

Minutes - June 4, 2013 - 7 PM

The Regular Meeting & Public Hearing concerning a 2013 Budget revision for an increase in the Gouverneur Fire Dept. contract for the Town of Fowler was held on the above date with all members present. Also present were Town Clerk Sherrie Williams, Justice Paul Lamson, Bookkeeper Gary Higgins, Code Enforcement Officer Rick Whitford, Robert O'Neill, Deputy Highway Superintendent Lyle Bishop, Assessor Chair Robert Fuller, Nancy Fuller, Historian Connie Bishop, Lillith Griffith, Lynn Bishop, Bart Bishop, Wyatt Rumble, Kortnee Bishop, Eugene Bishop, Herb Fuller, Jared Prashaw, Joanne Orford, Kathy Moses, Mike Macaulay.

Supervisor Cappellino called the meeting to order then proceeded with the opening prayer & the pledge of allegiance.

Supervisor Cappellino opened the Public Hearing concerning a 2013 Budget revision for an increase of \$554.00 in the Gouverneur Fire Department Contract which will be held for one hour. Bookkeeper Gary Higgins explained how it needs to be done.

After discussion, a motion was made by Councilperson Rick Newvine to approve the May 9, 2013 Meeting Minutes & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Randy Durham; Yes, Natalie Spilman; Yes. All in Favor. MOTION CARRIED.

Supervisor Cappellino reported that 2 mulch bids have been received. Midland Asphalt - \$45,610.00 & Suit-Kote - \$44,677.00. After discussion, a motion was made by Councilperson Randy Durham to accept the low bid of \$44,677.00 from Suit-Kote & seconded by Councilperson Rick Newvine. Roll call vote showed

Page 2

Minutes - 6/4/13

Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Supervisor Cappellino reported that 2 truck bids both were received from West Herr Ford. One for the $\frac{3}{4}$ ton pickup for \$27,369.00 & one for the F450 low profile dump truck for \$43,323.00. After discussion, a motion was made by Councilperson Randy Durham to accept both truck bids & table the issue until more information can be gathered & seconded by Councilperson Rick Newvine. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Historian Connie Bishop reported that the World War I plaque was taken back to get the lettering repaired so it's legible. She & Karen Simmons have 2 more plaques that will be done for the World War II soldiers that served in Fowler. She thanked Karen Simmons for the work she dedicated to her department. She loves her new printer. She would also like to do plaques for Fowler soldiers who served in the Korean & Vietnam conflicts.

Code Enforcement Officer Rick Whitford reported that he is up to 25 permits & things are going smoothly.

Councilperson Karen Simmons reported for Dog Warden Neil Hooley. For the month of May, seven complaints have been addressed, 3 warnings issued, 1 dog was in the kennel which found a home, 2 dogs are missing, & 2 dogs found.

Page 3
Minutes - June 4, 2013

Councilperson Karen Simmons reported that at the rabies clinic on May 16th, 20 cats & 56 dogs received rabies shots. At the Spay/Neuter Clinic 13 cats, 6 dogs, & 1 walk in dog were neutered & spayed.

Deputy Beaver Control Officer Jared Prashaw reported that 5 beavers have been taken in the last month.

Town Clerk & Tax Collector Sherrie Williams reported that the town taxes are 91.28% collected.

Assessor Chair Robert Fuller reported that he is waiting to hear the results from Grievance night.

Justice Paul Lamson reported that the surcharges for tickets are increasing to \$93.00 each effective July 1, 2013 & that the security camera by the fuel tanks is in need of repair.

After discussion, a motion was made by Councilperson Natalie Spilman to appoint Donna Brown as the Court Clerk effective May 22, 2013 & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Highway Report - Deputy Highway Superintendent Lyle Bishop reported that the seasonal roads are all done, that edges of roads are being cut back, they are cutting brush, the gravel pile is ready, & the Smith Road will be started soon.

Councilperson Rick Newvine would like to see the weeds cut at the tri-county marker .

Councilperson Natalie Spilman reported that Data Collector Devon Korn has signed the Data Collector Contract & he is getting organized to proceed the data collecting. She reported that the beach will be open on June 22nd & thanked BOCES for making picnic tables for the town.

Supervisor Cappellino reported that the Public Hearing was closed at 8:00 PM. A motion was made by Councilperson Rick Newvine to close the Public Hearing & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Supervisor Cappellino reported that he had the 2013 fire contract with the Gouverneur Fire Department for the board to consider & give him permission to sign. It was discussed that there may be some issues in the contract. After discussion, a motion was made by Councilperson Rick Newvine to give Supervisor Cappellino permission to sign the fire contract after the town lawyer is consulted to make sure there are no issues with the fire contract & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Councilperson Randy Durham reported that at the Rehabilitation Grant informational meeting several applications were filled out for the grant. The next step of the process is that the individuals

Will be interviewed and then the applicants will be chosen. He urged more individuals to fill out applications for the second round of grants which will go on a waiting list. There is also a weatherization grant program that is available at the Town Hall. After discussion, a motion was made by Councilperson Randy Durham to start the process for Block Grant No. 2 & give Supervisor Cappellino permission to sign it & seconded by Councilperson Karen Simmons. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Councilperson Newvine reported that the funds were collected to send the Fowler students to the Syracuse Zoo. He reported that there were some issues on mowing for Memorial Day, but the issues are being worked on. He suggested opposing early voting & avoid extra costs & stated that the land use plan needs to get completed for the town.

Supervisor Cappellino reported that he has Resolution No. 5 of 2013 which is a Town of Fowler Resolution calling for repeal of the Erroneously named NY SAFE Act for the board to consider. After discussion, a motion was made by Councilperson Rick Newvine to approve Resolution No. 5 of 2013 Town of Fowler Resolution calling for repeal of the Erroneously named NY SAFE Act & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Karen Simmons; Yes, Natalie Spilman; Yes, All in Favor. MOTION CARRIED.

Page 6
Minutes - 6/4/13

Supervisor Cappellino reported that the board will be going into Executive Session concerning Data Collection issues at 8:25 PM. At 8:30 the Executive Session ended. Supervisor Cappellino reported that in the Executive Session it was discussed that the Data Collector will start shortly & letters will be sent to every property owner in the Town informing them of the data collecting. Also discussed was how the rabies clinic donations will be disbursed

Supervisor Cappellino reported that the next board meeting is July 2, 2013 at 7 PM in the Fowler Town Hall.

The bills audited for the General Fund were #81 - #112 \$9,686.46 & Highway Fund #58 - #95 - \$16,690.90.

A motion was made by Councilperson Rick Newvine to adjourn the meeting at 9:09 PM & seconded by Councilperson Randy Durham. Roll call vote showed Michael Cappellino; Yes, Rick Newvine; Yes, Natalie Spilman; Yes, Karen Simmons; Yes, Randy Durham; Yes. All in Favor. MOTION CARRIED.

Michael Cappellino; Supervisor Sherrie Williams; Town Clerk

Rick Newvine; Councilperson Randy Durham; Councilperson

Karen Simmons, Councilperson Natalie Spilman, Councilperson

NY SAFE →

Town of Fowler resolution calling for repeal of the erroneously named NY SAFE act

Resolution 5 of 2013

A resolution condemning the manner and passage of the erroneously named NY SAFE Act and supporting repeal of state legislation infringing on the second amendment of the Constitution.

WHEREAS the members of the Town Council of the Town of Fowler, New York have been elected by the approximately 2,000 residents of the Town of Fowler as their representatives; and

WHEREAS said members have taken an oath; indeed the very same oath as the members of the Senate and Assembly, as well as the Governor, of New York State; to uphold the constitution of the State of New York and the Constitution of the United States of America; and

WHEREAS said constitutions contain clauses protecting the individual, inalienable, God-given right of the citizens of the United States of America and the citizens of the State of New York to keep and bear arms without infringement; and

WHEREAS on January 15, 2013 the Legislature of the State of New York passed the erroneously named NY SAFE Act which contains multiple violations of said rights; and

WHEREAS this passage occurred within a period of less than twenty-four hours of introduction to the legislature, thereby not allowing the mandatory three day review period; and

WHEREAS this avoidance of the mandatory review period was accomplished by the Governor's declaration of a Message of Necessity; and

WHEREAS the reasons listed by the Governor in his request for said Message of Necessity are wholly inadequate, completely inaccurate, and without justification; and

WHEREAS the aforementioned infringements upon the rights of the citizens of New York State will have no effect in reducing crimes committed with firearms; and

WHEREAS the sacrifice of freedoms for the illusion of security secures neither;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Fowler of the County of St. Lawrence of the State of New York hereby condemns the manner in which the aforementioned legislation was passed and finds the actions of the Governor deplorable and unbecoming of an elected official and representative of the people of New York State; and be it further

RESOLVED, that the Town of Fowler demands a public apology by the Governor for his abuse of the legislative process of the State of New York; and be it further

RESOLVED, that the Town of Fowler demands the complete and total repeal of the NY SAFE Act of 2013 in its entirety by the State Assembly and State Senate members; and be it further

RESOLVED, that the Town of Fowler demands the State Assembly and State Senate, in the very near future, consider legislation which repeals various laws currently in place that infringe upon the rights of the citizens of the State of New York to keep and bear arms, including, but not limited to, the following:

- Firearm magazine capacity limitations;
- Requirements for permits to carry a firearm concealed;
- Limitations on the aesthetic appearance of certain firearms, erroneously referred to as "assault weapons;"
- Restrictions on locations where firearms can be carried, both openly and concealed, including State Forests and Parks; and
- Restrictions on other arms constitutionally protected under the second amendment including knives, pepper spray, swords, air/spring rifles, etc.; and be it further

RESOLVED, that the Town of Fowler finds these aforementioned and any other infringements upon the right of the citizens to keep and bear arms unconstitutional and illegal; and be it further

RESOLVED, that the Town of Fowler hereby urges nearby towns to enact similar resolutions urging the State Legislature to action; and be it further

RESOLVED, that certified copies of this resolution be delivered to the following individuals: President Barack Hussein Obama; Governor Andrew Cuomo; Senator Kirsten E. Gillibrand; Senator Charles Schumer; Representative William Owens; State Senator Patricia Ritchie; State Assemblyman Kenneth Blankenbush, State Assemblywoman Addie J. Russell. A motion to adopt the resolution was made by Rick Newvine, seconded by Randy Durham.

Roll Call:

Supervisor Cappellino – Aye

CP Newvine -Aye

CP Durham -Aye

CP Simmons -Aye

CP Spilman -Aye

The Clerk declared this 4th day of June, 2013 that the foregoing resolution was duly carried.

Sherrie Williams

Town Clerk