

REGULAR TOWN BOARD MEETING
Gaines, NY December 11, 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: Gerard Morrisey, Marilyn Miller, Jerry Culhane, Janet Sanford, David Sanford, Kelly Snook, Doug Bower, Walter Jakobowski, Gretchen Sepik, Jim Theodorakos, Melissa Nenni, Erin Pasik, Becky Pasik, Ashley Niebert, Lora Laine, Connie Mosher, Sue Smith, Guy Smith, John Goslau, Clifford Thom Sr., Chris Appleton, Megan McElligott, Jason Gotte, Tom Rivers-Daily News, Don Draper, Elise Draper

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

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

Susan Smith told the Town Board that they allowed the planning board to operate in a manner that ignored the Town Zoning Ordinances. She believes that the Town is losing Home Law.

Gerard Morrisey stated that he supports the Town Board and he thinks that the land owners should have the right to use there land for their own purpose to a certain extent. Guy Smith asked each town board member if they would state their opinion on how the planning board has operated over the last 6 months and to state if they were for home rule or state rule.

Board members stated that they were not comfortable answering the questions in light of a law suit being filed against the Town of Gaines Planning Board.

Roger Beam asked how the residents of Gaines would be notified of what is happening in the town. He also wanted to know what was going on before elections.

Residents complained about the treatment of residents by members of the Planning Board during recent meetings and public hearings.

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Guy Smith asked the Board what they are going to do regarding the actions and procedures of the planning board.

Supervisor DeCarlo said that in light of the law suit the board would be looking at the situation between now and January.

Mr. Smith asked if the Planning Board works for the Town of Gaines or New York State.

Mr. DeCarlo said in some instances the State and in some cases the Town because some of the State Laws have taken over home rule.

Mr. Sanford commented that at a planning board meeting it was hot, there was no ventilation, and they would not accommodate a resident with poor hearing. He felt that the planning board treated the residents with total disrespect.

James Theodorakaus stated the he is in real estate and came to the meeting to get answers as to what could and couldn't be done with farm land in the Town of Gaines.

Mr. Bower asked if a planning board member can be removed from the board by the Town Board. Town Law 271 states that a member can only be removed only with just cause and after a public hearing.

Supervisor DeCarlo brought the discussion to a close at 8:20 PM.

Chris Appleton asked where the wind turbine issue stands. Supervisor DeCarlo stated that the wind energy committee recommended that the wind towers are not in the best interested of the town. The next step will be to have Mr. Spitzer start writing regulations and there will be public hearings in the future. They also recommended that the moratorium be extended 6 months.

A resident suggested that the Town start a web site to help inform people of future meetings of the town.

Chris Appleton commented that he appreciates the board entertaining so many questions with patience and answering so many questions

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RESOLUTION 109 - 07

Approval of Minutes

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

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

Resolved that the minutes from November 7, 19, 27, 2007 are approved as presented.

RESOLUTION 110 - 07

Approval of Abstracts

On a motion from
General Councilperson Kast, and seconded by Councilperson Oakley
Highway Councilman Lattin and seconded by Councilperson Oakley
Water Councilperson Lattin and seconded by Councilperson Oakley

the resolution was declared

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

Resolved that the bills on abstract #12 be paid as presented.

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Resolution 111 - 07

**IN SUPPORT OF SHARED MUNICIPAL AGREEMENT ORLEANS COUNTY
SOIL & WATER & THE ORLEANS COUNTY HIGHWAY DEPARTMENT**

The Town of Gaines is in support of the Shared Municipal Service Incentive grant application and that Orleans County Soil & Water Conservation District is the lead agency to purchase a slash buster for the County excavator.

The Town of Gaines fully intends to work with the District and the County Highway through the County Wide Drainage Program to address Drainage problems that lead to flooding in the Town identified in the Flood Mitigation Prioritization Plan Orleans County, New York.

The Town of Gaines plan on entering into an Intermunicipal Agreement with the SWCD and Orleans County Highway Department in the future for the use of the excavator and slash buster.

The Town will only need to supply the fuel for the machine when working in their Towns and some manpower when needed.

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

| | | |
|---------|-----------|-----------------------------|
| Adopted | Ayes 4 | Kast, Lattin, Oakley, Kirby |
| | Nays 0 | |
| | Abstain 1 | DeCarlo |

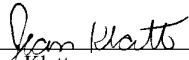
Resolved that The Town of Gaines will support the Shared Municipal Services Grant Application.

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 December 11, 2007.

Dated: December 12, 2007



Jean Klatt
Town Clerk

REGULAR TOWN BOARD MEETING
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RESOLUTION 112 - 07
Wd#8 LATERAL RESTRICTIONS

Resolution 111 - 07
IN SUPPORT OF SHARED MUNICIPAL AGREEMENT ORLEANS COUNTY
SOIL & WATER & THE ORLEANS COUNTY HIGHWAY DEPARTMENT

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

| | | | |
|---------|---------|---|-----------------------------|
| Adopted | Ayes | 4 | Kast, Lattin, Oakley, Kirby |
| | Nays | 0 | |
| | Abstain | 1 | DeCarlo |

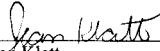
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Lorraine Oakley asked if Court Security could be addressed soon.

Resolution 113 -0 7
KIRBY RESIGNATION

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

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

Resolved that the resignation of Karen Kirby is accepted.

Tibbs Ahlberg updated the board on the planning board

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Kirby the meeting was adjourned at 9:03PM.

Respectfully Submitted,

Jean Klatt,
Gaines Town Clerk