

2. Resolution 2014-455**~~Set Public Hearing Date - Application for Historic Designation 58 Youngs Road~~**

~~Please schedule a public hearing on June 16, 2014, for application for Historic Designation of property located at 58 Youngs Road under criteria (ii) and (v) of the Town Historic Preservation Ordinance.~~

~~**4/28/2014**~~

~~Consent~~

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Guy R. Marlette, Deputy Supervisor
SECONDER:	Steven D. Sanders, Councilmember
AYES:	Weinstein, Marlette, Manna, Sanders, Popowich

~~3. Resolution 2014-456~~**~~Amherst Veteran's Committee Appointments~~**

~~**BE IT RESOLVED** that the Amherst Town Board appoint Dan Howard to the Amherst Veterans' Committee for a term ending December 31, 2015, and~~

~~**BE IT FURTHER RESOLVED** that Joe Orzechowski be appointed to the Amherst Veterans' Committee by Deputy Supervisor Guy R. Marlette for a term ending December 31, 2014.~~

~~**4/28/2014**~~

~~Consent~~

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Guy R. Marlette, Deputy Supervisor
SECONDER:	Steven D. Sanders, Councilmember
AYES:	Weinstein, Marlette, Manna, Sanders, Popowich

C. COUNCILMEMBER MANNA:**1. Resolution 2014-457****No Fracking in Amherst**

WHEREAS, the Town of Amherst ("Town") Town Board ("Board") wishes to protect Amherst residents from the potential risks associated with the use, sale, acquisition, storage, handling, treatment, and/or processing of oil or gas wastes and the use of land for high volume hydraulic fracturing ("HVHF") within the Town, and

WHEREAS, solid and liquid wastes produced as a result of oil and gas extraction activities often contain constituents that are dangerous to human health and the environment, including, but not limited to, corrosive salts, oil and grease, heavy metals, volatile organic compounds, and naturally-occurring radioactive materials, such as radium-226 and radium-228, and

WHEREAS, the Amherst Town Board banned treatment of Fracking Fluids at the town's Waste Water Treatment Plant (RES-2012-420) believing the Town's existing waste treatment facilities are not equipped to treat the contaminants often found in oil and gas wastes, and such wastes may also damage these facilities' biological treatment processes, impairing their ability to treat normal sewage or other wastes, and

WHEREAS, when oil or gas wastes are spread on roads, the aforementioned constituents of such wastes can be washed into soil, groundwater, or surface water bodies, and, in turn, exposure to these pollutants through contaminated water and soil can cause harm to human health and local natural and agricultural resources, and

WHEREAS, oil or gas wastes may also be released into the environment when such wastes are inappropriately stored or disposed of, which poses a risk to local health, property, and natural resources, and

WHEREAS, oil and gas wastes are currently being produced in large quantities from the extraction of oil and gas from the Marcellus and Utica Shales, and as such, there is the potential that these wastes could be used, treated, stored, or disposed of in the Town, and

WHEREAS, hydraulic fracturing is a stimulation technique used in oil and gas production that introduces high-pressure volumes of water, liquid mixtures of chemicals and substances, or other gas, liquid, substances, or combination of thereof, into a subsurface carbon-bearing formation to create fractures to increase formation permeability or otherwise enhance the productivity of such formation, and

WHEREAS, HVHF is a form of hydraulic fracturing that uses considerably large volumes of water, liquid mixtures of chemicals and substances, or other gas, liquid, substances, or any combination of thereof to stimulate an oil or gas well, often in conjunction with horizontal drilling, and

WHEREAS, the use of land for HVHF is a heavy industrial land use characterized by the following: the production of dust, fumes, and other air emissions; visual impacts and landscape fragmentation; nighttime illumination during various phases of production; persistent heavy truck traffic that can impair local roads; and the creation of noise from well site activity as well as associated truck traffic, and

WHEREAS, the use of land for HVHF presents unique community character and land-use-based concerns distinct from other oil and gas operations, including but not limited to: longer horizontal wellbores that require longer drilling and fracturing periods; larger average well pad size; longer periods of activity at a single well pad because of the potential to drill multiple horizontal wells from a single surface location; greater volumes truck traffic; and the need to temporarily store large volumes of wastewater, which also requires additional accessory uses, and

WHEREAS, the use of land for HVHF has resulted in documented cases of spills of

chemicals and wastewater, blowouts, leaking wells, drinking water contamination, earthquakes, and other environmental accidents in states like Texas, Pennsylvania, Ohio, Wyoming, and West Virginia, and these incidents have resulted in the destruction of public and private property and the contamination of local natural resources, and

WHEREAS, health problems correlated with the use of land for HVHF have also been documented in other states-such as residents experiencing headaches, nosebleeds, fatigue, and respiratory problems after the commencement of nearby oil and gas extraction activities using HVHF-and scientific data is lacking on whether these problems have been caused by the use of land for HVHF and, if so, whether other debilitating or life-threatening effects from long-term exposure may result,

BE IT THEREFORE RESOLVED that the Board finds that use sale, acquisition, storage, handling, treatment, and/or processing of oil or gas wastes presents an unacceptable risk to the health, safety, welfare, and natural resources of the Town, and

BE IT FURTHER RESOLVED that the Board also finds that the use of land for HVHF within the Town is inconsistent and incompatible with the Town's land use development goals and presents an unacceptable risk to the character of the Town, the health and property of its citizens, and its natural resources, and

BE IT FURTHER RESOLVED that the Board hereby requests the Town Attorney to draft a local law and the appropriate departments take the required measures that shall prohibit the use sale, acquisition, storage, handling, treatment, and/or processing of oil or gas wastes and that shall also prohibit the use of land within the Town for HVHF.

4/28/2014

A motion to approve was made by Councilmember Manna and seconded by Councilmember Popowich. A motion to refer to the Town Attorney, Engineering, and Planning was then made by Councilmember Manna.

See results in the box below for the vote on the overall resolution.

RESULT:	REFERRED [UNANIMOUS]
MOVER:	Mark A. Manna, Councilmember
SECONDER:	Guy R. Marlette, Deputy Supervisor
AYES:	Weinstein, Marlette, Manna, Sanders, Popowich

~~D. COUNCILMEMBER SANDERS:~~

~~E. COUNCILMEMBER POPOWICH:~~

~~1. Resolution 2014-458~~

~~Update Chapter 32 of the Code of the Town of Amherst~~

~~WHEREAS~~, minority and women-owned businesses play a major role in the Town's economy, and

B. DEPUTY SUPERVISOR MARLETTE:

C. COUNCILMEMBER MANNA:

1. ~~Resolution 2012-419~~

~~Building Permit Fees in TNB Districts~~

~~BE IT RESOLVED~~ the Amherst Town Board reduces the building permit fees in the Traditional Neighborhood Business Overlay Districts (TNB) by 50% as directed by Resolutions #2009-561 and #2010-595.

5/7/2012

Consent

RESULT: ~~ADOPTED~~ **[UNANIMOUS]**

MOVER: ~~Mark A. Manna, Councilmember~~

SECONDER: ~~Guy R. Marlette, Deputy Supervisor~~

AYES: ~~Weinstein, Marlette, Manna, Anderson Sr., Nuchereno, Sanders~~

2. Resolution 2012-420

Amherst Bans Fracking Fluid from Waste Water Treatment Facility

WHEREAS, Hydraulic Fracturing or “Hydrofracking” is a controversial mining technique used to extract fossil fuels that have collected in layers of porous rock, and

WHEREAS, hydrofracking has received negative attention due to its connection to water pollution and other environmental problems, and

WHEREAS, the wastewater from hydrofracking contains chemical additives and radioactive material which vary in toxicity and include known carcinogens, water, sand, and chemicals, many of which may be harmful. Toxic chemicals that have been used in fracking fluids include methanol, ethylene glycol, formaldehyde, naphthalene, benzene, toluene and xylene. To date, over six hundred chemicals have been found to have been used in fracking fluids. According to Dr. Theo Colburn of the Endocrine Disruption Exchange, 47 percent of these products have the potential to affect the endocrine system, including human and wildlife development and reproduction, and

WHEREAS, the Amherst Wastewater Treatment Facility is a pure oxygen, activated sludge process that is biologically based that would be adversely affected by wastewater from the hydrofracking process, and

WHEREAS, while hydrofracking does not currently take place in New York State, a statewide moratorium is set to expire at the end of 2012, and

WHEREAS, several states and municipalities including Buffalo, Kingston and Auburn, New York and the state of Maryland have set a policy not to accept wastewater created by hydrofracking occurring outside of their communities; **now therefore be it**

RESOLVED it is in the best interest of the residents of the Town of Amherst that the Town of Amherst Wastewater Treatment Facility not accept or introduce wastewater from any hydrofracking operation into its process.

5/7/2012

Deputy Supervisor Marlette was added as co-sponsor of this Resolution.
Consent

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mark A. Manna, Councilmember
SECONDER:	Guy R. Marlette, Deputy Supervisor
AYES:	Weinstein, Marlette, Manna, Anderson Sr., Nuchereno, Sanders

~~D. COUNCILMEMBER ANDERSON:~~

~~E. COUNCILMEMBER NUCHERENO:~~

~~F. COUNCILMEMBER SANDERS:~~

~~1. Resolution 2012-421~~

Storage of Totes

~~WHEREAS, Amherst Town Code Section 169-16.B currently requires that all garbage and refuse containers be stored either inside or behind the principal building, and~~

~~WHEREAS, many residents currently have difficulty storing the large garbage tote inside their garage and it is inconvenient to store the tote behind the house in the winter time, and~~

~~WHEREAS, the Town is in the process of delivering recycling totes that would also need to be stored inside the garage or inconveniently behind the house, and~~

~~WHEREAS, currently, many residents neatly store their totes and other garbage and refuse containers neatly at the side of their homes, and~~

~~WHEREAS, despite the significant number of residents that store their totes next to their homes, the Refuse Department only receives about four complaints a year,~~

~~**NOW, THEREFORE, BE IT RESOLVED** that the Town Board directs the Town Attorney and Highway Superintendent to draft a local law to amend Section 169-16.B of the Town Code to allow the storage of the garbage and recycling totes behind the front elevation of the primary building on the property provided that the totes are at least partially obstructed from view from the street such as along the side of the house.~~