

GAINES TOWN BOARD MEETING
Gaines, NY March 12th, 2013

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 12th day of March 2013 at 7:30PM.

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

EXCUSED: David Kast ----- Councilperson

OTHERS PRESENT: Jerry Culhane, MaryJo Syck, Marilyn Miller, David Allchin, Tibbs Ahlberg, Lorienda Smith, Lisa Mannella, David Thom, Dave Rustay, Scot Hess, Roger Kopas, Mike Grabowski

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

RESOLUTION 24 -13

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Kirby, Culhane, Syck, Smith
Nays 0

Resolved that the minutes of the February 12th, 2013 Town Board Meeting are approved with the following corrections. January 2013 Supervisor's report should be December 2012. Letter submitted from Councilperson Smith should have read her sister-in-law works for the insurance company not the bank.

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RESOLUTION 25 -13

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Kirby, Culhane, Syck, Smith
Nays 0

Resolved that the minutes of the February 19th, 2013 Town Board Meeting are approved with the following addition, Mary Jo Syck was present.

RESOLUTION 26 -13

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

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

ADOPTED Ayes 4 Culhane, Kirby, Syck, Smith
Nays 0

Resolved that the January 2013 Supervisor's Monthly report is approved as submitted by the Supervisor Culhane.

RESOLUTION 27 -13

APPROVAL OF ABSTRACTS

On a motion from

General Councilperson Kirby and seconded by Councilperson Smith

Highway Councilperson Syck and seconded by Councilperson Kirby

Water 1 Councilperson Kirby and seconded by Councilperson Smith

ADOPTED Ayes 4 Kirby, Syck, Culhane, Smith
Nays 0

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

General	Voucher # 40 - # 62	in the amount of \$	34,810.87
Highway	Voucher # 30 - # 41	in the amount of \$	7,525.01
Water 1	Voucher # 11 - # 14	in the amount of \$	2,296.95

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RESOLUTION 28 -13

AMEND CODE OF ETHICS

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

ADOPTED Ayes 3 Kirby, Culhane, Syck
Nays 0
Recuse 1 Smith

Resolved that the Code of ethics originally adopted 2/12/2012 add the following amendment to Section 15 (C) No municipal officer or employee, whether elected or appointed, shall be eligible for election or appointment to any political party committee. The amendment will take effect immediately.

Attorney Meier informed the board that the town need to renew the BAN for WD#7 in the amount of \$108,000.00 at 1.95% interest from the Bank of Castile.

RESOLUTION 29-13

ACCEPT BID TO PURCHASE TRACTOR & BUSHHOG

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

ADOPTED Ayes 4 Kirby, Culhane, Syck, Smith
Nays 0

Resolved that the town will purchase a Bush Hog 3810 Rotary Cutter from Bentley Brothers at a cost of \$13,750.00 plus financing (to be determined) and a Kobota M100GX-DTC Tractor from Niagara Implements at a cost of \$32,194.00 plus financing (to be determined).

RESOLUTION 30 -12

AMENDMENT FOR EXPENDITURE OF HIGHWAY MONEYS

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

ADOPTED Ayes 4 Syck, Culhane, Kirby, Smith
Nays 0

Resolved that the board agrees to enter into the agreement with Orleans County for expenditures of Highway Moneys as follows

104 (REV. 7/87)

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

AGREEMENT between the Town Superintendent of the Town of GAINES
ORLEANS County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

GENERAL REPAIRS. The sum of \$ 125,000 shall be set aside to be expended for primary work and general repairs upon 18 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of town highways:

(a) On the road commencing at TRANSIT RD (RT. 104 North To Town Line) and leading to _____, a distance of 0.75 miles, there shall be expended not over the sum of \$ _____
Type 2" OVERLAY Width of traveled surface 20 FT.
Thickness 2" Subbase ALREADY ESTABLISHED

PENDING ON FUNDS

(b) On the road commencing at TRANSIT Church Rd. (Between Denmore & Transit) and leading to _____, a distance of 1 miles, there shall be expended not over the sum of \$ _____
Type 2" OVERLAY Width of traveled surface 20 FT.
Thickness 2" Subbase ALREADY ESTABLISHED

(c) On the road commencing at _____ and leading to _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____
Type _____ Width of traveled surface _____
Thickness _____ Subbase _____

Executed in duplicate this 12th day of March, 2013

[Signature]
Supervisor

Town Justice - Committeeman

Town Justice - Committeeman

Committeeman

[Signature]
Committeeman

[Signature]
Committeeman

County Superintendent of Highways

[Signature]
Town Superintendent

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. All copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.

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RESOLUTION 31 -12

RESIGNATION OF MARY PETTIT

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

ADOPTED Ayes 4 Syck, Culhane, Kirby, Smith
Nays 0

Resolved that the board regretfully accepts the resignation of Mary Pettit as Deputy Town Clerk, Dog Control Officer, and Water Billing Clerk.

RESOLUTION 32 -12

APPOINTMENT OF DEPUTY TOWN CLERK

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

ADOPTED Ayes 4 Syck, Culhane, Kirby, Smith
Nays 0

Resolved that Marita Dumrese will be appointed as Deputy Town Clerk.

Supervisor Culhane informed the public that the Iroquois Job Corps is available to do painting and repair work at no cost to the municipality. The municipality only pays for the supplies.

RESOLUTION NO. 33-13

A RESOLUTION OF THE GAINES TOWN BOARD

OPPOSING THE PROCESS OF ENACTMENT AND CERTAIN PROVISIONS CONTAINED WITHIN THE NEW YORK SAFE ACT

At a regular meeting of the Gaines Town Board held Tuesday, March 12, 2013 at the Gaines Town Hall, 14087 Ridge Road, Albion, NY, Councilperson Syck moved to adopt the following resolution; Seconded by Councilperson Smith.

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and

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WHEREAS, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of the Town of Gaines; and

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in the Town of Gaines, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

WHEREAS, the people of the Town of Gaines derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

WHEREAS, members of the Gaines Town Board, being elected to represent the people of the Town of Gaines, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, it is our understanding that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

WHEREAS, having reviewed the legislation and time constraints, it is our conclusion that there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it; and

WHEREAS, our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter; and

WHEREAS, seeking and considering, such public input is a standard to which we hold ourselves in the Town of Gaines; and

WHEREAS, this legislation has 60 sections, of which only three take effect immediately; and

WHEREAS, in our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

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WHEREAS, the mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation, and are confusing even to the State Legislators who voted on them, and the law enforcement officials who are required to enforce and explain them; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, there will be a significant financial impact due to the approximately 5,300 Orleans County permits that will have to be renewed requiring additional manpower and computer systems; and

WHEREAS, this legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS, those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally owned personal property with no provision for compensation; and

WHEREAS, few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS, requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on business; and

WHEREAS, the New York State Combined Ballistic Identification System, which wasted \$44 million in taxpayer money and resulted in zero convictions, illustrates the propensity of government to waste taxpayer resources when legislation is not properly reviewed; and

WHEREAS, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

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WHEREAS, this legislation severely impacts the possession and use of firearms now employed by the residents of the Town of Gaines for defense of life, liberty, and property; and

WHEREAS, this legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to, hunting and target shooting; and

WHEREAS, while there are some areas of the legislation that the Gaines Town Board finds encouraging, such as addressing glaring shortcomings in the mental health system, the strengthening of Kendra's Law and Mark's law, as well as privacy protections for certain pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership; and

WHEREAS, this legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

WHEREAS, this legislation effectively turns countless New York State law-abiding gun owners into criminals; and

WHEREAS, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Gaines Town Board; now, therefore be it

RESOLVED, that the Gaines Town Board does hereby oppose, and request the repeal of, any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms; and be it

FURTHER RESOLVED, that the Gaines Town Board considers such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives; and be it

FURTHER RESOLVED, that the Gaines Town Board strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and be it

FURTHER RESOLVED, that the Gaines Town Board requests the members of the New York State Senate and Assembly who represent all, or part of, the Town of Gaines to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act; and be it

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FURTHER RESOLVED, that a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Collins, New York State Senator George Maziarz, Assembly Speaker Sheldon Silver, New York State Assembly members Steve Hawley and Jane Corwin, NYSAC, InterCounty of Western New York and all other deemed necessary and proper.

Upon being put to a vote, the foregoing Resolution was adopted: as follows:

Supervisor Culhane	Aye
Councilperson Kirby	Aye
Councilperson Smith	Aye
Councilperson Syck	Aye
Councilperson Kast	Absent

CERTIFICATION 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 12th day of June, 2007 with the original now on file in my office, and the same is correct and true copy of said resolution and of the whole thereof.

Dated: March 12, 2013
Gaines, New York

Jean Klatt, Gaines Town Clerk

Mike Grabowski updated the board on the Comprehensive Plan Committee. He stated that the results of the survey are posted on the website. He feels in the next several months the committee will be ready to present the board with a proposed Comprehensive Plan for a public hearing.

MOTION TO MOVE INTO EXECUTIVE SESSION

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

ADOPTED Ayes 4 Syck, Culhane, Kirby, Smith
 Nays 0

Resolved that the board will move into executive session at 8:04PM.

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MOTION TO MOVE INTO REGULAR SESION

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

ADOPTED Ayes 4 Syck, Culhane, Kirby, Smith
 Nays 0

Resolved that the board will move into regular session at 9:02 PM.

MOTION TO ADJOURN

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

ADOPTED Ayes 4 Kirby, Culhane, Syck, Smith
 Nays 0

Resolved that with no further business, the March 12th, 2013 regular town board meeting is adjourned at 9:03 PM.

Respectfully Submitted,

Jean Klatt
Gaines Town Clerk