

APRIL 26, 2011

BERGEN TOWN BOARD

REGULAR 2ND MEETING

PRESENT:

Supervisor Donald Cunningham
Councilman Barry Miller
Councilman Hugh McCartney
Councilman Joe Nenni
Councilman Brian Stone

ALSO PRESENT:

Deputy Clerk Myrna List
Highway Supt. David Roggow
ZEO/CEO David Mason
ZBA Chairman Paul List

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: Councilman Nenni made a motion to approve the minutes of April 12, Councilman Stone seconded it and it carried unanimously.

COMMUNICATIONS:

Notice from Standard & Poor's-Re: Change in Town Credit Rating from A- to A+
March Response Times Report from Mercy EMS
Sample of Intermunicipal Agreement for CEO/ZEO
Letter from Independent Oil & Gas Association, Re: Hydraulic fracturing
Income Survey Summaries provided by Stu Brown/LaBella
Copy of Resolution from the Town of Wilson opposing Senate Bill S.2994

REPORTS:

BUILDING & ZONING:

LAPTOP COMPUTER: Councilman McCartney made a motion authorizing ZEO/CEO Mason to purchase a laptop computer on Municipal bid not to exceed \$1,000, Councilman Nenni seconded it and it carried unanimously.

INTERMUNICIPAL AGREEMENT: Councilman McCartney made a motion to enter in the following agreement with the Village of Bergen, Councilman Nenni seconded it and it carried unanimously:

CODE ENFORCEMENT OFFICER/ZONING ENFORCEMENT OFFICER
INTERMUNICIPAL AGREEMENT

This agreement is entered into the 26th day of April, 2011 between the Village of Bergen which maintains its office at 11 North Lake Avenue, Bergen, New York 14416 and the Town of Bergen, which maintains its office at 10 Hunter Street, Bergen, New York 14416, both being municipal corporations.

In the best interest of both municipalities and to promote the most efficient and economical use of manpower while providing service to both the Village of Bergen and the Town of Bergen, the signing parties mutually agree as follows:

The Village of Bergen and the Town of Bergen have agreed to have their respective Code Enforcement Officer/Zoning Enforcement Officer take on the responsibilities for one another when they are on vacation or unable to do their duties. No monetary compensation will be received. This agreement will be considered mutual aid.

It is agreed that either party may terminate this agreement at any time with written notification to the other party.

Ralph Marsocci, Mayor
Village of Bergen

Donald Cunningham, Supervisor
Town of Bergen

HIGHWAY:

PEACHEY ROAD WATER DISTRICT: Superintendent Roggow is working with the Department of Transportation on permits.

BLACK TOP around the Highway Garage was discussed; also the entrance to the current Town Hall.

15 S. LAKE PROPERTY: As Librarian Nancy Bailey was unable to attend the meeting, Superintendent Roggow was asked to obtain permission from the Board to use the property next to the old Town Hall for Library programs. The Board members granted the request.

COMMITTEES:

PARKS: They will be meeting on April 28.

BUILDINGS: The following quotes were received:

13 S. Lake Avenue- Front Windows

Robert Rowland-\$12, 280-Dilcher Excavating & Contracting-\$10,650-Gary Fink-\$12,150

15 S. Lake Avenue-Roof

Robert Rowland-\$12,500 + \$1,700 for gutters and downspouts-Dilcher Excavating-\$15,870 and Gary Fink Construction-\$15,250 without gutters and downspouts. No decision was made.

17 S. Lake Avenue: Three options were discussed-offer the building for sale, sell part of the property or do nothing and tear the building down.

OLD BUSINESS:

PEACHEY ROAD WATER DISTRICT: Application has been sent to Washington and also waiting on the DOT permit.

TRANSFER STATION: Councilman Stone reported that he had discussed electronic waste with Sunnking. He will look into more information and report at the next meeting.

NEW BUSINESS:

GUN REGISTRATION: Councilman Miller made a motion offering Resolution #10-2011 for approval, Councilman Nenni seconded it and it carried unanimously.

RESOLUTION #10-2011

RESOLUTION CALLING UPON NEW YORK STATE SENATE TO REJECT S.2994, A BILL TO INTRODUCE CONFISCATORY ANNUAL "REGISTRATION" FEES ON LEGALLY-OWNED FIREARMS, AND TO IMPOSE A NEW MANDATE UPON THE OPERATION OF COUNTY CLERK OFFICES

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear Arms, shall not be infringed," and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all persons within the state," and

WHEREAS, Senator Eric Adams, who represents Crown Heights and Flatbush in the New York State Senate, did introduce Senate Bill S.2994, which would impose annual registration of \$10 per firearm on law-abiding gun owners throughout the State of New York, including an initial \$15 registration fee, and

WHEREAS, S.2994 is intended to affect, in particular, residents of Upstate New York and Long Island, as evidenced by the full title of the bill, "Provides for the registration of firearms by the owner thereof at the county clerks office of the county where the owner resides, except in New York City," and

WHEREAS, in addition to placing an onerous and costly burden on law-abiding gun owners in the State of New York, this view also constitutes an unfunded mandate imposed upon the county clerks of New York State, and

WHEREAS, S.2994 would seek to impose burdensome new regulations upon law-abiding gun owners for the express purpose of complicating gun ownership, as demonstrated by the words of the bill's sponsors in the "Summary of Provisions" section of the bill filing, which state that "along with the annual registration of firearms, there will be other requirements that firearms owners will have to meet in order to legally possess firearms in New York State," and

WHEREAS, S.2994 directs the collection of registration information including not only firearm serial numbers, but personal information about the owners of said firearms including the precise location in which said firearms will be stored while not in use, and

WHEREAS, S.2994 also forces owners of all firearms to carry a government-issued firearm-owner identification card, even though permitting requirements in New York State only apply to pistols and revolvers, and not to various long guns, and

WHEREAS, S.2994 would treat those who fail to comply for any reason as guilty of misdemeanor crimes, despite their clearly-defined rights under the Second Amendment of the United States Constitution and Article XII of the Constitution of the State of New York, and

WHEREAS, again citing the bill's sponsors' own comments in the "Justification" portion of the bill's filing, "There are many firearms that are illegally possessed in New York State but by implementing a constant registry of firearms we can come a step closer to identifying those illegal firearms," it is clear that the sponsors believe this bill does not actually reduce crime as its stated rationale of "coming a step closer" means that the bill actually does not accomplish the goal of identifying said illegal firearms, and

WHEREAS, it is the right of the citizens of Genesee County and the State of New York to take any measures necessary to be secure in their homes against criminals and other dangerous trespassers, now therefore be it

RESOLVED, that the Town of Bergen does hereby reaffirm its respect for and submission to both the Second Amendment to the United State Constitution and Article XII of the New York State Constitution, and be it further

RESOLVED, that the Town of Bergen does hereby oppose the enactment of any legislation by the New York State Legislature that fundamentally alters or abridges the right to keep and bear arms, and be it further

RESOLVED, that the Town of Bergen does hereby call upon the entire New York State Senate to reject Senator Adams's ill-conceived anti-Second Amendment bill, and be it further

RESOLVED, that the Town of Bergen does admonish Senator Adams for attempting to legislate the conditions of firearms ownership in Upstate New York while exempting New York City, and be it further

RESOLVED, that the Town of Bergen shall forward copies of this Resolution to Senate Vice President Pro Tempore George D. Maziarz, Assemblyman Steve Hawley, Genesee County Legislature Chairman Mary Pat Hancock and all others deemed necessary and proper.

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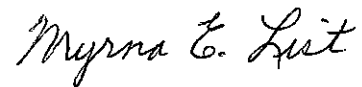
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NEXT MEETING will be the regular meeting on Tuesday, May 10 at 7:30 p.m. in the Courtroom with the audit of the bills at 7:15 p.m.

EXECUTIVE SESSION: Councilman Miller made a motion to go into Executive Session at 8:40 p.m. to discuss potential sale of Town property, Councilman Stone seconded it and it carried unanimously.

Councilman McCartney made a motion to come out of Executive Session at 8:55 p.m. and ADJOURN at 8:56 p.m., seconded by Councilman Nenni and carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Myrna E. List".

Myrna E. List, Deputy Clerk