

REGULAR TOWN BOARD MEETING
Gaines, NY August 11, 2009

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

EXCUSED: Richard DeCarlo ----- Supervisor

OTHERS PRESENT: Allis Sue Jones, Carol Culhane, Tibbs Ahlberg, Lisa Mannella,
Ray Burke, David Thom

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

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Allis Sue Jones came to speak about a neighborhood problem with Morris Maynard. She was complaining that they have fires that stink up her house and she believes there is drug activity going on. Attorney Heath explained that anything the town could do would take many months. He feels that most of the problems are police & DEC matters.

Dave Thom asked the board to look into the fact that the Town of Gaines is the only town in Orleans County that has excluded the Real Property Tax Exemption on Geo thermal energy systems.

Carol Culhane gave an update on the Bicentennial 2009 committees progress. The town board agreed to be the Grand Marshalls of the parade.

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RESOLUTION 43-09
Approval of Minutes

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

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

The minutes from July 14, 2009 are approved.

RESOLUTION 44-09
Approval of Abstract

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

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

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

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RESOLUTION 45-09
BUDGET TRANSFERS

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

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

Resolved that the following budget transfers are approved.

<u>GENERAL FUND - TOWNWIDE</u>			
<i>Transfer From:</i>	A1990.4	Contingency	\$ 3,597.00
		Unanticipated Revenue	
	AUB	Unexpended Balance	\$ 10,875.00
		TOTAL:	<u>\$ 14,472.00</u>
 <i>Transfer To:</i>			
	A1110.4A	Justice Grant	\$ 10,875.00
	A1440.4	Engineering Contractual	\$ 317.00
	A5132.4	Garage Contractual	\$ 2,500.00
	A7180.4	Recreation (Cable)	\$ 679.00
	A9055.8	Disability Insurance	\$ 101.00
		TOTAL:	<u>\$ 14,472.00</u>
<u>HIGHWAY FUND - TOWNWIDE</u>			
<i>Transfer From:</i>	DA5130.4	Machinery Contractual	\$ 51.00
		TOTAL:	<u>\$ 51.00</u>
 <i>Transfer To:</i>			
	DA9055.8	Disability Insurance	\$ 51.00
		TOTAL:	<u>\$ 51.00</u>
<u>HIGHWAY FUND - OUTSIDE VILLAGE</u>			
<i>Transfer From:</i>	DB5110.4	General Repairs Contr	\$ 51.00
		TOTAL:	<u>\$ 51.00</u>
 <i>Transfer To:</i>			
	DB9055.8	Disability Insurance	\$ 51.00
		TOTAL:	<u>\$ 51.00</u>

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WATER DISTRICT #1

<i>Transfer From:</i>		Unanticipated Revenue	
	SW2770	Miscellaneous	\$ 24,893.55
	SWUB	Unexpended Balance	\$ 500.00
		TOTAL:	<u>\$ 25,393.55</u>

<i>Transfer To:</i>			
	SW1990.4	Contingency	\$ 24,893.55
	SW8310.4	Administrative Contr	\$ 500.00
		TOTAL:	<u>\$ 25,393.55</u>

WATER DISTRICT #2

<i>Transfer From:</i>		Unanticipated Revenue	
	SWUB	Unexpended Balance	\$ 4,000.00
		TOTAL:	<u>\$ 4,000.00</u>

<i>Transfer To:</i>			
	SW8320.4	Source of Supply Contractual	\$ 4,000.00
		TOTAL:	<u>\$ 4,000.00</u>

WATER DISTRICT #3

<i>Transfer From:</i>		Unanticipated Revenue	
	SWUB	Unexpended Balance	\$ 4,129.00
		TOTAL:	<u>\$ 4,129.00</u>

<i>Transfer To:</i>			
	SW1950.4	Taxes & Assessment on Prop	\$ 129.00
	SW8320.4	Source of Supply Contractual	\$ 4,000.00
		TOTAL:	<u>\$ 4,129.00</u>

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WATER DISTRICT #5

<i>Transfer From:</i>	SW8320.4	Source of Supply Contr	\$	480.00
		Unanticipated Revenue		
	SW2770	Miscellaneous	\$	483.00
			TOTAL:	<u><u>\$ 963.00</u></u>
<i>Transfer To:</i>	SW1990.4	Contingency	\$	483.00
	SW8340.2	Trans & Distr Equip	\$	480.00
			TOTAL:	<u><u>\$ 963.00</u></u>

WATER DISTRICT #6

<i>Transfer From:</i>	SW8320.4	Source of Supply Contractual	\$	12.00
			TOTAL:	<u><u>\$ 12.00</u></u>
<i>Transfer To:</i>	SW1990.4	Contingency	\$	12.00
			TOTAL:	<u><u>\$ 12.00</u></u>

WATER DISTRICT #8

<i>Transfer From:</i>	SW2665	Unanticipated Revenue Sale of Equipment	\$	1,000.00
			TOTAL:	<u><u>\$ 1,000.00</u></u>
<i>Transfer To:</i>	SW8340.4	Trans. & Dist. Contractual	\$	1,000.00
			TOTAL:	<u><u>\$ 1,000.00</u></u>

Resolution 46-09

Planning Board Appointment

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

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

Resolved that Molly Preston is appointed to the planning board to fill the unexpired term of Liz Capacci expiring 12/31/2009.

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Resolution 47-09

Apply for Salt Storage Grant

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

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

Resolved that Supervisor DeCarlo is authorized to sign the agreement for Stuart Brown Associates to write and apply for a DEC grant for a salt storage building for a fee of \$2800.00.

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Resolution 48-09

TOWN OF GAINES
WATER DISTRICT NO. 10

LEAD AGENCY RESOLUTION

At the meeting of the Gaines Town Board held on August 11, 2009, Councilman Kirby moved adoption of the following resolution; Councilman Kast seconded the motion and was passed.

"RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Gaines hereby announces its intent to serve as lead agency to conduct an environmental review of a project to construct a series of public water supply improvements to serve the Town of Gaines Water District No. 10. The project involves the installation of approximately 21,440 feet of watermain within the rights-of-way of Sawyer, Kent, Transit, and Densmore Roads. The proposed project would provide public water to residents of this area who are currently dependent on individual wells that produce an inadequate supply of poor quality water.

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

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

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

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

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 11th day of August 2009, with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

DATED: 2009

(SEAL)



Jean Klatt, Clerk

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RESOLUTION 49-09

AUTHORIZING COURT GRANT APPLICATION

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

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

RESOLVED, the Gaines Town Board hereby authorizes Town Justice Bruce Schmidt to file an application for funding from the New York State Office of Court Administration 2010 Justice Court Assistance Program.

CERTIFICATION

STATE OF NEW YORK}
COUNTY OF ORLEANS}

I hereby certify that the aforementioned is a true and accurate copy of a resolution adopted by the Town of Gaines Town Board on August 11, 2009.

Dated: August 11, 2009

Jean Klatt
Town Clerk

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Clerk Klatt informed the town board that the \$35,000.00 member money check had arrived. The money was solicited by Supervisor DeCarlo for Senator Maziarz office. Councilman Kast expressed his thanks on behalf of the town board and the community to Jessica Klatt for the excellent work she did in preparing the grant application.

Ron Mannella asked the cemetery committee to gather information regarding cemetery rules and meet to develop some regulations for the Otter Creek Cemetery.

RESOLUTION 50-09

RESCHEDULE SEPTEMBER 15, 2009 TOWN BOARD MEETING

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

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

RESOLVED, the Gaines Town Board hereby reschedules the September 15, 2009 Town Board Meeting to September 8, 2009.

RESOLUTION 51-09

ESTABLISH PROPOSED WD#10 AND SCHEDULE PUBLIC HEARING

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

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

RESOLVED, the Gaines Town Board hereby schedules a public hearing for the proposed WD#10 on September 8, 2009 at 7:30PM..

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**ORDER OF THE TOWN BOARD OF THE TOWN OF GAINES
SCHEDULING PUBLIC HEARING ON THE PROPOSED ESTABLISHMENT
OF TOWN OF GAINES WATER DISTRICT NO. 10**

In accordance with the provisions of §191 of the Town Law, a petition was filed with the Gaines Town Board on August 11, 2009 for the establishment of a water district which is located wholly within the Town of Gaines, Orleans County, New York, extending along portions of Sawyer Road, Kent Road, Transit Road and Densmore Road in said Town, more particularly bounded and described and set forth in Schedule A attached hereto.

A map, plan and report prepared by Chatfield Engineers, P.C., an engineer duly licensed in the State of New York, is on file in the office of the Gaines Town Clerk for inspection by interested persons during regular business hours. The map, plan and report sets forth the boundaries of the proposed district, a general plan of the water distribution system, a report of the proposed method of operation, and the location of all water mains, laterals, distribution pipes, valves and appurtenances. The project consists of approximately 21,440 feet of 8" DR-14 and DR-18 PVC water main; installation of individual water services from the water main to the edge of the highway right-of-way; installation of gates valves; installation of fire hydrants at intervals of approximately 600 feet; connection to existing municipal water source; creek crossings; highway crossings; and driveway and lawn restoration.

The maximum amount proposed to be expended for the improvements is \$840,968.00, with \$630,726.00 of such amount to be paid from grant funds being sought by the Town through the USDA, Rural Utility Service (RUS), and the balance to be financed through the issuance of bond anticipation notes or serial bonds of the Town to RUS for a term not to exceed 38 years. It is proposed that this water district be established on a benefit basis rather than on an ad valorem basis, with the cost of construction of the district to be assessed by the Town Board in proportion as nearly as may be determined to the benefit which each lot or parcel will derive therefrom.

The cost of the water district to the typical property in the district is expected to be \$616.81 in the first year following formation of the district in which both principal and interest on any indebtedness and operation and maintenance costs will be paid. This amount has been calculated in the following manner:

Debt Service (\$210,242.00 loan @ 3.125% interest over 38 year term):	\$297.81
Water Purchase Cost:	<u>319.00</u>
Total Cost to Typical Property:	\$616.81

(NOTE: The Water purchase Cost is based upon average annual consumption of 60,000 gallons per household at a purchase rate of \$4.25/thousand gallons of water plus a quarterly operation and maintenance charge of \$16.00 per quarter)

The above figure does not include hook-up fees from the curb stop to the residence, which are estimated to be approximately \$1,000 for the typical property. The actual hook-up fee may vary depending on the size of water service installed and the distance that the individual water service must be run from the highway right-of-way to the house.

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A detailed explanation of the manner of calculating the estimated hook-up fees and the cost of the water district to the typical property in the district is available for inspection by interested persons at the office of the Gaines Town Clerk during regular business hours.

The formation of the Gaines Water District No. 10 shall be specifically conditioned upon (a) receipt of approval of the New York State Department of Audit and Control, if necessary, (b) receipt of grant assistance from the USDA (RUS) in an amount not less than \$630,726.00, with the balance to be provided in the form of loan assistance from RUS.

The Gaines Town Board will hold a public hearing on 9 - 8, 2009 at 7:30 p.m. at the Gaines Town Hall at 14087 Ridge Road, Albion, New York to consider the map, plan and report and to consider the establishment of proposed Town of Gaines Water District No. 10. All persons interested in this matter and desiring to be heard will be heard at this hearing.

Dated: August 11, 2009
Gaines, New York

James Kirby
David Kast
Lorraine Oakley
C.W. Lattin
Members of the Gaines Town Board

Tibbs Ahlberg asked to have additional information about past budgets with his budget request form.

Attorney Heath informed the board that he will need to get in and out of the September 8th, 2009 board meeting due to personal commitments.

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

Respectfully submitted,

Jean Klatt
Gaines Town Clerk