

REGULAR MONTHLY MEETING

DECEMBER 13, 2012

The regular monthly meeting of the Town Board of the Town of Alfred was opened at 7:00 pm Thursday December 13, 2012. All Board members were present. Also present were George Ormsby, Kasey Klingensmith, Mario and Peg Prisco, Elsie Cushing, Chief of Police Tim O'Grady, Highway Superintendent Jamie Mansfield and Town Clerk Janice Burdick. Representing the press were Neil Simon of the *Evening Tribune* and Dave Snyder of the *Alfred Sun*.

The meeting was opened with the Pledge of Allegiance by Supervisor Tom Mansfield.

Guests – George Ormsby was present thank the Board for submitting the speed limit reduction request so quickly and the quick response from NYSDOT approving the request. The speed limit on Shaw Road will now be 35 MPH.

Approval of Minutes – The minutes of November 8, 2012 were approved with a motion by Donn Lang, seconded by Jerry Snyder and carried 5-0.

Police Report - Reviewed the written report. Chief O'Grady reported that there was a burglary on Rt. 244 in the Town of Alfred. They are working with others in the County that have also had burglaries. Most are drug related. Elderly person on Jericho Hill taken advantage of by a contractor – has to recoup money through a civil suit but Police can issue tickets for other motor vehicle violations and drugs. Chief O'Grady also stated that there are Meth labs spring up all over.

Codes Enforcement Officer - Resident on Shaw Road requesting permit for a small engine repair shop. It was noted that this is in the wellhead protection zone. No oils and wastes can be dumped on the ground. Concern was contamination from fluids – may need a concrete floor and questioned where the old oil is going to be disposed of. Donn Lang suggested that they come up with a plan of how they are going to prevent any oil from leaking and where it will be disposed. Need to make them aware of concern for Village well. Steve Kilmer will be notified to contact them with the requirements before any permit is issued.

Review of Monthly Report – Jamie Mansfield met with FEMA inspector but due to Hurricane Sandy payment will be pushed back. Plus they required additional paperwork. FEMA inspector happy with work done. Will not be able to pay rest of invoice for Sibley Road until money comes in.

Correspondence:

- NYSDOT – approved reduction of Speed Limit to 35 mph on Shaw Road and informed Highway Dept of signage requirements.
- NYSEG – redoing shop lights under new program. \$613.00 for lights plus have to pay prevailing wages for a total cost of \$1127.00. (Please note – since meeting light count was incorrect so additional cost for additional lights.) Jerry Snyder asked if we could do it ourselves? Jamie Mansfield suggested seeing how much the lights would cost somewhere else. After further discussion a motion was made by Donn Lang to approve the installation of the lights through the NYSEG program, seconded by Jerry Snyder and carried 5-0.
- Univera Health – notice of 13% increase in health insurance policy.
- Allegany County Board of Elections – invoice for 2012 – Village - \$3351.66, Town - \$1792.71. Town Clerk has forwarded a bill to the Village for their share.
- NYSDEC –Patton's Landfill - notifying new owner of their responsibilities.
- Allegany Co. Office of Real Property Tax – notice that Don Cameron's term is up on the Board of Assessment Review. Supervisor Mansfield will contact Mr. Cameron and see if he is interested in being reappointed.

General Abstract #12-2012 – Vouchers #138-149 in the amount of \$14694.81 were approved with a motion by Fion MacCrea seconded by Jerry Snyder and carried 5-0.

Highway Abstract #12-2012 – Vouchers #156-170 in the amount of \$7736.77 were approved with a motion by Fion MacCrea seconded Jerry Snyder and carried 5-0.

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Highway Report –Reviewed written report. Jamie Mansfield reported that they have plowed and sanded 5 times. Changed the Speed Limit signs on Shaw Road. 2 up and ordered 2 more due to State requiring a total of 4 signs.

Supervisor - Mary and Tom will be conducting the Court Audit 12/20/12. Supervisor Mansfield stated that he called AU President regarding discussion of the PILOT for the Saxon Inn – they will call him back when they can schedule an appointment.

Town Clerk – Reviewed written report. Attended training in Rochester on 12/3/12. Taxes will be available to pick up in Belmont on 12/27/12.

Unfinished Business: Extension of Moratorium Resolution #2-2012

The following resolution was moved by Fion MacCrea, seconded by Jerry Snyder to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law #1-2012, extending the “Moratorium on and Prohibition within the Town of Alfred of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes” for an additional period of one (1) year, or until the Town of Alfred enacts comprehensive legislation regulating such land uses, whichever shall first occur, was presented and introduced at a regular meeting of the Town Board of the Town of Alfred held October 11, 2012; and

WHEREAS, a public hearing was held on said proposed Local Law #1- 2012 on November 1, 2012 by the Town Board of the Town of Alfred and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of Alfred in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the Town Board determined that this proposed legislation is a Type II action for purposed of SEQR, thus concluding the environmental review process; and

WHEREAS, the Town Board of the Town of Alfred, after due deliberation, finds that it is in the public interest to enact said Proposed Local Law #1-2012

NOW, THEREFORE, it is hereby:

RESOLVED, that the Town Board of the Town of Alfred, Allegany County, New York, does hereby enact Proposed Local Law No. 1 -2012 as Local Law 1 of the year 2012 as follows:

Local Law No. 1 of the Year 2012

A LOCAL LAW EXTENDING THE MORATORIUM ON AND PROHIBITION OF GAS AND PETROLEUM EXPLORATION AND EXTRACTION ACTIVITIES, UNDERGROUND STORAGE OF NATURAL GAS, AND DISPOSAL OF NATURAL GAS OR PETROLEUM EXTRACTION, EXPLORATION, AND PRODUCTION WASTES WITHIN THE TOWN OF ALFRED

Be it enacted by the Town Board of the Town of Alfred as follows:

Section 1. The Local Law to effect a Moratorium on and Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes in the Town of Alfred originally enacted as Local Law No.3 - 2011, is hereby extended for an additional one (1) year, or until the Town of Alfred enacts comprehensive legislation regarding such uses, whichever shall first occur.

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Section 2. If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a Court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of the Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 3. This local law shall take effect immediately.

AND IT IS FURTHER RESOLVED, that the Town Clerk of The Town of Alfred be and she hereby is directed to comply with all applicable filing and publication requirements contained in Section 27 of the Municipal Home Rule Law of the State of New York, including without limitation entering said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alfred, and giving due notice of the adoption of said Local Law to the Secretary of State.

The adoption of the foregoing was duly put to a vote, and, upon roll call, the vote was as follows:
Mary Stearns – Yes Jerry Snyder – Yes Donn Lang – Yes Fion MacCrea – Yes Tom Mansfield – Yes
The foregoing resolution was therefore declared duly adopted.

Road Preservation Law – Fion MacCrea sent questions to Attorney Finn. Attorney Finn had several questions and concerns about the way the law is written and how to enforce it. The question of whether the Town's law would cover the Village was answered no – the Town cannot enact laws for the Village. Village has to adopt its own laws. Jerry Snyder expressed concern that the gas companies don't have to comply with the Clean Air Acts – feels they should have to comply. Contact Representative and have them give a good reason why they don't have to comply.

Mary Stearns noted that they need to meet with David Slottje regarding proposed changes to the Zoning Law. Mrs. Stearns suggested they meet with the Planning Board at their February meeting.

New Business – End of Year/Organizational Meeting – January 3, 2013 7:00 pm.

Financial Committee – November 2012 bank statements were reviewed. A motion to approve the bank statements were made by Mary Stearns seconded by Donn Lang and carried 5-0.

A motion to adjourn 8:20 pm was made by Donn Lang seconded by Jerry Snyder and carried 5-0

Respectfully Submitted,

Janice L. Burdick,
Town Clerk