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

EXCUSED: Dave Kast ----- Councilman

OTHERS PRESENT: Tibbs Ahlberg, Lorienda Smith, Robert Bannan, Fran & John Lissow

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

### PRIVILEDGE OF THE FLOOR/PUBLIC CONCERNS

Tibbs Ahlberg suggested that the County Planning Board Resolution regarding planning & Zoning Training be adopted. He informed the board that the planning board will be interviewing the 4 applicants that applied for the vacant planning board position.

# RESOLUTION 16 - 07 APPROVAL OF MINUTES

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

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

Resolved that the minutes from the February 13, 2007 are approved.

# RESOLUTION 17 – 07 TOWN CLERK'S CONFERENCE

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

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

Resolved that Karen Kirby will attend the 2007 Town Clerk's conference.

# RESOLUTION 18 - 07 APPROVAL OF ABSTRACTS

On a motion from

General- Councilman Lattin and seconded by Councilman Kirby Highway - Councilman Lattin and seconded by Councilperson Oakley Water - Councilperson Oakley and seconded by Councilman Kirby The resolution was declared

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

Resolved that the bills on abstract #3 will be paid.

# RESOLUTION 19 - 07 **WD 4 &5 EXTRA FUNDS**

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

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

Resolved that Ron Mannella has permission to spend approximately \$21,000.00 left over from water districts 4 & 5 on auto readers.

## RESOLUTION 20 - 07 CODE ENFORCEMENT

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

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

Resolved that all properties sold at the Orleans County public auction must be inspected and a new Certificate of Occupancy must be issued before the residence can be occupied.

### RESOLUTION 21-07 **WD# 7 TO BID**

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

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

Resolved that Water District #7 will go to bid on April 6, 2007 @ 11:00AM.

# RESOLUTION 22– 07 APPOINTMENT OF REP. FROM GAINES FOR CONSOLIDATION STUDY

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

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

Resolved that Richard DeCarlo Sr. will be appointed as the Town of Gaines Representative for the consolidation study with the Town & Village of Albion.

# RESOLUTION 23 – 07 WIND ENERGY ADVISORY COMMITTEE

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

ADOPTED	3 Ayes	DeCarlo, Oakley, Lattin
	0 Nays	
	1 Abstain	Kirby

Resolved that the Town of Gaines will form a Wind Advisory Committee of 7 individuals.

# RESOLUTION 24 - 07 WATER DISTRICT #9 PUBLIC HEARING

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

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

Resolved that the Town of Gaines will hold a Public Hearing re: WD#9 on March 27, 2007 at 7:30PM.

# RESOLUTION 25-07 2<sup>nd</sup> SMALL CITIES HEARING

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

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

Resolved that the Town of Gaines will hold a Small Cities Hearing on March 27, 2007 at 7:30PM.

With no further business, on a motion from Councilperson Kirby and seconded by Councilperson Oakley the meeting was recessed at 8:22PM until March 27, 2007 at 7:30 PM.

Respectfully Submitted,

Jean Klatt, Town Clerk

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

EXCUSED: David Kast

OTHERS PRESENT: Jason Foote, Robert Bannan

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

# **2<sup>ND</sup> SMALL CITIES PUBLIC HEARING**

Supervisor DeCarlo opened the 2<sup>nd</sup> Small Cities Public Hearing at 7:30 PM. With no comment from the public the hearing was closed at 7:31PM on a motion from Councilperson Lattin and seconded by Councilperson Oakley. The motion was declared ADOPTED.

#### WD#9 PUBLIC HEARING

Supervisor DeCarlo opened the WD#9 Public Hearing at 7:31PM. After a short presentation from Jason Foote, with no comment from the public the hearing was closed at 7: PM on a motion from Councilperson Oakley and seconded by Councilperson Lattin. The motion was declared ADOPTED.

#### **RESOLUTION 25 – 07**

#### RESOLUTION DULY ADOPTED BY THE TOWN BOARD OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK AT A MEETING OF SAID BOARD ON THE \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_, 2007.

WHEREAS, the 1974 Housing and Community Development Act, as amended, established the Small Cities Community Development Block Grant Program and pursuant to that program makes funds available to municipalities on a competitive basis to address their housing and community development needs; and

WHEREAS, the Towns of Gaines and Murray share common community development problems, needs and objectives and both would like to work together to seek federal funding to insure that a cost effective and technically sound public water supply system extension can be built to serve adjacent areas in the Towns of Gaines and Murray; and

WHEREAS, it is in the best interest of the Towns of Gaines and Murray to cooperate with each other and to develop and file a joint application for Fiscal Year 2007 Community Development Block Grant (Small Cities) funds to establish a public water system extension that would serve adjacent areas in the Towns of Gaines and Murray;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Gaines authorizes the Supervisor to enter into a cooperation agreement with the Town of Murray so as to receive funds available to joint applicants under the Housing and Community Development Act of 1974, as amended.

STATE OF NEW YORK: COUNTY OF ORLEANS: ss: TOWN OF GAINES:

I, Jean Klatt, 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 <u>27th</u> day of <u>March</u>, 2007, with the original now on file in my office, and the same is a correct and true copy of said resolution and the whole thereof.

Dated:	March	28,	2007
	25.		
1 70	923		
78.77	151		

Jean Klatt, Town Clerk

#### **RESOLUTION 26 – 07**

#### RESOLUTION OF GAINES TOWN BOARD ESTABLISHING TOWN OF GAINES WATER DISTRICT NO. 9

A recessed meeting of the Town Board of the Town of Gaines, Orleans County, New York, was held in the Gaines Town Hall in said Town on March 27, 2007 at 7:30 P.M. to consider the establishment of proposed Water District No. 7 of the Town of Gaines, pursuant to the provisions of Article 12 of the Town Law.

A map, plan and report relating to the establishment of the proposed Water District No. 9, prepared by Chatfield Engineers, P.C., a competent engineer duly licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk of the Town of Gaines, in accordance with the requirements of Article 12 of the Town Law.

On March 13, 2007, an Order was adopted by the Gaines Town Board reciting the filing of the map, plan and report, the boundaries of the proposed water district, the improvements proposed, the estimated expense of the improvements, the cost of the water district to the typical property in the district, estimated hook-up charges, the proposed method of financing, the fact that the map, plan and report were on file in the Town Clerk's Office for public inspection and all other matters required by law to be stated. The Order further recited that the proposed Water District is being established together with the establishment of a new water district in the Town of Murray to be known as Murray Water District No. 14. For purposes of efficiency and reducing costs to the district users, the Town Boards of the Towns of Murray and Gaines have agreed to jointly construct, operate and maintain these two water districts, pursuant to a municipal cooperation agreement to be executed by and between the Towns.

The proposed joint project consists of approximately 10,550 linear feet of 8" DR-18 PVC water main along the west side of Transit Road extending southerly from Ridge Road; approximately 2,320 linear feet of 8" DR-18 PVC water main extending westerly along West Transit Church Road in the Town of Gaines; approximately 750 linear feet of 8" DR-18 PVC water main extending easterly along East Transit Church Road in the Town of Murray; installation of individual water services from the water main to the edge of the highway right-of-way; installation of gates values; installation of fire hydrants at intervals of approximately 600 feet; connection to the existing municipal water source at Ridge Road; creek crossings; highway crossings; and driveway and lawn restoration.

The Order set March 27, 2007 at 7:30 P.M. in the Gaines Town Hall in said Town, to consider the map, plan and report and to hear all persons interested in this matter and to take action as required by law.

The order was published in the March 16, 2007 edition of the *Batavia Daily News* and posted as required by law.

A hearing on the matter was held by the Town Board as scheduled on March 27, 2007 beginning at 7:30 P.M., and the matter was fully discussed and all interested persons were heard.

Upon the evidence given at the hearing on March 27, 2007 and upon a motion duly made by Councilperson Oakley, seconded by Councilperson Lattin and adopted by the affirmative vote of a majority of the Town Board, the following resolution was adopted:

#### RESOLVED that:

- (a) The petition complies with the requirements of §191 of the Town Law with respect to sufficiency of signers, describes the boundaries of the proposed water district in a manner sufficient to identify the lands included therein as in a deed of conveyance, is authenticated in the manner provided by the Election Law for the authentication of nominating petitions and is otherwise legally sufficient.
- (b) The notice of hearing was published and posted as required by law, and is otherwise sufficient.
- (c) All the property and property owners within the proposed water district are benefitted thereby.
- (d) All the property and property owners benefitted are included within the limits of the proposed water district.
- (e) The establishment of the water district is in the public interest; and it is .

FURTHER RESOLVED that the establishment of Water District No. 9, as set forth in the map, plan and report, be approved, and that the requested improvements be constructed upon the required funds being made available and provided for; and it is

**FURTHER RESOLVED** that this water district shall hereafter be known as the Town of Gaines Water District No. 9 and shall be bounded and described as set forth in Schedule A attached hereto and made a part hereof; and it is

FURTHER RESOLVED that the proposed joint project, consisting of construction of Gaines Water District No. 9 and Murray Water District No. 14, shall include the construction of approximately 10,550 linear feet of 8" DR-18 PVC water main along the west side of Transit Road extending southerly from Ridge Road; approximately 2,320 linear feet of 8" DR-18 PVC water main extending westerly along West Transit Church Road in the Town of Gaines; approximately 750 linear feet of 8" DR-18 PVC water main extending easterly along East Transit Church Road in the Town of Murray; installation of individual water services from the water main to the edge of the highway right-of-way; installation of gates values; installation of fire hydrants at intervals of approximately 600 feet; connection to the existing municipal water source at Ridge Road; creek crossings; highway crossings; and driveway and lawn restoration; and it is

**FURTHER RESOLVED** that the total projected project cost for construction of the joint project is \$539,843.75, with \$445,000.00 of such amount to be paid from grant funds being sought by the Towns of Gaines and Murray through the 2007 Governor's Office of Small Cities Grant Program (GOSC), with the balance to be financed through the issuance of either individual or joint bond anticipation notes or serial bonds of the Towns of Gaines and Murray, to mature in annual installments over a period not to exceed 20 years. Revenues necessary to be raised and applied to the annual debt payment shall be levied and collected against those parcels within proposed Gaines Water District No. 9 and Murray Water District No. 14 on a benefit basis as determined by a benefit formula, and not on an ad valorem basis; and be it

FURTHER RESOLVED that the proposed cost of the joint project should be allocated between each town utilizing the number of users and parcels benefitted thereby and the benefits associated with creating a joint water project. Based upon the foregoing, the Towns have determined that the local share to be allocated to each water district, after first subtracting any

GOSC grant funds received from the total project costs, is as follows: 66.70% of the net local share, not to exceed \$63,260.78, be allocated to Gaines Water District No. 9 and the remaining 33.30% of the net local share, not to exceed \$31,582.97, allocated to Murray Water District No. 14; and it is

FURTHER RESOLVED that the projected maximum benefit unit charge for any one unit in the Gaines Water District No. 9 shall not exceed 275.77 for debt repayment. The projected maximum amount that any "typical one or two family home" will be required to pay in the first year following approval for all costs, including debt repayment, water purchase and operation and maintenance in Gaines Water District No. 9 shall not exceed \$594.77; and it is

FURTHER RESOLVED that the formation of Gaines Water District No. 9 is not subject to approval from the NYS Comptroller within the meaning of Section 193(1)(b)(1) of the Town Law of the State of New York.

Upon being put to a vote, the foregoing resolution was adopted by the Gaines Town Board.

Dated: March 27, 2007

Jean Klatt, Gaines Town Clerk

#### CERTIFICATE OF CLERK

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

I, JEAN KLATT, 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 27th day of March, 2007 with the original thereof now on file in my office, and the same is a correct and true copy of said original resolution and of the whole thereof.

Dated: March 28, 2007.

(SEAL)

Jean Klatt

#### SCHEDULE A - BOUNDARY DESCRIPTION

Beginning at a point, said point being the intersection of the centerline of Transit Road also being the Gaines/Murray Town Line with a line parallel to and 500 feet southerly of the centerline of Ridge Road and also being a southeasterly boundary corner of the Town of Gaines Water District No. 5, Part C; thence (1) southerly 10643 feet more or less, along the centerline of Transit Road also being the Gaines/Murray Town Line to a point, said point being the intersection of an easterly extension of the southerly property line of the Town of Gaines Tax Account No. 63-1-19 with the centerline of Transit Road also being the Gaines/Murray Town Line; thence (2) westerly 500 feet more or less, along an easterly extension of the southerly property line and the southerly property line of Tax Account No. 63-1-19 to a point; said point being the intersection of a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line with the southerly property line of Tax Account No. 63-1-19; thence (3) northerly 5594 feet more or less, along a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line to a point, said point being the intersection of a line parallel to and 500 feet southerly of the centerline of West Transit Church Road with a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line; thence (4) westerly 2177 feet more or less, along a line parallel to and 500 feet southerly of the centerline of West Transit Church Road to a point, said point being the intersection of the westerly property line of Tax Account No. 63-1-10.1 with a line parallel to and 500 feet southerly of the centerline of West Transit Church Road; thence (5) northerly 500 feet more or less, along the westerly property line and a northerly extension of the westerly property line of Tax Account No. 63-1-10.1 to a point, said a nonherty extension of the westerly property line of Tax Account No. 63-1-10.1; there (6) westerly northerty extension of the westerly property line of Tax Account No. 63-1-10.1; there (6) westerly 5 feet more or less, along the centerline of West Transit Church Road to a point, said point being a southerly extension of the westerly property line of Tax Account No. 52-1-29.11 with the centerline of West Transit Church Road; thence (7) northerly 500 feet more or less, along a southerly extension of the westerly property line and the westerly property line of Tax Account No. 52-1-29.11 to a point, said point being the intersection of a line parallel to and 500 feet northerly of the centerline of West Transit Church Road with the westerly property line of Tax Account No. 52-1-29.11; thence (8) easterly 2186 feet more or less, along a line parallel to and 500 feet northerly of the centerline of West Transit Church Road to a point, said point being the intersection of a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line with a line parallel to and 500 feet northerly of the centerline of West Transit Church Road; thence (9) northerly 4200 feet more or less, along a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line to a point, said point being the intersection of a line parallel to and 500 feet southerly of the centerline of West Ridge Road also being a southerly boundary line of the Town of Gaines Water District No. 5, Part C with a line parallel to and 500 feet westerly of the centerline of Transit Road also being the Gaines/Murray Town Line; thence (10) casterly 514 feet more or less, along a line parallel to and 500 feet southerly of the centerline of Ridge Road also being a southerly boundary line of the Town of Gaines Water District No. 5, Part C to a point, said point being the intersection of the centerline of Transit Road also being the Gaines/ Murray Town Line with a line parallel to and 500 feet southerly of the centerline of Ridge Road also being a southerly boundary line of the Town of Gaines Water District No. 5, Part C. Said point also being a southcasterly boundary corner of the Town of Gaines Water District No. 5, Part C and also being the point of beginning.

- 4 -

#### TOWN OF GAINES CREATION OF WATER DISTRICT NO. 9

#### SEQR RESOLUTION

At a meeting of the Town Board of the Town of Gaines held on the	27#	day of
March 2007, at the Gaines Town Hall, Councilman Kirby	a ward	
moved adoption of the following resolution; Councilman Lattin	0	
seconded the motion:		

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Gaines announces its intent to serve as lead agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCRR) of a project to establish the Town of Gaines Water District No. 9. The creation of the proposed water district will allow for the extension of public water service along portions of Transit Road and West Transit Church Road. The water system improvements will ultimately involve the construction of approximately 12,870 Lf. of 8-inch watermain and will provide public water service to a total of 18 residences.

The creation of Gaines Water District No. 9 will be undertaken in conjunction with the creation of the Town of Murray Water District No. 14 located along Transit Road and East Transit Church Road. An inter-municipal agreement will be executed with the Town of Murray.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR.

FURTHER RESOLVED, that the Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above listed action. The Town Board hereby accepts the environmental assessment of the proposed project prepared by Stuart I. Brown Associates, Inc., dated March 27, 2007. The Town Board further declares that, based on the environmental assessment which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

Upon being put to a vote, the resolution was <u>adopted</u>

STATE OF NEW YORK: COUNTY OR ORLEANS: 55: TOWN OF GAINES

I, Jean Klatt, 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 <u>27th</u> day of <u>March</u>, 2007, 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

March 28, 2007 Date:

(SEAL)

Jean Klatt, Town

#### RESOLUTION: PROVIDING LOCAL SHARE OF COSTS FOR CONSTRUCTION OF IMPROVEMENTS TO SERVE THE TOWN OF GAINES WATER DISTRICT NO. 9

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

WHEREAS, a preliminary engineering evaluation has been commissioned to resolve the existing water supply problems along Transit Road, West Transit Church Road and East Transit Church Road and adjacent areas in the Towns of Gaines and Murray; and

WHEREAS, the proposed solution includes the installation of a watermain that would extend along Transit, West Transit Church and East Transit Church Roads and to connect to the existing supply systems in Gaines; and

WHEREAS, the cost of undertaking these improvements is estimated at \$539,844, including construction, legal, engineering and administrative costs; and

WHEREAS, the Town Boards of Gaines and Murray have agreed to work together to solve the water supply problems facing residents in this area and have agreed to file a Joint Small Cities application in the amount of \$445,000 for the correction of these deficiencies; and

WHEREAS, the Gaines Town Board and the Murray Town Board have passed resolutions to create individual water districts in each Town consistent with the regulations spelled out in Town Law to provide the legal entities for the distribution of water to residents of the area; now therefore be it

RESOLVED, that the Town of Gaines commits that it will provide \$63,261 in funds plus any overruns that may be incurred as its local share of the cost of building the improvements recommended in the preliminary engineering analysis referenced herein, including the construction of approximately 13,620 l.f. of watermain and related system appurtenances. These funds are to be provided with general obligation bonds to be issued by this Board consistent with applicable laws of the State of New York.

STATE OF NEW YORK: COUNTY OF ORLEANS: ss: TOWN OF GAINES:

I, Jean Klatt, 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 27<sup>th</sup> day of March, 2007 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.

March 27, 2007 Dated:

Han Watt

Gaines/WD9/Resolutions/ResolutionLocalShare

#### RESOLUTION DULY ADOPTED BY THE TOWN BOARD OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK AT A RECESSED MEETING OF SAID BOARD ON THE 27th DAY OF MARCH, 2007.

Councilperson Oakley moved the adoption of the following resolution; Councilperson Kirby seconded the motion:

"RESOLVED, that the Supervisor of the Town of Gaines, Orleans County, New York, is hereby authorized as the official representative of the Town to execute and submit a Small Cities application to the administrative agency for the Fiscal Year 2007 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required."

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

The following voted against adoption: none

The following was absent from the meeting: Councilperson Kast (excused)

The resolution was thereupon declared adopted.

SS.:

DATED: March 27, 2007 Jean Klatt, Gaines Town Clerk

#### CERTIFICATE OF CLERK

STATE OF NEW YORK:

COUNTY OF ORLEANS:

I, JEAN KLATT, 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 27th day of March, 2007, with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: March 28, 2007



Jan Hatt

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Lattin the meeting was adjourned at 8:18PM.

Respectfully Submitted,

Jean Klatt, Town Clerk

With no further business, on a motion from Councilperson Oakley and seconded by Councilperson Lattin the meeting was adjourned at 8:18PM.

Respectfully Submitted,

Jean Klatt, Town Clerk