

TOWN OF GROTON – MINUTES OF TOWN BOARD MEETING

PUBLIC HEARING ON LOCAL LAW#1 OF 2014 - MORATORIUM ON HYDROFRACKING

TUESDAY, APRIL 8, 2014 AT 7:30 PM

THE TOWN HALL, 101 CONGER BOULEVARD

Those present: Glenn E. Morey, Supervisor
Ellard L. Sovocool, Councilperson
Kelly Smith, Councilperson
Richard B. Gamel, Councilperson
Sheldon C. Clark, Councilperson
Fran Casullo, Attorney for the Town

Also present: Elizabeth Snyder, Linda Mizer, Dan Mizer, Jen Schwade, Mike Goldstein, Joan Packard, Steven Kern, Joann Senecal, Linda Sillis, Gerald Willis, Dianne Harrington, Stephen Snyder, Dan Klimaszewski, Don Scheffler, Mike Morris, John Beck, Julia Ganson, Robin Cargian, Carole Daugherty, Betty Yaichuk, Dorothy Pomponio, Joel Rabinowitz, Lisa Maloney Hahn, Dyan Lombardi, Richard Dale, Lisa Trust, Michael Tracy, Renee King, Greg Weiland, Stefanie Brooks Jacobs, Ruth Williams, Dan Carey, Doug Newman, Rachel Newman, Gailanne Mackenzie, David Neal, Mary McGarry-Newman, Katherine Wolf, Peter Clark, Kathleen Grimes, Robert Grimes, Sara Vaber, (others members of public - name illegible on sign in sheet), Brian Robison, Charles Rankin, Richard C. Case, Jr., April Scheffler.

Supervisor Morey - I'd like to start off with a moment of silence on behalf of Elizabeth Brennan and Teresa Robinson. This past week the Town of Groton lost two very special who were instrumental in the way that Groton is today. There are only a handful of people who come into the world and touch your life in such a dramatic fashion. Some of these people are just flickers of light during a long life, while others are consistent glows for years. I think the later best identifies who Elizabeth Brennan and Teresa Robinson were.

I was notified on Saturday that Liz Brennan passed away on the morning of April 4th. Liz served as the Town of Groton Bookkeeper for twenty years and Clerk/Treasurer of Freeville for over thirty years. She was always an aspiring artist and also enjoyed making her own and her children's clothing. Liz inspired and touched many people and was loved by all who had contact with her. She was always there to listen and always had good advice. Her interest in spirituality was vast and varied and became a Reiki Master, Spirit Artist and offered readings to various friends and clients. I personally worked with Liz for over ten years and found her to be hard working, outspoken in a good way, and very honest. Since I worked with Liz, she fought breast cancer and bone cancer and finally lost the battle on April 4th. Liz will be missed and often thought of.

Teresa Robinson, our former Town Supervisor, passed away April 1st. Teresa had a life-long commitment to Groton and Tompkins County in which she served in numerous organizations and civic duties. Teresa was the first woman in Tompkins County to become a Town Supervisor, a position that she earned, starting as Town assistant clerk, Bookkeeper, and Town Clerk, to eventually hold the Town Supervisor position for 23 years, until her retirement in 2000. She was instrumental in starting the Groton Youth Commission in 1982, which became a model for other towns when they started their youth commissions. She was instrumental in getting grants for Gadabout, which was originated in Groton. She was a member of the Groton Historical Society, Chair of the Groton Democratic Committee, member of Fort Nightly, Friends of the Library, Groton Business Association, Office of the Aging, Human Services Coalition, and the Red Cross Blood Drive, just to name a few of the organizations that she was involved with. In 1998 Teresa gave Don Scheffler some advice: "Just remember, you now work for the people who voted for you, the people who voted against you, and for the people who didn't bother to vote at all. Always look at both sides of the issue and do what you think is best for the entire Town of Groton and you will be doing just fine." Teresa was quick to reach out to others and share her knowledge as well as to lend a helping hand in any capacity, at any time. They say that she loved Groton, but I think she really loved us all. We have lost a great and caring individual and Teresa will be greatly missed.

This was followed by a moment of silence.

MOVED by Councilperson Gamel, seconded by Councilperson Sovocool, to approve the minutes of the March 11, 2014 meeting as presented.

Ayes - Sovocool, Smith, Gamel, Clark, Morey.

MOVED by Councilperson Sovocool, seconded by Councilperson Smith, to approve the minutes of the March 25, 2014 Work Session as presented.

Ayes - Sovocool, Smith, Gamel, Clark, Morey

Vouchers for the **General Fund** in the amount of \$17,245.39 were presented for audit.

MOVED by Councilperson Gamel, seconded by Councilperson Clark, to approve the General Bills for payment.

Ayes - Sovocool, Smith, Gamel, Clark, Morey.

Vouchers for the **Highway Fund** in the amount of \$27,292.94 were presented for audit.

MOVED by Councilperson Clark, seconded by Councilperson Sovocool, to approve the Highway Bills for payment.

Ayes - Sovocool, Smith, Gamel, Clark, Morey.

Monthly Reports:

Charles Rankin, Bookkeeper - I would like to ditto what Glenn said about those two ladies. They touched me at some point in my life. They are hopefully in a better place. Mr. Rankin had submitted monthly reports for the Board's review. The good news we got out of the State budget was that we will be getting more CHIPS funds, but we don't

know how much yet. There are a lot of roads everywhere that need work, and that's why they gave 40-million extra dollars to that program. The Board will need to make a resolution next month concerning union representation on the Municipal Health Consortium.

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 - Said that the additional CHIPS money will put them somewhere around \$130,000. It sounds like a lot of money but it's not when you have to use it to repair roads.

April L. Scheffler, Town Clerk/Tax Collector - Submitted monthly reports for the Board's review and final Tax Collector report. Tax collection is finished. Next Tuesday we are hosting a State Archives seminar. At the end of the month the Clerk and Deputy will attend conference.

Victoria Monty, Attorney for the Town - Had nothing to report.

John Norman & A. D. Dawson, Town Justices - Were not present.

Councilperson Kelly Smith, Representative to Joint Youth Program - Youth track is coming together and will train two days a week and have one Saturday event this year. Youth baseball is full. The summer concert series is going to be moved to the Legion this year at the pavilion. They are going to try to get food permits so they can sell food. They are only going to have two movie nights this year, July 26th and August 23rd. Applications for the lifeguard positions are running low. They have only had three applicants this year and they need about sixteen.

Brian Robison, County Legislator - In the last two days, I have received a letter from both Senator Seward and Senator Nozzolio regarding a Senate bill that's been passed again regarding Home Rule, which is rather apropos for tonight, for the setting of speed limits on town roads. I've never gotten one of these before. Apparently it's gotten passed many times by the Senate and not by the Assembly, so that tells me that maybe it's getting a little bit of traction. I would think that it would be a good idea to have that sort of control locally and not in the hands of the Department of Transportation, which takes months and months to make a decision and normally they deny it anyway. Not my words, Senator Seward's words. If you see fit, you may want to contact Barbara Lifton if you support this endeavor and let her know. The only other thing I have is last month I was able to go to the Groton City Church for an opening of the temporary bridge. It took longer than expected, but it's in. Don't worry about driving across it as it's designed for tanks, so it's safe. Last month, we at the Legislature passed a resolution authorizing to release money for the design of a permanent bridge. It doesn't mean that we're going to get a permanent bridge, but they are certainly going to design it. Members of the Highway Department believe that by mid to late August they may have that, at which time they will come here and have a public hearing. Then based on a whole bunch of stuff, we'll see if we can get a permanent bridge in there.

Supervisor Morey - Had heard from the people in Groton City that the County crew was excellent, very helpful, informative, and just like family. We thank you.

Councilperson Clark - It was a very nice turn-out of community. It was wide-spread, with people coming from quite a ways away for the get-together. I counted 62.

Privilege of the Floor: No one wished to speak.

RESOLUTION #14-027 - PROCLAMATION OF POPPY TIME IN THE TOWN OF GROTON

MOVED by Supervisor Morey, seconded by Councilperson Smith

WHEREAS, the Carrington-Fuller American Legion Post #800 Auxiliary works unselfishly throughout the Town of Groton, and

WHEREAS, the American Legion Auxiliary annually sponsors the traditional offering of the "POPPIES" to the Groton area, and

WHEREAS, by offering these "POPPIES" the Auxiliary helps to benefit the needs of the disabled American Veterans by providing workshops and therapy for them through the Veteran's Hospitals,

NOW THEREFORE, I, Glenn E. Morey, Supervisor of the Town of Groton, **DO HEREBY PROCLAIM**, the month of May 2014 to be "POPPY TIME" in the Town of Groton and respectfully encourage all members of the Groton Community to generously support the Legion Auxiliary during "POPPY TIME".

Ayes - Sovocool, Smith, Gamel, Clark, Morey

Nays -

Resolution Passed Unanimously

**RESOLUTION #14-028 - REVIEW MASS GATHERING PERMIT FOR
MCLEAN FIRE DEPARTMENT 2014 HAPPENIN' IN THE HAMLET**

MOVED by Supervisor Morey, seconded by Councilperson Smith

WHEREAS, the Town Board has reviewed the application for a Mass Gathering Permit, submitted by the McLean Fire Department, for the 2014 Happenin' in the Hamlet, and

WHEREAS, the Town Board has determined that no changes to the nature, purpose or details of the event have been made, now therefore, be it

RESOLVED, that the Town Board hereby acknowledges that said Mass Gathering Permit for Happenin' in the Hamlet shall remain in effect until January 2017, with the permit fee being waived, as approved by the Town Board on the 8th of January 2013, Resolution #13-018.

Ayes - Sovocool, Smith, Gamel, Clark, Morey

Nays -

Resolution Passed Unanimously

Road Preservation:

Attorney Monty - Distributed a memo from Attorney Casullo, who, after some research and contacting the Association of Towns, had some suggestions on the proposed road use law. Attorney Monty said that the local law may be ready for introduction in May and then they could have a public hearing in June.

MOVED by, Supervisor Morey seconded by Councilperson Sovocool, to set a **Special Meeting** for a work session on the proposed road preservation law for Tuesday, April 22, 2014 at 6:00 pm.

Ayes - Sovocool, Smith, Gamel, Clark, Morey

Announcements:

- Planning Board Meeting - April 17th at 7:30 pm
- Zoning Board of Appeals Meeting - April 30th at 7:00 pm
- Thank you from the Richard C. Case, Sr. Family
- Thank you from the Alton Alexander Family

PUBLIC HEARING ON PROPOSED LOCAL LAW FOR THE YEAR 2014 - MORATORIUM ON HYDRAULIC FRACTURING IN THE TOWN OF GROTON

Supervisor Morey **MOVED** to open the Public Hearing, seconded by Councilperson Smith, at 8:00 pm.

Ayes - Sovocool, Smith, Gamel, Clark, Morey

Clerk Scheffler read the Public Notice, which was duly published in the Town's legal paper, the Groton Independent, on March 26, 2014 and April 2, 2014.

A letter had been received from **Tompkins County Planning** stating that they had determined that it would have no negative inter-community or county-wide impacts.

An email had been received from Steven Kern in favor of the moratorium and stating that he would be at the meeting to state his concerns.

John Beck - Spoke against the proposed moratorium on gas drilling, saying that the Town was attempting to take away people's property rights.

Elizabeth Snyder - Hopes that the Board passes the moratorium. She is worried about all the work involved and would be willing to help in any way. She read a statement listing the many reasons she feels a moratorium is necessary for the Town of Groton.

Katherine Wolf - Is in favor of the moratorium against fracking and is demonstrating how important the issue is by appearing again and again in front of this Board.

Joan Packard - Read the section of the proposed law that states the reason for passing the law and wonders what is not to like about the law and why there is a hesitation to adopt it. She hopes that the State moratorium is never lifted, but if and when it is lifted, the Town of Groton must be prepared for an onslaught of drilling permits and is

concerned that we will completely lose control of the process. She asked the Board to enact the moratorium tonight.

Joel Rabinowitz - Quoted from two articles from 2011 about fracking accidents in different places in Pennsylvania where land, wells, and streams were contaminated by thousand of gallons of fracking fluids. He cited these accidents because simply put, systems, technology, and humans are fallible and are not safe as the TV ads proclaim. A moratorium would give the Town time to put emergency preparedness plans in place.

Dorothy Pomponio - Spoke to the Board about mortgages and insurances. She quoted an article that stated that mortgage contracts do not allow gas drilling and that mortgage companies can demand that a borrower terminate a gas lease or pay off their loan. They will also have trouble selling their property. She also said that landowners with leases should get their own insurance to cover any problems or lawsuits because the gas companies will not cover them. He asked the Board to support the moratorium and then support a ban on fracking.

Peter Clark - Owns a farm and plans to live there a long time. There are three wells on the farm and he is worried about his water. He wants the moratorium so that the water will be protected. He hopes the time will be spent to pass regulations to keep Groton what it is.

Jennifer Schwade - Urged the Board to vote for the moratorium.

Dan Carey - There is a State moratorium in effect and the Town doesn't need one and can still study all the things that it wants to. He said that at the previous meeting Mr. Goldstein had said he had read a copy of the road use law but when Mr. Carey asked the Town Clerk for a copy, she said it wasn't available yet.

Supervisor Morey said that he didn't know why Mr. Goldstein said that but that a draft was available. Clerk Scheffler said that she didn't have the draft to give out to people. Supervisor Morey said we would make it available the next day.

Milt DeGraw - Thought this was a waste of time. Everything being said, the Board had heard before; they had made a decision not to have a moratorium; and there already is a State moratorium. He said people should not worry about their water because there are safer ways to drill. Property values are not a problem, sighting his own assessment going up \$80,000.00 as an example. He thinks there should be no further discussion on the issue until the State makes a decision. Then, if we don't like the decision, we should address it.

Steven Kern - Asked the Board to consider that both the EPA and the State Health Department have been assigned to study the effects of fracking on water and health and why would we not impose a moratorium until at least one of these studies are released.

Dyan Lombardi - Hopes that the Board will support the moratorium.

Kathleen Grimes - Is worried about the health of herself, husband and child and what would happen if there was an accident and the water was contaminated. She wants to be able to leave their home to her child, but it may be worth nothing. She worries that the school won't be able to get good teachers if there is contaminated water.

Greg Weiland - Has been to almost every meeting to speak in favor of the moratorium. He would rather the Board make the rules for the Town rather than someone in the State.

Mary McGarry Newman - Wanted to remind the Board how fortunate we are to be living in this area that is so beautiful. Why screw that up for a handful of people who might make some money? She said the community is not in favor of fracking and it is time to pass the moratorium. Terrible accidents do happen because it is an unsafe industry and we shouldn't pretend that Groton would be different.

Mike Morris - We all sometimes are frustrated with laws and rules. He understands why the landowners want fracking; that they are going to become overnight millionaires if they aren't already a millionaire with that much land, but that is only a handful of people, not the whole community. Fracking would affect the whole community.

Mike Goldstein - Said that at the State level, it was a de-facto moratorium and could be changed tomorrow or in years, we don't know. Every indication so far is that Home Rule will be supported at the local level in terms of the Town's ability to ban hydraulic fracturing. He said that the survey for the Comprehensive Plan was evidence as to what the people want. He urged the Board to pass the moratorium.

When no one else wished to speak, Supervisor Morey **MOVED** to close the Public Hearing and return to Regular Session, seconded by Councilperson Sovocool, at 8:75 pm.

Ayes - Sovocool, Smith, Gamel, Clark, Morey

RESOLUTION #14-029 - VOTE ON PROPOSED LOCAL LAW #1 FOR THE YEAR 2014 - A MORATORIUM ON HYDRAULIC FRACTURING IN THE TOWN OF GROTON

MOVED by Councilperson Smith

RESOLVED, that the Town Board will move forward to vote on Local Law #1 for the Year 2014 entitled a Local Law for a Moratorium on Hydraulic Fracturing and/or Hydrofracking in the Town of Groton.

No second was made to the motion.

No action was taken.

RESOLUTION #14-030 - TABLE LOCAL LAW #1 FOR THE YEAR 2014

MOVED by Councilperson Smith, seconded by Councilperson Sovocool

RESOLVED, that the Town Board hereby tables Local Law #1 for the Year 2014 entitled a Local Law for a Moratorium on Hydraulic Fracturing and/or Hydrofracking in the Town of Groton due to the Town Board's understanding, per Section 341.1 of the Land Use and Development Code of 2011, that the process of hydrofracking is expressly prohibited.

Ayes - Smith

Nays - Sovocool, Gamel, Clark, Morey

Resolution Defeated

RESOLUTION #14-031 - TABLE LOCAL LAW #1 FOR THE YEAR 2014

MOVED by Supervisor Morey, seconded by Councilperson Sovocool

RESOLVED, that the Town Board hereby tables Local Law #1 for the Year 2014 entitled a Local Law for a Moratorium on Hydraulic Fracturing and/or Hydrofracking in the Town of Groton until such time as the State of New York lifts their ban.

Ayes - Sovocool

Nays -

Councilperson Smith halted the voting by stating that she cannot be in favor of that because the State does not have a ban. Supervisor Morey then re-worded his motion as follows:

RESOLUTION #14-032 - TABLE LOCAL LAW #1 FOR THE YEAR 2014

MOVED by Supervisor Morey, seconded by Councilperson Sovocool

RESOLVED, that the Town Board hereby tables Local Law #1 for the Year 2014 entitled a Local Law for a Moratorium on Hydraulic Fracturing and/or Hydrofracking in the Town of Groton until New York State changes their opinion on fracking.

Ayes - Sovocool

Nays - Smith, Gamel, Clark, Morey

Resolution Defeated

Supervisor Morey asked **Attorney Monty** where things stood now. She asked if her understanding of what had transpired was correct: that they had not actually made a resolution to adopt the law and the answer was no they had not. The resolution had been to decide whether or not they going to vote on the law. She said that as long as they had not voted on the law itself, they have not acted upon it.

There was discussion of the Board as to how to proceed and there was confusion with the public, who were all speaking at once. Someone from the public said they would just like the Board to take a stand and say where they are on this, either for or against it.

Councilperson Gamel - I'm against it. I'm against voting for a moratorium.

Person - Thank you.

Councilperson Gamel - You're welcome. We have one in place by the State of New York. To put a six-month moratorium in place right now during a time of a moratorium is redundant. I mentioned that last time. I was very clear on that. I do believe.....

Someone said they were confused by what had transpired.

Supervisor Morey - Everyone knows a moratorium is put into place to act on a specific topic. I was under the impression when we voted last time that we would be able to talk about road preservation, the waste management law that we have in effect, and also the Comprehensive Plan. The Comprehensive Plan is going to take at least a year and a half to do it. We know that because it took two years the last time to do it. The road preservation, of course was supposed to be a public hearing last month, but now it's going to be put off until June. That will be four months that we've been dealing with

that. And we have to have Rick Case's guidance on how to do it in that situation. The waste management, I guess we did it in 1988, and during that time New York State was doing waste management too. So, now we are behind and there are twenty sections of the New York State waste management law that we have to review before we do that, and I've read two sections of the twenty. I was under the impression that we could add a year and a half to the moratorium, to be perfectly honest, and take the year and a half and do something correctly. As you can see, we tried to say six months; it's going to take a lot longer than six months. I was really hoping that Kelly would make a resolution to extend this the six months after the ban or moratorium or whatever you call it that the State has. They have estimated that nothing is going to be done until 2015. The thing is, if we do a delay in our motion tonight, we could do it after they lift it. If we have a moratorium, it's done for imminent danger and we don't have that danger right now.

Some one asked if he was in favor of having a ban after the one is lifted at the State.

Supervisor Morey - No, I said I was hoping that would be the vote tonight, for a year and a half instead of six months.

People said they were in favor of that.

Councilperson Smith - That wasn't what the proposed law was though. We can't change the proposed law during the public hearing.

Supervisor Morey - They weren't going to change the proposed law, Kelly.

Councilperson Smith - Okay, you were going to ask that it be postponed to a specific time. By tabling it, it's indefinite. Also, by tabling it, you have to table it based on the fact that there is something more pressing that's come to the forefront.

Supervisor Morey - Not really. No, that's incorrect.

There was more discussion between the Board, the public, and Attorney Monty.

RESOLUTION #14-033 - TABLE LOCAL LAW #1 FOR THE YEAR 2014

MOVED by Councilperson Smith, seconded by Councilperson Sovocool

RESOLVED, that the Town Board hereby tables Local Law #1 for the Year 2014 entitled a Local Law for a Moratorium on Hydraulic Fracturing and/or Hydrofracking in the Town of Groton indefinitely.

Ayes - Sovocool, Smith, Clark, Morey

Nays - Gamel

Resolution Passed

There being no further business, Councilman Gamel moved to adjourn, seconded by Councilman Sovocool, at 9:14 pm. Unanimous.

April L. Scheffler, RMC
Town Clerk