

TOWN BOARD MEETING
PUBLIC HEARING
Gaines, NY July 2, 2007

PRESENT: Richard DeCarlo ----- Supervisor
 Bill Lattin ----- Councilman
 Lorraine Oakley ----- Councilwoman
 James Kirby ----- Councilman
 Jean Klatt ----- Town Clerk
 John Gavenda ----- Special Council

EXCUSED: David Kast ----- Councilman

OTHERS PRESENT: Marilynn Miller, Gerard Morrissey, Connie Mosher, Bruce Schmidt, Tibbs Ahlberg

Supervisor DeCarlo called the meeting to order at 7:00PM with the Pledge to the Flag.

PUBLIC HEARING FOR LOCAL LAW #2 of 2007
Amend Local Law #3 of 2007 Wind Energy Moratorium

Public Hearing was opened at 7:01 PM. With no comments from the public the hearing was closed at 7:02.

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RESOLUTION 58 - 07

RESOLUTION ADOPTING LOCAL LAW NO. 2 OF THE YEAR 2007

Resolution adopted at a special meeting of the Gaines Town Board held on the 2nd day of July 2007 at 7:00 p.m. which the following were:

PRESENT: Richard A. DeCarlo, Sr., Town Supervisor
 C.W. Lattin, Councilperson
 Lorraine Oakley, Councilperson
 James Kirby, Councilperson

ABSENT: David Kast, Councilperson

Councilperson, Lorraine Oakley moved the adoption of the following resolution; Councilperson C.W. Lattin seconded the motion.

WHEREAS, Local Law No. 2 of the Year 2007 of the Town of Gaines, Orleans County, New York being a local law entitled Extension of the Town of Gaines Moratorium on Wind Energy Deriving Towers and Transmission Facilities Law was introduced and placed on the desks and tables of the members of the Town Board at least seven (7) days prior to the final adoption at a special meeting of the Gaines Town Board held on July 2, 2007; and

WHEREAS, said local law was referred to the Orleans County Planning Board for review as Local Law No. 1 of the Year 2007 entitled Extension of the Town of Gaines Moratorium on Wind Energy Deriving Towers, Meteorological Towers and Transmission Facilities Law and was Approved by the Orleans County Planning Board on the condition that all reference to meteorological towers was removed from the proposed law; and

WHEREAS, said Local Law No. 1 of the Year 2007 was mistakenly adopted by the Town Board and forwarded on to the New York Department of State without the changes being made as requested by the Orleans County Planning Board; and

WHEREAS, it was deemed prudent by the Town Board of the Town of Gaines to hold a public hearing to adopt Local Law No. 2 of the Year 2007 which is identical to Local Law No. 1 of the Year 2007 except for the retraction of meteorological towers from the text and title of said Local Law; and

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WHEREAS, the Town Board conducted a public hearing to consider the adoption of Local Law No. 2 on July 2, 2007 at 7:00 p.m. at which public hearing all persons wishing to be heard in favor or against said adoption were heard; and

WHEREAS, it is now the intent and desire of the Town Board to adopt Local Law No. 2 of the Year 2006, now therefore be it

RESOLVED, that Local Law No. 2 of the Year 2007 of the Town of Gaines, Orleans County, New York, being a Local Law entitled "Extension of the Town of Gaines Moratorium on Wind Energy Deriving Towers and Transmission Facilities Law" be and the same is hereby adopted; and it being further

RESOLVED, that Local Law No. 2 of the year 2007 of the Town of Gaines shall replace in its entirety Local Law No. 1 of the year 2007.

Upon being put to a vote, the following voted "AYE" in favor of adoption of the foregoing resolution: Richard DeCarlo, Sr., Lorraine Oakley, C.W. Laffin.

The following voted "NAY" in opposition thereto: NONE

The following abstained: JAMES KIRBY

Dated: July 3, 2007



Jean Klatt, Town Clerk

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PUBLIC HEARING FOR LOCAL LAW #3 of 2007
Amend Local Law #2 of 2007 Advisory Committee

Public Hearing was opened at 7:04 PM. With no comments from the public the hearing was closed at 7:07.

RESOLUTION 59 – 07

RESOLUTION ADOPTING LOCAL LAW NO. 3 OF THE YEAR 2007

Resolution adopted at a special meeting of the Gaines Town Board held on the 2nd day of July at 7:00 p.m. which the following were:

PRESENT: Richard A. DeCarlo, Town Supervisor
C.W. Lattin, Councilperson
Lorraine Oakley, Councilperson
James Kirby, Councilperson

ABSENT: David Kast, Councilperson

Councilperson, C.W. Lattin moved the adoption of the following resolution, Councilperson Lorraine Oakley seconded the motion.

WHEREAS, Local Law No. 3 of the Year 2007 of the Town of Gaines, Orleans County being a local law to amend Local Law No. 2 of the year 2006 entitled Town of Gaines Advisory Committee Law was introduced and placed on the desks and tables of the members of the Town Board at least seven (7) days prior to the final adoption at a regular meeting of the Town of Gaines Board held on July 2, 2007; and

WHEREAS, the Town Board conducted a public hearing to consider the adoption of Local Law No. 3 on the 2nd day of July 2007 at 7:00 p.m. at which public hearing all persons wishing to be heard in favor or against said adoption were heard;

WHEREAS, it is now the intent and desire of the Town Board to adopt Local Law No. 3 of the Year 2007, which is to replace and supercede Local Law No. 2 of the Year 2006 in its entirety, therefore be it

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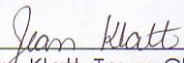
Upon being put to a vote, the following voted "AYE" in favor of adoption of the foregoing resolution: RICHARD A. DECARLO, LORRAINE OAKLEY, C.W. LATTIN, JAMES KIRBY.

The following voted "NAY" in opposition thereto: NONE

The following abstained: NONE

The resolution was declared adopted.

Dated: July 3, 2007



Jean Klatt, Town Clerk

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PREPARE ARTICLE X PUBLIC SERVICE LAW

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

ADOPTED 4 Ayes DeCarlo, Oakley, Lattin, Kirby
 0 Nays

Resolved that the Article X Public Service Law resolution adopted by Somerset be prepared for the July 2007 board meeting for presentation.

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Lattin the meeting was adjourned at 7:27 PM.

Respectfully Submitted,

Jean Klatt