

REGULAR TOWN BOARD MEETING

8/10/11

Present: Sup. Gozelski
Coun. Tarbell
Coun. Little
Coun. Klein

Also present: M. Hanzly, G. Sahrle, R. Uptegrove, T. Hinz, M. Hotchkiss, D. Nourse, MK Barton, P. Emens

Sup. Gozelski called the meeting to order at 7PM

The following bills were audited by Coun. Little and Coun. Klein:

General Fund – Townwide	\$27,755.20	Abstract #008
General Fund – Outside Village	122.53	G178-193
Highway Fund – Townwide	6,347.57	H57-66
Highway Fund – Outside Village	9,883.53	S99-112
Silver Lake Sewer District	7,467.94	
Gardeau Water District	242.83	
Silver Lake Institute Water District	654.18	
Silver Lake Lighting District	412.40	
TOTAL	\$52,886.18	

REGULAR TOWN BOARD MEETING

8/10/11 cont'd

A motion was made by Coun Little, seconded by Coun Klein to approve the vouchers in the amount of \$52,886.18.

Polled: Ayes: Little, Klein, Gozelski, Tarbell
Noes: None Carried

MK Barton presented the following letters to the Board:

August 10, 2011

To: Castile Town Board
Supervisor Joseph Gozelski, Town Councilpersons Stan Klein, Steve Tarbell, Linda Little, Sam Montleone,
and Town Clerk, Vicki Draper

SUBJECT: ‘Article X’ – Siting of Energy Facilities
Loss of Home Rule to Town of Castile & all NYS municipalities
Support of **”Coalition On Article X”** (www.coaxny.org)

Dear Supervisor Gozelski, Councilpersons Klein, Tarbell, Little & Monteleone,

I'd like to thank the Town Board for allowing me this opportunity for public comment. I am here before the Board this evening as a follow-up to the letter I sent you via e-mail -- the hard copy of which I am handing in tonight to be a part of public record.

As you are aware, New York State has stripped us of municipal "Home Rule" regarding the siting of energy facilities due to the recent passing of 'Article X' -- newly renamed the "Power NY Act". Our grassroots Coalition On 'Article X' was formed, and is gaining state-wide recognition and membership for one purpose -- **to retain "HOME RULE"**!

I would like to publicly thank regional Assemblyman, Dan Burling, and Genesee County's Senator Michael Razenhofer -- along with all NYS legislators who had the guts to speak out against this blatant **Power Grab** by Albany -- for taking a stand for all NYS towns & counties, by voting against the "Power NY Act".

Only a few short years ago, this Board was united in opposing the proposed, foreign-owned industrial wind installation within our township. If 'Article X' had been in effect at that time, your voices, and those of the taxpayers you represent, would have been silenced. This move by Albany has stripped us of all control of our own destiny, and instead, given a free pass to these multi-national corporate developers to rape us for our resources.

In these uncertain economic times when we are expected to receive less & less State & Federal support, it is totally unacceptable that we should be forced by "Big Brother" to surrender our municipalities' Constitutionally appointed planning and zoning rights. Clearly, our municipal governments at the County & Town levels are under attack by Albany.

I believe that we MUST stand up and speak out against the blatant theft of our freedoms if we wish to leave any semblance of those freedoms for our children and grandchildren to enjoy! It is for that reason that I have approached the Board this evening -- to ask that you join the efforts of our state-wide "Coalition On Article X", which has already been joined by many other elected and appointed officials from across New York State, by developing and passing a resolution that sends a clear message to Albany that we support municipal "Home Rule", and oppose 'Article X'. All who support "Home Rule" are encouraged to join our efforts.

Again, thank you very much for this opportunity to address the Board, and THANK YOU for all you do to protect all of our freedoms!

Respectfully submitted,

Mary Kay Barton, COAX member

Coalition On Article X <coaxny@gmail.com>

By phone: 518-618-2045

COAX MEDIA RELEASE - August 8, 2011

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Governor Cuomo Signs Article X

Strips Home Rule from State's Municipalities

On August 4, 2011 Governor Andrew Cuomo stripped away the municipal **"Home Rule"** rights of the very public that elected him, by signing into law the "Power NY Act." Also known as Article X, this swiftly passed law was prompted by separate bills initially sponsored by Senator George Maziarz (R – 62nd District) and Assemblyman Kevin Cahill (D – 101st District). The combined bill passed both houses with very little public input, late at night behind closed doors. The public's rights were taken – literally – while they slept. COAX would like to say thank you to our elected officials who did the right thing and voted against Article X trying to preserve Municipal **"Home Rule"**, unfortunately, too many voted yes.

Coalition On Article X (COAX) was formed to preserve and regain our municipal **"Home Rule"** rights, taken away by New York's Governor, Senators, and Assemblypersons who voted to strip the public of their ability to govern their own towns.

COAX members are appalled that Article X/Power NY Act was signed into law without any discussion from our elected officials to the citizens they were elected to represent. We find these actions to be totally unacceptable. New York State has always prided itself on the fact that it is a **"Home Rule"** State.

Municipal **"Home Rule"**, although never perfect, was implemented by local officials who actually live, work and raises their families within our home communities. **"Home Rule"** has been a viable municipal management tool for decades due to the very fact that community decisions were being made by duly-elected, caring and involved residents of the area. In direct contradiction, the "Power NY" Act allows unengaged, and mostly unelected, Albany bureaucrats to enact monumental zoning and planning decisions in New York State's municipalities, to site electrical power plant in any municipality without local approval.

New York State legislators involved in this over-reaching under the auspices of streamlining the siting of energy facilities, are simply interested in - as Chris Horner of the Competitive Enterprise Institute puts so well - a **Power Grab!**

COAX promises to tirelessly and continually oppose the power-grab of the elected officials who voted 'yes' for Article X and to engage like-minded citizens to take back our municipal "Home Rule".

Sup Gozelski stated that MK Barton is not alone on this issue and that nobody is just sitting on this, but does not know where it is going. He stated that the County is not done with this and that nobody on the Board of Supervisors is happy about this.

Coun Tarbell asked if Sup Gozelski knew if any other towns have filed resolutions opposing this.

MK Barton stated that she knows some are working on resolutions but they first have to let it be known that this is strongly opposed.

Sup Gozelski stated that the County is working on a resolution with NYSAC regarding this issue.

M Hanzly questioned who owns the right-of-way on Shearman Road. She stated that the assessor said that the town owns it; the county says it looks like a road, so who owns it? She is concerned about liability issues. She stated that the dock is over 100' long and is being run as a small marina. It is in her deed that this is for ingress and egress only.

Sup Gozelski stated that there is not a deed for this or any other ROW's at the lake that is owned by the town.

Coun Tarbell stated that he spoke with the assessor and was told the Town does not own it and there is no deed on this. He stated that the Planning Board is working on Mooring/Docking laws and that hopefully some of these issues will be taken care of with these laws.

REGULAR TOWN BOARD MEETING

8/10/11 cont'd

There was no Supervisors report as it was not completed by Baldwin's prior to the meeting.

A motion was made by Coun Tarbell, seconded by Coun Klein to approve the minutes from the 6/9/11 and 7/14/11 meetings.

Polled: Ayes: Little, Klein, Gozelski, Tarbell
Noes: None Carried

The water/sewer report was reviewed. T. Hinz apologized for not making it to the July meeting, but because of medical issues was not available.

The Highway report was reviewed.

Coun Tarbell stated that he went on the Dominion gas tour last Thursday near Cornell University but it wasn't running. It is shut down from May-October so it couldn't be determined how loud the compressor station is and whether there is the potential for a sound issue. He stated that he can go back sometime in November to see about the noise. He discussed with officials from the tour several of the issues with these types of towers and the advances that have been made to remedy the issues.

Coun Little stated that the Castile Historical Society entry for the Fair theme is going to be the Doughboy Statue and Veterans Memorial Footpath behind it. She encouraged everyone to stop by and check it out.

D. Nourse explained to the Board that the sign for Grace Cemetery is rotted and asked if he could have Chris Mead make a new one and have it mounted to the building.

Sup Gozelski stated that he went with a member of the Traffic Safety Committee down Sowerby Road. A study will be done to determine whether they feel the speed limit should be lowered there.

At 8:04 a motion was made by Coun Tarbell, seconded by Coun Klein to adjourn the meeting.

Polled: Ayes: Little, Klein, Gozelski, Tarbell
Noes: None Carried