

**May 13, 2013**

**Alexander Town Board Regular Meeting  
Alexander Town Hall 7:00 p.m.**

Present: Supervisor Joseph Higley  
Town Board: Roy Haller III, David Miller, William Schmieder, William Hirsch  
H'way Supt: Tom Lowe  
Town Clerk: Laura Schmieder  
Guests: Karl Bender-CEO/ZEO; Eric Wagner-ZBA; Paul Tomaszewski, Ben Eddy-residents

Supervisor Higley called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and a moment of silence for our military serving around the world.

On motion by Councilperson Hirsch, seconded by Councilperson Haller, and carried, the minutes of the April 8, 2013 regular meeting were approved as presented. 5 – Yes Higley, Miller, Schmieder, Haller, Hirsch 0 – No Carried

**COMMUNICATIONS:** Mercy EMS report-3/2013; 2013 Legislative Program-AOT; Notification that Tyler Wolcott has achieved Eagle Scout ranking;

**REPORTS:**

**CEO/ZEO:** Karl Bender reported that he has investigated a unisex bathroom at the Town Hall, a municipal building. We would have to meet accessibility requirements. He has issued 8 building permits and has had one violation notice issued. According to our Zoning Ordinance, he has to receive a written and signed complaint to act on a violation.

**Insurance Committee:** Our policy is due in June, have not received new information as yet.

**Tax Collector:** The books were closed out on April 17<sup>th</sup>, the penalty monies were turned over to the Supervisor. The annual report was presented to the Board for their review.

**Town Clerk:** a) the examiner from OSC continues her work; b) the outside cleanup has begun at the Town Hall; c) Deputy Clerk did a great job covering the office;

**Building:** a) Siding work at the salt shed is complete; b) Carpets to be cleaned this month; c) generator

**Supv. Financial:** a) monthly report was distributed; b) County S & I monies received

**H'way. Supt:** a) grader has been received from the County-bill in the abstract tonight; b) two trucks have needed fuel tank repair; c) getting bid ready for roof coating at Town barns; d) discussion as to re-paving a portion of Pike Road and the costs involved-Type 2 or Type 3 comparisons, culvert pipe still needs to be purchased. He will do as much as he can with the funds already budgeted for 2013.

**Senior Citizen:** Mystery trip taken in early May

**Dog Control:** The enumerator has begun her canvass.

**GAM:** April 18 minutes, and a reminder of this week's meeting in Darien Town Clerk and Town Justice monthly financials were reported.

**OLD BUSINESS:**

**Water District Update:** We are still waiting for USDA monies to be released. Chatfield send us a map of where the pump station is proposed to be located. The Supervisor will talk to the landowner.

**Peddler's License Local Law:** We received a letter and a draft copy of a local law from our attorney. The Supervisor will share with the Chairperson of the Planning Board before proceeding.

**NEW BUSINESS:**

**RES. NO. 34: RESOLUTION IN SUPPORT OF LEGISLATION RESTRICTING FALSE LIENS AGAINST PUBLIC OFFICERS AND PUBLIC EMPLOYEES**

On motion by Supervisor Higley, seconded by Councilperson Miller, the following:

**WHEREAS**, a 2012 study by the National Association of Secretaries of State indicates a "dramatic rise" in bogus filings under the Uniform Commercial Code (UCC) in recent years mainly filed by the "sovereign citizens movement" and,

**WHEREAS**, recent court rulings have noted that phony filings by people in separatist groups or who believe they are not subject to government rules or control have ensnared public officials in all branches of government by filing property liens or tax forms that have triggered unwarranted credit reviews and IRS scrutiny, and,

**WHEREAS**, opponents of such "paper terrorism" indicate that the Uniform Commercial Code provides a way for creditors to record an interest in a debtor's property through filing notice to debtor's future creditors, and,

**WHEREAS**, the Uniform Commercial Code must accept each statement filed for recording and subsequently make it available for public viewing that later may be found to be fraudulent resulting in a negative result on a person's credit statement and could be used as a tool to unjustifiably characterize a person as target of a false filing as a credit risk, and

**WHEREAS**, no person whether elected, or appointed properly acting in their roles as public servants should be subject to the personal financial and emotional stress caused by this conduct, therefore be it

**RESOLVED**, the Town Board of the Town of Alexander encourages local governments, county governments, law enforcement, the Association of Towns, New York Conference of Mayors and the Office of Court Administration to work together to provide the state legislature with legislation that will protect public servants from exposure to this conduct and be it further

**RESOLVED**, that the New York State Assembly and the New York Senate expeditiously consider all legislation to solve this problem and be it further

**RESOLVED**, the Town Clerk of the Town of Alexander send copies of this resolution to all involved parties to accelerate enactment of any proposed legislation, and be it further

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**RESOLVED**, that the Town Clerk of the Town of Alexander does hereby certify and support the proposed legislation that was passed on May 13, 2013 by a majority vote.

Ayes   5   Higley, Haller, Miller, Schmieder, Hirsch  
Nays   0  

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Town Clerk

(SEAL)

**RES.NO. 35: SUPPORT FOR NYS CONTACT INFORMATION FOR VACANT STRUCTURES**

On motion by Councilperson Hirsch, seconded by Councilperson Miller, the following:

**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.

**NOW, THEREFORE, BE IT RESOLVED**, that the Alexander Town Board hereby supports the passage of said Bills, and be it

**FURTHER RESOLVED**, the Town Clerk is hereby directed to forward a certified copy of said resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator Michael Ranzenhofer, and Assemblyman Steve Hawley.

Ayes   5   Higley, Haller, Miller, Schmieder, Hirsch  
Nays   0  

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Town Clerk

(SEAL)

**RES. NO. 36: RESOLUTION TO OPPOSE THE PROCESS OF THE ENACTMENT AND CERTAIN PROVISIONS CONTAINED WITHIN THE NEW YORK SECURE AMMUNITION & FIREARMS ENFORCEMENT ACT (NY SAFE ACT)**

On motion by Councilperson Schmieder, seconded by Supervisor Higley, the following:

**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 Alexander and State of New York; and

**WHEREAS**, the lawful ownership of firearms is and has been, a valued tradition in the Town of Alexander and the State of New York 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 Alexander and State of New York 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 Town of Alexander Town Board, being elected to represent the people of the Town of Alexander, 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 to on the Town of Alexander Town Board; and

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

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**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 five 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 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 (seven 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 in 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 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 Town of Alexander Town Board finds encouraging such as addressing glaring shortcomings in the mental health system, 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 laws-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 Town of Alexander Town Board.

**NOW, THEREFORE BE IT**

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

**FURTHER RESOLVED**, that the Town Clerk is hereby directed to send a certified copy of this Resolution to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Collins, New York State Senator Michael Ranzenhofer, and New York State Assemblyman Steve Hawley.

Ayes:   5   Higley, Haller, Miller, Schmieder, Hirsch

Nays:   0  

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Town Clerk

(SEAL)

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**DISCUSSION:**

Policy: Code of Ethics

On motion by Supervisor Higley, seconded by Councilperson Haller, the following was proposed:

To revise the current policy entitled Code of Ethics, first adopted on 12/14/1970, by eliminating Article III, Sections 1 – 3.

Before a roll call vote was taken, Supervisor Higley rescinded the motion. He will check with County Manager Jay Gsell to verify that the Town of Alexander may use the County Board of Ethics should the need arise.

On motion by Councilperson Miller, seconded by Councilman Haller, and carried, to pay the bills on Abstract #5 as follows:

General Fund A	Vouchers 92 – 120	\$24,109.81
General Fund B	Vouchers 27 - 31	3,461.64
Highway Fund A	Vouchers 5 - 6	21,040.97
Highway Fund B	Vouchers 65 - 82	14,938.07
Highway Fund H	Vouchers 3 - 4	7,400.00

On motion by Councilperson Schmieder, seconded by Supervisor Higley, the Board entered into executive session to discuss current negotiations on the union contract at 9:00 p.m. 5 – Yes 0 – No Carried

On motion by Councilperson Hirsch, seconded by Councilperson Schmieder, and carried, the executive session ended at 9:40 p.m.

On motion by Councilperson Hirsch, seconded by Supervisor Higley, and carried, the meeting adjourned at 9:41 p.m.

Respectfully submitted,

Laura Schmieder, Town Clerk