

REGULAR TOWN BOARD MEETING  
Gaines, NY                      June 12, 2007

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

EXCUSED: None

OTHERS PRESENT: Royce Klatt, Jessica Klatt, Gerard Morrisey, Ken Whitney, John Goslau, Phillip Coville, Andy Young, Connie Mosher, Peg Letiecq, Paul Letiecq, John Mosher, Richard & Joyce Knaak, Karen Kirby

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

**PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**

None

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**WIND ENERGY SURVEY RESULTS**

Supervisor DeCarlo gave a brief presentation on the wind survey results and thanked Deputy Jessica Klatt on her outstanding work on the survey results report.

\*All percentages have been rounded to the nearest tenth (there may be a margin of error of .1%)

*Overall Survey Results*

On May 14, 2007, The Town of Gaines mailed one thousand, two hundred twenty-four (1,224) envelopes containing a cover letter explaining the intent of the wind energy survey and two surveys for each household. As a result, two thousand, four hundred forty-eight (2,448) surveys were sent to Gaines residents. Of those, six hundred fourteen individual surveys were completed and returned by persons living in the Village of Albion, citizens who own property in Gaines but who do not live in Gaines, people who did not indicate where they live or own property, and residents of the Town of Gaines, New York. Therefore, 25.1% of the surveys sent out, were returned.

Concerning statement number one, 63.4%, or three hundred eighty-nine people, *strongly agree* that "the Town should encourage wind energy facilities to locate in the Town of Gaines." 16.9% (one hundred-four individuals) of the total response *somewhat agree*, and seventeen people (2.8%) *somewhat disagree*. Fifty-six people (9.1%) *strongly disagree* that the Town should encourage wind energy facilities to locate in the Town of Gaines, and 7.8%, or forty-eight people of the six hundred fourteen responders, did not know how to answer or had no opinion.

Fifty-nine respondents of the six hundred-fourteen (9.6%) *strongly agree* that wind energy towers should not be permitted to locate in Gaines. 5.9%, or thirty-six people, *somewhat agree* with the statement. Sixty-five people (10.6%) *somewhat disagree*, and the majority of the residents, 56.2% (three hundred forty-five) *strongly disagree* that the Town should not permit towers to locate in Gaines. One hundred nine people (17.8%) did not know how to answer or had no opinion.

The sizeable majority of individuals, four hundred fifty-five (74.1%) *strongly agree* that "the Town of Gaines should work with wind energy companies to secure a favorable payment in lieu of taxes to reduce the Town of Gaines taxes." Whereas 9.9% (sixty-one people) *somewhat agree*, and nine people (only 1.5%) *somewhat disagree* that the Town should work with companies to secure a favorable payment to reduce Town taxes. 4.1% of the respondents (twenty-five) *strongly disagree* with the statement, and sixty-four people, or 10.4%, did not know how to answer or had no opinion.

Ten surveys of the six hundred-fourteen, or 1.6%, *somewhat disagree* that "the Town of Gaines should work with energy companies to ensure that their projects have the least possible impact on environment and residents." Nineteen people (3.1%) *strongly disagree* with the statement, and 8.5% of the respondents did not know how to answer or had no opinion. The largest portion of residents who completed the survey, four hundred sixty-two (75.2%) *strongly agree* that the Town should ensure that wind energy companies will have the least impact on residents and environment, and seventy-one people (11.6%) *somewhat agree*.

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RESOLUTION 47 - 07  
**ROOF BIDS**

**RESOLUTION No.47** ~~duffy~~ adopted at a regular meeting of the Gaines Town Board held on the 12th day of June, 2007, at which the following were:

**PRESENT:** DeCarlo, Oakley, Lattin, Kast, Kirby

**ABSENT** None

Councilperson Kast moved the adoption of the following resolution; Councilperson Lattin seconded the motion;

WHEREAS, the Gaines Town Board does hereby accept the proposal of County Contracting, Inc. of Lyndonville, New York for the Town Hall Roof Repair Project as per the plans and specifications prepared by the Town of Gaines for a cost not to exceed \$14,690.00 plus replacement of damaged roof sheeting at a cost of \$ 1.15 per foot; and be it further

RESOLVED, that the acceptance of the proposal shall be conditioned upon County Contracting, Inc. providing to the Town of Gaines proof of compliance with the plans and specifications of the Town of Gaines prior to commencement of the project, including review of all certificates of insurance or other required submissions by the Town or its legal counsel.

Upon being put to a vote, the following "AYE" in favor of the adoption.

DeCarlo, Oakley, Lattin, Kast, Kirby

The following voted "NO" in opposition thereto.

None

The Resolution was deemed adopted.

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RESOLUTION 48-07

**PUBLIC HEARING**  
**WIND ENERGY MORITORIUM EXTENSION**

At 8:00 PM the public hearing was reopened. After a short discussion from the floor with residents both for and against the extension the hearing was closed at 8:37PM.

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

ADOPTED	3 Ayes	DeCarlo, Oakley, Lattin
	0 Nays	
	2 Abstain	Kirby, Kast

Resolved that Local Law #1- 2007 Wind Energy Moratorium Extension has been adopted.

**Local Law Filing**

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

**(Please Use this Form for Filing your Local Law with the Secretary of State)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underline to indicate new matter.

Town of GAINES, ORLEANS COUNTY, NEW YORK

Local Law No. 1 of the year 2007

A local law to be known as Extension of The Town of Gaines Moratorium on Wind Energy Deriving Towers, Meteorological Towers and Transmission Facilities Law.

Be it enacted by the Town Board of the

Town of Gaines, Orleans County, New York as follows:

ARTICLE I: ENACTMENT, AUTHORIZATION, TITLE, PURPOSE

Section 101: Enactment and Authorization

The Town Board of the Town of Gaines does hereby ordain and enact the Town of Gaines Moratorium on Wind Energy Deriving Towers, Meteorological Towers and Transmission Facilities Law pursuant to authority and provisions of Section 10 of the Municipal Home Rule Law.

Section 102: Title

This local law shall be known as the Extension of Town of Gaines Moratorium on Wind Energy Deriving Towers, Meteorological Towers and Transmission Facilities Law.

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Section 103: Purpose

- a) It is the purpose of this local law to prevent and avoid serious detrimental health, environmental and planning conditions which threaten the Town of Gaines by allowing degradation of its significant environmental and agricultural resources and in order not to undermine the conscious and continuous determination by the Town to resolve and lessen such threats to the health, safety and welfare of the citizens of the Town.
- b) It is the further purpose of this local law to enable the Town of Gaines to prevent the construction or erection of wind energy deriving towers, meteorological towers and associated transmission facilities for a reasonable period of time pending the Town Board's enactment of a local law regulating the construction of such towers and facilities in the Town of Gaines.
- c) It is further the purpose of this law to extend for an additional Three Hundred Sixty Five (365) days Local Law No. 1 of 2006 entitled the Town of Gaines Moratorium on Wind Energy Deriving Towers, Meteorological towers and Transmission Facilities Law based on the need for additional time to formulate and place before the Town Board regulations for the

construction of such towers and facilities in the Town of Gaines. The complexity and comprehensiveness of the regulations dictate the need for the extension.

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**ZONING CHANGES**

Tibbs Ahlberg presented the board with proposed change to the Town Zoning Laws.

The Zoning Laws Regulations will be tabled until the July meeting to allow the board to study the revisions.

**COUNTY PLANNING BOARD VIDEOTAPING**

The Board will table the issue until the July board meeting.

RESOLUTION 49-07

**279 DRAINAGE PROJECT**

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

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

Resolved that the Highway Superintendent has permission to spend \$9000.00 on pipe and supplies for the project.

**Update**

Dan Spitzer has given Supervisor DeCarlo a contract to retain his services regarding Wind Energy. The issue will be tabled until the board has a chance to read over the agreement.

**UPDATES**

George Irvine has continuing problems with his tenants not paying their water bills. Possible amendments to the water regulations maybe necessary to resolve the issue.

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RESOLUTION 50-07

LEGAL NOTICES IN FREE PUBLICATIONS

TOWN OF GAINES

ALBION, NEW YORK

RESOLUTION NO. 50-07

SUPPORT LEGISLATION TO AMEND THE GENERAL CONSTRUCTION LAW TO ALLOW LEGAL NOTICES TO BE PUBLISHED IN LOCAL, FREE PUBLICATIONS.

WHEREAS, current restrictions require public notices to be published in paid dailies and weeklies; and

WHEREAS, it has become increasingly difficult to purchase adequate citizen coverage under current restrictions regarding what can be designated as an official newspaper; and

WHEREAS, the cost of publishing in an official newspaper could become costly; and

WHEREAS, studies show the decline in local daily and weekly newspaper readership is accelerating; and

WHEREAS, studies also show an increase in circulation from 30 million in 1968 to 88 million in 2000 of free community papers; and

WHEREAS, the intent of public notice requirements is to increase the likelihood that citizens are well informed regarding local government actions, finances and plans; be it

RESOLVED, that the Town of Gaines urges the Governor and the Legislature to amend the General Construction Law to allow papers, which do not charge for the paper, but with an established and large circulation to be considered newspapers in certain instances, to permit towns and other local governments to place the legal notices in local publications which may reach a larger audience and/or be less expensive to publish.

Lattin Moved, Kirby second;  
Adopted, 5Ayes; 0Nays; 0Absent

TOWN OF GAINES  
COUNTY OF ORLEANS  
STATE OF NEW YORK

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Town of Gaines on the 12<sup>th</sup> day of June 2007.

Dated at Albion, New York  
June 13, 2007

Jean M. Klatt  
Town Clerk  
Town of Gaines



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RESOLUTION 51 -07  
**STANDARDIZE WATER PRODUCTS**

**RESOLUTION No. 51-07** adopted at a regular meeting of the Gaines Town Board held on the 12th day of June, 2007, at which the following were:

**PRESENT:** DeCarlo, Oakley, Lattin, Kast, Kirby

**ABSENT:** None

Councilperson Kast moved the adoption of the following resolution;  
Councilperson Lattin seconded the motion;

**WHEREAS**, the Town of Gaines has been and continues to be engaged in the construction and installation of public water lines within the municipality which involves the installation of substantial quantity of water meters, valves, hydrants and other assemblies; and

**WHEREAS**, for reasons of efficiency and economy, there is a need for standardization of a particular brand of meters, hydrants, valves, gates and other assemblies as hereinafter described; and

**WHEREAS**, the Gaines Town Board, after thorough investigation and consultation with its Engineer and Water Superintendent, has selected the Mueller valves, hydrants and other assemblies and the Sensus water meters and Sensus auto read meter system as standard equipment for the Town of Gaines,

**NOW, THEREFORE**, be it

**RESOLVED**, that the Gaines Town Board does hereby standardize its hydrants, valves, meters and assemblies including main line hydrants to be installed in all water line projects in the Town of Gaines as Mueller valve and hydrant assemblies and Sensus meters and Sensus auto read system for one or more of the following reasons:

1. That all existing hydrants and valves installed in the past fifteen (15) years are Mueller products;
  2. That the Town has utilized Sensus water meters in all past projects and is converting to a Sensus auto read system;
  3. That the Town has equipment and parts for repairing only Mueller valves and hydrants and Sensus water meters;
  4. That the Town has working knowledge of only Mueller hydrants and valves and Sensus water meters;
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5. That said equipment has been determined in the past by the Town of Gaines to be of high quality and otherwise readily available in the market place.
6. That surrounding communities have also utilized Mueller valves and hydrants and Sensus water meters providing for compatibility and to ensure availability of spare parts in the event of an emergency.
7. That such action is upon the specific recommendation of the Town's Engineers and Water Superintendent.

Upon being put to a vote, the following "AYE" in favor of the adoption.  
DeCarlo, Oakley, Lattin, Kast, Kirby

The following voted "NO" in opposition thereto.  
None

The Resolution was deemed adopted.

pare/water standard equipment

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**RESOLUTION No. 52-07** adopted at a regular meeting of the Gaines Town Board held on the 12th day of June, 2007, at which the following were:

**PRESENT:** DeCarlo, Oakley, Lattin, Kast, Kirby

**ABSENT:** None

Councilperson Lattin moved the adoption of the following resolution;  
Councilperson Kirby seconded the motion;

**WHEREAS**, the Gaines Town Board has previously authorized the connection of out of district users to its various water districts pursuant to established rules and regulations, which rules have included the requirement that "there is no other structure to be served by public water between [the applicant's] structure to be served in the nearest water district boundaries", and

**WHEREAS**, the Gaines Town Board has been asked to consider the application of Ralph G. Poelma and Pearl L. Poelma to connect premises which they own at 2549 Kent Road, Albion, New York on the east side of Kent Road north of Ridge Road to Gaines Water District No. 5 as an out of district user; and

**WHEREAS**, it has been determined that there is in fact one residence which lies between the applicants' premises to be served and the water district boundary and the owner of this residence has no desire to be connected to the public water line and is not requesting service as an out of district user; and

**WHEREAS**, the Gaines Town Board has determined through investigation with its Water Superintendent that if the additional residence was to be served, that such residence would be required to construct and install a separate private water supply line, separate and apart from that to be installed by Poelma; and

**WHEREAS**, the Gaines Town Board has determined that the location of this other residence, but for its published rules and regulations, should not limit or otherwise interfere with the ability of Poelma's to connect to public water main,

**NOW, THEREFORE**, be it

**RESOLVED**, the Gaines Town Board does hereby amend its Rules and Regulations for connection of so-called outside users to its established Water Districts by eliminating such regulation that prohibits the connection of a residence when there is one or more residences located between the residence to be served and the public water line, and be it

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**FURTHER RESOLVED,** the Gaines Town Board does hereby approve the application of Ralph G. Poelma and Pearl L. Poelma as an out of district user for Gaines Water District No. 5 to serve premises known as 2549 Kent Road, Albion, New York.

Upon being put to a vote, the following "AYE" in favor of the adoption.  
DeCarlo, Oakley, Lattin, Kast, Kirby

The following voted "NO" in opposition thereto.  
None

The Resolution was deemed adopted.

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RESOLUTION 53-07  
**NO FIRE ARMS OR DANGEROUS WEAPONS**

RESOLUTION No. ~~53-07~~ <sup>53-07</sup> adopted at a regular meeting of the Gaines Town Board held on the 12th day of June, 2007, at which the following were:

**PRESENT:** DeCarlo, Oakley, Lattin, Kast, Kirby

**ABSENT:** None

Councilperson Lattin moved the adoption of the following resolution; Councilperson Oakley seconded the motion;

WHEREAS, the Town Board of the Town of Gaines is empowered to adopt ordinances, laws, rules and regulations in order to protect the health, safety and welfare of its citizens by exercise of its governmental powers, and, further, to control, protect and preserve its property for its intended public use under the proprietary authority conferred upon the Town; and

WHEREAS, in exercise of its proprietary powers, the Gaines Town Board may adopt rules and regulations to provide for the safety of its property and persons thereon from the dangers of firearms and other weapons while on town property, notwithstanding the provisions of Section 400(6) of the Penal Law of the State of New York, now, therefore, be it

RESOLVED, pursuant to the authority conferred upon the Gaines Town Board and it in the exercise of its proprietary powers to regulate, control and preserve property owned by the Town, it shall hereafter be unlawful for any person to enter upon any real property owned by the Town of Gaines including, but not limited to, the Gaines Highway Building and the Gaines Town Hall while in the possession of a firearm, gun or other dangerous weapons of any description including, but not limited to, hand guns, pistols, target pistols, revolvers, rifles, long guns, shot guns, knives or other similar weapons, whether open or concealed, and regardless of whether licensed to carry the same under the laws of the State of New York or not; and be it

FURTHER RESOLVED, that this prohibition shall extend to all persons whether members of the general public or elected or appointed Town officials, employees or agents, excepting any on-duty police officer; and be it

FURTHER RESOLVED, that a violation of this rule and regulation shall be deemed a misdemeanor punishable by a fine not to exceed \$250.00 and a term of imprisonment not to exceed 15 days in jail, or both.

Upon being put to a vote, the following "AYE" in favor of the adoption.  
DeCarlo, Oakley, Lattin, Kast, Kirby

The following voted "NO" in opposition thereto.  
None

The Resolution was deemed adopted.



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RESOLUTION 54-07  
**APPROVAL OF MINUTES**

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

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

Resolved that the minutes from the April 30<sup>th</sup> & May 8<sup>th</sup>, 2007 are approved.

RESOLUTION 55 - 07  
**APPROVAL OF ABSTRACTS**

On a motion from  
                                General Councilperson Oakley and seconded by Councilperson Lattin  
                                Highway Councilperson Lattin and seconded by Councilperson Kirby  
                                Water Councilperson Oakley and seconded by Councilperson Kast  
The resolution was declared

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

Resolved that the bills will be paid as presented.

With no further business, on a motion from Councilperson Lattin and seconded by Councilperson Oakley the meeting was adjourned at 10:45 PM.

Respectfully Submitted,

Jean Klatt,  
Gaines Town Clerk

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With no further business, on a motion from Councilperson Lattin and seconded by Councilperson Oakley the meeting was adjourned at 10:45 PM.

Respectfully Submitted,

Jean Klatt,  
Gaines Town Clerk