

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

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

EXCUSED: None

OTHERS PRESENT: Sue Smith, Guy Smith, Sue Behrend, Marilyn Miller, Chris Watt, Phil McKenna, Wendy Kelly, Thomas Stirk, Doris Stirk, Sara Stirk, Ken Whitney, Connie Mosher, Roger Beam, Emerson Young, Julie Andrews, Gerard Morrissey, Lorienda Smith, Henry Smith Jr.

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

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Guy and Sue Smith addressed the board regarding their unhappiness with the way the planning board is handling the James Kirby, Farm Labor Camp Application. There was a lengthy discussion with some members of the planning board explaining their side of things and there were comments from the audience.

Roger Beam suggested that the Farm Labor Law could be amended because it is too vague and leaves too much room for interpretation.

Marilynn Miller invited the Town Board to attend the Wind Energy Committee meeting on 8-15 2007. Dan Spitzer will be giving a presentation. She also asked for an explanation regarding Town Board Members signing agreements with the wind energy company. The board explained that this issue had been handled months earlier. The attorney offered to address the issue if the board directed him to and a formal request in writing came from a resident. Supervisor DeCarlo informed the audience and town board that our Code of Ethics is in the process of being updated.

REGULAR TOWN BOARD MEETING
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Emerson Young, Chairman of SCOPE, addressed the board regarding the No Dangerous Weapons resolution # 53-07 the board recently passed. He said the board could not override NYS Law and the attorney responded that passing a resolution does not change a law. Supervisor DeCarlo explained that the Town will not be changing the resolution.

RESOLUTION 72-07
APPROVAL OF MINUTES

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

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

Resolved that the minutes from the July 10th & 16th, 2007 are approved.

RESOLUTION 73- 07
APPROVAL OF ABSTRACTS

On a motion from

General - Councilperson Lattin and seconded by Councilperson Oakley
Highway – Councilperson Lattin and seconded by Councilperson Kirby
Water- Councilperson Lattin and seconded by Councilperson Oakley
Preapproval of Eagle’s Pride Asphalt Maintenance in the amount of
\$2115.00 – Councilperson Lattin and seconded by Councilperson Kast

The resolution was declared

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

Resolved that the bills on abstract #8 and Eagle’s Pride invoice will be paid as presented.

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION No. 74 duly adopted at a regular meeting of the Gaines Town Board held on the 14th day of August, 2007, at which the following were:

PRESENT: DeCarlo, Kast, Kirby, Lattin, Oakley

ABSENT: None

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

"WHEREAS, upon the request of Douglas M. Heath, Esq. Attorney for the Town of Gaines, and in order to avoid any potential conflict of interest or appearance of impropriety, the Gaines Town Board has determined that it is necessary to appoint Special Counsel to represent the Town of Gaines in the matter of the application of James Kirby for a special use permit to construct a farm labor camp on lands on Route 279; now, therefore, be it

"RESOLVED, that the Gaines Town Board does hereby appoint John Gavenda, Esq., as Special Legal Counsel for the Town of Gaines for the sole and limited purpose of representing the Town of Gaines in the matter of the application of James Kirby to construct a farm labor camp on Route 279 in said Town; and be it

FURTHER RESOLVED, that John Gavenda Esq. shall be compensated for such legal services pursuant to the provisions of his letter of engagement dated 8-14-07; and be it

FURTHER RESOLVED, that such appointment is necessary due to the potential conflict of interest or appearance of impropriety arising out of the fact that Douglas M. Heath, Esq., Attorney for the Town of Gaines, has notified the Town Board that he has acted as Attorney in the past on behalf of one or more persons or parties whom may be affected by such application.

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

DeCarlo, Kast, Lattin, Oakley
The following voted "No" in opposition thereto: None

The following abstained from voting: Kirby
The resolution was deemed adopted

Dated: August 14, 2007

Jean Klatt, Gaines Town Clerk

CLERK'S CERTIFICATION

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

I, Jean Klatt, Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines, on the 14th day of August, 2007, with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: August 14, 2007

Jean Klatt
Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 75-07
WD#7 CHANGE ORDER #2

Town of Gaines
Water District No. 7
Water Main Installation
Change Order No. 2

Sergi Construction, Inc.
P.O. Box 436
West Falls, New York 14170

Base Bid+Alternate 2						Change Order No. 2, Part A				Change Order No. 2, Part B			
Item #	Description	Qty	Unit	Unit Price	Amount	Qty	Unit	Unit Price	Amount	Qty	Unit	Unit Price	Amount
2229	Rock Removal	25	CY	\$10.00	\$250.00								
2230	Select Fill	25	CY	\$28.00	\$700.00								
2611C	8" DR-18 PVC W.M. w/o Final Grade & Seed	18,050	LF	\$12.46	\$224,903.00	500	LF	\$12.46	\$6,230.00	200	LF	\$12.46	\$2,492.00
2611B	Pipe Bedding	18,050	LF	\$0.01	\$180.50	500	LF	\$0.01	\$5.00	200	LF	\$0.01	\$2.00
2645A	Hydrant Assembly	30	EA	\$2,710.00	\$81,300.00	1	EA	\$2,710.00	\$2,710.00				
2645B	6" Hydrant Extension	2	LF	\$254.16	\$508.32								
2645C	12" Hydrant Extension	1	LF	\$296.76	\$296.76								
2645D	18" Hydrant Extension	1	EA	\$336.92	\$336.92								
2650A	Direct Water Main Connection	3	EA	\$379.49	\$1,138.47								
2654A	Permanent Sample Station	3	EA	\$844.77	\$2,534.31								
2656	Test Assembly	1	EA	\$1,304.72	\$1,304.72								
2660A	8" Gate Valve, Box & Marker	16	EA	\$954.33	\$15,269.28	1	EA	\$954.33	\$954.33				
2920A	Asphalt Road Restoration	150	EA	\$13.42	\$2,013.00								
2920B	Asphalt Driveway Restoration	140	EA	\$15.40	\$2,156.00								
2920C	Crushed Stone Driveway Restoration	550	EA	\$3.01	\$1,655.50								
Total Amount					\$334,546.78	Part A = \$9,899.33				Part B = \$2,494.00			
						Total Amount Change Order No. 2, Part A+B = \$12,393.33							

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

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

Resolved that change order #2 for the Water Main Installation is approved.

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 76-07
WD#6 CHANGE ORDER #3

Change Order
No. 3

Date of Issuance: July 11, 2007 Effective Date: July 11, 2007

Project: Town of Albion Water District No. 6 & Town of Gaines Water District No. 6	Owner: Town of Albion & Town of Gaines	Owner's Contract No.:
Contract: Water Main Installation		Date of Contract: September 1, 2006
Contractor: Pilon Construction, Inc.		Engineer's Project No.: 99-395

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Request for an extension of time to complete final restoration since the current weather conditions are not conducive for establishment of vegetation.

Attachments: None.

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

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

Resolved that change order #3 for the Water Main Installation is approved.

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

Supervisor DeCarlo informed the board that Code Enforcement Officer, Robert McGaffick, had asked Chatfield Engineers to do an inspection of a home located at 13953 Ridge Road. The owner had complained that part of their basement wall had collapsed after New York State had paved Ridge Road. Supervisor DeCarlo didn't feel that the Town should have done the inspection and informed the board that a bill will be forthcoming.

Highway Superintendent, Ron Mannella, updated the board on the drainage project. The project is complete with the help of the Orleans County Highway Department and Soil & Water. Mr. Mannella and the board would like to send thank you notes to Orleans County Highway, Soil & Water, and the County Legislature.

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 77-07

WD#8

SEQR

TOWN OF GAINES
CREATION OF WATER DISTRICT NO. 8
SEQR RESOLUTION

At a meeting of the Town Board of the Town of Gaines held on the 14th day of August 2007, at the Gaines Town Hall, Councilman OAKLEY moved adoption of the following resolution; Councilman CAST seconded the motion:

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Gaines announces its intent to serve as lead agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCRR) of a project to establish the Town of Gaines Water District No. 8. The creation of the proposed water district will allow for the extension of public water service along portions of Zig Zag Road, Densmore Road and West Transit Church Road. The water system improvements will ultimately involve the construction of approximately 10,670 l.f. of 8-inch watermain and will provide public water service to a total of 24 residential units.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR.

FURTHER RESOLVED, that the Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above listed action. The Town Board hereby accepts the environmental assessment of the proposed project prepared by Stuart I. Brown Associates, Inc., dated August 14, 2007. The Town Board further declares that, based on the environmental assessment which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

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

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

I, Jean Klatt, Town Clerk of the Town of Gaines, County of Orleans and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 14th day of August, 2007, with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof

Date: 8-14-07

Jean Klatt
Jean Klatt, Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 78-07
FORMATION OF WD#8

**RESOLUTION OF GAINES TOWN BOARD ESTABLISHING
TOWN OF GAINES WATER DISTRICT NO. 8**

A regular meeting of the Town Board of the Town of Gaines, Orleans County, New York, was held in the Gaines Town Hall in said Town on August 14, 2007 at 7:30 P.M. to consider the establishment of proposed Water District No. 8 of the Town of Gaines, pursuant to the provisions of Article 12 of the Town Law.

A map, plan and report relating to the establishment of the proposed water district, prepared by Chatfield Engineers, P.C., a competent engineer duly licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk of the Town of Gaines, in accordance with the requirements of Article 12 of the Town Law.

On April 10, 2007, an Order was adopted by the Town Board reciting the filing of the map, plan and report, the boundaries of the proposed water district, the improvements proposed, the estimated expense of the improvements, the cost of the water district to the typical property in the district, estimated hook-up charges, the proposed method of financing, the fact that the map, plan and report were on file in the Town Clerk's Office for public inspection and all other matters required by law to be stated:

The Order set May 8, 2007 at 7:30 P.M. in the Gaines Town Hall in said Town, to consider the map, plan and report and to hear all persons interested in this matter and to take action as required by law.

The order was published in the *Batavia Daily News*, the official newspaper of the Town of Gaines and posted on the Town bulletin board as required by law.

A hearing on the matter was held by the Town Board as scheduled on May 8, 2007 beginning at 7:30 P.M., and the matter was fully discussed and all interested persons were heard.

Upon the evidence given at the hearing on May 8, 2007 and upon a **motion hereby duly made by Councilperson LATTIN, seconded by Councilperson KIRBY** and adopted by the affirmative vote of a majority of the Town Board, the following resolution was adopted:

IT IS HEREBY RESOLVED that:

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

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

IT IS FURTHER RESOLVED that the water district, as set forth in the map, plan and report, be approved and established, and that the requested improvements be constructed upon the required funds being made available and provided for.

IT IS FURTHER RESOLVED that this water district shall hereafter be known as the Town of Gaines Water District No. 8 and shall be more particularly bounded and described as set forth in the attached description.

IT IS FURTHER RESOLVED that the proposed improvements, including construction costs, legal and engineering fees, administrative fees and all other expenses, not to exceed in the aggregate the sum of \$400,125.00, be paid in the following manner: Grant assistance to the Town from USDA (RUS) in an amount not to exceed \$250,200.00 with the balance to be provided in the form of loan assistance from USDA (RUS) in an amount not to exceed \$150,000.00 for a term of 38 years at an anticipated rate of interest of 4.25%.

IT IS FURTHER RESOLVED that the cost of establishing and constructing Town of Gaines Water District No. 8 shall be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the improvement as is possible, it being the desire and intention of the Town Board to establish Water District No. 8 on a benefit basis rather than on an ad valorem basis.

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

Dated: August 14, 2007

Jean Klatt,
Gaines Town Clerk


CERTIFICATE OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss:

I, JEAN KLATT, Town Clerk of the Town of Gaines, County of Orleans and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 14th day of August, 2007 with the original thereof now on file in my office, and the same is a correct and true copy of said original resolution and of the whole thereof.

Dated: August 14, 2007.

(SEAL)



Jean Klatt

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 79-07
ENGINEERING SERVICES FOR WD#8

RESOLUTION

At a regular meeting of the Gaines Town Board held on August 14, 2007, Councilperson KAST moved adoption of the following resolution; Councilperson OAKLEY seconded the motion:

"RESOLVED, that the Town Board of the Town of Gaines hereby accept the Engineering Services Agreement of Chatfield Engineers of Rochester, New York, dated as of August 14, 2007, and hereby retain the services of Chatfield Engineers as Project Engineers for the construction of Gaines Water District No. 8 in accordance with said Engineering Services Agreement.

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

DeCarlo, Kast, Kirby, Lattin, Oakley

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

The resolution was deemed adopted.

Dated: August 14, 2007

Jean Klatt, Gaines Town Clerk

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

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 14th day of August, 2007 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: August 14, 2007
Town of Gaines

(SEAL)

Jean Klatt

Jean Klatt, Gaines Town Clerk

RESOLUTION 80-07
GRANT ADMINISTRATION FOR WD#8

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

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

Resolved that the Town of Gaines hereby accepts Stuart Brown Associates Agreement dated August 14, 2007, and hereby retains the services of Grant Administration for Water District #8.

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 81-07
**AUTHORIZATION FOR SUPERVISOR TO SIGN GRANT APPLICATION FOR
WD#8**

RESOLUTION

At a regular meeting of the Gaines Town Board held on the 14th day of August, 2007, the following resolution was duly moved, seconded and adopted by the affirmative vote of a majority of the total voting strength of the Board:

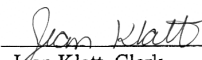
"RESOLVED, that the Supervisor of the Town of Gaines, Orleans County, New York, is hereby authorized as the official representative of the Town to execute and submit an application to the U. S. Department of Agriculture, Rural Development for grant and/or loan assistance for the construction of improvements to serve the Town of Gaines Water District No. 8, which includes portions of West Transit Church, Densmore and Zig Zag Roads, and the Supervisor is hereby authorized and directed to act in connection with the submission of the application and to provide such additional information as may be required."

CERTIFICATE OF CLERK

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

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 14th day of August, 2007 with the original of such resolution now on file in my office, and the same is a correct and true copy of said original resolution and of the whole thereof.

Dated: 8-14, 2007



Jean Klatt, Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 82-07
BOND COUNCIL FOR WD#8

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on August 14, 2007, in the Gaines Town Hall at 7:30 p.m. at which the following were:

PRESENT: De Carlo, Kast, Kirby, Lattin, Oakley

ABSENT: none

Councilperson LATTIN moved adoption of the following resolution; Councilperson KIRBY seconded the motion:

"RESOLVED, that the Town Board of the Town of Gaines hereby retains the law firm of Orrick, Herrington & Sutcliffe, LLP, to provide Bond Counsel services in the matter of Gaines Water District No. 8 including the issuance and sale of short term construction financing and the issuance and sale of long term serial bonds to Rural Development at final close out of the project, in accordance with the bond counsel proposals dated August 9, 2007, copies of which are attached hereto and made a part hereof."

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

The following voted "No" in opposition thereto:

The resolution was deemed adopted.

Dated: August 14, 2007

Jean Klatt, Gaines Town Clerk

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

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 14th day of August, 2007 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: August 14, 2007
Town of Gaines

(SEAL)

Jean Klatt
Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 83-07
LEGAL COUNCIL FOR WD#8

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on August 14, 2007, in the Gaines Town Hall at 7:30 p.m. at which the following were:

PRESENT: *De Carlo, Kast, Kirby, Lattin, Oakley*

ABSENT: *none*

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

"RESOLVED, that the Town Board of the Town of Gaines hereby retains the services of Heath and Martin Attorneys of Holley, New York to provide legal services to the Town in connection with the establishment and construction of the water distribution system for Town of Gaines Water District No. 8 to include portions of Zig Zag Road, Densmore Road and West Transit Church Road in the Town of Gaines; and it is further

RESOLVED, that Supervisor Richard A. DeCarlo, Sr., be and he hereby is authorized and directed to execute the Agreement for Legal Services dated August 14, 2007 on behalf of the Town of Gaines for such purpose."

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

De Carlo, Kirby, Kast, Lattin, Oakley

The following voted against adoption: None

The resolution was thereupon declared adopted.

Dated: August 14, 2007

Jean Klatt, Gaines Town Clerk

CERTIFICATE OF CLERK

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

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 14th day of August, 2007 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: August 14, 2007

(SEAL)

Jean Klatt

Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 84-07
REVISED ENGINEERING AGREEMENT FOR WD#7

RESOLUTION

At a regular meeting of the Gaines Town Board held on August 14, 2007, Councilperson OAKLEY moved adoption of the following resolution; Councilperson LATTIN seconded the motion:

"RESOLVED, that the Town Board of the Town of Gaines hereby accept the **Revised** Engineering Services Agreement of Chatfield Engineers of Rochester, New York, dated as of August 14, 2007, and hereby retain the services of Chatfield Engineers as Project Engineers for the construction of Gaines Water District No. 7 in accordance with said **Revised** Engineering Services Agreement.

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

The following voted "No" in opposition thereto:

The resolution was deemed adopted.

Dated: August 14, 2007

Jean Klatt, Gaines Town Clerk

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

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 14th day of August, 2007 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: August 14, 2007
Town of Gaines

(SEAL)



Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 85-07

REMOVAL OF OBSOLETE OFFICE EQUIPMENT

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on August 14, 2007, in the Gaines Town Hall at 7:30 p.m. at which the following were:

PRESENT: *De Carlo, Kirby, Kast, Lattin, Oakley*

ABSENT: *none*

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

RESOLVED, that the Gaines Town Board does hereby declare certain office equipment to be old, outdated, obsolete, surplus and no longer needed for Town purposes, such equipment including but not limited to, old computer monitors, keyboards, printers, computer printer tables and stands and related equipment, all of which have been examined by the Town Clerk and appropriate Town officials and deemed to be of little or no resale value; and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized to dispose of or discard such old, outdated, and obsolete equipment in the most cost effective and efficient matter as she shall deem appropriate including discard as everyday trash or rubbish, subject to applicable environmental disposal regulations; and be it

FURTHER RESOLVED, that prior to disposal, the Town Clerk shall cause all Town records to be copied or stored and all storage devices to be cleared of data using generally accepted technological means.

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

De Carlo, Kirby, Kast, Lattin, Oakley

The following voted against adoption: None

The resolution was thereupon declared adopted.

Dated: August 14, 2007

Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

RESOLUTION 86-07
SEALED BID FOR OFFICE FURNITURE

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on August 14, 2007, in the Gaines Town Hall at 7:30 p.m. at which the following were:

PRESENT: De Carlo, Kast, Kirby, Lattin, Oakley

ABSENT: none

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

RESOLVED, that the Gaines Town Board does hereby declare certain office furniture to be surplus furniture no longer needed for Town purposes including but not limited to desks and bookcases; and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized to advertise for sealed bids for the sale of such used furniture to the highest bidder, with a minimum bid of \$50.00, which bids shall be opened and read aloud on the 10th day of September 2007.

Upon being put to a vote, the following voted in favor of adoption of the resolution:
De Carlo, Lattin, Oakley, Kast, Kirby
The following voted against adoption: None

The resolution was thereupon declared adopted.

Dated: August 14, 2007

Jean Klatt, Gaines Town Clerk

CERTIFICATE OF CLERK

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

I, JEAN KLATT, Town Clerk of the Town of Gaines, Orleans County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines on the 14th day of August, 2007 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: August 14, 2007

REGULAR TOWN BOARD MEETING
Gaines, NY August 14, 2007

Supervisor DeCarlo informed the board that Oak Orchard Estates had filed a formal law suite against the Town of Gaines over their tax assessment. He reminded them that a formal agreement between the Town of Albion, the Village of Albion, and the Albion Central School District is still current and they will be responsible for sharing any expenses that the town will have.

RESOLUTION 87-07

ADVISORY COMMITTEE EXPENSE ACCOUNT

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

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

Resolved that the Town Board authorizes the Wind Advisory to spend up to \$500.00 on miscellaneous expenses.

With no further business, on a motion from Councilperson Lattin, and seconded by Councilperson Oakley the meeting was adjourned at 10:10 PM.

Respectfully submitted,

Jean Klatt
Gaines Town Clerk

