

Town of Newfield Regular Board Meeting Minutes
July 12, 2012

The Regular Board Meeting of the Newfield Town Board was called to order at 9:23 PM by Supervisor Driscoll. Present were, Council Person James, Council Person Trask, Council Person Laughlin, Council Person Powers, and Supervisor Driscoll. Also present were Town Atty. Edward Hooks Code Enforcement Officer Harry Wright. Supervisor Driscoll then turned the meeting over to Deputy Town Supervisor James.

The meeting was opened with the Pledge of Allegiance led by Deputy Supervisor James.

Opening Privilege of the Floor: Deputy Supervisor James limited opening privilege of the floor to 10 minutes.

Jeff Golden , Douglas Road: wanted to bring attention to the Town Board the needs to consider a moratorium against transfer stations in the Town of Newfield.

Anthony Russo, VanKirk Road: wanted to address the public hearing that much of the information heard was emotional and anecdotal. He did not hear any facts listed.

Agenda Changes: None

Motion was made by Council Person Trask to approve the June 14, 2012 Regular Board Meeting Minutes. Motion was seconded by Council Person Laughlin. All approved.

Correspondence:

Council Person Trask read portions of letters he has received concerning the proposed transfer station and a letter supporting the Moratorium on Gas Drilling.

New Business:

Resolution 31-2012 was presented and read by Deputy Supervisor James as:

RESOLUTION 31-2012

WHEREAS numerous Newfield Town Residents have addressed the Town Board since October of 2011 requesting that the Board consider the adoption of a Moratorium on Gas Drilling in the Town, and

WHEREAS the Town Board agreed in February of 2012 to undertake a review of the issue, and

WHEREAS the Town Board engaged in discussion and debate in the intervening months about a Moratorium Law on Gas Drilling, and

WHEREAS the Town Board reviewed specimen moratorium laws on gas drilling from neighboring Towns, and

WHEREAS the Town Board has completed its review and research and presented its draft Law when it passed a Resolution on June 14, 2012 to convene a Public Hearing, and

WHEREAS THE Town Board held a Public Hearing on the adoption of such a Law on July 12, 2012 at 7:00 p.m. at the Newfield Fire Hall,

NOW THEREFORE be it resolved that the Newfield Town Board hereby adopts Local Law No. 1 of the year 2012, a local law to affect a Moratorium and Prohibition within the Town of Natural Gas And Petroleum Exploration And Extraction Activities, Underground Storage of Natural Gas, And Disposal of Natural Gas or Petroleum Extraction, Exploration, And Production Wastes.

A motion of approve Resolution 31-2012 was offered by Council Person Powers and seconded by Supervisor Driscoll.

Council Person Laughlin asked to make a motion to table it, after everything that was said by the residents, she feels she needs to think about it more. Council Person Trask seconded Council Person Laughlin's motion to table.

Vote to table to motion: Council Person Trask: AYE, Council Person Laughlin: AYE, Council Person Powers: NAYE, Deputy Supervisor James: NAYE, Supervisor Driscoll: NAYE. Motion Failed.

Statements from Board Members:

Council Person Powers read a statement she prepared: Newfield residents place great value in the quality of their environment and natural beauty of the Newfield landscape. Over the past six months Newfield residents have come to the Newfield Town Board and voiced their concern of the many impacts that Natural Gas Drilling will have on their community. She remarked how residents have spoken with passion of moving to Newfield because it offered them moral character that they sought for themselves and their families. Many had spoken about their leaving more urban and industrial areas to move to a place that is more environmentally friendly. Others who have spoken have lived in Newfield for a long time. Many of these residents have chosen to stay in Newfield because they love the small town atmosphere. They stay because they know their neighbors, and they feel part of a community. Others who have spoken feel that gas extraction would be a good thing for Newfield. They feel gas drilling would bring needed economic benefits to the Town. Many of these residents are large land owners who are struggling to keep afloat. They feel that gas extraction would give them the added income they need to continue to be able to farm their land, and the life they cherish. The life they have sacrificed for and worked long and hours for to maintain. As seen at the Public Hearing, high volume horizontal hydrofracking is a highly contentious issue. There is no right or wrong to this issue. Each opinion voiced at this meeting and previous meetings have its merit. Each statement is right for the person passionate enough to speak on the subject. She has attended many informational presentations concerning this issue. She feels like she has spent the past year doing nothing but researching the dangers and benefits of hydrofracking. She has come away from the presentations with good information both for and against drilling. The most important thing she has learned this past year is that the Towns must prepare themselves for both the positive and the negative impacts. If high volume hydrofracking is coming to Newfield, we need to be sure our town is prepared. This preparation will take time and knowledge, it is the responsibility of the Town Board and the residents of this community to do everything in its power ensure the safety and wellbeing of our neighbors. We must be sure the qualities of life of the residents of our town remain as it is at present. We must be sure we protect our water and air quality, we must be sure that our roads and bridges remain in good repair. We need to identify our critical environmental areas, make sure our town is prepared for increased population. We must make sure our emergency personnel are prepared for the possibility of increased numbers of emergencies. If this moratorium were to become law, the Town will have one year to get it right. We have a choice, we can pit neighbor against neighbor and complain about this or that, or we can understand that we have all been friends and neighbors. We can understand that our differences of opinions about this moratorium have not changed who we are; we are still the neighbors were a year ago.

Council Person Trask spoke next: He commented that there were a lot of faces in the audience that he has never met before. He has lived in Newfield his entire life; he has a lot invested in Newfield, he works in the City of Ithaca as firemen, and is a farmer as well. He knows the ins and outs of gas drilling. He has been involved in it for several years, going to Pennsylvania, and he understands the hazardous materials aspect of it. But that does not make him an authority on gas drilling. But he feels he knows more about it than some and not as much as others. He ran on a platform as a pro gas person, and he would like to see gas develop in the town of Newfield. He would like to see it done responsibly, that has not changed. He knows he is not going to make some friends by saying that, but he feels he needs to stand up for what he believes in. And he does believe if done correctly gas could make some money for this town. It is not about making the money or himself personally saving his farm. He believes in good stewardship of the ground. He believes in everyone concerns, and he agrees with a lot of them. He also agrees with the pro gas residents. He is not a big proponent of the moratorium, as he believes it is a one sided view in his opinion. It was developed by an attorney who is anti-gas, and then brought forth by another attorney who was supposedly neutral, but he feels he was not. He feels the Town Board as a whole did its home work, he does not feel the Board represented community fairly. He believes the Town Board should have offered another opportunity for pro gas people and the Town Board to listen. He feels the

Town should have done more, and reflected that at work sessions. He hopes the residents respect him for his opinion and moratorium vote. But that does not mean the Town Board will not be responsible and do the things that need to be done, that if and when gas drilling comes to Newfield, that is done responsibly, and the town is prepared for it. The Board will still go ahead and work on road and water preservation, noise ordinances, and all the other things that gas drilling brings to a town.

Council Person Laughlin added: She told that she works at the School district, she has lived in Newfield her whole life, grew up on a dairy farm. She stated she is pro gas, and would like to see it come. Like Council Person Trask she cares about the land and she cares about Newfield. She also wants to see it done responsibly. She has been going to Pennsylvania and checking things out and talking to people concerning gas drilling. After listening to the speakers, she understands the emotions, and that is why she does not want to vote on the issue this evening. She is concerned about the roads, and that they are taken care of. She referred to the roads in Pennsylvania that have been taken care of after the industry has been there, and the pipelines put in, she said it looked like NYSEG going over the hill. She did not think it was that bad.

Supervisor Driscoll: He mentioned that the context of the moratorium that the Town Board adopted with regard to windmills. He views a moratorium to be a tool and a mechanism and not a judgment. It is a method and an opportunity for the Town Board to use the time to do work that they would not otherwise successfully. The reason for the moratorium with respect to gas drilling is that if there are permits that are let before the Town adopts its own ordinances, the Town could be challenged on the ordinances that are adopted. A moratorium allows the Town to work within the safety of the adopted laws. The Board has specific things they need to accomplish, the adoption of a Comprehensive Plan, Industrial Noise Ordinance, Aquifer Protection and Road Preservation in Critical Environmental areas. The Moratorium is a very specific tool with very specific homework. He feels the Moratorium is a good idea.

Council Person James: Appreciates the heartfelt comments that were made, and feels that a highly charged, not only for herself, but for everyone else that is here. Not only will hydrofracking have an economic impact on Newfield, possibly good, possibly bad. But it will also affect the quality of life our community. As an elected official she feels it is her job to represent everyone in the community. She believes it is important to protect the safety and welfare of all to the best she can. She believes that some measure of planning is required to achieve these goals. With hydrofracking stakes so high, it is important to take time to plan. To put in place measures that will protect the town's assets and the quality of life. Perhaps the town is looking at financial gain, but we are also looking at potential chemical exposure, water pollution and loss of property value. She feels it is critical put in place regulations to minimize these hardships. She believes the Town needs to look at road use restoration, excessive noise, protection of our watersheds. She believes that as an elected Town Officials to give them time to put in place sound regulations concerning these matters.

She then asked for a vote all those in favor of a Moratorium to Prohibit Exploration of Natural Gas and Petroleum Exploration as stated in the resolution for a period of one year and then for those opposed.

Vote: Council Person James, AYE, Council Person Powers, AYE, Person, and Supervisor Driscoll: AYE.

Council Person Trask: NAYE, Council Person Laughlin: NAYE

Resolution passed.

Supervisor Driscoll then read Resolution 32-2012:

Resolution 32-2012

WHEREAS Highway Superintendent Berggren wishes to purchase of a replacement Wood Chipper, and

WHEREAS the existing Wood Chipper is 25 years old and in a state of serious disrepair, and

WHEREAS the Town of Ithaca has for sale a used Wood Chipper in the amount of \$12,000, and

WHEREAS the existing equipment line is undercapitalized, and

WHEREAS Superintendent Berggren has identified two lines within the Highway Budget from which funds may be transferred to cover the cost of the Wood Chipper,

NOW THEREFORE be it resolved that \$6,000 shall be moved from DA 5130.462 to DA 5130.2 and \$6,000 shall be moved from DA 5130.463 to DA 5130.2

Motion was made by Council Person Trask to a adopt Resolution 32-2012, and seconded by Council Person Laughlin.

Vote: Council Person Trask: AYE, Council Person James: AYE, Council Person Powers: AYE, Council Person Laughlin: AYE and Supervisor Driscoll: AYE.

Motion passed.

Reports:

Code Enforcement: Code Enforcement Officer Wright stated that there had been an increase of permits issued for roof repairs because of the recent storms. Taking that in to consideration, the numbers are similar to last year at this time. The Board Members were presented with a report of the year to date review.

Recreation: Council Person Laughlin reported for Recreation Director James, that there were 68 kids in camp now. They will be going on their first field trip the next day to the movies in Watkins Glen. He wanted everyone to know that on Saturday August 25th there will be a free outdoor Community movie will be shown at the Fire Hall. The Lorax will be shown.

A motion to accept the May 2012 expenses for payment was made by Council Person Laughlin, and seconded by Council Person Powers.

Council Person Trask asked if it was the intention of the Board to pay the outstanding PERMA bill with the rebate from NYS Insurance Fund. Supervisor Driscoll stated that yes that was the intention. It was asked why it had not been yet, and Supervisor Driscoll stated he had not had the conversation with PERMA yet. Council Person Trask asked what budget line the funds were being held in, Supervisor Driscoll said they were being held in the General fund- workers compensation line. Council Person Trask asked if there was an anticipated date the bill would be paid, and it was replied that the Board would see a check and voucher in August.

Vote: Council Person Trask: AYE, Council Person James: AYE, Council Person Powers: AYE, Council Person Laughlin: AYE, and Supervisor Driscoll: AYE.

Motion Passed.

Closing Privilege of the Floor

John Fry: Thanked the Board for passing the Moratorium.

Tom Reynolds: Thought the Towns attorney should check on and explain to the Board about law suits involving Home Rule.

Christa Bowen: commented that she felt the land owners had just been raped of their mineral rights.

Another Resident thanked the Board for their patience this evening and doing a good job.

The next Work Session will be July 26th at 7:00.

Motion was made by Council Person Trask to adjourn the meeting, and seconded by Council Person Laughlin. The meeting was adjourned at 10:01 P.M.

Respectfully Submitted,

Karen Miller Kenerson
Town Clerk

July 25, 2012