

Minutes of April 16, 2012 Public Hearing of proposed Local Law 2 – An 18 month Moratorium on Natural Gas and/or Petroleum Exploration Activities, Natural Gas and/or Petroleum Extraction Activities, and/or Natural Gas and/or Petroleum Support Activities in the Town of Germantown, held by the Germantown Town Board at the Germantown Town Hall, Germantown, NY, commencing at 6:30pm.

Present: Supervisor Roy Brown  
Councilwoman Joan Snyder  
Councilman Joel Craig  
Councilman Michael Mortenson  
Councilman Don Westmore

Recorded by: Town Clerk Charlene Diehl

Supervisor Brown opened the meeting and explained the goal of the moratorium is so the town board and the residents can understand what the state's intent is on the topic. The time frame should be sufficient time to educate ourselves through the current zoning if this will end up affecting our community or not. Mr. Brown has been contacted and will offer dates in the future where sessions will be held to explain the process to residents. The moratorium is on the town web-site and those from other towns and communities are free to copy the document as well if they have a need for the same.

Mrs. Sacco: has been looking at hydrofracking for quite a while and has heard a lot of negative things about it. She also read an article in the Register Star about the state legislature giving the Department of Environmental Conservation total control over the process. She has sent some letters to our state representatives but hasn't heard back yet from Assemblyman Lopez about towns being able to regulate their own municipality on this issue. She also shared concerns that the fracking process would affect the water tables as there's no way of stopping it and that our air and water need to be protected.

The numbers of the bills being considered by the legislature are S5830 and A8557 and she encourages residents to write to the Governor to support legislation giving local authorities the right to use or not use fracking.

Supervisor Brown said there is one town in the state that has already passed legislation banning fracking and confirmed with town lawyer Tal Rappleyea that the moratorium will let us see how this process could affect us.

Councilman Westmore asked Mr. Rappleyea what will towns do if the legislation to give towns authority doesn't pass and some groups may get together to form a coalition to strike the legislation down.

Ms. Epstein: a lot has already been written about the health effects that impact towns that participate in this process as well as traffic, trucking, new staff, etc. and there is concern about what happens to the towns once the area has been exhausted and is thankful the board is jumping on this. Ms. Epstein indicated on May 5<sup>th</sup> from 9:00-12:00 there will be a presentation on hydrofracking at the Carey Institute and encourages attendance. Supervisor Brown will be out of town and unable to attend and Councilman Craig suggested that perhaps Ms. Epstein could give a report of what transpires.

Kyla Wagman: wants to state publicly she supports the moratorium and looks forward to helping the town research the full impact of hydrofracking. She appreciates what the town has and wants to protect it and have the time to educate others.

Councilman Craig thanked Supervisor Brown for bringing this issue to the forefront and though he initially tried to remain neutral he doesn't see a whole lot of benefit from it and said when the Comprehensive Plan was being done he heard overwhelming comments similar to Ms. Wagman's about appreciation of the town and he doesn't want to destroy what work has been done. He thinks the moratorium is good and is the first step in saying hydrofracking is not welcome and has not heard from one person who thinks this is a good thing for the town

Councilman Westmore said it seems that Germantown may be on the forefront of this in the county and we need to learn the technical parts, i.e. what are the facts, as well as the political part of it, and asked Supervisor Brown to keep the board apprised of what other towns and counties are doing about this and if their actions should show a need to organize.

Councilman Mortenson said he doesn't know enough about the process but looks forward to educational sessions on the process.

Councilwoman Snyder said that water is very important and she supports the moratorium.

Kyla Wagman asked if the moratorium included selling the brine and Councilman Craig said that one just came up on them so it wasn't addressed.

In response to a question about what potential Germantown has to be impacted by this, Supervisor Brown said the town doesn't fall under the Marcellus gas shale but the town does fall under the Utica shale. He thinks someone is out there looking to see what's next, after the Marcellus gas shale is exhausted.

A resident asked about the information that a local person was contacted for support activities in the town and Supervisor Brown said he was not clear about the definition of the support activities but was made aware that it took place, which precipitated this action.

Councilman Westmore said his understanding is that Utica shale is significantly deeper to extract than Marcellus shale and this issue is most likely associated with fuel prices.

Supervisor Brown noted that the board supports the moratorium and will be discussed at the board meeting to follow. Supervisor Brown closed the public hearing.

Respectfully submitted,

Minutes of Germantown Town Board meeting, held on April 16, 2012 at 7:30pm at the Germantown Town Hall, 50 Palatine Park Road, Germantown, NY.

Attending: Supervisor Roy Brown  
Councilwoman Joan Snyder  
Councilman Joel Craig  
Councilman Michael Mortenson  
Councilman Donald Westmore

Recorded by: Town Clerk Charlene Diehl

Supervisor Brown opened the meeting and led the Pledge to the Flag.

Motion to approve minutes from March made by Councilwoman Snyder and seconded by Councilman Mortenson.

Supervisor Brown:	Aye	Councilwoman Snyder:	Aye
Councilman Craig:	Aye	Councilman Mortenson:	Aye
Councilman Westmore:	Aye		

Councilman Craig noted that in auditing the bills, the \$28.75 for Tectonic to review the scoping of the sewer should be charged to the sewer fund and not the general fund and Supervisor Brown said he would correct it. Motion to approve audited bills made by Councilman Westmore and seconded by Councilman Mortenson.

Supervisor Brown:	Aye	Councilwoman Snyder:	Aye
Councilman Craig:	Aye	Councilman Mortenson:	Aye
Councilman Westmore:	Aye		

**Written Communication** – Nothing to report

### **Department Updates**

**Highway Department** – reported by Councilwoman Snyder

- the crew started with hot-patching as the weather is perfect for it;
- thanks to everyone who helped with the Roadside Clean Up and the Hudson River Sweep – 3 loads of trash was picked up;
- sweeping is finished and the crew started culvert placement and drainage work – there are orange bumpers where they dig up the road so drivers be careful of settlement and dips until they are patched;
- the crew is starting to get the mowers ready
- new truck is in and in service;
- the crew can hopefully start down at the ball field when the pipe work is done.

**Police Department** – reported by Commissioner Rekow

116.75 hours of patrol time was logged in for March.

Commissioner Rekow said that last month he had asked the board about sponsoring cadets and wondered if they had an answer since background checks and such will need to be conducted before the academy begins.

Supervisor Brown asked him to refresh the board and Mr. Rekow is looking to reinstate the cadet-sponsoring program. The Academy runs from September to May and the only cost to the town is for uniforms, of which the town has a supply of. The town previously had four volunteers who were with the town so they could their certification, which was advantageous to the town, but they couldn't keep sponsoring cadets due to having so many volunteers.

Councilman Westmore thinks it's important to provide training opportunities and asked if other towns sponsor as well. Commissioner Rekow said that a police department has to sponsor cadets and that other towns with police departments have done so.

Councilman Craig said that although there were a lot of volunteers the board also wanted to make the sponsorships more local and now the board has the opportunity to do so. He also asked that Commissioner Rekow introduce the cadets to the town.

Motion to allow the Germantown Police Department to sponsor cadets was made by Councilwoman Snyder with a second by Councilman Westmore.

Supervisor Brown:	Aye	Councilwoman Snyder:	Aye
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Councilman Craig: Aye  
Councilman Westmore: Aye

Councilman Mortenson: Aye

Supervisor Brown said he had received a report from Chief DuBois who, along with Sgt. Doty, participated in a drug awareness program with the County Sheriff's office and has been working with the Scout's on a merit badge and there will be a bicycle rodeo on April 21<sup>st</sup> that the Police Department will be sponsoring and he is pleased at the great work they're doing. Commissioner Rekow said that the police are also going on all the town roads, not just Route 9G.

**Sewer** – reported by Councilwoman Snyder

- 18,000 gallons was the average flow during March;
- received 5 Call Before You Dig requests;
- generator is fixed and back at the sewer plant;
- working on spring cleaning.

Supervisor Brown said the board needs to do a budget transfer to pay for the generator repair.

Motion made by Councilwoman Snyder to do a budget transfer of \$6,700 from the sewer emergency fund to the sewer fund, with a second by Supervisor Brown

Supervisor Brown: Aye  
Councilman Craig: Aye  
Councilman Westmore: Aye  
Councilwoman Snyder: Aye  
Councilman Mortenson: Aye

Supervisor Brown said he spoke with George Jr. about the generator and it's just like having a new one, without the cost of one.

**Parks & Maintenance** – reported by Anthony Cidras

- all garbage cans, grills and picnic tables are in place except for the Anchorage;
- scagg mower was serviced;
- ordered and received UV bulbs and quartz sleeves, which haven't been installed yet;
- built new flower pots to replace the old half-barrel pots by the beach house;
- put new lighting in bathroom down at the ball fields and replaced some copper pipes in the snack bar;
- York-rakes the Anchorage;
- picked up brush piles at the Parsonage;
- started mowing;
- Roadside Clean Up went very well and the kids picked up 480 pounds of garbage, plus 2 tires;
- River Sweep also went well and folks picked up 1540 pounds of garbage and 7 tires;
- Anthony will be doing some work on the town's Highway Garage – bumpers and strips are being redone by, and he will be entering a yearly maintenance schedule with, Custom Overhead Doors on all garage doors, and will be checking them twice a year.
- a facelift will be done on the front of the garage, which will all be done in-house;
- looking into doing the roof of the highway garage as it's getting bad and has lots of leaks.

Councilman Craig said it was in the budget a few years ago to replace the roof but was pulled back for budgetary reasons, and Supervisor Brown recalled when it was repainted about four years ago, it was noted that the roof was in need of repair.

Supervisor Brown said that when NYMIR was there doing their review they suggested putting in posts to help protect the doors and asked Anthony to look into the cost of doing that to protect their new investment.

Councilman Craig noted that Little League starts on Saturday and they plan on a lot of games, and Anthony responded that he has already mowed it.

**Economic Development** – presented by Bruce Bohnsack

- One activity that the committee is looking at is cycling, which is an area that could be a benefit to the town for economic growth and stimulation - they have spoken with Ken Flood, from the county, who feels there are grant monies available if the town became cyclist friendly. They are doing more research to see if it's something the town wants to pursue. Supervisor Brown said it was a great thing to pursue.
- the committee is looking into signage, specifically putting a sign on Main St. and Rte 9G indicating Main Street. The placards work ok but the committee would like to see some

changes in that, perhaps indicating a business district, and Supervisor Brown has contacted the county to get approval before putting the signs up.

- George Sharpe is going to review the current zoning ordinances to see what businesses could be brought in under it for the town to support. People may not understand what businesses, i.e. home-based opportunities, could be brought in. Supervisor Brown indicated that PACE University could come back to assist in explaining the zoning regulations to organizations as well.
- A Business Lunch is being looked at, with a mailing list being developed as well as potential speakers.

#### **Parks Commission** – presented by Councilman Craig

- The commission is seeking town board approval to host a softball tournament fundraiser but more information will be forthcoming and Councilman Craig will press for details;
- Town Wide Yard Sale on May 19<sup>th</sup> – Austin will be creating the maps and information will be posted around town;
- Little League Opening Day is Saturday and thanks again to Anthony, Rich and his crew for the hard work they have done to get the fields so nice. Also, No Smoking signs are now posted in the park.
- Options are being looked at to help get the lake water clear.
- Next meeting is May 7<sup>th</sup> at 5:30 in the Gtel Annex.

#### **History Department** – nothing to report

#### **Communications Committee** – reported by Councilman Westmore

- the website will be up and running very soon and will feature new ways of getting information out, such as an email sign-up to get updated and emergency news and will provide links to other businesses.
- a periodic newsletter will be developed.
- a location for a kiosk has been determined, next to Otto's on the Fingar Insurance property, and Mr. Fingar has been receptive so far. The kiosk would be for public and business notices and Austin Sullivan will be the 'keeper of the gates' regarding maintaining the information.

Mr. Westmore asked Mr. Bohnsack to explain about 537-INFO, and Mr. Bohnsack said that per discussion with the Communications committee they came up with an idea to get communication out to those people who do not have a computer or the internet. They developed an announcement-only mailbox for people to get information on Germantown and Clermont activities, which will include fire companies and the school, a sort of phone tree, to handle announcements only, and organizations will have access to their own mailbox to keep information current. The service is being provided gratis from Gtel and the number to call to access the information is 537-INFO.

Councilman Craig asked if there were examples of this working in other communities and Mr. Bohnsack said they came up with this idea themselves, no other town does this to his knowledge.

Supervisor Brown thanked Mr. Bohnsack.

#### **Old Business**

Supervisor Brown confirmed with town lawyer Tal Rappleyea that the town is all set with regards to a condemned property and communication with the owner about further action.

Councilman Craig said that a number of applicants expressed interest in the position on the Planning Board as well as the Zoning Board of Appeals and thanked those who applied.

Councilman Craig made a motion to appoint Joseph Guida to the Zoning Board of Appeals, to fill the term of Don Crews which expires December 31, 2012, with a second by Councilman Westmore.

Supervisor Brown:	Aye	Councilwoman Snyder:	Aye
Councilman Craig:	Aye	Councilman Mortenson:	Aye
Councilman Westmore:	Aye		

Councilman Craig made a motion to appoint Larry Osgood to the Planning Board, to fill the term of Rick Jason which expires December 31, 2015, with a second by Councilman Westmore.

Supervisor Brown:	Aye	Councilwoman Snyder:	Aye
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Councilman Craig: Aye  
Councilman Westmore: Aye

Councilman Mortenson: Aye

Supervisor Brown appreciates the time Councilman Craig, as well as Councilwoman Snyder, have spent on filling these vacancies.

Mr. Brown indicated there are vacancies on the Board of Assessment Review which need to be filled and recommends reappointing William Foster, and puts forth Roger Rekow to replace the vacancy left by Allen Schuenhoff's death, and made such motion, with a second by Councilman Craig.

Supervisor Brown: Aye  
Councilman Craig: Aye  
Councilman Westmore: Aye

Councilwoman Snyder: Aye  
Councilman Mortenson: Aye

Supervisor Brown said there is one remaining vacancy on the Board of Assessment Review and to let him know if you are interested.

### **New Business**

**Local Law 2 of 2012 - An 18 month Moratorium on Natural Gas and/or Petroleum Exploration Activities, Natural Gas and/or Petroleum Extraction Activities, and/or Natural Gas and/or Petroleum Support Activities in the Town of Germantown**

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

#### **Section 1. Title**

This law shall be known as the 2012 Moratorium on Natural Gas and/or Petroleum Exploration Activities, Natural Gas and/or Petroleum Extraction Activities, and/or Natural Gas and/or Petroleum Support Activities in the Town of Germantown.

#### **Section 2. Legislative Purpose and Intent**

The Town of Germantown recognizes the unprecedented possibility that Natural Gas and/or Petroleum Exploration Activities, Natural Gas and/or Petroleum Extraction Activities, and/or Natural Gas and/or Petroleum Support Activities (collectively "Natural Gas Operations") may increase exponentially throughout New York State due to technological advances in extraction techniques that will permit the exploitation of previously hard-to-extract natural gas that is apparently abundant throughout New York State. The Town of Germantown is aware that Natural Gas Operations are currently the subject of exacting environmental reviews by the State of New York and that the Department of Environmental Conservation is expected to promulgate rules and regulations relative to Natural Gas Operations in the immediate future. The Town of Germantown further recognizes that significant legal questions exist concerning Natural Gas Operations and the interplay of the explicit Field Pre-emption provisions of the New York State Environmental Conservation Law, the express continuation of local government jurisdiction over local roads and local real property tax law, as well as the existing jurisdiction of local governments to regulate land uses within their borders.

The purpose of this Local Law is to temporarily prohibit the consideration, review, and/or approval of any and all Natural Gas Operations to insure that the Town of Germantown is afforded adequate time to review and understand the potential impacts of Natural Gas Operations on land uses within the Town of Germantown. The Town of Germantown intends to amend the Germantown Town Code, as necessary, to adequately protect the residents and land uses within the Town of Germantown, and to otherwise prevent serious detrimental health and environmental effects posed by various land use practices related to Natural Gas Operations including the degradation of significant environmental, natural, aesthetic and agricultural resources, roads and/or other infrastructures, and such other negative impacts that are as yet unknown, all in furtherance of the Town's dominant purpose of protecting the health, safety and welfare of town residents.

#### **Section 3. Definitions**

Land Application Facility --- A site where any Natural Gas Exploration and/or Petroleum Production Wastes are applied to the soil surface or injected into the upper layer of the soil.

Natural Gas --- Methane and any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

Natural Gas And/or Petroleum Exploration Activities --- Geologic or geophysical activities and all related land use activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or otherwise making any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas And/Or Petroleum Extraction Activities --- The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility --- Any of the following: (a) tanks of any construction (metal, fiberglass, concrete, etc.); (b) impoundments; (c) pits; (d) evaporation ponds; or (e) other facilities, in any case used for the storage or treatment of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes that: (i) are being held for initial use, (ii) have been used and are being held for subsequent reuse or recycling, (iii) are being held for treatment, or (iv) are being held for storage.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump --- Land upon which Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.

Natural Gas And/Or Petroleum Support Activities --- Shall mean and be any one or more of the following: (a) Natural Gas Compression Facility; (b) Natural Gas Processing Facility; (c) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility; (d) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump; (e) Land Application Facility; (f) Non-Regulated Pipelines; (g) Underground Injection; or (h) Underground Natural Gas Storage.

Natural Gas Compression Facility --- Those facilities or combination of facilities that move natural gas or petroleum from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.

Natural Gas Processing Facility --- Those facilities that separate and recover natural gas liquids (NGLs) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO<sub>2</sub> separated from natural gas streams.

Non-Regulated Pipelines --- Those pipelines that are exempt or otherwise excluded from regulation under federal and state laws regarding pipeline construction standards or reporting requirements. Specifically includes production lines and gathering lines.

Person --- Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Pipeline --- All parts of those physical facilities through which petroleum, gas, hazardous liquids, or chemicals move in transportation (including pipes, valves and other equipment and appurtenances attached to pipes and other equipment such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump stations, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), whether or not laid in public or private easement or private right of way within the Town. This includes, without limitation, gathering lines, production lines, and transmission lines, but specifically excluding all pipelines that existed prior to the effective date of this Local Law.

Subsurface --- Below the surface of the earth, or of a body of water, as the context may require.

Town --- The Town of Germantown, Columbia County, New York.

Transmission Line --- A pipeline that transports oil, gas, or water to end users as a public utility and which is subject to regulation either by: (a) the Federal Energy Regulatory Commission's jurisdiction under section 1(b) of the Natural Gas Act, or (b) as a "Major utility transmission facility" under the Public Service Law of New York, Article 7, §120(2)(b).

Underground Injection --- Subsurface emplacement of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes by or into an Injection Well.

Underground Natural Gas Storage --- Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location for the primary purpose of load balancing the production of natural gas. Includes compression and dehydration facilities, and pipelines.

#### **Section 4. Scope and Control**

From and after the date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance, building permit, site plan approval, subdivision approval or other Town-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town for any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities.

From and after the date of this Local Law, no Person shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town for any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities, unless such use existed prior to the date of this Local Law.

The prohibitions set forth above are not intended, and shall not be construed, to: (i) prevent or prohibit the transmission of natural gas through utility pipes, lines, or related appurtenances for the limited purpose of supplying natural gas utility services to residents of or buildings located in the Town; or (ii) prevent or prohibit the incidental or normal storage or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal Agriculture, residential, business, commercial, and other uses within the Town, so long as such uses do not involve any Natural Gas And/Or Petroleum Exploration Activities, Natural Gas And/Or Petroleum Extraction Activities, or Natural Gas And/Or Petroleum Support Activities.

This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which 24 months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.

This moratorium and prohibition shall apply to all real property within the Town.

Under no circumstances shall the failure of the Town Board of the Town, the Zoning Board of Appeals of the Town, the Planning Board of the Town, the Code Enforcement Officer and/or Zoning Officer for the Town to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, site plan approval, subdivision approval, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

**Section 5. Penalties**

Any Person who shall violate the provisions of this Local Law, shall be subject to:

1. A violation under this Local Law shall be deemed an unclassified misdemeanor for purposes of establishing fines.
2. A penalty in the amount of a minimum of \$5,000 and a maximum of \$15,000 for each day that such violation shall exist; and
3. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction and/or improvements which may have been built in violation of this Local Law, and further, said Person shall be liable to the Town for all costs and expenses of enforcement of this Local Law, including attorney's fees incurred by the Town.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

**Section 6.**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances, and the Town of Germantown Town Board hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 7.**

All Ordinances, Local Laws and parts thereof inconsistent with this Local Laws and parts thereof inconsistent with this Local Law are hereby repealed. This Local Law is further intended to supersede, to the greatest extent permitted by law, any general state law relating to zoning, planning and land use.

**Section 8.**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

Supervisor Brown said this 18 month moratorium gives the town board a chance to understand what's going on with the Governor and his proposed law changes and also gives the board an opportunity to understand what this would mean if it came to Germantown and also gives the community a chance to understand the impact of hydrofracking and what it would mean to our community.

Town Attorney Tal Rappleyea said that no SEQR is needed as this is a Type 2 Action Moratorium and the town is also exempt from referral to the County Planning Board under Section 239L of the General Municipal Law.

Motion to accept Local Law 2 of 2012, for an 18 Month Moratorium on Natural Gas and/or Petroleum Exploration Activities, Natural Gas and/or Petroleum Extraction Activities, and/or Natural Gas and/or Petroleum Support Activities in the Town of Germantown, made by Councilman Craig, with a second by Councilwoman Snyder.

Supervisor Brown:	Aye	Councilwoman Snyder:	Aye
Councilman Craig:	Aye	Councilman Mortenson:	Aye
Councilman Westmore:	Aye		

Supervisor Brown said there will be educational opportunities for residents and dates/times will be posted when they are available.

Every year a Justice Court Audit is done and Supervisor Brown reported it was done and looks good. A motion was made to accept the Justice Court Audit for 2011 by Councilman Westmore with a second by Councilwoman Snyder.

Supervisor Brown:	Aye	Councilwoman Snyder:	Aye
Councilman Craig:	Aye	Councilman Mortenson:	Aye
Councilman Westmore:	Aye		

Councilwoman Snyder received a sewer rate reduction request for #131 for a trailer on the property not being used and has been vacant since December 2011. Her recommendation is to grant a request to debt service only and if the trailer is used in the future the board receives notice.

Councilman Craig asked if there is some way to confirm the exemptions before sending the notices out and Councilwoman Snyder indicated she follows up with them.

Motion to reduce fee to debt service only for sewer #131 made by Councilwoman Snyder, with a second by Councilman Mortenson.

Supervisor Brown:	Aye	Councilwoman Snyder:	Aye
Councilman Craig:	Aye	Councilman Mortenson:	Aye
Councilman Westmore:	Aye		



Councilwoman Snyder said she received a reduction request from #144 but wants to delay so she can discuss it further as it will affect economic development and she will meet with Councilman Mortenson about the impact on business. Supervisor Brown indicated he will put his thoughts on the subject in writing.

Councilwoman Snyder said she would like to send out a Request for Proposal for a Waste Water Utility Rate Study, which has not been done since the sewer was put in, to study the costs/rates and moving forward with businesses in the community. Supervisor Brown said this is a good start and the study will research current data and the potential for growth and future expansion of the district. He recommends moving forward and the town has the authority to seek this information.

Councilman Westmore said since the study will be assessing the likelihood for future costs, as this study goes forward it's essential that the Economic Development Committee be closely consulted, since he believes the last study underestimated the growth that actually occurred.

Supervisor Brown said there is a piece in there to see about bringing more users into the district and it's absolutely something that can be worked with the Economic Development Committee on.

Motion made to send out an RFP for a Waste Water Utility Rate Study made by Supervisor Brown with a second by Councilman Westmore.

Supervisor Brown:	Aye	Councilwoman Snyder:	Aye
Councilman Craig:	Aye	Councilman Mortenson:	Aye
Councilman Westmore:	Aye		

Supervisor Brown said that both the county and the town have an Ethics Board and if the town could move to the county Ethics Board it would take some pressure off locally to be able to send it to the county. The request is for the town board to consider moving their Ethics Board to the county level and Supervisor Brown would like some input from the board.

Councilman Westmore confirmed with the town lawyer that the town is not required to have an Ethics Board but it can be very stressful in terms of having a conflict of interest.

Councilman Craig said there are most likely differences between the town and county and which would the county go by. Supervisor Brown said he would recommend dissolving the town's ethic law and referring to the county, and that two municipalities have already done so.

Councilwoman Snyder said she would like to see the town go under the County's law.

Supervisor Brown will provide the board with the county's policy so they can review it for next month.

Councilwoman Snyder wanted to make residents aware of an error in the newspaper giving credit to Greenport instead of Germantown regarding the ball fields and the reporter from the paper indicated it had been corrected.

### **Supervisor's Report**

- NYMIR came in and did a review of the town and parks, toured everything and said we have one of the nicest parks and communities and mentioned bringing in a bicycle lane.
- the first quarter County Sales Tax report is out and the good news is the revenues have increased 5.7% above revenues for the same period in 2011. The amount of the increase is \$330,812.43 and all the towns and the City of Hudson will benefit from this increase based on their individual budget projections for sales tax.
- Roadside Cleanup and River Sweep was conducted and Supervisor Brown thanked Councilman Westmore and his wife and Martin Overington and his family for organizing it and kudos to all who participated.
- Supervisor Brown attended a meeting of the Historic Hudson River Towns on March 28, 2012 where a discussion on how to incorporate more Hudson River towns into their organization occurred. His purpose was to learn how the town could engage and take advantage of the web-site they have that would help promote Germantown as a tourist attraction/destination stop. The yearly membership fee is \$3,000 and he has contacted David Colby at the Chamber of Commerce to see if there is a way that the River Towns in Columbia County, through the Chamber, would share the expense and become members.
- September 22<sup>nd</sup> and 23<sup>rd</sup> will be the Hudson Valley Apple Festival and craft and food vendors are already responding. The Hudson Valley auto club has been booked for a

show on Sunday and there will be an apple crate derby, an apple pie baking contest, etc. HudsonValleyAppleFestival.com is the website that will show what the planned events are. Supervisor Brown has reached out to the Parks Commission and other individuals about participating and let him or the Lion's Club know if you're interested in participating.

### **Open to Public**

Nan Elliot said there is a new organization, Friends of Germantown Library, who set up and ran the holiday gift fair in December and they netted over \$1800 in donations for the library. They have had their first meeting and have a slate of officers and will meet on the 4<sup>th</sup> Wednesday of every month and she encourages residents to become member. It will be \$10 to participate and more details will follow.

Mrs. Elliot said the town must have saved a ton of money due to the low snowfall and what will the town do with the savings. Supervisor Brown said they saved money from not buying salt and it allowed the crew to work on other things, such as fixing up the highway garage and working on the ball fields.

Mrs. Elliot wondered why a letter she had written to the board about a dumping problem had not been read by the town clerk. Supervisor Brown said letters are not usually read but referenced and the clerk responded that she did not mention the letter as she was aware some discussion had occurred on the subject. Mrs. Elliot introduced her neighbor Bob Bangiola who wonders if the town has thought of incentives to encourage residents to keep their properties clean.

Councilman Westmore said this brings up the larger question of how the town can help control how it looks while respecting individual's rights and property and will be kicking around some ideas and suggested a workshop.

Martin Overington said he likes the proposal of reviewing the reduction requests after 6 months and Supervisor Brown said there is a mechanism in place to review the requests and utilization. Mr. Overington is in favor of the sewer RFP and wonders how neighboring communities are affected. He also asked about burying waste on property and questioned the validity of it. Supervisor Brown said that DEC has rules on what waste is and will follow up with the Code Enforcement Officer on his question.

Mr. Overington said the River Sweep was done Saturday and thanks to all the community residents who helped pick up the trash, which has been done for fifteen years. He also encouraged the board to consider tourism along the 5 mile trail and asked the town attorney about the town being able to use it. Supervisor Brown said the town should reach out to CSX and Councilman Craig said they have historically not been receptive to other communities.

Supervisor Brown clarified with a resident that there is no burning allowed and if you see burning to call the non-ER fire control.

Bruce Bohnsack suggested that maybe a broad brush should be used when making any decisions about the sewer district and recommends a sub-committee to take the town's growth into account for potential expansion of the district.

Nan Elliott said she thinks the property along the river should be maintained and is a matter of environmental concern and encourages residents to contact the DEC if they need help in exploring avenues to their concerns about dumping.

First Quarter Budget Board Workshop will be Wednesday, April 18, 2012 at 6:00pm at the Kellner Community Youth Activity Building.

Next Town Board meeting is Monday, May 21, 2012 at 7:00pm

Motion to adjourn meeting made by Councilman Mortenson and seconded by Councilman Westmore with all in favor, none opposed.

Respectfully submitted,