

GAINES TOWN BOARD MEETING  
and PUBLIC HEARING  
Gaines, NY     October 8, 2013

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 8th day of October 2013.

PRESENT: Carol Culhane        ----- Supervisor  
          James Kirby         ----- Councilperson  
          Susan Smith         ----- Councilperson  
          David Kast           ----- Councilperson  
          Douglas Syck        ----- Councilperson  
          Ron Mannella        ----- Highway Superintendent  
          Jean Klatt            ----- Town Clerk  
          Andrew Meier        ----- Council

EXCUSED: None

OTHERS PRESENT: Pam Lusk, Kayla Breeze, Renee Ebbs, Phil McKenna, Sharon Harding, Elvis, Carol Engle, Linda Prince, Don Prince, Ray Burke, Mike Grabowski, Ed Stueber, Mary Jo Syck, Mark Montanari, Everett Jubenville, Kathy Kast, Kay Marsh, G. Vallancourt, Connie Mosher, Lorienda Smith, Howard Balaban, Gretchen Sepik, Walter Jakubowski, Woody Baker, David Thom, David Rustay, Henry Smith Jr., Ed Morgan, Betty Lou Standish, Richard Standish, Brenda Radzinski, Mark Radzinski, Marilynn Miller, David Heminway, Jerry Culhane, Mary Neilans, Lisa Mannella, Gabrielle Boed, David Allchin, Guy Smith

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

**Public Hearing for Local Law for Tax Levy Override**

Supervisor Culhane opened a public hearing at 7:30PM with the reading of the Public Notice to Override the Tax Levy Limit.

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Notice of Public Hearing

PLEASE TAKE NOTICE that the Gaines Town Board will conduct a public hearing at the Gaines Town Hall, 14087 Ridge Road, Albion, New York on Tuesday, October 8, 2013 at 7:30 p.m. on the adoption of a Local Law known as A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c, which said Local Law provides as follows:

**Section 1.     Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Gaines pursuant to General Municipal Law §3-c, and to allow the Town of Gaines to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c, and to allow the Town of Gaines to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

**Section 2.     Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**Section 3.     Tax Levy Limit Override**

The Town Board of the Town of Gaines, County of Orleans, is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

**Section 4.     Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in it separation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

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**Section 5.     Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

At such public hearing, all persons, either for or against the same shall be heard.

Jean Klatt  
Gaines Town Clerk

Attorney Meier explained the local law. With no comment from the public the hearing was closed at 7:34 PM.

RESOLUTION 81 -13

**APPROVAL OF MINUTES**

On a motion of Councilperson Kirby, seconded by Councilperson Smith the following resolution was

ADOPTED	Ayes	4	Smith, Kirby, Culhane, Kast
	Nays	0	
	Abstain	1	Syck

Resolved that the minutes of September 10th, 2013 meeting are approved as submitted by the clerk.

RESOLUTION 82 -13

**APPROVAL OF SUPERVISOR'S MONTHLY REPORT**

On a motion of Councilperson Kast, seconded by Councilperson Kirby the following resolution was

ADOPTED	Ayes	5	Smith, Kirby, Culhane, Kast, Syck
	Nays	0	

Resolved that the August 2013 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

GAINES TOWN BOARD MEETING  
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RESOLUTION 83-13  
**APPROVAL OF ABSTRACTS**

On a motion from  
General Councilperson Kast and seconded by Councilperson Kirby  
Highway Councilperson Kirby and seconded by Councilperson Kast  
Water Councilperson Smith and seconded by Councilperson Syck

ADOPTED    Ayes 5        Smith, Kirby, Kast, Culhane, Syck  
                 Nays 0

Resolved that the bills on abstract #10 will be paid as presented.

General	Voucher # 207 - # 239(# 230 voided)	in the amount of \$	8,508.36
Highway	Voucher # 82 - # 87	in the amount of \$	3,490.33
Water 1	Voucher # 60 - # 68	in the amount of \$	2,969.95

Water Superintendent Mannella updated the board on the progress of the water district # 10 meter pits. The Kent Rd. pit is complete and the Sawyer Rd. pit will be complete on October 9th. Water Superintendent Mannella explained that the town was able to save thousands of dollars because of the hard work of Mark Radzinski and David Rustay. The water pits will help to maintain WD#10 as well as provide the Town of Carlton with better fire protection. Supervisor Culhane thanked the department for their hard work.

Terry Connors was introduced to present the forensic audit report of the Bonadio Group.

**MOTION TO MOVE INTO EXECUTIVE SESSION**

On a motion of Councilperson Kast, seconded by Councilperson Kirby the motion was made to move into executive session for a personnel matter.

Roll Call	Councilperson Kirby	Nay, I mean yes to move into executive
	Councilperson Kast	Aye
	Supervisor Culhane	Nay
	Councilperson Syck	Nay
	Councilperson Smith	Nay

Motion Denied

September 24, 2013

Mr. Terrence M. Connors, Esq.  
Connors & Vilardo, LLP  
1000 Liberty Building  
Buffalo, NY 14202

Dear Mr. Connors:

Upon the authorization of the Town Board for the Town of Gaines (the Town), the law firm Connors & Vilardo, LLP, engaged Bonadio & Co., LLP (Bonadio) to perform specific forensic accounting procedures to assist the Town in addressing specific concerns raised by Town Supervisor Carol E. Culhane, as well as several deficiencies in internal controls identified in the most recent audit of the Town's financial statements.

In connection with this engagement, Bonadio interviewed eight employees of the Town as well as the five current Town Board members. The interviews were conducted in the presence of two Bonadio personnel at the Town Hall.

In addition to conducting the interviews, we performed an analysis of available documentation related to the payroll function, expense reimbursement policies, health insurance reimbursements and credit card policies and procedures. We also reviewed documentation related to the payment of invoices by the Town Highway Department for goods and/or services not yet received.

Information obtained during the interviews, in conjunction with our analysis of documentation, was used to develop specific observations and recommendations for improving controls surrounding key operational functions and departments. Our procedures did not consist of testing of the controls in place and consisted solely of the interviews and our analysis of the documentation made available for our review.

This consulting engagement report is meant solely to provide you with our observations based on our forensic procedures. The report is intended solely for the information and use of Connors & Vilardo and is not intended to be, and should not be, used by anyone other than those specified parties.

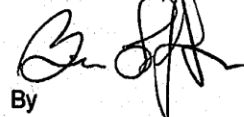
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Very truly yours,

Bonadio & Co., LLP



By

Brian Lafountain, CPA, CFE  
Principal

## **OBSERVATIONS AND RECOMMENDATIONS**

### **1. Internal Control Environment**

#### **Observation**

We observed that there are no formal policies and procedures in place surrounding any of the major functions and/or operations of the Town, including, but not limited to the following: the payroll function, expense reimbursements, cash receipts, cash disbursements, water billings, bank account reconciliations, expenditures, and fuel usage at the Highway Department. Given the lack of fundamental checks and balances, as well as the lack of appropriate segregation of duties where possible, the risk of misappropriation of Town assets and/or fraud is significantly increased. Given the current control environment, fraud and/or misappropriation of assets could be easily perpetrated and continue without detection.

#### **Recommendation**

We recommend the Town Board conduct an assessment of each of the Town's key functions, and work with its current accountants to develop formal procedures and incorporate the appropriate level of checks and balances into their procedures to protect taxpayer assets. For example, log sheets should be developed and utilized to track fuel consumption at the Highway Department, employee expense reimbursements should be approved by a Town Board member, bank reconciliations should be completed on a monthly basis for each Town bank account and should be approved and reviewed by an appropriate level of management, and formal time cards and overtime records should be utilized and properly approved by the appropriate personnel.

### **2. Employee Expense Reimbursements – Mileage**

#### **Observation**

The Town allows for the reimbursement of mileage driven by Town employees using their personal vehicles to conduct Town business. This mileage is reimbursed at the federal per mile rate, which is adjusted each year based on the federal guidelines.

In our review of employee expense reimbursements we noted that the Town Clerk submitted and received reimbursement for mileage to and from a Town Clerk's Conference held in Saratoga, NY in April of 2012. The Town Clerk also approved and paid an invoice from the Town of Byron, representing a charge for one third of the travel expenses incurred by one of their employees for mileage and tolls to the same conference.

The 2012 New York State Town Clerk's Association Annual Conference was held in Saratoga, NY on April 22nd thru April 25<sup>th</sup> 2012. The Town of Byron submitted an invoice to the Town of Gaines for one third of the mileage and tolls expense to and from the conference, claiming that three Town Clerks carpooled to the conference, with the Town of Byron's employee actually driving. The invoice from the Town of Byron billed the Town for \$94.87, which represented one third of the overall expenses. The overall expenses reported on that invoice were 478 miles and \$19.30 of tolls. The invoice from the Town of Byron was approved for payment by the Town Clerk on May 8, 2012 and payment was sent shortly thereafter.

The Town Clerk subsequently submitted an employee expense reimbursement request several months after the event in December 2012, reporting that she drove to and from the conference in Saratoga claiming 510 miles for a reimbursement of \$260.10. The expense reimbursement request incorrectly reported the dates of the conference as April 29<sup>th</sup> thru May 2<sup>nd</sup>, when the actual dates of the conference were April 22<sup>nd</sup> thru April 25<sup>th</sup>. We

confirmed the dates of the conference with an Officer (Board Secretary) of the New York State Town Clerk's Association.

In addition, we noted another expense reimbursement from the Town Clerk submitted in June 2012, which requested mileage reimbursement for trips made to the election office and bank on April 23<sup>rd</sup> and 25<sup>th</sup> totaling 20 miles. These dates are the same dates as the Town Clerks Conference in Saratoga. Since the Town Clerk attended the conference in Saratoga on those dates, the trips to the bank and election office could not have occurred as claimed and therefore were inappropriately reimbursed by the Town.

**Recommendation**

We recommend that the Town develop a formal expense reimbursement policy which clearly states what expenses a Town employee can be reimbursed for and who must approve those reimbursements. The Town approval should be made by the Town Board, and the approval must be documented with the Town Supervisor's signature.

The expense reimbursement policy should also require an employee signature accompany the expense reimbursement to affirm that the expense was incurred for Town purposes, and that the amount is true and correct. In addition, the policy should state that all reimbursement forms and adequate supporting documentation must be returned timely (typically monthly) or the reimbursement will not be allowed.

In the instances detailed above, the documentation indicates that the Town Clerk requested reimbursement from the Town for expenses she did not incur. The expenses incurred in driving to and from the conference in Saratoga were claimed to have been incurred by the Town of Byron employee. This fact is supported by the Town Clerk when she approved and paid the invoice received by the Town of Byron for those expenses.

The subsequent, and untimely, expense reimbursement request submitted by the Town Clerk would therefore represent expenses she did not actually incur. In addition, the mileage reimbursement for trips to and from the election office and bank during the time period of the conference would also not have been incurred by the Town Clerk.

An employee and/or elected official submitting expense reimbursement requests for expenses not incurred is a punishable offense, and one that should not be taken lightly by the Town. The Town Board must make a determination as to the extent they want to pursue this matter, whether through administrative or legal means to determine whether any civil or criminal laws were violated.

**3. Health Insurance Buyout/Stipend****Observation**

The Collective Bargaining Agreement (CBA) between the Town and the International Union of Operating Engineers Local 17C, for the time period of January 1, 2011 through December 31, 2013, allows for a cash buyout option for those union members that decline to participate in the Town sponsored health insurance plan.

As defined in the CBA, the bargaining unit consists of all full, time and regular part time employees of the Town Highway Department, excluding the Highway Superintendent and all seasonal employees.

## **OBSERVATIONS AND RECOMMENDATIONS**

**(cont.)**

We noted that two employees of the Town, who were not members of the bargaining unit, received Board authorization to participate in the health insurance buyout option, and received \$10,400 each during 2011 and 2012.

The Highway Superintendent, who was specifically excluded by the CBA, and the Town Clerk, who is not a party to the CBA, received the health insurance buyout payment of \$10,400 during 2011 and 2012, which was not extended to any otherwise ineligible employees of the Town. The language in the CBA clearly states that the bargaining unit consists solely of the full time and regular part time employees of the Town Highway Department, excluding the Highway Superintendent and all seasonal employees.

The Highway Superintendent is clearly excluded from receiving the health insurance buyout benefit given the language of the CBA. The Town Clerk, by the fact she is not an employee of the Town Highway Department, was also not eligible to receive the health insurance buyout benefit.

Testimony provided to us during our interviews with Town employees revealed that the Town Board approved the payment of the health insurance buyout to these individuals. However, we were unable to confirm this fact through review of the Board Minutes, as no mention was made of such a discussion. Given the circumstances, this is another example of the lack of checks and balances inherent in the Town's critical functions.

### **Recommendation**

We recommend that the Town develop and implement formal policies surrounding the payroll and benefits administration functions of the Town. As part of the policies for the benefits administration, each employee should sign their approval of the benefits which they are receiving, and which benefits they are declining, such as health insurance.

As part of these procedures, a Board Member, or a committee thereof, should be designated to oversee the payroll and benefits administration, to ensure that payroll and benefits are being managed in accordance with established policies and bargaining agreements. The Board should ensure that all bargaining agreements and Town policies developed are in the best interest of the Town, and that the benefits are fair and equitable to all Town employees.

## **4. Highway Department Expenditures**

### **Observation**

We noted that the Town had a credit balance with one of its vendors of \$79,423 as of January 31, 2013. This credit balance was confirmed by Bonadio in connection with our December 31, 2012 audit procedures completed in July of 2013. This credit balance began in 2010, and has carried forward and gradually increased from 2010 through 2013.

Based on our discussions with Town Highway Department employees, and based on our review of documentation made available at this time, significant payments were made to a vendor from 2010 to 2012, for which no materials or services were received by the Town. In fact, each submitted voucher includes a Departmental Approval statement which reads "The above services or materials were rendered or furnished to the Town of Gaines on the dates stated and the charges are true and correct." Therefore, the Highway Superintendent knowingly signed a document stating that materials or services were rendered, when in fact none were provided.



**OBSERVATIONS AND RECOMMENDATIONS**

**(cont.)**

Additionally, only one of the five vouchers presented was actually approved by a Board member prior to disbursement.

Based on our review of documentation, the following payments totaling \$106,800 were made to this vendor for goods and/or services that were not received by the Town:

December 27, 2010	\$32,000
December 31, 2011	\$16,000
December 31, 2011	\$24,000
December 21, 2012	\$32,000
January 4, 2013	\$2,800

In 2012, the Town ordered/received \$27,377 worth of products that were applied against the December 27, 2010 prepayment, leaving a credit of \$4,623. Despite requesting this disbursement to the vendor in 2010, the actual delivery of products did not occur until almost two years later.

During the calendar years of 2011 and 2012, the Town spent \$129,513 and \$109,357 respectively with the vendor for products needed for Highway operations. The purchases could easily have been applied to the previously detailed prepayments, but were not. It is not clear why this would not have been done. Furthermore, the materials applied against the 2010 prepayment are not consistent with the invoice descriptions claimed on the 2010 voucher submitted for the Town Highway Department and generated by the vendor.

Given the fact that the credits from 2011 and 2012 still remain on account with the vendor, it is clear that the materials the Town was invoiced for, and made payment for, have still not been received by the Town. Furthermore, projects for which materials were allegedly being pre-purchased did not come to fruition. As a result, over the period from 2010 through 2013, the Town overcharged its taxpayers by \$79,423 for purchases that were never made.

Based on discussions with the Town Highway Department personnel, in order to spend their entire Highway Department annual budget for materials, pre-payments for materials were made each year so that the budget would not be lost or reduced in the future.

In addition, the practice of spending down excess monies available in any municipal budget at the end of the year to avoid future decreases in the budget, does not provide the Town Board with the ability to manage actual costs or budget for the Town accurately and results in a tax levy that is unrealistic.

Further, the fact that the vendor provided actual invoices for material or services that were not provided, and that the Town Highway Superintendent signed his approval that the services or materials were rendered or furnished to the Town, bring into question the validity and ethical nature of the transactions.

**Recommendation**

We recommend that the Town request the credit balance from the vendor be refunded immediately, and that the practice of spending down the Town Highway Department budget, or any budgets, at the end of the year be stopped immediately.

This practice is not a sound business policy and makes it very difficult for the Town Board to manage its budgets accurately because the annual expenditure amounts are not accurately reported. In addition, this practice results in excessive tax liabilities for residents relating to unnecessary or unneeded expenses. This practice may also increase the risk of unethical or fraudulent transactions being perpetrated.

**OBSERVATIONS AND RECOMMENDATIONS**

**(cont.)**

In addition, we recommend that the Town develop a formal cash disbursement policy for the Town Highway Department that requires approval of Highway Department expenditures above a certain dollar threshold to be approved by a Town Board member, or a committee thereof. The policy should also require an employee signature accompany the cash disbursement request to affirm that the materials or services were received by the Town, and that the amount is true and correct.

If the Town Board has further questions or concerns regarding the validity or the legality surrounding these transactions, we recommend and encourage, with the assistance of legal counsel, that the Town pursue further investigation or the involvement of law enforcement to determine whether any civil or criminal laws were violated.

GAINES TOWN BOARD MEETING  
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Ed Morgan, Town of Murray Water Superintendent, addressed the board on behalf of the Town Board of the Town of Murray. He asked the board to consider dropping the 13 cents / 1000gallons charge that the Town of Gaines charges for the pass through service for water. He explained that the service reduces the need for the Town of Gaines to flush the water lines. He explained that the charge came about in a water contract that was signed in 1997. At that time the Town of Murray had no other options for purchasing water but currently they could purchase water from another source.

**TOWN OF GAINES RESOLUTION 84-13  
IN SUPPORT OF AMENDING THE REAL PROPERTY TAX LAW**

**WHEREAS**, on January 30, 2007 the Honorable George Maziarz, New York State Senator of the 62<sup>nd</sup> District, Introduced Bill number S2031 to amend the Real Property Tax Law in relation to the assessed valuation of certain real property used for residential real property in the County of Orleans; and

**WHEREAS**, the existing law is extremely well intentioned in providing affordable housing in higher income and larger populated areas, the offshoot occurs when a project occurs in a much smaller county such as Orleans County and in this instance the current exemption would severely effect the Town the project takes part in, the local school district, and the county itself; and

**WHEREAS**, this Legislation would merely exempt Orleans County from this law, much the same way New York City was exempted in the original bill;

**BE IT RESOLVED**, that the Town Board of the Town of Gaines does hereby support Senate Bill number S2031 to exempt Orleans County from rules for valuation set forth in RPTL 581a.

**FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, State Majority Leader Dean Skelos, State Senator George D. Maziarz, State Assembly Speaker Sheldon Silver, State Assemblyman Steve Hawley, State Assemblywoman Jane Corwin, Members of the NYS Assembly Committee on Real Property Taxation, Orleans County Legislature, Orleans County Towns and Villages and all others deemed necessary and proper.

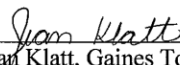
On a motion of Councilperson Smith, seconded by Councilperson Syck the foregoing resolution was put to a vote. The following voted in favor of the foregoing resolution, Councilpersons Kirby, Kast, Syck, Smith, and Supervisor Culhane. The resolution was unanimously adopted.

**CERTIFICATION OF CLERK**

STATE OF NEW YORK }  
COUNTY OF ORLEANS ]

I, JEAN KLATT, 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 8<sup>th</sup> day of October, 2013 with the original now on file in my office, and the same is correct and true copy of said resolution and of the whole thereof.

Dated: October 10, 2013  
Gaines, New York

  
Jean Klatt, Gaines Town Clerk

**TOWN OF GAINES RESOLUTION 85-13**

REQUEST TO THE INTERNATIONAL JOINT COMMISSION TO REJECT THE PROPOSED PLAN 2014 IN ITS ENTIRETY

WHEREAS, the International Joint Commission (IJC) has announced consideration of a new plan that will replace the current regulation plan (58DD) that controls water levels of Lake Ontario and the stated purpose of the new plan, known as PLAN 2014 is to reverse environmental damage caused by the current regulation plan (58D), particularly with regard to the restoration of 65,000 acres of shoreline meadow marsh; and

WHEREAS, PLAN 2014 will increase the current range of water levels that private and public riparian property owners relied on for the last 50 years and according to a peer review conducted by the National Academy of Sciences, the potential environmental benefits of the PLAN 2014 are based upon speculative and unreliable research; and

WHEREAS, projected lake levels under the proposed plan will result in increased duration and frequency of high and low water, significantly increasing the potential for damages to Lake Ontario riparians (estimated at over \$2.2 million per year, which is likely an underestimate) and negatively impacting sport fishing and recreational boating economics across the entire region (estimated at over \$94 million per year); and

WHEREAS, PLAN 2014 greatly decreases protections that exist in the current plan, replacing them with a plan that results in the transfer of prosperity from Niagara County along with other Lake Ontario communities to Hydropower (NYPA and others) who will realize a benefit of approximately \$5.3 million per year on average; and

WHEREAS, Town of Gaines residents who own property or businesses along the Lake Ontario shore, including its bays, tributaries, and ponds have voiced their concern about a proposed change in the lake levels that would result in significant damage to their properties, and a corresponding decrease in revenues from recreational boaters and fishermen, both locally-based and those traveling internationally; and

WHEREAS, Town of Gaines residents and elected officials are resolute in protecting the waters, streams, and harbors of Lake Ontario, the home for some of the best sport fishing, pleasure sailing and power-boating in the world; and

WHEREAS, modifying the current range of operation by PLAN 2014 further hinders boating access and when combined with the protracted absence of federal funding for maintenance dredging of our federal shallow draft harbors, will cause significant and measurable negative financial impacts to the local and regional economy; now, therefore be it

RESOLVED, the Gaines Town Board does herewith respectfully request that the International Joint Commission *reject* in its entirety all current plans for the implementation of the PLAN 2014; and be it

FURTHER RESOLVED, that the IJC immediately enact a moratorium on the development of any future proposals to modify the range of water levels on Lake Ontario until the completion of a thorough, objective and all inclusive analysis of the potential economic damages on tourism, recreation, business and residences along the south shore of Lake Ontario (including properties located along harbors, rivers and streams) with a specific section dedicated to the thorough evaluation of damages in Orleans County where impacts have been identified as the most acute; and be it

FURTHER RESOLVED, that as part of this study, the Town of Gaines further recommends the Commission also assess the amount of civil work and financial assistance required to mitigate the damage of any future plans, and identify funding sources available to offset said actions; and be it

FURTHER RESOLVED, that this study must also evaluate the environmental impacts of repeated flooding of the built environment, to include the identification of the constituents of point and non-point source runoff and the impacts of sediment and nutrient loading on the quality of water in the impacted areas; and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to the International Joint Commission, Governor Andrew M. Cuomo, the New York Department of State, Joe Martens, Commissioner of the New York State Department of Environmental Conservation, the New York State Environmental Facilities Corporation, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Congressman Chris Collins, Senate Environmental Conservation Committee, NY State Senator George Maziarz, NY Assemblyman Hawley, NY Assemblywoman Jane Corwin, NYSAC, InterCounty of WNY, Orleans County Towns of Kendall, Yates, and Carlton and all others deemed necessary and proper.

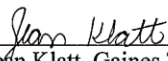
On a motion of Councilperson Syck, seconded by Councilperson Smith the foregoing resolution was put to a vote. The following voted in favor of the foregoing resolution, Councilpersons Kirby, Kast, Syck, Smith, and Supervisor Culhane. The resolution was unanimously adopted.

#### CERTIFICATION OF CLERK

STATE OF NEW YORK}  
COUNTY OF ORLEANS]

I, JEAN KLATT, 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 8<sup>th</sup> day of October, 2013 with the original now on file in my office, and the same is correct and true copy of said resolution and of the whole thereof.

Dated: October 10, 2013  
Gaines, New York

  
\_\_\_\_\_  
Jean Klatt, Gaines Town Clerk

GAINES TOWN BOARD MEETING  
and PUBLIC HEARING  
Gaines, NY      October 8, 2013

**PRIVILEGE OF THE FLOOR**

No comment.

**MOTION TO ADJOURN**

On a motion of Councilperson Syck, seconded by Councilperson Smith the motion was

ADOPTED    Ayes 5      Kirby, Culhane, Smith, Kast, Syck  
                 Nays 0

Resolved that with no further business, the October 8th, 2013 regular town board meeting is adjourned at 8:12 PM.

Respectfully Submitted,

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Jean Klatt  
Gaines Town Clerk