

GAINES TOWN BOARD MEETING
Gaines, NY April 12, 2011

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Town Hall, 14087 Ridge Road, Gaines, New York on the 12th day of April 2011.

PRESENT: Bill Lattin ----- Supervisor
 David Kast ----- Councilperson
 James Kirby ----- Councilperson
 Susan Smith ----- Councilperson
 Lorraine Oakley ----- Councilperson
 Douglas Heath ----- Council
 Mary Pettit ----- Deputy Town Clerk

EXCUSED: Jean Klatt ----- Town Clerk

OTHERS PRESENT: Jim Krencik, Carol Culhane, Connie Mosher, Marilyn Miller, David Thom, Douglas Syck, Mary Jo Syck

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

RESOLUTION 22 -11

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the March 8, 2011 Regular Town Board meeting and that the minutes of the March 31, 2011 Special Town Board meeting be approved as submitted by the Town Clerk and Deputy Town Clerk.

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RESOLUTION 23 -11
APPROVAL OF ABSTRACTS

On a motion from

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

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

Resolved that the bills on abstract #4 with the exception of voucher 78 from general and voucher 1 from water district 9 will be paid as presented.

General	Voucher	#71-# 77 & #79-#95	in the amount of \$ 4,948.86
Highway	Voucher	#37 - #49	in the amount of \$ 6,820.63
Water 1	Voucher	#13 - #15	in the amount of \$ 240.00

RESOLUTION 24-11
APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

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

Supervisor Lattin read to the public a letter that Highway Superintendent Ron Mannella received from a resident of the Town, Robert Macintosh, thanking the highway for their work in keeping our roads clean this winter.

Highway Superintendant Ron Mannella gave the board an energy audit that was done for the Town Hall and Highway garage to look over and discuss at another time.

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Last week Supervisor Lattin met with USDA to sign papers in regard to water district 10. The creation of WD10 was engineered by former Town Supervisor Richard DeCarlo. Everything looks positive and it seems that everything will go through. There was a discussion among board members about the benefits (it's better for the future of the Town, an opportunity for funds may not be available to us again) and negatives (will enough people connect to support operational costs) to constructing WD10.

Richard DeCarlo gave a presentation about a seminar by the National Fire Protection Association he attended about sprinkler systems. Several states are passing laws that will require new single family homes to have a sprinkler system in place. He feels it would be appealing to new builders who would have to abide by this regulation if they would have access to public water. This is just one reason he thinks it's best to have as much of the town as possible piped.

Attorney Heath informed the board that the loan resolution and grant agreement for water district 10 is ready to be approved and signed. This is the first step and must be done before the town could go further with the project. It was suggested the board pass a resolution for Supervisor Lattin to sign the documents.

RESOLUTION 25-11

LOAN RESOLUTION AND GRANT AGREEMENT FOR WATER DISTRICT 10

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

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

Resolved that Supervisor Lattin sign the loan and grant agreement for water district 10.

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Position 5

RUS BULLETIN 1780-27
(Automated 8-97)

FORM APPROVED
OMB. No. 0575-0015

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Town Council

OF THE Town of Gaines

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Gaines
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

TWO HUNDRED FORTY-TWO THOUSAND AND XX / 100 DOLLARS (242,000.00)

pursuant to the provisions of New York State Municipal Finance Law; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0015), Washington, DC 20503.

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11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities, and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$599,000
under the terms offered by the Government; that Town Supervisor
and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant, and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Yeas 5 Nays 0 Absent 0

IN WITNESS WHEREOF, the Town Council of the
Town of Gaines has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 12th day of April, 2011

(SEAL) (if applicable)

Attest:

Jean Klatt
Jean Klatt
Title Town Clerk

Town of Gaines
By C.W. Lattin
C.W. Lattin
Title Supervisor

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PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

None

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Kirby the meeting was adjourned at 8:12 PM.

Respectfully submitted,

Mary Pettit
Gaines Deputy Town Clerk