

York Town Board Meeting
May 24, 2012

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell,
Norman Gates, David Deuel and Frank Rose Jr.

Absent: None

Others: Andrew Emborsky (Attorney, Kruk & Campbell) and Roger McCracken
(Water and Sewer Operator)

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. with the Pledge to the Flag.

MINUTES

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the minutes of the May 10th Town Board Meeting. Voted on and approved, Yes-5, No-0.

ATTORNEY

1) Moratorium discussion:

Clerk Harris introduced Andrew Emborsky, from Kruk and Campbell to the Board. Mr. Emborsky stated Mr. Campbell was not able to attend this evening because he was at the Avon Town Board Meeting, but he was completely up to speed on the Board's needs.

Mr. Emborsky briefly discussed with the Board a first draft he prepared and emailed over today, regarding a proposed moratorium on and prohibition of gas and petroleum exploration and extraction activities. Supervisor Deming stated the Board did not have an opportunity to review the information as of yet, and asked if we could get together before the scheduled June 14th meeting to go over the proposed moratorium, which would allow the Board a chance to fully read and make comment on what has been prepared. Mr. Emborsky agreed it would be beneficial to review before the next Town Board Meeting. Mr. Emborsky addressed with the Board the required format pertaining to Local Laws, and wanted them to be aware that this proposed law should be in their hands for 10 days prior to the Board taking any action, including a Public Hearing. Once a draft has been prepared we would then submit it to the Livingston County Planning Board for review and approval. Mr. Emborsky suggested the Board consider scheduling a Public Hearing at their June 14th meeting, in order to hold the actual Hearing at the June 28th meeting. Councilman Deuel commented the Board discussed previously with Mr. Campbell the possibility of preparing a survey asking the residents their thoughts on the matter, and wondered where we stood with it. Mr. Emborsky stated through a Public Hearing the Board would obtain the information they need and the community would be able to address the Board directly with their questions or concerns.

Mr. Deuel asked once the state authorizes the permitting process, if our moratorium is not in place, where does that leave the Town of York. Mr. Emborsky stated until an application has been submitted to the Town we still have the opportunity to implement a local law. After an application has been applied for, you then lose the ability to enact a moratorium. Councilman Deuel inquired as to the reason of a 12 month time frame for the moratorium. Mr. Emborsky replied twelve months (1 year) is a normal period of time for such local law, anything longer may be perceived as deliberately trying to stop further action. Supervisor Deming stated our upcoming regular Town Board Meeting for June will be the 14th and 28th, so if the Board is able, we should try to schedule a work session prior to the 14th in order to begin possible moratorium discussion.

The Board agreed to schedule a work session for Monday, June 4th, at 7:00 p.m. including Mr. Campbell or Mr. Emborsky.

2) Gas well letter:

Mr. Emborsky informed the Board that he received the draft letter prepared by Councilman Deuel, pertaining to the upcoming meeting. Mr. Deuel stated the purpose of the meeting on June 12th is not to discuss fracking issues, the focus is solely on educating current landowners of their rights pertaining to their existing gas leases. Mr. Emborsky agreed the seminar's intent is to facilitate information to those landowners.

Supervisor Deming questioned what benefit the Town of York would have with such meeting that specifically deals with select gas well landowners. Councilman Deuel stated the presenter, David Colligan Esq. informed him this seminar will be a generic presentation of landowner's rights for gas well leases, roughly 30 minutes of actual presentation and the remaining time outlined for questions and comments. Mr. Deming expressed if the Town is co-sponsoring and assisting in payment for this presentation the community as a whole needs to benefit in some format. After some discussion, the Board agreed once Mr. Emborsky prepares additional wording to the draft version, the Town is comfortable with the letter.

3) BAN documents:

Mr. Emborsky stated the BAN documentation is coming along well, as per conversation with Mr. Campbell. Clerk Harris submitted necessary certifications earlier this week, so all paperwork has now been sent off to Harris Beach to be finalized.

WATER/SEWER

1) Route 63 Water main replacement:

Water operator, Mr. McCracken reported the installation process of the Route 63 water main replacement project has been finally completed. The department pressure tested and flushed the line, but still need to chlorinate and sample before approval is given.

2) Tank status:

Mr. McCracken asked the Board for assistance with the water tank matter. Currently we have not had enough voltage entering the tank and without sufficient power we will be required to continue with our generator, which is not a long term solution. Mr. McCracken and Mr. Worden discussed the need to have the Board prepare a letter to National Grid outlining our issue and requesting sufficient feed to the tank.

Mr. McCracken also informed the Board that Solar Bee has not yet arrived.

OLD BUSINESS

1) Landowner letter:

Councilman Deuel briefly continued the discussion with the Board on the letter prepared for current leased gas well landowners. Mr. Deuel commented he has spent a great deal of time speaking with people on this subject, receiving very positive feedback on the aspect of the upcoming meeting, June 12th. Anyone attending this seminar will benefit from the information, residents who currently have a gas well on their property as well as residents who do not. The Town of York, along with Cornell Cooperative Extension and Livingston County Farm Bureau will be sharing in the expense of this seminar, which will cost \$350.00.

The Board stated once again as long as the entire community benefits from this presentation, they fully support it.

NEW BUSINESS

1) NYSDEC:

a - Reminder:

Clerk Harris reminded the Board of the letter we received in June of last year from New York State DEC allowing municipalities with a total population of less than 20,000 to burn downed limbs and branches until June 30th, 2012. The Board discussed waiting to burn the pile at the recycling center until after our curbside brush pick up, which took place on May 14th.

Supervisor Deming stated he will follow through with Mr. Worden next week.

b – SPDES permit:

Clerk Harris stated the required notice for New York State DEC pertaining to the SPDES permit was in this week's edition of the Livingston County News. Mr. McCracken commented with the new limits, we will be required to test twice per month. Previously we were only required to test once per month.

BILLS

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to approve all claims brought before the Board. Voted on and approved, Yes-5, No-0.

- General Fund Claim #144-152 \$ 9,981.25
- Joint Water & Sewer #131-140 \$62,456.99
- Highway Fund Claim #102-107 \$44,840.49
- Youth Fund Claim #9 \$ 80.00

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Gates to adjourn the Town Board Meeting until June 14th. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:27 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk