

REGULAR TOWN BOARD MEETING
Gaines, NY December 8, 2009

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

EXCUSED: Richard DeCarlo ----- Supervisor
 David Kast ----- Councilperson

OTHERS PRESENT: Clifford Thom, Sue Smith, Tibbs Ahlberg, Connie Mosher,
Marilynn Miller, Gerry Culhane

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

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Clifford Thom, Planning Board Chairman from the Town of Albion came to discuss
updating their comprehensive plan. He would like to have the Town of Gaines and the
Village of Albion merge with the Town of Albion to develop this plan. The only cost of
the project would be the cost of the printing the comprehensive plan.

Tibbs Ahlberg gave an update on the Intergrow Expansion Project. They went before the
planning board on December 9, 2009. They will return for the January Planning Board
Meeting with all further information needed and hopefully be sent to the county planning
board meeting in January.

Connie Mosher asked Attorney Heath if he had talked to Attorney Spitzer regarding
contacting him regarding wind energy. The Attorney's have been playing phone tag.

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RESOLUTION 77-09
Approval of Minutes

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

ADOPTED Ayes 3 Kirby, Oakley, Lattin
 Nay 0

The minutes from November 13, 2009 are approved as presented.

RESOLUTION 78 -09
Approval of Abstract

On a motion from

General Councilperson Kirby and seconded by Councilperson Oakley
Highway Councilperson Oakley and seconded by Councilperson Kirby
Water Councilperson Kirby and seconded by Councilperson Oakley

ADOPTED Ayes 3 Kirby, Oakley, Lattin
 Nays 0

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

General	Abstract #332 - #361 in the amount of \$ 29,344.23
Highway	Abstract #188 - #205 in the amount of \$ 6,641.25
Water 1	Abstract #74 - #78 in the amount of \$ 1,508.50
Water 9	Abstract #18 - #18 in the amount of \$ 1,200.00

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VILLAGE OF ALBION WATER BILLING

Clerk Klatt informed the board that the Village of Albion has overcharged us for water for the years 2008 and 2009. The amount is \$129,415.00. The Village is meeting this evening to address repayment to the Town of Gaines.

RESOLUTION 79-09

WATER RATES

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

ADOPTED Ayes 3 Kirby, Oakley, Lattin
 Nay 0

The water rates will increase from \$3.90/1000 to \$4.25/1000 effective January 1, 2010.

RESOLUTION 80-09

TIME WARNER JOINT LEGAL CONTRACT

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

ADOPTED Ayes 3 Kirby, Oakley, Lattin
 Nay 0

The resolution was adopted that the Town of Gaines will enter into a joint contract with other Towns in Orleans County for the purpose of negotiating a Master Contract for all municipalities of Orleans County for cable television service with Time-Warner. The Town of Gaines cost will not to exceed \$1000.00. Each municipality will ratify the agreement for their municipality.

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Attorney Heath submitted a letter that he would like entered into the record regarding his response to the DiLodovica family back in 2007 regarding Academy Street. No further response is needed at this time. A letter will be sent to Angie

HEATH & MARTIN
ATTORNEYS AT LAW
66 VILLAGE SQUARE
P. O. BOX 200
HOLLEY, N. Y. 14470-0200

FILE

DOUGLAS M. HEATH
JEFFREY R. MARTIN

(585) 638-6331
FAX (585) 638-7221

EDWARD N. HEATH (1859-1940)
MARK HEATH (1895-1966)
ROBERT E. HEATH (1926-2006)

June 13, 2007

Mr. Emilio Di Lodovico
3320 Gaines Basin Road
Albion, New York 14411

Dear Mr. Di Lodovico:

I have had the opportunity to review my files pertaining to Academy Street extending southerly from Ridge Road. I have also had the opportunity to visual examine the site and the location of the storage shed with respect to the existing driveway or lane way.

This appears to be a dispute between property owners that can only be resolved upon a full and complete examination of the abstracts of title and instrument survey maps of each effected land owner. Any interest that the Town of Gaines would have with respect to this would arise from any continued ownership in Academy Street as it extends southerly from Ridge Road. I do not have sufficient information in my file at this time to address that issue.

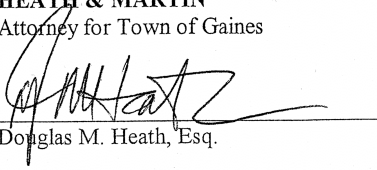
I would recommend that you consult your attorney and if you have not already done so, discuss with him or her the need for an abstract of title and instrument survey map to be prepared for your property, researching specifically the issue of ownership of Academy Street as it relates to your property. I would be happy to review any information you put forth from the sources with the Town Board with respect to our continued interest in Academy Street.

At this time I will wait to hear from you before taking any further action.

Very truly yours,

HEATH & MARTIN
Attorney for Town of Gaines

By:


Douglas M. Heath, Esq.

DMH/dkd
cc: Richard DeCarlo, Supervisor

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Attorney Heath asked the board to respond in writing regarding the zoning changes.

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Kirby the meeting was adjourned at 8:32PM.

Respectfully submitted,

Jean Klatt
Gaines Town Clerk