At a Town Board Meeting of the Kendall Town Board, held on March 19, 2013 at the Kendall Town Hall, 1873 Kendall Road, Kendall, New York, Orleans County:

Councilman Pritchard made the following motion, seconded by Councilman Schuth:

**RESOLUTION 38-0313 RESOLUTION OF THE KENDALL TOWN BOARD OPPOSING THE PROCESS OF ENACTMENT AND CERTAIN PROVISIONS CONTAINED WITHIN THE NEW YORK SECURE AMMUNITION & FIREARMS ENFORCEMENT 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 Town of Kendall; and

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in Kendall, 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 Kendall and the 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 Kendall Town Board, being elected to represent the people of the Town of Kendall, are duly sworn by their oaths 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, and our Governor, being elected by the people of New York State, are duly sworn by their oaths 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 did not have 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 Kendall Town Board; 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 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 for defense of life, liberty, and property; and

WHEREAS, this legislation severely impacts the possession and use of firearms now employed for forms of recreation including, but not limited to, hunting and target shooting; and

WHEREAS, we find the legislation does little more than negatively impact lawful gun ownership; and

WHEREAS, this legislation fails to offer any solution 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 Kendall Town Board; now, therefore be it

RESOLVED, that the Kendall Town Board does hereby oppose, and request the repeal of any legislation, including the sections within the NY SAFE Act (Chapter1 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 Kendall Town Board considers such laws to be beyond lawful legislative authority granted to our State representatives; and be it

FURTHER RESOLVED, that the Kendall 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 Sheldon Silver, New York State Assembly member Steve Hawley, the New York State Association of Towns, and all other deemed necessary and proper.

Supervisor Gaesser called for a roll call vote, with the following results:

Councilman Pritchard aye

Councilman Schuth aye

Councilwoman Szozda aye

Supervisor Gaesser aye

Supervisor Gaesser declared the motion carried.

(Clerk’s note: Councilman Joseph, who was excused from this meeting, sent a letter stating his strong support of this resolution)

STATE OF NEW YORK:

COUNTY OF ORLEANS: ss

TOWN OF KENDALL

I, Amy K. Richardson, Town Clerk of the Town of Kendall, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Kendall, on the 19th day of March, 2013 with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: March 21, 2013

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Town Clerk