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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 of Owaseo
Village

Local Law No. _2___ of the year 2012.

A local law "to effect a Moratorium and Prohibition Within The Town Of Natural Gas And Petroleum Exploration And Extraction Activities, Underground Storage Of Natural Gas, And Disposal Of Natural Gas Or Petroleum Extraction, Exploration, And Production Wastes."

Be it enacted by the Town Board of the

County
City
Town of Owaseo, as follows:
Village

Section 1. TITLE

This Local Law shall be known as the "Moratorium on and Prohibition of Gas And Petroleum Exploration And Extraction Activities, Underground Storage Of Natural Gas, and Disposal Of Natural Gas Or Petroleum Extraction, Exploration, And Production Wastes."

Section 2. AUTHORITY

A. The Town Board of the Town of Owaseo hereby adopts this Local Law pursuant to the authority of the Municipal Home Rule Law of the State of New York.

Section 3. DEFINITIONS

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For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Agriculture Use— Land used for the production of crops and/or livestock and livestock products (as those terms are defined at Section § 301 of the New York State Agriculture and Markets Law).

Below-Regulatory Concern — Radioactive material in a quantity or of a level that is distinguishable from background (as that phrase is defined at 10 CFR §20.1003), but which is below the regulation threshold established by any regulatory agency otherwise having jurisdiction over such material in the Town.

Gathering Line, Or Production Line — Any system of pipelines (and other equipment such as drip stations, vent stations, pigging facilities, valve box, transfer pump station, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), used to move oil, gas, or liquids from a point of production, treatment facility or storage area to a transmission line, which is exempt from the Federal Energy Regulatory Commission’s jurisdiction under section 1(b) of the Natural Gas Act, and which does not meet the definition of a “Major utility transmission facility” under the Public Service Law of New York, Article 7, §120(2)(b).

Injection Well — A bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semi-solids) are injected into the subsurface and ninety (90) percent or more of such fluids do not return to the surface within a period of ninety (90) days. The definition of Injection Well does not include: (a) single family septic systems that receive solely residential waste; (b) drainage wells used to drain surface fluids, primarily storm runoff, into the ground; (c) geothermal wells associated with the recovery of geothermal energy for heating or production of electric power; or (d) bore holes drilled to produce potable water to be used as such.

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 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 — Any of the following in any form, and whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of “industrial waste,” “hazardous,” or “toxic,” and whether or not such substances are generally characterized as waste: (a) below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons; (b) natural gas or petroleum drilling fluids; (c) natural gas or petroleum exploration, drilling, production or processing wastes; (d) natural gas or petroleum drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semi-liquid material); (e) any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of natural gas or petroleum; (f) soil contaminated in the drilling, transportation, processing or refining of natural gas or petroleum; (g) drill cuttings from natural gas or petroleum wells; or (h) any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum. This definition specifically intends to include some wastes that may otherwise be classified as “solid wastes which are not hazardous wastes” under 40 C.F.R. § 261.4(b). The definition of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes does not include (i) recognizable and non-recognizable food wastes, or (ii) waste generated by Agriculture Use.

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; (c) 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; (h) Underground Natural Gas Storage; or (i) disposal of radioactive material.
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.

Radioactive Material — Material in any form that emits radiation, but only if such material has been moved from its naturally occurring location through an industrial process. Such material is "radioactive material" for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the NYS Department of Labor, the US Nuclear Regulatory Commission, the US Environmental Protection Agency, the US Department of Energy, the US Department of Transportation, or any other regulatory agency.

Radiation — The spontaneous emission of particles (alpha, beta, neutrons) or photons (gamma) from the nucleus of unstable atoms as a result of radioactive decay.

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

Town — The Town of Owasco, Cayuga 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. MORATORIUM AND PROHIBITION.

A. 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.

B. 1. 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.

2. The prohibitions set forth above in Clause 1. of this Section 4. B. are not intended, and shall not be construed, to: (y) 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 (z) 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.

C. 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 nine 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.

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

E. 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, or the 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.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars ($1,500) or imprisonment for not more than 10 days, or both, for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars ($2,500) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause A., each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Section 6. 'GRANDFATHERING' OF LEGAL, PRE-EXISTING NON-CONFORMING USE

Notwithstanding any provision hereof to the contrary, any Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law shall be subject to the following:

A.1. Where, as of the effective date of this Local Law, substantive Natural Gas And/Or Petroleum Extraction Activities are occurring in the Town, and those activities are in all respects being conducted in accordance with all applicable laws and regulations, including without limitation all valid permits required to be issued by the New York State Department of Environmental Conservation ("DEC") and all other regulating agencies, then and only then such Activity shall be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however, to the provisions of Clauses B. and C. of this Section 6.

2. Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law and which do not qualify for treatment under the preceding Clause A. 1. of this Section 6 shall not be grandfathered, and shall in all respects be prohibited as contemplated by Section 4 hereof.

B. Upon the depletion of any well or mine which is allowed to remain in operation after the effective date of this Local Law by virtue of Clause A. 1. of this Section 6, or upon any other substantive cessation of Natural Gas And/Or Petroleum Extraction Activities (otherwise grandfathered by virtue of Clause A. 1. of this Section 6) for a period of more than twelve (12) months, then and in such event the non-conforming use status of such Activity shall terminate,
and thereafter such Natural Gas And/Or Petroleum Extraction Activities shall in all respects be prohibited as contemplated by Section 4 hereof.

C. Notwithstanding any provision hereof to the contrary, the pre-existing, non-conforming status conferred and recognized by Clause A. 1. of this Section 6 is not intended, and shall not be construed, to authorize or grandfather any Natural Gas And/Or Petroleum Extraction Activities extending beyond whatever well bore is authorized in any DEC permit in existence as of the effective date of this Local Law. Any expansion or attempted or purported expansion shall not be grandfathered under Clause A. 1. of this Section 6, and instead shall in all respects be prohibited as contemplated by Section 4 hereof.

Section 7. HARDSHIP USE VARIANCE.

The Zoning Board of Appeals of the Town is hereby authorized to accept and review (after public notice and hearing and in accordance with the requirements of law and of this Local Law) requests for a hardship use variance from application of the provisions of this Local Law by persons aggrieved hereby.

No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.

A. Unnecessary Hardship. In order to prove such unnecessary hardship the applicant is required to demonstrate to the Zoning Board of Appeals that, with respect to every permitted use under the zoning regulations for the particular district where the property is located, each of the following four criteria is satisfied: (i) the applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; (ii) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (iii) the requested use variance, if granted, will not alter the essential character of the rural, hamlet, or other neighborhood; and (iv) the alleged hardship has not been self-created.

B. Reasonable Rate of Return. In evaluating whether the applicant can realize a reasonable rate of return, the Zoning Board of Appeals must examine whether the entire original or expanded property holdings of the applicant are incapable of producing a reasonable rate of return (and not just the site of the proposed development project). No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Zoning Board of Appeals finds that the applicant has clearly demonstrated, by detailed "dollar and cents" proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) and for each and every permitted use in the district (including those uses permitted by special use permit).

C. Unique Hardship. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Zoning Board of Appeals finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the area.

D. Essential Character of the Neighborhood. In making its determination of whether the proposed development project will alter the essential character of the neighborhood, the
Zoning Board of Appeals shall take into account factors that are of vital importance to the citizens of the Town including without limitation: (i) the rural residential and agricultural character of the Town, (ii) its irreplaceable recreation and tourism sites, (iii) the extent of hazard to life, limb or property may result from the proposed development project, (iv) health impacts, (v) the social and economic impacts of traffic congestion, noise, dust, odors, emissions, solid waste generation and other nuisances, (vi) the impact on property values, and (vii) whether the applicant will engage in a type of development that will result in degradation to the air quality, water quality and environment of the Town. In order to find that the proposed development project does not alter the essential character of the neighborhood, the Zoning Board of Appeals shall interpret the public interest in said essential character of the neighborhood to require, at a minimum, that the project will not do any of the following: (x) pose a threat to the public safety, including public health, water quality or air quality, (y) cause an extraordinary public expense, or (z) create a nuisance.

E. Self-Created Hardship. The Zoning Board of Appeals may find that the applicant suffers from a self-created hardship in the event that the Board finds that (i) the applicant’s inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision; (ii) the applicant previously divided the property and is left with only a portion which suffers from some unique condition for which relief is sought and which did not apply to the parcel as a whole; or (iii) when the applicant purchased the property, he or she knew or should have known the property was subject to the zoning restrictions.

In the event the Zoning Board of Appeals grants a hardship use variance from the provisions of this Local Law to the applicant, the applicant shall be required to comply with all provisions of the Town’s then applicable zoning laws and other laws and regulations, together with any amendments to such law or regulations which may be enacted during the term of this Local Law. Any hardship use variance that is granted shall grant only the minimum variance that the Board of Appeals deems necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section 8. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or any portion thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.
Section 9. SUPRESEDING INTENT AND EFFECT.

During the time this Local Law is in effect, it is the specific intent of the Town Board, pursuant to Municipal Home Rule Law § 10(1)(ii)(d)(3) and §22, to supersede: (a) any inconsistent provisions set forth in Town Law § 265-a; § 267; § 267-a, § 267-b, § 268; §274-a, §274-b; § 276, § 277, § 278, and § 279; (b) any other inconsistent provisions set forth in Article 16 of the Town Law; (c) any inconsistent provisions of the Zoning Code of the Town of Owasco; and (d) any inconsistent provisions of any and all other local ordinances, local laws or local resolutions of the Town of Owasco.

Section 10. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2012 of the Town of Owasco, was duly passed by the Town Board on 3/8/12 in accordance with the applicable provisions of law.

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 1 above.

(Seal)

STATE OF NEW YORK
COUNTY OF CAYUGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

ESQ.

TOWN ATTORNEY

TOWN OF OWASCO

Date: 3/15/12
A Town Board Meeting of the Town of Owasco was held on March 8, 2012 at 6:00 PM in the Owasco Town Hall with the following members present:

PRESENT:
Councilperson, Michael Aldrich
Councilperson, Terrence Lattimore
Supervisor, Edward Wagner

ABSENT:
Councilperson, Tony Gucciardi
Councilperson, Richard Knaul


CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 12-073 approval of Town Board Agenda for March 8, 2012.

Motion by Councilperson Lattimore: Second Councilperson Aldrich.

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Absent
Councilperson Knaul Absent Councilperson Lattimore Yes
Supervisor Wagner Yes

APPROVAL OF MINUTES:

Resolution 12-074 approval of Town Board Minutes for February 29, 2012.

Motion by Councilperson Lattimore: Second Councilperson Aldrich.

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Absent
Councilperson Knaul Absent Councilperson Lattimore Yes
Supervisor Wagner Yes

PUBLIC PARTICIPATION:

COMMUNICATIONS:

COMMITTEE REPORTS: Will be posted on the Town Website.

PUBLIC PARTICIPATION:

COMMITTEE REPORTS:

Will be posted on the Town Website.

PUBLIC HEARING: Local Law No. 2 of 2012 to effect a Moratorium and Prohibition Within the Town, of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production wastes.

Started: 6:04 PM.

Resolution 12-075 to close the Public Hearing on Local Law No. 2 of 2012 at 6:05 PM

Motion by Councilperson Lattimore: Second Councilperson Aldrich.

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Absent
Councilperson Knaul Absent Councilperson Lattimore Yes
Supervisor Wagner Yes

SEE LOCAL LAW NO. 2 ATTACHED TO END OF MINUTES
NEW BUSINESS:

Resolution 12-076 to approve SEQR determination for Local Law No. 2 of 2012 formerly proposed as Local Law No. 3 of 2011

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 2 of 2012.

WHEREAS, the Owasco Town Board declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action; and

WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of Local Law No. 2 of 2012 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Owasco Town Board hereby determines that the action does not involve any other agencies apart from the Owasco Town Board itself; and

WHEREAS, the Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law; and

BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 2 of 2012 will not have a significant adverse impact on the environment and hereby issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby directed to sign the Negative Declaration of Environmental Significance.

Motion by Councilperson Lattimore: Second Councilperson Aldrich.

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Absent
Councilperson Knaul Absent Councilperson Lattimore Yes
Supervisor Wagner Yes

Resolution 12-077 A Resolution of the Town Board for the adoption and enactment of Local Law No. 2 of 2012 formerly known and proposed as Local Law No. 3 of 2011

WHEREAS, a Resolution was adopted by the Town Board on November 10, 2011 introducing proposed Local Law No. 3 of 2011 (nka Local Law No. 2 of 2012) and said Resolution established a public hearing relating thereto; and

WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town on November 26, 2011, and proof of such publication has been filed with the Town Clerk, and

WHEREAS, a Notice of Public Hearing with respect to such Local Law was duly posted on the sign board of the Owasco Town Hall, and

WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on December 8, 2011, and adjourned and kept open to December 30, 2011 and this date, March 8, 2012, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed Local Law; and

WHEREAS, by letter dated November 30, 2012 from Beth Bowman, Deputy Town Clerk to Geoff Milz of the Cayuga County Department of Planning and Economic Development, pursuant to General Municipal Law Section 239 l and m, the Town forwarded the proposed Local Law No. 3 of 2011 nka Local Law No. 2 of 2012 for comment; and

WHEREAS, by letter dated January 23, 2012 and Cayuga County Planning NYS GML Section 239 L, M and N Referral Report Form Final Determination dated January 19, 2012 from Geoff Milz of the Cayuga...
County Department of Planning and Economic Development, the Cayuga County Planning Board advised that it “took no action”; and

WHEREAS, by email dated November 30, 2011 with attached letter dated November 30, 2011 from Robert Shaw, Town Clerk and by email dated December 13, 2011 with attached letter dated December 13, 2011 from Robert Shaw, Town Clerk, the Town pursuant to Town Law Section 264 sent the proposed Local Law to the Clerks of the Towns of Fleming, Skaneateles, Niles, Sennett, Scipio, County of Cayuga and City of Auburn;

WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 2 of 2012.

WHEREAS, the Town Board has carefully considered the proposed Local Law; and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Local Law;

NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY,

RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 2 of 2012 set forth below:

Motion by Councilperson Lattimore: Second Councilperson Aldrich.

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Absent
Councilperson Knaul Absent Councilperson Lattimore Yes
Supervisor Wagner Yes

Resolution 12-078 appointing the following person as Chairperson of the Planning Board: Ron Podolak at a Salary of $ 3,545.00 per year pro rated as of today March 8, 2012 his board term ends December 2014.

Motion by Councilperson Lattimore: Second Councilperson Aldrich.

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Absent
Councilperson Knaul Absent Councilperson Lattimore Yes
Supervisor Wagner Yes

AUDIT AND PAYMENT OF CLAIMS:

Resolution 12-079 authorizing the audit and payment of the following claims:
General and Highway Funds, Special Districts, (Water and Sewer Districts), Capital Project and Reserve Fund claims, and ratifying the payment of the prepaid claims as authorized by resolution 12-025 adopted January 12, 2012, all in accordance with the attached abstract of claims.

ABSTRACT # 3, 2012 Vouchers – 132 – 206 Total Claims $719,222.75

Motion by Councilperson Aldrich: Second Councilperson Lattimore.

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Absent
Councilperson Knaul Absent Councilperson Lattimore Yes
Supervisor Wagner Yes

Resolution 12-080 to adjourn the meeting

Motion by Councilperson Lattimore: Second Councilperson Aldrich.

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Absent
Councilperson Knaul Absent Councilperson Lattimore Yes
Supervisor Wagner Yes

Meeting adjourned at 6:47 PM

[Signature]
Robert A. Shaw Town Clerk