOLUTION 4-12

AUDIT REPORT

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

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

Resolved that the criminal and civil dockets of the Town Justice for 2011 having been duly examined with the monthly cash summary being viewed and the fines and fees have been turned over to the proper officials;

that the records of the Town Clerk for 2011 having been duly examined and found all fees have been turned over to the proper officials;

that the records of the Tax Collector for 2011 having been duly examined and found all fees have been turned over to the proper officials.

RESOLUTION 5-12

INSURANCE PLAN

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

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

Resolved that the Town of Gaines will carry its liability insurance plan for property and vehicles through Orleans Agency for the 2011 – 2012 Policy period.

GAINES TOWN BOARD MEETING
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RESOLUTION 6-21

APPROVAL OF SCHOOLING

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

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

Resolved that schooling for Elected and Appointed Officials, when school pertains to respective jobs is duly authorized if funding was requested and approved in the 2012 budget.

RESOLUTION 7-7

APPROVAL OF OFFICIAL UNDERTAKING

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

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

Resolved the approval of the Official Undertaking as to its form and manner of execution and the sufficiency of the insurance, as surety as prescribed by law.

TOWN OF GAINES OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS CAROL E. CULHANE, of the Town of Gaines, County of Orleans, New York, has been elected to the Office of Supervisor of the Town of Gaines, and

WHEREAS, JEAN KLATT, of the Town of Gaines, County of Orleans, New York, has been elected to the Office of Town Clerk of the Town of Gaines, and

WHEREAS, JEAN KLATT, of the Town of Gaines, County of Orleans, New York, has been elected to the Office of Town Tax Collector of the Town of Gaines, and

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WHEREAS, BRUCE R. SCHMIDT _____, of the Town of Gaines, County of Orleans, New York, has been elected to the Office of Town Justice of the Town of Gaines, and

WHEREAS, RONALD MANNELLA _____, of the Town of Gaines, County of Orleans, New York, has been elected to the Office of Superintendent of Highways of the Town of Gaines, and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Gaines that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that she will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into her hands as such Supervisor; and

This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

This undertaking of the Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Tax Collector; and

This undertaking of the Town Justice is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Town Justice; and

The Town does and shall maintain insurance coverage, presently with Trinity Insurance, in the sum of \$ 250,000.00 for the Tax Collector, Supervisor and Town Clerk to indemnify against losses through the failure of the officers, clerks and employees covered there under faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees.

GAINES TOWN BOARD MEETING
Gaines, NY January 2, 2012

RESOLUTION 8-12

SUPERVISOR'S APPOINTMENTS

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

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

Resolved that the supervisor's appointment as approved as listed below.

DEPUTY SUPERVISOR –Douglas Syck

CONFIDENTIAL SECRETARY – Jean Klatt

BUDGET OFFICER – Carol E. Culhane @ \$1800.00 per year

RESOLUTION 9-12

ANNUAL APPOINTMENTS:

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

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

Resolved that the annual appointments are approved as listed below.

HIGHWAY/WATER – Highway Superintendent Mannella, Councilpersons Kast and Kirby,

FINANCE AND BUDGET –Supervisor Culhane, Highway Superintendent Mannella, Councilperson Kast, and Town Clerk Klatt

The OFFICIAL DEPOSITORIES for funds (all accounts) shall be:

First Niagara, 48 N. Main Street, Albion, NY

For INVESTMENTS:

First Niagara, 48 N. Main Street, Albion, NY

HSBC Bank USA, Main Street, Albion, NY

OFFICIAL PUBLICATION shall be Batavia Daily News, Batavia, NY

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FAIR HOUSING OFFICER – Jean Klatt

RECORDS MANAGEMENT OFFICER- Jean Klatt@ \$ 896.00 per year

TOWN REGISTRAR – Jean Klatt

DEPUTY REGISTRAR – Mary Pettit @ \$10.20 per hour

DEPUTY TOWN CLERK – Mary Pettit @ \$10.20 per hour

DEPUTY TOWN CLERK – Sharon Harding @ \$9.64 per hour

WATER BILLING CLERK – Mary Pettit @ \$10.20 per hour

WATER COLLECTION CLERK – Jean Klatt@ \$6000.00 per year

DOG CONTROL OFFICER – Mary Pettit @ \$10.20 per hour

ZONING BOARD OF APPEALS AND PLANNING Secretary –Mary Pettit –\$1700.00 per year

COURT CLERK – Marita Dumrese @\$10.80 per hour

TOWN HISTORIAN – Delia Robinson@ \$1275.00 per year

CODE ENFORCEMENT OFFICER – Robert McGaffick \$16000.00 per year

WATER SUPERINTENDENT – Ronald Mannella @ \$ 18,000.00 per year

DEPUTY WATER SUPERINTENDENT – David Rustay

CO-DEPUTY WATER SUPERINTENDENT – Mark Radzinski

DEPUTY HIGHWAY SUPERINTENDENT – Mark Radzinski

CO-DEPUTY HIGHWAY SUPERINTENDENT – David Rustay

MEO – Mark Radzinski@ \$20.03 per hour

MEO/MECHANIC David Rustay - \$20.63 per hour

SEASONAL EMPLOYEES - \$14.91

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CLOTHING ALLOWANCE - \$500.00 per year

CELL PHONE ALLOWANCE (for full-time highway employees) - \$200.00 per year

ELECTION INSPECTORS - \$8.13 per hour or \$130.00 daily minimum

OFFICIAL MILEAGE shall be based on the federal rate which has been established at \$.51 per mile for 2012.

ZONING BOARD MEMBERS SHALL RECEIVE \$25.00 PER MEETING ATTENDED

RESOLUTION 10-12

PLANNING BOARD DISSOLUTION

WHEREAS, pursuant to New York Town Law Article 16, a Town Board has broad powers to regulate land use within its municipal boundaries for the purpose of promoting the health, safety, morals, and general welfare of the community; and

WHEREAS, pursuant to §271 of said Article, a Town Board may create, but is not required to maintain, a Planning Board, and to delegate certain aspects of its land use regulatory authority to the Planning Board as provided in law; and

WHEREAS, the authority to abolish a duly-instituted Planning Board is inherent in the authority to create a Planning Board as vested in the town by said Article 16; and

WHEREAS, the Town Board of the Town of Gaines did duly create, by resolution, a Planning Board in 1939; and

WHEREAS, in the interests of the health, safety, morals, and general welfare of the town, the Town Board wishes to abolish the Planning Board and restore all land use regulatory authority previously vested in the Planning Board to the Town Board;

GAINES TOWN BOARD MEETING
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On a motion of Councilperson Smith, seconded by Councilperson Syck, the following resolution was

ADOPTED	Ayes 3	Roll Call: Council person Smith	Aye
	Nays 2	Councilperson Syck	Aye
		Supervisor Culhane	Aye
		Councilman Kast	Nay
		Councilman Kirby	Nay

NOW, THEREFORE, it is hereby

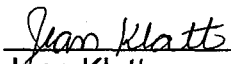
RESOLVED that the Planning Board of the Town of Gaines is hereby abolished, effective immediately.

With no further business, on a motion from Councilperson Syck, seconded by Councilperson Smith the following motion was

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

Resolved that the January 2nd, 2012 organizational board meeting is adjourned at 10:20AM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

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GAINES TOWN BOARD MEETING
Gaines, NY January 10, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 10th day of January 2012.

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

EXCUSED: None

OTHERS PRESENT: Marilyn Miller, Connie Mosher Jr., Henry Smith Jr., Gerry Culhane, Mary Jo Syck, Dean Pittman, John & Linda Goslau, Lorienda Smith, Pamela Lusk, Bill & Becky Reynolds, Carole Patterson, Christine Sartwell, Courtney Frazier, Mary Neilans, Lisa Mannella, David Thom, Mike Grabowski, Norma & Cheyanne Jacobs

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

RESOLUTION 11 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the December 13th, 2011 meeting are approved as submitted by the Town Clerk.

GAINES TOWN BOARD MEETING
Gaines, NY January 10, 2012

RESOLUTION 12 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the December 28th, 2011 meeting are approved with a correction on Page 5. The resolution was changed to 108-11. Kast was added to the list of board members that voted Aye to the resolution, making it a total of 5 members in favor of the motion.

RESOLUTION 13 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the January 2, 2012 meeting are approved with a correction on Page 2 changing resolution 2-12 to read for a period of 1 year not 6 months. On page 7 the salary of the Zoning Board of Appeals and Planning Secretary should read \$1700.00 per year.

GAINES TOWN BOARD MEETING
Gaines, NY January 10, 2012

RESOLUTION 14 -12

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the November 2011 Supervisor's Monthly report is approved as submitted by the Supervisor Lattin.

RESOLUTION 15 -12

APPROVAL OF ABSTRACTS

On a motion from

Councilperson Smith and seconded by Councilperson Kirby for General
Councilperson Smith and seconded by Councilperson Kirby for Highway
Councilperson Kast and seconded by Councilperson Smith for Water

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

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

General	Abstract # 1 - # 26	in the amount of \$ 22,663.55
Highway	Abstract # 1 - # 8	in the amount of \$ 19,274.55
Water 1	Abstract # 1 - # 3	in the amount of \$ 259.81

Supervisor Culhane presented the board with a more extensive version of a PUD (Planned Unit Development) to be considered with the zoning changes that have been on the table for the last few months. A short discussion followed.

GAINES TOWN BOARD MEETING
Gaines, NY January 10, 2012

RESOLUTION 16 -12

LOCAL LAW NO.1 OF 2012

RESOLUTION DULY ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, HELD ON THE 10TH DAY OF January, 2012 AT 7:30 P.M. IN THE GAINES TOWN HALL, RIDGE ROAD, ALBION, NEW YORK, AT WHICH THE FOLLOWING WERE:

PRESENT: Supervisor Culhane, Councilpersons Kirby, Kast, Syck, and Smith

ABSENT: None

Councilperson Smith moved the adoption of the following resolution; Councilperson Syck seconded the motion;

"RESOLVED, that Local Law No1 of the Year 2012 of the Town of Gaines, Orleans County, New York, being a local law "Amending the Zoning Ordinance of the Town of Gaines", 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; and, be it

FURTHER RESOLVED, that the Town Board shall conduct a public hearing to consider adoption of proposed Local Law No. 1 of the Year 2012 on the 31st day of January at 7:30 p.m. in the Gaines Town Hall, 14087 Ridge Road, Albion, New York 14411, at which time all persons wishing to be heard in favor or in opposition thereto shall be heard; and, be it

FURTHER RESOLVED, that the Town Clerk shall cause notice of said public hearing to be posted on the official signboard of the Town of Gaines and published in the Batavia Daily News, the official newspaper of the Town at least five (5) days prior to the date of said public hearing; and be it

FURTHER RESOLVED, that copies of the proposed amendments shall be referred to the Orleans County Planning Board for review and comment pursuant to GML 23 9-m prior to adoption; and be it

FURTHER RESOLVED, that the Town Board hereby retains Martin Environmental Service of Holley, New York to conduct the appropriate environmental review of the proposed amendments in accordance with the state environmental quality review act prior to adoption.

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

The following voted "No" in opposition thereto: None

The resolution was declared adopted.

GAINES TOWN BOARD MEETING
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Highway Superintendent explained to the board that Paul Chatfield, Town Engineer, sent a letter advising the board to accept the withdrawal of the contract from Shamrock Farm Fencing for the construction of the salt storage building. The round poles they were going to use no longer meet the required building codes. After a short discussion it was decided that the board would meet with the engineer on January 11, 2012 at 10:00 AM to further discuss the situation.

RESOLUTION 17 -12

APPROVAL FOR SUPERVISOR TO SIGN LEGAL SERVICES AGREEMENT WITH WEBSTER, SCHUBEL, AND MEIER,ESQ.

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

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

Resolved that Supervisor Culhane is authorized to sign the legal services agreement with Webster, Schubel, and Meier, Esq.

Supervisor Culhane reminded the board that the moratorium would be expiring on February 2, 2012.

Supervisor Culhane read the resignation letter of Robert McGaffick, Code Enforcement Officer. The resignation is effective no later than April 1, 2012.

RESOLUTION 18 -12

APPROVAL FOR SUPERVISOR TO ADVERTISE FOR CODE ENFORCEMENT OFFICER POSITION

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

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

Resolved that Supervisor Culhane is authorized to advertise for the position of Code Enforcement Officer.

GAINES TOWN BOARD MEETING
Gaines, NY January 10, 2012

RESOLUTION 19 -12

APPROVAL FOR SUPERVISOR TO ADVERTISE FOR THE ZONING BOARD OF APPEALS POSITIONS

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

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

Resolved that Supervisor Culhane is authorized to advertise for the Zoning Board of Appeals positions.

RESOLUTION 20 -12

APPROVAL FOR SUPERVISOR TO SIGN ORLEANS COUNTY ANIMAL CONTROL CONTRACT

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

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

Resolved that Supervisor Culhane is authorized to sign the 2012 Orleans County Animal Control Contract.

RESOLUTION 21 -12

APPROVAL FOR SUPERVISOR TO SEND AN APPRECIATION LETTER TO THE PLANNING BOARD MEMBERS

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

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

Resolved that Supervisor Culhane is authorized to send letters of appreciation to the planning board members.

GAINES TOWN BOARD MEETING
Gaines, NY January 10, 2012

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Marilynn Miller pointed out that the website needs to be updated with 2012 information.

Dean Pittman requested that the clerk's office have night and Saturday hours.

Lorienda Smith asked if the Legal Services Agreement would be available for public viewing. Supervisor Culhane told her it would be available through the FOIL process at the clerk's office.

Carol Patterson asked the board to consider making the lower level available for the public's use.

John Goslau expressed his appreciation for all the work the board does.

Henry Smith Jr. congratulated the newly elected board member and the new attorney. He asked the board if he could give monthly update regarding what the county legislature is working on and offered his help if the board needed anything.

RESOLUTION 22 -12

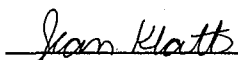
MOTION TO RECESS

With no further business, on a motion from Councilperson Kirby, seconded by Councilperson Syck the following resolution was

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

Resolved that the January 10, 2012 board meeting was recessed at 8:18 PM until January 11, 2012 at 10:00 AM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

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GAINES TOWN BOARD
RECESSED MEETING
Gaines, NY January 11, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 10th day of January 2012 at 7:30 PM and recessed at 8:18 PM. The meeting reconvened on January 11, 2012 at 10:00 AM.

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

EXCUSED: Susan Smith ----- Councilperson

OTHERS PRESENT: Paul Chatfield, Chatfield Engineers

Supervisor Culhane called the meeting to order at 10:01AM with the Pledge to the Flag.

Paul Chatfield explained to the board that the contractor who had bid on the salt storage building, Shamrock Farm Fencing was requesting that the board accept his withdrawal of the contract because the poles he was planning to use for construction no longer meet the current building codes. It was the recommendation of the engineer that the board accepts his withdrawal.

GAINES TOWN BOARD
RECESSED MEETING
Gaines, NY January 11, 2012

RESOLUTION 23 - 12**ACCEPT WITHDRAWAL OF SALT STORAGE BUILDING CONTRACT**

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

ADOPTED Ayes 4 Kast, Kirby, Culhane, Syck
 Nays 0

Resolved that the contract from Shamrock Farm Fencing is withdrawn.

Paul Chatfield informed the board that Shamrock Farm Fencing was requesting that the bid security of \$7245.00 that they had paid to the town be returned to them. Following a lengthy discussion on the bidding process and who had the responsibility of being sure that the bid was within building code regulations it was decided that the town would return only a portion of the money. The town feels that the responsibility was that of the engineers and of no fault of the town. It was determined that the town would incur \$5100.00 in additional expenses to bid the construction of the salt storage building a second time. The town decided that they would keep \$5100.00 from the bid security to cover the expenses. At that time Chatfield engineers agreed to lower their expenses by \$400.00 allowing those dollars to be returned to the bidder. The town agreed to return \$2545.00 to Shamrock Farm Fencing.

RESOLUTION 24 - 12**RETURN BID SECURITY**

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

ADOPTED Ayes 4 Kast, Kirby, Culhane, Syck
 Nays 0

Resolved \$2545.00 be returned to Shamrock Farm Fencing. If the expenses of bidding the Salt Storage Building are less than \$4700.00 the difference will be returned at a later date.

GAINES TOWN BOARD
RECESSED MEETING
Gaines, NY January 11, 2012

RESOLUTION 25 - 12
PERMISSION TO RE-BID SALT STORAGE BUILDING

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

ADOPTED Ayes 4 Kast, Kirby, Culhane, Syck
 Nays 0

Resolved that Chatfield Engineers has permission proceed to re-bid the salt storage building.

RESOLUTION 26 -12
MOTION TO RECESS

With no further business, on a motion from Councilperson Syck, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 4 Kast, Kirby, Culhane, Syck
 Nays 0

Resolved that the January 11, 2012 board meeting was adjourned at 10:45 AM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

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GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 14th day of February 2012.

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

EXCUSED: None

OTHERS PRESENT: Connie Mosher, Marilyn Miller, Brett Kast, Gary Davy, Jerry Culhane, David Thom, MaryJo Syck, Eileen Aina, Pat Aina, Bill Reynolds, Becky Reynolds, Mike Grabowski, Mary Neilans

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

RESOLUTION 23-12
EXECUTIVE SESSION

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

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

Resolved that the Town Board will enter into executive session at 7:32PM to discuss litigation.

GAINES TOWN BOARD MEETING

Gaines, NY February 14, 2012

RESOLUTION 24-12

REGULAR SESSION

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

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

Resolved that the Town Board will return to regular session at session at 7:40PM.

RESOLUTION 25 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the January 10th, 2012 meeting are approved as submitted by the Town Clerk.

RESOLUTION 26 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the January 11th, 2012 meeting are approved as submitted by the Town Clerk.

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

RESOLUTION 27 -12

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the December 2011 Supervisor's Monthly report is approved as submitted by the Supervisor Lattin.

RESOLUTION 28 -12

APPROVAL OF ABSTRACTS

On a motion from

Councilperson Smith and seconded by Councilperson Syck for General
Councilperson Smith and seconded by Councilperson Kirby for Highway
Councilperson Smith and seconded by Councilperson Syck for Water

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

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

General	Abstract # 27 - # 59	in the amount of \$ 17,488.38
Highway	Abstract # 9 - # 22	in the amount of \$ 8,136.52
Water 1	Abstract # 4 - # 10	in the amount of \$ 42,850.64

Attorney Meier gave an explanation of what had transpired at the Orleans County Planning Board meeting regarding the zoning changes including the PUD. The county denied the application on the grounds that it was incomplete. They said we were missing the SEQR part of the application referencing the PUD. At this time Attorney Meier explained that the moratorium had expired. He felt the best thing to do was to step back and take a look at the entire zoning ordinance as a whole. He said the town doesn't need to worry about large development coming in because the present zoning ordinance doesn't allow it at the present time.

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

RESOLUTION 29 -12

**SHARED SERVICES AGREEMENT WITH ORLEANS COUNTY HIGHWAY
DEPARTMENT**

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

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

Resolved that Supervisor Culhane is authorized to sign the shared services agreement with the Orleans County Highway Department providing snow, ice removal, and mowing on County Roads .

RESOLUTION 30 -12

APPOINT MEMERS TO THE ZONING BOARD OF APPEALS

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

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

Resolved that the following people are appointed to the Zoning Board of Appeals:
David Thom to fill the term of Douglas Syck. Term to expire 12-31-2013.
Marilynn Miller to fill the term of Carol Culhane. Term to expire 12- 31-2015.
Michael Grabowski to a five year term. Term to expire to 12-31-2016.

RESOLUTION 31 -12

APPOINT ZONING BOARD OF APPEALS CHAIRMAN

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

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

Resolved that Michael Grabowski is appointed as the Zoning Board of Appeals Chairman and Raymond Burke as Vice Chairman for the 2012 calendar year.

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

Supervisor Culhane announced that JCAP has awarded the court a grant of \$8,750.00 to build a new bench in the court room. Two more quotes are needed to award the job.

RESOLUTION 32 -12

ADOPT A CODE OF ETHICS

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

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

Resolved that the Town of Gaines has adopted the following Code of Ethics.

2/2012

Code of Ethics

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district¹ to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a code of ethics, and

WHEREAS, a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

NOW, THEREFORE, be it resolved that the Town Board of the Gaines New York hereby adopts a code of ethics to read as follows:

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

Code of Ethics of the Town of Gaines

Section 1. Purpose.

Officers and employees of the Town of Gaines hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Gaines Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 2. Definitions.

- (a) "Board" means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.
- (b) "Code" means this code of ethics.
- (c) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.
- (d) "Municipality" means Town of Gaines. The word "municipal" refers to the municipality.
- (e) "Municipal officer or employee" means a paid or unpaid officer or employee of the Town of Gaines including, but not limited to, the members of any municipal board.
- (f) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

Section 3. Applicability.

This code of ethics applies to the officers and employees of the Town of Gaines and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Gaines.

Section 4. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 5. Disclosure of interest in legislation and other matters.

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

Section 6. Recusal and abstention.

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:

(1) adoption of the municipality's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality; or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

(1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;

(2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

Section 8. Investments in conflict with official duties.

(a) No municipal officer or employee may acquire the following investments:

(1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or

(2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

(1) real property located within the municipality and used as his or her personal residence;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

(a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;

(b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;

(c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

(d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Section 10. Future employment.

(a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

(b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

(c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

Section 11. Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

(a) representing himself or herself, or his or her spouse or minor children before the municipality; or

(b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 12. Use of municipal resources

(a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of municipal resources authorized by law or municipal policy;

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

(2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 13. Interests in Contracts.

(a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

Section 14. Nepotism.

Except as otherwise required by law:

(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.

(b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

Section 15. Political Solicitations.

(a) No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

Section 16. Confidential Information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

Section 17. Gifts.

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

(f) This section does not prohibit any other gift, including:

- (1) gifts made to the municipality;
- (2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
- (3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
- (4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or
- (6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 18. Board of Ethics.

- (a) There is an Orleans County Board of Ethic established to be utilized by the townships if they prefer. The board of ethics consists of five members, who are not officers or employees of the municipality, but at least one of whom must be a municipal officer or employee.
- (b) The board of ethics shall render advisory opinions to the officers and employees of the Town of Gaines with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Town of Gaines.

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

Section 19. Posting and distribution.

- (a) The town of Gaines Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.
- (b) The town of Gaines Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Gaines.
- (c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Jean Klatt, Town Clerk who must maintain such acknowledgments as a public record.
- (d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 20. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Section 21. Effective date.

This code takes effect on February 14, 2012

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

Gary Davy addressed the board regarding Farm Labor Housing that Kast Farms would like to build on the corner of Lattin and Zig Zag Roads. He asked the board if there is anything special the boards needs in the site plan review? He informed them Kast Farms would be filing a formal Special permit application in the coming month.

RESOLUTION 33 -12

ELEARNING FOR ZONING BOARD AND TOWN BOARD

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

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

Resolved that the town board agrees to accept e-training if a certificate is provided and the number of credit hours earned can be verified.

RESOLUTION 34 -12

APPOINTMENT OF CODE ENFORCEMENT OFFICER

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

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

Resolved that Ronald Ebbs is appointed as the Code Enforcement Officer effective February 21, 2012 through December 31, 2012.

Superintendent Mannella addressed a letter the town had received from the Town of Barre regarding consolidating water and maintenance. After a short discussion the consensus of the board was that we make a profit in our water districts and the board is not interested in pursuing consolidating with any entity at this time. Supervisor Culhane will draft a letter to the Town of Barre explaining the discussion and consensus of the board at this time.

GAINES TOWN BOARD MEETING
Gaines, NY February 14, 2012

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Marilynn Miller thanked the board for the appointment to the zoning board of appeals and for the hard work that has been put forth with the Code of Ethics and website to bring the town into the 21st century.

Bill Reynold asked how he could obtain copies of town records. He was told to use the FOIL process at the clerk's office.

David Thom asked why the salt storage building was going to be re-bid. Superintendent Mannella explained that the original contractor could not meet the required building codes and that his deposit was not returned to cover the expense of re-bidding.

Connie Mosher asked what the time frame would be for the approval of the migrant housing. The board responded approximately 6 weeks from the time a formal application is submitted.

Marilynn Miller asked how many houses and workers the migrant housing would accommodate. She was told 1 house with approximately 32 workers.

RESOLUTION 35 -12

MOTION TO RECESS

With no further business, on a motion from Councilperson Syck, seconded by Councilperson Kirby the following resolution was

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

Resolved that the February 14, 2012 board meeting was adjourned at 8:25PM.

Respectfully Submitted,

Jean Klatt
Gaines Town Clerk

GAINES TOWN BOARD MEETING
Gaines, NY February 15, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 15th day of February 2012 at 10:00 AM.

PRESENT:	Carol Culhane	-----	Supervisor
	David Kast	-----	Councilperson
	James Kirby	-----	Councilperson
	Susan Smith	-----	Councilperson
	Douglas Syck	-----	Councilperson
	Jean Klatt	-----	Town Clerk

EXCUSED: None

OTHERS PRESENT: None

The Meeting was opened at 10:00 with the arrival of our 1st candidate to be interviewed.

The town board interviewed Alan Swindon, Scott Bradshaw, and Ronald Ebbs for the position of Code Enforcement Officer.

With no further business the February 15, 2012 board meeting was adjourned at 11:30AM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

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GAINES TOWN BOARD MEETING
 Gaines, NY March 13, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 13th day of March 2012.

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

OTHERS PRESENT: Gary Davy, Brett Kast, Mary Jo Syck ,Jerry Culhane, Tibbs Ahlberg, Dave Thom, Toby Hayes, Charlene Stillwell, Marilyn Miller, Connie Mosher, Sandra Brown, Donald Allport, Mary Neilans, Henry Smith Jr.

RESOLUTION 26 -12

RECONVENE MEETING

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

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

Resolved that 6:15 informal site plan review meeting will reconvene.

Supervisor Culhane called the recessed meeting from 6:15 PM, March 13th, 2012 to order at 7:30PM.

RESOLUTION 27 -12

APPROVAL OF MINUTES

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

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

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

Resolved that the January 2012 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

**RESOLUTION 29 -12
APPROVAL OF ABSTRACTS**

On a motion from

Councilperson Smith and seconded by Councilperson Syck for General
Councilperson Syck and seconded by Councilperson Kirby for Highway
Councilperson Syck and seconded by Councilperson Smith for Water

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

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

General	Abstract # 60 - # 82	in the amount of \$ 10,241.86
Highway	Abstract # 23 - # 34	in the amount of \$ 3,599.30
Water 1	Abstract # 11 - # 14	in the amount of \$ 2,635.76

**GAINES TOWN BOARD MEETING
Gaines, NY March 13, 2012**

Supervisor Culhane presented the board members with the research she has been doing regarding the cost per parcel that each town is paying for assessing services. She informed the board that bib packages were now available for the salt storage barn and that bids would be opened on 3/29 2012. She read a letter she had wrote to Mark Chamberlain, Town of Barre Supervisor, regarding consolidating water services. She also informed the public that Baldwin Associates had agreed to reduce the amount they were charging for payroll service after being informed of the price Paychecks would charge us.

Code Enforcement Officer, Ron Ebbs gave a report on his department, his new offices hours, and his background for the public's knowledge.

Councilperson Smith asked the Supervisor Culhane be allowed to turn in her expenses like all other town employees.

GAINES TOWN BOARD MEETING
Gaines, NY March 13, 2012

RESOLUTION 30-12

FINAL BUDGET MODIFICATION - WD #8

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on March 13, 2012, in the Gaines Town Hall at 7:30 p.m. at which the following were:

PRESENT: Supervisor Culhane, Councilpersons Smith, Syck, and Kirby

ABSENT: Councilperson Kast

Councilperson Kirby moved adoption of the following resolution;
 Council person Smith seconded the motion:

WHEREAS, the Town of Gaines developed the budget for the Water District No.8 project based on estimates for the costs for various administrative services and other expenses, and

WHEREAS, the actual costs for these items were more or less than the budgeted amounts, as follows:

Budget Item	Approved Budget	Increase (Decrease)	Modified Budget
Bonding	\$2,500.00	\$1,715.00	\$4,215.00
Net Interest	\$9,500.00	(8,872.97)	\$627.03
Land, ROW	\$1,000.00	(\$1,000.00)	\$0.00
Miscellaneous	\$3,500.00	(\$98.91)	\$3,401.09
Materials	\$6,415.92	(\$867.45)	\$5,548.47

RESOLVED that the Town Board hereby authorizes the adjustments to the budget line items as shown above and the transfer of the remaining funds to the Contingency; and be it

FURTHER RESOLVED that, upon release of RD grant funds for the remaining project expenses, the Town Board authorizes Rural Development to recapture the remainder of the grant funds allocated for this project.

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

The following voted "No" in opposition thereto:
 None

The resolution was deemed adopted.

Dated: March 13, 2012

Jean Klatt, Gaines Town Clerk

PRESENT: Supervisor Culhane, Councilpersons Smith, Syck and Kirby

ABSENT: Councilperson Kast

Councilperson Syck moved adoption of the following resolution;
Councilperson Smith seconded the motion:

"RESOLVED, that the Town Board of the Town of Gaines hereby approve amendment of the Bond Counsel Services agreement with the law firm of Orrick, Herrington & Sutcliffe, LLP, for Gaines Water District No.8, to provide that all Bond Counsel fees for such project shall not exceed \$4,215.00, in accordance with revised letter dated March 7,2012, copy of which is attached hereto; and be it

FURTHER RESOLVED, that the Town Supervisor is authorized to execute the amended Bond Counsel Proposal dated March 7, 2012 on behalf of Gaines Water District No.8."

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

The following voted "No" in opposition thereto:
None

The resolution was deemed adopted.

Dated: March 13,2012

Jean Klatt, Gaines Town Clerk

ABSENT: Councilperson Kast

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

RESOLVED, that the Town Board of the Town of Gaines hereby approve amendment of the Bond Counsel Services agreement with the law firm of Orrick, Herrington & Sutcliffe, LLP, for Gaines Water District No.9, to provide that all Bond Counsel fees for such project shall not exceed \$7,650.00, in accordance with revised letter dated March 7,2012, copy of which is attached hereto; and be it

FURTHER RESOLVED, that the Town Supervisor is authorized to execute the amended Bond Counsel Proposal dated March 7, 2012 on behalf of Gaines Water District No.9."

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

The following voted "No" in opposition thereto:
None

The resolution was deemed adopted.

Dated: March 13,2012

Jean Klatt, Gaines Town Clerk

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Toby Hayes asked if all of Gaines was zoned Ag/Residential. He was told most was but a small amount of the town is commercial. He asked why everyone doesn't pay a agricultural tax rate and how the property known as Kel-She that was supposed to be a housing development could now be farmland.

Marilynn Miller asked for an update from the meeting earlier in the evening. Supervisor Culhane explained that the Town Board held an informal site plan review for the Farm Labor Housing application from Kast Farms. The meeting was held as a courtesy to the public. Gary Davy answered questions on behalf of Kast Farms and the board determined that the application would not need to be referred to the Orleans County Planning Board.

GAINES TOWN BOARD MEETING
Gaines, NY March 13, 2012

RESOLUTION 32-12

FINAL BUDGET MODIFICATION - WD #9

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on March 13, 2012, in the Gaines Town Hall at 7:30 p.m. at which the following were:

PRESENT: Supervisor Culhane, Councilpersons Smith, Syck and Kirby

ABSENT: Councilperson Kast

Councilperson Syck moved adoption of the following resolution;
 Councilperson Smith seconded the motion:

WHEREAS, the Town of Gaines developed the budget for the Water District No.9 project based on estimates for the costs for various administrative services and other expenses, and

WHEREAS, the actual costs for these items were more or less than the budgeted amounts, as follows:

Budget Item	Approved Budget	Increase (Decrease)	Modified Budget
Bonding	\$5,350.00	\$2,300.00	\$7,650.00
Net Interest	\$7,500.00	(3,700.11)	\$3,718.89
Land, ROW	\$1,000.00	(\$735.00)	\$265.00
Miscellaneous	\$2,500.00	(\$419.79)	\$2,080.21
Materials	\$13,488.29	(\$4,033.82)	\$9,454.47

RESOLVED that the Town Board hereby authorizes the adjustments to the budget line items as shown above and the transfer of the remaining funds to the Contingency; and be it

FURTHER RESOLVED that, upon release of RD grant funds for the remaining project expenses, the Town Board authorizes Rural Development to recapture the remainder of the grant funds allocated for this project.

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

The following voted "No" in opposition thereto: None

The resolution was deemed adopted.

GAINES TOWN BOARD MEETING
Gaines, NY March 13, 2012

RESOLUTION 33-12

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on March 13, 2012, in the Gaines Town Hall at 7:30 p.m. at which the following were:

PRESENT: Supervisor Culhane, Councilpersons Smith, Syck and Kirby

ABSENT: Councilperson Kast

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

RESOLVED, that the Town Board of the Town of Gaines hereby approve amendment of the Bond Counsel Services agreement with the law firm of Orrick, Herrington & Sutcliffe, LLP, for Gaines Water District No.9, to provide that all Bond Counsel fees for such project shall not exceed \$7,650.00, in accordance with revised letter dated March 7, 2012, copy of which is attached hereto; and be it

FURTHER RESOLVED, that the Town Supervisor is authorized to execute the amended Bond Counsel Proposal dated March 7, 2012 on behalf of Gaines Water District No.9."

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

The following voted "No" in opposition thereto:
None

The resolution was deemed adopted.

Dated: March 13, 2012

Jean Klatt, Gaines Town Clerk

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Toby Hayes asked if all of Gaines was zoned Ag/Residential. He was told most was but a small amount of the town is commercial. He asked why everyone doesn't pay a agricultural tax rate and how the property known as Kel-She that was supposed to be a housing development could now be farmland.

Marilynn Miller asked for an update from the meeting earlier in the evening. Supervisor Culhane explained that the Town Board held an informal site plan review for the Farm Labor Housing application from Kast Farms. The meeting was held as a courtesy to the public. Gary Davy answered questions on behalf of Kast Farms and the board determined that the application would not need to be referred to the Orleans County Planning Board.

RESOLUTION 35 -12

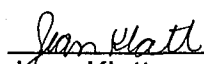
MOTION TO RECESS

With no further business, on a motion from Councilperson Syck, seconded by Councilperson Kirby the following resolution was

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

Resolved that the February 14, 2012 board meeting was adjourned at 8:25PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

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GAINES TOWN BOARD
SPECIAL MEETING
Gaines, NY April 4, 2012

A Special Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 4th day of April 2012 at 10:30 AM.

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

EXCUSED: Susan Smith ----- Councilperson

OTHERS PRESENT: Paul Chatfield, Chatfield Engineers


Supervisor Culhane called the meeting to order at 10:30AM with the Pledge to the Flag.

Paul Chatfield explained to the board that the town had received 2 bids for the salt storage building. A short discussion regarding size of the structure and asphalt vs. steel roofing material followed. Below is a copy of the Bid Tabulations.

**Bid Tabulation
for the
Town of Gaines Storage Building**

Item #	Description	Park Lane Construction and Development, Inc. 10269 Old Route 31 W Clyde, NY 14433	NewCal Construction, Inc. 10994 Tinkham Road Darien, NY 14040
		Amount	Amount
Base Bid	60' x 96' High Arch Gambrel Style Salt Storage Building	\$206,888.00	\$240,881.00
Base Bid Option 1	Add/Deduct for Addition/Deletion per 8 LF of length	\$12,500.00	\$16,000.00
Base Bid Option 2	Add Amount for 25' Wide Lean-To per LF of length	\$405.00	\$299.00
Base Bid Option 3	Add/Deduct per LF for 29 Gauge Steel Roof	(\$17.00)	\$0.00

I certify that this tabulation of Bids is a true representation
of the Bids received on March 29, 2012 for this project.

By: 
Paul R. Chatfield, P.E.

Cost Summary for a 104' Length Building with Steel Roof		Park Lane Construction and Development, Inc. 10269 Old Route 31 W Clyde, NY 14433	NewCal Construction, Inc. 10994 Tinkham Road Darien, NY 14040
Base Bid	60' x 96' High Arch Gambrel Style Salt Storage Building	\$206,888.00	\$240,881.00
Base Bid Option 1	Add for 8 additional LF (total length of 104')	\$12,500.00	\$16,000.00
Base Bid Option 3	Deduct per LF for 29 Gauge Steel Roof	(\$1,768.00)	\$0.00
Cost for Base Bid plus Options 1 and 3 =		\$217,620.00	\$256,881.00

Cost Summary for a 112' Length Building with Steel Roof		Park Lane Construction and Development, Inc. 10269 Old Route 31 W Clyde, NY 14433	NewCal Construction, Inc. 10994 Tinkham Road Darien, NY 14040
Base Bid	60' x 96' High Arch Gambrel Style Salt Storage Building	\$206,888.00	\$240,881.00
Base Bid Option 1	Add for 16 additional LF (total length of 112')	\$25,000.00	\$32,000.00
Base Bid Option 3	Deduct per LF for 29 Gauge Steel Roof	(\$1,904.00)	\$0.00
Cost for Base Bid plus Options 1 and 3 =		\$229,984.00	\$272,881.00

GAINES TOWN BOARD
SPECIAL MEETING
Gaines, NY April 4, 2012

RESOLUTION 36 - 12

ACCEPT BID FOR SALT STORAGE BUILDING CONTRACT

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

ADOPTED Ayes 4 Kast, Kirby, Culhane, Syck
 Nays 0

Resolved that Park Lane Construction is awarded the Salt Barn construction project. The town is choosing the base bid with options 1 & 3 for a total project cost of \$229,984.00.

Supervisor Culhane presented the board with 3 bids that were received for the 2012 lawn mowing season. Following a short discussion it was decided that the lowest bidder would be awarded the contract.

RESOLUTION 37 - 12

LAWN MOWING CONTRACT OF 2012

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

ADOPTED Ayes 4 Kast, Kirby, Culhane, Syck
 Nays 0

Resolved that Supervisor Culhane is authorized to sign the lawn mowing contract with Richard Nenni. Richard Nenni is awarded the 2012 Lawn Mowing contract as agreed to in the terms of the Lawn Mowing Contract.

GAINES TOWN BOARD
SPECIAL MEETING
Gaines, NY April 4, 2012

RESOLUTION 38 -12

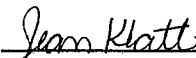
MOTION TO RECESS

With no further business, on a motion from Councilperson Syck, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 4 Kast, Kirby, Culhane, Syck
 Nays 0

Resolved that the April 4, 2012 town board meeting was adjourned at 10:47 AM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

GAINES TOWN BOARD MEETING
Gaines, NY April 10, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 10th day of April 2012.

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

EXCUSED: none

OTHERS PRESENT: Lorienda and Henry Smith Jr., Marilyn Miller, Mary Jo Syck, Gerry Culhane, Mary Neilans, David Thom, David Allchin, Ron Ebbs, Tibbs Ahlberg

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

RESOLUTION 39 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the March 13th, 2012 meeting are approved as submitted by the Town Clerk.

GAINES TOWN BOARD MEETING
Gaines, NY April 10, 2012

RESOLUTION 40 -12

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the February 2012 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 41 -12

APPROVAL OF ABSTRACTS

On a motion from

Councilperson Smith and seconded by Councilperson Kast for General
 Councilperson Kast and seconded by Councilperson Kirby for Highway
 Councilperson Syck and seconded by Councilperson Smith for Water

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

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

General	Abstract # 83 - # 126	in the amount of \$ 71,243.67
Highway	Abstract # 35 - # 44	in the amount of \$ 4,142.12
Water 1	Abstract # 15 - # 18	in the amount of \$ 885.83

GAINES TOWN BOARD MEETING
Gaines, NY April 10, 2012

RESOLUTION 42 -12

Courtroom Bench Construction

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

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

Resolved that the construction of a new courtroom bench is awarded to Gary DeFillips. The project will be funded through the JCAP grant.

Supervisor Culhane told the audience that a special meeting had been held on April 4, 2012 and the Salt Barn Construction project had been awarded to Park Lane Construction at that time. Construction is expect to begin in approximately 3 weeks.

Code Enforcement Officer presented the board with a summary of his activities for the month of March.

RESOLUTION 43 -12

Truck Sale

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

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

Resolved that Superintendent Mannella is authorized to proceed with the sale of a 1995 truck. He will work with Attorney Meier to create the proper legal ad.

Superintendent Mannella informed the board that one of the trucks may need a new transmission.

GAINES TOWN BOARD MEETING
Gaines, NY April 10, 2012

RESOLUTION 44 -12

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the GainesTown Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title Elected Official	Name Registration # Social Security #	Standard Work Day Hrs/Day	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on record of activities)
Highway Superintendent	Ronald Mannella 3510096-5 XXX-XX-XXXX	8	01/01/2012 to 12/31/2051	N	25.64

On this 10th day of April, 2021

Date enacted: April 10th, 2012

(Signature of clerk)

I, Jean M. Klatt, clerk of the governing board of the Town of Gaines, of
(Name of Employer)

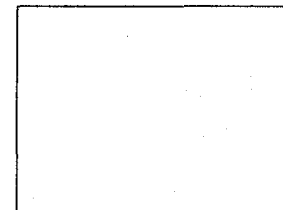
the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 10th day of April, 2012 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the

Town of Gaines

(Name of Employer)



(seal)

GAINES TOWN BOARD MEETING
Gaines, NY April 10, 2012

Resolution 45 - 12

Resolution duly adopted at a regular meeting of the Gaines Town Board held on April 10, 2012 at 7:30 p.m., at which meeting the following were:

PRESENT: Carol Culhane, Supervisor
Susan Smith,
Councilman
Doug Syck,
Councilman
David Kast,
Councilman
James Kirby,
Councilman

ABSENT: None

Councilman Kast, moved the adoption of the following resolution; Councilman Syck ,
seconded the motion;

RESOLVED, that in accordance with the sequential filing requirements of the NYS
Department of State, Local Law No.1 of the Year 2010, entitled "The Dog Control Law of
the Town of Gaines", duly adopted by the Gaines Town Board on December 14,2010, be and the
same is hereby re-designated as Local Law No. 1 of the Year 2012 of the Town of Gaines for
purposes of filing.

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

Culhane, Kirby, Kast, Syck, Smith

The following voted "No" in opposition thereto: none.

The resolution was declared adopted.

Dated: April 10,2012

Gaines Town Board

GAINES TOWN BOA MEETING
 GAINES TOWN BOARD MEETING
 Gaines, NY April 10, 2012

Councilperson Kast update the public on water district #10. He explained that once the DEC gives final approval the project will go to bid and construction will begin this summer.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Henry Smith Jr. asked if there were any plans to reinstate a planning board. Supervisor Culhane responded that there were no thoughts of that at this time. He asked what the Supervisor's report was. Clerk Klatt explained that it was the monthly financial statement that was prepared by our accounting firm. Lastly Mr. Smith asked what the abstracts were and was told it was a summary report of the monthly bills to be approved for payment.

Lorienda Smith inquired as to where the monies being saved as a result of our mild winter would be used. Superintendent Mannella explained that the state requires us to purchase 75% of the salt we requested 1 year in advance regardless of the weather conditions and some of the savings would be used toward the salt storage building.

RESOLUTION 46 -12

MOTION TO RECESS

With no further business, on a motion from Councilperson Kirby, seconded by Councilperson Syck the following resolution was

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

Resolved that the April 10, 2012 board meeting was adjourned at 7:59 PM.

Respectfully Submitted,


 Jean Klatt
 Gaines Town Clerk

GAINES TOWN BOARD MEETING
Gaines, NY May 8, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 8th day of May 2012.

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

EXCUSED: none

OTHERS PRESENT: Henry Smith Jr., Mary Jo Syck, Gerry Culhane, David Thom, Ray Burke, Ron Ebbs, Tibbs Ahlberg

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

RESOLUTION 47 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the April 4th, 2012 meeting are approved as submitted by the Town Clerk.

GAINES TOWN BOARD MEETING
Gaines, NY May 8, 2012

RESOLUTION 48 -12
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the April 10th, 2012 meeting are approved as submitted by the Town Clerk.

RESOLUTION 49 -12
APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the March 2012 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 50 -12
APPROVAL OF ABSTRACTS

On a motion from

Councilperson Smith and seconded by Councilperson Kirby for General
Councilperson Smith and seconded by Councilperson Syck for Highway
Councilperson Smith and seconded by Councilperson Syck for Water

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

Resolved that the bills on abstract #5 will be paid as presented.

General	Abstract #	109, 118 & 128 -151	in the amount of \$ 6,569.85
Highway	Abstract #	47 - #58	in the amount of \$ 3,543.48
Water 1	Abstract #	19 - #23	in the amount of \$41,040.73

GAINES TOWN BOARD MEETING
Gaines, NY May 8, 2012

RESOLUTION 51 -12

Truck Sale

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

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

Resolved that Keeler Construction is awarded the bid to purchase a 1995 Ford L-9000 dump truck w/CAT3406 for \$18,600.00.

RESOLUTION 52 -12

Authorize Gaines WD#10 Project to Bid

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

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

Resolved that Gaines Water District #10 is authorized to go to bid.

RESOLUTION 53 -12

Authorize Insurance for the Salt Barn

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

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

Resolved that the Town of Gaines will contact Orleans agency to add \$250,000.00 of insurance to cover the salt storage building.

**TOWN OF GAINES
ORLEANS COUNTY, NEW YORK**

EXTRACT OF MINUTES

A meeting of the Town Board of the Town of Gaines, Orleans County, New York (the "Town") was convened in public session at the Town Hall in the Town, on May 8, 2012, at 7:30 o'clock p.m., local time.

The meeting was called to order by Supervisor Carol Culhane, and, upon roll being called, the following members were:

PRESENT:

Carol E. Culhane, Supervisor
David Kast, Councilperson
James Kirby, Councilperson
Susan Smith, Councilperson
Douglas Syck, Councilperson

ABSENT:

None

ALSO PRESENT:

Jean Klatt, Town Clerk
Andrew W. Meier, Attorney

The following resolution was offered by Councilperson Smith, and seconded by Councilperson Syck to wit:

GAINES TOWN BOARD MEETING
Gaines, NY May 8, 2012

**RESOLUTION 54-12 DATED MAY 8, 2012 OF THE
TOWN BOARD OF THE
TOWN OF GAINES
ORLEANS COUNTY, NEW YORK
(THE "TOWN")**

WHEREAS, the Internal Revenue Service has issued new regulations requiring issuers of tax-exempt obligations to certify on Form 8038-G that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

WHEREAS, the Town is an occasional issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of preferential tax status of those obligations; and

WHEREAS, it is therefore in the best interest of the Town to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed;

NOW THEREFORE, BE IT RESOLVED, that Town hereby adopts the interim post-issuance compliance procedures attached hereto as "Schedule A" and resolves to be governed thereby; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon its adoption.

Schedule A

- a. **Purpose:** The purpose behind implementation of post-issuance compliance procedures is to ensure that the Town is compliant with federal tax law requirements related to its outstanding tax-exempt obligations for the life of the obligations.
- b. **Compliance Officer Designation, Education and Training:** The Town will designate a "Compliance Officer" who will be the primary official responsible for monitoring post-issuance compliance with federal tax laws. The Compliance Officer will attend training and educational seminars at least annually at the law firm of Hodgson Russ and will consult with bond counsel as needed to keep current on IRS regulations and developments relating to post-issuance compliance for its obligations. The Town's designated Compliance Officer is Andrew W. Meier, Town Attorney.

GAINES TOWN BOARD MEETING
Gaines, NY May 8, 2012

- c. Record Retention and Due Diligence Review: The Compliance Officer is responsible for thorough record retention of all material documents relevant to the issuance of the Town's tax-exempt obligations including, but not limited to, the transcript of proceedings, closing binder, bond counsel opinion, tax certificate, IRS-required filings, records of investments and expenditures made with proceeds, documents pertaining to existing or potential private and public use of bond-financed property, etc. The Compliance Officer will conduct due diligence review of these documents both upon receipt and at regular intervals throughout the life of the obligation.
- d. Monitoring Compliance: Compliance Officer will monitor use of proceeds and arbitrage restrictions through implementation of accounting methods and consultation with bond counsel and a rebate consultant when necessary.
- e. Correcting Potential Non-Compliance: Upon discovery of potential or existing non-compliance with post-issuance tax laws, Compliance Officer will promptly take steps, including consultation with bond counsel, to correct such non-compliance.

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

AYES:

*Carol E. Culhane,
David Kast
James Kirby
Susan Smith
Douglas Syck*

NOES:

None

ABSENT: *None*

The resolution was thereupon declared duly adopted.

GAINES TOWN BOARD MEETING
Gaines, NY May 8, 2012

CERTIFICATE OF TOWN CLERK

The undersigned hereby certifies that:

1. The undersigned is the duly qualified and acting Town Clerk of the Town of Gaines, Orleans County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

2. A meeting of the Town Board of the Town (the "Town Board") was duly convened and held on May 8, 2012, and minutes of the meeting have been duly recorded in the minute book kept by me in accordance with law for the purpose of recording the minutes of meetings of the Town Board.

3. I have compared the attached extract with the recorded minutes and the extract is a true, correct and exact copy of the minutes and of the whole thereof insofar as the minutes relate to the subject matters referred to in the extract.

4. The extract of minutes correctly states the members of the Town Board who attended and voted at the meeting.

5. Such resolution was duly adopted in all respects in accordance with law and the regulations of the Town and has not since been rescinded, revoked, annulled or modified and is in full force and effect. A legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, such regulations, or otherwise, incident to such meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

6. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has executed this certificate as of
May 9th, 2012.

(SEAL)

Jean Klatt
Town Clerk

AINES TOWN BOAMEETING

GAINES TOWN BOARD MEETING
Gaines, NY May 8, 2012

RESOLUTION 55 -12

Authorize Formation of Special Advisory Board & Appoint Chairman of Special Board for Comprehensive Plan Revisions

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

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

Resolved that the Town of Gaines has established a special advisory board for comprehensive plan revisions. Michael Grabowski will serve as the chairperson of the special board.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Henry Smith Jr. informed the board that Orleans County had been awarded \$120,000.00 to upgrade the Marine Park.

RESOLUTION 56-12

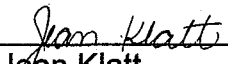
MOTION TO RECESS

With no further business, on a motion from Councilperson Syck, seconded by Councilperson Smith the following resolution was

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

Resolved that the May 8, 2012 board meeting was adjourned at 7:51PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

GAINES TOWN BOARD MEETING
Gaines, NY June 12, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 12th day of June 2012.

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

EXCUSED: None

OTHERS PRESENT: Jerry Culhane, Mike Grabowski, John Goslua, Marilyn Miller, Mary Jo Syck, David Thom, Ray Burke, Ron Ebbs, Henry Smith Jr., Tibbs Ahlberg, Mary Neilans

RESOLUTION 59 -12
RECONVENE MEETING

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

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

Resolved that 6:30PM the town board meeting held at 6:30 on June 12th, 2012 will reconvene.

Supervisor Culhane called the recessed meeting from 6:30 PM, June 12th, 2012 to order at 7:30PM on June 12th, 2012.

GAINES TOWN BOARD MEETING
Gaines, NY June 12, 2012

RESOLUTION 60 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the May 8th, 2012 meeting are approved as submitted by the Town Clerk.

RESOLUTION 61 -12

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the April 2012 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 62-12

APPROVAL OF ABSTRACTS

On a motion from

Councilperson Kast and seconded by Councilperson Syck for General
Councilperson Kirby and seconded by Councilperson Kast for Highway
Councilperson Kast and seconded by Councilperson Kirby for Water

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

Resolved that the bills on abstract #6 will be paid as presented.

General	Abstract # 152 - # 181	in the amount of \$ 248,519.58
Highway	Abstract # 59 - # 69	in the amount of \$ 5,408.83
Water 1	Abstract # 24 - # 29	in the amount of \$ 1,722.92

GAINES TOWN BOARD MEETING
Gaines, NY June 12, 2012

RESOLUTION 63 -12

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Gaines Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title Elected Official	Name Registration # Social Security #	Standard Work Day Hrs/Day	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on record of activities)
Town Clerk	Jean Klatt 4195719-2 xxx-xx-xxxx	6	01/01/2010 to 12/31/2013	N	24.33
Highway Superintendent	Ronald Mannella 3510096-5 xxx-xx-xxxx	8	01/01/2008 to 12/31/2011	N	26.71
Court Clerk	Marita Dumrese 42670893 xxx-xx-xxxx	6	12/15/2008 to present	Y	
Deputy Clerk	Mary Pettit 5002425-6 xxx-xx-xxxx	6	02/01/2010 to present	Y	

On this 12th day of June, 2012

Date enacted: June 12th, 2012

(Signature of clerk)

I, Jean M. Klatt, clerk of the governing board of the Town of Gaines, of

(Name of Employer)

the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 12th day of June, 2012

on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the

Town of Gaines

(Name of Employer)

(seal)

GAINES TOWN BOARD MEETING
Gaines, NY June 12, 2012

Supervisor Culhane informed the board that water district #10 was now open for bids as of June 11, 2012 and that the bid opening would be held on July 9, 2012.

Supervisor Culhane told the public she had met with the town attorney, Andrew Meier, to review his contract. Andrew expressed his pleasure for working with the town and is very happy with his rate.

Supervisor Culhane reported that we are moving forward with the JCAP grant to renovate the court room bench. Construction is scheduled to begin in June.

Supervisor Culhane told the board she had attended a training where she had learned that the Zoning Board of Appeals can be authorized by the town board to take on the additional responsibilities of site plan review and issuing special use permits. She presented the board with an opinion from the Association of Town's attorney supporting the issue. Councilperson Kast said he is in favor of two separate boards allowing more residents to be involved in the government process. Councilperson Syck spoke in favor of streamlining government and saving money. Councilperson Smith is in favor on the idea. Councilperson Kirby asked the attorney if there would be a conflict of interest if the party needed a zoning variance and a special use permit. Attorney Meier stated that the Association of Town's had determined it not to be a problem. The discussion was tabled to allow for more research on the matter.

RESOLUTION 64 -12

Apply for LGPEP Grant

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

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

Resolved that Supervisor Culhane is authorized to apply for a LGPEP grant.

Code Enforcer, Ron Ebbs, explained that he is receiving complaints about vacant properties. He feels they are a health and safety issue and would like to proceed with the cleaning up of the properties. Attorney Meier is going to look into the process and verify that zoning regulations to proceed are in order.

GAINES TOWN BOARD MEETING
Gaines, NY June 12, 2012

RESOLUTION 65-12

Pictometry

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

DENIED

ROLL CALL	Councilperson Smith	Nay
	Councilperson Syck	Nay
	Councilperson Kirby	Nay
	Councilperson Kast	Nay
	Supervisor Culhane	Nay

Ayes 0
Nays 5

Resolved that the Town of Gaines will not be participating in the Pictometry Program for Orleans County.

Henry Smith informed the board that on June 19th, 2012 at the supervisor/legislature's meeting, Verizon will be giving a presentation about countywide cable access. The meeting will be held at the Village Inn at 6:30PM.

Mike Grabowski updated the board on the comprehensive review advisory committee status. Five members have been selected and two more will be in place before the first meeting on Monday, June 18th, 2012 at 7:00PM. The meeting will be every other Monday until the process is complete.

Privilege From The Floor

Henry Smith Jr. asked why we have two salt barns. Ron Mannella responded one was for pure salt and the second was for a salt mixture. He also asked why the board would consider tasking the ZBA with additional duties after they had dissolved the planning board. Supervisor Culhane responded that because both boards were slow it isn't necessary to have two boards.

GAINES TOWN BOARD MEETING
Gaines, NY June 12, 2012

RESOLUTION 66 -12

MOTION TO RECESS

With no further business, on a motion from Councilperson Smith, seconded by Councilperson Syck the following resolution was

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

Resolved that the June 12, 2012 board meeting was adjourned at 8:36PM.

Respectfully Submitted,

Jean Klatt
Gaines Town Clerk

GAINES TOWN BOARD MEETING
Gaines, NY July 10, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 10th day of July 2012.

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

EXCUSED: None

OTHERS PRESENT: Jerry Culhane, Marilyn Miller, Mary Jo Syck, David Thom, Ray Burke, Henry Smith Jr., Tibbs Ahlberg, Mary Neilans, Sandra Brown, David Thom

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

A public hearing was held at 7:30PM for a special use permit. (See planning minutes dated 7/10/2012.) The regular town board meeting immediately followed the planning portion of the meeting.

RESOLUTION 67 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the June 12th, 2012 meeting are approved as submitted by the Town Clerk.

GAINES TOWN BOARD MEETING
Gaines, NY July 10, 2012

RESOLUTION 68 -12

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the May 2012 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 69 -12

TRANSFER OF BUDGET FUNDS

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

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

Resolved that the budget transfer are approved as presented as follows.

TOWN OF GAINES

PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 07/10/12 MEETING:

<u>GENERAL FUND - TOWNWIDE</u>			
<i>Transfer From:</i>	A1990.4	Contingency	\$ 300.00
		Unanticipated Revenue	
	A2770	Miscellaneous	\$ 302.00
			\$ 602.00
		TOTAL	602.00

<i>Transfer To:</i>	A1440.4	Engineering Contr - Intergrow	\$ 302.00
	A1670.4	Central Printing Contr	\$ 300.00
			<hr/>
TOTAL			\$
:			<u>602.00</u>

WATER DISTRICT #2

<i>Transfer From:</i>		Unanticipated Revenue	
	SW2770	Miscellaneous	\$
			270.34
TOTAL			\$
			<u>270.34</u>

<i>Transfer To:</i>	SW1990.4	Contingency	\$
			270.34
TOTAL			\$
:			<u>270.34</u>

WATER DISTRICT #6

<i>Transfer From:</i>	SW8310.2	Admin Equipment	\$
			307.00
TOTAL			\$
:			<u>307.00</u>

<i>Transfer To:</i>	SW8310.1	Admin Personal Services	\$
			307.00
TOTAL			\$
:			<u>307.00</u>

GAINES TOWN BOARD MEETING
 Gaines, NY July 10, 2012

RESOLUTION 70-12
APPROVAL OF ABSTRACTS

On a motion from

Councilperson Smith and seconded by Councilperson Syck for General
 Councilperson Kast and seconded by Councilperson Kirby for Highway
 Councilperson Kast and seconded by Councilperson Smith for Water

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

Resolved that the bills on abstract #7 will be paid as presented.

General	Abstract # 182 - # 211	in the amount of \$ 23,431.27
Highway	Abstract # 70 - # 76	in the amount of \$ 77,304.77
Water 1	Abstract # 30 - # 32	in the amount of \$ 211.36

RESOLUTION 71-12

**A LOCAL LAW DELEGATING CERTAIN ZONING AND PLANNING FUNCTIONS
 TO THE ZONING BOARD OF APPEALS**

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

ROLL CALL	Smith	Aye
	Syck	Aye
	Kirby	Aye
	Kast	Aye
	Culhane	Aye

Resolved that a public hearing will be held on August 14, 2012 for the purpose of considering delegating certain zoning and planning duties to the zoning board of appeals.

GAINES TOWN BOARD MEETING
Gaines, NY July 10, 2012

RESOLUTION 72 -12

AWARD WATER DISTRICT #10 CONTRACTOR'S BID

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

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

Resolved that the Town of Gaines is accepting the base bid (\$621,042.50) from Morsch Pipeline, Inc. for a total of \$621,042.50, and awarding the Contract to them for the construction of WD #10. The board is taking no action on Alternate B at this time.

RESOLUTION 73 -12

REASSESSMENT OF 2013

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

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

Resolved that the assessor for the Town of Gaines is hereby authorized to undertake and implement a reassessment of the 2013 tax roll.

RESOLUTION 74 -12

RESIGNATION OF CEO, RONALD EBBS

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

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

Resolved that the resignation of CEO, Ronald Ebbs, effective July 27, 2012 is excepted with regrets.

GAINES TOWN BOARD MEETING
Gaines, NY July 10, 2012

RESOLUTION 75 -12

APPLY FOR JCAP 2013 GRANT

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

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

Resolved that Judge Schmidt is authorized to apply for the 2013 JCAP Grant.

RESOLUTION 76-12

APPOINT DANIELLE FERA DEPUTY TOWN CLERK

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

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

Resolved that the Danielle Fera is appointed as Deputy Town Clerk through 12/31/2012 at rate of \$9.00 per hour.

Henry Smith informed the board that he had attended a meeting regarding the extension of route 531.

Ray Burke updated the board on the comprehensive review advisory committee status. They have held 2 meetings thus far and have begun collecting data to further the study. Councilperson Kast asked for the committee to provide a list of the committee members to the board.

RESOLUTION 77-12

MOTION TO MOVE INTO EXECUTIVE SESSION

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

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

Resolved that the town board will move into executive session for a legal matter.

GAINES TOWN BOARD MEETING
Gaines, NY July 10, 2012

Privilege From The Floor

Marilynn Miller asked what planning minutes had been approved at the beginning of the planning portion of the meeting. Supervisor Culhane explained they were the minutes from June 12, 2012 planning meeting.

Marilynn Miller asked what were the transfers that were passed earlier in the meeting. Clerk Klatt explained the two times per year transfers are done to balance each budget line.

RESOLUTION 78-12

MOTION TO MOVE INTO REGULAR SESSION

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

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

Resolved that the town board will move into executive session for a legal matter.

RESOLUTION 79 -12

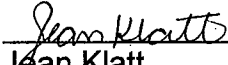
MOTION TO ADJOURN

With no further business, on a motion from Councilperson Smith, seconded by Councilperson Kirby the following resolution was

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

Resolved that the July 10, 2012 board meeting was adjourned at 8:57PM.

Respectfully Submitted,



 Jean Klatt
 Gaines Town Clerk

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GAINES TOWN BOARD MEETING
 Gaines, NY August 1, 2012

A Special Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 1st day of August 2012.

PRESENT:	Carol Culhane	-----	Supervisor
	James Kirby	-----	Councilperson
	Susan Smith	-----	Councilperson
	Douglas Syck	-----	Councilperson
	David Kast	-----	Councilperson
	Jean Klatt	-----	Town Clerk

EXCUSED: None

OTHERS PRESENT: None

Supervisor Culhane called the meeting to order at 10:00AM with the Pledge to the Flag.

The Town Board met to conduct 5 interviews to fill the position of Code Enforcement Officer. They interviewed:

Daniel Wolfe	10:01AM - 10:34AM
Greg Martin	10:53AM - 11:10AM
Steve Watkins	11:11AM - 11:21AM
David Allchin	10:35AM - 10:52AM
Roger Kopas	11:22AM - 11:50AM

After a short discussion the board agreed to think about the interviews for a few days before proceeding any further.

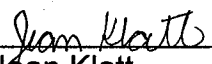
MOTION TO ADJOURN

With no further business, on a motion from Councilperson Smith, seconded by Councilperson Kirby the following resolution was

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

Resolved that the August 1st, 2012 board meeting was adjourned at 12:20PM.

Respectfully Submitted,



 Jean Klatt
 Gaines Town Clerk

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GAINES TOWN BOARD MEETING
 Gaines, NY August 14, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 14th day of August 2012.

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

EXCUSED: None

OTHERS PRESENT: Jerry Culhane, Marilyn Miller, David Thom, Ray Burke, Henry Smith Jr., Mary Neilans, John and Connie Mosher, Dave Allchin, Lorraine Oakley, John Goslua, Robert Albanese, Gary Davy, Rich Beam, Walter Jakubowski, Gretchen Sepik, Edward Stuber, Mike Grabowski, Tom Rivers, Jim and Joy Rodas, Loretta Long, Mary Pettitt, Danielle Fera, Jim Theodorakos, Lorienda Smith

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

LEGAL NOTICE

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Gaines, Town Hall, 14087 Ridge Road, Albion, New York 14411, on Tuesday, August 14, 2012 at 7:30 P.M., on the adoption of a Local Law known as A Local Law Delegating Certain Zoning and Planning Functions to the Zoning Board of Appeals, which may be summarized as follows:

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

PUBLIC NOTICE

This local law provides for the delegation of authority to review and approve site plans and special use permits to the Zoning Board of Appeals. Section 2 authorizes the Zoning Board of Appeals to review and approve site plans. Section 3 authorizes the Zoning Board of Appeals to grant special use permits. Section 5, 6 and 7 amend the Town Zoning Ordinance to reflect the delegation of authority to the Zoning Board of Appeals. Section 7 provides for the supersession of Section 267-a of the Town Law.

A copy of the complete text of the proposed local law is available for inspection at the Town Clerk's Office, Town of Gaines.

At such public hearing all persons, either for or against the same, shall be heard.

Jean Klatt
Town Clerk
Town of Gaines

Supervisor Culhane opened the public hearing at 7:32PM. The following residents addressed the board:

Gary Davy is concerned that there is not a member from the farming community on the ZBA. Will the local law be going to the County for review? He is concerned that only 5 community members will be making decisions and the work load could be large.

Lorraine Oakley is this legal according to the County Charter? Is this being proposed because it is too much work for the town board and maybe the board thinks it was a mistake to dissolve the planning board and this is the remedy? How will due process be handled if there is no board to appeal too? She feels the ZBA will be the judge and jury.

Connie Mosher is in favor of proceeding because zoning board is already in place. It is being done in other towns and is legal. It will streamline and consolidate things.

Lorraine Oakley What towns have done this?

Andrew Meier, Town Attorney addressed the questions. The County doesn't have jurisdiction over the town in this matter. He explained that the ZBA handles issues from the Code Officer and that if someone doesn't agree with the findings of a site plan review or a special use permit the residents recourse is to fill an article 78. He stated that several towns in Central NY have give these 2 duties to the ZBA.

Lorraine Oakley feels the ZBA is too inexperienced to take on the extra duties and the same people are on the Comprehensive Plan Committee. She thinks the residents are losing their rights.

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

Dave Allchin stated that in the past he felt that it was the same people doing everything so he doesn't see the difference now.

John Mosher this appears to be consolidation and very efficient. He feels the old planning board had plenty of time to implement their plan and the ZBA should have the same courtesy. He feels new ideas and new people are a good thing.

Lorraine Oakley 1 person filing an Article 78 would eat up any savings the consolidation creates.

Henry Smith Jr. What is the advantage of no planning board if the ZBA is going to take over the duties?

Andrew Meier responded that this is not a public hearing to about abolishing the planning board. That was done in January 2012. This public hearing is to transfer the duties of special use permit and site plan review from the town board to the ZBA.

Marilynn Miller said she has attended most planning and town board meetings for the past 4 to 5 years and the planning board used to meet monthly sometimes for only 20 minutes. This was costly to the taxpayer. Since January there have been very few issues and no need for a meeting. She feels the old board would have met anyway wasting taxpayers' dollars.

Lorraine Oakley stated in all fairness there were a lot of big issues to deal with last year and this year has been quiet.

Ed Stueber likes the idea because of the bad economy and he thinks it will lower his taxes.

Connie Mosher doesn't understand why the ZBA taking on additional duties is taking away residents rights? She thinks we should go ahead with the idea.

Marilynn Miller thinks if residents want to exercise their rights they should come to meeting, but few people do.

Lorienda Smith said she has been coming to meetings for many years and most of the time she was the only resident present.

Lorraine Oakley again asked if we were not losing our rights to appeal. The attorney responded no.

Lorienda Smith asked if the Code Officer was still Ron Ebbs.

Mike Grabowski clarified that ZBA reviews issues from code enforcement and a negative site plan review or special use permit would be handled by the resident filing an Article 78.

With no further from the public the public hearing closed at 7:59 PM.

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

RESOLUTION 80 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the July 10th, 2012 meeting are approved as submitted by the Town Clerk with the addition of the name Kast on page 6 stating Councilperson Kast asked for a list of Comprehensive Review Committee Members names.

RESOLUTION 81 -12

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the June 2012 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 82 -12

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Kirby and seconded by Councilperson Kast
Highway Councilperson Syck and seconded by Councilperson Smith
Water Councilperson Kast and seconded by Councilperson Kirby

ADOPTED Ayes 5
 Nays 0

Resolved that the bills on abstract #8 will be paid as presented.

General	Abstract # 212 - # 240	in the amount of \$ 14,297.42
Highway	Abstract # 77 - # 91	in the amount of \$ 40,213.10
Water 1	Abstract # 34 - # 38	in the amount of \$ 53,758.22

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

Local Law Filing

New York State Department of State

99 Washington Avenue, Albany, NY

12231

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

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

County

City

of Gaines, Orleans County, New York

Town

Village

Local Law No. 2 of the year 2012.

A local law known as A Local Law Delegating Certain Zoning and Planning Functions
to the Zoning Board of Appeals

(Insert Title)

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

County

City

of Gaines, Orleans County, New York as follows:

Town

Village

A Local Law Delegating Certain Zoning and Planning Functions to the Zoning Board of Appeals

Section 1. The purpose of this Local Law is to delegate to the Town of Gaines Zoning Board of Appeals authority to review site plans and approve special use permits.

Section 2. Pursuant to subdivision 2 of section 274-a of the Town Law of the State of New York, the Town Board of the Town of Gaines hereby authorizes the Zoning Board of Appeals to review and approve, approve with modifications or disapprove site plans prepared to specifications set forth in the Zoning Ordinance of the Town of Gaines.

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

Section 3. Pursuant to subdivision 2 of section 274-b of the Town Law of the State of New York, the Town Board of the Town of Gaines hereby authorizes the Zoning Board of Appeals to grant special use permits as set forth in the Zoning Ordinance of the Town of Gaines.

Section 4. Further authority to vest the Zoning Board of Appeals with original jurisdiction over site plan review and special permit matters as provided in this Local Law is contained in Section 267-a of the Town Law, which provides that jurisdiction of the board of appeals is appellate only, unless otherwise provided by local law or ordinance.

Section 5. The authority delegated to the Zoning Board of Appeals in Section 2 and 3 of this Local Law shall be codified in the Section 823 of the Zoning Ordinance of the Town of Gaines by the addition of the following subsections:

c) **Site Plan Review:** The Zoning Board of Appeals shall review and approve, approve with modifications, or disapprove site plans, as more fully described in this Ordinance

d) **Special Permits:** The Zoning Board of Appeals shall review and grant or deny applications for special use permits, as more fully described in this Ordinance.

Section 6. Sections 811, 812 and 813 of the Zoning Ordinance of the Town of Gaines are hereby repealed.

Section 7. All references to the "Planning Board" contained throughout Article IX and X of the Zoning Ordinance of the Town of Gaines shall be changed to "Zoning Board of Appeals."

Section 8.

A.) This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

B.) If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.

C.) All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any provision of this local law are hereby repealed.

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

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

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

I hereby certify that the local law annexed hereto, designated as local law No. of 2012, of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of Gaines, New York was duly passed by the Town Board on _____, 2012, in accordance with the applicable provisions of law.

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

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

3. (Final adoption by referendum.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of _____ was duly passed by the _____ (Name _____ of Legislative Body) on _____ 20____, and was (approved) ~~(not disapproved)~~ ~~(reposed after disapproval)~~ by the _____ on 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2011, in accordance with the applicable provisions of law.

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

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

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

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

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

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

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

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

(SEAL)

Jean Klatt
Town Clerk, Town of Gaines
Date:

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Andrew W. Meier
Town Attorney
Town of Gaines

Date:

RESOLUTION 83 -12

LL#2 of 2012 Delegating Certain Planning function to the ZBA

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

ADOPTED	Roll Call	Smith	Aye
		Syck	Aye
		Culhane	Aye
		Kast	Nay
		Kirby	Nay

Resolved that Local Law #2 of 2012 giving the zoning board of appeals the additional duties of reviewing special use permits and site plan reviews is adopted as presented above.

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

RESOLUTION 84 -12

WD #10 Revised Method of Financing Public Hearing

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

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

Resolved that the Town Board of the Town of Gaines does hereby adopt the annexed Order, dated August 14, 2012, setting the date and time of the public hearing to be conducted by the Town Board upon the proposed revised method of financing of Gaines Water District No. 10. The public hearing will be held on Monday, August 27th, 2012 at 7:30 PM in the Gaines Town Hall.

RESOLUTION 85 -12

WD #10 Budget Modifications

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

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

Resolved that Whereas, the Town of Gaines developed the budget for the Water District No. 10 project based on estimates for the costs for Miscellaneous expenses, and

Whereas, the actual costs for these expenses were more than the budgeted amount.

Be it resolved that the Town Board hereby authorizes an increase of \$1500.00 (from \$1000.00 to \$2500.00) to the budget for Miscellaneous expenses and a corresponding decrease in the Contingency.

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

RESOLUTION 86 -12

Lake Ontario Water Levels

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

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

Resolved that, WHEREAS, the Niagara-Orleans Regional Alliance (NORA) has identified serious shortcomings in the International Joint Commission's proposed plan (BV7) that will replace the current regulation plan (58DD) that controls the water levels of Lake Ontario; and

WHEREAS, Niagara and Orleans county residents who own property or businesses along the Lake Ontario shore including its bays, ponds, and embayments have voiced their concern about a proposed change in the lake levels that would result in significant damage to their properties; and

WHEREAS, the proposed BV7 lake levels will result in a devastating negative economic impact on boating and sport fishing in Niagara and Orleans counties which is estimated at \$42 million annually; now, therefore be it

RESOLVED, the Town of Gaines approves and supports the submission of the Niagara-Orleans Regional Alliance's resolution to the International Joint Commission requesting the rejection of its' current plans for the BV7 Project; and be it

FURTHER RESOLVED, that copies of this resolution be forwarded to the Orleans County Legislature Chairman David B. Callard and the Niagara County Legislature Chairman William L. Ross, and all others deemed necessary and proper.

Resolution # 87__

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement for the relocation of an 8-inch AC waterline and the addition of an in-line water valve along NYS Route 279 , in the Town of Gaines, located in Orleans County, PIN 4T38.1 0.301, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the relocation and adjustment to water mains and appurtenances, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

GAINES TOWN BOARD MEETING
Gaines, NY August 14, 2012

NOW, THEREFORE,

BE IT RESOLVED: That the Town of Gaines Highway and Water Department of Public Works approves of the relocation of and adjustment to their water mains and appurtenances and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Gaines Highway and Water Department of Public Works will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that Carol Culhane has the authority to sign, with the concurrence of the Town of Gaines Highway and Water Department of Public Works, any and all documentation that may become necessary as a result of this project as it relates to the Town of Gaines Highway and Water Department of Public Works and

BE IT FURTHER RESOLVED: That the Town Clerk of the Town of Gaines is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Moved By: Smith

Seconded By: Kirby

Vote: Ayes: 5 Smith, Syck, Culhane, Kast, Kirby

Nays: none

I, Carol Culhane duly appointed and qualified Supervisor, do hereby CERTIFY that the foregoing resolution was adopted at a meeting duly called and held in the office of Town of Gaines Highway and Water Department of Public Works, a quorum being present on the 14 day of *August, 2012* and that said copy is a true, correct and compared copy of the original resolution so adopted and that the same has not been revoked or rescinded.

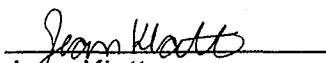
RESOLUTION 88 -12
MOTION TO ADJOURN

With no further business, on a motion from Councilperson Syck, seconded by Councilperson Smith the following resolution was

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

Resolved that the August 14, 2012 board meeting was recessed at 8:37PM and scheduled to reconvene on August 27, 2012 at 7:30 PM.

Respectfully Submitted,


 Jean Klatt
 Gaines Town Clerk

GAINES TOWN BOARD MEETING
 Gaines, NY August 20, 2012

A Special Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 20th day of August 2012.

PRESENT:	Carol Culhane	-----	Supervisor
	Susan Smith	-----	Councilperson
	Douglas Syck	-----	Councilperson
	Sharon Harding	-----	Deputy Town Clerk
	Jean Klatt	-----	Town Clerk
EXCUSED:	David Kast	-----	Councilperson
	James Kirby	-----	Councilperson

OTHERS PRESENT: None

Supervisor Culhane called the meeting to order at 4:25 PM with the Pledge to the Flag.

Town Clerk, Jean Klatt was excused at this time due to personal reasons and Deputy Town Clerk, Sharon Harding was called in to record the remainder of the meeting.

The Town Board met to conduct second interviews to fill the position of Code Enforcement Officer. They interviewed:

Greg Martin	4:26PM - 4:59PM
David Allchin	5:00PM - 5:23PM
Roger Kopas	5:24PM - 6:05PM

Following the interviews a short discussion was held and the board tried to contact Dave Kast and James Kirby by phone to discuss their thoughts. Neither party was available.

At this time Supervisor Culhane called Attorney, Andrew Meier for validation of procedure. Following the call the board decided to proceed with an appointment.

RESOLUTION 89 -12

APPOINT CEO

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

ADOPTED	Ayes	3	Smith, Syck, Culhane
	Nays	0	

Resolved that the Roger Kopas is appointed as Code Enforcement Officer.

GAINES TOWN BOARD MEETING
Gaines, NY August 20, 2012

MOTION TO ADJOURN

With no further business, on a motion from Councilperson Smith, seconded by Councilperson Syck the following resolution was

ADOPTED Ayes 3 Smith, Syck, Culhane
Nays 0

Resolved that the August 20th, 2012 board meeting was adjourned at 6:48PM.

Respectfully Submitted,

Sharon Harding
Gaines Deputy Town Clerk

GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY **August 27, 2012**

A Public Hearing of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 27th day of August 2012.

PRESENT:	Carol Culhane	-----	Supervisor
	James Kirby	-----	Councilperson
	Susan Smith	-----	Councilperson
	Douglas Syck	-----	Councilperson
	Jean Klatt	-----	Town Clerk
	Douglas Heath	-----	WD#10 Attorney

EXCUSED:	David Kast	-----	Councilperson
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OTHERS PRESENT: Jerry Culhane, Mary Jo Syck, Barbara Grey, Duane Putman

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

RESOLUTION 90 -12

RECONVENE AUGUST 14, 2012 MEETING

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

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

Resolved that the August 14th, 2012 Town Board Meeting is reconvened on August 27th, 2012 at

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 Gaines Water District No. 10 was duly adopted by the Gaines Town Board at its August 14, 2012 regular meeting: of said Water District.

GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY August 27, 2012

**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. 10**

The Gaines Town Board, by resolution adopted on September 22, 2009, authorized the establishment of Gaines Water District No. 10 pursuant to the provisions of Article 12 of the Town Law and by resolution adopted on November 10, 2009, authorized the revised method of financing

The proposed project provided for the construction of a water supply system for Gaines Water District No. 10, consisting of installation of water supply mains, hydrants, gate valves, individual water services and appurtenances along portions of Sawyer Road, Kent Road, Transit Road and Densmore Road in the Town of Gaines. The exact boundaries of the water district were set forth in detail in the aforementioned resolutions.

The *initial* total projected cost of the project as set forth in the map, plan and report dated March 19, 2009 attached to the Petition was not to exceed \$841,000.00, with \$630,726.00 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 \$210,242.00 to be financed in the form of loan assistance from USDA, Rural Development to the Town of Gaines. It was anticipated that the local share would be repaid over a period not to exceed thirty eight (38) years at an interest rate not to exceed 3.125% per annum, with a projected annual debt service payment of approximately \$297.81 per parcel. 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. 10 on a benefit basis as determined by a benefit formula, and not on an ad valorem basis.

Upon subsequent review of the Town's application for project funding, USDA, Rural Development, issued a letter of Pre-Eligibility Determination on June 19, 2009, setting forth an estimated funding proposal of grant funds in the amount of \$613,000.00 and loan funds in the amount of \$228,000.00 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. Based upon the Pre-Eligibility Determination, the anticipated grant funds for the project decreased by \$17,728.00, the loan funds increased by a like amount, and the annual interest rate decreased by .375%. The result was an overall increase in the debt service charged per bond repayment unit from \$297.81 to \$304.58. The revised method of financing the project is set forth in a revised map, plan and report on file in the Gaines Town Clerk's Office dated September 23, 2009.

Upon further review and consideration of the application of the Town of Gaines for funding for such project, USDA, Rural Development, issued its final Letter of Conditions on March 31, 2011, approving grant funds from Rural Utilities Service (RUS) in the amount of \$599,000.00 and RUS loan funds in the amount of \$242,000.00 for the project. The revised method of financing, as set forth in the Letter of Conditions, provided for the grant funds being reduced by \$14,000.00, the loan funds increased by a like amount, and the annual interest rate being reduced by .25% to 2.5% per annum over the 38 year repayment term. The result was an overall increase in the debt service charged per bond repayment unit from \$304.58 to \$310.59. The revised method of financing the project is set forth in a revised map, plan and report dated November 30, 2011.

GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY **August 27, 2012**

The Town Board of the Town of Gaines shall hold a public hearing to consider the change in the method of financing of Gaines Water District No. 10 consisting of the reduction of grant funds by \$14,000.00, the corresponding increase in loan funds by a like amount, the reduction of the rate of interest, and the resulting increase in the annual debt service charge per parcel to \$310.59, which public hearing will be held on August 27, 2012 at 7:30 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: August 14, 2012

By Order of the Gaines Town Board
 Orleans County, New York

Supervisor Culhane opened the public hearing at 7:32PM.

Barbara Grey commented that she was very anxious for the water line to be installed.

Duane Putman stated that he lives in the last house on Sawyer Road and needs the water as well.

RESOLUTION 91 -12

CLOSE PUBLIC HEARING

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

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

Resolved that with no further comments the Public Hearing was closed at 7:40 PM

GAINES TOWN BOARD PUBLIC HEARING

Gaines, NY

August 27, 2012

RESOLUTION 92 -12

RESOLUTION

The following resolution being duly adopted at a recessed meeting of the Gaines Town Board held on August 27, 2012 at 7:30 p.m.:

Councilman Kirby moved the adoption of the following resolution; Councilman Syck seconded the motion;

"WHEREAS, the Gaines Town Board did conduct a public hearing upon the revised method of financing the construction of Gaines Water District No. 10 serving portions of Sawyer Road, Kent Road, Transit Road and Densmore Road in the Town of Gaines on the 27th day of August, 2012, at which public hearing persons wishing to be heard in favor of or in opposition to the revised method of financing of said Water District as set forth in the map, plan and report last dated November 30, 2012 and further described in detail in an Order adopted by the Town Board on August 14, 2012 had an opportunity to be heard; 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. 10, whereby the amount of indebtedness to be issued by the Town of Gaines shall be increased by \$14,000.00 to \$242,000.00 and the amount of grant funds reduced by a like amount to \$599,000.00, together with a reduction in the annual percentage rate on debt service from 2.75% to 2.5% over a term of 38 years, with the total projected project cost of \$841,000.00 to remain unchanged; and be it

FURTHER RESOLVED, that upon adoption of the revised method of financing, the projected annual debt service charged per bond repayment unit during the period of indebtedness shall increase from \$304.58 per year to \$310.59 per year exclusive of hook up fees, water purchase fees or operation and maintenance fees.

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 deemed adopted.

Dated: August 27, 2012

Jean Klatt, Gaines Town Clerk

GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY August 27, 2012

RESOLUTION No. 93-12 duly adopted at a Public Hearing meeting of the Gaines Town Board held on the 27th day of August, 2012, at which the following were:

PRESENT: Culhane, Kirby, Smith, Syck

ABSENT: Kast

Councilman Smith moved the adoption of the following resolution; Councilman Kirby 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 compatibility, economy, and efficient maintenance purposes, there is a need for standardization of a particular brand of equipment as hereinafter described, and

WHEREAS, the Gaines Town Board, after thorough investigation and consultation with its Engineer and Water Superintendent, has determined to standardize all of its 4", 6" and 8" diameter meters to be Octave ultrasonic meters as manufactured by Master Meter and all related telemetry equipment including encoders, cellular units and appurtenances thereto shall likewise be manufactured by Master Meter and shall be fully compatible with said meters,

NOW, THEREFORE, be it

RESOLVED, that the Gaines Town Board does hereby standardize its 4", 6", and 8" diameter meters to be Octave ultrasonic meters as manufactured by Master Meter and all related telemetry equipment including encoders, cellular units and appurtenances thereto shall likewise be manufactured by Master Meter and shall be fully compatible with said meters, based upon the specific recommendations of the Town Engineer and Water Superintendent.

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

The following voted "NO" in opposition thereto:

The Resolution was deemed adopted.

Dated: August 27, 2012

Jean Klatt, Town Clerk

GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY August 27, 2012

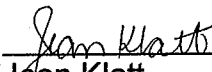
MOTION TO ADJOURN

With no further business, on a motion from Councilperson Kirby, seconded by Councilperson Smith the following resolution was

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

Resolved that the August 27th, 2012 board meeting was adjourned at 7:42PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

GAINES TOWN BOARD MEETING
Gaines, NY September 11, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 11th day of September 2012.

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

EXCUSED: None

OTHERS PRESENT: Jerry Culhane, Marilyn Miller, David Thom, Ray Burke, Mary Neilans, Connie Mosher, Lorraine Oakley, Mike Grabowski, Curt Strickland, Mary Jo Syck, Tibbs Ahlberg, Ronald Radzinski, Lisa Mannella

Supervisor Culhane called the meeting to order at 7:30PM with the Pledge to the Flag. She asked everyone to remain standing for a moment of silence in remembrance of those people lost on 9/11/01.

RESOLUTION 94 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the August 1st, 14th, 20th and 27th 2012 meeting are approved with the following correction.

GAINES TOWN BOARD MEETING
Gaines, NY September 11, 2012

August 14th - page 12, resolution 87-12, Change quorum present date to August 15, 2012

August 20th - add, Town Clerk Jean Klatt was present at the opening of the meeting and then excused for a personal reason. Deputy Town Clerk, Sharon Harding was called in to record the meeting.

August 27th - Page 5, resolution 93-12, add names of board members voting in favor or opposed to the resolution.

RESOLUTION 95 -12

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the July 2012 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 96 -12

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Kast and seconded by Councilperson Smith
Highway Councilperson Kirby and seconded by Councilperson Syck
Water Councilperson Kast and seconded by Councilperson Kirby

ADOPTED Ayes 5
 Nays 0

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

General	Abstract # 241 - # 261	in the amount of \$	5,225.93
Highway	Abstract # 93 - # 104	in the amount of \$	4,690.46
Water 1	Abstract # 39 - # 44	in the amount of \$	943.16

GAINES TOWN BOARD MEETING
Gaines, NY September 11, 2012

Supervisor Culhane asked Water Superintendent Mannella to give the residents on water district #10. Superintendent Mannella stated the all of the pipe had been delivered and the contractor was hoping to state construction at the end of September pending Rural Developments final approvals.

Comprehensive Plan Chairman, Mike Grabowski told the board all of the surveys to the residents had been mailed out and reminders would be going out about the first of August.

PRIVILEGE OF THE FLOOR

Lorraine Oakley asked that 2 letters be entered into the record. She said at the Public Hearing in July she asked if the board had checked with the County Charter regarding giving the ZBA planning board duties and had followed up with James Bensley herself. The letters reflect the research. She asked if the Town board will be responding or acting on the information. Attorney Meier stated that he respectfully disagreed with the opinion of Mr. Bensley and felt the town was on solid ground with the procedures it had taken. Tibbs Alhberg asked why a SEQR wasn't done and why the Local Law was not sent to the Orleans County Planning Board? Attorney Meier stated that this was a procedures local law and did not pertain to land use so a SEQR and County referral was not necessary. Attorney Meier said that with the boards permission he would give Lorraine Oakley and Tibbs Ahlberg a copy of the communication he had prepared for the board. The board agreed to give them a copy of the memo.



WAYNE HALE, JR.
Director

County of Orleans
**Department of
Planning and Development**
14016 Route 31 West • Albion, New York 14411-9382
Phone: (585) 589-7000
Fax: (585) 589-8105

JAMES R. BENSLEY
Senior Planner

August 23, 2012

Lorraine Oakley
13889 Ridge Road
Albion, New York 14411

Dear Lorraine:

I am hereby responding to your inquiry to our office as to whether text amendments to the Town of Gaines Zoning Ordinance reassigning various administrative functions hitherto performed by the Town of Gaines Planning Board to the Town of Gaines Zoning Board of Appeals need to be submitted to the Orleans County Planning Board (CPB) prior to their adoption by the Gaines Town Council.

Upon review of the amendments, it is the Department of Planning and Development's position that they indeed require submittal to the CPB pursuant to § 239-m of General Municipal Law. In particular, § 239-m.3(a)(ii) explicitly references "adoption or amendment of a zoning ordinance or local law." And since the amendments apply to the entire municipality – including those areas within 500 ft. of a municipal boundary, as well as state and county highways as described in § 239-m.3(b) of General Municipal Law – referral to the CPB is mandatory.

Please be advised that this is a staff opinion that should not be interpreted as legal advice. For your information, I provided a copy of the amendments to Natasha E. Phillip at Counsel's Office at the New York State Department of State and posed the same question to her. Ms. Phillip is an attorney with a concentration in environmental law who routinely provides informal assistance to local government officials throughout the State as part of her job responsibilities. She frequently is a presenter on a variety of planning topics at local government workshops. She was in our region most recently this past spring in Pittsford, where one of her lecture sessions was titled "Adopting and Amending Zoning". Ms. Phillip concurred that the amendments should be referred to the CPB.

August 26, 2012

Carol Culhane
2500 Oak Orchard Rd
Albion, N.Y. 14411

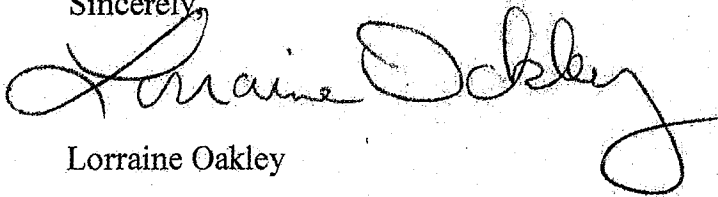
Dear Carol:

At the Public Hearing meeting on August 14th in the Gaines Town Hall, the Town of Gaines Board passed a local law delegating Zoning & Planning functions to the Zoning Board of Appeals. Please see attached response to my inquiry made to the Orleans County Planning Board.

This proposal indeed, should have been submitted to the Orleans County Planning Board for its review and recommendation prior to its adoption. Due to the question of its legality, this puts any decision made by the Zoning Board of Appeals in jeopardy and could open up a "Pandora's Box" of legal headaches and undue expense for the residents of the Town of Gaines.

In order to avoid any further action, I am requesting that this matter be corrected at the next Town of Gaines Board Meeting on September 11, 2012.

Sincerely,



Lorraine Oakley

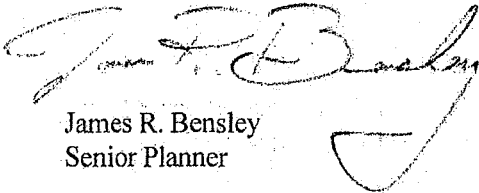
Cc. Andrew Meier
Brian Napoli
James R. Bensley
David C. Schubel
Donald J. Allport
Kenneth E. Rush
Henry Smith Jr.
Tibbs Ahlberg
David Kast
Jim Kirby
Sue Smith
Doug Syck
Michael Grabowski

Page Two
Lorraine Oakley
August 23, 2012

You may be interested to know that the standard remedy we propose under such circumstances – again as recommended by counsel at the New York State Department of State many years ago – is for the Gaines Town Council to pass a resolution rescinding its approval, and then referring the matter to the CPB for its advisory recommendation.

Should you have any questions or otherwise desire to discuss this further, please do not hesitate to contact me directly (589-3189) at your earliest convenience. If you are so inclined, feel free to invite the Town to communicate with our office as well. We would welcome their input.

Sincerely,



James R. Bensley
Senior Planner

Cc: Legislator Donald J. Allport – At-Large Central
Legislator Kenneth E. Rush – Home & Community Services Committee Chairman
Legislator Henry Smith Jr. – District #3
David C. Schubel - County Attorney
Brian Napoli – Orleans County Planning Board Chairman
Tibbs Ahlberg – Orleans County Planning Board Representative: Town of Gaines

Councilperson Kast told the public that we had a budget committee meeting and asked Supervisor Culhane if she had a tentative budget yet. She replied that she would like to take her time and had until September 30th to present a tentative budget to the town clerk.

GAINES TOWN BOARD MEETING
Gaines, NY September 11, 2012

MOTION TO ADJOURN

With no further business, on a motion from Councilperson Smith, seconded by Councilperson Syck the following resolution was

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

Resolved that the September 11, 2012 board meeting was adjourned at 8:45PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

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GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY October 24, 2012

A Public Hearing of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 24th day of October 2012.

PRESENT:	Carol Culhane	-----	Supervisor
	David Kast	-----	Councilperson
	James Kirby	-----	Councilperson
	Susan Smith	-----	Councilperson
	Douglas Syck	-----	Councilperson
	Jean Klatt	-----	Town Clerk
	Andrew Meier	-----	Town Attorney

OTHERS PRESENT: Dave Allchin, Ray Burke, Linda Burke, Sharon Harding, Jon DeTar, Barry Hildebrand, Mary Jo Syck, Connie Mosher, Lorraine Oakley, Marilyn Miller, Lorienda Smith, Mark Radzinski, Brenda Radzinski, David Rustay, Ed Stueber, Sandra Brown, Pamela Lusk, Ronald Radzinski, Guy Smith, Jerry Culhane, Mike Gradbowski, Lisa Mannella, Mary Neilans, David Heminway, David Thom, Tibbs Ahlberg, Everett Jubenville, Vicki Hauholm, Henry Smith Jr.

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

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, 2013 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 23rd day of October, 2012 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	\$ 6,250.00
Town Council	\$ 2,800.00
Town Clerk	\$24,140.00
Highway	
Superintendent	\$48,983.00
Town Justice	\$14000.00

Jean Klatt, Gaines Town Clerk
Dated: October 11, 2012

GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY

October 24, 2012

Supervisor Culhane asked that the members stand, state their name, address their comments to the board and limit their comments to five minutes.

Lorraine read a letter and asked that it be entered into the record.

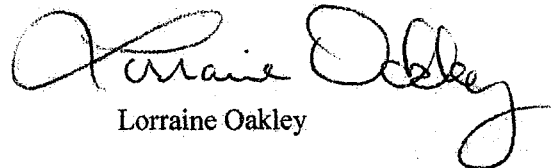
I would like the Supervisor or the Board to explain why the Gaines Supervisors salary is budgeted for an Approx. 13%, (\$650) increase from \$5,500 to \$6,250, while the Town Clerks and Highway Superintendents salaries are budgeted for 2%, and the Town Council for no increase. In comparison, the Town of Albion Supervisor is budgeted for a \$200 increase, (a little over 2 %) which will bring him up to our Supervisors current salary of \$5,500.

In addition, the Budget officers title has been taken back by our Supervisor, giving her a pay raise of another approx. \$1,500. The Town of Albion budget officer Tom Baldwin, receives \$1,000.

Plus, I believe mileage is now being charged by the Supervisor, where I do not believe it has in the past. Even though this might be acceptable, it certainly is an additional benefit.

I have always been of the feeling a good part of these part time jobs is Service to the Community, with great satisfaction, but little monetary reward and that the Supervisor should set precedent. In the past the Supervisors and Board have taken decreases in pay to set this precedent. Next year the Union contract is up for renegotiation. This percent of increase will almost certainly come back to haunt the town.

I would like the board polled to see if every board member is in favor of this increase. I also ask to have this letter, plus the response of each board member be entered into the minutes.



Lorraine Oakley

Dave Allchin asked how a union contract can be written referring to 2 union/2 nonunion employees when the 2 nonunion employees are elected officials not union members.

Lorrienda Smith asked about several line items in the budget.

Ed Stuber asked Clerk Klatt if the taxes were going up or down with the preliminary budget. She replied they were even.

Dave Allchin asked how the large medical stipend came about. He feels that amount is unheard of.

GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY October 24, 2012

MaryJo Syck stated that the County pays a stipend of \$2000.00 to \$2500.00/year in lieu of medical. She recommends we match the county.

David Heminway said the thruway pays \$3000.00 for a \$14,000.00 policy. Supervisor is 2nd lowest paid salary in Orleans County. He asked how truck is being paid for.

Supervisor Culhane responded that the truck is paid for and will not be bonded.

Dan Geiger asked when the town had been audited. Clerk Klatt replied 2007 & 2008 for the court and other town entities by the state and independent auditors, but every year our accounting firm audits the town and submits a report to the state comptroller.

Lorraine Oakley again asked that her letter be addressed and that her request for a poll on the Supervisor's 13% increase be addressed. The poll was taken. Councilperson Kirby - opposed - it would set a precedent before union negotiations begin next year. Councilperson Kast - strongly opposed - agrees with Councilman Kirby. Councilperson Syck - although he first agreed he now is opposed and feels the position should set an example. Smith-opposed- although she first agreed, listening to the public comments she now feels the salary should remain \$5,500.00. Supervisor Culhane - opposed- She came prepared to read a statement later in the evening stating that she would be changing her salary back to \$5,500.00.

MaryJo Syck asked why the Town Clerk and Highway Superintendent received a 4 % increase in 2012. David Kast replied that they received only a 2% but if a new water district or extra duties had been added that would have increased their salary.

David Heminway stated that total salaries should be posted for transparency.

Connie Mosher feels the Supervisor's salary should be higher.

Lorraine Oakley stated that originally in the tentative budget the supervisor's increase was 35% then was reduced to a 13% request and that she appreciates the supervisor agreeing to keep the salary the same.

Councilman Syck said he feels the Supervisor easily does twice as much work as a Councilperson and he would agree to give up half of his salary to the Supervisor.

Lorraine Oakley stated that the Supervisor should delegate some of her duties to the Councilman to ease her burden and not carry the full load.

Pam Lusk said that we should not be talking about a \$750.00 increase for the Supervisor we should be talking about the health care stipend.

GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY October 24, 2012

Lorraine Oakley said it's not the \$750.00 it's the 13% increase it represents. Supervisor Culhane stated that she is here to help the town not rule. She wants to improve the town. She said she is not a politician, she is an artist.

Marilynn Miller she appreciates that the supervisor brings knowledge to the community and saves them tax dollars. She also asked that her written questions be entered into the record. Marilynn then submitted the following questions for the record. Some were answered throughout the meeting.

Questions for Public Hearing of Oct.23, 2012/ Budget Hearing:

How is the new town truck being paid for (\$230,000)?

What are the Interfund Transfers, and how do you track what specifically is being transferred to and from (Revenues and Appropriations)?

What has been the reason for the doubling of the State Retirement from 2010 to the present?

When salaries are posted prior to the Budget Hearing, why isn't the total salary posted, rather than just the base salary? (For instance: the additional Administrative earning paid to each administrator for each Water District does not figure into the salaries posted, nor is it mentioned anywhere in the posting.)

Why is the Bond Interest so high? (Item "A9010.6 BOND Principal" \$11,000 and Item "A9010.7 BOND Interest" \$3,422)? What was the original amount of the Bond?

What is the \$20,000 Garage Contractual for?

GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY October 24, 2012

Dave Allchin commented that he thinks the healthcare stipend is too high. The Town of Murray employees receive \$5000.00 per year.

Butch Radzinski stated that the town is saving a minimum of \$20,000.00 by paying the stipend in lieu of healthcare. He sees it as a win/win situation.

Ed Stuber said he knows he is off the topic a little but said he doesn't feel the cost of being connected to water is made clear when a proposed water line is first being discussed. He thinks that the water districts would be more profitable if the more residents could afford to hook up.

Mike Grabowski commented that it is the boards job to be fiscally responsible and he would appreciate it if the town would lower his taxes.

Highway Superintendent said he would have no problem with his entire salary being posted at the town hall.

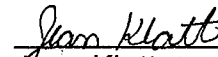
CLOSE PUBLIC HEARING

On a motion from Councilperson Syck, seconded by Councilperson Kast the following resolution was

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

Resolved that with no further comments the Public Hearing was closed at 8:30PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

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GAINES TOWN BOARD MEETING
 Gaines, NY October 9, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 9th day of October 2012.

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

EXCUSED: None

OTHERS PRESENT: Jerry Culhane, David Thom, Ray Burke, Mary Neilans, Mike Grabowski, MaryJo Syck, Tibbs Ahlberg, Lisa Mannella, Don Draper, David Allchin, Sharon Harding, Jon DeTar, Lorienda & Henry Smith Jr., Pamela Lusk, Donald Allport

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

RESOLUTION 97 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the September 11th 2012 meeting are approved as presented.

GAINES TOWN BOARD MEETING
Gaines, NY October 9th, 2012

RESOLUTION 98 -12**APPROVAL OF SUPERVISOR'S MONTHLY REPORT**

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

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

Resolved that the August 2012 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 99 -12**APPROVAL OF ABSTRACTS**

On a motion from

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

ADOPTED Ayes 5
 Nays 0

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

General	Voucher # 263 - # 281	in the amount of \$ 4,732.93
Highway	Voucher # 106 - # 113	in the amount of \$ 103,041.73
Water 1	Voucher # 44 - # 49	in the amount of \$ 1,547.55
Water 10	Voucher# 1 - # 5	in the amount of \$ 10,608.65

RESOLUTION 100 -12**AWARD CONTRACT FOR WATER DISTRICT NO.10 METER VAULT**

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

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

Resolved that Morsch Pipeline is awarded the contract for WD#10 meter vault Alternate #1bid of \$48,121.40.

GAINES TOWN BOARD MEETING
Gaines, NY October 9th, 2012

RESOLUTION 101 -12

APPROVE WD#10 PAY ESTIMATE #1

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

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

Resolved that pay estimate #1 for water district #10 in the amount of \$161,644.00 is approved for payment.

Mike Grabowski, Comprehensive Plan Committee Chairman reported that 383 surveys had been returned thus far and the deadline had been extended.

Henry Smith Jr. reported that he is a member of the Rochester Regional Transportation Board and that construction of a new transportation terminal has begun. Construction is scheduled to be completed in 2015 and should create jobs for Orleans County.

Supervisor Culhane opened discussion on the Tentative Budget. She explained that she had added 2 line items this year. The first is for an IT Contract and the second for the development of a revised comprehensive plan.

RESOLUTION 102-12

ADOPTION OF PRELIMINARY BUDGET

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

ADOPTED Ayes 4 Smith, Kirby, Culhane, Syck
 Nays 0
 Abstain 1 Kast

Resolved that the 2013 Tentative budget is adopted as the 2013 Preliminary Budget.

GAINES TOWN BOARD MEETING
Gaines, NY October 9th, 2012

RESOLUTION 103-12

SET DATE FOR BUDGET PUBLIC HEARING

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

ADOPTED	Ayes	4	Smith, Kirby, Culhane, Syck
	Nays	0	
	Abstain	1	Kast

Resolved that the 2013 Preliminary Budget Hearing is scheduled for Tuesday, October 23rd, 2012 at 7:30 PM in the Gaines Town Hall.

RESOLUTION 104-12

AWARD CONTRACT FOR TOWN INSURANCE

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

ADOPTED	Ayes	3	Kirby, Culhane, Syck
	Nays	0	
	Recuse	2	Kast, Smith

Resolved that the 2012 Town Insurance will be awarded to Albion Agency.

PRIVILEGE OF THE FLOOR

Mike Grabowski asked the board to consider appointing an alternative ZBA member to the board in light of the added responsibility they had been given recently.

RESOLUTION 105 -12

ADVERTISE FOR ZBA ALTERNATIVE MEMBER

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

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

Resolved that the town will advertise for interested candidates to apply to be an alternative member of the ZBA.

GAINES TOWN BOARD MEETING
Gaines, NY October 9th, 2012

Henry Smith Jr. asked if the additional member of the ZBA would be paid. He was told only when someone was absent and that members are only paid when they attend so there would be no additional cost.

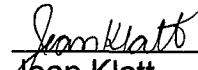
MOTION TO ADJOURN

With no further business, on a motion from Councilperson Smith, seconded by Councilperson Kirby the resolution was

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

Resolved that the October 9th, 2012 board meeting was adjourned at 7:55PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

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GAINES TOWN BOARD PUBLIC HEARING
Gaines, NY October 24, 2012

A Public Hearing of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 24th day of October 2012.

PRESENT:	Carol Culhane	-----	Supervisor
	David Kast	-----	Councilperson
	James Kirby	-----	Councilperson
	Susan Smith	-----	Councilperson
	Douglas Syck	-----	Councilperson
	Jean Klatt	-----	Town Clerk
	Andrew Meier	-----	Town Attorney

EXCUSED:

OTHERS PRESENT: Dave Allchin, Ray Burke, Linda Burke, Sharon Harding, Jon DeTar, Barry Hildebrand, Mary Jo Syck, Connie Mosher, Lorraine Oakley, Marilyn Miller, Lorienda Smith, Mark Radzinski, Brenda Radzinski, David Rustay, Ed Stueber, Sandra Brown, Pamela Lusk, Ronald Radzinski, Guy Smith, Jerry Culhane, Mike Gradbowski, Lisa Mannella, Mary Neilans, David Heminway, David Thom, Tibbs Ahlberg, Everett Jubenville, Vicki Hauholm, Henry Smith Jr.

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

CLOSE PUBLIC HEARING

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

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

Resolved that with no further comments the Public Hearing was closed at 7:40 PM

Respectfully Submitted,



 Jean Klatt
 Gaines Town Clerk

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GAINES TOWN BOARD MEETING
Gaines, NY November 13th, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 9th day of October 2012.

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

EXCUSED: None

OTHERS PRESENT: Jerry Culhane, David Thom, Ray & Linda Burke, Mary Neilans, MaryJo Syck, Tibbs Ahlberg, Lisa Mannella, David Allchin, Sharon Harding , Lorienda & Henry Smith Jr., Mark Radzinski, Ronald Radzinski, George Fleshman, Rebecca Gillman, Barry Hildebrand, Connie Mosher, Tom Rivers

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

RESOLUTION 106 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the October 9th, 2012 Town Board Meeting are approved with the correction of 2012 budget be changed to 2013 budget .

GAINES TOWN BOARD MEETING
Gaines, NY November 13th, 2012

RESOLUTION 107 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the October 24th, 2012 Budget Public Hearing Meeting are approved as presented.

RESOLUTION 108 -12

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the September 2012 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 109 -12

APPROVAL OF ABSTRACTS

On a motion from

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

ADOPTED Ayes 5
 Nays 0

Resolved that the bills on abstract #11 will be paid as presented.

General	Voucher # 282 - # 324	in the amount of \$ 69,329.30
Highway	Voucher # 114 - # 135	in the amount of \$ 8,202.34
Water 1	Voucher # 50 - # 57	in the amount of \$ 76,965.18
Water 10	Voucher# 6 - # 10	in the amount of \$ 165,803.50

GAINES TOWN BOARD MEETING
Gaines, NY November 13th, 2012

RESOLUTION 110 -12

APPROVE 2013 PRELIMINARY BUDGET AS 2013 ADOPTED BUDGET

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

ADOPTED	Ayes	3	ROLL CALL	Kirby	Nay
	Nays	2		Kast	Nay
				Smith	Yes
				Syck	Yes
				Culhane	Yes

Resolved that the 2013 preliminary budget is adopted as the 2013 adopted budget with the following changes, Supervisor's salary reduced to \$5500.00, no salary increases for non - union employees, elected officials eligible for medical insurance and electing not to take it will receive a medical steepen of \$2500.00.

Supervisor Culhane updated the board regarding out of district users for water district #10. The town needs to develop a policy with the 4 towns involved.

Attorney Meier informed the board that Sandy Creek has filed an assessment grievance. He is recommending the town hire Attorney to defend the assessment.

RESOLUTION 111 -12

APPROVE SPECIAL COUNCIL FOR SANDY CREEK ASSESSMENT CASE

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

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

Resolved that Joel Kurtzhaltz LLP will be appointed as special counsel for the Sandy Creek Article 7 assessment case at a rate of \$150.00 for non court room time, \$195.00 for court time and \$40.00 per hour for legal assistant work. Disbursements and expert witness fees will be charged over and above the hourly rates stated.

GAINES TOWN BOARD MEETING
Gaines, NY November 13th, 2012

Supervisor Culhane gave the board a copy of the letter of interest the clerk had received for the Zoning Board of Appeals Alternate position. Only one letter was received. The board will meet with Mr. Fleshman after the meeting.

PRIVILEGE OF THE FLOOR

Lorienda Smith asked how the board could pass a budget when there are questions about how it will affect the union contract. Shouldn't you wait until you have a medical policy in place?

MOTION TO ADJOURN

With no further business, on a motion from Councilperson Smith, seconded by Councilperson Kirby the resolution was

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

Resolved that the November 13th, 2012 board meeting was adjourned at 8:13PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

GAINES TOWN BOARD SPECIAL MEETING
 Gaines, NY November 28th, 2012

A Special Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 28th day of November 2012.

PRESENT:	Carol Culhane	-----	Supervisor
	James Kirby	-----	Councilperson
	Susan Smith	-----	Councilperson
	Douglas Syck	-----	Councilperson
	David Kast	-----	Councilperson
	Ron Mannella	-----	Highway Superintendent
	Jean Klatt	-----	Town Clerk
	Douglas Heath	-----	Attorney WD#10

EXCUSED: None

OTHERS PRESENT: Gerry Culhane, MaryJo Syck, Mike Grabowski, George Fleshman, Jason Foote from Chatfield Engineers

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

The meeting began by the board interviewing George Fleshman for the alternate position on the Zoning Board of Appeals. Supervisor Culhane recused herself because George is a friend of hers.

RESOLUTION 112 -12

Zoning Board of Appeals Alternate Appointment

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

ADOPTED	Ayes	4	Smith, Kirby, Syck, Kast
	Nays	0	
	Recuse	1	Culhane

Resolved that George Fleshman is appointed as an alternate member of the Zoning Board of Appeals for the term 1-1-2013 to 12-31-2017.

GAINES TOWN BOARD SPECIAL MEETING
Gaines, NY November 28th, 2012

A lengthy discussion was held regarding out of district customers for water district #10. Recommendation from Attorney Heath and Engineer Jason Foote will be taken under advisement and considered at a future meeting.

RESOLUTION 113 -12

Approve Pay Estimate #2 for Morsch Construction

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

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

Resolved that pay estimate #2 in the amount of 52,273.30, payable to Morsch Construction is approved for payment.

PRIVILEGE OF THE FLOOR

No comments were heard.

MOTION TO ADJOURN

With no further business, on a motion from Councilperson Smith, seconded by Councilperson Kirby the resolution was

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

Resolved that the November 28th, 2012 board meeting was adjourned at 8:40PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

GAINES TOWN BOARD MEETING
Gaines, NY December 11th, 2012

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 11th day of December 2012.

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

EXCUSED: None

OTHERS PRESENT: Jerry Culhane, David Thom, Mary Neilans, MaryJo Syck, Tibbs Ahlberg, Lisa Mannella, David Allchin, Sharon Harding, Barry Hildebrand, Mike Grabowski, Marilyn Miller

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

RESOLUTION 114 -12

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the November 13th, 2012 Town Board Meeting are approved as presented.

GAINES TOWN BOARD MEETING
Gaines, NY December 11th, 2012

RESOLUTION 115 -12

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the November 2012 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 116 -12

APPROVAL OF ABSTRACTS

On a motion from

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

ADOPTED Ayes 5
 Nays 0

Resolved that the bills on abstract #12 will be paid as presented.

General	Voucher # 325 - # 354	in the amount of \$ 17,697.63
Highway	Voucher # 136 - # 147	in the amount of \$ 35,836.58
Water 1	Voucher # 58 - # 62	in the amount of \$ 1,096.69
Water 10	Voucher# 11 - # 12	in the amount of \$ 61,814.30

GAINES TOWN BOARD MEETING
Gaines, NY December 11th, 2011

Out of District Water Users

Following a lengthy discussing on regulations for out of district water customers it was decided that Supervisor Culhane would draft a rough draft of water regulations and forward it to all board members prior to the next meeting. The draft will be based on recommendations from the engineer and attorney's as well as the discussion and thoughts of the board members.

RESOLUTION 117 -12

Water District #10 Budget Modifications

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

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

Whereas, the Town of Gaines developed the budget for the Water District No. 10 project based on estimates for the cost for Miscellaneous expenses, and

Whereas, the actual cost for these expenses were more that the budgeted amount.

Be it resolved that the Town Board hereby authorizes an increase of \$1500.00 (from \$2500.00 to \$4000.00) to the budget for Miscellaneous expenses and a corresponding decrease in the Contingency.

RESOLUTION 118 -12

APPROVAL OF PAY APPLICATION #3 FOR WD#10

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

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

Resolved that that pay estimate #3 in the amount of \$89,520.73, payable to Morsch Pipeline is approved pending all signatures.

GAINES TOWN BOARD MEETING
Gaines, NY December 11th, 2012

MOTION 1-12
COUNTY PLANNING BOARD APPOINTMENTS

On a motion of Councilperson Kast, seconded by Councilperson Kirby a motion was made to appoint Tibbs Ahlberg to the Orleans County Planning Board for a term of 2 years beginning 1-1-2013.

After a short discussion the motion was withdrawn by both Councilpersons Kast and Kirby.

RESOLUTION 119 -12
COUNTY PLANNING BOARD APPOINTMENTS

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

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

Resolved that Michael Grabowski is appointed as the Primary Member, and Tibbs Ahlberg is appointed as the Alternate Member of the Orleans County Planning Board for a 2 year term beginning 1-1-2013.

RESOLUTION 120 -12
Resignation of Mary Pettitt as ZBA Secretary

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

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

Resolved that the resignation of Mary Pettitt as the ZBA secretary is accepted effective 12-31-2012.

GAINES TOWN BOARD MEETING
Gaines, NY December 11th, 2012

Supervisor Culhane informed the audience that Henry Smith Jr. wanted them to know that the Oak Orchard Bridge will be removed permanently.

Mike Grabowski informed the public that the Comprehensive Plan Survey had a 25% return rate and that results will be forth coming.

PRIVILEGE OF THE FLOOR

No comment from the public.

MOTION TO ADJOURN

With no further business, on a motion from Councilperson Syck, seconded by Councilperson Kirby the resolution was

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

Resolved that the December 11th, 2012 board meeting was adjourned at 8:32PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

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GAINES TOWN BOARD MEETING

Gaines, NY December 27th, 2012

4:00PM

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 27th day of December 2012.

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

EXCUSED: None

OTHERS PRESENT: Jerry Culhane, MaryJo Syck, Sharon Harding , Marilyn Miller, Bruce Schmidt

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

GAINES TOWN BOARD MEETING

Gaines, NY December 27th, 2012

RESOLUTION 121-12

APPROVAL OF MINUTES

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

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

Nays 0

Resolved that the minutes of the November 28th, 2012 Town Board Meeting are approved as presented by the clerk.

RESOLUTION 122 -12

APPROVAL OF MINUTES

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

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

Nays 0

Resolved that the minutes of the December 11th 2012 Town Board Meeting are approved as presented by the clerk.

GAINES TOWN BOARD MEETING

Gaines, NY December 27th, 2012

RESOLUTION 123 -12

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Kirby and seconded by Councilperson Syck

Highway Councilperson Smith and seconded by Councilperson Kirby

Water 1 & 10 Councilperson Kast and seconded by Councilperson Kirby

ADOPTED Ayes 5

Nays 0

Resolved that the bills on abstract #13 will be paid as presented.

General	Voucher # 361 - # 373	in the amount of \$ 14,635.85
Highway	Voucher # 148 - # 152	in the amount of \$ 4,462.16
Water 1	Voucher # 63 - # 68	in the amount of \$ 6,001.06
Water 10	Voucher# 13 - # 13	in the amount of \$ 89,520.73

RESOLUTION 124 -12

COUNTY PLANNING BOARD ALTERNATE APPOINTMENTS

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

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

Nays 0

Resolved that Roger Kopas is appointed as the Alternate Member of the Orleans County Planning Board for a 2 year term beginning 1-1-2013.

GAINES TOWN BOARD MEETING

Gaines, NY December 27th, 2012

RESOLUTION 125 -12

SECRETARY TO ZBA

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

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

Nays 0

Resolved that Sharon Harding is appointed as the secretary to the Zoning Board of Appeals.

A short discussion took place regarding the out of district water users. The board agreed that Councilperson Kast and Superintendent Mannella would work with Attorney Heath to finalize the agreement and present it at the January 8, 2013 Town Board Meeting.

RESOLUTION 126 -12

EXECUTIVE SESSION

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

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

Nays 0

Resolved that the Town Board will enter into executive session at 4:20 PM to discuss a personnel issue with Bruce Schmidt and a legal matter with Attorney Meier.

RESOLUTION 127 -12

SETTLE SANDY CREEK ASSESSMENT GRIEVANCE

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

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

Nays 0

Resolved that Attorney Joe Kurtzhaltz is authorized to settle the Sandy Creek Assessment Grievance as was demanded in the original petition.

GAINES TOWN BOARD MEETING

Gaines, NY December 27th, 2012

RESOLUTION 128 -12

REGULAR SESSION

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

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

Nays 0

Resolved that the Town Board will enter back into regular session at 5:22PM.

RESOLUTION 129 -12

APPROVAL OF TRANSFERS

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

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

Nays 0

Resolved that that the transfers listed below are approved.

GENERAL FUND - TOWNWIDE

<i>Transfer From:</i>	A1320.4	Ind. Auditing Contractual	\$5,000.00
	A1620.2	Buildings Equipment	\$1,500.00
	A1620.4	Buildings Contractual	\$4,600.00
	A1910.4	Unallocated Insurance	\$4,000.00

A1990.4	Contingency	\$6,700.00
A5132.4	Garage Contractual	\$8,000.00
Unanticipated Revenue		
A3089	Justice Grant	\$8,750.00
A3089	Salt Storage Grant	\$123,750.00
AUB	Unexpended Balance	\$91,888.00
TOTAL:		<u><u>\$254,188.00</u></u>

<i>Transfer To:</i>	A1110.4A	Justice Grant	\$8,750.00
		Deputy Town Clerk	
	A1410.1A	Services	\$766.00
	A1420.4	Attorney Contractual	\$730.00
		Engineering Contr -	
	A1440.4	Intergrow	\$400.00
	A1670.4	Central Printing Contr	\$307.00
	A4989.4	Other Health Contr -	\$141.00
	A5132.2	Sale Storage Building	\$241,743.00
	A9030.8	Social Security	\$1,351.00
TOTAL:			<u><u>\$254,188.00</u></u>

GENERAL FUND - OUTSIDE VILLAGE

<i>Transfer</i>		Bldg & Fire Insp.	
<i>From:</i>	B3620.4	Contractual	\$374.00
TOTAL			
:			<u><u>\$374.00</u></u>

<i>Transfer</i>	<i>Transfer</i>		
<i>To:</i>	<i>From:</i>	B3620.1	Bldg & Fire Insp. Services
			\$374.00
TOTAL			
:			<u><u>\$374.00</u></u>

HIGHWAY FUND - TOWNWIDE

<i>Transfer</i>		Unanticipated Revenue	
<i>From:</i>		Unexpended Balance-	
	DAUB	Equip Fund	<u>\$100,000.00</u>
		TOTAL	
		:	<u>\$100,000.00</u>

<i>Transfer</i>			
<i>To:</i>	DA5130.2	Machinery Equipment	<u>\$100,000.00</u>
		TOTAL	
		:	<u>\$100,000.00</u>

HIGHWAY FUND - OUTSIDE VILLAGE

<i>Transfer</i>			
<i>From:</i>	DB5110.4	General Repairs Contr	<u>\$582.00</u>
		TOTAL	
		:	<u>\$582.00</u>

<i>Transfer</i>			
<i>To:</i>	DB9030.8	Social Security	<u>\$582.00</u>
		TOTAL	
		:	<u>\$582.00</u>

WATER DISTRICT #1

<i>Transfer</i>		Transmission & Distr	
<i>From:</i>	SW8340.2	Equip	<u>\$33.00</u>
	SW8340.4	Transmission & Distr	<u>\$5,800.00</u>

Contr

TOTAL: \$5,833.00*Transfer**To:* SW8320.4Source of Supply
Contractual\$5,833.00**TOTAL**: \$5,833.00**WATER DISTRICT #2***Transfer**From:* SW8330.4Purification Contr
Transmission & Distr

\$800.00

SW8340.2

Equip
Transmission & Distr

\$1,000.00

SW8340.4

Contr

\$132.00

Unanticipated Revenue

SW2770

Miscellaneous

\$342.66**TOTAL** \$2,274.66*Transfer**To:* SW1990.4Contingency
Source of Supply

\$4342.66

SW8320.4

Contractual

\$1,932.00**TOTAL**: \$2,274.66**WATER DISTRICT #4***Transfer**From:* SW8320.4Source of Supply
Contractual\$300.00**TOTAL** \$300.00

				:	<u> </u>
				:	<u> </u>
<i>Transfer</i>					
<i>To:</i>	SW8310.2	Admin Equipment			\$300.00
				TOTAL	
				:	<u>\$300.00</u>

WATER DISTRICT #5

<i>Transfer</i>					
<i>From:</i>	SW8310.2	Admin Equipment			\$1,000.00
	SW8330.4	Purification Contr			\$750.00
	SW8340.4	Transmission & Distr			
		Contr			\$5,600.00
				Unanticipated Revenue	
	SW2140	Metered Sales			\$5,656.00
	SW2770	Miscellaneous			\$114.78
				TOTAL	
				:	<u>\$13,120.78</u>

<i>Transfer</i>					
<i>To:</i>	SW1990.4	Contingency			\$114.78
		Source of Supply			
	SW8320.4	Contractual			\$13,006.00
				TOTAL	
				:	<u>\$13,120.78</u>

WATER DISTRICT #6

<i>Transfer</i>					
<i>From:</i>	SW8310.4	Admin Contractual			\$400.00
		Transmission & Distr			
	SW8340.2	Equip			\$40.00

	SW8340.4	Transmission & Distr Contr	\$600.00
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TOTAL	
:	<u>\$1,040.00</u>

<i>Transfer</i>		Source of Supply	
<i>To:</i>	SW8320.4	Contractual	<u>\$1,040.00</u>
	SW9030.8	Social Security	<u>\$12.00</u>

TOTAL	
:	<u>\$1,040.00</u>

WATER DISTRICT #9

<i>Transfer</i>			
<i>From:</i>	SW8310.2	Admin Equipment	<u>\$98.00</u>

TOTAL	
:	<u>\$98.00</u>

<i>Transfer</i>		Source of Supply	
<i>To:</i>	SW8320.4	Contractual	<u>\$98.00</u>

TOTAL	
:	<u>\$98.00</u>

RESOLUTION 130 -12

PUT KABOTA 8200 & ROTARY BUSH HOG OUT FOR SEALED BID

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

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

GAINES TOWN BOARD MEETING

Gaines, NY December 27th, 2012

Resolved that the Town Board authorizes Superintendent Mannella to put the 8200 Kabota tractor and bush hog out for sealed bid with a minimum bid to be determined by Superintendent Mannella, and Councilpersons Kast and Kirby.

PRIVILEGE OF THE FLOOR

With no comment from the public Clerk Klatt asked what the status of a medical health care policy was. Supervisor Culhane replied that because only 1 employee wanted coverage instead of the medical reimbursement there was no policy available.

MOTION TO ADJOURN

With no further business, on a motion from Councilperson Syck, seconded by Councilperson Smith the resolution was

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

Resolved that the December 27th, 2012 board meeting was adjourned at 5:50PM.

Respectfully Submitted,



Jean Klatt
Gaines Town Clerk

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