

MINUTES OF THE SMITHVILLE TOWN BOARD

December 21, 2009

The regular meeting of the Smithville Town Board was called to order at 6:01pm by Supervisor Allan Johnson. Present were the following:

Supervisor Allan Johnson	Highway Sup't Bruce Kinney
Board members:	Town Clerk Alison Owens
Holly Mohr	Liz Vanderweyde
Kay Borne	Chuck Schultes
Dianne Graves	Genegantslet Fire Chief Bob Whitmore
Roger Connelly	

ADDITIONS/DELETIONS

There were no additions/deletions noted for the agenda.

PUBLIC HEARING FOR THE SMITHVILLE CENTER FIRE DISTRICT

Supervisor Johnson asked for the notice of Public Hearing to be read by Town Clerk Owens, and the Public Hearing was declared OPEN by Supervisor Johnson at 6:03pm. There were no comments. Supervisor Johnson declared the Public Hearing closed at 6:04pm.

RESOLUTION # 55^A (2009): CONTRACT W/VILLAGE OF GREENE FOR SMITHVILLE CENTER FIRE PROTECT'

On a motion by Councilwoman Graves, 2nd by Councilwoman Mohr, the following Resolution was

ADOPTED AYES: Mohr, Borne, Graves, Connelly, Johnson
NAYES: 0

RESOLVED to contract with the Village of Greene for Fire Protection within the Smithville Center Fire District for the period Jan. 1, 2010 to Dec. 31, 2010. The amount to be paid will be \$10,000.

EXCESS EQUIPMENT BIDS

Five bids for Excess Equipment were received. Supervisor Johnson opened the bids. They were tabulated as follows:

- 1.) FIRE TRUCK (min. bid \$300): \$301. Bid from Philip Myers
- 2.) FORD RANGER (min. bid \$200.): \$200. bid from Philip Myers
\$435. bid from William R. Boyce
\$352.50 bid from Paul Benedict
- 3.) FORD F350 1 TON (min. bid \$1800.): \$885. Bid from Michael Cerwinski

ACTION: The Board awarded winning bids to the following individuals:

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RESOLUTION # 56 (2009): AWARD BID OF 1967 FIRE TRUCK TO PHILIP MYERS

On a motion by Councilwoman Borne, 2nd by Councilwoman Graves, the following Resolution was

ADOPTED AYES: Mohr, Borne, Graves, Connelly, Johnson
 NAYES: 0

RESOLVED to accept the bid from Philip Myers of \$301.00 for the 1967 Ford Fire truck.

RESOLUTION # 57 (2009): AWARD BID OF 1989 FORD RANGER TO WILLIAM BOYCE

On a motion by Councilwoman Graves, 2nd by Councilwoman Borne, the following Resolution was

ADOPTED AYES: Mohr, Borne, Graves, Connelly, Johnson
 NAYES: 0

RESOLVED to award the bid for the 1989 FORD RANGER to William R. Boyce, highest bidder at \$435.00.

RESOLUTION # 58 (2009): REJECT BID FROM MICHAEL CERWINSKI FOR FORD F350

On a motion by Councilman Connelly, 2nd by Councilwoman Mohr, the following Resolution was

ADOPTED AYES: Mohr, Borne, Graves, Connelly, Johnson
 NAYES: 0

RESOLVED to REJECT the \$885.00 bid from Michael Cerwinski for the 1996 FORD as it was not a minimum bid.

After some discussion, Highway Sup't Kinney was directed to contact Mr. Cerwinski to see if he would accept a counter offer of \$1500.00 for the 1996 FORD F-350, and if not, to put the vehicle by the road with a FOR SALE sign of \$1500.

CORRESPONDENCE

The following items of correspondence were received:

- C1: NYSEG Solutions: rates for 2010
- C2: USDA/NCRS: Annual Watershed inspection report
- C3: LUCA update (Census)
- C4: NYS: Deficit Reduction & Pension Reform
- C5: NYS Local Gov't Efficiency Grant announcement

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C6: CHIPS payment

NEW BUSINESS

NB1: Possible Resolution requesting Governor Paterson to withdraw the daft Supplemental Environmental Impact Statement for Marcellus Shale Horizontal Drilling and Hydrofracking. Board members discussed the idea of a Resolution based on the Town of Ithaca's 2 ½ page Resolution of December 7, 2009 to Governor Paterson. The end of the comment period for drilling within the Marcellus Shale Horizontal Drilling and Hydrofracking is December 31, 2009. Board members decided on a Resolution based on the Town of Ithaca's, but re-writing it to fit the Town of Smithville's requirements. Time was taken to decide which elements of the Resolution would remain. Town Clerk Owens will oversee the writing of the document.

RESOLUTION # 59 (2009): RESOLUTION TO GOVERNOR PATERSON RE: dSGEIS

On a motion by Councilman Connelly, 2nd by Councilwoman Mohr, the following Resolution was

ADOPTED AYES: Mohr, Borne, Graves, Connelly, Johnson
 NAYES: 0

RESOLVED to draft a RESOLUTION to Governor Paterson to withdraw dSGEIS for Marcellus Shale Horizontal Drilling and Hydrofracking. Resolution will appear in its entirety in the December 21st minutes and will be submitted to Governor Paterson before the Dec. 31, 2009 deadline, and to members of NYS Legislature for our area.

NB2: REQUEST FOR BSA GEO-CACHING OF EAGLE PROJECTS

Jacob Owens was recognized and spoke of a request by the Boy Scouts of America, Baden Powell Council to set up a geo-caching course within the Baden-Powell Council district which would include Eagle projects done within its boundaries. GPS co-ordinates are given out for each Eagle project and the GPS is used to track where the projects are located. A small capsule is generally hidden near the Eagle project which is used to give further information or the co-ordinates for another Eagle project. Board members asked about all Eagle projects on Town property. Jacob replied it was possible those could be included. The following Resolution was brought forth.

RESOLUTION # 60 (2009): ALLOW EAGLE PROJECTS TO BE USED FOR BSA GEO-CACHING COURSE

On a motion by Councilwoman Mohr, 2nd by Councilwoman Borne, the following Resolution was

ADOPTED AYES: Mohr, Borne, Graves, Connelly, Johnson
 NAYES: 0

RESOLVED to allow Eagle projects on Town of Smithville property to be used for a Geo-Caching course set up by the Baden Powell Council, Boy Scouts of America.

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NB3: Roger Cecce, Consultant to Amber Emerson Testing

Information has been received from Roger Cecce that his drug testing business has been transitioned to his daughter Amber Emerson. The name of the business will now be known as **Amber Emerson Testing**. A contract for drug testing services for 2010 was included with the updated information. Supervisor Johnson asked if Board members wanted to sign the contract for 2010. Board members were in agreement if the Town's Att'y, Roger Monaco approved the contract. The following Resolution was brought forth:

RESOLUTION # 61 (2009): CONTRACT WITH AMBER EMERSON TESTING FOR 2010

On a motion by Councilwoman Mohr, 2nd by Councilwoman Borne, the following Resolution was

ADOPTED AYES: Mohr, Borne, Graves, Connelly, Johnson
 NAYES: 0

RESOLVED to authorize Supervisor Johnson to sign a 2010 contract with Amber Emerson Testing for drug testing upon approval by Town Att'y Roger Monaco.

NB4: Shared Services Agreement for 2010

The 2010 Shared Services Agreement for Highway Equipment use from Chenango County was reviewed. The cost for the 1 yr. contract is \$275. There were no changes. The equipment sharing has been utilized by the Town Highway Dept. Board members authorized signing in the following Resolution:

RESOLUTION # 62 (2009): CONTRACT WITH CHENANGO COUNTY FOR 2010 SHARED SERVICES

On a motion by Councilwoman Mohr, 2nd by Councilman Connelly, the following Resolution was

ADOPTED AYES: Mohr, Borne, Graves, Connelly, Johnson
 NAYES: 0

RESOLVED to authorize Supervisor Johnson to sign a 2010 contract with Chenango County for the Shared Services Agreement for Highway Equipment, the cost of which will be \$275.00.

OLD BUSINESS

OB1: BONDING ACTION

The bonding action for the Town of Smithville Highway Equipment purchase was not posted properly and will be re-posted for the January 4th Organizational meeting.

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RESOLUTION # 63 (2009): RE-ADVERTISE BONDING NOTICE FOR JAN. 4TH

On a motion by Councilman Connelly, 2nd by Councilwoman Graves, the following Resolution was

ADOPTED AYES: Mohr, Borne, Graves, Connelly, Johnson
 NAYES: 0

RESOLVED to advertise the January 4th Organizational meeting and the bonding issue notice in the Chenango American for one week. Such notice will also be posted on the Town Bulletin Board.

MINUTES

The minutes of the November 16, 2009 meeting were reviewed. A motion to accept the minutes was made by Councilman Connelly, 2nd by Councilwoman Mohr. All five Board members: Borne, Mohr, Graves, Connelly and Johnson were in favor, motion carried.

REPORTS:

R1: Planning Board: The Noise Local Law has been finished. The Town Board will review and discuss next month.

R2: Assessor: no report

R3: Enforcement Officer: reports turned in from both the Town and the County

R4: Justice: Both Justices are online now; the new Justice for 2010 is attended Justice School training and is getting set up and ready

R5: DCO: The dog enumeration is finished. The DCO will be vouchering for payment.

R6: Att'y: report submitted

R7: No Mitigation report

R8: Community Center: heater in Kitchen is still out. Mirabito Fuel has ordered the part (gas valve) and will be contacting the TC when it is in.

R9: Playground: the request to pay for the lock and key on storage building from Bottle fund has been approved by the Bottle Fund/Playground Committee

R10: Town Clerk report: submitted

R11: CHIPS check has been received; Paperwork to FEMA for between 60-70K has been submitted; There is an estimated 30K for mitigation on Windham Rd culvert replacement; 5b-- window broken in Loader—claimed on insurance. A full copy of the Highway report is included in the archival copy of the minutes.

R12: Supervisor's report: The Supervisor's report was accepted in a motion by Councilwoman Mohr, 2nd by Councilwoman Graves. All five Board members: Borne, Mohr, Graves, Connelly and Johnson were in favor, motion carried.

GENERAL WARRANT

General Warrant #12, Claims # 187-206, in the amount of \$3445.95 was presented for payment. A motion to pay the General claims was made by Councilman Connelly, 2nd by Councilwoman Graves. All five Board members: Borne, Mohr, Graves, Connelly and Johnson were in favor, motion carried.

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HIGHWAY WARRANT

Highway Warrant #12, Claims #169-189, in the amount of \$28,611.63 was presented for payment. A motion to pay the Highway claims was made by Councilman Connelly, 2nd by Councilwoman Graves. All 5 Board members: Borne, Mohr, Graves, Connelly and Johnson were in favor, motion carried.

JRC WARRANT:

One JRC claim to Al & Sherry's Sport Shop for \$1,012.00 for soccer equipment was reviewed. A motion to pay the JRC claim was made by Councilwoman Mohr, 2nd by Councilwoman Borne. All 5 Board members: Borne, Mohr, Graves, Connelly and Johnson were in favor, motion carried.

RESOLUTION # 64 (2009): AUTHORIZE SUPERVISOR JOHNSON TO PAY YEAR END BILLS

On a motion by Councilwoman Mohr, 2nd by Councilwoman Borne, the following Resolution was

ADOPTED AYES: Mohr, Borne, Graves, Connelly, Johnson
 NAYES: 0

RESOLVED to authorize Supervisor Johnson to pay the year end bills.

To be noted in the minutes: Councilman Connelly is giving his salary in split donations to the Smithville Historical Society, Genegantslet Fire Dept., Smithville Day Committee and the Ruth and Henry Bottle Playground Fund.

There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 7:35pm. The next meeting will be January 4, 2010 at 6pm.

Alison B. Owens

Smithville Town Clerk

**REGULAR MEETING OF THE SMITHVILLE TOWN BOARD
MONDAY DECEMBER 21, 2009**

RESOLUTION NO # 59 (2009)

REQUEST TO GOVERNOR DAVID A. PATERSON to withdraw the draft Supplemental Generic Environmental Impact statement Related to Horizontal Drilling and High -Volume Hydraulic Fracturing to Develop Marcellus Shale and Other Low – Permeability Gas Reservoirs.

WHEREAS, recent technological developments including horizontal drilling and high-volume hydraulic fracturing have enabled energy exploration companies to potentially exploit this resource in New York State, including the Town of Smithville; and

WHEREAS, the Town of Smithville recognizes the need for interim energy sources as our state and county transition to widespread economical renewable energy use; and

WHEREAS, the Town of Smithville, recognizes that, if properly regulated, the development of natural gas resources in New York State could present some communities and residents with financial benefit; and

WHEREAS, the Town of Smithville also realizes that the aforementioned potential financial benefits could easily be offset by unforeseen and preventable damage to the Upstate economy, including the tourism, wine, agriculture and education industries, should development of natural gas resources be allowed to continue in a largely unregulated manner; and

WHEREAS, it is generally recognized that NYSDEC has assumed de facto siting and permitting of authority related to the exploration and extraction of natural gas; and

WHEREAS, the process of hydraulic fracturing involves the use, retention and disposal of millions of gallons of fracturing fluid and wastewater that is high in dissolved solids and contains toxic and radioactive materials, some of which are not subject to public disclosure requirements; and

WHEREAS, there are no requirements for closed, above-ground storage facilities, nor pre-treatment requirements, for the fracturing fluid and wastewater generated during the fracturing process; and

WHEREAS, the United States Environmental Protection Agency may be preparing to undertake an investigation of the impacts of hydraulic fracturing on the environment; and

WHEREAS, there have been hundreds of reported spills, fires and contaminated water supplies related to conventional vertical well drilling in New York State, and surface contamination related to the retention and disposal of fracturing fluid and wastewater from natural gas operations; and

WHEREAS, staff resources of the NYSDEC Division of Mineral Resources, Bureau of Oil and Gas Regulation are dangerously inadequate to manage current drilling activities in New York State and so, are not sufficient to handle the widespread proliferation of deep well horizontal drilling and hydraulic fracturing; and

WHEREAS, the proposed fee structure related to permitting new wells would not provide finances adequate to staff NYSDEC to the degree necessary to process and manage an onslaught of new and more complicated drilling operations, thereby potentially creating a taxpayer subsidy for the oil and gas industry; and

WHEREAS, there is no strict liability requirement for natural gas drilling waste releases by energy companies, potentially shifting the financial burden of remediating contamination related to drilling and extraction to taxpayers; and

WHEREAS, New York State's Spill Remediation Fund may only be available for emergency response related to oil spills, excluding emergencies related to natural gas; and

WHEREAS, reporting requirements for uncontrolled oil and gas releases are currently insufficient and could be made similar to those for leaking underground storage tanks; and

WHEREAS, the widespread development of natural gas resources in New York State would involve the regular transport of heavy equipment and routine hauling of large volumes of hydraulic fluid and hydraulic fracturing wastewater over state, county and municipal roads and bridges, creating potentially dangerous conditions and a financial burden for taxpayers; and

WHEREAS, foreknowledge of the siting of industrial facilities related to natural gas development is critical to acquiring an understanding of future road usage for bonding and planning purposes, and no such advance notification requirement exists; and

WHEREAS, a comprehensive analysis of the statewide impact of natural gas development utilizing a "full build-out" scenario has not been done; and

WHEREAS, the Town of Smithville has a responsibility to preserve and protect its natural resources, water resources, infrastructure, and residents' quality of life.

NOW, THEREFORE BE IT

RESOLVED, that the Town of Smithville Board hereby requests that the Honorable David A. Paterson, Governor, withdraw from SEQRA review the Draft Supplemental Generic Environmental Impact Statement On The Oil, Gas and Solution Mining Regulatory Program – well Permit issuance for Horizontal Drilling And high Volume Hydraulic Fracturing to Develop the Marcellus Shale and other Low-permeability gas Reservoirs, as the aggregate protection provided therein is inadequate to safeguard the public health, environment and economy of New York Sate.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Smithville requests that no new permits be issued for horizontal drilling and deep well hydraulic fracturing until the aforementioned regulatory issues are addressed.

BE IT FUTHER RESOLVED that a copy of this resolution shall be sent to Governor Paterson, NYSDEC Commissioner Grannis, State Senators Libous, Seward, State Assembly Crouch, Finch, Lopez, US Senator Gillibrand, and Schumer.

MOVED: Motion by Councilman Connelly,

SECOND; by Councilwoman Mohr

Ayes: Mohr, Borne, Graves, Connelly, and Johnson

Nayes: 0