

GAINES TOWN BOARD REGULAR  
AND ORGANIZATIONAL MEETING  
Gaines, NY January 7th, 2014

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Gaines Town Hall, 14087 Ridge Road, Gaines, New York on the 7<sup>th</sup> day of January 2014 at 7:00PM.

PRESENT:	Carol Culhane	-----	Supervisor
	David Kast	-----	Councilperson
	James Kirby	-----	Councilperson
	Douglas Syck	-----	Councilperson
	Susan Smith	-----	Councilperson
	Ron Mannella	-----	Highway Superintendent
	Jean Klatt	-----	Town Clerk
	Andrew Meier	-----	Attorney for the Town

EXCUSED: None

OTHERS PRESENT: Jerry Culhane, MaryJo Syck, David Thom, Lynn Johnson, Mike Grabowski, Bruce Schmidt

Supervisor Culhane called the meeting to order at 7:00PM with the Pledge to the Flag.

RESOLUTION 1-14

**APPROVAL OF MINUTES**

On a motion of Councilperson Smith, seconded by Councilperson Syck the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that the minutes of the December 10th, 2014 Town Board Meeting are approved as presented.

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RESOLUTION 2-14

**APPROVAL OF MINUTES**

On a motion of Councilperson Syck, seconded by Councilperson Smith the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that the minutes of the December 30th, 2014 Town Board Meeting are approved as presented.

RESOLUTION 3-14

**APPROVAL OF ABSTRACTS**

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

ADOPTED Ayes 5 Kast, Kirby, Syck, Culhane, Smith  
Nays 0

Resolved that the bills on abstract #1, voucher #'s 447-473, totaling \$ 37,608.14 will be paid as presented.

RESOLUTION 4-14

**LEGAL SERVICES**

On a motion of Councilperson Smith, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that Andrew W. Meier Esq. from Webster, Schubel, and Meier, LLP will provide legal services as Attorney for the Town of Gaines renewing his contract at the same rate for a period of 1 year. Supervisor is authorized to sign said contract.

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RESOLUTION 5-14

**SUPERVISOR AUTHORIZED TO SIGN DOG CONTROL CONTRACT**

On a motion of Councilperson Kast, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Supervisor Culhane is authorized to sign the Animal Control Contract with Orleans County.

RESOLUTION 6-14

**APPROVAL OF ENGINEERING SERVICES**

On a motion of Councilperson Smith, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that Chatfield Engineers is approved to provide engineering services for 2014.

RESOLUTION 7-14

**PREPAY BILLS**

On a motion of Councilperson Kast, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that the Supervisor is authorized to pre-pay bills if due date is prior to the board audit to avoid late fees and penalties. List as follows:

- Utility Bills
- Vacation Pay
- Postage and Freight
- Payment to Federal, State and County Agencies

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RESOLUTION 7-14  
**AUDIT REPORT**

On a motion of Councilperson Syck, seconded by Councilperson Kast the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that the criminal and civil dockets of the Town Justice for 2013 having been duly examined with the monthly cash summary being viewed and the fines and fees have been turned over to the proper officials;

The records of the Town Clerk for 2013 having been duly examined and found all fees have been turned over to the proper officials;

The records of the Tax Collector for 2013 having been duly examined and found all fees have been turned over to the proper officials.

RESOLUTION 8-14  
**INSURANCE PLAN**

On a motion of Councilperson Kirby, seconded by Councilperson Syck the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that the Town of Gaines will carry its liability insurance plan for property and vehicles through Albion Agencies, NYMIR insurance for a period of one year beginning in October 2013 and ending October 2014

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RESOLUTION 9-14  
**APPROVAL OF SCHOOLING**

On a motion of Councilperson Syck, seconded by Councilperson Smith the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that Schooling for Elected and Appointed Officials, when school pertains to respective jobs is duly authorized if funding was requested and approved in the 2014 budget.

RESOLUTION 10-14  
**SET HOLIDAYS FOR TOWN OFFICE**

On a motion of Councilperson Kirby, seconded by Councilperson Syck the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that the following days will be the set holiday schedule for the Town Office.

**Set Holidays for Town Office:**

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Good Friday
- Memorial Day
- July 4<sup>th</sup>
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Eve
- Christmas Day
- Election Day-Town Office used as polling place

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RESOLUTION 11-14  
**APPROVAL OF OFFICIAL UNDERTAKING**

On a motion of Councilperson Smith, seconded by Councilperson Kirby the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that the Official Undertaking as to its form and manner of execution and the sufficiency of the insurance, as surety as prescribed by law is approved.

**TOWN OF GAINES OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

**WHEREAS** CAROL E. CULHANE, of the Town of Gaines, County of Orleans, New York, has been elected to the Office of Supervisor of the Town of Gaines, and

**WHEREAS**, JEAN KLATT, of the Town of Gaines, County of Orleans, New York, has been elected to the Office of Town Clerk of the Town of Gaines, and

**WHEREAS**, JEAN KLATT, of the Town of Gaines, County of Orleans, New York, has been elected to the Office of Town Tax Collector of the Town of Gaines, and

**WHEREAS**, BRUCE R. SCHMIDT, of the Town of Gaines, County of Orleans, New York, has been elected to the Office of Town Justice of the Town of Gaines, and

**WHEREAS**, RONALD MANNELLA, of the Town of Gaines, County of Orleans, New York, has been elected to the Office of Superintendent of Highways of the Town of Gaines, and

**NOW, THEREFORE**, we as respective officers above, do hereby undertake with the Town of Gaines that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that she will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into her hands as such Supervisor; and

This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

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This undertaking of the Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Tax Collector;

and

This undertaking of the Town Justice is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Town Justice;

and

The Town does and shall maintain insurance coverage, presently with NYMIR Insurance, in the sum of \$ 500,000.00 for the Tax Collector, Supervisor and Town Clerk to indemnify against losses through the failure of the officers, clerks and employees covered there under faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions. All other employees are covered at \$250,000.00 through fraudulent or dishonest acts committed by the officers, clerks and employees.

RESOLUTION 12-14  
**SUPERVISOR'S APPOINTMENTS**

On a motion of Councilperson Syck, seconded by Councilperson Smith the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved the following are approved as the Supervisor's appointments.

**DEPUTY SUPERVISOR**- Sue Smith

**CONFIDENTIAL SECRETARY** – Jean Klatt

**BUDGET OFFICER** – Carol E. Culhane @ \$1800.00 per year

RESOLUTION 13-14  
**2014 APPOINTMENTS**

On a motion of Councilperson Syck, seconded by Councilperson Smith the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that the 2014 Appointments are approved as follows.

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**2014 APPOINTMENTS**

**HIGHWAY/WATER COMMITTEE** – Highway Superintendent Mannella, Councilpersons Kast and Kirby

**FINANCE AND BUDGET COMMITTEE** – Supervisor Culhane, Deputy Supervisor Smith, Councilperson Syck

**OFFICIAL DEPOSITORIES** for funds (all accounts) shall be:

First Niagara Bank 48 N. Main Street, Albion, NY

**INVESTMENTS:**

First Niagara Bank 48 N. Main Street, Albion, NY

**OFFICIAL PUBLICATION** shall be Batavia Daily News, Batavia, NY

**FAIR HOUSING OFFICER** – Jean Klatt

**TOWN REGISTRAR** – Jean Klatt @ \$914

**DEPUTY TOWN CLERK** – Tammy Kelley @ \$11.00 per hour

**DEPUTY TOWN CLERK** – Sharon Harding @ \$11.00 per hour

**WATER BILLING CLERK** – Carol Claus @ \$11.00 per hour

**WATER COLLECTION CLERK** – Jean Klatt @ \$6146.00 per year

**ZONING BOARD OF APPEALS AND PLANNING SECRETARY** – Carol Claus

**COURT CLERK** – Marita Dumrese @ \$11.65 per hour

**TOWN HISTORIAN** – Delia Robinson @ \$600 per year

**CODE ENFORCEMENT OFFICER** – Roger Kopas \$20,000.00 per year

**WATER SUPERINTENDENT** – Ronald Mannella @ \$ 18,294.00 per year

**DEPUTY WATER SUPERINTENDENT** – David Rustay

**CO-DEPUTY WATER SUPERINTENDENT** – Mark Radzinski

**DEPUTY HIGHWAY SUPERINTENDENT** – Mark Radzinski

**CO-DEPUTY HIGHWAY SUPERINTENDENT** – David Rustay

**MEO** – Mark Radzinski @ \$20.43 per hour

**MEO/MECHANIC** David Rustay - \$21.03 per hour

**SEASONAL EMPLOYEES** - \$15.21

**CLOTHING ALLOWANCE** - \$500.00 per year

**CELL PHONE ALLOWANCE FOR FULLTIME HIGHWAY EMPLOYEES** - \$300.00/YEAR

**ELECTION INSPECTORS** - \$8.13 per hour or \$130.00 daily minimum

**OFFICIAL MILEAGE** shall be based on the federal rate which has been established at \$.56 per mile for 2014.

**ZONING BOARD OF APPEAL APPOINTMENT:** David Thom term January 1 2014 - December 31, 2018

**ZONING BOARD MEMBERS** shall receive \$25 per meeting attended.

**ZONING BOARD CHAIRMAN** Michael Grabowski

**ZONING BOARD VICE CHAIRMAN** Marilyn Miller

**ZONING BOARD ALTERNATE** George Fleshman

**ALTERNATE TO COUNTY PLANNING BOARD** Marilyn Miller



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RESOLUTION 14-14

**SUPERVISOR AUTHORIZED TO SIGN ARC CLEANING CONTRACT**

On a motion of Councilperson Smith, seconded by Councilperson Kast the following resolution was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Supervisor Culhane is authorized to sign the ARC contract for janitorial services.

Accountant , Lynn Johnson explained to the board that her firm is in the process of collecting information from the former accounting firm to catch up on monthly reports.

**PRIVILEGE OF THE FLOOR**

Bruce Schmidt, Town Justice told the board they were welcome to come in and audit the court anytime they wish and that he would also welcome an independent audit. He asked the board if he could do a power point presentation at a future board meeting about court responsibilities.

**MOTION TO ADJOURN**

On a motion of Councilperson Smith, seconded by Councilperson Kirby, the motion was

ADOPTED Ayes 5 Kast, Kirby, Culhane, Syck, Smith  
Nays 0

Resolved that with no further business, the January 7th, 2014 regular town board meeting is adjourned at 7:23PM.

Respectfully Submitted,

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Jean Klatt  
Gaines Town Clerk