

REGULAR TOWN BOARD MEETING  
Gaines, NY June 13, 2006

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

ABSENT: None

OTHERS PRESENT: Reynold Klatt, Donald Prince, Robert McGaffick, Lorienda Smith, Tibbs Ahlberg, Gerard Morrissey, Linda Prince

Supervisor DeCarlo opened the meeting with the Pledge to the Flag at 7:30 P.M.

**PRIVILEGE OF THE FLOOR / PUBLIC CONCERNS**

None

RESOLUTION 43 - 06

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes from the May 9, 2006 meeting be approved.

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RESOLUTION 44 - 06  
**APPROVAL OF MINUTES**

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

ADOPTED BY ROLL CALL	DeCarlo	Aye
	Lattin	Aye
	Oakley	Aye
	Kast	Abstain
	Kirby	Abstain
	Ayes	3
	Nays	0
	Abstain	2

Resolved that the minutes from the June 6, 2006 Public Hearing be approved.

RESOLUTION 45 - 06  
**AUDIT OF CLAIMS**

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

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

Resolved that the Bills be paid on abstract #6 in the following amounts:

General Fund	No. 113 thru 148	\$ 8,947.71
Highway Fund	No. 67 thru 83	\$ 42,038.85
Water District 1	No. 18 thru 19	\$ 16,190.48
Water District 2	No. 10	\$ 2,632.26
Water District 3	No. 9	\$ 2,256.22
Water District 4	No. 13 thru 15	\$ 3,124.17
Water District 5	No. 14 thru 15	\$ 51,344.17

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Supervisor DeCarlo asked for an update from Code Enforcement Officer, Robert McGaffick. Mr. McGaffick told the board that he was continuing to work on the problem with the goats on School House Lane. He also stated that he would like to address gas mileage with the board. Supervisor DeCarlo asked him to write up a proposal and the board would be happy to consider it.

Supervisor DeCarlo asked Highway Superintendent Ron Mannella to follow up with the DOT about the amount of traffic on Gaines Basin Road with Wal-Mart opening on June 14, 2006. He would like to have the Town of Gaines being proactive not reactive to the traffic congestion that Wal-Mart will likely bring.

Prince Builders presented the board with a quote for replacing the roof on the town hall. After a short discussion the board asked him to further investigate the cost of a metal roof.

Supervisor DeCarlo pointed out an article that was printed in the Medina Journal. The article quoted the Town of Albion's Supervisor, Gene Christopher. The article did not make the Town of Gaines look favorably regarding it's handling of Water District #6.

RESOLUTION 46 – 06

**INTERMUNICIPAL AGREEMENT RE: WATER DISTRICT #6**

**Resolution adopted at a regular meeting of the Gaines Town Board held on the 13th day of June, 2006, in the Gaines Town Hall, at which the following were:**

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

**ABSENT:** None

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

**WHEREAS**, by resolution dated January 3, 2006, the Gaines Town Board did authorized the amendment of the Intermunicipal Agreement executed by the Towns of Gaines and Albion relative to the joint water project between Albion Water District No. 6 and Gaines Water District No.6, thereby amending the respective percentages to 71% of utility charges to Albion and 29% of utility charges to Gaines; and

**WHEREAS**, it was the intent by the Towns of Gaines and Albion that such percentages, as amended, shall also apply to the capital costs of such project; now, therefore, be it

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**RESOLVED**, that the Intermunicipal Agreement by and between the Towns of Gaines and Albion be further amended to reflect that the Town of Albion's capital cost will be 71% and the Town of Gaines' capital cost will be 29%; and be it

**FURTHER RESOLVED**, that the Town Supervisor is hereby authorized to execute an Amended Intermunicipal Agreement, dated and witnessed after the date of this resolution, as prepared by the respective Attorneys for each Town.

Upon being put to a vote, the following voted "Aye" in favor of adoption of the resolution: Supervisor DeCarlo, Councilpersons Kirby, Kast, Oakley, and Lattin.

The following voted "No" in opposition thereto: None. The resolution was deemed Adopted.

Dated: June 13, 2006

**CLERK'S CERTIFICATION**

STATE OF NEW YORK:  
COUNTY OF ORLEANS: ss.:

I, Jean Klatt, the duly appointed 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 13th day of June, 2006, with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: June 13, 2006

\_\_\_\_\_  
Gaines Town Clerk



**FURTHER RESOLVED**, that the Board has determined that the creation of the proposed Gaines Water District No. 6 is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, and that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property has been excluded; and be it

**FURTHER RESOLVED**, that the Town Board of the Town of Gaines fully supports and concurs in the submission of an application to the *Office* of the State Comptroller; and be it

Upon being put to a vote “aye” in favor of the adoption: Supervisor DeCarlo, Councilpersons Kirby, Kast, Oakley and Lattin.

The following voted “No” in opposition thereto: None

The resolution was declared adopted.

Dated: June 13, 2006

Jean Klatt, Gaines Town Clerk

### **CLERK’S CERTIFICATION**

STATE OF NEW YORK:  
COUNTY OF ORLEANS: SS.:

I, Jean Klatt, the duly appointed and acting 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 13<sup>th</sup> day of June, 2006, with the original now in my office, and the same is a true and correct copy of said resolution and of the whole thereof.

Dated: June 14, 2006

Gaines, New York

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Jean Klatt, Gaines Town Clerk

RESOLUTION 48-06  
ARC

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

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



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After a lengthy discussion Councilwoman Oakley and Supervisor DeCarlo stated that Councilman Kast and Kirby should be withdrawing from the entire wind energy issue. Councilman Kast stated that this withdrawal was only for Local Law #1. Councilwoman Oakley feels that if they have a conflict now the conflict will be carried through the entire wind energy process. She feels that it will be a waste of the Town Boards time and the tax payer's money to deal with the stepping down of board members at each small step in the process. Attorney Heath told the board that the board members that have reclused themselves do not have to disclose their involvement unless they plan on including themselves in the discussions involving wind energy. If they recluse themselves from voting and discussions then they are not required to disclose their involvement. Councilwoman Oakley stated she is not asking about their involvement, only basing her decision on information that Councilman Kast had come forth with.

Supervisor DeCarlo asked Attorney Heath if lease agreement been signed. Attorney Heath told Mr. DeCarlo he could not answer that question.

Supervisor DeCarlo asked Attorney Gavenda to deal with this issue. Councilman Kast asked Mr. Gavenda if they become part of the public sitting in the audience can they participate in discussions. Attorney Gavenda stated that he believed that they could participate.

Gerard Morrisey said that he thinks the board should accept the letters as presented.

Tibbs Ahlberg offered that at the County Planning Board deals with board members reclusing themselves for each individual issue presented.

Council Gavenda shared that he thinks that the letters should affect only Local Law #1.

Councilwoman Oakley again stated that she feels that if they have a conflict now the conflict will be carried through the entire wind energy process. She feels that it will be a waste of the Town Boards time and the tax payer's money to deal with the stepping down of board members at each small step in the process.



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Councilman Lattin stated that he feels the board relies on Councilman Kast and Kirby and that their character speaks for itself. He feels that the board can count on them to step down from any and all issues that they feel that they have a conflict with.

Councilwoman Oakley asked Attorney Heath if he has stepped down from the wind moratorium only or the entire wind energy process. Attorney Heath stated that he would expect to step down on the entire wind energy process.

Supervisor DeCarlo asked Councilpersons Oakley and Lattin if they were willing to accept the letters submitted from Councilman Kast and Kirby. He asked them to make a motion. Attorney Gavenda said a motion was not necessary.

Councilman Kast stated that he feels every board member should have an agenda in their hands a few days before the meeting.

Councilwoman Oakley asked Attorney Gavenda if, as they move on with this issue will we have to go through all this when addressing issue for issue. He said we would have to allow each board member to decide at that time if they have a conflict of interest.

Councilman Kast cautioned all Town Officials and Board Members about being very, very careful of making acquisitions about any member of any board. He cautioned them about assuming or asking. He said people out there are just waiting for certain things to happen. He said everyone should be careful about whom they accuse. He said we should be very, very careful about assuming or accusing just because someone owns land or you hear something through the coffee shop mill. He feels that the board members and officials should be trusted. He reminded everyone that He and James Kirby could have kept their mouths shut and not said anything. He said that is not the way that they do business and he would not expect anyone else in the town to do that and if he felt otherwise he would be the first one to raise heck. So he is just letting them know.

Councilwoman Oakley replied that she appreciated that and that no accusations or assumptions were being made. She was basing her statements on information that he had come forth with earlier. She said she is in business and she appreciates ones need to make money. She is not accusing anyone. She knows that alternate energy is here and that is what she is dealing with.

Councilman Kast stated that to his knowledge no one on the board was making accusations. He said that is not where he was directing his comments. He was just letting everyone know that as a Councilperson of the Town of Gaines he thinks it is important that we rely on the integrity of the board members and officials to make the right decision

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when they have a conflict of interest. Councilwoman Oakley stated that she had always valued Councilman Kast and Kirby's opinion.

Supervisor DeCarlo asked Town Clerk Klatt to be sure that all Town Employees, Planning Board and Zoning Board members receive a copy of the Code of Ethics.

Supervisor DeCarlo made a final clarification on moratoriums. He said there was a question at the public hearing as to whether or not the moratorium should be for one year. He said that if the moratorium has to be extended it is open for legal challenge. Surrounding towns have had to extend their moratoriums. That is why Gaines is looking at a one year moratorium.

A special meeting will be held at a later date to vote on the Wind Energy Moratorium.

With no further discussion, on a motion from Councilman Oakley, and seconded by Councilman Lattin the meeting was adjourned at 9:27 PM.

Sincerely Submitted,

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Jean Klatt  
Gaines Town Clerk