

March 11, 2013

Agenda

1. Call Meeting to Order
2. Pledge of Allegiance
3. Exit Message
4. FYI: Remind residents to sign attendance sheet
5. Roll Call
6. Public Comment
7. Motion to approve the agenda
8. Tom Rivers – AMSA grant – Streetscape
9. Kevin Doherty – Fiber optic line – CD Center to Public safety bldg.
10. Motion to approve February 11, 2013 minutes.
11. Resolution to approve the vouchers
12. Motion to approve payment prior to abstract of the MVP bill in the amount of \$4,619.70
13. Resolution opposing the NYS Safe Act
14. American Wind Symphony
15. Generator
16. Banking
17. Executive session

February 11, 2013

Town of Albion regular Town Board meeting held in the Town hall, 3665 Clarendon Rd.

Meeting called to order at 7:00 pm.

Pledge of Allegiance was said and the exit message was given.

Present were Councilperson Daniel Poprawski, Councilperson Timothy Neilans, Supervisor Dennis Stirk, Councilperson Jake Olles and Councilperson Matthew Passarell.

Supervisor Dennis Stirk: I need a motion to approve the agenda.

Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Jake Olles to approve the agenda with the addition of the American Wind Symphony, Five Star Banking, Generator and Water District #9. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye	Councilperson Timothy Neilans, aye
Supervisor Dennis Stirk, aye	Councilperson Jake Olles, aye
Councilperson Matthew Passarell, aye	

Supervisor Dennis Stirk: I need a motion to approve the minutes.

Motion was made by Councilperson Jake Olles and was seconded by Councilperson Daniel Poprawski to approve the minutes of the January 14, 2013 meeting as published and submitted. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye	Councilperson Timothy Neilans, aye
Supervisor Dennis Stirk, aye	Councilperson Jake Olles, aye
Councilperson Matthew Passarell, aye	

Supervisor Dennis Stirk: I need a resolution for the vouchers.

Resolution #49	Payment of Claims
Whereas, the following are against the Town:	
General A & B #'s – 45 – 77	\$ 37,657.01
Highway DA & DB #'s – 15 – 36	\$ 24,245.93
Water Districts #'s – 9 – 12	\$ 45,002.82
Sewer District #'s -	\$ 4,417.48
For a grand total of	\$111,323.24

Motion was made by Councilperson Daniel Poprawski and was seconded by Councilperson Jake Olles to approve payment of the above listed claims. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye	Councilperson Timothy Neilans, aye
Supervisor Dennis Stirk, aye	Councilperson Jake Olles, aye
Councilperson Matthew Passarell, aye	

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Councilperson Timothy Neilans and Councilperson Matthew Passarell objected to the payment of the following:

General Fund #'s

54 – LHS Occupational – Drug Testing

60 – Williamson Law Book – Vital Statistic Supply Order

73 – Robert Roberson – Attorney

Highway Fund #'s

28 – Orleans County – Fuel Bill

34 – Bentley Bros. – Clothing Allowance – Michael Neidert

35 – Bentley Bros. – Supplies

Supervisor Dennis Stirk: I need a motion to pay prior to abstract of the MVP bill.

Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Jake Olles to approve payment of the MVP health care bill in the amount of \$4,619.70. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye

Councilperson Timothy Neilans, aye

Supervisor Dennis Stirk, aye

Councilperson Jake Olles, aye

Councilperson Matthew Passarell, aye

Supervisor Dennis Stirk: I need a motion to accept the hours from Dan Strong.

Motion was made by Councilperson Daniel Poprawski and was seconded by Councilperson Jake Olles accepting the hours of operation for Code Enforcement Daniel Strong. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye

Councilperson Timothy Neilans, aye

Supervisor Dennis Stirk, aye

Councilperson Jake Olles, aye

Councilperson Matthew Passarell, aye

Supervisor Dennis Stirk: I need a resolution of support for bill numbers A.88 and A.824.

**Resolution #50 Support for NYS-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 would require good faith in obtaining a foreclosure; and

WHEREAS, the Town of Albion Town Board supports the passage of said bills.

NOW THEREFORE BE IT RESOLVED that the Town of Albion Town Board hereby supports the passage of said Bills and respectfully requests that the State Representatives who represent constituents in the Town of Albion support the passage of said Bills.

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Motion was made by Councilperson Jake Olles and was seconded by Supervisor Dennis Stirk authorizing the adoption of this resolution of support for Bill #A.88 and Bill #A.824. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye  
Supervisor Dennis Stirk, aye  
Councilperson Matthew Passarell, aye

Councilperson Timothy Neilans, aye  
Councilperson Jake Olles, aye

Supervisor Dennis Stirk: I need a resolution of support for Bill number S2026-2013.

**Resolution #51                      Support of Senate Bill Number S2026-2013 Amending the Lien Law**

WHEREAS, the Town of Albion Town Board strongly supports this lien law legislation as it relates to the filing of false records against public officials and the prosecution of those who do;

BE IT RESOLVED, that the Town of Albion Town Board supports Senate bill number S2026-2013 to amend the lien law in relation to filing of false liens against public officials and;

BE IT FUTHER RESOLVED, that the Town of Albion shall forward copies of this resolution to Governor Andrew M Cuomo, Senator George Mazarz, Assemblyman Stephen Hawley and all those deemed necessary and proper.

Motion was made by Councilperson Daniel Poprawski and was seconded by Councilperson Jake Olles authorizing this resolution of support for Senate bill number S2026-2013. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye  
Supervisor Dennis Stirk, aye  
Councilperson Matthew Passarell, aye

Councilperson Timothy Neilans, aye  
Councilperson Jake Olles, aye

Supervisor Dennis Stirk: I need a resolution for the engineering amendment.

**Resolution #52                      Amendment Engineering Agreement – WD #9**

The executed amendment to the Engineering Agreement for WD#9 in its entirety is hereby filed with and made a part of these minutes.

Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Daniel Poprawski authorizing the adoption of this Resolution. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye  
Supervisor Dennis Stirk, aye  
Councilperson Matthew Passarell, aye

Councilperson Timothy Neilans, aye  
Councilperson Jake Olles, aye

Supervisor Dennis Stirk: I need a resolution for the Negative declaration on the Comprehensive Plan.

**Resolution #53                      Negative Declaration of Environmental Significance – Comprehensive Plan**

WHEREAS:

1. The Albion Town Board (hereinafter referred to as Town Board) has reviewed the Environmental Assessment Form for the adoption of the Village and Town of Albion Comprehensive Plan Update (hereafter referred to as the Comprehensive Plan).
2. The Town Board has considered the Environmental Assessment Form prepared for this action, comments received from the public, and the proposed Negative Determination of Environmental Significance.

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**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Town Board declares that the action to adopt the Albion Comprehensive Plan will not have a significant adverse effect on the environment.
  2. The Town Board further declares that the reasons supporting this negative declaration include:
    - a. Compared with the criteria listed in Section 617.11 of SEQR regulations, all indications are that the proposed action will not cause substantial adverse change in community character, aesthetics, design and natural features; and,
    - b. Review of the proposed Comprehensive Plan Program and the Environmental Assessment Form has indicated that the action to adopt the Comprehensive Plan will not have a significant adverse impact on the environment of the Town of Albion.
  3. The Supervisor is directed to sign the Negative Determination of Environmental Significance on page 1 of the Environmental Assessment Form.
  4. The Town Clerk is directed to file copies of the Negative Determination of Environmental Significance and Attachment thereto with the Village of Albion, the Environmental Notice Bulletin and the New York State Department of Environmental Conservation.
- Motion was made by Councilperson Jake Olles and was seconded by Supervisor Dennis Stirk authorizing the adoption of this Resolution. Resolution duly adopted by the following vote:
- |                                      |                                    |
|--------------------------------------|------------------------------------|
| Councilperson Daniel Poprawski, aye  | Councilperson Timothy Neilans, aye |
| Supervisor Dennis Stirk, aye         | Councilperson Jake Olles, aye      |
| Councilperson Matthew Passarell, aye |                                    |

Supervisor Dennis Stirk: I need a resolution to adopt the Comprehensive plan.

**Resolution #54                      Comprehensive Plan Adoption**

**WHEREAS,**

1. The Albion Town Board has, after careful study, considered the proposed document entitled Village and Town of Albion Comprehensive Plan Update, which was prepared by a Steering Committee;
2. The Albion Comprehensive Plan Steering Committee conducted a public hearing on the draft Plan on April 26, 2012;
3. The Albion Town Board has considered comments made by the public and interested agencies at the Town Board public hearing held on October 1, 2012;
4. The Orleans County Planning Board reviewed the draft Comprehensive Plan at its meeting on December 20, 2012 and recommended "Approval."
5. The Albion Town Board has completed the Environmental Assessment Form on the adoption and maintenance of said document and issued a "Negative Declaration" of significance on February 11, 2013, pursuant to the State Environmental Quality Review (SEQR) regulations;
6. The Albion Town Board acknowledges that the adoption of said Comprehensive Plan is the beginning of a ten to twenty year planning program for guiding growth and development in the Town of Albion, New York and, as such, will require periodic maintenance to keep the document viable;
7. The Albion Town Board has carefully considered the impacts associated with the Plan adoption and finds that said Plan constitutes a suitable, logical and timely strategy for the future development of the Town of Albion;

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8. The Albion Town Board hereby gives public notice that official copies of the Comprehensive Plan and all modifications thereof shall be on file in the Office of the Albion Town Clerk;

**NOW THEREFORE BE IT RESOLVED, that**

1. The document consisting of text, maps and charts entitled Village and Town of Albion Comprehensive Plan Update is hereby adopted as the Comprehensive Plan for the Town of Albion Orleans County, New York in accordance with Section 272-a of the NYS Town Law.
2. In order for the Comprehensive Plan to be at all times current with the needs of the community, and to provide appropriate direction to the various municipal boards, agencies and departments of the Town, the Town Planning Board shall annually review the Comprehensive Plan and make recommendations for revisions by the Town Board, as may be deemed necessary, following public review and input. Should the Town Planning Board find that no changes are necessary, this finding shall be reported.

Motion was made by Councilperson Jake Olles and was seconded by Councilperson Matthew Passarell authorizing the adoption of this Resolution. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye	Councilperson Timothy Neilans, aye
Supervisor Dennis Stirk, aye	Councilperson Jake Olles, aye
Councilperson Matthew Passarell, aye	

Supervisor Dennis Stirk: Next is the American Wind Symphony.

Councilperson Jake Olles explained about the American Wind Symphony that may be coming to Albion after the Strawberry Festival. He stated that he would like the Town to contribute funds for this. After the Board discussed this they decided to table it until the March meeting.

Supervisor Dennis Stirk: Five Star Bank approached the Town about banking with them. Next is the generator.

The Board discussed the proposal for a generator for the administrative offices in the Town. The Board decided to discuss this further at the March meeting after they find out if there is grant available through the Court system.

Supervisor Dennis Stirk: I need a resolution for Water District #9.

#### **Resolution #55                      Completion of Construction**

Whereas, the construction of the improvements for the Town of Albion Water District #9 have been completed and approved by the NYS Department of Health; and

Now, therefore be it resolved, that the Town of Albion accepts the project as constructed, subject to the completion of the punch list items as identified by the Project Engineer; and

Be it further resolved that the Town Board hereby designates NYS Certified Operator Jed P Standish (License No. NY 0030767) to serve as the operator for the water system.

Motion was made by Supervisor Dennis Stirk and was seconded by Councilperson Jake Olles authorizing the adoption of this resolution. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye	Councilperson Timothy Neilans, aye
Supervisor Dennis Stirk, aye	Councilperson Jake Olles, aye
Councilperson Matthew Passarell, aye	

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Supervisor Dennis Stirk: I need a motion to close.

Motion was made by Councilperson Jake Olles and was seconded by Supervisor Dennis Stirk to close the meeting at 7:43 pm. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye

Councilperson Timothy Neilans, aye

Supervisor Dennis Stirk, aye

Councilperson Jake Olles, aye

Councilperson Matthew Passarell, aye

**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 by the people of the Town of Albion; and

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

WHEREAS, the residents of the Town of Albion 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, The Town Board, being elected to represent the residents of the Town of Albion, 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 Orleans 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 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

WHEREAS, this legislation severely impacts the possession and use of firearms now employed by the residents of the Town of Albion 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 Albion 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 Albion Town Board; now, therefore be it

RESOLVED, that the Albion 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 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 Albion 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 Albion Town Board requests the members of the New York State Senate and Assembly who represent all, or part of, Orleans 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, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Collins, New York State Senator George Maziarz, Assembly Speaker

Town of Albion

ALBION, NEW YORK

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.