

Town of Barrington  
Town Board Meeting-Public Hearing  
Local Waste Storage Law  
November 29<sup>th</sup>, 2011

Supervisor Wright opened the Town Board Meeting at 7:00 pm with the Pledge of Allegiance.

Present:	Fred Wright	Town Supervisor
	Nate Olney	Deputy Supervisor
	Ken Christensen	Councilman
	Bruce Castner	Councilman
	Calvin Crosby	Councilman
	Joy L. C. Perry	Town Clerk

Also Present:

Rob Louden, Steve Coffman, Jerry Lange, Paul Danielson, Cathy Danielson, Stan Dobromil, Stan Dobromil, Jonathan Cook, Nancy Rembaum, Steve Knapp

1. Open Public Hearing on Proposed Waste Law

Wright opened the public hearing at 7:01 pm.

Eileen Farnan first wanted to point out that she didn't want Marcellus Shale drilling anymore than anyone else but, had concerns that nowhere in this law does it allow for temporary storage of waste in tanker trucks for the drilling of gas wells. She pointed out that for wells to be drilled there will have to be temporary waste storage and that more than fifty percent of the landowners in Barrington have already signed gas leases. It appeared to her that it looked like this law would do away with all kinds of gas drilling.

Farnan also pointed out section 2.4C where it talks about ten people from the community telling the Town Board what they want done. She stated that the Board is an elected body that should be able to do this without ten people telling them what to do.

Farnan was concerned that the gas drilling companies were not named in this law. She stated that the gas companies should be liable for any fees more so that the landowners.

Nancy Rembaum stated that she has a gas lease and hopes to be able to get out of it. She stated that she doesn't want her land polluted and this law is the way to go.

Steve Knapp stated that fifty percent of landowners signed leases since 2005 and recommends that the Board not protect the fifty percent that signed the leases and support the fifty percent that may not want waste stored in the Town. He stated that everyone has a right to clean air and clean water. He also agreed that this law is the way to go.

Douglas Tepper stated that he is the owner of Finton's Landing and like most everyone else here he has his entire life invested here. He stated that he and his wife appreciate the Boards' work with these regulations and urged them to not be intimidated by the powerful gas companies.

Wright closed the public hearing at 7:10 pm.

Wright stated that he has a gas lease and that hopefully when the five years are up he can do something different with the way it is written. He further stated that the main objective of the Town Board's is to keep the Town as nice as it is. They want to protect the lake, the water and the roads. Wright stated that he is glad that Farnan spoke up about naming gas companies. He stated that it didn't cross his mind but is glad that there are people bringing it to "light". He further stated that he believes that there needs to be a few changes made to this proposed law.

Castner stated that he also has a gas lease. He said that the leases that people signed five years ago obviously weren't in their best interests but was unsure that the law in front of them now is in their best interest either. He stated that he doesn't like the way the law is written and doesn't understand it. He believed that there are a lot of other people who wouldn't be able to understand it.

Crosby believed that there need to be some changes to the law.

Christensen stated that he believed that if the law was passed they could make slight amendments without much problem, but wasn't sure that would be the way to go. He said that he agreed with Wright and Farnan regarding the tanker trucks and waste storage. He never gave it a thought. Christensen asked Lange what her thoughts were regarding everyone's comments. Lange stated that the tanker trucks pose the same issues. She said that there are potential for spills and issues with traffic.

Lange stated that they are not trying to stop drilling completely. She stated that the companies can still drill conventionally. They can frack with water or propane, but they can not frack the way they are currently in Pennsylvania. Lange explained that the companies have fracked with propane both in New York and Pennsylvania but are not using this method, even though it is safer, because of the cost. She stated that she has talked with DEC out of Avon and they said that they will not issue any permits for Marcellus Shale drilling in Barrington because it is too close to the surface. It doesn't meet their permit requirements because it is closer than 2000 feet. They will not issue a permit for anything that isn't 2000 feet or greater. Again, Lange stated that they are not telling the gas companies that they can not drill but they can not store waste, which does prohibit the current method of fracking. Lange pointed out that the storage clause in the leases does not permit storage of waste, but is for storage of gas therefore, would not be voiding the leases with this law.

Lange also pointed out that the clause regarding the ten people telling the Board what to do refer to ten people that are directly around the site that the Town allows waste to be

stored on. The ten people are involved and deliberately affected. She explained that the clause basically says that if for some reason the Town Board does not act then they can sue, but they can do this anyways so it can easily be taken out.

Lange said that gas companies are not mentioned because you can't single out a particular industry when you prohibit things. That is discrimination.

Lange explained the process for a hardship variance.

Rob Loudon stated that this law is a way of keeping things uniform. He said it is lengthy but it needs to be.

Steve Coffman stated that he has been on the Committee for Preserving the Finger Lakes for almost four years now. He stated that he has put in about 30,000 hours of his own time, on his own dime. He further stated that the pro bono lawyers that wrote this law, in his opinion, are working very hard and are doing this because they believe in the environment and love this State.

Coffman pointed out that the tremendous waste that comes back up from fracking can't be stored in a few tanker trucks. He stated that the whole scale has nothing in common with what they have seen before.

Wright stated that he would like to see the whole ten person clause stricken from the law.

**Resolution 2011-144** to pass this proposed local law on to the Yates County Planning Board with the change that was requested was made by Wright and seconded by Christensen.

Fred Wright	Aye
Ken Christensen	Aye
Nate Olney	Aye
Bruce Castner	Aye
Calvin Crosby	Aye

0-Noes

## 2. Comprehensive Plan Revisions Approval

**Resolution 2011-145** to accept the revisions as written for the Comprehensive Plan for The Town of Barrington was made by Castner and seconded by Christensen.

Bruce Castner	Aye
Ken Christensen	Aye
Fred Wright	Aye
Nate Olney	Aye
Calvin Crosby	Aye

0-Noes

3. Approve Minutes for 10-26-11

A motion to accept the minutes from the meeting of October 26<sup>th</sup>, 2011 was made by Castner and seconded by Christensen.

4-Ayes (Castner, Christensen, Crosby, Wright) 0-Noes (Olney-abstained)

4. Appoint Tom Murrin Chairperson of the ZBA

**Resolution 2011-146** to appoint Tom Murrin as the Chairperson to the Zoning Board of Appeals was made by Christensen and seconded by Olney.

Ken Christensen	Aye
Nate Olney	Aye
Fred Wright	Aye
Bruce Castner	Aye
Calvin Crosby	Aye

0-Noes

5. Village of Dundee Youth Contract

**Resolution 2011-147** to accept the Village of Dundee’s Youth Contract was made by Castner and seconded by Olney.

Bruce Castner	Aye
Nate Olney	Aye
Fred Wright	Aye
Ken Christensen	Aye
Calvin Crosby	Aye

0-Noes

6. Supervisor Correspondences

Wright went over his correspondences since the last meeting.

- a. Letter from Attorney Brocklebank-not seeking reappointment
- b. Letter from Diane Caves-YC Office of Emergency Management
- c. Letter from the Dundee Library-Thanking the Town for its support

7. Public Participation on Non-Agenda Items

None

8. Highway Superintendent Report

Fred Cratsley, Deputy Highway Superintendent, stated that they are ready for winter. All the salt is delivered. The fuel tank building is completed and all inspections have passed. Truck 2 has been returned from being sanded and repainted.

9. Code Enforcement Report

None

10. Watershed Report

Wright shared a watershed report.

11. Justice Audit Report for to date as of October

**Resolution 2011-148** to accept the Justice’s Audit Report to date as of October 2011 was made by Crosby and seconded by Olney.

Calvin Crosby	Aye
Nate Olney	Aye
Fred Wright	Aye
Ken Christensen	Aye
Bruce Castner	Aye

0-Noes

12. Planning Board Report

Lange stated that the SEQR for the law has to be done and that the Town Board is lead agency. She stated that she gave two copies of the report to Perry and to Peterson. DeStephen will be helping her come up with answer to the questions that relate to the whole Town.

Lange shared some interesting facts. She stated that the Town has 5427 acres of meadow or brush land that is non-agricultural. There are 9242 acres of forested land. There are 7754 acres of agriculture, 192 acres of wetland, and 351 acres of water surface not including the lake. There are 254 acres of roads, buildings and other paved surfaces. The dominant soil type is Volusia. 12.3% of our soil is well drained. 73.9% is moderately well drained and 12.8% is poorly drained.

13. Public Participation on Agenda Items

Jerry Lange commended the Board for sending the proposed law to the Yates County Planning Board.

Steve Knapp asked if there was a way that the law could state it generically that the responsibility of dumping waste be put on the gas companies and not the landowner.

Farnan asked if there was a way that they would allow a temporary storage of waste on property. She suggested possibly a two week period.

Bobby Coffman complimented the Highway Department for the nice job they did with the Dombroski Road.

David Weaver stated that he sees that the gas drilling can also be a positive thing for agriculture. He explained that the revenue that you may get could offset the loss from crop failure. He stated that the gas companies need to be safe and responsible.

Phillip Cook pointed out the pollutants that are already going into the ground.

Crosby stated that they are not trying to ban drilling but rather protect the Town. He explained that it needs to be done safely without a lot of residue left behind.

#### 14. Pay General Bills

**Resolution 2011-149** to pay the general bills numbered A247\*11 thru A273\*11 in the amount of \$11,076.17 which have been audited by the Town Board was made by Olney and seconded by Christensen.

Nate Olney	Aye
Ken Christensen	Aye
Fred Wright	Aye
Bruce Castner	Aye
Calvin Crosby	Aye

0-Noes

#### 15. Pay Highway Bills

**Resolution 2011-150** to pay the highway bills numbered D269\*11 thru D293\*11 in the amount of \$35,822.67 which have been audited by the Town Board was made by Crosby and seconded by Castner.

Calvin Crosby	Aye
Bruce Castner	Aye
Fred Wright	Aye
Nate Olney	Aye
Ken Christensen	Aye

0-Noes

16. Pay T-Fund Bills

**Resolution 2011-151** to pay the T-Fund bills numbered T1\*11 thru T3\*11 in the amount of \$1,434.22 which have been audited by the Town Board was made by Olney and seconded by Castner.

Nate Olney	Aye
Bruce Castner	Aye
Fred Wright	Aye
Ken Christensen	Aye
Calvin Crosby	Aye

0-Noes

17. Next Town Board Meeting

The next meeting will be December 28<sup>th</sup>, 2011.

18. Adjourn

A motion to adjourn at 8:17 pm was made by Olney and seconded by Castner.

5-Ayes (Castner, Christensen, Crosby, Olney, Wright) 0-Noes

*Respectfully Submitted,*

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*Joy L. C. Perry, Town Clerk*