

REGULAR TOWN BOARD MEETING
Gaines, NY March 10, 2009

PRESENT: James Kirby ----- Councilman
 Bill Lattin ----- Councilman
 Lorraine Oakley ----- Councilwoman
 Jean Klatt ----- Town Clerk
 Douglas Heath ----- Council

EXCUSED: Ron Mannella – Highway Superintendent
 Richard DeCarlo – Supervisor
 David Kast - Councilperson

OTHERS PRESENT: Carol Culhane, Richard Hayes, Tibbs Ahlberg, Henry Smith Jr.

Deputy Supervisor Lattin called the meeting to order at 7:32PM with the Pledge to the Flag. We also had a moment of silence in honor of Liz Capacci.

Deputy Supervisor Lattin expressed his thanks and admiration for Liz Capacci on behalf on the Town Board.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS:

Richard Hayes from West Bacon Road questioned why his taxes were raised. He was advised to see Colleen Pahura.

Tibbs Ahlberg presented the Town Board with a statement asking the board to appoint Gary Davy to the County Planning Board as an alternate.

REGULAR TOWN BOARD MEETING
Gaines, NY February 10, 2009

RESOLUTION 14 - 09

County Planning Board Alternate

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

ADOPTED 3 Ayes Kirby, Lattin, Oakley
 0 Nays

Resolved that Gary Davy is appointed as an alternate to the Orleans County Planning
Board.

Carol Culhane gave a report on the progress on the bicentennial committee.

RESOLUTION 15 - 09

APPROVAL OF MINUTES

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

ADOPTED 3 Ayes Kirby, Lattin, Oakley
 0 Nays

Resolved that the minutes from the February 10, 2009 meeting are approved with one
change to Resolution # 13. The issue is tabled.

REGULAR TOWN BOARD MEETING
Gaines, NY March 10, 2009

WATER DISTRICT NO. 9 - LOAN AGREEMENT

RESOLUTION 16 duly adopted at a Regular Meeting of the Town Board of the Town of Gaines, Orleans County, New York, held on the 10th day of March, 2009 at 7:30 p.m. at the Gaines Town Hall, 14087 Ridge Road, Albion, New York.

Councilman Oakley moved the adoption of the following resolution,
Councilman Kirby seconded the motion:

“RESOLVED, that the Gaines Town Board does hereby authorize the Supervisor of the Town to execute the “Loan Resolution” by and between the Town and the USDA, Rural Utilities Service, therein accepting a loan in the amount of Two Hundred Five Thousand Dollars (\$205,000.00) to be applied to the cost of construction of Gaines Water District No. 9.”

Upon being put to a vote, the following voted “Aye” in favor of adoption of the foregoing resolution: Lattin, Oakley, Kirby

The following voted “No” in opposition thereto:

The resolution was declared adopted

Dated: March 10, 2009

Jean Klatt, Gaines Town Clerk

CLERK'S CERTIFICATION

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

I, JEAN KLATT, duly elected Town Clerk of the Town of Gaines, Orleans County, New York, do hereby certify that I have compared the foregoing resolution duly adopted by the Gaines Town Board on the 10th day of March, 2009, with the original thereof now on file in my office, and the same is a correct and true copy of said Notice and of the whole thereof.

Dated: March 9, 2009

(SEAL)



Jean Klatt, Gaines Town Clerk



REGULAR TOWN BOARD MEETING
Gaines, NY March 10, 2009

WATER DISTRICT NO. 9 - GRANT AGREEMENT

RESOLUTION 17 duly adopted at a Regular Meeting of the Town Board of the Town of Gaines, Orleans County, New York, held on the 10th day of March, 2009 at 7:30 p.m. at the Gaines Town Hall, 14087 Ridge Road, Albion, New York.

Councilman Kirby moved the adoption of the following resolution, Councilman Oakley seconded the motion:

“RESOLVED, that the Gaines Town Board does hereby authorize the Supervisor of the Town to execute the “Water or Waste System Grant Agreement” by and between the Town and the USDA, Rural Utilities Service, therein accepting a grant in the amount of Three Hundred Thirty Five Thousand Dollars (\$335,000.00) to be applied to the cost of construction of Gaines Water District No. 9.”

Upon being put to a vote, the following voted “Aye” in favor of adoption of the foregoing resolution: Lattin, Oakley, Kirby

The following voted “No” in opposition thereto:

The resolution was declared adopted

Dated: March 10, 2009

Jean Klatt, Gaines Town Clerk

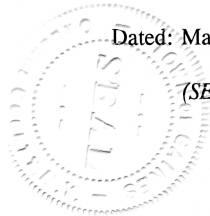
CLERK'S CERTIFICATION

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

I, JEAN KLATT, duly elected Town Clerk of the Town of Gaines, Orleans County, New York, do hereby certify that I have compared the foregoing resolution duly adopted by the Gaines Town Board on the 10th day of March, 2009, with the original thereof now on file in my office, and the same is a correct and true copy of said Notice and of the whole thereof.

Dated: March 10, 2009

(SEAL)



Jean Klatt
Jean Klatt, Gaines Town Clerk

REGULAR TOWN BOARD MEETING
Gaines, NY March 10, 2009

RESOLUTION 16 - 09

Absrtact #3 for WD#9 Villager Construction

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

ADOPTED 3 Ayes Kirby, Lattin, Oakley
 0 Nays

Resolved that voucher #1 will be paid after following 6 conditions are met.

1. The Town is authorized by law to make such payment.
2. That payment is to be made out of Water District #9 account from funds from proceeds of sale of WD#9 Bond Anticipation Note and not out of the General fund.
3. That the voucher had been submitted in accordance with the established payment schedule including prior review and approval of all involved agencies including Chatfield Engineers, Stuart Brown Associates, Town of Murray (where appropriate) and USDA Rural Development:
4. That the voucher is submitted timely and in accordance with the normal and ordinary accepted payment schedule set forth in the contract documents or by custom or practice. (i.e. payment for materials is ordinarily paid as a process payment not in advance)
5. That risk of loss does not pass to the Town as a result of payment nor does payment alleviate the contractor from any and all contractual obligations, duties, liabilities or warranties.
6. That "Notice to Proceed" has, in fact, been issued.

REGULAR TOWN BOARD MEETING
Gaines, NY March 10, 2009

RESOLUTION 18 - 09

Proposed Water District # 10

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

ADOPTED 3 Ayes Kirby, Lattin, Oakley
 0 Nays

Resolved that Supervisor DeCarlo is authorized to sign a PED agreement with Stuart Brown Associates at a cost of \$1200.00 for proposed water district #10.

RESOLUTION 17 - 09

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Kirby and seconded by Councilperson Oakley
Highway Councilperson Kirby and seconded by Councilperson Oakley
Water Councilperson Kirby and seconded by Councilperson Oakley

The resolution was

ADOPTED 3 Ayes Kirby, Lattin, Oakley
 0 Nays

Resolved that the bills on abstract #3 will be paid as presented except for the voucher #86 for Villager Construction be deleted from the General abstract.

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

Respectfully submitted,

Jean Klatt
Town Clerk