

GAINES TOWN BOARD MEETING
Gaines, NY December 26, 2007

PRESENT: Richard DeCarlo ----- Supervisor
 David Kast ----- Councilman
 Bill Lattin ----- Councilman
 Lorraine Oakley ----- Councilwomen
 Jean Klatt ----- Town Clerk
 Jessica Klatt ----- Deputy Town Clerk
 Douglas Heath ----- Council

ABSENT: None

OTHERS PRESENT: Marilyn Miller, Gerard Morrisey

Supervisor DeCarlo called the meeting to order at 4:00PM with the Pledge to the Flag.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS:

Marilyn Miller questioned the vacancy position on the zoning board. She wondered how to apply and when the position would be filled. Supervisor DeCarlo responded that letters of interest had already been accepted and an appointment would be made in January. Clerk Klatt explained that the opening had been advertised in the most recent issue of the Gaines Citizen Courier.

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RESOLUTION 114 – 07
APPROVAL OF ABSTRACTS

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

the resolution was declared

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

Resolved that the bills on abstract #14 be paid as presented.

RESOLUTION 115 -07
BUDGET LINE TRANSFERS

TOWN OF GAINES

PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 12/26/07 MEETING:

GENERAL FUND - TOWNWIDE

<i>Transfer From:</i>	A1220.4	Supervisor Contractual	\$ 4,500.00
	A1320.4	Ind. Auditing Contractual	\$ 5,665.00
	A1355.1	Assessor Services	\$ 14,215.00
	A1355.4	Assessor Contractual	\$ 2,900.00
	A1420.4	Attorney Contractual	\$ 5,178.00
	A1620.4	Buildings Contractual	\$ 4,700.00
	A5132.2	Garage Equipment	\$ 1,500.00
	A5132.4	Garage Contractual	\$ 3,500.00
	A9010.8	State Retirement	\$ 17,250.00
		TOTAL:	<u>\$ 59,408.00</u>

<i>Transfer To:</i>	A1110.4	Justice Contractual	\$ 121.00
	A1310.1	Director of Finance Svc	\$ 363.00
	A1315.4	Comptroller Contractual	\$ 6,250.00
	A1410.1a	Deputy Town Clerk Services	\$ 19.00
	A1620.2	Buildings Equipment	\$ 13,677.00
	A1660.4	Central Storeroom Contr	\$ 691.00
	A1670.4	Central Printing Contractual	\$ 609.00
	A1680.4	Payroll Processing	\$ 907.00
	A1680.4A	Central Assessment Svc	\$ 22,393.00
	A1910.4	Unallocated Insurance	\$ 3,982.00
	A1990.4	Contingency	\$ 10,207.00
	A5182.4	Street Lighting Contractual	\$ 189.00
		TOTAL:	<u>\$ 59,408.00</u>

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GENERAL FUND - OUTSIDE VILLAGE

<i>Transfer From:</i>	B3620.4	Bld & Fire Insp Contractual	\$	1,500.00
	B8020.1A	Planning Secretary Services	\$	543.00
		TOTAL:	\$	<u>2,043.00</u>

<i>Transfer To:</i>	B3620.1A	Bld & Fire Insp Clerk	\$	1,128.00
	B8010.1A	Zoning Secretary Services	\$	120.00
	B8010.4	Zoning Contractual	\$	245.00
	B9030.8	Social Security	\$	550.00
		TOTAL:	\$	<u>2,043.00</u>

HIGHWAY FUND - TOWNWIDE

<i>Transfer From:</i>	DA5120.1	Bridges Personal Services	\$	3,000.00
	DA5130.2	Machinery Equipment	\$	14,000.00
	DA5130.4	Machinery Contractual	\$	2,772.00
	DA9730.6	BAN Principal	\$	15,000.00
		Unanticipated Revenue		
	DA2770	Miscellaneous	\$	12,879.25
		TOTAL:	\$	<u>47,651.25</u>

<i>Transfer To:</i>	DA5130.4A	Miscellaneous	\$	12,879.25
	DA5140.1	Misc. Brush & Weeds Svc	\$	372.00
	DA5142.1	Snow Rem Town Svc.	\$	17,000.00
	DA5148.1	Snow Rem Other Gov't Svc	\$	16,000.00
	DA9030.8	Social Security	\$	1,400.00
		TOTAL:	\$	<u>47,651.25</u>

HIGHWAY FUND - OUTSIDE VILLAGE

<i>Transfer From:</i>	DB5110.4	General Repairs Contr	\$	319.00
		TOTAL:	\$	<u>319.00</u>

<i>Transfer To:</i>	DB5110.1	General Repairs Services	\$	319.00
		TOTAL:	\$	<u>319.00</u>

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WATER DISTRICT #1

<i>Transfer From:</i>	SW8310.4	Admin Contractual	\$ 1,300.00
	SW8340.2	Trans. & Distr Equipment	\$ 3,000.00
	SW8340.4	Trans. & Distr Contractual	\$ 8,600.00
	SW9010.8	State Retirement	\$ 1,540.00
	SW9060.8	Hospital/Medical Insurance	\$ 2,500.00
		Unanticipated Revenue	
	SW2140	Metered Sales	\$ 1,734.00
		TOTAL:	<u>\$ 18,674.00</u>

<i>Transfer To:</i>	SW1990.4	Contingency	\$ 20.00
	SW8310.1	Admin Personal Service	\$ 10.00
	SW8310.1B	Admin Clerk Asst Svc	\$ 600.00
	SW8320.4	Source of Supply Contractual	\$ 17,933.00
	SW9030.8	Social Security	\$ 111.00
		TOTAL:	<u>\$ 18,674.00</u>

WATER DISTRICT #2

<i>Transfer From:</i>	SW8340.2	Trans. & Distr Equipment	\$ 1,302.00
		TOTAL:	<u>\$ 1,302.00</u>

<i>Transfer To:</i>	SW1990.4	Contingency	\$ 75.00
	SW8310.1	Admin Personal Services	\$ 65.00
	SW8310.1B	Admin Clerk Asst Svc	\$ 175.00
	SW8320.4	Source of Supply Contractual	\$ 955.00
	SW9030.8	Social Security	\$ 32.00
		TOTAL:	<u>\$ 1,302.00</u>

WATER DISTRICT #3

<i>Transfer From:</i>	SW8340.4	Trans. & Distr Contractual	\$ 2,315.00
		TOTAL:	<u>\$ 2,315.00</u>

<i>Transfer To:</i>	SW1990.4	Contingency	\$ 178.00
	SW8310.1	Admin Personal Services	\$ 20.00
	SW8310.1B	Admin Clerk Asst Svc	\$ 145.00
	SW8320.4	Source of Supply Contractual	\$ 1,959.00

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WATER DISTRICT #4

<i>Transfer From:</i>		Unanticipated Revenue	
	SW2140	Metered Sales	\$ 15,791.00
		TOTAL:	\$ 15,791.00
<i>Transfer To:</i>			
	SW1990.4	Contingency	\$ 34.00
	SW8310.1	Admin Personal Services	\$ 70.00
	SW8310.1B	Admin Clerk Asst Svc	\$ 115.00
	SW8310.4	Admin Contractual	\$ 6.00
	SW8320.4	Source of Supply Contractual	\$ 2,731.00
	SW8340.2	Trans. & Distr Equipment	\$ 12,774.00
	SW9030.8	Social Security	\$ 20.00
	SW9710.7	BOND Interest	\$ 41.00
		TOTAL:	\$ 15,791.00

WATER DISTRICT #5

<i>Transfer From:</i>			
	SW8310.2	Admin Equipment	\$ 900.00
	SW8330.4	Purification	\$ 750.00
	SW9010.8	State Retirement	\$ 407.00
	SW9060.8	Hospital/Medical Insurance	\$ 722.00
		Unanticipated Revenue	
	SW2140	Metered Sales	\$ 135,792.00
	SW2144	Water Connection	\$ 1,548.00
	SW2148	Interest & Penalties	\$ 636.00
	SW2770	Miscellaneous	\$ 350.00
	SW2770	NSF Fees	\$ 100.00
	SWUB	Unexpended Balance	\$ -
		TOTAL:	\$ 141,205.00
<i>Transfer To:</i>			
	SW8310.1	Admin Personal Services	\$ 55.00
	SW8310.1B	Admin Clerk Asst Svc	\$ 177.00
	SW8310.4	Admin Contractual	\$ 5,812.00
	SW8320.4	Source of Supply Contr	\$ 120,146.00
	SW8340.2	Trans. & Dist. Equipment	\$ 1,225.00
	SW8340.4	Trans. & Dist. Contractual	\$ 13,765.00
	SW9030.8	Social Security	\$ 25.00
		TOTAL:	\$ 141,205.00

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WATER DISTRICT #6 CAPITAL

<i>Transfer From:</i>	Unanticipated Revenue		
	Rural Dev. Grants	\$	23,121.00
		TOTAL:	\$ 23,121.00

<i>Transfer To:</i>	GR6-8310.4 Admin Contractual	\$	486.00
	GR6-8320.4 Source of Supply Contractual	\$	269.00
	GR6-8340.4 Trans. & Dist. Contractual	\$	22,366.00
		TOTAL:	\$ 23,121.00

WATER DISTRICT #7 CAPITAL

<i>Transfer From:</i>	Unanticipated Revenue		
	GR7-2144 Water Connection	\$	2,100.00
	Rural Dev. Grants	\$	400,000.00
		TOTAL:	\$ 402,100.00

<i>Transfer To:</i>	GR7-1990.4 Contingency	\$	28.00
	GR7-8310.4 Admin Contractual	\$	96,719.00
	GR7-8340.2 Trans. & Dist. Equipment	\$	6,202.00
	GR7-8340.4 Trans. & Dist. Contractual	\$	299,151.00
		TOTAL:	\$ 402,100.00

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The Gaines Town Board Members edited the books of the Town Clerk, Tax Collector, and Court Justice.

RESOLUTION 116 -07
HEATH & MARTIN VOUCHERS

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

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

Resolved that the vouchers for Heath and Martin be paid as presented.

RESOLUTION 117 -07
ORLEANS COUNTY ANIMAL CONTROL AGREEMENT

DEC 27 2006 14:57 ORLEANS CO LEGISLATURE 3655891618 P.02/05

Made this 27th day of December, 2007, pursuant to the provisions of the Agriculture and Markets Law of the State of New York, by and between the TOWN OF GAINES, a municipal corporation in the State of New York, hereinafter referred to as the "Town", party of the first part; and ORLEANS COUNTY, a municipal corporation in the State of New York, hereinafter referred to as the "County", party of the second part,

WITNESSETH:

WHEREAS, the County in consideration of the payment to it by the Town of the sum of money to be paid in the manner and at the times hereinafter particularly described, hereby covenants and agrees as follows:

1. The County through its duly appointed agents and employees within the corporate limits of the Town and County, will carry out the duties and responsibilities of Animal Control Officer in the enforcement of the provisions of Article 7 of the Agriculture and Markets Law and any rules and regulations promulgated pursuant thereto.
2. The County will provide and maintain a shelter or pound for seized dogs; will properly care for all dogs in such shelter and will humanely euthanize or make available for adoption seized dogs not redeemed as provided in Article 7 of the Agriculture and Markets Law. Such shelter shall, at all times during the term hereof, be under the care and charge of a competent employee and shall be open to the public at reasonable hours.

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DEC-26-2006 14:58

ORLEANS CO LEGISLATURE

5855891618 P.03/05

3. The County will follow the provisions of Article 7 of the Agriculture and Markets Law and any rules and regulations promulgated pursuant thereto in relation to the seizure, holding, care, redemption and disposition of seized dogs.

4. The County will file and maintain a complete record of any seizure and subsequent disposition of any dogs in the manner prescribed by the Commissioner of Agriculture and Markets as well as any other records required by Article 7.

5. The County will retain all impoundment fees and other monies collected in carrying out the provisions of this agreement.

6. In consideration of the performance by the County of terms of this agreement, the Town hereby agrees to pay to the County a sum of money equal to Fifty-three percent (53%) of all statutory base license fees as set by the Agriculture and Markets Law Section 110 (1) as amended, collected by the Town less seventy-five cents (\$.75) for each dog license issued by the Town. The \$.75 for each dog license issued together with \$1.25 of any local additional fees set by the Town in accordance with the Agriculture and Markets Law Section 110 (4), shall be retained by the Town and used by the Town for controlling dogs and enforcing Article 7 of the New York State Agriculture and Markets Law and any rule, regulation or local law or ordinance adopted pursuant thereto.

7. The Town also agrees to perform a complete town wide dog census at least every two years. Any town which did not perform a census in the 12 months preceding this agreement must complete a census in the next 12 months. An official summary of each census must be forwarded to the County.

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5855891618 P. 04/05

8. The money paid by the Town to the County as set forth in the preceding paragraph shall be in addition to (a) the forty-seven percent (47%) of all license fees which must be paid to the County in accordance with Section 111 (1) of the Agriculture and Markets Law; and (b) \$2.25 of any local additional fees set by the Town in accordance with the Agriculture and Markets Law Section 110 (4), for spayed and neutered dogs or \$3.25 for unspayed, unneutered dogs.

9. In addition to the dog license fees collected and remitted hereunder, when an appearance ticket is issued by the Animal Control Officer for a violation of the provisions of Article 7 of the Agriculture and Markets Law or any local law or ordinance and a fine is realized as a result of prosecution in the Town Court of the Town by the Animal Control Officer of the County, all moneys collected as fines or penalties shall be remitted to the Orleans County Treasurer and shall become the property of the County of Orleans. Such moneys shall be used only for controlling dogs and enforcing Article 7 of the Agriculture and Markets Law and any rule, regulations, or local law or ordinance adopted thereto, including subsidizing the spaying or neutering of dogs and any facility as authorized under Section 117 of the Agriculture and Markets Law, and subsidizing public humane education programs in responsible dog ownership.

10. The Town shall pay the County the money set forth above on or before this 5th day of each month during the term of this agreement.

11. This agreement shall apply to all dog license fees during the term of this agreement. The consideration to be paid to the County as stated in paragraph 6 above applies to the dog license fees collected during the term of this agreement. This

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agreement shall obligate the County to provide the services herein through December 31, 2009.

12. Both parties agree that the fees to be paid to the County from dog license fees for years after 2009 shall be agreed upon by August 1, 2009.

13. This agreement shall commence immediately upon due execution hereof and terminate on December 31, 2009, and shall cover all fees collected by the Town during the term of this agreement.

TOWN OF GAINES

By Richard A. Buehler
S. Stinson

COUNTY OF ORLEANS

By _____
George R. Bower, Chairman
Orleans County Legislature

APPROVED AS TO FORM
David C. Schubel
DAVID C. SCHUBEL
Orleans County Attorney

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Gerard Morrisey asked to address the board. He asked the board to consider reducing the # of election districts from 4 districts to 2 districts to save on election expenses. He also said he felt that it was confusing for most residents because they are never sure which district they reside in. Secondly, he asked the board to take a position on wind energy and proceed accordingly to settle the issue before the second moratorium expires. Lastly, he said that the issue before the board is the right to farm and individual property rights

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Kirby the meeting was adjourned at 4:30PM.

Respectfully submitted,

Jean Klatt
Gaines Town Clerk