

TOWN OF GROTON – MINUTES OF TOWN BOARD MEETING

TUESDAY, MAY 14, 2013 AT 7:30 PM

THE TOWN HALL, 101 CONGER BOULEVARD

Those present: Glenn E. Morey, Supervisor
Donald F. Scheffler, Councilman
Richard B. Gamel, Councilman
Sheldon C. Clark, Councilman
Fran Casullo, Attorney for the Town

Absent: Ellard L. Sovocool, Councilman

Also present: Linda Mizer, Greg Weiland, Dan Mizer, Betty Yaichuk, Lynn Musgrove, Renee King, David Kalb, Galene McKenzie, Dick Neal, Dyan Lombardi, Kelly Tracy, Kelly Smith, Dorothy Pomponio, Elizabeth Snyder, Rena Caldwell, Mike Goldstein, Jen Schwade, Stefanie Jacobs, Faith Tyler, Richard C. Case, Jr., April Scheffler.

MOVED by Councilman Gamel, seconded by Councilman Scheffler, to approve the minutes of the April 9, 2013 meeting as presented.
Ayes - Scheffler, Gamel, Clark, Morey.

MOVED by Councilman Scheffler, seconded by Councilman Gamel, to approve the minutes of the April 16, 2013 Work Session as presented.
Ayes - Scheffler, Gamel, Clark, Morey

Claim Numbers 122 - 150 of the **General Fund** in the amount of \$21,184.65 were presented for audit.

MOVED by Councilman Clark, seconded by Councilman Scheffler, to approve the General Bills for payment.
Ayes - Scheffler, Gamel, Clark, Morey.

Claim Numbers 66 - 86 of the **Highway Fund** in the amount of \$39,591.46 were presented for audit.

MOVED by Councilman Gamel, seconded by Councilman Scheffler, to approve the Highway Bills for payment.
Ayes - Scheffler, Gamel, Clark, Morey.

Monthly Reports:

Charles Rankin, Bookkeeper - Was not present but had submitted monthly reports for the Board's review and requested a Budget Transfer.

RESOLUTION #13-042 - 2013 BUDGET TRANSFER

MOVED by Supervisor Morey, seconded by Councilman Clark
Ayes - Scheffler, Gamel, Clark, Morey

RESOLVED, that the Town Board hereby approves the following 2013 Budget Transfer:

General Fund - Town Wide:

From: Contingency, A1990.4.....	\$500.00
To: Employee Benefits, Unemployment Insurance.....	500.00

Gary Coats, Code/Fire Enforcement Officer - Was not present but had submitted monthly reports for the Board's review.

Richard C. Case, Jr, Highway Superintendent - We have completed the equipment changeover from winter maintenance to the summer maintenance. Today we started paving Brown Road with cooperation of the Village of Groton, Town of Cortlandville, Town of Locke, Town of Summerhill, Town of Hartford, and Town of Caroline. The project is moving along smoothly and we expect the paving part of this project to be done tomorrow. Last month Chuck presented a transfer for the additional NYS CHIPS funds. I don't know if he gave you any background on that. The Town of Groton received an increase of \$28,194.00. Our total for this year will put us at \$128,391.00 to be used in this year's budget. This is welcome money as the last two or three years we only got \$3.00 and \$6.00 increases. A lot of credit needs to be given to the County Highway Superintendents and the Association of Towns for lobbying for this money. The current agreement for snow and ice maintenance on County roads shows an increase in payment for the 2014 budget of 94%. This year's was \$76,500.00 and with that percent raise it takes us back up into \$148,432.00. So that will be next year.

After some discussion it was decided to have the **Annual Highway Tour** on Thursday, May 30, 2013 at 8:00 am.

April L. Scheffler, Town Clerk/Tax Collector - Submitted monthly reports for the Board's review. A grant of \$750 had been received for the Verne Morton Memorial Photography Show and another grant of \$850 had been received for the Happenin' in the Hamlet. All of our building permit files are currently being scanned to be put into the program that we are doing with the County.

Francis Casullo, Attorney for the Town - Had nothing to report.

No one was present from the Court.

Supervisor Morey wished Judge Norman a speedy recover.

Councilman Donald Scheffler, Representative to Joint Youth Program - Had nothing to report.

Brian Robison, County Legislator - Was not present as he was attending another meeting.

Privilege of the Floor:

Dorothy Pomponio - Gave the Board a copy of a newspaper article telling how difficult it is to get out of gas leases. She spoke to the Village of Groton Clerk and asked if the Village of Groton still has their gas lease and was told that in January 2012, they were given the option to extend the lease, but had not taken any action on the option. She asked if they had received a piece of paper stating that the lease had expired and the Clerk said no, but that their attorney did not think that created any problems. She asked if the Village had an insurance policy that addresses fracking and was told no. She is concerned about the liability to the Town of Groton, should there be a fracking accident on land owned by the Village of Groton and located within the Town of Groton. She would like the Town to pass either a ban or moratorium against fracking.

Supervisor Morey - Said that the Town has not leased any of their land for fracking. The Village is a separate municipality and he doesn't know what they have or have not done. The Board had attempted to pass a moratorium but had been questioned about conflict of interest. Consequently, the Board has been working on an ethics law for 3 or 4 months. It has been decided to write this law to be similar to Tompkins County's ethics law. However, the County's law is being updated and not yet passed, so we are waiting to see what changes they make in their law before proceeding with ours. We have also been monitoring people who have leases in Groton and it appears that the majority of leases have been released. The comment that they are supposed to notify the homeowner, they haven't been doing that. But they have been released in the County Clerks Office. He had a list of 88 people and this is not a complete list.

Mike Goldstein - Said that the fracking bans in Dryden and Middlefield were recently upheld in the State Appellate Court and this legal support for home rule means that local municipalities are on much stronger legal footing to create bans and moratoriums against fracking. He thinks that the State is going to put the local municipalities in the driver's seat. He said that three seats on the Board are up for election this year and their action or inaction is going to be remembered by the electorate. He told the Board how many wells were currently in Pennsylvania, how many accidents there have been and how many wells are ultimately planned, which would result in an 11-fold increase in wells and massive industrialization. This is equal to the industry plans for New York, including Groton, unless there is a ban. He thinks that the ethics law and the creation of an ethics board is taking too long and again admonished the Board by saying that their action or inaction will be remembered in November.

David Kalb - Said that he had heard that Pennsylvania had over 1,300 violations in radiation safety at their landfills. They have counters and as soon as the counters exceed the legal limit for human protection the alarms go off. Over 1,000 of these alarms were from gas well drilling.

Dyan Lombardi - Recently talked to an organic farmer in the area of Pennsylvania that is being fracked and says that meat, dairy products and wines going to New York City restaurants and stores are now being refused.

Stephanie Brooks-Jacobs - Went to a forum in Ithaca and brought information to the Board on the impacts of gas drilling on human and animal health. She related a story about one release of fracking fluid that killed 17 cows in one hour as well as some other incidents.

Greg Weiland - Works with Dr. Oswald and he would be happy to come and tell about their findings on livestock and humans as well as how this stuff gets into the food chain and poisons the food supply. He said if we don't do something, by default, when the gas companies can come, they will come, and there won't be anything we can do. The Board has then passively agreed to allow them to do whatever they want to the Town. He thinks this may be the most important issue to come to Groton and if the Board's conscience is to allow it to happen, we will have to consider a change to the Board in November. He wants the Board to take a stand one way or another.

Kelly Smith - Gave the Board a copy of a new study on health impacts from shale gas development. She said that if allowed, fracking will impact the mental and physical well being of percentage of the Board's constituents and it is their responsibility to prepare the community for these potential impacts. She doesn't feel that our Town is adequately prepared to deal with these consequences and asked the Board to at least pass a moratorium to have more time to see what studies come out of Pennsylvania.

Faith Tyler - Feels strongly about protecting our environment, especially our drinking water. She says that it is already difficult to cross the street and it wouldn't benefit our town to have more traffic. She said that bringing in men from other places would be followed by drinking, gambling and prostitution and urged the Board to think about a ban to protect Groton.

Kelly Tracy - Spoke emotionally about how she had moved here from Towanda, Pennsylvania and did not want to see the same awful changes happen here that happened in her hometown.

Lynn Musgrove - Said that the more she hears, the more terrified she is and supports a ban.

Jen Schwade - Was wondering what progress the Board had made on a road protection law and feels that this is important to people. She wondered if there could be a public meeting on this.

Supervisor Morey - Said that it is being worked on and that a public hearing would be part of the process should they come up with a law. However, he wanted to finish the ethics law first.

Announcements:

- Planning Board, May 16 at 7:30 pm
- Zoning Board of Appeals, May 29 at 7:00 pm
- Groton Community Youth Forum, June 5, 7:00 pm at the Town Hall
- SEQR training, May 23 at 7:00 pm
- Groton Business Association Meeting, May 15 at 6:00 pm at the American Legion, topic will be Groton Olde Home Days
- Next meeting, June 11 at 7:30 pm
- We wish Town Justice, John Norman, a speedy recovery

Francis Casullo, Attorney for the Town - After several months of disagreements and debate over the ethics law, it was decided at the last work session to model a law after Tompkins County's ethics law. Mr. Casullo spoke with the County Attorney, Jonathan Wood, so that he would be aware that this is what we were doing. Mr. Wood said that was fine, but that the County law was not in effect yet as it is still being reviewed by department heads for their comments and revisions. Mr. Casullo had taken the County's law and tailored it to Groton and passed out copies. He would like to have everyone's comments and have it in final form for next month so that a public hearing can be set. Some highlights he touched on were: he felt the definition of "relative" might be a little broad for a small town; he felt that the description of "confidential information" was an important part of the law and asked that it be reviewed closely; he had questions on the section concerning personal property; does the Town want the sections on disclosure; he had questions about the amount of ethics board members needed for a quorum and vote; whether or not we want our ethics board to render opinions to others; whether we are going to require training. Mr. Casullo would like responses from other town officials by May 28th.

There being no further business, Councilman Scheffler moved to adjourn, seconded by Councilman Gamel, at 8:19 pm. Unanimous.

April L. Scheffler, RMC
Town Clerk