

REGULAR BOARD MEETING  
2007 REORGANIZATIONAL MEETING  
Gaines, NY                      January 3, 2007

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

ABSENT:     None

OTHERS PRESENT: Reynold Klatt

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

PRIVILEGE OF THE FLOOR/ PUBLIC CONCERNS: None

RESOLUTION 1-07

**Approval of Minutes**

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

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

Resolved that the minutes from December 12, 2006 and December 27, 2006 are approved as presented.

RESOLUTION 2-07

**Approval of Abstracts**

On a motion from

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

The resolution was declared

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

Resolved that the bills be paid in the following amounts

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General Fund	No.1 thru 27	\$ 74,010.85
Highway Fund	No. 1 thru 5	\$ 28357.72
Water Fund	No. 1 thru 1	\$ 60.00

RESOLUTION 3-07

**2007 APPOINTMENT LIST**

**Town of Gaines Town Board Appointments  
2007**

Budget Officer.....	TBA
Town Attorney.....	Heath & Martin (Douglas M. Heath)
Town Engineer.....	Chatfield Engineers
Tax Collector.....	Jean Klatt
Records Management Officer.....	Jean Klatt
Town Registrar.....	Jean Klatt
Deputy Registrar.....	Karen Kirby
Town Assessor.....	Colleen Pahura
Deputy Town Clerk.....	Loretta Long [\$ 9.08/hr]
.....	Jessica Klatt [\$ 8.25/hr]
.....	Karen Kirby [\$10.00/hr]
Dog Control Officer.....	William Robinson
Town Historian.....	Delia Robinson
Deputy Historian.....	Janice Thaine
Accountant.....	St. John & Baldwin
Constable.....	William Robinson [\$15.30/trip+\$ .485/ mile]
Code Enforcement Officer/Bldg. Inspector....	Robert McGaffick
Financial Institution.....	HSCB Bank

**Water Department**

Water Supervisor.....	Ronald Mannella
Deputy Water Supervisor.....	Dave Rustay
Co Deputy Water Supervisor.....	Mark Radzinski
Water Clerk.....	Karen Kirby
Deputy Water Clerk.....	Jean Klatt

**Highway Department**

Highway Superintendent.....	Ron Mannella
Dep. Highway Super.//MEO.....	Mark Radzinski.....\$15.00/hr
Co Dep. Highway Supervisor.....	David Rustay.....\$15.00/hr
MEO.....	Mark Radzinski.. \$15.00/hr

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MEO.....	David Rustay.....	\$15.00/hr
Summer.....		\$10.00/hr
Winter.....		\$12.00/hr
Clothing Allowance.....		\$375.00/year

Election Inspectors.....	\$8.00/hr or \$130.00/day
Town Mileage Rate.....	\$.485/ mile
Planning Board Members.....	\$25.00/meeting
Zoning Board Members.....	\$25.00/meeting
Planning/Zoning Boards Secretary.....	\$9.08/hr
Board of Assessment & Review.....	\$165.00/year

**Town Board Committees**

HIGHWAY.....	Lattin, Oakley, Kast
WATER.....	Kirby, Kast
BUILDINGS & GROUNDS.....	Oakley, Kirby
PLANNING & ZONING.....	DeCarlo, Oakley
CODES ENFORCEMENT.....	DeCarlo
ASSESSOR.....	DeCarlo
CEMETARIES.....	Oakley, Lattin, Mannella & Jean Klatt
FINANCE.....	Kast, DeCarlo

**Town of Gaines: Current Boards as of January 1, 2007**

**PLANNING BOARD [5 Year Appointments]**

Chairman: Theobert Ahlberg.....	01/01/2004-12/31/2008
Jeffery Braley, P.E.....	01/01/2005-12/31/2009
Elizabeth Capacci.....	01/01/2003-12/31/2007
Gary Davy.....	01/01/2005-12/31/2009
Philip McKenna.....	01/01/2004-12/31/2008
Christopher Watt.....	01/01/2003-12/31/2007
Vacancy	

**COUNTY PLANNING BOARD [2 Year Appointments]**

Theobert Ahlberg.....	01/01/2006-12/31/2008
Elizabeth Capacci.....	01/01/2006-12/31/2008

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**ZONING BOARD OF APPEALS [5 Year Appointments]**

Chairman: Randall Klatt.....01/01/2003-12/31/2007  
Raymond Burke.....01/01/2003-12/31/2007  
Mary Cooper.....01/01/2003-12/31/2007  
Douglas Syck.....01/01/2004-12/31/2008  
Sandra Thaine.....01/01/2006-12/31/2010

**BOARD OF ASSESSMENT & REVIEW [5 Year Appointments]**

John W. Long.....9/30/2005-9/30/2010  
Cornelius Newton.....9/30/2003-9/30/2008  
James Theodorakos.....9/30/2004-9/30/2009

On 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 the 2007 appointment list is approved.

**RESOLUTION 4-07**

**Planning Board Vacancy**

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

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

Resolved that an ad will be placed in the Lake Country Pennysaver to fill the 5 year term that is vacant on the Planning Board.

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RESOLUTION 5 -07  
**Bond Resolution**

**LEGAL NOTICE OF ESTOPPEL**

NOTICE IS HEREBY GIVEN, that the resolution published herewith has been adopted by the Town Board of the Town of Gaines, Orleans County, New York, on the 3rd day of January, 2007, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of the law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Dated:                      Gaines, New York  
                                 January 4, 2007

Jean Klatt, Gaines Town Clerk

**BOND RESOLUTION DATED JANUARY 3, 2007**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$529,806.08 SERIAL BONDS OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM TO SERVE GAINES WATER DISTRICT NO. 7 IN THE TOWN OF GAINES.**

**WHEREAS**, by proceedings heretofore duly had and taken pursuant to the Town Law, the Town Board of the Town of Gaines, Orleans County, New York, has undertaken to duly establish the Gaines Water District No. 7 in and for said Town; and

**WHEREAS**, it is now desired of the Town of Gaines to provide for the financing of the cost of the construction of a water distribution system to serve said Gaines Water District No. 7, including land or rights in land and original furnishings, equipment, machinery or apparatus incidental thereto;

**NOW, THEREFORE BE IT**

**RESOLVED**, by the Town Board of the Town of Gaines, Orleans County, New York, as follows:



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**Section 1:** The specific object or purpose to be financed pursuant to this resolution is the construction of a water distribution system to serve Gaines Water District No. 7 in and for the Town of Gaines, Orleans County, New York, consisting of installation of approximately 6,400 linear feet of 8" PVC watermain pipe along Crandall Road and approximately 11,600 linear feet of 8" PVC watermain pipe along Lattin Road, together with the installation of individual water services to property lines; the installation of fire hydrants, gate valves and tracer wire; road and creek crossings; connection to existing water mains, acquisition of land or rights in land and all other original furnishings, equipment, machinery or apparatus incidental thereto, substantially in accordance with the map, plan and report heretofore prepared in connection with such improvements and now on file in the Office of the Town Clerk.

**Section 2:** The maximum estimated cost of such joint project is \$529,806.08, and the plan for the financing thereof shall be by the issuance of not exceeding \$529,806.08 serial bonds for said Town hereby authorized to be issued therefore pursuant to the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued will be reduced pro tanto by State and/or Federal grants-in-aid received in connection with said project.

**Section 3:** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

**Section 4:** The faith and credit of said Town of Gaines, Orleans County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectfully become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within said Water District which the Town Board shall determine and specify to be especially benefitted by the improvements, an amount sufficient to pay the principal of and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds as the same shall become due.

**Section 5:** Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the





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serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

**Section 6:** All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

**Section 7:** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purposes for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 8:** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 9:** This resolution, which takes effect immediately, shall be published in full in Batavia Daily News, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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On a motion from Councilman Kast and seconded by Councilman Kirby the bond resolution was

ADOPTED Ayes 5  
Nays 0

ROLL CALL Councilman Kirby  
Councilman Kast  
Councilwoman Oakley  
Councilman DeCarlo  
Councilman Lattin

With no further business, on a motion from Councilman Lattin and seconded by Councilman Kirby the meeting was adjourned at 8:27 PM.

Respectfully submitted,

Jean Klatt  
Gaines Town Clerk