

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Canandaigua

Local Law No. 6 of the year 20 13

A local law Nine (9) Month Extension to Local law 10 of 2011 "2011 Moratorium on Natural
(Insert Title)
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 Canandaigua"

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Canandaigua as follows:

Section 1. Title

This law will be known as “Nine (9) Month Extension to Local law 10 of 2011 “2011 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 Canandaigua”

Section 2. Legislative Purpose and Intent The purpose of this local law is to extend by 9 months the existing eighteen (18) month moratorium on natural gas and/or petroleum exploration, extraction and/or support activities in the Town of Canandaigua. Significant progress has been made to address the issues initially identified in support of said moratorium including, formation of a working group, identification of issues, an analysis of adopted plans and a formal recommendation from said group for a local law to effect a Town wide ban, which Town staff is in the process of drafting. An additional 9 months will allow for development of the local law, review of same by the Town Board, outside agencies, and the public, as well as possible adoption.

Section 3. Amended Language.

The eighteen (18) month town wide moratorium also known as Local Law #10 of 2011 “2011 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” which became effective on 12/22/11 and which shall expire on 6/22/13 is hereby extended until 3/22/14.

Section 4. Invalidation.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 5. Effective Date

This Local Law shall become effective immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2013 of the (County)(City)(Town)(Village) of CADAMBAQUIA was duly passed by the Town Board on May 20 2013, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

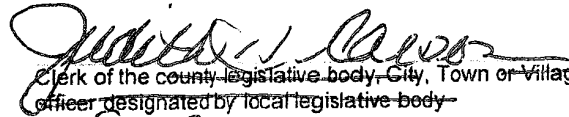
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


~~Clerk of the county legislative body, City, Town or Village Clerk or~~
~~officer designated by local legislative body~~

Date: May 29, 2013

(Seal)

~~2. All property and property owners within the existing district will be benefited by the extension;~~

~~3. The capital contribution to the extension is in the public interest, and it is further~~

ORDERED, by the Board, as follows:

~~Section 1. The maximum capital contribution by the existing district to the extension, which is hereby authorized, subject to the final establishment of the extension, shall not exceed \$37,140.00, which amount is to be paid from all the taxable real property within the district.~~

By order of the Town Board of the Town of Canandaigua

5 ayes: Fennelly, Helming, Westbrook, Brandt, Casella

~~Supervisor Casella opened the public hearing on Local Law on extending the moratorium on Hydraulic Fracturing at 8:10 pm:~~

~~Fim Jensen-DOD- This is just a 9 month extension on the moratorium on Natural Gas/Petroleum exploration, extraction and support activities. The moratorium is not just for fracking, but any large scale natural resource extraction:~~

~~Some residents were in favor of this resolution in order to move forward with a more permanent ban:~~

~~Supervisor Casella closed the public hearing at 8:15pm:~~

~~5. Moved by Councilperson Brandt, seconded by Councilperson Helming:~~

TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION
ADOPTION OF A LOCAL LAW TO EXTEND THE EXISTING MORATORIUM
ON HIGH VOLUME HYDRAULIC FRACTURING ACTIVITIES

WHEREAS, the Town Board is considering a draft local law last revised on 5/1/13 to extend, by nine (9) months, the existing eighteen (18) month town wide moratorium on Natural Gas and/or Petroleum Exploration, Extraction, and Support Activities first adopted on (the local law), and

WHEREAS, the Town Board has been presented with the local law, and

WHEREAS, on 5/20/13 the Town Board held public hearing to solicit input regarding the local law, and

WHEREAS, significant progress has been made to address the issues initially identified in support of the moratorium including, formation of a working group, identification of issues, an analysis of adopted plans and a formal recommendation from said group for a local law to effect a Town wide ban, which Town staff is in the process of drafting, and.

WHEREAS, an additional 9 months will allow for development of a local law to effect to effect a Town wide ban on high volume hydraulic fracturing activities, review of same by the Town Board, outside agencies, and the public, as well as possible adoption

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby adopts the local law to extend the existing eighteen (18) month town wide 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 to 3/22/14, and directs the Town Clerk to file it with the NYS Department of State.

5 ayes: Fennelly, Helming, Westbrook, Brandt, Casella

~~Supervisor Casella opened the public hearing on the Amendment to Town Code Chapter 220- Height of Detached Garages in RLD at 8:16pm:~~

~~Fim Jensen-DOD- This just re-establishes a section of the local law that was inadvertently omitted:~~

~~Supervisor Casella closed the public hearing at 8:17pm:~~

TOWN OF CANANDAIGUA
LOCAL LAW NO. ___ OF 2011

A 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 CANANDAIGUA

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

Section 1. Title

This law shall be known as the 2011 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 Canandaigua.

Section 2. Legislative Purpose and Intent

The Town of Canandaigua 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 Canandaigua 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 Canandaigua 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 Canandaigua is afforded adequate time to review and understand the potential impacts of Natural Gas Operations on land uses within the Town of Canandaigua. The Town of Canandaigua intends to amend the Canandaigua Town Code, as necessary, to adequately protect the residents and land uses within the Town of Canandaigua, 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 CO₂ 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 Canandaigua, Ontario 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 is one year 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 penalty in the amount of a minimum of \$100.00 and a maximum of \$250.00 for each day that such violation shall exist; and
2. 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 Canandaigua 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.

Discussion on the amount of the penalty.

Attorney Brocklebank-

Under SECTION 268 if we deem it an unclassified misdemeanor we can override state law. The penalty could be increased up to \$15,000 for the violation. The ultimate relieve would be to stop the violation. Injunctive relief is what we need.

It was the consensus of the board to go to an 18 month moratorium and a minimum fine of \$5,000 up to \$15,000.

Supervisor Casella read the letter from the Environmental Conservation Board in favor of the moratorium.

Bob Dugan- aginst hydrofracking
Gloria Foster – against hydrofracking
Glen Reed – in favor of moratorium
Jack Kellogg-in favor of moratorium
Bill Palmer – concerned about pollution of air
David Marsh –in favor of moratorium
Barb McVeil – in favor of moratorium
Steven Foster – in favor of moratorium
Colin Deal – wondered if people had thought about where they get their energy from now.

Short is discussion on if the Town would make changes in land use to protect the town.

Councilman Brandt – when we know the issues we can look at zoning regulations.

Supervisor Casella closed the public hearing at 7:48 pm.

Moved by Councilman Fennelly, seconded by councilman Brandt, (EXHIBIT K)
Town of Canandaigua Town Board Resolution
To Adopt Local Law 10 of 2011
Adopton of a moratorium on High Volume Hydraulic Fracturing

~~WHEREAS, the Town Board is considering a moratorium on high volume hydraulic fracturing, (aka hydrofracking);~~

WHEREAS, the Town Board is considering a moratorium on natural gas and/or petroleum exploration activites, natural gas and/or petroleum extractin activities, and/or natural gas and/or petroleum support activites in the Town of Canandaigua

WHEREAS, the action of adopting this moratorium is classified as a Type II action pursuant to NYCRR, Section 617.5, part 30, and

WHEREAS, at their meeting on 11/9/11, the Ontario County Planning Board recommended approval of the proposed moratorium with no modifications or comments, and

WHEREAS, on 12/5/11 the Town Board held a public hearing to allow for public comment on the proposed amendment, and

WHEREAS, it is the position of this Board that the proposed moratorium is needed to allow the Town sufficient time to establish needed controls applicable to high volume hydraulic fracturing and related activities and thereby minimize the potential for significant negative environmental and other impacts associated with the use, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereb adopt Local Law #10 of 2011.

Moved by Councilman Fennelly, seconded by Councilman Brandt to amend the above.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Moved by Councilman Fennelly, seconded by Councilman Brandt to moved the above as amended.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Short recess.

RESOLUTIONS: 10/24/11

1. Moved by Councilperson _____, seconded by Councilperson _____,
Calling on the Governor, the Legislature of NYS, and the NYS DEC, to apply the same standards to the Finger Lakes Watersheds that the DEC has indicated it will apply to any proposed gas drilling in the NY City and Syracuse Watersheds

WHEREAS, Canandaigua Lake is the source of drinking water for over 60,000 New York State residents; and

WHEREAS, the pure, clean water of the finger lakes is the region's most valuable asset, upon which the local economy is dependant; and

WHEREAS, many residents of the Canandaigua Lake Watershed do not have access to public water and obtain their unfiltered water directly from Canandaigua Lake, or from ground water wells within the watershed; and

WHEREAS, other NY State regions where drinking water is unfiltered are exempt from the Energy Policy Act of 2005, which essentially gave a "free pass" to natural gas, coal and energy mining interests from provisions of the Pure Waters and Pure Air legislation; and

WHEREAS, the Skaneateles/Syracuse watershed and the New York City watershed have been found to be 4exempt from the Energy Policy Act of 2005, removed from the Generic Environmental Impact Statement issued by the NYS Department of Environmental conservation, and will therefore have the benefit of a required separate review that requires any drilling interests to file a separate environmental impact statement for questionable drilling practices, such as slick water hydrofracking for natural gas, and further, to conduct an intensive study designed to insure that no damage to the watershed would occur; and

WHEREAS, the protection of the health and safety of the residents of the Town of Canandaigua is no less important than the protection of the health and safety of the residents of Skaneateles, Syracuse, or New York City,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Canandaigua calls on Governor Cuomo and Legislature of New York State to remove the Canandaigua Lake Watershed from inclusion in the Generic Environmental Impact Statement, and to apply the same standards to the Finger Lakes Watersheds that the DEC has indicated it will apply to the New York City and Syracuse Watersheds; and

BE IT FURTHER RESOLVED that copies of this resolution will be sent to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Leader Dean Skelos, NYS Health Commissioner Nirav Shah, DEC Commissioner Joe Martens, NYS Dept. of Agriculture & Markets Commissioner Darryl Aubertine, the NYS Association of Counties, State Senator Thomas O'Mara, Assemblyman Phil Palmesano and Attorney General Eric Schneiderman; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Canandaigua hereby directs the Supervisor of the Town of Canandaigua to introduce the resolution entitled " Calling on the Governor, the Legislature of NYS, and the NYS DEC, to apply the same standards to the Finger Lakes Watersheds that the DEC has indicated it will apply to any proposed gas drilling in the NY City and Syracuse Watersheds" at the next meeting of the Ontario County Board of Supervisors for consideration by the Ontario County Legislative Board.

2. ~~Moved by Councilperson _____, seconded by Councilperson _____, to surplus the following items from the Town's Inventory list: #1593-hard drive, #1592 Keyboard, and #0810 chair~~

3. ~~Moved by Councilperson _____, seconded by Councilperson _____~~

~~**Town of Canandaigua Town Board Resolution**
To set a Public hearing for a Local Law to override the tax levy limit established in General Municipal Law Section 3-e~~

~~WHEREAS, a Local Law being proposed Local Law __ 2011, was introduced at this meeting by a member of the Town Board, and~~

~~WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said Local Law,~~

~~NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Town Board with respect to the adoption of the aforesaid Local Law at 7:00 pm on November 7, 2011, at the Town Hall of the Town of Canandaigua, 5440 Route 5 & 20 West, Canandaigua, New York, and it is~~

~~FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.~~

4. ~~Moved by Councilperson _____, seconded by Councilperson _____,~~

~~RESOLVED, that the preliminary budget be accepted, a copy placed on file in the Clerk's office and the clerk be instructed to give notice of public hearing to be held on the proposed 2011 budget, Monday, November 7, 2011 at 7:05 pm at the Town Hall, 5440 Route 5 & 20 West.~~

~~FURTHER RESOLVED, that said public hearing include all water districts, drainage districts and lighting districts;~~

~~FURTHER RESOLVED, that said public hearing include the following fire protection services:~~

~~City of Canandaigua Fire Department in the amount of \$321,912.
Cheshire Volunteer Fire Department in the amount of \$461,818.
Bristol Volunteer Fire Department in the amount of \$19,883.
East Bloomfield Volunteer Fire Department in the amount of \$34,320~~

5. ~~Moved by Councilperson _____, seconded by Councilperson _____,~~

~~WHEREAS, NYS Town Law and the Town of Canandaigua Zoning regulations require Zoning Board of Appeals members to obtain the necessary number of training hours annually, and;~~