

REGULAR TOWN BOARD MEETING
Gaines, NY

December 12, 2006

Resolved that Supervisor is authorized to sign the CAP agreement between Albion & Gaines.

PRIVILEGE OF THE FLOOR / PUBLIC CONCERNS

Lorienda Smith asked how much the approved budget for 2007 would raise the taxes. Supervisor DeCarlo informed her that the information was included in the fall newsletter and the increase was about 11 cents per thousand.

RESOLUTION 95 – 06

APPOINTMENT OF A DEPUTY CLERK

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

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

Resolved that Karen Kirby will be appointed as a Deputy Clerk at a rate of \$10.00 per hour.

RESOLUTION 96- 06

APPROVAL OF MINUTES

On a motion from Councilman Lattin, and seconded by Councilwoman Oakley the following resolution was

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

Resolved that the minutes from the November 8, 14, & 21, 2006 meetings be approved..

RESOLUTION 97- 06

AUDIT OF CLAIMS

On a motion from

Councilwoman Oakley, and seconded by Councilman Lattin	General Fund
Councilman Lattin, and seconded by Councilman Kirby	Highway Fund
Councilman Kast, and seconded by Councilman Lattin	Water Fund
The following resolution was declared	

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

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Resolved that the Bills be paid on abstract #12 in the following amounts except voucher # 337 from the general fund.

General Fund	No. 318 thru 336 & 338 thru 373	\$ 51,104.23
Highway Fund	No. 142 thru 153	\$ 3,256.39
Water District 1	No. 31 thru 35	\$ 1,072.09
Water District 2	No. 14	\$ 900.00
Water District 3	No. 13	\$ 900.00
Water District 4	No. 26 thru 27	\$ 920.90
Water District 5	No. 26 thru 29	\$ 5,045.28

RESOLUTION 96806

WB#7 SEQR

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

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

Resolved that the Town Board will close the SEQR by issuing a negative Declaration for WD #7.

Jason Foote from Chatfield Engineering explained that the contractor for WD #6, Pilon Construction, has come across some old piping that will have to be removed before construction of the water line can proceed. There was a short discussion about who will pay for the additional work. The board asked Jason to have Pilon continue the work with the guarantee that he will be paid after further examination of the problem and meeting with the Town of Albion.

RESOLUTION 99-06

WD#6 – Pay Estimate #1

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

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

Resolved that pay estimate #1 for WD #6 is approved for payment.

RESOLUTION 100-06

HIGHWAY FUNDS

On a motion from Councilman Lattin and seconded by Councilwoman Oakley the resolution was declared

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

Resolved that Highway Superintendent Mannella is authorized to purchase a sander.

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RESOLUTION 101-06

COUNTY AGREEMENT FOR SNOW & ICE CONTROL & MOWING OF COUNTY ROADS

On a motion from Councilman Lattin and seconded by Councilwoman Oakley the resolution was declared

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

Resolved that the Gaines Town Board has accepted the County agreement for snow & ice control & mowing of County Roads as presented.

RESOLUTION 101-06

PLANNING BOARD RESIGNATION

On a motion from Councilwoman Oakley and seconded by Councilman Lattin the resolution was declared

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

Resolved that Attorney Heath will contact Leo LaCroix regarding a letter of resignation.

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RESOLUTION 102-06
WD#6 BOND COUNCIL

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on December 12, 2006, in the Gaines Town Hall at 7:30 p.m. at which the following were:

PRESENT: Richard A. DeCarlo, Sr., Supervisor
C.W. Latin, Councilman
Lorraine Oakley, Councilwoman
James Kirby, Councilman
David Kast, Councilman

ABSENT: None

Councilperson _____ moved adoption of the following resolution; Councilperson _____ 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 Gaines Water District No. 6 including the issuance and sale of short term construction financing and the issuance and sale of long term serial bonds, Series A and Series B, to Rural Development at final close out of the project, in accordance with the bond counsel proposals dated November 14, 2006, copies of which are attached hereto and made a part hereof."

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

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 12th day of December, 2006 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: December 12, 2006

(SEAL)

Jean Klatt, Town Clerk

REGULAR TOWN BOARD MEETING
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RESOLUTION 103 -06
SURPLUS WATER AGREEMENT BETWEEN VILLAGE OF ALBION & GAINES

Note : This agreement does not change the previous agreed upon rate charged for water.

RESOLUTION duly adopted at a regular meeting of the Gaines Town Board held on December 12, 2006 in the Gaines Town Hall at 7:30 p.m.

Councilperson _____ moved the adoption of the following resolution;
Councilperson _____ seconded the motion;

RESOLVED, that the Surplus Water Agreement by and between the Village of Albion and the Town of Gaines dated June 1, 1999 be and the same is hereby amended to include the sale of water by the Village to Gaines Water District No. 6 upon the terms and conditions as set forth in the attached Modification Agreement; and be it

FURTHER RESOLVED, that Richard A. DeCarlo, Sr., Supervisor of the Town of Gaines, is hereby authorized to execute the Modification Agreement by and on behalf of the Town of Gaines and Gaines Water District Nos. 1, 2, 3, 4, 5, and 6.

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

The following voted "no" in opposition thereto:

The Resolution was declared adopted:

Dated: December 12, 2006

Jean Klatt, Gaines Town Clerk

CLERK'S CERTIFICATION

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

I, JEAN KLATT, the duly elected 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 12th day of December, 2006, 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: December 12, 2006
Gaines, New York

Jean Klatt, Gaines Town Clerk

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Attorney Heath informed the board that he is prepared to close WD #6.

With no further business, on a motion from Councilwoman Oakley and seconded by Councilman Lattin the meeting was adjourned at 9:57 PM.

Respectfully submitted,

Jean Klatt
Gaines Town Clerk