

REGULAR TOWN BOARD MEETING FEBRUARY 7, 2013 7PM

Present: Sup Tarbell

Coun Hurst

Coun Monteleone

Coun Klein

Also present: Atty Kelly, R. Uptegrove, M. Hanzly, M. Hotchkiss, MK Barton, G. Sahrle

Sup Tarbell called the meeting to order at 7PM

A motion was made by Coun Klein, seconded by Coun Hurst to approve the Supervisors report.

Polled: Ayes: Monteleone, Hurst, Klein, Tarbell

Noes: None Carried

A motion was made by Coun Monteleone, seconded by Coun Klein to approve the minutes from the 1/10/13 Regular Board meeting, 1/12/13 Audit meeting and 1/30/13

Special meeting.

Polled: Ayes: Monteleone, Hurst, Klein, Tarbell

Noes: None Carried

REGULAR TOWN BOARD MEETING FEBRUARY 7, 2013, cont'd 7PM

PUBLIC COMMENTS:

R. Uptegrove asked if the Board had heard anything about a business coming in at the

old Robeson Plant.

Sup Tarbell stated that right now it's all just talk. A few men had received a grant for the

Warsaw area but decided to possibly lease some space from the man who owns the

Toy Storage at the old Robeson Plant. He stated that he is not sure what is going to happen as the grant is for the Warsaw area and not Castile.

The Water/Sewer Report was reviewed

The Highway Report was reviewed.

Coun Monteleone stated that the Highway Committee members had met with Darryl

regarding the purchase of a new truck. He stated that D. Nourse had met with someone

at Teitsworth and they will get back to him on the value of our truck. He will get comparisons with Mack and Peterbilt.

Sup Tarbell asked which truck they think is better

Coun Monteleone stated that Peterbilt is the Cadillac of trucks and that if it is only a few

thousand dollars more then they should probably go with that but they haven't heard

any final numbers

Coun Klein stated that they should be concerned about the availability and serviceability

when considering which truck to go with in case the truck breaks down and that it is always smart business to shop around.

The Zoning Report was reviewed.

Coun Hurst stated that the next meeting with Perry regarding the Comp Plan is Scheduled for 2/26/13.

Sup Tarbell stated that the Shared Services Grant with the Village of Castile should be

complete within the next 48 hours and then hand delivered to Senator Gallivan's office.

Hopefully we will hear something back within the next 4-5 weeks.

MK Barton stated that she had sent a letter asking if the Town Board would support a

resolution that the Association of Towns may be passing.

Sup Tarbell stated that he received her letter and has passed it onto Atty Kelly,

He explained to her that he and Atty Kelly will be attending the conference in NYC next

week and they will gather as much information as possible to bring back to the Board so

REGULAR TOWN BOARD MEETING FEBRUARY 7, 2013, cont'd 7PM

that they can make an educated and informed decision whether they would like to send

a letter of support .

The following vouchers were audited:

GENERAL FUND – TOWNWIDE \$20,635.94

GENERAL FUND – OUTSIDE VILLAGE 2,433.62

HIGHWAY FUND – TOWNWIDE 2760.07

HIGHWAY FUND – OUTSIDE VILLAGE 8,540.16

SILVER LAKE SEWER DISTRICT 3,395.07

SILVER LAKE LIGHTING DISTRICT 538.58

FIRE PROTECTION 67,300.00

TOTAL \$105,603.44

A motion was made by Coun Hurst, seconded by Coun Monteleone to approve the

vouchers totaling \$105,603.44.

Polled:Ayes:Monteleone, Hurst, Klein, Tarbell

Noes:NoneCarried

At 7:17PM a motion was made by Coun Monteleone, seconded by Coun Klein to go into

Executive Session regarding a contract.

Polled:Ayes:Monteleone, Hurst, Klein, Tarbell

Noes:NoneCarried

At 8:27 a motion was made by Coun Klein, seconded by Coun Monteleone to come out

of Executive Session.

Polled:Ayes:Monteleone, Hurst, Klein, Tarbell

Noes:NoneCarried

A motion was made by Coun Klein, seconded by Coun Monteleone authorizing Sup

Tarbell to sign the Permanent Easement and Right of Way for the Water Supply System

Of the Village of Perry, Wyoming County, State of New York.

Polled:Ayes:Monteleone, Hurst, Klein, Tarbell

Noes:NoneCarried

At 8:28 a motion was made by Coun Monteleone, seconded by Coun Klein to adjourn

the meeting.

REGULAR TOWN BOARD MEETINGFEBRUARY 7, 2013, cont'd7PM

Polled:Ayes:Monteleone, Hurst, Klein, Tarbell

Noes:NoneCarried

Respectfully Submitted,

REGULAR BOARD MEETING March 14, 2013 7PM

Present: Sup Tarbell

Coun Hurst

Coun Monteleone

Also Present: B. Becker, R. Uptegrove, D. Nourse, M. Hotchkiss

The following vouchers were audited:

GENERAL FUND – TOWNWIDE \$12,412.51

GENERAL FUND – OUTSIDE VILLAGE 131.16

HIGHWAY FUND – TOWNWIDE 9,186.18

HIGHWAY FUND – OUTSIDE VILLAGE 1,616.11

SILVER LAKE SEWER DISTRICT 9,742.21

GARDEAU WATER DISTRICT 53.65

SILVER LAKE INSTITUTE WATER DISTRICT 143.35

SILVER LAKE LIGHTING DISTRICT 528.49

TOTAL \$33,813.66

A motion was made by Coun Monteleone, seconded by Coun Hurst to approve the vouchers totaling \$33,813.66.

Polled: Ayes: Monteleone, Hurst, Tarbell

Noes: None Carried

Public Comments:

R. Uptegrove stated that he could not find the January minutes on the website.

Sup Tarbell stated that maybe there is a glitch because he had been on the

website a

few days ago and they were on there then. He stated that he would check into it.

The Supervisors reports had not been received prior to tonight's meeting and will be

approved at the April Town Board meeting.

REGULAR BOARD MEETING, cont'd March 14, 2013 7PM

A motion was made by Coun Monteleone, seconded by Coun Hurst to approve the minutes from the 2/7/13 meeting.

Polled: Ayes: Monteleone, Hurst, Tarbell

Noes: None Carried

The Water/Sewer Report was reviewed.

D. Nourse stated that Pump Station 7 was only working on 1 pump instead of 2. It is now fixed. He stated that new check valves will need to be installed in Pump Station 7 soon.

D. Nourse will be looking into getting a service contract to service the 3 larger stations as Perry is not able to provide this work.

The Highway Report was reviewed.

The Zoning Report was reviewed.

Coun Hurst stated that he has attended the meetings in Perry regarding the Comprehensive Plan and our Planning Board will begin to work on ours.

A motion was made by Coun Hurst, seconded by Coun Monteleone in support of the Foreclosure Resolution.

Polled: Ayes: Monteleone, Hurst, Tarbell

Noes: None Carried

The following RESOLUTION was adopted by the Town Board of the Town of Castile

At a regular meeting held on March 14, 2013:

SUPPORT FOR NYS-CONTACT INFORMATION FOR VACANT STRUCTURES

On a motion made by Councilman Hurst, seconded by Councilman Monteleone, the following was

ADOPTEDAYES#Councilman Hurst, Councilman Monteleone, Supervisor Tarbell

NAYES#NoneCarried

Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of Castile Town Board supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that The town of Castile hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Town of Castile support the passage of said Bills.

Copies of this resolution to be forwarded to Governor Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, New York State Assemblyman Michael P.Kearns of the 142nd Assembly District and all others deemed necessary and proper.

I, Vickie Draper DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of Castile at its regular meeting held on March 14, 2013, and members of the Town Board had due notice of said meeting, and further that such resolution has been fully recorded in the Town Clerks books.

In Witness thereof, I have hereunto set my hand the 20th day of March, 2013

Vickie Draper

Town Clerk

Town of Castile

A motion was made by Coun Monteleone, seconded by Coun Hurst supporting NYS Safe Act.

Polled:Ayes:Montleone, Hurst, Tarbell

Noes:NoneCarried

REGULAR BOARD MEETING, cont'dMarch 14, 20137PM

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

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

WHEREAS, The right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right of the people of Castile, NY, Wyoming County; and

WHEREAS, The lawful ownership of firearms is, and has been, a valued tradition in Castile, NY, Wyoming County, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of its residents; and

WHEREAS, The people of Castile, NY, Wyoming County 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 Castile, NY, Wyoming County Town Board, being elected to represent the people of Castile, NY, Wyoming County, 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

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WHEREAS, Seeking, and considering, such public input is a standard to which we hold ourselves in the Castile, NY, Wyoming County Legislature; 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

WHEREAS, The mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left 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 law abiding residents of New York State; and

WHEREAS, There will be a significant financial impact due to the approximately 8,500 Wyoming 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

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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

WHEREAS, This legislation severely impacts the possession and use of firearms now employed by the residents of Castile, NY, Wyoming County 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 Castile, NY, Wyoming County 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 Castile, NY, Wyoming County Town Board; now therefore

BE IT *RESOLVED,* That the Castile, NY, Wyoming County 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 Castile, NY, Wyoming County Town Board considers

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such laws to be an egregious violation of 2nd Amendment Constitutional Rights, onerous, and burdensome to the citizens and the County in their implementation, and beyond lawful legislative authority granted to our State representatives; and be it

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

FURTHER RESOLVED, that a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, United States Senators Charles Schumer, and Kirsten Gillibrand, Congressman Chris Collins, New York State Senator Patrick Gallivan, Assembly Speaker Sheldon Silver, New York State Assemblyman David DiPietro, Inter-County Association of Western New York and the New York State Association of Counties.

A motion was made by Coun Monteleone, seconded by Coun Hurst in support of the

Town of Cape Vincent having the Public Service Commission and the state Legislature

halt the Article 10 certification process for industrial wind turbine development until studies regarding the health impacts of low-frequency noise generated by turbines can be completed.

Polled:Ayes:Montleone, Hurst, Tarbell

Noes:NoneCarried

Sup Tarbell stated that he has made 3 trips to Dominion during the winter when everything was up and running and it is very quiet.He has not heard of any complaints.He stated that Dominion will be having an Open House but has not heard when it will be.

Sup Tarbell stated that there is a free seminar for Funding for Municipal Projects on 3/21/13 and he is going to try and make it.

Coun Monteleone and Coun Hurst both stated that they will also try to make it to the seminar.

At 7:31PM a motion was made by Coun Monteleone, seconded by Coun Hurst to adjourn the meeting.

Polled:Ayes:Montleone, Hurst, Tarbell

Noes:NoneCarried

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Vickie Draper Town Clerk 585-493-2440-Office 585-493-5058-Fax