

GAINES TOWN BOARD MEETING  
Gaines, NY July 12, 2011

Two Public Hearings and a Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York were held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 12<sup>th</sup> day of July 2011.

PRESENT: Bill Lattin ----- Supervisor  
David Kast ----- Councilperson  
James Kirby ----- Councilperson  
Susan Smith ----- Councilperson  
Lorraine Oakley ----- Councilperson  
Ron Mannella ----- Highway Superintendent  
Jean Klatt ----- Town Clerk  
Douglas Heath ----- Council

EXCUSED: None

OTHERS PRESENT: Ray Burke, Sandra Brown, Glen Brown, Carol & Jerry Culhane, Paul & Linda Roberts, Chris Watt, Doug & Mary Jo Syck, John & Connie Mosher, Marilyn Miller, Bill & Becky Reynolds, Kay Marsh, John & Siegluide Goslua, David Heminway, Tony Navarra, James Klencik, Sharon Harding, Jamie Kent, Lorienda Smith, Donald & Debra Allport, Russ Benzin, James Theodorakos, Carole Patterson, Dave Allchin, Mike Grabowski, Lisa Mannella, Dave Bowen, Joe Baker, Tibbs Ahlberg, Ed Stueber, Henry Smith Jr.

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

**PUBLIC HEARING**  
July 12, 2011  
“Fees of the Wind Energy Facilities Law”

**LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Gaines Town Board will conduct a public hearing on July 12, 2011 at 7:30 p.m. in the Gaines Town Hall, 14087 Ridge Road, Albion, New York 14411, to consider amendments to the applicable fee schedule for construction of wind energy conversion systems set forth in Section 728.0 “Fees” of the Wind Energy Facilities Law of the Town of Gaines, being Local Law No. 1 of the year 2008. All persons wishing to be heard in favor or against the proposed amendments will be given an opportunity to be heard.

Dated: July 5, 2011  
Jean Klatt, Gaines Town Clerk

**PUBLIC HEARING**  
July 12, 2011  
“Fees of the Wind Energy Facilities Law”

The public hearing was opened at 7:31PM with the reading of the legal notice by Supervisor Lattin. Marilyn Miller expressed concern over a member of the town board having a conflict of interest. Attorney Heath explained that he didn't think that there was any conflict of interest according to the Town of Gaines Code of Ethics. Residents expressed concern that the proposed fees were not coinciding with the heights in the law. It was also asked why a fee was necessary at all. The response was to cover the cost incurred to the town.

The public hearing was closed at 8:20.

**PUBLIC HEARING**  
July 12, 2011

**LEGAL NOTICE**  
**TOWN OF GAINES**

“Local Law Amending the Zoning Ordinance of the  
Town of Gaines, Orleans County, New York”.

**NOTICE IS HEREBY GIVEN** that the Gaines Town Board will conduct a public hearing on July 12, 2011 at 7:45 P.M. in the Gaines Town Hall, 14087 Ridge Road, Albion, New York to consider the adoption of a proposed local law previously designated as Local Law No. 2 of the Year 2008 which was later re-designated as Local Law No. 2 of 2009 and is now being designated as Local Law No. 2 of the year 2011, entitled a “Local Law Amending the Zoning Ordinance of the Town of Gaines, Orleans County, New York”. Said local law proposes several amendments to the Gaines Zoning Ordinance as it now exists. Copies of the proposed local law are available for public inspection in the Town Clerk's Office in the Gaines Town Hall during regular business hours. All persons wishing to be heard in favor of or in opposition to such proposed local law will have the opportunity to be heard at said public hearing.

Dated: July 5, 2011

Jean Klatt,  
Gaines Town Clerk

The public hearing was opened at 8:21PM with the reading of the legal notice read by Supervisor Lattin.

**PUBLIC HEARING**  
July 12, 2011  
“Fees of the Wind Energy Facilities Law”

Attorney Heath explained that there have been no changes to the draft dated 7-13-2010. A public hearing was held at that time. It was clarified that farm labor housing will be allowed in the agricultural district only.

With no further comment the public hearing was closed at 8:29PM.

**GAINES TOWN BOARD MEETING**  
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The Town Board decided that more time and research was needed regarding Fees of the Wind Energy Facilities Law.

On the advice of Attorney Heath it was decided that a new SEQR study was needed before adopting the Local Law Amending the Zoning Ordinance of the Town of Gaines, Orleans County, New York.

**RESOLUTION 47 -11**

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes of June 14th, 2011 meeting are approve with the correction of the parking lot sealing resolution being entered twice. 1 will be deleted.

GAINES TOWN BOARD MEETING  
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RESOLUTION 48 -11  
**APPROVAL OF ABSTRACTS**

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

ADOPTED Ayes 5  
Nays 0

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

General	Abstract # 148 - # 168	in the amount of \$ 13,453.08
Highway	Abstract # 69 - # 75	in the amount of \$ 4,766.06
Water 1	Abstract # 24 - # 27	in the amount of \$ 1,284.14

RESOLUTION 49 -11  
**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, Lattin, Oakley  
Nays 0

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

GAINES TOWN BOARD MEETING  
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RESOLUTION 50 -11

**APPROVAL OF BUDGET TRANSFERS**

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

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

Resolved that the budget transfers are approved as follows:

**TOWN OF GAINES**

**PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 7/12/11 MEETING:**

**GENERAL FUND - TOWNWIDE**

<i>Transfer From:</i>	A1990.4	Contingency	\$ 350.00
			<hr/>
		<b>TOTAL</b>	\$
		:	350.00
			<hr/> <hr/>

<i>Transfer To:</i>	A3650.4	Demolition of Unsafe Bldg	\$ 350.00
			<hr/>
		<b>TOTAL</b>	\$
		:	350.00
			<hr/> <hr/>

**WATER DISTRICT #2**

<i>Transfer From:</i>	SW8310.2	Admin Equipment	\$ 500.00
			<hr/>
		<b>TOTAL</b>	\$
		:	500.00
			<hr/> <hr/>

<i>Transfer To:</i>	SW8320.4	Source of Supply Contractual	\$ 500.00
			<hr/>
		<b>TOTAL</b>	\$
		:	500.00
			<hr/> <hr/>

**WATER DISTRICT #7**

<i>Transfer From:</i>		<b>Unanticipated Revenue</b>	
	SW2770	Miscellaneous	\$ 62.75
			<hr/>
		<b>TOTAL</b>	\$
		:	62.75
			<hr/> <hr/>

<i>Transfer To:</i>	SW1990.4	Contingency	\$ 62.75
			<hr/>
		<b>TOTAL</b>	\$
		:	62.75
			<hr/> <hr/>

**WATER DISTRICT #9**

<i>Transfer From:</i>	SW8310.2	Admin Equipment	\$ 204.00
			<hr/>
		<b>TOTAL</b>	\$
		:	204.00
			<hr/> <hr/>

<i>Transfer To:</i>	SW8340.4	Transmission & Distr Contr	\$ 50.00
	SW9030.8	Social Security	\$ 154.00
			<hr/>
		<b>TOTAL</b>	\$
		:	204.00
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GAINES TOWN BOARD MEETING  
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RESOLUTION 51 -11

**SUPERVISOR APPROVAL TO SIGN ENGAGEMENT LETTER WITH FREED,  
BATTAGLIA, PC**

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

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

Resolved that Supervisor Lattin is authorized to sign the engagement letter with Freed & Battaglia,PC for a single audit if deemed necessary.

RESOLUTION 52 -11

**ORLEANS COUNTY SNOW & MOWING PROPOSAL**

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

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

Resolved that Supervisor Lattin and Superintendent Mannella are authorized to sign the Orleans County snow and mowing contract.

RESOLUTION 53 -11

**SCHEDULE A PUBLIC HEARING FOR MILITARY BUFFER ZONE AT FUNERALS**

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

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

Resolved that a public hearing will be held on August 9<sup>th</sup>, 2011 at 7:30PM to establish a Military Funeral Buffer Zone.

GAINES TOWN BOARD MEETING  
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Tibbs Ahlberg, Planning Board Chairman presented a draft proposal for updates to the Master Plan on behalf of the planning board's recommendations.

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

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

Resolved that the June 14, 2011 board meeting is adjourned at 9:25 PM.

Respectfully Submitted,

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Jean Klatt  
Gaines Town Clerk