

September 12, 2011

The regular meeting of the Town Board of Vernon was held at the Town Office Building on the above date with the following persons present: Myron J. Thurston, Supervisor; Gene Bennati, Mick McDonough, Sandy Williams and Randy Watson, Council members. Also present: Art Freemire, Superintendent of Highways; Garold Vanderwerken, Kyle Shannon, John Douglas, Mike Kaiser of PAC 99, Catherine Phelan, Chad Davis, County Legislator; Michael Hennessy, County Legislator; Clifford Kitchen and Attorney Rossi.

Following the Pledge of Allegiance, there was a moment of silence. The meeting was called to order by Supervisor Thurston at 7:00 p.m.

Supervisor Thurston stated that he knew the minutes from the August 8, 2011 meeting had been received by council members and asked if there were any additions or corrections. There being none, a motion to approve the minutes as written was made by McDonough, seconded by Williams. No discussion. Ayes 4. Nays 0. Motion carried. Supervisor Thurston also asked if there were any additions or corrections to the minutes from the August 15, 2011 meeting. There being none, a motion to approve the minutes as written was made by Williams, seconded by Bennati. No discussion. Ayes 4. Nays 0. Motion carried.

Kyle Shannon from Gates-Cole Insurance presented an annual review of the Town's insurance policy with NYMIR. Overall, the policy premium was decreased by \$1000 and \$1700 was refunded due to the capitalization program that the Town paid into. Supervisor Thurston mentioned that NYMIR has done a very good job for the Town.

#### PUBLIC CONCERNS:

John Douglas asked for an update on the Town's signs and Supervisor Thurston replied that it's going to be a winter project. He then asked for an update on the Stuhlman Road bridge which was supposed to be done the end of August and Highway Superintendent Freemire replied that it's the State's bridge, not ours. Also, he asked if anything was decided about a moratorium for hydrofracking and Supervisor Thurston replied that it is on the agenda. Douglas also mentioned that the Town's new website is very nice.

County Legislator Chad Davis commented on testimonials regarding hydrofracking from a YouTube video with NYS Senator Greg Ball at a public hearing that had at least 10 experts on this subject, but no gas companies showed up. He gave the Board a handout of 3½ hours of testimony on the risks to human health and environmental concerns. Watson asked him what the County is going to do to help us with this and he replied that their line of protection is County roads and County property, and Towns can work toward zoning protections.

#### REPORTS:

The following reports were presented: Town Clerk: Supervisor Thurston asked the Town Clerk how the dog census is going and she replied that it is working very well. Supervisor Thurston said that doing the census by sending postcards has been very successful and hopefully every dog in the Town will have its' rabies shot. Codes Enforcement: (Bennati mentioned that the abandoned garage on State Route 365 will be torn down starting this Thursday), Intergovernmental Relations: Bennati asked the Board to consider switching his position to Education and Libraries with Williams, if she agrees, because he feels he could do more in an area that he is more familiar with. Williams agreed to switch her position to Intergovernmental Relations and Supervisor Thurston said that they could vote on that tonight. Economic Development: Watson reported that the area businesses with the Town and the Village are having their first event this Saturday and hopes that everyone comes and that it is very successful. Supervisor Thurston said that the Town and the Village want the area businesses to know that we appreciate them, and that it has been a very positive experience. Supervisor's Report was also presented.

There were no reports from Planning Board, Zoning Board of Appeals, Assessors, Education and Libraries, Operations, SWOCO, Historian (Vanderwerken mentioned that he is going to get together with Helen Sforza's son to go through all the historic memorabilia in her home) and Highway Superintendent (Attorney Rossi asked Highway Superintendent Freemire if

Wentworth Drive is completed so he can tell the bank. Freemire replied that he is going to meet with Mr. Wentworth this week).

County Legislator's Report: Mr. Hennessy reported that he went to Bradford, PA with John Douglas and took a tour with the Soil and Conservation Officer and recommended that the Town Board take a look for themselves. He did see a change in lifestyle, but not many illnesses. The economic development was good only temporarily, and the value of their homes decreased after the drilling was done. The quality of the roads was good at the time, but would the gas companies leave them in good condition. So, there is good and bad.

Supervisor Thurston asked Mr. Hennessy about the rumor that the County Executive might reduce the sales tax money to towns, which would be devastating to our budget, and he replied that he has not heard that. Bennati mentioned that he heard that there would be "selected" towns that this would apply to and Attorney Rossi said that it would be highly unlikely that they would do that.

A motion to accept above reports was made by Bennati, seconded by Watson. No discussion. Ayes 4. Nays 0. Motion carried.

A motion to pay bills was made by Bennati, seconded by McDonough. No discussion. Ayes 4. Nays 0. Motion carried.

#### BUSINESS:

Supervisor Thurston read the two page moratorium on hydraulic fracturing. A motion to approve a 12 month moratorium on hydrofracking as Local Law #2 for 2011 was made by Watson, seconded by Bennati. McDonough asked Attorney Rossi if we could legally stop a company from hydrofracking by a moratorium. Attorney Rossi replied as the law stands now the answer is yes, but the State could pass a law that trumps our law. McDonough then asked if we are open to a lawsuit by a landowner if we pass a moratorium and Attorney Rossi replied that the answer is yes, but it would be a long process. McDonough also asked if we could wait until we receive a permit application before we pass a moratorium. Attorney Rossi said that once a permit is filed, then it is more obvious that we are trying to postpone it for a longer period of time. No further discussion. Ayes 3. Nays 1. (McDonough) Motion carried.

A motion to pass a resolution that the "Vernon Fall Festival" Committee will be officially formed and the Town of Vernon and Village of Vernon are joint agencies and the Town of Vernon Board will be the lead agency with the responsibility of audit was made by McDonough, seconded by Williams. No discussion. Ayes 4. Nays 0. Motion carried.

A motion to pursue National Grid to do a free energy audit was made by Bennati, seconded by McDonough. No discussion. Ayes 4. Nays 0. Motion carried.

A motion to transfer \$5000 from Highway Town outside to Highway Equipment Reserve was made by Bennati, seconded by Williams. No discussion. Ayes 4. Nays 0. Motion carried.

A motion to transfer \$6000 from A1990.4 Contingency to A5132.4 Garage to pay Nelson Associates for salt dome elevator plans was made by Watson, seconded by Williams. No discussion. Ayes 4. Nays 0. Motion carried.

Information was given to the Board members to review concerning the salt dome elevator. McDonough asked if the highway department could build this and Highway Superintendent replied that they could if they had the time and had the experience.

A request was made by Supervisor Thurston and Highway Superintendent Freemire to pursue the possibility of purchasing property south of the highway garage and the Town Board granted that request.

NYMIR Safety Audit was received with no safety recommendations.

A motion to pay \$900 to the Association of Towns for 2012 dues was made by McDonough, seconded by Williams. No discussion. Ayes 4. Nays 0. Motion carried.

A motion to hold a junk collection day on October 15, 2011 from 9:00 a.m.-1:00 p.m. at the highway garage was made by McDonough, seconded by Bennati. No discussion. Ayes 4. Nays 0. Motion carried.

Supervisor Thurston asked the Board if we should send a letter to the County Executive concerning possible reduction in sales tax to towns. They decided that they would wait until they hear if it is actually true.

A motion to switch Education and Libraries from Williams to Bennati and Intergovernmental Relations from Bennati to Williams was made by McDonough, seconded by Watson. No discussion. Ayes 4. Nays 0. Motion carried.

GOOD OF THE ORDER:

Bennati said that Dan Strobel left anti-hydrofracking information at his house and wanted him to give it to all Board members, which he did.

Supervisor Thurston mentioned that he hopes Saturday turns out to be a very good day and that it's been great working with the Village. We are working with them to have one of their Police Officers as a Court Attendant.

Williams said that she made the motion to pay the bills, but hasn't looked at them yet, so Bennati made the motion instead.

Supervisor Thurston also asked for help setting up on Saturday morning.

EXECUTIVE SESSION:

None

There being no further business, a motion to adjourn at 8:58 p.m. was made by McDonough, seconded by Bennati. No discussion. Ayes 4. Nays 0. Motion carried.

Respectfully submitted,

Additions to minutes on file  
in Town Clerk's Office.

Julie A. McElroy  
Town Clerk

It should be noted that this meeting was tape recorded and is on file in the Town Clerk's office.

COMMUNICATIONS:

2011 Equalization Rate Status  
Letter from Court Clerk