

GAINES TOWN BOARD MEETING
Gaines, NY March 9, 2010

A Regular Town Board Meeting of the Town of Gaines, County of Orleans and the State of New York was held at the Town Hall, 14087 Ridge Road, Gaines, New York on the 9th day of March 2010.

PRESENT: Bill Lattin ----- Supervisor
 James Kirby ----- Councilperson
 Susan Smith ----- Councilperson
 Lorraine Oakley ----- Councilperson

 Douglas Heath ----- Council

EXCUSED: David Kast ----- Councilperson
 Jean Klatt ----- Town Clerk
 Ron Mannella----- Highway Superintendent

OTHERS PRESENT: Connie Mosher, Lorienda Smith, Marilyn Miller, Tibbs Ahlberg, Gerry Culhane, Jon Detar, Henry Smith

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

RESOLUTION 25 -10

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the February 9, 2010 Regular Town Board meeting and that the minutes of the February 16, 2010 Special Town Board meeting be approved as submitted by the Clerk.

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RESOLUTION 26 -10
APPROVAL OF ABSTRACTS

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

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

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

| | | | |
|---------|---------------------|---------------------|-----------|
| General | Abstract # 1 - # 20 | in the amount of \$ | 29,440.73 |
| Highway | Abstract # 1 - # 12 | in the amount of \$ | 920.53 |
| Water 1 | Abstract # 1 - # 5 | in the amount of \$ | 578.96 |
| Water 8 | Abstract # 1 - # 1 | in the amount of \$ | 33.50 |

RESOLUTION 27-10
APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

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

Resolved that the January 2010 Supervisor's Monthly report is approved as submitted by the Supervisor Lattin.

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RESOLUTION NO. 28-10
LAWN MOWING AGREEMENT

RESOLUTION NO. 28-10 LAWN MOWING AGREEMENT

Resolution duly adopted at a Regular Meeting of the Town Board of the Town of Gaines, Orleans County, New York, held on the 9th day of March, 2010 at 7:30 p.m. at the Gaines Town Hall, 14087 Ridge Road, Albion, New York, at which the following were:

PRESENT: C.W. Lattin, Supervisor
James R. Kirby, Councilman
Lorraine Oakley, Councilman
Susan Smith, Councilman

ABSENT: David Kast, Councilman (excused)

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

"RESOLVED, that the Supervisor of the Town of Gaines is hereby authorized to execute a lawn mowing agreement, in the same form as is attached hereto, with Richard J. Nenni for the purpose of mowing 7 parcels of land under the control of the Town Board identified as the South Kenyonville Road Cemetery, the Lattin Road and West Transit Church Road Cemetery, the Union Cemetery at Five Corners, the Gaines Cemetery behind the Congregational Church, the West Gaines Cemetery, the Otter Creek Cemetery, and the Town Highway Garage on Ridge Road for the 2010 mowing season commencing on or about April 1, 2010 to November 1, 2010.

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

The following voted "No" in opposition thereto:

The resolution was approved.

Dated: March 9, 2010


Jean Klatt, Town Clerk

CERTIFICATION

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

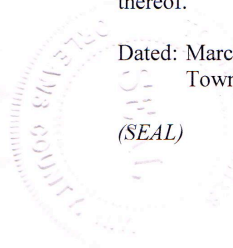
I, JEAN KLATT, Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines, on the 9th day of March, 2010, with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: March 9, 2010
Town of Gaines



Jean Klatt, Town Clerk

(SEAL)



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RESOLUTION 29-10

ORLEANS WATER SHARED SERVICES PROJECT

Orleans County has asked that the Town of Gaines serve as co-applicant on the Orleans County Grant Submission to the New York State Department of State Local Government Efficiency Program to fund a study examining cost and service impacts of providing water services on a countywide basis.

The Board discussed the advantages and disadvantages to joining the study and having our water lines under County control. It will cost the Town \$400 to join; however, the costs will increase if other Townships decline to join the study and that the price would already be higher since the Town of Murray has signed with Monroe Water Authority. It was also mentioned that the Town could shop around privately rather than participate in the study. Members of the board felt uncomfortable voting to take part in the study at this time.

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

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

Resolved that any decision on the matter be tabled for the time being.

RESOLUTION 30-10

TRUCK SALE

Bids for the 1999 Dodge Pick-up truck were opened at 7:50 PM by Councilperson Kirby. There were three bids 1st: Craig D Lape for \$926; 2nd: Roland Grelon for \$1,200; and David Starkweather for \$1,201.

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

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

Resolved that the 1999 Dodge Pick-up truck be sold to David Starkweather for \$1,201.

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RESOLUTION 31-10
SPITZER-WIND ENERGY

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

| | | | |
|---------|-----------|---|--|
| ADOPTED | Ayes | 3 | Smith, Oakley, Lattin |
| | Nays | 0 | |
| | Abstained | | Kirby due to his membership on the Wind Energy Committee |

Resolved that the Town hire Dan Spitzer to wrap up Wind Energy. Councilperson Smith will contact him.

PRIVILEGE OF THE FLOOR/ PUBLIC CONCERNS

Lorienda Smith mentioned she remembers the Town of Albion and Gaines met to discuss consolidation before and that she feels the Town spends too much on studies. It was mentioned by the board that the consolidation discussion before was not just for water and that studies are paid for by grants.

RESOLUTION 32-10
MIGRANT HOUSING IN RESIDENTIAL DISTRICTS

Councilperson Smith brought to the boards' attention the issue of migrant housing and a concern about where this type of housing is allowed. There was a discussion on whether migrant housing should be permitted only in agricultural districts or both residential and agricultural districts.

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

| | | | |
|---------|------|---|------------------------------|
| ADOPTED | Ayes | 4 | Smith, Oakley, Kirby, Lattin |
| | Nays | 0 | |

Resolved that there be an amendment to Article 7.707-Farm Housing, and that the provision allowing migrant housing out of the agricultural district be removed from local law #2 and that farm housing only be allowed in agricultural districts not residential.

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Councilperson Smith passed out to the public a form with a tax formula on how taxes are done.

Henry Smith thanked Supervisor Lattin for meeting with him and Judy.

Attorney Heath was informed that Councilperson Smith and Councilperson Oakley motioned a vote on migrant housing in agricultural districts. Attorney Heath mentioned other alternatives include amending the zoning map to say Gaines will have an agricultural district, an agricultural/residential district, and a residential district.

Attorney Heath recommended to the board that they sign his legal services agreement for water district 10. The contract was approved September of 2009, but Supervisor DeCarlo did not sign and therefore Supervisor Lattin now needs to. It was signed by Supervisor Lattin.

RESOLUTION 33-10
BOND RESOLUTION FOR DISTRICT 10

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

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

Resolved that the Town would adopt a bond resolution to authorize the Town \$840,968 to construct water district 10. The bond would be paid back in a term of 2.7% over 30 years. \$612,000 of the project is grant money directly from Rural Development in order to fill in gaps. We should pay from local shares first, followed by grant money and then Rural Development.

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RESOLUTION 34-10

**AGREEMENT BETWEEN THE ORLEANS COUNTY PLANNING BOARD AND
THE TOWN OF GAINES**

Tibbs Ahlberg handed to the board an amendment agreement already in place that has had revisions and needs to be signed by Supervisor Lattin. The revisions include: the addition of 1B and changes to 2B and 4A for clarification. If there is a minor issue people are to go to the Town Planning Board and if the issue is bigger, includes site plan approval, or needs a special permit people need to go to the County.

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

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

Resolved that Bill sign the agreement

Tibbs also let the Town know that there has been no further action with the Motorcycle Club.

Lastly, Tibbs informed the board that the Zoning and Planning Boards are in the process of arranging a joint Public Hearing for April 5th 2010 and that matters on both Ontario Fruit and Intergrow are going to the County.

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

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

Resolved that the board would go into an executive session at 8:37 in order to discuss a legal matter.

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

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

Resolved that the board would come out of an executive session and resume the normal Town Board Meeting at 9:27 PM

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

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

Resolved that the Town Board meeting would be in recess until Monday March 15, 2010 at 7:30 PM to allow Attorney Heath to complete research. The March 9th, 2010 board meeting went into recess at 9:28 PM.

Respectfully Submitted,

Mary Pettit
Gaines Deputy Town Clerk