

MINUTES OF STAFFORD TOWN BOARD MEETING OF October 8, 2012

PRESENT:

R. Pacer -Deputy Supervisor
R. Clement -Supervisor
R. Panek -Councilman
D Mullen -Councilman

ABSENT:

D. Vicary -Councilman

OTHERS PRESENT:

Walt Kershenski - Town Clerk
Steven Boldt - Highway Superintendent
Lester Mullen - CEO/ZEO
Approximately__6__ members of the Community per sign in form

Supervisor Clement called the meeting to order at 7:30 p.m., followed by Pledge to the Flag.

Approval of Minutes of September 10, 2012 Public Hearing Meeting for LL2-2012:

Motion Councilman Mullen Sec Councilman Panek. All approved. **Motion** carried

Motion made by Councilman Mullen sec. by Councilman Panek to accept the minutes of the September 10, 2012, Town Board Meeting. All approved. **Motion** carried.

Motion made by Councilman Pacer sec. by Councilman Panek to accept the financial report as submitted by the Supervisor. All approved. **Motion** carried

OLD BUSINESS:

1. Local Law #2-2012 – Hydrofracking Moratorium:

Referral from County Planning Sept. 13th meeting - Notice of Action

The Genesee Co. Planning Board submitted the Zoning Referral notice of Final Action report to the Town Board regarding zoning test amendment proposal to enact a one year moratorium regarding hydrofracking in the Town of Stafford. Their recommendation was for approval due to no significant impacts on the town.

Referral from Town Planning Sept. 26th meeting:

Letter from Planning Board Chairman:

Planning Board Chairman William VanAlst submitted a letter to the Town Board members recommending enactment of Local Law #2 of 2012 to enact the 1 year Moratorium on Hydrofracking in the Town of Stafford.

Town Board Action:

After a brief discussion amongst the Town Board Members, Supervisor Clement introduced the following Resolution for adoption of Local Law #2-2012:

RESOLUTION NO. 11-2012

DATED: October 8, 2012

RESOLUTION ADOPTING LOCAL LAW No. 2 OF 2012

WHEREAS, proposed Local Law No. 2 of 2012 of the Town of Stafford entitled “A Local Law to Amend the Zoning Law of the Town of Stafford to Enact a Moratorium Regarding the Exploration and

Extraction of Natural Gas and All Related Activities, Including Hydrofracking”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on August 13, 2012, and a copy thereof was kept with the Town Clerk and copies were both laid upon the desks of the members of said Town Board and mailed to each member of the Town Board not in attendance at said meeting, at least ten (10) days, exclusive of Sundays, prior to its final passage; and

WHEREAS, at least ten (10) days prior to the public hearing, written notice of any proposed regulations, restrictions or boundaries of districts within the Town and amendments thereto was given by mail by the Town to each person or persons required to be notified pursuant to New York State Town Law Section 264(2); and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on September 10, 2012, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, all required referrals to the Genesee County Planning Board and the Stafford Town Planning Board, as well as all required publications and postings, have been properly completed; and

WHEREAS, the Town Board of the Town of Stafford, New York, is of the opinion that adoption of said proposed Local Law No. 2 of 2012 is in the best interests of the Town of Stafford, New York,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Stafford, New York that said proposed Local Law No. 2 of 2012, be and the same hereby is adopted, and such Local Law shall be entered in the minutes of the Stafford Town Board; and

BE IT FURTHER RESOLVED, that certified copies of said Local Law No. 2 of 2012 be filed with the New York State Secretary of State in accordance with Law; and

BE IT FURTHER RESOLVED, that a summary of the provisions pursuant to Local Law No. 2 of 2012 be published once in The Daily News and that an affidavit of publication thereof be filed with the Town Clerk; and

BE IT FURTHER RESOLVED, that this Local Law shall become effective as provided by law upon its filing in the Office of the Secretary of State.

Dated: October 8, 2012

MOVED BY: Councilman Pacer

SECONDED BY: Councilman Panek

Approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilman Donald Mullen	Yes
Councilman Robert Pacer	Yes
Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Absent

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.state.ny.us/corps

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 Stafford

Local Law No. 2 of the year 2012

A local law to Amend the Zoning Law of the Town of Stafford to Enact a Moratorium Regarding the
(Insert Title)
Exploration and Extraction of Natural Gas and All Related Activities, Including
Hydrofracking

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

County City Town Village
(Select one.)
of Stafford

as follows:

SECTION I: Legislative Intent.

The purpose of this Legislation is to enact a one (1) year moratorium from the effective date of this Local Law prohibiting the exploration and extraction of natural gas and all related activities, including the process commonly referred to as hydrofracking, which is the process used to extract natural gas that has been trapped in shale formations through high pressure horizontal drilling, which infuses water, sand and chemical additives to create small fractures within the rock that will then allow for natural gas to flow. This Moratorium period will allow the Stafford Town Board an opportunity to review and investigate issues relating to the hydrofracking process.

SECTION II: Legislative Findings.

1. Natural gas exploration and extraction occurring in the Town of Stafford may pose a significant threat to the health, safety and welfare of the residents of the Town through the deposit of gases, vapors, hazardous substances and other materials into the air, soil, water and environment of the Town.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

2. Clean air, water and soil are essential to most resources and activities in the Town of Stafford, and the quality of air, water and soil may be degraded and polluted by natural gas exploration and extraction and the chemicals used in these processes, which may have both immediate and long term adverse impacts.

3. It is in the best interest of the residents of the Town of Stafford to allow the one (1) year moratorium period to adequately research the specific impacts of natural gas exploration and extraction, with related activities. Of particular concern is the impact that the natural gas extraction method of high volume hydraulic fracturing may have on existing air, water and soil conditions within the Town.

SECTION III: Definitions.

1. "Natural Gas" shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

2. "Natural Gas and/or Petroleum Exploration" shall mean 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, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

3. "Natural Gas and/or Petroleum Exploration and Production Materials" shall mean any solid, semi-solid, liquid, semiliquid or gaseous material used in the exploration or extraction of natural gas.

4. "Natural Gas Exploration and/or Petroleum Production Wastes" shall mean any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

5. "Natural Gas and/or Petroleum Extraction" shall mean the digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons.

6. "Natural Gas and/or Petroleum Support Activities" shall mean the construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

SECTION IV: Enact Moratorium.

1. Chapter 182 of the Code of the Town of Stafford, entitled "Zoning Law of the Town of Stafford", is hereby amended to enact and establish a one (1) year moratorium from the

effective date of this Local Law; thereby, prohibiting the acceptance, processing and/or approval of any land uses set forth hereinafter, and no permits shall be issued by any local, state or federal agency for these following uses:

a.) No land in the Town shall be used: to conduct any exploration for natural gas and/or petroleum; to drill any well for natural gas; to transfer, store, process or treat natural gas; or to dispose of natural gas exploration or production wastes; or to erect any derrick, building, or other structure; or to place any machinery or equipment for any such purposes.

b.) No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production materials.

c.) No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production wastes.

d.) No land in the Town shall be used for natural gas and/or petroleum support activities.

e.) No permit issued by any local, state or federal agency, commission or board for a use which would violate the prohibitions of this section or of this Local Law shall be deemed valid within the Town.

2. The Town Board of the Town of Stafford reserves the right to terminate the one (1) year moratorium period or to extend said period, as needed, in the best interests of the residents of the Town of Stafford. In the event that no such action shall be taken, the moratorium shall automatically expire one (1) year from the effective date of this Local Law.

SECTION V: Effective Date.

This Local Law shall take effect immediately upon its filing with the New York State Secretary of State as provided by Law.

(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. 2 of 2012 of the (County)(City)(Town)(Village) of Stafford Town Board was duly passed by the (Name of Legislative Body) on October 8 2012, 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 on 20, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the (Elective Chief Executive Officer*) and was deemed duly adopted 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 (Name of Legislative Body) on 20, and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) on 20.

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 (Name of Legislative Body) on 20, and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) 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 1 above.

Walter Kershenski
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Walter Kershenski, Town Clerk
Date: 10/8/12

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF GENESEE

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.

Kevin D. Earl
Signature Kevin D. Earl, Esq.
Town Attorney
Title _____

County _____
City of Stafford
Town _____
Village _____

Date: October 10, 2012