

The Town Board of the Town of Spafford assembled at the Spafford Town Hall, 1984 Route 174, Skaneateles, New York with Supervisor Webb Stevens presiding and the following Board members present: Councilor Ken Lieberman, Councilor Merrill Clark and Councilor Jeff Ireland.

The following Town Officers were present: Town Clerk Lisa Valletta, Highway Superintendent Carl Wiers, Accountant Thomas Chartrand, and Code Enforcement Officer Kim Fairchild. Supervisor Stevens called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

HIGHWAY SUPERINTENDENT’S REPORT

- The paving on Becker Road is done. Shoulders and sealing need to be completed.
- There was no damage on any Town roads from the heavy rains.

A motion to accept the Report was made by Councilor Lieberman, seconded by Councilor Clark. The motion PASSED. AYES – 4, NAYS – 0.

MINUTES

A motion to accept the minutes of the August 11, 2011 Town Board meeting as submitted was made by Councilor Clark, seconded by Councilor Lieberman. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 47-2011

Audit of Claims

On a motion by Councilor Lieberman, seconded by Councilor Ireland the following resolution was PASSED

AYES – 4	Stevens, Lieberman, Clark, Ireland
NAYS – 0	

Resolved approve payment of the bills General Fund and Highway Fund bills on Abstract #9, (audited abstract totals to be included in October 2011 minutes).

ABSTRACT #8– AUGUST 11, 2011

Audited bills for Abstract #8 were as follows:

General Fund	vouchers 257 – 282	\$13,191.71
Highway Fund	vouchers 120 – 135	\$17,949.12

TOWN SUPERVISOR’S MONTHLY REPORT & STATEMENT

Town Supervisor’s Monthly Report and Statement of Receipts and Payments for August 2011 was read by Accountant Thomas Chartrand and filed.

RESOLUTION 48-2011

August 2011 Bank Reconciliations

On a motion by Councilor Lieberman, seconded by Councilor Clark the following resolution was PASSED

AYES – 4	Stevens, Lieberman, Clark, Ireland
NAYS – 0	

Resolved to find a positive audit of the August 2011 bank statement as presented by Mr. Chartrand.

A motion to accept the Town Supervisor’s Monthly Reports & Statement as presented was made by Councilor Ireland seconded by Councilor Lieberman. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 49-2011

Bond Anticipation Note

On a motion by Councilor Lieberman, seconded by Councilor Clark the following resolution was PASSED
AYES – 4 Stevens, Lieberman, Clark, Ireland
NAYS – 0

Resolved Mr. Thomas Chartrand is authorized to contact Andrew Wallace of Hiscock & Barclay for legal work on the renewal of the Southern Onondaga Area Water District bond anticipation note. FURTHER RESOLVED Mr. Chartrand is authorized to contact Alliance Bank for an interest rate for the bond anticipation note.

TOWN CLERK’S REPORT

Town Clerk’s Report and Statement of Receipts and Payments for August 2011 was read. A motion to accept the Report as presented was made by Councilor Lieberman, seconded by Councilor Ireland. The motion PASSED. AYES – 4, NAYS – 0.

CODE ENFORCEMENT OFFICER’S REPORT

Code Enforcement Officer’s Report for was read.

- Eleven building permits were issued with a total revenue of \$2,023.50.
- Three Certificates of Occupancy/Compliance were issued.
- One complaint was received – building without a permit. The owner will apply for the permit.
- Six cases were in front of the Zoning Board of Appeals.
- Two cases were presented to the Planning Board.
- An Operating Permit was issued to the Town of Spafford for the fireworks display at the bicentennial picnic.

A motion to accept the Code Enforcement Officer’s report was made by Councilor Lieberman, seconded by Councilor Clark. The motion PASSED. AYES – 4, NAYS – 0.

BICENTENNIAL COMMITTEE

The Town Board thanks the Bicentennial Committee for all their work.

PUBLIC HEARING FOR PROPOSED LOCAL LAW 2011-3

A motion was made by Councilor Clark, seconded by Councilor Lieberman to open the public hearing at 7:09 p.m. for discussion of proposed local law 2011-3 (A Local Law Placing a 180-Day Moratorium on Hydraulic Fracturing Activities Within the Town). The motion PASSED. AYES – 4; NAYS – 0. *(The comments, questions, and responses are not recorded verbatim.)*

Many in attendance spoke in support of the law and expressed their desire for the Town Board to use the time to develop future regulations to control activities associated with drilling of any kind.

Various comments were made and written statements submitted by the public regarding hydraulic fracturing (hydrofracking).

The comments included:

- The State ban addresses Skaneateles Lake watershed, but not Otisco Lake watershed; the Town Board is responsible for protection of the Otisco Lake watershed and other excluded areas of the Town of Spafford.
- Why only 180 days for the moratorium? The Board responded: 180 days is standard.

- Concerned residents should appeal to the Department of Environmental Conservation (DEC) for and extension of their moratorium.
- The Town Board should visit Pennsylvania to view first-hand the results of hydrofracking.
- The moratorium is a first step; the Town should join a coalition with neighboring towns to research and develop future legislation regarding hydrofracking.
- The Town Board has a duty to protect the Town without compromising the future.
- The DEC regulations do not prohibit hydrofracking.
- Hydrofracking should not proceed anywhere until science and technology can ensure no detrimental effects.
- The DEC is understaffed and unable to maintain the desired level of oversight.
- Will the wells already drilled on Rose Hill Road become active? The Board responded: those wells are in the Town of Marcellus, we have no information on them.
- If the Board waits for results from DEC, the Town of Spafford would be left open to potential applications for hydrofracking permits.
- Hydrofracking itself cannot be banned, but the Town can ban all heavy equipment activity.
- *Question from one audience member to the public:* Does anyone have any information on soy-based fracking fluid? *No response.*
- Are there any recommendations or opinions from the Town Attorney? The Town Board responded: the Town Attorney wrote the moratorium but has not offered any opinion.
- The Association of Towns of the State of New York supports banning hydrofracking.

The following documents were submitted for Town Board review:

- From Joseph Honis, Burma Road – A letter requesting the Town Board visit Bradford County, PA and expressing his opposition to hydrofracking.
- Janet Shadle, 2150 East Lake Rd. – A letter expressing opposition to hydrofracking.
- From Anita Williams, Otisco Lake Preservation Association – A letter requesting the Town of Spafford participate in a 5 town coalition to work together to prohibit hydrofracking in the Otisco Lake Watershed.
- From Sandra Weigel, 985 Bacon Hill Rd. - A letter expressing her thoughts on the State's response to hydrofracking; her desire for the Town Board to take action to protect the Town with a permanent ban on heavy industry.
- From Holland Gregg, Skaneateles resident – A letter in opposition to hydrofracking; urging the Town Board to pass protection laws prohibiting hydrofracking and its waste from being generated or accepted for disposal or use anywhere in town. Attached was a map of oil and gas leases within the Town of Spafford.
- From Gretchen Krantz and Mary Becker, Moon Hill Road – A letter supporting the moratorium.
- Anna and Jack Featherly, 1825 East Lake Rd. – A letter opposing hydrofracking and supporting zoning laws to support and protect the intent of the current zoning law.
- From William Hier, 2423 Route 174 – An outline expressing and supporting his opinion against hydrofracking.
- Anne McElroy, 2707 Pine Grove Rd. – A letter requesting the Town Board ensure there are zoning and land use laws to protect the Town.
- From Mary Ellen and Joe Hennigan – A letter supporting an informed response and action of the Town Board to address the concerns of potential future hydrofracking in the Town.

At 8:08 p.m. a motion to close the public hearing was made by Councilor Lieberman, seconded by Councilor Ireland. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 50-2011

Enacting Local Law 2011-3

A Local Law Placing a 180-Day Moratorium on Hydraulic Fracturing Activities Within the Town

The following resolution was moved by Councilor Clark, seconded by Councilor Ireland and

PASSED	AYES – 3	Stevens, Clark, Ireland
	NAYS – 1	Lieberman

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2011-3 of the Town of Spafford, the content of which is set forth below; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the adoption of the aforesaid Local Law qualifies as a Type II action, which requires no further review under SEQRA; and

WHEREAS, the Town Board of the Town of Spafford, County of Onondaga, State of New York, held a Public Hearing on the matter of the adoption of the aforesaid Local Law, and that such Public Hearing was held at the Town Hall of the Town of Spafford, located at 1984 Route 174 in Skaneateles, County of Onondaga, State of New York, on the 8th day of September, 2011, at 7:00 p.m., and all persons in interest and citizens desiring to be heard had an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Spafford hereby enacts Local Law No. 2011-3, the content of which is as follows:

Town of Spafford Local Law 2011-3:

A Local Law Placing a 180-Day Moratorium on Hydraulic Fracturing Activities Within the Town

Section 1. Title

This law will be known as the 2011 Moratorium Law on Hydraulic Fracturing and/or Hydrofracking of the Town of Spafford.

Section 2. Legislative Intent

A. The Town Board of the Town of Spafford is vested by the State of New York with the authority to regulate certain activity within the Town of Spafford to protect the health, safety, and welfare of its residents and the environment. The Town of Spafford has legitimate goals and aims to protect the community, and the cultural, historical, recreational and environmental resources within the Town, and the Town Board believes that studying certain activity is necessary so that certain activity is regulated to protect the Town's predominant residential and agricultural land uses and to protect the environment from potential negative impacts.

B. The Town Board recognizes the importance of finding and developing sources of natural gas energy for energy resources and believes that natural gas may be a cleaner and more beneficial source of energy than certain other energy sources. Natural gas development has existed in New York State for decades. There are vast amounts of natural gas in reserves in shale deposits and new technology has made it more economical to produce natural gas from shale deposits. There have been studies indicating that natural gas production using the hydraulic fracturing method, commonly referred to as "hydrofracking," may be a significant benefit to economic activity.

C. However, the Town Board is also concerned with the potential for damage to the environment posed by hydrofracking, particularly adverse impacts to groundwater quality and quantity, the potential for sediment and soil erosion and the release of naturally occurring radioactive materials, among others. Hydrofracking requires the use of large amounts of water, including the use of surface water (rivers, streams, ponds, basins, lakes), groundwater, wastewater, and other water sources. Further, the use of hydrofracking will create more demand for commercial wastewater treatment facilities to dispose of water byproduct. The Town Board is concerned with the potential for groundwater pollution, affecting many water wells and water sources in the Town, as well as the potential environmental impacts to water quality in Otisco Lake and Skaneateles Lake, which are the primary sources of drinking water for numerous municipalities in the region. There may also be further impacts to local roads during the construction and use of hydrofracking apparatus.

D. The use of hydrofracking has generated significant concern about the safety and reliability of this method to extract natural gas. As a result of these concerns, the Town Board believes that additional study and examination of necessary regulations relating to hydrofracking is warranted.

E. The Town Board is well aware of the current review of hydrofracking by the New York State Department of Environmental Conservation ("NYSDEC") and other governmental agencies and by private sources, including an assessment of the various potential environmental impacts from hydrofracking, analysis of the state laws, rules and regulations currently in place and the potential for additional regulations at the state or federal levels relating to hydrofracking. The Town Board has considered imposing a moratorium period to allow the Town Board time to review any further findings and any additional state or federal laws, rules or regulations, which would necessarily impact the role of the Town in the regulation of hydrofracking activity at the local level.

F. A moratorium would also allow necessary time for the Town Board to further examine potentially significant issues related to hydrofracking and examine whether local regulations relating to hydrofracking are necessary, and if so, the extent of such regulations. If the Town Board deems such local regulations are necessary, the Town Board may enact appropriate laws, rules and regulations to ensure the health, safety, and welfare of its residents and the environment consistent with other laws, rules and regulations.

G. The Town of Spafford does hereby find a moratorium of six (6) months duration is necessary and reasonable in order to afford the Town Board an opportunity to review the potential impacts of hydrofracking and to consider recommendations relating to hydrofracking. A moratorium of six (6) months will prevent the establishment or continuation of hydrofracking processes that may be contrary to any regulations that may be ultimately adopted. The health, safety and general welfare of the residents of the Town and its environment will be protected by the adoption of this moratorium pending the issuance of final regulations by the Town of Spafford or by other governmental agencies.

Section 3. Enactment of Local Law

The Town Board declares a six-month moratorium on any activity or processes involving or associated with hydraulic fracturing or hydrofracking, including the continued use of hydraulic fracturing or hydrofracking within the Town of Spafford and the establishment, implementation, placement, or construction of new hydraulic fracturing or hydrofracking facilities or apparatus in the Town of Spafford after the effective date, and during the duration of this Local Law, and any extension hereof.

Section 4. Definitions

HYDRAULIC FR. ACTURING OR HYDROFRACKING - For purposes of this Local Law, the term "hydraulic fracturing" or "hydrofracking" shall mean the process of recovering and/or developing natural gas trapped behind or within shale or rock and which generally is accomplished by a gas well that is drilled vertically into the ground and then horizontally from the well head, after which water, sand, and/or chemicals are injected into the well for the breaking and/or fracturing of shale and/or other natural structures under the ground intending to release natural gas from the ground.

PERSON - For the purposes of this Local Law, the term "person" shall include an individual, or the association of individuals, partnership, joint venture, corporation, limited liability company, or any other entity, and the singular shall include the plural number.

Section 5. Scope and Control

A. For the period of six (6) months following the effective date of this Local Law, no new hydraulic fracturing or hydrofracking facilities or operations, as defined by this Local Law, or expansions beyond existing operations or facilities, shall be permitted by any person within the Town of Spafford.

B. During the effective period of this Local Law, the Code Enforcement Officer of the Town shall not consider and/or issue any building permit or other permit which would result in the establishment, implementation, placement, construction or development of any new hydraulic fracturing or hydrofracking facility or operation, including any activity associated therewith or in furtherance thereof, or the enlargement of any existing hydraulic fracturing or hydrofracking facility or operation within the Town.

C. If within six (6) months, the Town Board adopts a local law, rules or regulations relating to hydrofracking, then, in that event the moratorium imposed by this Local Law shall expire immediately on the date any such Town of Spafford local law, rules or regulations relating to hydraulic fracturing or hydrofracking takes effect in accordance with Section 27 of the Municipal Home Rule Law.

D. The Town Board of the Town of Spafford may amend, modify, terminate, or extend this Local Law in accordance with applicable law.

Section 6. Exceptions

The lawful use of any premises or apparatus on or after the effective date of this Local Law under a permit issued by the Town of Spafford or other appropriate state or federal agency may be continued, provided that such use conforms to applicable permits and state or federal laws, rules and regulations and shall not be enlarged or extended beyond the existing location and operation.

Section 7. Enforcement

This Local Law shall be enforced by the Code Enforcement Officer of the Town of Spafford, or such other individual(s) as may be designated by the Town Board, and it shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this Local Law and to keep all records necessary and appropriate and to file the same in the Office of the Town Clerk.

Section 8. Violations

Any person violating any of the provisions of this Local Law shall be guilty of an offense, and upon a conviction thereof, shall be subject to a civil penalty of not less than \$500.00 nor more than \$1,000.00 per day for each such violation. Each day's violation for any separate and individual violation shall constitute

Resolved to allot \$200.00 from the 2011 budget to SAHS to aid in the cost of labor for installation of siding on the Borodino Grange Building.

RESOLUTION 52-2011

Lourdes Camp Site Rental

On a motion by Councilor Lieberman, seconded by Councilor Ireland the following resolution was PASSED
AYES – 4 Stevens, Lieberman, Clark, Ireland
NAYS – 0

Resolved to pay a site rental fee of \$350.00 to Lourdes Camp for use of the site for the Town of Spafford Bicentennial picnic.

TRANSFER STATION

The equipment provided by WeCare Waste & Recycling Services (WeCare) has experienced consistent problems including inability to compact the quantity of collected waste materials; oil leaks; broken cylinders; and insufficient containers for collecting recyclables. Supervisor Stevens has spoken on several occasions with Mr. Russ DeForrest, Operations Manager for WeCare. An additional part replacement is scheduled for tomorrow morning. Supervisor Stevens requests the Town Board consider purchasing a compactor for recyclable materials instead of adding a compactor to the contract with WeCare. The topic was tabled until the Thursday, September 15, 2011 meeting, allowing for operation of the repaired equipment prior to a decision.

SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS (SPCA)

Onondaga County SPCA has requested all towns within the county submit a fee per person to aid in the SPCA’s costs of operation. The requested fee for the Town of Spafford is \$0.09 per person based on the 2010 census. The Town Board will take the request under consideration and discuss the request at the 2012 budget work session.

ABANDONED BOAT

The property on Otisco Lake owned by Linda L. May was sold to Karen Yuhas in 2009. The sale of the property included the contents. A specified list of the contents was not created by the seller or buyer. A fourteen foot aluminum rowboat was on the property at the time of the sale. There is no dispute by the seller that the boat was considered contents of the property. In an attempt to register the boat for use, Ms. Yuhas was told the boat is considered abandoned and therefore property of the municipality. Ms. Yuhas submitted a request to the Town Board for waiver of municipal claim to the boat. A motion to waive municipal claim to the fourteen foot aluminum boat on the Yuhas property was made by Councilor Lieberman, seconded by Councilor Ireland. . The motion PASSED. AYES – 4, NAYS – 0.

ADJOURNMENT

A motion to adjourn the meeting at 8:55 p.m. was made by Councilor Lieberman, seconded by Councilor Ireland. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held
Thursday, September 15, 2011 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford