

REGULAR TOWN BOARD MEETING  
Gaines, NY                      February 13, 2007

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

ABSENT:     None

OTHERS PRESENT: None

Supervisor DeCarlo called the meeting to order at 4:02PM with the Pledge to the Flag.

RESOLUTION 9 - 07

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes from the January 3, 9, & 30, 2007 are approved.

RESOLUTION 10 - 07

**APPROVAL OF ABSTRACTS**

On a motion from

General Councilwoman Oakley and seconded by Councilman Kirby  
Highway Councilwoman Oakley and seconded by Councilman Kast  
Water Councilman Kast and seconded by Councilman Oakley

The resolution was

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

Resolved that the bills will be paid.

RESOLUTION 11 – 07  
**LATERAL RESTRICTIONS RESOLUTION**

TOWN OF GAINES  
WATER DISTRICT NO. 7

LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Gaines has created Water District No. 7 pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Crandall and Lattin Roads; and

WHEREAS, part of the land area within Water District No. 7 is also within Orleans County Agricultural District No. 3; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District and to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 3; and

WHEREAS, the New York State Department of Agriculture and Markets has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District;

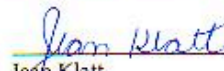
NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Gaines, in recognition of the concerns that have been raised, hereby resolves to limit connections to the public water supply only to existing non-farm uses and to farm-related uses within that portion of Water District No. 7 which is also within the limits of Orleans County Agricultural District No. 3.

COUNTY OF ORLEANS)  
STATE OF NEW YORK) SS:  
TOWN OF GAINES)

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Gaines Town Board on the 13th day of February, 2007.

Dated at Gaines, New York

February 13, 2007

  
\_\_\_\_\_  
Jean Klatt  
Town Clerk of the Town of Gaines

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**RESOLUTION** duly adopted at a regular meeting of the Gaines Town Board held on Feb. 13, 2007, in the Gaines Town Hall at 7:30 p.m. at which the following were:

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

**ABSENT:** None

Councilperson Lattin moved adoption of the following resolution; Councilperson Oakley 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. 7 to include portions of Crandall Road and Lattin 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 Feb. 13, 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:

The following voted against adoption:

The resolution was thereupon declared adopted.

Dated: Feb. 13, 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 13 day of Feb., 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: February 13, 2007

(SEAL)

  
Jean Klatt, Gaines Town Clerk

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RESOLUTION 12 – 07

**NEWPORT ALLIANCE AGREEMENT**

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

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

Resolved that Supervisor DeCarlo has permission to sign the Newport Alliance agreement authorizing Newport Alliance to do our drug and alcohol testing for 2007.

After a short discussion the board doesn't want to authorize Fox and Co. to do our annual audit.

RESOLUTION 12 – 07

**WD#6 CHANGE ORDER #2**

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

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

Resolved that Chatfield Engineering has permission to grant the contractor for WD #6 a 30 day extension.

RESOLUTION 13 – 07

**CODE ENFORCEMENT**

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

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

Resolved that Code Enforcement Officer, Robert McGaffick be given written notice that he has 5 days to turn in his employment paperwork with civil service or he will be terminated immediately.

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Supervisor DeCarlo informed the board that there will be a Wind Energy informational meeting at the LGL Room at the Albion School on February 26, 2007 at 7:00 PM.

The board has asked Town Clerk Klatt to request a written letter from St. John and Baldwin confirming that the extra funds from WD#4 & 5 are available to purchase water equipment.

Attorney Heath presented the board with 2 resolutions to be reviewed before the March board meeting regarding Planning and Zoning Board training.

RESOLUTION 14 – 07  
**SMALL CITIES PUBLIC HEARING**

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

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

Resolved that March 13, 2007 at 7:30 PM the Town will hold a 2<sup>nd</sup> small cities public hearing.

RESOLUTION 15 – 07  
**FORMATION OF WD #9 PUBLIC HEARING**

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

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

Resolved that March 13, 2007 at 7:30 PM the Town will hold a public hearing regarding the formation of WD#9.



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Attorney Heath informed the Board that he had given all of the requested information to the Attorney for Jen Associates and has heard no response to date.

With no further business, on a motion from Councilwoman Oakley and seconded by Councilman Kirby the meeting was adjourned at 8:52 PM.

Respectfully submitted,

Jean Klatt  
Gaines Town Clerk