

REGULAR TOWN BOARD MEETING
January 18, 2012

1. Call to order
2. Roll Call
3. Pledge of allegiance
4. Approval of minutes
 - a. December 20, 2011 Regular Town Board Meeting
 - b. December 29, 2011 Town Close Out Meeting
 - c. January 3, 2012 Reorganization Meeting
5. Dedication to Daniel Brodnicki
6. Communications to be filed
 - a. Association of Towns
 - b. Time Warner Cable
 - c. New York Planning Federation
 - d. Thaler & Thaler
 - e. Office of the State Comptroller
 - f. Stuart I. Brown Associates, Inc.
 - g. Seneca Lake Pure Waters Association, Inc.
7. Code Enforcement Officer
 - a. Property Maintenance letter sent to 1465 County Road 132
8. Romulus Planning Board
 - a. Regular Meeting Minutes Attached
 - b. Seneca County Planning Board Agenda/Minutes
9. Romulus Zoning Board
 - a. No Report This Month
10. Highway Superintendent
 - a. Report Attached
11. Dog Control Officer
 - a. Report Attached
12. Bookkeeper
 - a. Report Attached
13. Supervisor
14. Committees Report
15. Old Business
 - a. Ambulance Contract
 - b. Fire Department Letter EMS Service
16. New Business
 - a. 2012 Committees
17. Resolutions
 - 6-12 Tax Collector's Books
 - 7-12 Town Clerk's Books
 - 8-12 Supervisor's Books
 - 9-12 Judge's Books
 - 10-12 Verification of Payables
 - 11-12 Amend Resolution 89-11 Designate Official Newspaper
 - 12-12 Appointment of Planning Board Member
 - 13-12 Accept Audit of Monthly Court Records
18. Town Clerk's Report
 - a. Report Attached
 - b. Liquor License-Anthony J. Arena
19. Adjourn

DRAFT
Regular Town Board Meeting
December 20, 2011

Call to Order: The regular Town Board Meeting was called to order at 7:30 PM by Supervisor David Kaiser.

Roll Call:	Supervisor David Kaiser	Present
	Councilman Robert Gerlach	Present
	Councilman Ralph Walborn, Jr.	Present
	Councilwoman Barbara McCall	Present
	Councilman Kyle Collinworth	Present

Others Present: Town Clerk, Terry Smith
Planning Board Vice Chairperson, Tom Bouchard
Planning Board Secretary, William Karlson
Highway Superintendent, Jim Williamson
Senator Michael Nozzolio
Residents 16

Pledge of Allegiance: followed by moment of silence. Supervisor Kaiser asked that we wish Robert (Duke) Gerlach a long and happy retirement.

Presentation to Councilman Robert (Duke) Gerlach:

Supervisor David Kaiser presented Councilman Robert (Duke) Gerlach the Key to the Town of Romulus along with a Certificate of Appreciation for his 38 years on the Town Board as Councilman. He was also given a watch with an inscription on the back for his many years of service.

Before making a presentation to Councilman Gerlach, guest speaker Senator Michael Nozzolio offered a broad thank you to Supervisor David Kaiser for being outstanding in leading the Town Board in support of the Veterans Memorial Cemetery at Sampson. Senator Nozzolio said "your leadership has been steadfast. All the members of the Town Board have been supportative."

Senator Nozzolio then praised Councilman Robert (Duke) Gerlach for his 38 years of service. Senator Nozzolio then presented Duke with a resolution from the State of New York which will be put on file in Albany. Senator Nozzolio praised "Duke" for all his accomplishments and work that he contributed to the Town of Romulus. Senator Nozzolio also presented "Duke" with a flag that was flown over the Capital Building of New York in his name.

The Meeting recessed for refreshments for Councilman Gerlach at 7:45 PM

The Meeting reconvened at 8:00 PM.

Approval of Minutes:

- a. November 16, 2011 Regular Town Board Meeting
Motioned: Councilman Ralph Walborn, Jr.
Seconded: Councilman Robert Gerlach
Carried Unanimously

Communications to be filed:

- a. State of New York – attached
- b. NYMIR - attached
- c. Seneca County Personnel – Attached
- d. Time Warner Cable - attached
- e. Seneca Lake Pure Waters Association, Inc. - attached
- f. State of New York Department of Public Service – attached
- g. Excellus – attached
- h. Five Star Bank – attached
- i. State of New York Department of State

Code Enforcement Officer Permits issued/letters sent:

- a. 30-11 2139 Yerkes Road, Accessory Structure
- b. Letter sent to 5658 Cherry Hill Road

Romulus Planning Board:

- a. October 3, 2011 Planning Board Agenda/Minuts
- b. Seneca County Planning Board Agenda and Minutes

Romulus Zoning Board

- a. Resignation from Gordon Carroll

Highway Superintendent:

Report Attached

Dog Control

- a. Report Attached
- b. NYS Department of Agriculture & Markets
The was a problem at Lake Shore Landing with a vicious dogs.

Bookkeeper:

- a. Report Attached

Supervisor:

- a. Letter regarding Bureau of Emergency Medical Services - attached
- b. Romulus Central School – attached
- c. Closeout Meeting is set for December 29,m 2011 at 9:00 AM
- d. Re-Organization meeting is set for January 3, 2012 at 9:00 AM

Old Business:

Received 2 bids for Snow removal. William Karlsen bid \$850.00 and Rob Beliveau bid \$350.00.

The bid was award to Rob Beliveau and a letter will be sent to Mr. Karlsen.

Motioned: Councilman Kyle Collinsworth

Seconded: Councilman Robert Gerlach

Carried Unanimously

Resolution:

#75-11 Verification of Payables

Motioned: Councilman Robert Gerlach

Seconded: Councilman Ralph Walborn, Jr

Carried Unanimously

#76-11 Accedpt Audit of Monthly Court Records

Motioned: Councilman Ralph Walborn, Jr.

Seconded: Councilman Robert Gerlach

Carried Unanimously

#77-11 Authorize Supervisor to Sign Contract

Motioned: Councilman Robert Gerlach

Seconded: Councilman Ralph Walborn, Jr.

Carried Unanimously

#78-11 Authorize Supervisor to sign Ambulance Contract

Tabled

#79-11 Accept Zoning board Member Resignation

Motioned: Councilman Kyle Collinsworth

Seconded: Councilman Robert Gerlach

#80-11 Ovid VFW Post #6200 Bingo License

Motioned: Councilman Kyle Collinsworth

Seconded: Councilman Robert Gerlach

Carried Unanimously

#81-11 Romulus Volunteer Fire Department Bingo License

Motioned Councilman Kyle Collinsworth

Seconded: Councilman Robert Gerlach

Carried Unanimously

#82-11 Romulus Volunteer Fire Department Games of Chance

Motioned: Councilman Kyle Collinsworth

Seconded: Councilman Robert Gerlach

Carried Unanimously

#83-11

Motioned: Supervisor David Kaiser

Seconded: Councilman Kyle Collinsworth

Carried Unanimously

Resolution #84-11

Accept Bid for Snow Removal

Motioned: Councilman Kyle Collinsworth

Seconded: Councilman Robert Gerlach

Carried Unanimously

Town Clerk's Report:

a. Report Attached

Motioned: Councilman Robert Gerlach

Seconded: Councilman Ralph Walborn, Jr.

Carried Unanimously

Meeting Adjourned:

Motioned: Councilman Robert Gerlach

Seconded: Councilman Kyle Collinsworth

Carried Unanimously

DRAFT
Closeout Meeting for Romulus Town Board
December 29, 2011

Call to Order: The Closeout meeting for Romulus Town Board was called to order at 9:00 AM by Supervisor David Kaiser.

Roll Call:	Supervisor David Kaiser	Present
	Councilman Robert Gerlach	Present
	Councilman Ralph Walborn, Jr.	Absent
	Councilwoman Barbara McCall	Present
	Councilman Kyle Collinsworth	Present

Others Present: Town Clerk, Terry Smith
Highway Superintendent, Jim Williamson
Finger Lakes Community Newspaper Reporter, Aneta Glover
Office Clerk, Mary Farnsworth

Pledge of Allegiance: followed by moment of silence.

Highway Superintendent spoke to the board about purchasing a new truck in 2012. He said that there had been money left in the account. Before any decisions are to be made, Mary Farnsworth will check with auditor concerning funds.

Councilwoman Barbara McCall asked about approving the contract for the South Seneca Ambulance Corp. After some discussion this matter was tabled till the Reorganization meeting in January 2012.

Resolutions:

Budget Transfers
Resolution #85-11
Motioned: Councilman Robert Gerlach
Seconded: Councilman Councilman Kyle Collinsworth
Carried Unanimously

Appointment of Planning Board Member
Resolution #86-11
No Motion Made - Tabled
Motioned: Councilman
Seconded: Councilman
Carried unanimously

Verification of Payables
Resolution #87-11
Motioned: Councilman Kyle Collinsworth
Seconded: Councilwoman Barbara McCall

Carried Unanimously

Designate 2012 Newspaper

Resolution #88-11

Motioned: Councilman Kyle Collinworth

Seconded: Councilman Robert Gerlach

Carried Unanimously

Designate 2012 Newspaper

Resolution #89-11

Motioned: Councilman Robert Gerlach

Seconded: Councilwoman Barbara McCall

Carried Unanimously

Motion to Adjourn:

Motioned: Councilman Robert Gerlach

Seconded: Councilman Kyle Collinworth

Carried Unanimously

DRAFT
Reorganization Meeting of the Romulus Town Board
January 3, 2012

Call To Order: Supervisor David Kaiser called the meeting to order at 9:00 AM.

Roll Call:	Supervisor David Kaiser	Present
	Councilman Gordon Carroll	Absent
	Councilman Ralph Walborn, Jr.	Present
	Councilwoman Barbara McCall	Present
	Councilman Kyle Collinsworth	Absent

Others Present: Town Clerk, Terry Smith
Highway Superintendent, Jim Williamson

Pledge of allegiance: Followed by moment of silence.

Motion to reorganize: Motion made by Councilman Ralph Walborn Jr.
Seconded: Councilman Kyle Collinsworth
Carried Unanimously

Resolutions: Resolution #1-12
Robert's Rule of Order
Motioned: Councilman Ralph Walborn Jr.
Seconded: Councilwoman Barbara McCall
Carried Unanimously

Resolution #2-12
Set Mileage Rate
Motioned: Councilman Ralph Walborn, Jr.
Seconded: Councilwoman Barbara McCall
Carried Unanimously

Resolution #3-12
Set Permanent Meeting Date
Motioned: Councilman Ralph Walborn, Jr.
Seconded: Councilwoman Barbara McCall
Carried Unanimously

Resolution #4-12
Judicial Temporary Assignment
Motioned: Councilman Ralph Walborn, Jr.
Seconded: Councilwoman Barbara McCall
Carried Unanimously

Resolution #5-12
Highway/Public Works Shared Services
Moted: Councilwoman Barbara McCall
Secoded: Councilman Ralph Walborn, Jr.
Carried Unanimously

Committee Assignments:

Will be done at the regular meeting in January 2012.

Motion to Adjourn:

Moted: Councilman Ralph Walborn, Jr.
Secoded: Councilwoman Barbara McCall
Carried Unanimously

Meeting Adjourned.



Association of Towns
of the State of New York

G. JEFFREY HABER
EXECUTIVE DIRECTOR

WWW.NYTOWNS.ORG

LORI MITHEN DEMASI
COUNSEL

December 2010

Dear Town Clerk:

PLEASE READ AT FIRST 2012 TOWN BOARD MEETING
Contains Dated Material to be Returned

The 2012 Training School and Annual Meeting of this Association will be held at the Hilton New York & Towers, New York City, February 19-22, 2012. This is a training session for town officials. The following is a brief outline of events:

INFORMATIONAL HEARING from 3:00-5:00 p.m., Sunday Afternoon,
February 19 - Beekman Parlor. See over page.

GENERAL OPENING SESSION for all town officers, 8:45 a.m., Monday
Morning, February 20 - Grand Ballroom.

GROUP SESSIONS for various categories of town officers and special programs
follow the Opening Session as will be set forth in the printed program:

Town Board Members	Fiscal Officers
Building Officials	Public Works & Highway
Planning & Zoning Officials	Town Clerks
Town Justices Generally	Town Court Clerks
Town Justices (Advanced, Accredited)*	Town Attorneys
Tax Collecting Officers	

BREAKFAST WITH THE ASSOCIATION 8:00 a.m., Tuesday Morning,
February 21 - Grand Ballroom

ANNUAL BUSINESS SESSION (Official Delegates) at 9:00 a.m., Wednesday
Morning, February 22 - Beekman & Sutton (N) Parlors

***PLEASE NOTE CHANGE: *All Justice and
Court Clerk Classes will be held at the
Hilton New York!***

The Constitution of the Association provides:

“On all questions arising at meetings of the Association, each member town in good standing shall be entitled to one vote. Such vote shall be cast by a person designated by the town board of such member town, registered and present at the meeting at which the vote is offered. The town board may designate an alternate to cast the vote of such town in the absence of the person so designated. No person shall be designated as a representative of a town or alternate unless he shall be an elector of the town so designated.”

Any town that has paid its dues for the year 2012 BEFORE the Annual Meeting is a member in good standing. A CERTIFICATE OF DESIGNATION OF THE VOTING DELEGATE for your Town is enclosed. THE CERTIFICATE MUST BE EXECUTED AND RETURNED TO THE ASSOCIATION, 150 State Street, Albany, NY 12207-1617, NO LATER THAN FEBRUARY 3, 2012, for the Credentials Committee to review and establish eligibility.

A copy of the preliminary 2012 Legislative Program developed at a joint meeting of the Executive Committee and the Resolutions Committee is attached. The Resolutions Committee will present the Legislative Program to the Delegates at the 2012 Business Session. RESOLUTIONS SUBMITTED AT LEAST 15 DAYS PRIOR TO THE 2012 ANNUAL MEETING will also be received and considered for recommendation at the Business Session.

So that delegates will have an understanding of the proposed resolutions prior to the Business Session on Wednesday, an Informational Hearing on the resolutions will be held by the Executive and Resolutions Committees, Sunday Afternoon, February 19, in the Beekman Parlor from 3:00-5:00 p.m.

The registration fee includes “Breakfast with the Association” on Tuesday Morning. This fee together with other actual and necessary expenses of town officers and employees authorized by the town boards to attend, are a legal town charge under 77-b of the General Municipal Law.

Registration receipts will be issued. They should be retained by each town officer or employee attending and should be attached to claim vouchers presented to town boards for reimbursement of attendance expenses. The Official Annual Meeting Badge must be displayed for admission to all sessions and the Exhibit Area.

Check our website for further details on events and sessions at the Annual Meeting:

www.nytowns.org

CERTIFICATE OF DESIGNATION

*THIS FORM MUST BE FILED WITH:
ASSOCIATION OF TOWNS
150 STATE STREET
ALBANY, NEW YORK 12207*

NO LATER THAN FEBRUARY 3, 2012

In order to Establish Eligibility & Credentials to Vote at the 2012 Business Session

**TO: THE OFFICERS AND MEMBERS OF
THE ASSOCIATION OF TOWNS OF
THE STATE OF NEW YORK**

TO INSURE CORRECT SPELLING ON DELEGATE BADGES, PLEASE PRINT OR TYPE

I, _____ Town Clerk of the Town of _____,
in the County of _____ and State of New York DO HEREBY CERTIFY
that the Town Board of the aforesaid Town has duly designated the following named person to
attend the Annual Business Session of the Association of Towns of the State of New York, to be held
in New York City, on February 22, 2012, and to cast the vote of the aforesaid Town, pursuant to
§6 of Article III of the Constitution and By-Laws of said Association:

NAME OF VOTING DELEGATE _____ OFFICE _____

ADDRESS _____

ZIP _____

*In the absence of the person so designated, the following named person has been designated to cast the
vote of said Town:*

NAME OF ALTERNATE _____ OFFICE _____

ADDRESS _____

ZIP _____

In WITNESS WHEREOF, I have hereunto set my hand and the seal of said Town

this ____ day of _____, 20__.

Town Clerk



Association of Towns
of the State of New York

Reported Resolutions November 18, 2011



The President of the Association of Towns of the State of New York (AOTSNY) annually appoints a Resolutions Committee made up of Executive Committee Members and other town officials. The Resolutions Committee meets twice before the Annual Meeting (November and February) to review new and prior resolutions and legislative issues. Those resolutions approved by the Resolutions Committee will be reported to the Town Delegates of the Annual Meeting for their consideration. To assist the Town Delegates in this process, the Executive Committee has adopted Rules of Order (copy enclosed) to govern the Resolutions Process at the Annual Meeting. In accordance with the Rules of Order, the language of the proposed resolutions may not be changed at the Annual Meeting. Therefore, if your town would like to suggest changes to the language of the enclosed resolutions which were reviewed and reported out of the November, 18 2011 Resolutions Committee meeting, please provide your proposed changes to AOTSNY staff on or before January 18, 2012 for the AOTSNY Resolutions Committee to consider at their February 2, 2012 meeting.

The enclosed resolutions have been reported by the AOTSNY Resolutions Committee at their November 18, 2011 meeting. Please note that these resolutions may be modified or withdrawn by the AOTSNY Resolutions Committee at their February 2, 2012 meeting. In addition, new resolutions may be reported out of the February 2, 2012 AOTSNY Resolutions Committee meeting.

If you have new resolutions that you would like the Resolutions Committee to consider at their February 2, 2011 meeting please provide them to AOTSNY staff on or before January 18, 2011. The proposed 2012 AOTSNY Legislative Resolutions Program will be voted upon by the Town Delegates to the Annual Meeting on Wednesday, February 22, 2012. Once approved, the resolutions will be printed and distributed to member towns as well as state and federal legislative officials.



Association of Towns
of the State of New York

Reported Resolutions November 18, 2011



State and Local Relations

1. Home Rule

Controlling Municipal Expenditures

2. Mandate relief
3. Publication of legal notices

Energy and Environment

4. Road Preservation Securities and Agreements
5. Preserve Land Use Authority For Natural Gas Drilling
6. Funding Local Costs Associated with Gas Extraction
7. Requesting Meaningful Participation in the Siting of Major Power Generation Facilities

Funding and Revenue

8. Reform Real Property Tax System
9. Highway Funding
10. Animal Population Control Fund
11. Fund Local FEMA Cost Share
12. Gross Receipts and other Revenues
13. Court and Town Prosecutor Surcharge

Fairness and Equality

14. Preserve Dedicated Funds for Local Purposes

Resolution No. 1

Preserve and Strengthen Home Rule

WHEREAS, since 1894 the Constitution has granted broad home rule powers to local governments and placed corresponding restrictions on the state Legislature to preserve these powers; and

WHEREAS, home rule powers encompass a wide range of subjects including but not limited to: the power to adopt, amend and repeal local laws in the exercise of its functions, powers and duties; the power to share services and act cooperatively with other local governments; the power to acquire real and personal property for its corporate purposes; the power to establish recreational facilities; the power to dispose of its real and personal property; the power to levy and collect rents, charges, fees and penalties in a city, village or town; the power to adopt, amend and repeal zoning regulations; and the power to perform comprehensive or other planning work relating to its jurisdiction; and

WHEREAS, the exercise of these powers permits local governing bodies to meet the unique and diverse needs of local residents while fostering citizen participation and grass roots involvement in government; and

WHEREAS, New York's diverse communities are best served by maintaining the principles of home rule, including those set forth in the state Constitution, Local Government Bill of Rights, Statute of Local Governments and the Municipal Home Rule Law; **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to preserve and strengthen home rule; and **BE IT FURTHER**

RESOLVED, that the Association of Towns will strongly oppose any state initiative to weaken or eliminate New York's long-standing tradition of home rule and local government authority.

Resolution No. 2

Mandate Relief

WHEREAS, local governments partner with the state government to protect and preserve the health, safety and welfare of the people of New York State; and

WHEREAS, such a partnership requires collaboration in order to effectively accomplish these goals; and

WHEREAS, the imposition of tax-shifting unfunded and underfunded state mandates (commonly occurring in the areas of public works, procurement, personnel management, provision of local service, environmental quality enhancements and the loss of the local tax base) represents a barrier to effective collaboration and good governance; and

WHEREAS, the growing expense of tax-shifting unfunded mandates, both individually and collectively, places financial burdens on local governments and, ultimately, the taxpayer; and

WHEREAS, directing compliance with unfunded and/or underfunded mandates has, in some instances, forced local governments to drastically underfund crucial local services such as road maintenance, public safety; water and wastewater treatment as well as parks, senior and youth services and cultural services; and

WHEREAS, the enactment of Chapter 97 of the Laws of 2011 limits local real property tax revenues making it even more challenging to comply with unfunded and/or underfunded mandates; **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to enact comprehensive mandate relief legislation that provides permanent and full funding of existing mandates, identifies and eliminates unnecessary mandates, eliminates future unfunded and underfunded mandates and which requires all future legislation to include specific local fiscal impact notes which will inform members of the Legislature and the public regarding the actual expense of implementing said legislation.

Resolution No. 3

Publication of Legal Notices

WHEREAS, an informed and engaged electorate is important to the governing process; and

WHEREAS, the electorate is notified of many local government actions by means of the publication of a legal notice in a paid daily or weekly newspaper as defined by Public Officers Law §70-a and General Construction Law, §60 (a); and

WHEREAS, studies show a decline in paid local daily and weekly newspaper readership; and

WHEREAS, New Yorkers are increasingly turning to alternative sources of news and information such as the Internet or free community newspapers for local news and information; and

WHEREAS, the intent of required public notice is to increase the likelihood that citizens are well-informed regarding local government actions, finances and plans: **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to amend the General Construction Law to allow publications having a widespread but unpaid circulation within the town to be considered newspapers and to permit towns and other local governments to place legal notices in these local publications.

Resolution No. 4

Road Preservation Securities and Road Use Agreements

WHEREAS, well-maintained roads and bridges are vital to New York State's economy and the quality of life of its residents; and

WHEREAS, many commercial projects or endeavors, including, but not limited to, timber harvesting, wind energy development, mining and natural gas exploration, are dependent on local roads and bridges; and

WHEREAS, many of these projects or endeavors require the frequent transport of heavy equipment and loads over local highways, occasionally damaging local roads in the process; and

WHEREAS, most local roads and bridges are not designed to accommodate the weight, volume and frequency of vehicles used in support of a particular project or endeavor; and

WHEREAS, repairs to local roads for damage resulting from use in furtherance of a private project are typically funded by real property taxes; and

WHEREAS, local governments seek express statutory authority to require the sponsors of private projects to pay for damages to roads attributable to the particular project or endeavor, without having to rely on their home rule authority; **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to provide express statutory authority for local governments to require the posting of road and bridge reconstruction securities to protect local highways from damage attributable to private, commercial projects or endeavors; and **BE IT FURTHER**

RESOLVED, that the Association of Towns calls upon the Governor, the Legislature and the Department of Transportation to amend the Highway, Vehicle and Traffic Law and Town Law to expressly allow local governments the authority to require and enter into Road Use Agreements when the proposed project or endeavor will result in road usage that exceeds the normal usage and is beyond the carrying capacity of a road.

Resolution No. 4

Preserve Land Use Authority for Natural Gas Drilling

WHEREAS, towns are authorized to adopt land use plans and laws to responsibly promote the health, safety and welfare of the community; and

WHEREAS, by delegating land use authority to towns, the State Legislature has recognized that locally elected officials are in the best position to plan for the future growth and development of the community; and

WHEREAS, the exercise of this authority enables local officials to adopt land use laws that directly reflect the character of the community desired by its residents; and

WHEREAS, the exercise of this authority is currently being challenged under Article 23 of the Environmental Conservation Law (ECL), which regulates the testing, exploration, drilling and extraction of natural gas and oil; and

WHEREAS, the provisions of the ECL address the regulation of oil and gas drilling and does not address the character and needs of the residents of the community: **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns calls upon the Governor, the Legislature and the Department of Environmental Conservation to amend the Environmental Conservation Law, §23-0303 to expressly preserve the right of locally elected officials exercise local land use authority to plan for the future growth and development of their communities.

Resolution No. 6

Funding Local Costs Associated with Gas Extraction

WHEREAS, with the adoption of a revised SGEIS and proposed regulations, the New York State Department of Environmental Conservation is moving closer to issuing permits for natural gas drilling by means of horizontal drilling and hydraulic fracturing; and

WHEREAS, the activities associated with exploration and extraction of natural gas are expected to have an immediate financial impact on the local governments, including towns, within New York State as they prepare for development on a scale not seen before in many of these communities; and

WHEREAS, oil and gas, as well as the wells, pipes, tanks and other structures and facilities used in the production and transmission of natural gas is real property for real property taxation purposes in New York State; and

WHEREAS, Title 5 of Article 5 of the Real Property Tax Law (RPTL) provides for a uniform, statewide method of valuing oil and gas producing properties for real property tax purposes, and requires oil and gas producing properties in production be assessed separately from all other interests in the property, and

WHEREAS, a lag exists in the time when local governments will incur the expenses associated with natural gas drilling activity and when they can expect to receive any real property tax revenue that may result from the production of the gas; **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns urges the Governor, the Legislature, and all administrative agencies to improve, or in the very least, maintain, the ability of local governments to tax the production of natural gas at the current level when considering the taxation of natural gas development or extraction by any alternative method, and **BE IT FURTHER**

RESOLVED, that the Association of Towns encourages the Governor, the Legislature, and all administrative agencies to adopt a fee structure for natural gas drilling permits that recognizes the immediate costs to be borne by the affected local governments and the lag between those expenditures and any potential real property tax revenue.

Resolution No. 7
Requesting Meaningful Participation in the Siting of Major Power Generation Facilities

WHEREAS, Article X of the Public Service Law was renewed in the Power NY Act of 2011 thereby limiting the authority and participation of local governments in the siting of major power generation facilities including industrial wind farms; and

WHEREAS, various state agencies had regulatory oversight over such facilities, as a home rule state, New York's municipalities, by virtue of decisions made by locally elected representatives, could ultimately decide whether or not such development was in their residents' best interests; and

WHEREAS, the Power NY Act of 2011 removes said decision-making from local municipalities and puts that authority into the hands of the new State Board on Electrical Generation Siting and the Environment, which will have nominal representation from affected communities; and

WHEREAS, the new state siting board will have the authority to act contrary to any local ordinance, law or local standard or requirement if it finds that such is unreasonably burdensome on ratepayers whether located inside or outside of such municipality; **NOW THEREFORE BE IT**

RESOLVED that the Association of Towns calls upon members of the new State Board on Electrical Generation Siting and the Environment as well as participating state agencies to include local governments in the drafting of corresponding regulations and the processing of siting applications.

Resolution No. 8

Reform Real Property Tax System

WHEREAS, towns are heavily reliant on real property tax revenues to fund important government services; and

WHEREAS, New York's real property tax burden is among the highest in the nation, diminishing standards of living and economic vitality across the state; and

WHEREAS, a contributing factor to high real property taxes is the volume of legislation passed each year granting particular property owners and not-for-profits either a partial or full exemption from the payment of real property taxes and relief from established taxable status dates; and

WHEREAS, the manner in which condominiums, cooperative housing and certain multi-family dwelling units are assessed further contributes to high real property taxes in this state; and

WHEREAS, it is essential that the cumulative long-term impact of real property tax exemptions be addressed in New York, particularly in light of the continual erosion of real property tax bases resulting from the above practices; **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to define and enact a uniform, well-defined approach to exemption and taxable status date legislation and provide state funding for any state-mandated or encouraged exemption programs and protect local property tax revenues.

Resolution No. 9

Highway, Bridge and Transportation Funding

WHEREAS, a safe and dependable transportation infrastructure network is necessary in order to protect users of New York's roads, bridges and mass transit and to encourage and sustain economic development; and

WHEREAS, the roads and bridges that make up our nation's highway and transit infrastructure are built, operated and maintained through the collaborative financial assistance of federal, state and local governments, with 85 percent of New York's roads and bridges maintained by local governments; and

WHEREAS, the federal "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU) funding program was established to provide federal funding for state and local infrastructure projects and which expired in 2009 but which has been temporarily extended eight times through March 31, 2012 ; and

WHEREAS, the National Surface Transportation Infrastructure Financing Commission, in its 2009 report "Paying Our Way: A New Framework for Transportation" estimates the total

funding shortfall, at all levels of government, to be between \$134 billion to \$194 billion per year just to maintain the current system and \$189 to \$262 billion per year to improve the existing transportation system for the period 2008 to 2035; and

WHEREAS, the 2010 report “Well Within Reach: America’s New Transportation Agenda,” estimates that an additional \$134 billion to \$262 billion must be spent annually through 2035 to rebuild and improve America’s roads, rail systems and air transportation; and

WHEREAS, the New York State “Consolidated Local Street and Highway Improvement Program” (CHIPS) was established to assist localities in financing the construction, reconstruction, maintenance and improvement of local highways, bridges, highway-railroad crossings and/or other local facilities (Highway Law, §10-c) is subject to annual appropriation; and

WHEREAS, studies of New York’s extensive local road system continue to identify a multi-billion dollar shortfall in funding for local highways and bridges; and

WHEREAS, a 2009 State Comptroller report provides that only one-third of the \$30 billion allocated to New York’s Dedicated Highway and Bridge Trust Fund has been spent on building and repairing roads and bridges in the state since 1991; and

WHEREAS, the Association of Towns is cognizant of the current financial crisis; and

WHEREAS, according to the Federal Highway Administration, every dollar spent on street and highway improvements results in \$5.40 in economic benefits; **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns calls upon the Governor, the Legislature and the Department of Transportation to maintain CHIPS funding in the 2012-13 state budget and to provide a stable and sustainable funding stream for local infrastructure; and **BE IT FURTHER**

RESOLVED, that the Association of Towns calls upon the Governor, the Legislature and the Department of Transportation to continue to provide CHIPS reimbursement for maintenance procedures undertaken to extend the useful life of local transportation infrastructure; and **BE IT FURTHER**

RESOLVED, that the Association of Towns calls upon the Governor, the state Legislature and the Department of Transportation to fully fund and preserve the Dedicated Highway and Bridge Trust Fund (DHBTF) for capital infrastructure expenditures and to phase out noncapital expenditures; and **BE IT FURTHER**

RESOLVED, that the Association of Towns calls upon the New York Congressional Delegation to renew SAFETEA-LU and to provide an increased and dedicated funding commitment to New York state and local transportation infrastructure projects.

Resolution No. 10

Elimination of the Requirement to Collect State Animal Population Control Surcharge

WHEREAS, New York State is no longer participating in the licensing, registration and tracking of dogs as of January 1, 2011: and

WHEREAS, the entire responsibility and costs for providing said services will be borne by municipalities as of that date, and

WHEREAS, New York State is requiring municipalities to collect a surcharge on all dog licenses in order to fund a statewide animal population control program constitutes an unfunded mandate; **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to amend the Agriculture and Markets Law to authorize municipalities to retain funds collected for animal population control to be used for local programs.

Resolution No. 11

Fund the Local FEMA Cost Share

WHEREAS, the damage resulting from Hurricane Irene and Tropical Storm Lee is expected to exceed more than one billion dollars; and

WHEREAS, local governments have limited resources to rebuild critical infrastructure, such as roads, bridges, town halls, stream remediation, courts, wastewater treatment facilities, water filtration plants as well the replacement and reconstruction of parks, ball fields and playgrounds destroyed during Hurricane Irene and Tropical Storm Lee; and

WHEREAS, due to a prolonged recession, local taxpayers are also struggling with limited funds to rebuild their own homes, farms and businesses and can ill afford to contribute more property tax dollars to rebuild public resources; and

WHEREAS, eligibility for Federal Emergency Management Agency (FEMA) funding requires New York State and its local governments to fund 25% of the cleanup and reconstruction costs resulting from Hurricane Irene and Tropical Storm Lee; and

WHEREAS, New York State has typically assumed 12.5 % of the cost towards the required FEMA cost sharing contribution with local government funding the remaining 12.5%; and

WHEREAS, costs associated with natural disasters and other states of emergency are not exempted from the property tax cap; and

WHEREAS, S.5888 introduced by Senator Bonacic and A.8654-A Introduced by M of A Lupardo (MS) seeks to amend the Executive Law by adding a new section 29-I, which would require the State to fund both the state and local share of FEMA cost sharing responsibilities resulting from Hurricane Irene and Tropical Storm Lee; **NOW THEREFORE BE IT**

RESOLVED that the Association of Towns calls upon the Governor and the Legislature to enact S5888/A8654-A or comparable legislation to relieve local taxpayers of the additional burden of funding the 12.5% local FEMA match.

Resolution No. 12

Authority to Charge Gross Receipts Taxes on Utility Bills

WHEREAS, approximately 50 percent of town revenue comes from taxation of real property; the remainder is primarily comprised of a combination of mortgage recording taxes, sales tax and state and federal aid; and

WHEREAS, the recently enacted real property tax cap limits the percentage of revenue towns can derive from the real property tax; and

WHEREAS, due to the current state of the economy, towns are receiving significantly less revenue in the form of state aid, sales tax and mortgage recording taxes, forcing them to become even more reliant on the real property tax; and

WHEREAS, cities and villages are authorized to collect a gross receipts tax on utilities, a tax that is not available to towns; and

WHEREAS, authorizing towns to collect gross receipts taxes would create parity among local governments and ease towns' reliance on real property taxes, particularly in light of the dwindling revenues from state aid, sales tax and mortgage recording tax; **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to authorize towns, at their discretion, to collect gross receipts tax to the same extent such tax is available to cities and villages.

Resolution No. 13

Surcharges to Fund Justice Courts and Town Prosecutors

WHEREAS, town justice courts provide an essential service that is primarily funded by local real property taxes; and

WHEREAS, the state established reimbursement fund (General Municipal Law [GML] §99-1), designed to assist local governments with the operational expenses of justice courts, has not been amended to reflect an increase in operational expenses in more than a decade; and

WHEREAS, the New York State Police have discontinued the practice of prosecuting and plea-bargaining traffic violations in town justice courts, placing a burden on local governments to provide prosecutors for traffic violations, further increasing operational expenses of the court;
NOW THEREFORE BE IT

RESOLVED that the Association of Towns requests legislative action to increase GML, §99-1 reimbursement fees to assist local taxpayers in funding justice court operational expenses; and **BE IT FURTHER**

RESOLVED that the Association of Towns requests legislative action to establish a new surcharge to maintain the office of town prosecutor thereby reducing the expense to town taxpayers.

Resolution No. 14

Preserve Dedicated Funds for Local Purposes

WHEREAS, New York State has established various funds and fees for specific purposes including but not limited to:

- **Environmental Protection Fund**, which is primarily funded through real estate transfer fees, to provide a dedicated fund for to support municipal parks, municipal recycling programs and control of water pollution, and open space conservation;
- **Local Government Records Management Improvement Fund**, which is primarily funded via recording fees, with intended purpose of supporting local government records management, technical and training;
- **Dedicated Highway and Bridge Trust Fund**, which is funded in part by taxes and fees on motor fuel, highway use and petroleum businesses, established to provide a fund for bridge and highway capital improvements; and
- **Code Enforcement Aid**, which is funded by a fee on commercial insurance funds, established to provide funding to municipalities for enforcement of the State uniform fire prevention and building code; and

WHEREAS, such state funding streams assist local governments in funding compliance with various state mandates, local services and local programs; and

WHEREAS, the use of such funds have helped reduce the burden on the real property taxpayer; and whereas recent practices such as budget “sweeps” of these accounts have diverted these funds to state purposes thereby shifting the burden onto the real property taxpayer; and

WHEREAS, the Governor and the Legislature have called for a reduction in the real property tax burden and imposed a cap on property taxes; and

WHEREAS, cessation of the budget practice of “sweeping” these appropriation accounts would be consistent with the state’s efforts to reduce the real property tax burden, grow our economy and improve the quality of life for New Yorkers; **NOW THEREFORE BE IT**

RESOLVED, that the Association of Towns urges the Governor and the Legislature to use revenue collected for dedicated purposes for their intended purpose and to stop depleting dedicated funds and appropriations which were established to fund various local government programs and services.

RULES OF ORDER

2012 ANNUAL MEETING

Pursuant to section 5 of Article III of the Constitution and By-laws of the Association of Towns, the Executive Committee is charged with determining "the rules applicable to meetings of the Association". The Executive Committee has adopted the following Rules of Order for the Association's Business Session.

1. In accordance with the Association's Constitution and By-laws, Article VII, Section 2(b) only the resolutions favorably reported by the Resolutions Committee shall be presented for a vote at the Annual Meeting;
2. Any resolution favorably reported by the Resolutions Committee shall be presented to the Delegates who shall either adopt or defeat the same;
3. The Chairman of the Resolutions Committee shall present the resolutions to the Town Delegates and shall summarize each resolution. Thereafter, the Presiding Officer shall request that such resolution be moved;
4. Each motion shall require a second before consideration and discussion thereon;
5. Only Official Town Delegates may speak to and vote on any matter brought up before the 2012 Business Session, upon display of Voting Card issued upon registration and validated at entrance to Business Session;
6. All votes shall be given by display of Official Voting Card or as otherwise determined by the Presiding Officer;
7. The text of a resolution cannot be changed, except for minor corrections designed to clarify its intent;
8. The Presiding Officer's ruling as to whether a motion is passed or defeated shall be final;
9. The Presiding Officer may ascertain the credentials of any person claiming to be an official delegate by a review of the Credentials Committee report as to the timely and proper filing of his town's Certificate of Designation and payment by his town of 2012 membership dues in the Association.



Chris Mueller
Director, Government Relations

January 1, 2012

Dear Municipal Official:

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Time Warner Cable subscribers in the Western New York Division.

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future: Current TV, BBC America, BBC America HD, CMT, Cooking Channel, Cooking Channel HD, DIY, DIY HD, E!, E! HD, Encore, Encore HD, Encore Action, Encore Drama, Encore Love, Encore Mystery, Encore WAM, Encore Westerns, Exercise TV, FUSE, FUSE HD, Golf Channel, Golf Channel HD, Gospel Music Channel, Gospel Music Channel HD, Great American Country, IFC, IFC HD, IndiePlex, MSG, MSG HD, MSG PLUS, MSG PLUS HD, Music Choice, NHL, NHL HD, NHL Center Ice, NHL Center Ice HD, RetroPlex, Sprout, Starz!, Starz! HD, Starz Cinema, Starz Comedy, Starz Comedy HD, Starz Edge, Starz Edge HD, Starz In Black, Starz Kids & Family, Starz Kids & Family HD, Style, Style HD, Trutv, TrutvHD, WE, WE HD, WGRZ-DT2, WKBW, WKBW HD, WTVH, WTVH HD, ZEE TV.

In addition, from time to time, we make certain changes in the services that we offer in order to better serve our customers. The following changes are planned:

On or about January 30, 2012, the following channel will be rebranded:

Music Choice On Demand, Channel 731 to MC On Demand

On or about February 2, 2012, the following channel will be added:

Cutting Edge On Demand, Channel 710

On or about February 2, 2012, the following channel content will be moved:

Entertainment On Demand (Adult Swim, Anime Network, G4, Spike), Ch 733 to Cutting Edge On Demand, Ch 710

Entertainment On Demand (Biography), Ch 710 to Nature & Knowledge On Demand, Ch 707

Entertainment On Demand (OWN, Shalom), Ch 733 to Lifestyles & Learning On Demand, Chs 430/719

On or about February 2, 2012, the following New content will be added:

IFC Free and TruTV will be added to Entertainment On Demand, Ch 733

The following rate adjustments will take effect with the February, 2012 billing statements:

RAI Italia, Ch 1240 will be adjusted from \$9.95 to \$9.99

TV5 MONDE, Ch 1241 will be adjusted from \$9.95 to \$9.99

TV Russia, Ch 1235 will be adjusted from \$9.95 to \$14.99

TV Asia, Ch 1230 will be adjusted from \$17.95 to \$14.99

CableCards will be adjusted from \$2.50 to \$2.00

If you have any questions or concerns please feel free to contact me at 585-756-1326.

Sincerely,

Chris Mueller
Director, Government Relations



Established 1937

NEW YORK PLANNING FEDERATION

ONE COLUMBIA PLACE, 4TH FLOOR • ALBANY, NY 12207

Phone: (518) 512-5270 • Fax: (518) 512-5274 • E-mail: nypf@nypf.org • www.nypf.org

December 19, 2011

Dear NYPF Member:

As the 2012 membership year approaches, I wanted to take a moment to remind you that the New York Planning Federation is the only statewide organization that places emphasis on training planning board and ZBA members. Our mission is to promote sound planning, land use, and zoning practices in New York State to foster orderly growth and development balanced with the protection of natural resources.

Enclosed with the invoice for your 2012 dues is an outline of the many benefits of membership. These benefits include an annual conference, certification training online through a "members only" section of the website, certification training through regional seminars, the *Planning News* newsletter, discounted publications, and technical assistance via a toll-free phone number.

Please note that the 2012 Annual Conference is scheduled for Sunday, April 15 through Tuesday, April 17 at the Saratoga Hilton in Saratoga Springs, New York. Details are posted on www.nypf.org.

We have not raised the membership rate for 2012, and our commitment to education and technical assistance remain strong. We thank you for your support of our organization and hope we can continue to count on you as an important member of our unique partnership.

Sincerely,

Judith Breselor, AICP
Executive Director

President
Fred T. Wilcox III
Town of Ithaca

1st Vice President
Laura Moore
Town of Warrensburg

2nd Vice President
Jack Benjamin
Three Rivers Development
Corporation

Immediate Past President
Wendy Weber Salvati, AICP
Town of Clarence

Long Island
Alison LaPointe, Esq.
Town of Port Jefferson

Metropolitan NYC
Frank Fish, FAICP

Mid/Lower Hudson
Edwin Jackson
Town of Tusten
Nina Peek, AICP
Town of Amenia

Capital District
David Everett, Esq.
Town of Chatham
Tim Stalker
Town of Austerlitz

Adirondack/North Country
Leslie Karasin
Village of Saranac Lake

Southern Tier
Jonathan Kanter, AICP
Town of Ithaca

Central New York
David Hess
Town of Clay

Finger Lakes
Michael Wall
Town of Gates

Western
Timothy Pazda
Town of Clarence
John Marriott
Town of Cheektowaga

At-Large
Robert Galvin, AICP
Westchester Municipal Planning
Federation
Michael Kayes
NYS Chapter of APA
Mark Schachner, Esq.
Ken Swanekamp
Erie County

Executive Director
Judith Breselor, AICP

New York Planning Federation

dedicated to better planning since 1937

What Is the New York Planning Federation?

The New York Planning Federation (NYPF) is the only statewide organization that places its emphasis on training planning board and ZBA members. Our mission is to promote sound planning, land use, and zoning practices in New York State to foster orderly growth and development balanced with the protection of natural resources.

Founded in 1937 as a service organization for municipal planning and zoning officials, the NYPF is a statewide not-for-profit. We work closely with the Department of State and other agencies to provide up-to-date information, education, and technical assistance to our members. Legislation passed in 2007 requires local planning board and ZBA members to receive at least four hours of annual training. As an approved trainer, we offer a wide range of affordable training options. Basic and advanced land use programs are presented through statewide seminars and online training. The organization can also provide customized on-site programs dealing with issues of concern to individual communities.

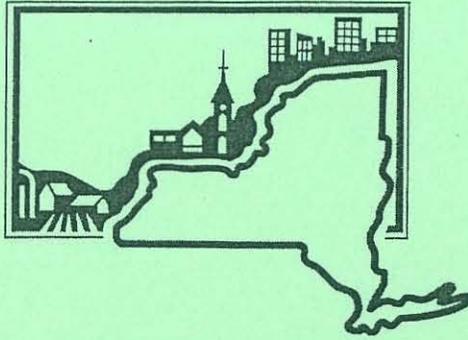
What Are the Benefits of Membership?

NYPF members receive our newsletter, “Planning News”, and are also eligible for discounted rates on training, publications, and the annual conference.

The website – www.nypf.org – keeps members informed by offering current land use information from around the country. The “members only” section of the website has training modules on SEQR, planning board and ZBA duties, site plan review, comprehensive planning, and other topics. These training modules help members fulfill their annual four-hour training requirement.

We encourage members to call our toll-free number, 800-366-NYPF (6973), to request assistance with specific topics of concern to their municipality. Examples of technical assistance include planning and zoning audits, preparation of RFPs, community outreach, facilitation of comprehensive planning workshops, and code reviews.

The NYPF Annual Conference is recognized as one of the premier training programs in the state. It offers certification credit to planning board and ZBA members through in-depth sessions on both basic and advanced planning and zoning topics. Presenters discuss such relevant municipal issues as green energy, design standards, agriculture and open space protection, downtown revitalization, case law, and ethics. The conference also offers municipal officials, professional planners, and other attendees an opportunity to exchange ideas and information with their peers from communities and organizations across the state.



SAVE THE DATE!

*The New York Planning Federation's 74th Annual Conference
will be held in the Spring of 2012.*

The dates are

April 15th - 17th 2012

at the Saratoga Hilton in Saratoga Springs, NY.

*Please mark your calendars and plan to join us in Saratoga
for nearly two dozen informative sessions of interest to
appointed boards, planners, attorneys and elected officials.*

*Visit our website (www.nypf.org) for periodic updates,
call the office at 1-800-366-NYPF or email llocke@nypf.org
with your questions, suggestions or comments.*

Richard B. Thaler
Guy K. Krogh
Thomas D. Cramer
Katrina Thaler Medeiros†
Lorraine Moynihan Schmitt†

Michael P. Porciello

Thaler & Thaler
Attorneys and Counselors at Law
309 North Tioga Street
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Telephone: (607) 272-2314
Fax: (607) 272-8466
GKrogh@thalerandthaler.com

Louis K. Thaler (1903-1979)
Service By Fax or Other Electronic
Communication Not Accepted
†also admitted in Massachusetts

December 27, 2011

David Kaiser , Town Supervisor
Town of Romulus
1435 Prospect Street
P.O. Box 177
Willard, New York 14588

RE: Ethics Laws / Updates

Dear David:

Just a heads up so you are aware that the Attorney General is currently in the process of requesting and analyzing every ethics law or code in the entire state for all 932 Towns. They are specifically looking at local ethics laws and codes to ensure they are updated to the current requirements of General Municipal Law Article 18, particularly as relates to gifting, nepotism, and conflict of interest. If your local law or procedure authorizes an ethics board but you don't have one, this could be problematic. If you do not have an ethics board, that is not an issue as the statute then defaults to the County Board of Ethics.

The Attorney General, by official press release has indicated that they will take approximately 90 days to gather all the information and they will make it all public. The implication, flying under the radar, is that they will also make public any enforcements, violation, or fine proceedings for a lack of compliance with the current requirements of the General Municipal Law. This is because they are trying to show that Attorney General Eric Schneiderman is concerned about integrity in the law and of public officials, but it is more importantly by the fact that the Attorney General has assigned "public integrity prosecutors" for all 13 regional offices of the Attorney Generals office, and has also established a special protection bureau to deal with corrupt government contracts, etc.

Much guidance on ethics requirements generally, as well as this issue with the Attorney General, has been posted by the Associations of Towns. That is likely a first best stop for information, though I also have it as well.

It is my recommendation that you take this matter seriously as the red flag appear to be waiving. Please let me know if you have any questions.

Very truly yours,

THALER & THALER

Guy K. Krogh/tlf

Guy K. Krogh, Esq.

GKK/tlf



THOMAS P. DINAPOLI
STATE COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

STEVEN HANCOX
DEPUTY COMPTROLLER
DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037 Fax: (518) 486-6479

December 2011

To: Chief Executive Officers and Chief Fiscal Officers

From: Division of Local Government and School Accountability

Subject: Reserve for Excess Tax Levy

Please provide copies of this bulletin to others who may need this information.

Chapter 97 of the Laws of 2011 established a property tax levy limit (generally referred to as the tax cap) that restricts the amount of property taxes local governments (including library, fire, water and special districts) and school districts can levy. Under this legislation, the property tax levied annually by affected local governments and school districts generally cannot increase more than 2 percent, or the rate of inflation, whichever is lower, with some exceptions. Local governments and school districts are permitted to override the levy limit if certain actions are taken.¹ The law becomes effective for fiscal years that begin in 2012.

Excess Levy

The tax cap legislation states that if the actual tax levy of a local government or a school district exceeds the maximum allowable tax levy, the local government or school district must place the excess amount in a reserve fund and use the funds and any interest earned to offset the tax levy in the following fiscal year.

If a local government or school district exceeds the tax levy limit for a given fiscal year, the tax levy limit for the subsequent fiscal year must be based on the allowable limit for the previous fiscal year, not the total levy that included the excess amount.

¹ For more information on the tax cap legislation and its requirements, including the process to override the levy limit, please go to www.osc.state.ny.us/localgov/realprop/index.htm.

The legislation also stipulates that if an examination by the Office of the State Comptroller finds that a local government (other than a school district)² levied taxes in excess of the applicable tax levy limit, the local government, as soon as practicable, must place an amount equal to the excess amount of the levy in a reserve fund. The creation of the reserve fund is the responsibility of the local government that has to file the tax levy limit calculation.³

If the excess determination is made prior to the issuance of tax bills, the municipality should make every effort to reduce the warrant to the allowable levy limit. If the warrant is not reduced to the allowable levy limit or if the excess determination is made after the tax bills have been issued but prior to the collection of property taxes for the year, an appropriate percentage of each property tax dollar collected must be placed in the reserve so that the entire amount of the excess is placed in the reserve after all property taxes are collected. If the excess determination is made after property taxes are collected that year, available cash and other future revenue sources must be utilized to such an extent that the reserve is fully funded as soon as possible, but in no event later than the end of the fiscal year.

In addition, if it is determined that excess levies have been collected for multiple years, an amount equal to the total of the excess amounts levied in each fiscal year must be placed in a reserve fund. The excess amount is determined for each fiscal year based upon the allowable tax limit for each fiscal year.

Accounting Requirements

If the conditions described above require a local government or school district to place excess tax levies in a reserve fund, such fund should be accounted for in **Account Code 871 - Reserve for Excess Tax Levy**. To establish the reserve in the accounting records and to segregate cash for this reserve, the following entries would be required:

Account	Debit	Credit
A912 Unrestricted Fund Balance	\$XXX	
A871 Reserve for Excess Tax Levy		\$XXX
A230 Cash, Special Reserves – Excess Tax Levy	\$XXX	
A200 Cash		\$XXX

² Chapter 97 of the Laws of 2011 explicitly gives OSC the authority to direct a local government to put excess monies into a reserve if it is discovered upon audit that the entity has levied in excess of the allowable levy limit. However, the law does not explicitly allow OSC to direct a school district to place excess funds into a reserve in similar circumstances. Although OSC's authority to enforce funding of reserves differs between local governments and school districts, General Municipal Law §33 does give OSC the authority to audit school districts, including audits related to the new property tax levy cap.

³ See www.osc.state.ny.us/localgov/realprop/pdf/legislationsummary.pdf for a discussion of local governments required to file the tax levy limit calculation.

To use the reserve in the following fiscal year, the following entries would be required:

Account	Debit	Credit
A510 Estimated Revenues	\$XXX	
A511 Appropriated Reserves – Excess Tax Levy	\$XXX	
A960 Appropriations		\$XXX
<i>(To record the General Fund budget, including the use of the Reserve for Excess Tax Levy)</i>		
A522 Expenditures	\$XXX	
A230 Cash, Special Reserves – Excess Tax Levy		\$XXX
<i>(To pay for General Fund expenditures using funds from the Reserve for Excess Tax Levy)</i>		

Additional Information

If you have questions pertaining to the accounting requirements for the tax cap reserve described in this bulletin, please contact the State Comptroller’s regional office that serves your local government. A listing of regional offices is enclosed.

December 22, 2011

Mr. David M. Kaiser, Supervisor
Town of Romulus
Municipal Building
1435 Prospect Street
Williard, NY 14588

RE: 2011-2012 Local Government Efficiency (LGE) Grants

Dear Supervisor Kaiser:

The New York State Department of State has announced that funding under the 2011-2012 Local Government Efficiency (LGE) Grant Program is available. The LGE provides financial resources to encourage municipalities to work cooperatively with one another, with school districts and or with special districts and public authorities to deliver public services more efficiently and at a lower cost. LGE funding can be used for capital projects, including the construction of buildings and the purchase of equipment, as well as for studies to evaluate the merits of government agencies working together to solve common problems. All grants require a local cost share equal to 10 percent of the cost of activities approved by the Secretary of State.

A flyer describing the different funding categories, eligibility categories and priorities is attached. Please note the funding categories are slightly different than in previous years and that a project's relationship to the Regional Economic Development Council Strategic Plans as well as the Smart Growth Infrastructure Act will be a consideration in ranking the proposals.

Stuart I. Brown Associates has worked with numerous municipal and county governments to develop successful shared services and LGE grant proposals. Applications are due March 21, 2012. Please call me if you have a project that may be a candidate for funding under the LGE program. I would be happy to meet with you and your potential partners to discuss your ideas and to determine the merits of the project for LGE funding.

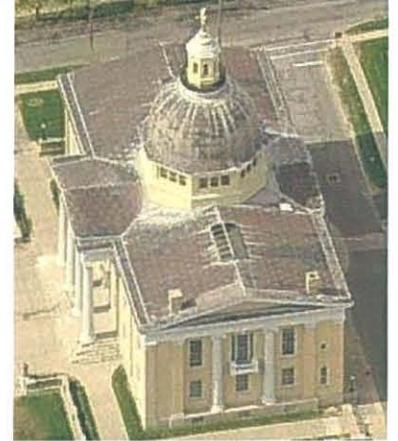
Sincerely,



Edward Flynn
Grants Manager



Local Government Efficiency Grants Funding Opportunity



Summary

The Local Government Efficiency Program provides funding to local governments for planning and implementation projects that will provide cost savings through consolidation of services. The goal of the program is to reduce municipal expenses and property taxes by identifying new opportunities for financial savings.

Eligible Applicants

Local Government entities defined as counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, water/sewer authorities, regional planning and development boards, school districts and BOCES.

Eligible Projects

There are six categories of eligible activities:

Developing a Plan for Municipal Consolidation - an evaluation to determine if re-organization is in the best interest of the local government and its residents.

Implementation of a Consolidation or Dissolution - a project to advance re-organization of the entities involved in consolidation or dissolution.

Functional Consolidation - projects where one government completely provides service to another municipality that will no longer engage in that function.

City or County Charter Revisions - revisions to facilitate consolidation.

Shared Cooperative Services - projects to advance the joint provision of a service, facility or activity.

Regional Delivery of Services - projects to develop services with a regional entity.

Available Funding (10% of total project costs match required):

- Planning Projects: \$25,000/municipality not to exceed \$200,000
- Implementation Projects: \$200,000/municipality not to exceed \$1,000,000

Due Date: Wednesday, March 21, 2012. Resolutions are required by each municipality so please plan accordingly.

Priorities

Applications that result in: a plan or implementation of dissolution or consolidation of local governments; implementation of complete functional consolidation; sustainable reduction in the property tax levy if it has had an annual growth rate of 5 percent for five years. Also, implementation of regional development projects as well as implementation of previous LGE grants.

Contact us if you have questions or would like to meet to discuss the program:

Ed Flynn
Stuart I. Brown Associates
300 State Street, Suite 201
Rochester, NY 14614
Phone (585) 223-3430 • Fax (585) 454-3066
eflynn@labellapc.com



Seneca Lake Pure Waters Association P.O. Box 247

Geneva, N Y 14456

Website: www.senecalake.org

Email: SLPWA@senecalake.org

January 5, 2012

Attn: dSGEIS Comments
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-6510

Re: Comments on the High Volume Hydraulic Fracturing (HVHF) Proposed Regulations 6 NYCRR Parts 52, 190, 550-556, 560, and 75 and the Supporting Documentation Required by the State Administrative Procedures Act (SAPA)

The Seneca Lake Pure Waters Association is providing this letter of our concerns with the proposed regulations which were issued on September 28, 2011¹. A separate letter is being sent which contains our concerns with the 2011 draft Supplemental Generic Environmental Impact Statement (dSGEIS) issued on September 7, 2011².

Section 201 of the State Administrative Procedures Act, (SAPA) "Adoption of Procedures" requires that an "agency shall strive to ensure that, to the maximum extent practical, its rules, regulations and related documents are written in a clear and coherent manner, using words with common and everyday meanings." As detailed below, the proposed regulations and supporting documents fail to comply with these legal requirements.

Further, the supporting documents do not adequately consider alternatives and fail to assess the costs to state and local governments and therefore must be revised and republished for additional public comment. SAPA (202-a. Regulatory impact) requires that "in developing a rule, an agency shall, to the extent consistent with the objectives of applicable statutes, consider utilizing approaches which are designed to avoid undue deleterious economic effects or overly burdensome impacts of the rule upon persons, including persons residing in New York state's rural areas, directly or indirectly affected by it or upon the economy or administration of state or local governmental agencies."

¹ <http://www.dec.ny.gov/press/77499.html>

² <http://www.dec.ny.gov/press/76892.html>

Proposed Regulations are Ambiguous

Our association's review of the High Volume Hydraulic Fracturing (HVHF) Proposed Regulations 6 NYCRR Parts 52, 190, 550-556, 560, and 75 has concluded that the draft regulations fall short of protecting the health and environment of New York State residents in the event that HVHF is allowed in the state. As a general observation, a number of these proposed regulations are not "clear and coherent" as required by law. They do not provide the operators (or the monitors) with a clear indication of what is allowed and what is prohibited. They need to be more clearly defined in order to be properly interpreted and withstand the scrutiny and challenges that will be presented by the lawyers and operators of drilling and energy companies.

Undoubtedly, some of the ambiguity is due to the fact that the HVHF process (as defined in Section 750-3.2 (24)) is very complex and several critical steps are not well understood. There are several elements of the process in which all options are environmentally high risk. These include the sourcing of fresh water as well as the control and disposal of toxic wastes, flow-back water, production water, naturally occurring radioactive materials (NORM) and air pollutants (flaring vs. reduced emissions completion (REC)) from well development.

An example of needless confusion in these proposed regulations is in Section 750-3.2 Definitions:

"(44) Reserve pit means a mud pit in which a supply of drilling fluid has been stored, or a waste pit, usually an excavated pit. It may be lined to prevent soil contamination."

This suggests that a reserve pit as defined in this set of regulations does not require a pit liner when, in fact, all subsequent regulations (e.g., see 560.6 (c) (7)) appear to require a liner. To avoid confusion the definition should read, "It must be lined with a (*specified*) liner to prevent soil contamination."

These revised regulations should be reviewed in detail and be written as simple, clear directives for the benefit of both the operators and the monitor-regulators.

Experience and Learning from Other States with HVHF

Pennsylvania

The paucity of information apparently used by the New York State Department of Environmental Conservation (NYSDEC) from the HVHF activities in Pennsylvania (as evidenced by only 10 pages/ 4 incidents in the dSGEIS) is also responsible for the inferior quality of these draft regulations. A statistical analysis of the over 3700 regulatory violations since 2008 in Pennsylvania³ relating these incidents to process steps in the HVHF process could provide useful information on what regulations to construct to minimize the risk in each step of the process. The dSGEIS should contain such a statistical analysis which could help

³ <http://www.dep.state.pa.us/dep/deputate/minres/oilgas/OGInspectionsViolations/OGInspviol.htm>

focus these draft regulations. It is disconcerting that a scientific statistical analysis of the extensive Pennsylvania experience was not made and included in the dSGEIS.

Other States Where “Fracking” is Practiced

There are a number of other states in which HVHF is taking place that could be used as sources of information. These data indicate that not only will “accidents” happen but that they are inevitable and they should be anticipated and planned for.

According to the New York State Water Resources Institute at Cornell⁴:

“Spills and leaks associated with shale gas development can occur during transport of chemicals to and from the well pad; during storage, mixing, injection and recovery of fluids at the well pad; and during storage, processing or transport of waste fluids. They may result from accidents, from inadequate management or training, or from illicit dumping.

With respect to the WRI framework, spills can be considered unplanned surface events. They are certain to occur, but cannot be predicted precisely in time or space. As with all industries the occurrence of spills associated with shale gas development will depend on the pace and scale with which the industry grows.”

With extensive data available from across the country, consideration of 4 isolated incidents in Pennsylvania is inadequate.

We have serious concern as we read these proposed regulations that permitting the drilling for gas has a higher NYSDEC priority than safeguarding the environment and public health of New Yorkers.

Application of the State Environmental Quality Review Act (SEQRA) to HVHF

Applying the SEQRA process to projects involves a sequential series of steps⁵ including the identification of a lead agency, scoping the project, developing an Environmental Impact Statement (EIS), determining the completeness and adequacy of the draft EIS, followed by the determination of findings by the agency and finally the Final Agency Decision. The process being applied by the NYSDEC to the HVHF project differs in one major respect from that just described. NYSDEC has chosen to use a Generic Environmental Impact Statement (GEIS) for all drilling for oil and gas in New York State, including HVHF. A portion of the GEIS that describes this activity was developed in 1992 for managing the development of vertical gas and oil wells. The present draft document is a Supplemental Generic Environmental Impact Statement (dSGEIS) which covers the new technology of HVHF. As the lead agency on this project, NYSDEC has determined (for a second time, first in 2009 and now in 2011), that the dSGEIS is adequate for public comment. It is clear from the public hearings and our own

⁴ “Spills and Leaks Associated with Shale Gas Development” (Updated April 26th, 2011), New York State Water Resources Institute, Cornell University.

⁵ http://www.dec.ny.gov/docs/permits_ei_operations_pdf/seqrflow2003.pdf

reading of the dSGEIS that this document is neither complete, nor adequate and needs further revision.

In light of major deficiencies in the dSGEIS, it is not appropriate for NYSDEC to be issuing regulations based on this latest draft. In recent weeks, Commissioner Martens has returned the socio-economic report back to the consultants for more information on cost to local governments^{6,7}. These items are REQUIRED to be addressed accurately in the supporting documents to the regulations and they are not. Proposed regulations should be drafted and be available for public comment after the NYSDEC has made a final determination that the SGEIS is complete, not before. The failure to follow this sequence in an attempt to speed up the process by simultaneously issuing the dSGEIS and the proposed regulations is both confusing and counterproductive. Proposing regulations when there is still disagreement and debate over the risk factors and their magnitude in the dSGEIS obfuscates the public debate over both documents. This process is flawed and has led to much consternation about NYSDEC's motives in proceeding with this confusing process.

Had the dSGEIS and the proposed regulations been written after the results of research currently underway by the EPA (impact of HVHF on drinking water supplies) were available, there would be a better scientific basis from which to identify the risks and define appropriate regulations.

Our association's recommendation is that NYSDEC should abort the present process, go back and do it properly. Regulations should be drafted after a satisfactory and publically accepted SGEIS has been developed. We have only one chance to do it correctly. The gas has been there for 390 million years, another few years on this scale of things cannot be critical when the health and welfare of our citizenry is at stake.

Use of State Lands

A confusing section of the regulations concerns State Lands. It is clear that the amendment of Part 52: The Use of State Lands prohibits drilling on lands administered by the Division of Fish, Wildlife and Marine Resources. However, the protection of other state lands administered by the Division of State Lands and Forest, Division of Operations and the State Parklands is much less clear.

The amendment to Part 190 protects forests, but this is not clear, unless the reader goes to 6 NYCRR and reads the existing section of the regulations. These amendments are clearly not compliant with the intent of SAPA. Similarly, even though the dSGEIS discusses at some length the avoidance of drilling in state parks (Sections 1.7.14 and 2.4.12.2), the regulations do not address banning such drilling in State Parks. The DEC is the state agency responsible for protecting the environment of New York State against the effects of drilling for gas and oil and, therefore, these regulations should have a comprehensive statement regarding all state

⁶ <http://localsearch.pressconnects.com/sp?aff=1100&skin=&keywords=Martens>

⁷ <http://www.timesunion.com/default/article/DEC-revisits-cost-of-shale-drilling-2416325.php>

lands in the regulations set out for both the drillers and the monitors. If permits will not be allowed in lands administered by DEC and in State Parks, then that should be stated clearly in these regulations. This should not be a parochial, departmental set of regulations.

In addition to the confusion about whether drilling is banned in all state lands or only on those lands administered by the NYSDEC, the proposed regulation is unacceptable because while it prohibits drilling on state land it goes on to allow the extraction of gas from under state lands by permitting wells adjacent to state land to tunnel under the state lands for extraction of gas, including lakes and water reservoirs that are part of the state lands. The state lands which are set aside as nature preserves for the recreational use of our state residents and visitors should not be exploited for their mineral rights with the attendant environmental risks. The taxpayers through their elected representatives purchased and set aside these lands and they should not be exploited for commercial purposes.

6 NYCRR Part 551, Reports and Financial Security

This section details the required operational report and application requirements. The applicants all have extensive histories in other states with HVHF; the applications should require disclosure of pending and final actions in other states for violations. Subdivision 551.1(a) (and **§750-1.7** Individual SPDES Permit Application Requirements) should be revised to require disclosure by the applicants of violations so that the DEC has this information available.

Applicants that have been suspended from drilling in other states should not be able to simply move to New York and begin operating.

§560.4 Setbacks.

“(a) No well pad or portion of a well pad may be located:

(1) closer than 500 feet from a private water well unless waived by the water well owner;”

The owner of water well should not have the right to waive location of a drilling well closer than the setbacks specified for wells. Aquifer contamination is more likely the closer the drilling operation is to existing water well. The water in a well is part of an aquifer and as such that aquifer is a “de facto” public source of water, since neighboring properties may be taking water from that same aquifer. As part of a public drinking water system protection must be provided for the entire system. No single owner of a well that takes water from an aquifer should have the right to increase the risk of contaminating that aquifer by allowing drilling closer than the setback for all wells.

§ 560.5 Testing, Recordkeeping and Reporting Requirements.

(c) Refers to “**fishing jobs**” as being a “non-routine incident”, yet this terminology is not defined elsewhere in the revised regulations, or in the dSGEIS. Such jargon should either be removed, or specifically defined in the proposed regulation. The law requires that regulations use “words with common and everyday meanings” or define them.

(d) **Water well testing:** This section on well testing is too vague to be useful as a regulation. It states that the operator is expected to make “all reasonable attempts” to test wells? What does that mean? What are the limits of “reasonableness” in such a regulation? Next is the question of how many wells within either 1000’ or 2000’ should be tested ... all wells or just one? What if a private well owner gives permission to drill right next to a water well, does that well have to be tested? What if the well owner refuses to have the well tested? This section is poorly defined.

All wells within defined radius of the proposed well must be tested if the data is to be used to prove whether well contamination has or has not occurred as a result of HVHF. There should be no other option. All wells within the specified distances should be tested, not arbitrarily selected wells.

The collection of samples and the testing of wells should not be under the control of the operators but rather carried out by an independent, certified third party, such as a laboratory certified by the New York State Department of Health (NYSDOH) program. As the proposed regulation is written, this is likely to lead to questionable results that would not stand up in court.

The NYSDOH oversees drinking water in the state to insure its quality. NYSDOH should oversee the selection and testing of drinking water sources as part of this process and spell out the protocol for the tests to be conducted in certified laboratories. Since there is a requirement to disclose all the chemicals used in the HVHF process, the tests to be carried out on the water wells selected by the NYSDOH should be tailored to the chemicals expected to be used in the development of the specific gas well. After completion of the gas well development, the NYSDOH should oversee the periodic testing of these same water wells to determine whether there has been water well contamination with time. This will provide scientifically-acceptable data which will hold up legally should well water contamination occur and will provide the data for establishing responsibility for any remediation. Such data should be available to the public for analysis and cumulative assessment of the risks to drinking water associated with HVHF.

One of the reasons there has been difficulty in establishing facts about the water contamination from HVHF, is that the sampling and testing of water sources have not been carried out according to certified procedures. Furthermore, most often the testing is done or arranged by the operators and when there is a dispute settlement between the operators and the private parties over water contamination, the court records are often sealed, the parties to

the settlement are placed under “gag order” and the testing information is lost in so far as any public understanding of the incident. We should not allow this to happen in New York State.

It would also be good science to REQUIRE that all well testing results be reported to the NYSDOH, as they are completed, not simply made available to the well owner and to DEC or County Health Department, upon request. NYSDOH has a great deal of experience and expertise in the management of registries and should, with proper financial support, be able to set up a registry to monitor drinking water supplies.

Presumably the actual tests of the water samples are covered under Section 7.50-3.13 (i) requiring a certified laboratory to carry out the analyses. Nevertheless, as outlined above, the NYSDOH should have responsibility and oversight for the testing strategy; including, on-going monitoring, and it should be spelled out in detail in these regulations.

§560.6 Well Construction and Operation

Section (a) (4) discusses the construction of a reserve pit in detail:

Any reserve pit, drilling pit or mud pit on the well pad which will be used for more than one well must be constructed as follows:

Yet, Section (a) (7) notes that a closed-loop tank system must be used instead of a reserve pit to manage drilling fluids and cuttings for any of the following:

- (i) Horizontal drilling in the Marcellus Shale unless an acid rock drainage mitigation plan for on-site burial of such cuttings is approved by the department; and
- (ii) Any drilling requiring cuttings to be disposed of off-site, as provided in Part 360 of this Title, including at a landfill.”

“Closed-loop tank system” is not defined anywhere in these revised regulations. We have interpreted this to mean that this involves an enclosed tank where the contents of the tank are not open to the atmosphere.

As we read the proposed regulations, the only open pit that will be allowed on a well pad is that described in 750-3.4 (b)(4) which will be used “solely for fresh water and cuttings that result from drilling conducted with air or fresh water”. This section goes on to describe the construction of such a pit which will be lined with a 30 mil plastic liner. It is not clear to what depths drilling in the absence of drilling muds and chemical additives can occur. If drilling with “air and fresh water” can reach significant depths from which brine, NORMs etc. can be brought to the surface, then this regulation is inadequate. Once the drill cuttings bring potentially hazardous materials to the surface, such materials should be directed to a closed tank system.

We support the position that there should be no open pits on well pads. There should be a clear regulation which states that “there shall be no open pits on well pads”. All drilling cuttings, spent drilling muds along with flowback and production waters should be directed to and stored in closed tanks while such wastes are on the well pad.

Paragraph (c) (24) the use of any diesel additives should be prohibited from use in the HVHF operations, not just as the primary carrier. Diesel fuel is known to contain several carcinogens and should be prohibited in the well hole for any part of the operation.

Paragraph (26) (iv) “stung into a production liner”. What does this refer to? We can find no use of the word “stung” in the HVHF jargon. The law requires that regulations use “words with common and everyday meanings” or define them.

Paragraph (29) It is encouraging to see in paragraph (29) the requirement for Reduced Emissions Completion (REC). The REC should be defined in this regulation to make clear exactly what types of processes are included in the regulation (29). There are alternative technologies which are emerging, including the conversion of these emissions to the cost effective production of gasoline⁸ which need to be developed. Such alternatives, along with the early placement of gathering lines should be part of the REC definitions to avoid the flaring or release of these emissions to the environment. Aside from the additional greenhouse gas burden, which is not insignificant, flaring or release puts into the atmosphere toxic and carcinogenic materials.

Paragraphs (28) and (29) should be inverted to indicate that there is a strong preference for REC to be used without any flaring and if flaring absolutely has to be used, then the requirements which are stated in the present paragraph (28) should be operative.

Section 560.7 Waste Management & Reclamation

The whole discussion of “pits” in these documents is not clear. In one case it describes open pits being used for “fresh water and cuttings”. In paragraph (c) it states:

Paragraph (c): Cuttings contaminated with oil-based mud or polymer-based mud must be contained and managed in a closed-loop tank system.

Open pits should be banned from use on any well site. All solutions and chemicals either before use or after use should be stored in closed tank systems.

Paragraph (f): Flowback water recovered after high-volume hydraulic fracturing operations must be tested for naturally occurring radioactive material (NORM) prior to removal from the site. Fluids recovered during the production phase (i.e., production brine) must be tested for NORM prior to removal, and the ground adjacent to the tanks must be measured for radioactivity, in accordance with a department-prescribed schedule.

Who is qualified to do this testing and why is it not mandated that it be done by an independent laboratory? Again, the testing protocol should be under the supervision of the NYSDOH.

⁸ D. Biello, *Scientific American*, April 29, 2009

750-3.12 Disposal of HVHF flowback and production water

Paragraph (6) of the proposed regulation for the disposal of flowback and production waters presumes that flowback and production water can qualify for a Beneficial Use Determination (BUD) and be permitted for dust and ice control on roadways. However, this not consistent with dSGEIS Section 5.13.3.4 which notes that flowback fluids will not be eligible for BUDs which would be necessary for use for road spreading. Also Section 7.1.7.2 of the dSGEIS goes on to prohibit production fluids from being spread on roads as well, and says "the data available to date associated with NORM (naturally occurring radioactive materials) concentrations in Marcellus Shale production brine is insufficient to allow road spreading under a BUD." This is another example in which the regulations written prior to the approval of the dSGEIS have led to an inconsistent, confusing result.

In the long term, spreading gas drilling wastewater not only containing NORMs but also VOC's, bromide and heavy metals does not make good environmental sense. The practice must never be used as a way of disposing of flowback and production waste waters.

6 NYCRR Part 552, Permits to Drill, Deepen, Plug Back or Convert Wells Subdivisions (c) and (d) of Section 552.2 is revised and a new subdivision (e) and (g) are added to read:

"[(e)] (f) Under unusual or emergency circumstances, or for other good cause, the department may permit the commencement of operations by verbal authority of the director prior to the issuance of a formal permit."

The above provision of Section 552.2 seems to give the NYSDEC the ability to allow all HVHF operations to commence without all of the safeguards involved in the permitting process to have been fulfilled. This appears to by-pass the detailed procedures. No rationale is evident for the inclusion of this proposed regulation. These changes should be removed unless the rationale for this is provided and publically reviewed as to the reason for its inclusion. Presumably the Director referred to in this proposed revision is the Director of Mineral Resources – and that should be spelled out.

Regulatory Impact Statement (RIS) and other supporting documents

As stated earlier, **SAPA, in Section 202-a. Regulatory Impact Statement**, requires that,

"in developing a rule, an agency shall, to the extent consistent with the objectives of applicable statutes, consider utilizing approaches which are designed to avoid undue deleterious economic effects or overly burdensome impacts of the rule upon persons, including persons residing in New York state's rural areas, directly or indirectly affected by it or upon the economy or administration of state or local governmental agencies."

NYSDEC has failed to comply with these requirements.

Section 202-a. (3) requires:

“(b) Needs and benefits. A statement setting forth the purpose of, necessity for, and benefits derived from the rule, a citation for and summary, not to exceed five hundred words, of each scientific or statistical study, report or analysis that served as the basis for the rule, an explanation of how it was used to determine the necessity for and benefits derived from the rule, and the name of the person that produced each study, report or analysis;”

The RIS however, does not provide any scientific basis to make the determination, only unfounded assumptions:

“Benefits of the adoption of these regulations would accrue to the environment as well as the public. The regulations, by providing for a balanced use of both the surface environment and the natural gas in the subsurface, promote a greater level of environmental protection than would be the case without the regulations. Greater environmental protection includes minimizing the probability and risk to uncontaminated aquifers and drinking water wells, streams and surface waters, and maintaining the passive use of natural resources, amongst others. Additionally, as identified in the 2011 dSGEIS, by approving the utilization of HVHF it is expected that there will be extensive job creation.”⁹

“(c) Costs. A statement detailing the projected costs of the rule, which shall indicate:

- (i) The costs for the implementation of, and continuing compliance with, the rule to regulated persons;
- (ii) The costs for the implementation of, and continued administration of, the rule to the agency and to the state and its local governments; and
- (iii) The information, including the source or sources of such information, and methodology upon which the cost analysis is based; or
- (iv) Where an agency finds that it cannot fully provide a statement of such costs, a statement setting forth its best estimate, which shall indicate the information and methodology upon which such best estimate is based and the reason or reasons why a complete cost statement cannot be provided;”¹⁰

Because there is extensive information available from other states on the costs to state and local government, there is plenty of data available with which to estimate costs. However, the RIS makes absolutely no attempt to identify and quantify the costs to state government, and gives no explanation why these costs cannot be estimated, as required by law:

“The actual costs that may be incurred by DEC and other state agencies cannot be currently estimated, given a lack of necessary information. However, the implementation

⁹ Page 29, *Regulatory Impact Statement High-Volume Hydraulic Fracturing - 6 NYCRR Parts 52, 190, 550-556, 560, and 750*, Sept, 2011.

¹⁰ Article 2 - §202-A, *Regulatory Impact, New York State Administrative Procedure Act*
<http://codes.lp.findlaw.com/nycode/SAP/2/202-a>

of these regulations can be expected to require a significant increase from the existing DEC staffing levels to carry out the large number of activities relating to permits.”¹¹

“(e) Local government mandates. A statement describing any program, service, duty or responsibility imposed by the rule upon any county, city, town, village, school district, fire district or other special district;^{8”}

The only costs to local governments identified are investigations of well complaints, costs to POTWs that might accept the waste, and damage to roads.

There is extensive information available to identify the increased demands on local governments, including but not limited to housing costs and supply, increased costs for law enforcement, schools, spill and emergency responses and social services.

Economics experts at two leading universities in the areas affected by HVHF (Cornell University and Penn State University) are continuing to study the economic impact on their regions. We urge the DEC review the reports from these studies that discuss in detail the impacts on local government resources and economies^{12, 13, 14, 15}

“(f) Duplication. A statement identifying relevant rules and other legal requirements of the state and federal governments, including those which may duplicate, overlap or conflict with the rule. If the statement indicates that the rule would duplicate, overlap or conflict with any other relevant rule or legal requirement, the statement should also identify all efforts which the agency has or will undertake to resolve, or minimize the impact of, such duplication, overlap or conflict on regulated persons, including, but not limited to, seeking waivers of or exemptions from such other rules or legal requirements, seeking amendment of such other rules or legal requirements, or entering into a memorandum of understanding or other agreement concerning such other rules or legal requirements.”¹⁰

¹¹ Page 4, *Regulatory Impact Summary High-Volume Hydraulic Fracturing - 6 NYCRR Parts 52, 190, 550-556, 560, and 750*, September, 2011.

¹² *The Economic Consequences of Marcellus Shale Gas Extraction: Key Issues, A Research Project*, Cornell University Department of City & Regional Planning
http://www.greenchoices.cornell.edu/downloads/development/marcellus/Marcellus_CaRDI.pdf

¹³ *Marcellus Shale: What Local Government Officials Need to Know*, College of Agricultural Sciences - Agricultural Research and Cooperative Extension (Penn State University).
<http://downloads.cas.psu.edu/naturalgas/pdf/MarcellusShaleWhatLocalGovernmentOfficialsneedtoknow.pdf>

¹⁴ *Natural Gas Drilling Effects on Municipal Governments Throughout Pennsylvania’s Marcellus Shale Region, 2010*, Marcellus Shale Education and Training Center (partnership of Penn College of Technology and Penn State Extension).
<http://extension.psu.edu/naturalgas/news/2011/09/natural-gas-drilling-effects-on-municipal-governments-throughout-pennsylvania2019s-marcellus-shale-region-part-i>

¹⁵ *Economic Impacts of Marcellus Shale in Pennsylvania: Employment and Income in 2009*, Marcellus Shale Education and Training Center (partnership of Penn College of Technology and Penn State Extension).
http://www.msetc.org/docs/EconomicImpactFINALAugust28_000.pdf#zoom=75

The RIS states: *“This proposal is not intended to duplicate any other federal or State regulations or statutes, as there is no federal regulatory program covering HVHF.”*¹⁶

That statement is not correct and was not correct when the regulation was proposed. According to the EPA fact sheet:

“On July 28, 2011, the U.S. Environmental Protection Agency (EPA) proposed a suite of highly cost-effective regulations that would reduce harmful air pollution from the oil and natural gas industry while allowing continued, responsible growth in U.S. oil and natural gas production.

The proposal is based on proven technology and best practices that the oil and gas industry is using in some states today. It includes the first federal air standards for wells that are hydraulically fractured, along with requirements for several other sources of pollution in the oil and gas industry that currently are not regulated at the federal level.

Today’s proposal includes four air regulations for the oil and natural gas industry: a new source performance standard for VOCs; a new source performance standard for sulfur dioxide; an air toxics standard for oil and natural gas production; and an air toxics standard for natural gas transmission and storage.

The proposal would cut smog-forming volatile organic compound (VOC) emissions by nearly one-fourth across the oil and gas industry, including a nearly 95 percent reduction in VOCs emitted from new and modified hydraulically fractured gas wells. This significant reduction would be accomplished primarily through use of a proven technology to capture natural gas that currently escapes to the air. That gas would then be made available for sale.

The estimated revenues from selling the gas that currently goes to waste are significant – so much so that today’s proposed rule is anticipated to quickly result in a net savings of nearly \$30 million annually, while significantly reducing pollution from this expanding industry.”¹⁷

The EPA air pollution rule should have been noted as several of the practices allowed in the proposed regulation would be banned by the EPA.

Since the regulation was proposed, the EPA has announced that it will also be issuing rules regarding wastewater discharge.

Finally, while EPA does not now regulate HVHF, specifically, many of the activities ARE overseen by EPA (see http://www.epa.gov/npdes/pubs/hydrofracturing_faq.pdf) including oil and gas extraction, centralized waste treatment, acceptance and notification requirements for publicly owned treatment works, pretreatment, and storm water.

¹⁶ Page 5, *Regulatory Impact Summary High-Volume Hydraulic Fracturing - 6 NYCRR Parts 52, 190, 550-556, 560, and 750*, September, 2011.

¹⁷ <http://www.epa.gov/airquality/oilandgas/>

Rural Area Flexibility Analysis (RAFA)

The department fails to adequately address SAPA § 202-bb. Rural Area Flexibility Analysis. That law requires that “The capacity of public and private sector interests in rural areas to respond to state agency regulations is often constrained by an operating environment distinctly different from that found in suburban and metropolitan areas of the state” and requires that a series of factors be considered, such as:

“Factors such as **population sparsity, small community size, limited access to financial and technical assistance, undeveloped services delivery systems, lack of economies of scale and extensive reliance on part-time and volunteer services providers inhibits rural ability to effectively address increasingly complex and stringent regulatory requirements**” (Emphasis added).

Except for the recognition that all the Marcellus shale drilling would be conducted in Rural Areas, there is no discussion of the constraints that rural areas have in responding to the changes that will occur if these rules are adopted. There are some sweeping assumptions about costs to regulated parties, Publically Owned Treatment Works (POTWs) and mineral rights owners. However, there is absolutely no attempt to quantify the costs or to identify professional services to the public or private sectors in the region:

*Local governments are not required to take any affirmative actions under the proposed rules. However, local governments may retain professional services to assist with emergency response and traffic control in certain circumstances, where approval of HVHF leads to impacts in those areas of local government.*¹⁸

*Public entities will incur minimal costs under this proposal as the public sector is not the focus of the proposed rules.*¹⁹

There is no indication that DEC compiled any data on the services and resources that are currently available in the rural areas, or what additional services will be required and how these services will be provided and funded.

There is some recognition in the dSGEIS that there will be damage to local roads:

*“Based on the required baseline survey of local roads, drillers will have to ensure the roads can accommodate the proposed truck traffic generated by the activity, and, where applicable, produce road use agreements to show how roads will be upgraded or repaired to address the projected increased truck traffic generated by the drilling operations.”*²⁰

¹⁸ Page 3, Compliance with the Rules, *Rural Area Flexibility Analysis, High-Volume Hydraulic Fracturing - 6 NYCRR Parts 52, 190, 550-555, 560, and 750*

¹⁹ Page 4 Costs, *Rural Area Flexibility Analysis, High-Volume Hydraulic Fracturing - 6 NYCRR Parts 52, 190, 550-555, 560, and 750*

²⁰ Fact Sheet: Community & Local Impacts of High-Volume Hydraulic Fracturing;
http://www.dec.ny.gov/docs/materials_minerals_pdf/commimpact092011.pdf

We could find nothing in the permitting regulations that imposes any requirements on the regulated parties to make arrangements for road repairs in all affected municipalities.

The RAFA is based on the socioeconomic analysis prepared by Ecology and Environment, Inc. According to press reports^{6, 7}, the consultants were asked to emphasize the positive impacts and downplay the negative. That analysis was sent back to the consultants:

DEC Commissioner Joe Martens said the agency has directed an outside firm to look at the impact the gas industry would have on things like the housing market and emergency services if high-volume hydraulic fracturing is given the go-ahead in New York, the Binghamton Press & Sun-Bulletin reported.

"We provided (the consultant) with feedback on areas that we'd like them to look at, and I think universally it was felt that some of the specific socioeconomic impacts should be expanded upon," Martens said.

The RAFA is significantly flawed and its findings have been rejected by DEC. This further emphasizes why it is not prudent and in fact confusing to the public and our municipal officials to propose regulations before the dSGEIS is final. Substantive revisions to that document require that regulation should be withdrawn as they are based on the flawed and incomplete dSGEIS.

Overall, our association continues to be concerned about the adequacy of the oversight process that the DEC will be able to provide this very complex and high risk exploitation of natural gas in New York's shale deposits. The combination of vague rules and regulations and an understaffed agency to deal with a highly organized and funded industry seems like a disastrous combination for the residents and environment of New York State.

Our association is over 25-years old and represents approximately 500 households and businesses in the Seneca Lake watershed, the largest watershed in the Finger Lakes Region. The mission of our association is to: "Enhance and preserve the quality of Seneca Lake." Today, this region enjoys a burgeoning wine, tourist and small manufacturing economy which are in balance with the bucolic nature of the countryside, villages and towns. A number of these municipalities have passed Home Rule legislation to prevent this region from heavy industrialization including HVHF. Our association views the present proposed dGEIS and regulations for HVHF as inadequate to preserve the environment and health of the residents of our watershed.

Sincerely,



Mary Anne Kowalski, President
Seneca Lake Pure Waters Association



Edwin Przybylowicz, Chairman
Marcellus Shale Committee
Seneca Lake Pure Waters Association

cc:

Governor Andrew Cuomo, State Capitol
Lieutenant Governor Robert Duffy, State Capitol
Attorney General Eric Schneiderman
Commissioner Joe Martens, New York State Department of Environmental Conservation
Commissioner Nirav R. Shah, M.D., New York Department of Health
Commissioner Rose Harvey, New York Office of Parks, Recreation and Historic Preservation
New York State Senate Majority Leader Dean G. Skelos
State Senator Mark Grisanti, Chairman, Environmental Conservation Committee
State Senator Thomas F. O'Mara, 53rd Senate District
State Senator Michael F. Nozzolio, 54th Senate District
State Senator Patrick M. Galivan, 59th Senate District
New York State Assembly Speaker Sheldon Silver
State Assemblymember Robert K. Sweeney, Chairman, Committee on Environmental Conservation
State Assemblymember Brian M. Kolb, 129th Assembly District State Assembly
State Assemblymember Sean T. Hanna, 130th Assembly District State Assembly
State Assemblymember Philip A. Palmesano, 136th Assembly District
State Assemblymember Christopher S. Friend, 137th Assembly District
Senator Charles E. Schumer, New York
Senator Kirsten E. Gillibrand, New York
Representative Thomas W. Reed, 29th Congressional District of New York
Congressman Richard L. Hanna, 24th Congressional District of New York
EPA Administrator Lisa Jackson
EPA Administrator Judith Enck
Village of Barrington
Town of Benton
Village of Burdett
Town of Catherine
Town of Catlin
Town of Dix
Village of Dresden
Village of Dundee
Town of Fayette
City of Geneva
Town of Geneva
Town of Gorham
Town of Hector
Town of Horseheads
Village of Horseheads
Town of Jerusalem
Town of Lodi
Town of Milo
Village of Millport
Town of Montour
Village of Montour Falls
Village of Odessa

Town of Orange
Town of Ovid
Village of Penn Yan
Town of Phelps
Town of Potter
Town of Reading
Town of Romulus
Town of Seneca
Town of Starkey
Town of Tyrone
Town of Varick
Town of Veteran
Town of Waterloo
Village of Watkins Glen
Ontario County Board of Supervisors
Chemung County Legislature
Schuyler County Legislature
Seneca County Board of Supervisors
Yates County Legislature

TOWN OF ROMULUS

Dr. Joella Rand, Chair
Warren Coon, Member
Richard Bloss, Member
Fred Swain, Member
Richard C. Worrell, II, Member
David Hayes, Zoning Officer

ZONING BOARD
1435 Prospect Street
P.O. Box 177
Willard, New York 14588
PHONE: 607-869-9326
FAX: 607-869-5763
Email: Romulus@rochester.rr.com

January 4, 2012

Craig Hadden & Amanda Schwab
1465 County Road 132
Ovid, NY 14521

RE: 1465 County Road 132
Tax Map #18-4-35

Dear Mr. Hadden,

Please be advised it has come to our attention that you are in violation of the following sections of the Town of Romulus Zoning Law:

**Article XIV PROPERTY MAINTENANCE:
Section 4. MINIMUM CONDITIONS**

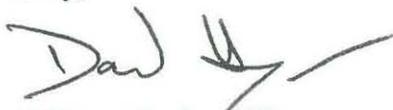
B. Exterior Property Areas:

- 1. Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies or controls in a clean and sanitary condition. (302.1)

Please accept this as our "Courtesy Notice of Violation". When there is non-compliance, the Code Enforcement Officer will send a "Courtesy Notice of Violation" to the owner or occupant of the property with the identifying tax number from the tax roles describing the violation(s), citing the section in this article and urging compliance within ten days. Copies of the notice will be sent to the Town Board and shall be maintained in a permanent record.

Therefore, please be advised you have ten-days to comply with the Zoning Law to remove the couch from the front yard. Should you have any questions or require further information, please feel free to contact our office.

Sincerely,



David Hayes, Zoning Officer
Town of Romulus
Enclosures

CC: Town of Romulus Town Board

Town of Romulus Planning Board Meeting
December 14, 2011

Kate Sinicropi, Chair	Present	Sue Ellen Balluff	Present
Tom Bouchard, Vice Chair	Present	Bill Karlsen	Present
Cindy Meckley	Present		

Chair, Kate Sinicropi, called the monthly meeting of the Town of Romulus Planning Board to order at 7:05 P.M. with roll call, pledge of allegiance, and a moment of silence.

Sue Ellen Balluff made the motion, seconded by Tom Bouchard, to accept previous meeting minutes. . Motion carried.

Chair Kate Sinicropi brought up for discussion, term lengths of current board members. Vice Chair Tom Bouchard's term expiring December 2011. Tom has expressed interest in another term. Kate will communicate this to town board.

2012 Election of Officers: Sue Ellen Balluff made the motion to re-elect Kate Sinicropi to Chair position for 2012, seconded by Bill Karlsen. Motion carried. Sue Ellen Balluff made motion to re-elect Tom Bouchard to position of Vice Chair, seconded by Cindy Meckley. Motion carried. Cindy Meckley made motion to re-elect Bill Karlsen as secretary for 2012, seconded by Sue Ellen Balluff. Motion carried.

Chair Kate Sinicropi communicated to members the Farmland Protection Plan approval by Seneca County Agricultural Enhancement Board. Now the plan is being forwarded to New York State Agriculture & Markets Board. Barbara Johnston sending a CD of plan to town office.

Gas drilling issues brought up with Harriet Haynes participating in discussion. She will report back on topic at the county level.

Alternate planning board member position discussed.

Willard cemetery mentioned with Chair Kate Sinicropi to see if organizers would come to a meeting and give the board an update on their plans and progress.

Docks & moorings brought up by Sue Ellen Balluff. More to come in January, with Fayette and Varick plans to be reviewed.

8:30 P.M. Sue Ellen Balluff made motion to adjourn, seconded by Cindy Meckley. Motion carried. Next meeting January 2, 2012.

Respectfully,

William G. Karlsen



**MINUTES
SENECA COUNTY PLANNING BOARD
DECEMBER 8, 2011**

**HEROES 9-11-01 CONFERENCE ROOM
COUNTY OFFICE BUILDING
WATERLOO, NEW YORK**

MEMBERS PRESENT: Keith Beck, Charles Boehnke, Gordon Burgess, William Dalrymple, Donald Denman, Jack Freer, Sally Kenyon, Mark Lott, Ronald McGreevy, Donald Shepherd and John Swanson

MEMBERS CALLED: Betty Berger, Edward Franzoni and Fred Swain

MEMBERS ABSENT: Thomas Scoles and Keith Tidball

STAFF: Harriet Haynes, Planner and Mary DeStefano, Staff Resources Asst., Department of Planning and Community Development

GUESTS: Richard Giovannini

The meeting was called to order at 7:03 p.m. by Chairperson, William Dalrymple.

The Minutes of the November 10, 2011 meeting were approved by a motion of Ronald McGreevy and seconded by Donald Denman. Carried 11- 0.

PUBLIC COMMENTS:

Dick Giovannini stated he was present to answer any questions regarding his application that will be reviewed by the County Planning Board this evening.

GML Reviews:

1) John Swanson moved and Gordon Burgess seconded adoption of Resolution 45-11 which recommends conditional approval for review of Minor Subdivisions. The applicants, Richard and Jeanne Giovannini, are proposing to create two subdivisions for property located at 3777 Gusty Lane in the Town of Fayette. Ms. Haynes stated that there are three proposed parcels – one small parcel with lake frontage which is where the owners' house is situated and two partially wooded parcels located behind the house. Ms. Haynes stated that two farmers have approached the property owner regarding purchasing land for agricultural purposes. The owners intend to retain the wooded land and sell the property which is currently being farmed. The land is zoned lakeshore/canal and agricultural/rural residential. Ms. Haynes stated that tax parcel 22-2-50 consists of approximately 34 acres which will have one acre of wooded area divided off. The property taken off of parcel 22-2-50 will be contiguous to parcel 22-2-02 (their residence), and has a possibility of being smaller than the minimum required lot size. If the parcel is smaller than the minimum lot size, it should be required to be attached to an adjacent parcel. Tax parcel 13-2-62 (16.6 acres) will be divided to create a two acre parcel to be retained. The farm land will go with either deed restriction or Transfer of Development Rights that will restrict construction of any buildings, drilling, or commercial non-agriculture use. Ms. Haynes stated that survey maps have not yet been provided at the recommendation of the Fayette Town Planning Board. Conditional approval is recommended for subdivision of tax parcel 22-2-50 upon its being attached to an adjacent parcel if the final size is less than 40,000 square feet, and approval is recommended for subdivision of tax parcel 13-2-62. Carried 10 – 0. Board member, Mark Lott, abstained from voting.

(OVER)

2) Charles Boehnke moved and Jack Freer seconded adoption of Resolution 46-11, recommending that an Area Variance request be left solely to local determination. The application for Joan and Paul Wilson was submitted in October; however, the paperwork did not include a map to indicate proximity of construction to the road or road right-of-way so it was deemed as incomplete. The property is located at 2341 Lower Lake Road in the Town of Seneca Falls. It is indicated that the storage shed will be constructed 47' eastward of the center line of Lower Lake Road. It will be 21' beyond the County right-of-way and 5' lower than the road. The size of the property is 19' X 108'. The size of the shed is to be 9' X 7'. Ms. Haynes stated that the Town needs to consider whether it has been the Town's historic understanding and interpretation of the zoning code that accessory structures are "a matter of right" within the Town where they do not meet the zoning requirements. Ms. Haynes' written report cited five factors which the Zoning Board of Appeals should consider in granting the Variance. Carried 10 – 1, with Gordon Burgess voting nay.

3) Gordon Burgess moved and Sally Kenyon seconded adoption of Resolution 47-11, recommending denial. Larry and Lillian Mills are requesting an Area Variance for a planned minor subdivision for property located at 1703 State Route 318 in the Town of Tyre. At this time, the applicants are wishing to separate the residence from the business, and are requesting an Area Variance for frontage from 150' to 115' for the parcel that the business will be located on. The property owners are seeking the change to prevent an owner of the business from building any structure too close to their residence. Ms. Haynes stated that there are other alternatives available for restricting future development of the parcel. She stated that the parcel abuts the State Route and the changes to property boundaries made at this time will impact future growth and development in the area and, therefore, have the potential for both an inter-municipal impact with the Town of Junius and is of concern to the County as a whole. Ms. Haynes stated that the parcel is in the area identified as the "Interchange Commercial District" in the Corridor Management Plan for Route 96 and 318 that was prepared jointly by the Counties of Seneca and Ontario and Towns in the Corridor. Ms. Haynes stated that there are no physical constraints on the applicants providing both of the new parcels with the required frontage of 150' nor have they demonstrated any of the statutory requirements for granting an Area Variance. The request for an Area Variance for property fronting on State Route 318 is denied. Carried 10 – 0. Board member, Ronald McGreevy, abstained from voting.

4) Charles Boehnke moved and Mark Lott seconded adoption of Resolution 48-11, recommending that an Area Variance request be left solely to local determination. The applicant, Tops Markets LLC, is seeking the Variance to allow for placement of signage at the proposed fueling station to be located at the northeast corner of Route 414 and Route 5&20, in the parking lot that is part of the Plaza owned by Seaway Acquisition Co., Inc. The signage will include three canopy signs, replacement of the main sign for the Plaza and modification of entrance/exit signs. Ms. Haynes stated that the proposed signage exceeds what is allowed by the Seneca Falls Town Regulations; however, it is appropriate for this type of development. Carried 11 – 0.

5) Ronald McGreevy moved and John Swanson seconded adoption of Resolution 49-11, recommending that a request for an Area Variance will have no significant inter-community or Countywide impacts. The applicant, Finger Lakes Family Moose Center, is proposing to construct an addition onto the Lodge located at 453 Waterloo-Geneva Road in the Town of Waterloo. The Lodge is situated on approximately 17 acres in an area which is predominantly allowed for mixed residential and commercial development. Ms. Haynes stated that the Lodge is second tier of development from the highway located behind a strip of single family houses. The 180 sq. ft. addition is to be used for storage and should; therefore, not increase traffic flow. The Area Variance is needed as the proposal indicates that the new construction will be 2' from the property line. Ms. Haynes stated that the proximity of new construction to the side lot line will mandate that the applicant work closely with the Seneca County Code Enforcement office to assure that the portion of the structure within 5' of the property line has adequate fire rating. Additionally, it is advised that the owner of the adjacent property should be made particularly aware of this application, if general notification of neighbors is not the standard practice in this community. Carried 10 – 0. Board member, Keith Beck, abstained from voting.

OLD BUSINESS:

Draft Agricultural and Farmland Protection Plan:

Harriet stated that the Public Hearing for the Draft Agricultural and Farmland Protection Plan is scheduled for the evening of December 13, 8:00 p.m., prior to the Board of Supervisors meeting. The Public Hearing for the proposed Seneca County 2012 Budget will also be held the same evening.

NEW BUSINESS:

None.

The meeting adjourned at 7:27 p.m. by motion of John Swanson.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary DeStefano".

Mary DeStefano
Staff Resources Asst.

DOG CONTROL OFFICER'S REPORT

December

- 12-09-11 An appearance ticket issued to Kara Landon, 7072 Rte 96, Ovid for 2 counts of running at large reference to the 11-10-11. (1/2 hr, 6 miles)
- 12-13-11 Appearance ticket issued to Joanne Squires, 4779 East Lake Road, Geneva For failure to confine, restrain and running at large within the Town of Romulus from the incident on 12-7-11. (1 hour, 20 miles)
- 12-17-11 William Warne, 6950 Rte 96A reported a stray yellow lab at this residence responded and returned dog to kennel. Nancy Snyder, 1525 County Road 132 claimed dog paid the Town of Romulus ten dollars redemption fee. (1/2 hr., 2 miles)
- 12-29-11 Received a complaint from Tim Shumway, 5647 Rt 96 about a large black dog running at large responded and found Glenn Elkins, 5652 Rt 96 dog running at large but was unable to catch her. (3/4 hr, 12 miles) Responded back to 5652 Rt 96 with food and caught dog. Dog returned to kennel. (3/4hr, 12 miles)
- 12-30-11 Picked-up a stray dog at 2841 County Road 138. Also picked up another stray puppy at the Porter residence 7036 Rte 96. Dogs belong to Nicole Carter, 7464 Rock River Road, Ovid. (1 hr, 10 miles)

Clean dog kennels (6 hours)

Respectfully submitted,
Cindy Ferris-Covert, Dog Control Officer

DOG CONTROL OFFICER'S REPORT

January

- 1-06-12 Received a complaint from 911 dispatch about a dog owned by Todd & Kelly, 7055 Depot Road going after Daniel Griffin, 7299 South Main Street. The boxer ripped Mr. Griffin's pants this incident was witnessed by Linda Xavier and investigated by Trooper Lerch. (1 hr, 6 miles)
- 1-07-12 Appearance tickets issued to Kelly MacIntosh, one for running at large and one for 3 counts of harboring an unlicensed dog. (1 hr, 6 miles)
- Information: Dan Breese 585-705-4662 reported missing his beagle hunting dog from Sampson State Park. Mr. Breese was notified that his dog was hit by a car on Rte 414 by Roy Evans house. A friend of Mr. Breese recovered the collar and the body on Friday, January 6, 2012. Mr. Breese wanted to thank everyone in Romulus for their help finding his dog.
- 1-08-12 Daniel Griffin, 7299 South Main Street, Ovid, filed dangerous dog Complaint under Section 121 of the Agriculture and Market Law with the Romulus Town Court. (1 hr, 10 miles) This is in reference to the complaint on 1-6-12.

Clean dog kennels (6 hours)

Respectfully submitted,
Cindy Ferris-Covert, Dog Control Officer

Main Office Report
January 18, 2012

Town books are all balanced to date.

January water/sewer bills will be sent out this week. Tax bills are out and we are in the processing of collecting them.

Respectfully submitted,
Mary E. Farnsworth
Town of Romulus

TOWN OF ROMULUS

David M. Kaiser, Supervisor
 Terry Smith, Town Clerk
 James I. Williamson, Highway Superintendent
 Gordon Carroll, Councilman
 Ralph Walborn, Jr., Councilman
 Barbara McCall, Councilwoman
 Kyle Collinsworth, Councilman



1435 Prospect Street
 P.O. Box 177
 Willard, New York 14588
 PHONE: 607-869-9326
 FAX: 607-869-5763
 TTY: 1-800-662-1220
 Email: Romulus@rochester.rr.com

TAX COLLECTOR'S BOOKS RESOLUTION # 6-12

WHEREAS, the Tax Collector's books, reports and bank statements are in balance and available for inspection by the Romulus Town Board, now therefore be it

RESOLVED, the Tax Collector's reports and books for the year 2011 be approved and accepted.

These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:

Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

January 18, 2012

Terry L. Smith, Town Clerk
 Town of Romulus

TOWN OF ROMULUS

David M. Kaiser, Supervisor
 Terry Smith, Town Clerk
 James I. Williamson, Highway Superintendent
 Gordon Carroll, Councilman
 Ralph Walborn, Jr., Councilman
 Barbara McCall, Councilwoman
 Kyle Collinsworth, Councilman



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TOWN CLERK'S BOOKS AND REPORTS RESOLUTION #07-12

WHEREAS, the Town Clerk's minute books, reports and bank statements are in balance and available for inspection by the Romulus Town Board, now therefore be it

RESOLVED, the Town Clerk's reports and books for the year 2011 be approved and accepted.

These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:
 Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

January 18, 2012

Terry L. Smith, Town Clerk
 Town of Romulus

TOWN OF ROMULUS

David M. Kaiser, Supervisor
 Terry Smith, Town Clerk
 James I. Williamson, Highway Superintendent
 Gordon Carroll, Councilman
 Ralph Walborn, Jr., Councilman
 Barbara McCall, Councilwoman
 Kyle Collinsworth, Councilman



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SUPERVISOR'S BOOKS RESOLUTION #08-12

WHEREAS, all the Town books and bank statements are in balance and available for inspection by the Romulus Town Board, now therefore be it

RESOLVED, the Town Board of the Town of Romulus accepts and signs the Supervisor's books for the year 2011.

These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:

Seconded by:

	<i>Yea</i>		<i>Nay</i>		<i>Absent</i>		<i>Abstain</i>	
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

January 18, 2012

Terry L. Smith, Town Clerk
 Town of Romulus

TOWN OF ROMULUS

David M. Kaiser, Supervisor
 Terry Smith, Town Clerk
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JUSTICE BOOKS RESOLUTION # 09-12

WHEREAS, the Judge's books, reports and bank statements are in balance and available for inspection by the Romulus Town Board, now therefore be it

RESOLVED, the Judge's reports and books for the year 2011 be approved and accepted.

These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:

Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

January 18, 2012

Terry L. Smith, Town Clerk
 Town of Romulus

TOWN OF ROMULUS

David M. Kaiser, Supervisor
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 James I. Williamson, Highway Superintendent
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VERIFICATION OF PAYABLES RESOLUTION #10-12

WHEREAS, the vouchers numbered 1 through 39 have gone through the proper auditing process, now therefore be it

RESOLVED, that said bills be approved for payment.

These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:

Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

January 18, 2012

Terry L. Smith, Town Clerk
 Town of Romulus

TOWN OF ROMULUS

David M. Kaiser, Supervisor
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AMEND RESOLUTION #89-11 DESIGNATE 2012 OFFICIAL NEWSPAPER TO READ RESOLUTION #11-12

RESOLVED, the Finger Lakes Community Newspaper and the Reville be Designated as the official Town of Romulus Newspapers for the year 2012 and be it **FURTHER RESOLVED**, the Finger Lakes Times be designated as the Towns official alternate newspaper for 2012.

These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:
 Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

January 18, 2012

Terry L. Smith, Town Clerk
 Town of Romulus

TOWN OF ROMULUS

David Kaiser, Supervisor
 Terry Rose-Smith, Town Clerk
 James I. Williamson, Superintendent of Highways
 Barbara McCall, Councilman
 Gordon Carroll, Councilman
 Ralph Walborn, Jr., Councilman
 Kyle Collinsworth, Councilwoman



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APPOINTMENT OF PLANNING BOARD MEMBER RESOLUTION #12-12

RESOLVED, the Town Board of the Town of Romulus appoints Thomas Bouchard to serve on the Town of Romulus Planning Board for a term of seven years, expiring on the 31st day of December, 2018.

These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:
 Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

January 18, 2012

Terry L. Smith, Town Clerk
 Town of Romulus

TOWN OF ROMULUS

David M. Kaiser, Supervisor
Terry Smith, Town Clerk
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ACCEPT AUDIT OF MONTHLY COURT RECORDS RESOLUTION #13-12

WHEREAS, the court records for the month of November 2011 have been through the proper auditing process, therefore be it

RESOLVED, that said records be approved

These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:

Seconded by:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[]	[]	[]	[]
Councilman Walborn	[]	[]	[]	[]
Councilwoman McCall	[]	[]	[]	[]
Councilman Collinsworth	[]	[]	[]	[]
Supervisor Kaiser	[]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

January 18, 2012

Terry L. Smith, Town Clerk
Town of Romulus

LAW OFFICES
OF
STEPHEN C. GREENE

STEPHEN C. GREENE

85 WEST BRIDGE STREET
OSWEGO, NEW YORK 13126
TELEPHONE (315) 342-3191
FAX (315) 342-0732
(NOT FOR SERVICE OF PAPERS)

STEPHEN C. GREENE, JR.
ASSOCIATE

December 19, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Town of Romulus
1435 Prospect Street
P.O. Box 177
Willard, New York 14588

Re: Renewal Application Notice Form
My Client: The Village Grapevine

Dear Romulus Town Clerk:

Enclosed herewith please find original, executed Renewal Application Notice form. My Client, The Village Grapevine, intends to renew its license for purposes of continuing to maintain a wine store at 6128 Route 89, Romulus, New York 14541.

Thank you.

Very truly yours,



Stephen C. Greene, Jr.

SCGj/s
Enc.



STATE OF NEW YORK EXECUTIVE DEPARTMENT DIVISION OF ALCOHOLIC BEVERAGE CONTROL STATE LIQUOR AUTHORITY

Standardized RENEWAL APPLICATION NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board in connection with the submission to the State Liquor Authority of a Renewal Application for an On-Premises Alcoholic Beverage License

Form with 30 numbered sections containing fields for date, local municipality name (The Town of Romulus), attorney name (Stephen C. Greene, Jr.), current license holder (Village Grapevine LLC), and signature of Anthony J. Arena.

Signature of Anthony J. Arena with name written below it.

**Town Clerk Monthly Report
December 01, 2011 - December 31, 2011**

Account#	Account Description	Fee Description	Qty	Local Share
A1255	Conservation	Conservation	5	6.80
	Misc Fee	Certified Copies	4	40.00
			Sub-Total:	\$46.80
A2530	Wagering Fees	Games Of Chance Licenses	1	10.00
			Sub-Total:	\$10.00
A2540	Wagering Fees	Bingo License	39	292.50
		Bingo Proceeds	4	23.63
			Sub-Total:	\$316.13
A2544	Dog Licensing	Male, Neutered	5	25.00
		Male, Unneutered	2	20.00
			Sub-Total:	\$45.00
A2555	Building Permits	Building Permit	1	25.00
			Sub-Total:	\$25.00

Total Local Shares Remitted: \$442.93

Amount paid to: NYS Ag. & Markets for spay/neuter program	11.00
Amount paid to: NYS Environmental Conservation	388.20
Amount paid to: State Comptroller For Bingo Licenses	438.75
Amount paid to: State Comptroller For Games Of Chance	15.00

Total State, County & Local Revenues: \$1,295.88

Total Non-Local Revenues: \$852.95

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Terry L. Smith, Town Clerk, Town of Romulus during the period stated above, in connection with my office, excepting only such fees and monies the application of which are otherwise provided for by law.

Supervisor

Date

Terry L. Smith

Town Clerk

1/4/12

Date