

REGULAR TOWN BOARD MEETING
Gaines, NY May 12, 2009

PRESENT: Richard DeCarlo ----- Supervisor
 David Kast ----- Councilperson
 James Kirby ----- Councilperson
 Bill Lattin ----- Councilperson
 Lorraine Oakley ----- Councilperson
 Ron Mannella ----- Superintendent
 Jean Klatt ----- Town Clerk
 Douglas Heath ----- Council

EXCUSED: None

OTHERS PRESENT: Carol Culhane, Guy & Sue Smith, Marilyn Miller, John Goslua, Connie Mosher, Lorienda & Henry Smith, Jennifer Stilwell, Loretta Long, Marc Vailencourt, G. Vailencourt, Betty & Richard Standish, Tibbs Ahlberg

Supervisor DeCarlo called the meeting to order at 7:35PM with the Pledge to the Flag.

PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS

Tibbs Ahlberg asked the board to approve the purchase of plaques to recognize the planning board members that have resigned or past away. The board asked to postpone the discussion until later in the meeting.

Marc Vailencourt addressed the board regarding the Heller property. He feels he can not get the Code Enforcement Officer to handle the issue of Mr. Heller operating a business without a permit. Clerk Klatt told the board that Mr. McGaffick checks on the property approximately 3 times per week and can not prove that a business is operating. Supervisor DeCarlo will follow up with the CEO.

Carol Culhane gave an update on the Bicentennial Committee.

Councilperson Lattin recognized and thanked Supervisor DeCarlo for the gift of the 3 oak trees that were planted in the front lawn at the town hall.

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RESOLUTION 24-09
APPROVAL OF MINUTES

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

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

The minutes from April 14, 2008 are approved with the correction that Councilperson Latin seconded the motion to adjourn.

RESOLUTION 25-09
APPROVAL OF ABSTRACTS

On a motion from
 General Councilperson Lattin and seconded by Councilperson Kast
 Highway Councilperson Lattin and seconded by Councilperson Oakley
 Water Councilperson Lattin and seconded by Councilperson Kirby

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

Resolved that the bills on abstract #5 will be paid as presented.

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**Public Hearing Local Law #1
Restricting Smoking on the Town Property in the Town of Gaines**

Legal Notice

NOTICE IS HEREBY GIVEN that the Gaines Town Board will conduct a public hearing on May 12, 2009 at 7:30 P.M. in the Gaines Town Hall, 14087 Ridge Road, Albion, New York to consider the adoption of proposed Local Law No. 1 of 2009, entitled a "Local Law Restricting Smoking on Town Property in the Town of Gaines". Copies of the proposed local law are available for public inspection in the Town Clerk's Office in the Gaines Town Hall during regular business hours. All persons wishing to be heard in favor of or in opposition to such proposed local law will have the opportunity to be heard at said public hearing.

Dated: May 6, 2009

Jean Klatt

Supervisor DeCarlo opened the public hearing at 7:57PM. Henry Smith asked the Supervisor to clarify the law. Supervisor DeCarlo explained that there would be no smoking on any Town of Gaines property, including the interior of parked vehicles. With no further comments from the public the public hearing was closed at 7:59PM.

REGULAR TOWN BOARD MEETING
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RESOLUTION 26-09

LL#1 Restricting Smoking on the Town Property in the Town of Gaines

RESOLUTION DULY ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF GAINES, ORLEANS COUNTY, NEW YORK, HELD ON THE 12TH DAY OF MAY, 2009 AT 7:30 P.M. IN THE GAINES TOWN HALL, AT WHICH THE FOLLOWING WERE:

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

ABSENT: None

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

WHEREAS, Local Law No. 1 of the Year 2009 of the Town of Gaines, Orleans County, New York, being a local law "Restricting Smoking on Town Property in the Town of Gaines", was introduced and placed on the desks and the tables of the members of the Town Board at least seven (7) days prior to final adoption, and

WHEREAS, the Town Board conducted a public hearing to consider the adoption of proposed Local Law No. 1 on the 12th day of May, 2009 at 7:30 p.m., at which public hearing all persons wishing to be heard in favor or against said adoption were heard, and

WHEREAS, the Town Board has determined the adoption of Local Law No. 1 of the Year 2009 to be a Type II action within the meaning of SEQR and no further action is needed in respect thereto, and

WHEREAS, it is now the intent and desire of the Town Board to adopt Local Law No. 1 of the Year 2009, now therefore, be it

RESOVLED, that Local Law No. 1 of the Year 2009 of the Town of Gaines, Orleans County, New York, being a local law "Restricting Smoking on Town Property in the Town of Gaines", be and the same is hereby adopted.

Upon being put to a vote, the following voted "Aye" in favor of adoption:
DeCarlo, Lattin, Oakley, Kast, Kirby
The following voted "No" in opposition thereto: none.

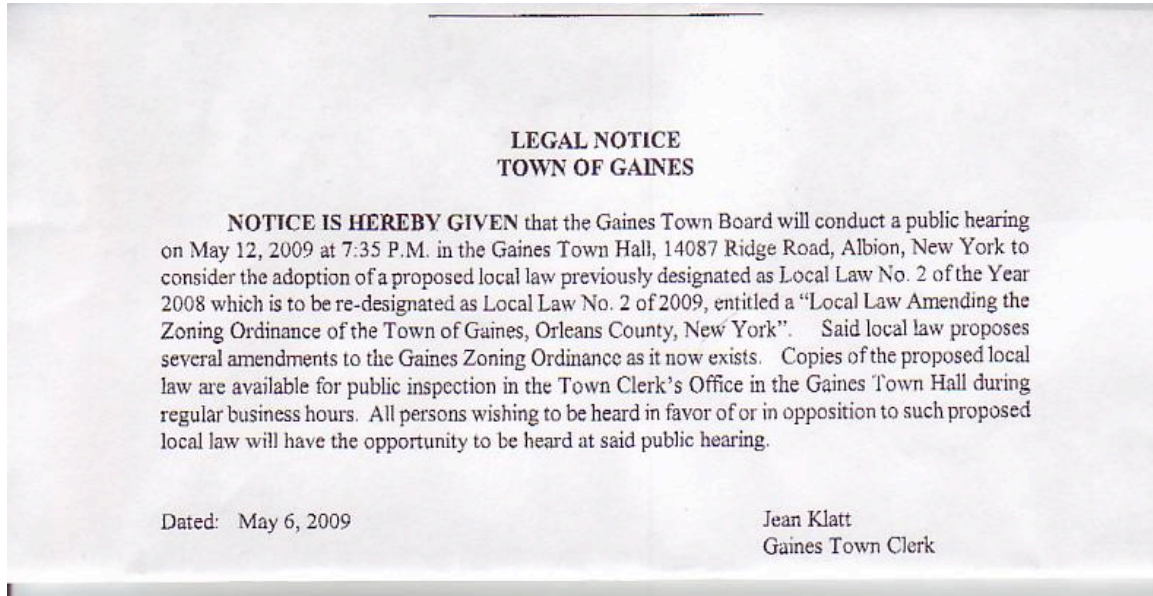
The resolution was declared adopted.

Dated: May 12, 2009

Jean Klatt, Town Clerk
Town of Gaines

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LL#2 of 2009 “ Amending the Zoning Laws of the Town of Gaines”



Supervisor DeCarlo opened the public hearing at 8:00PM. After a lengthy discussion. The public hearing was closed at 9:26PM.

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RESOLUTION 27-09

Municipality Tobacco Point of Purchase

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

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

Resolved that The Town of Gaines supports the efforts of Smoke Free NOW and Reality Check encouraging retailer to reduce advertising in areas likely to be seen by children

RESOLUTION 28-09

Albanese Property

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

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

Resolved that Superintendent Mannella and Attorney Heath are authorized to research the possibility of purchasing 5 acres of land from the Albanese family and put together a package to present to the board.

RESOLUTION 29-09

Joint Equipment Purchase

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

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

Resolved that Superintendent Mannella is authorized to proceed with the joint equipment purchase with the Town of Albion subject to Attorney Heath's approval.

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RESOLUTION 30-09

125 Potential Public Water Customers

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

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

Resolved that Supervisor DeCarlo, Clerk Klatt, and Superintendent Mannella are authorized to proceed with Attorney Heath to develop a package to encourage the potential water customers to connect to the public water supply.

Supervisor DeCarlo informed the board that He and Attorney Heath would be meeting with the Village of Albion regarding the fire contract on 5-14-2009.

There was a short discussion regarding the Cold War Tax Exemption and a public hearing will be held on June 9th at 7:30 PM.

Supervisor DeCarlo presented the following results of research he had done regarding a 7 member planning board vs. a 5 member planning board.

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It is my feeling that the current situation with the Planning Board concerning vacancies presents a very timely opportunity to reduce the number of Planning Board Members from seven to five.

The rationale for the reduction of members is purely economic.

The timing of these vacancies due to attrition lends itself to evaluating the costs of supporting the Gaines Planning Board.

As you know both the private sector and the public sector are downsizing as much as possible when the opportunity arises - thus reducing costs.

Reduction of these costs computes to the ability of the Board to control the Tax Rate at the local level.

The expenses connected to maintaining two Planning Board Members are costly

12 meeting per year at 25.00 per meeting	=	300.00
7 years at 300.00 per year	=	2100.00
Training plus mileage for seven years	=	<u>1000.00</u>
		3100.00
For two Board Members for seven years		6200.00

In these very difficult and trying economic times which will get even more difficult as time goes by, every effort should be made to control even the smallest expenditures as they all affect the total budget thus impacting the Tax Rate.

It is my forecast that assessed value will go down in the future years with evidence of this trend already beginning.

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Real Estate Sales are down (approx. 50%)

Mortgage Tax is down

Foreclosures are up.

Sales Tax is down

The Gaines Town Board emphasis should be on Revenue - Not spending

The Taxpayer is being burdened already with all costs rising and the current session of the State Legislative did not help.

As you know a 2 2/3% increase on utility companies (which will be passed on to consumers) was passed along with a 25% increase on License Renewal and 25% increase on Registration Fees.

Not to mention other increases that were passed which will negatively impact the local taxpayer.

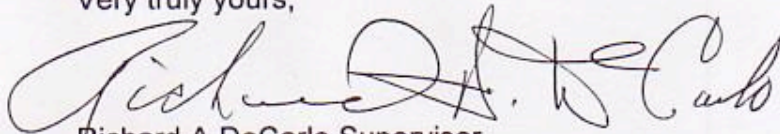
NYSEG and Energy East have also applied for rate increases as well.

It goes on and on.

Therefore, it is my recommendation to the Gaines Town Board that while this timely opportunity presents itself to reduce costs through attrition it should be taken advantage of.

It is paramount that fiscal responsibility prevail and concern for the Taxpayers in the Town of Gaines should be our first responsibility.

Very truly yours,



Richard A. DeCarlo, Supervisor
Town of Gaines

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RESOLUTION 31-09

Planning Board Appointments

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

ADOPTED	Roll Call	Lattin	Aye
		Oakley	Aye
		Kast	Aye
		Kirby	Aye
		DeCarlo	Nay

Resolved that James Theodorakus for Phil McKenna's position and Mike Gradowski for Jeff Braley's position will be appointed to the planning board effective immediately to fill the remaining terms.

A short discussion was held regarding the purchase of plaques for board members that have left office. The general consensus was that it was probably not good to start the tradition at this time.

With no further business, on a motion from Councilperson Kast and seconded by Councilperson Oakley the meeting was adjourned at 10:24PM.

Respectfully submitted,

Jean Klatt
Gaines Town Clerk