

REGULAR TOWN BOARD MEETING  
Gaines, NY                      November 7, 2007

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

EXCUSED: None

OTHERS PRESENT: Gerard Morrissey, Guy & Sue Smith, Lorienda Smith, Chris Appleton, Megan McElligott, Mary Jo Syck, Carol Culhane Colin Smith, Megan O’Hearn, Connie Mosher, Lori Mulrain, Alicia Grandy, Ginny Ettinger

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

**PUBLIC HEARING – BUDGET**

The public hearing was opened at 7:32 PM. Following a short discussion the public hearing was closed at 7:37 PM.

RESOLUTION 101 - 07

**2008 BUDGET**

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

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

Resolved that the 2008 Tentative Budget for 2008 is approved as the final 2008 Budget.

**PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS**

Megan McElligott asked the board if she could present the Town Board with a petition regarding wind energy at a future meeting. She also questioned how and why regulations would be needed if the wind committee recommends that wind turbines should not be allowed.

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RESOLUTION 102 - 07  
**APPROVAL OF MINUTES**

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

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

Resolved that the minutes from the October 9, 2007 are approved.

RESOLUTION 103 - 07  
**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 Kast and seconded by Councilperson Lattin

The resolution was declared

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

Resolved that the bills on abstract number 11 will be paid as presented.

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RESOLUTION NO. 104-07

**AUTHORIZING COURT GRANT APPLICATION**

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

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

**RESOLVED**, the Gaines Town Board hereby authorizes Town Justice Eugene Leigh to file an application for office supplies / funding from the New York State Office of Court Administration 2007 Justice Court Assistance Program.

**CERTIFICATION**

**STATE OF NEW YORK}**  
**COUNTY OF ORLEANS}**

I hereby certify that the aforementioned is a true and accurate copy of a resolution adopted by the Town of Gaines Town Board on November 7, 2007.

Dated: November 8, 2007

Jean Klatt  
Town Clerk

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RESOLUTION 105 - 07  
**RECORDS MANAGEMENT**

**RESOLUTION** duly adopted at a regular meeting of the Gaines Town Board held on November 7, 2007, in the Gaines Town Hall at 7:30 p.m. at which the following were:

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

**ABSENT:** Kirby

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

**"RESOLVED**, that in conjunction with the powers and duties conferred upon the Gaines Town Clerk under Town Law §30(1) with respect to the custody of all records, books and papers of the Town, the Gaines Town Board does hereby ratify and confirm the designation of the Gaines Town Clerk as "records access officer" within the meaning of Article 6 (Freedom of Information Law) of the Public Officers Law of the State of New York; and be it

**FURTHER RESOLVED**, that all "records" of all "agencies" of the Town of Gaines, as such terms are defined in §86 of the Public Officers Law, shall be kept or stored in the Town Clerk's Office or in such other location within the Gaines Town Hall as designated by the Town Clerk as the place of storage of such "records" unless hereinafter provided; and be it

**FURTHER RESOLVED**, that all "records" of the Gaines Town Board, Planning Board and Zoning Board of Appeals, including but not limited to minutes, applications, correspondences, exhibits, or recordings of meetings shall be placed on file with the Town Clerk within 2 weeks of the date of such meeting, except that in the case of the conduct of an "executive session", wherein copies of any minutes taken at an executive session shall be placed on file with the Town Clerk within 1 week of the date of such meeting in accordance with the provisions of Article 7 of the Public Officers Law; and be it

**FURTHER RESOLVED**, nothing contained herein shall prevent the Gaines Town Clerk in the exercise of his/her duties to designate such other locations other than the Gaines Town Hall as the necessary and appropriate place of storage of Town "records" or copies of the same so long as such records are readily available and accessible for public inspection in accordance with the Freedom of Information Law of the State of New York; and be it

**FURTHER RESOLVED**, that the Gaines Town Clerk shall hereafter establish a rate schedule for the copying or reproduction of Town "records" which charges shall be based upon the actual cost of reproduction or in conjunction with acceptable rates set forth in the Freedom of Information Law.

Upon being put to a vote, the following voted "Aye" in favor of adoption of the foregoing resolution:

DeCarlo, Lattin, Oakley, Kast

The following voted "No" in opposition thereto:

None

The resolution was deemed adopted.

November 7, 2007

Jean Klatt, Gaines Town Clerk

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With no further business, on a motion from Councilperson Kast and seconded by Councilperson Lattin the meeting was adjourned at 10:15PM.

Jean Klatt  
Gaines Town Clerk