

OXFORD TOWN BOARD MEETING
Wednesday, August 13, 2014

The Monthly Meeting of the Oxford Town Board was called to order by Supervisor Lawrence Wilcox at 7:30 pm at the American Legion, So. Washington Ave., for the transaction of such business that may lawfully come before the Board. The change of meeting location was published in the Norwich Sun newspaper and on the Town of Oxford Website in advance of this meeting. The meeting opened with the salute to the flag of the United States of America.

Present were:

Supervisor: Lawrence Wilcox
Council: Jerry Locke
 Alan Davis
 Ron Charles
 John Hofmann

Town Clerk: James W. Hemstrought Jr.
Highway Superintendent: Timothy Tefft

Others Present: David Craine, Mang Insurance Representative; Patrick Moore, Pool Director; seventeen residents who made comments during the Public Hearing and several others.

Minutes Previous Monthly Meeting:

Alan Davis made a motion to approve the minutes of July 9, 2014. Motion was seconded by Ron Charles and carried with 5 Ayes.

Supervisor's Monthly Report:

Supervisor Wilcox handed out the Financial Accounting Information Sheets, Investment and Certificate of Deposit Reports, as of July 31, 2014. He also gave the following Revenues, Appropriations and Checkbook Balances:

July 2014

Revenues	\$ 71,941.06
Appropriations	96,549.94

Check Book Balances:

General	\$130,671.66
Highway	192,334.95
T&A	6,115.43
Water District #1	3,134.56

David Craine of Mang Insurance Agency, representing NYMIR, went over the complete Commercial Insurance Proposal for the year 08/29/2014 through 08/29/2015. He stated that heavy trucks less than ten years of age should be insured at replacement cost, since NYMIR pays replacement cost on such vehicles as long as replacement cost limits are carried. No changes were made in coverage and the premium actually went down by \$149.70.

Public Hearing on Local Law #1 2014
Zoning Ordinance Changes to Local Law #1-2007

Supervisor Wilcox opened the Public Hearing at 7:48 pm. The affidavit of published legal notice dated July 30, 2014 was read. He called on Ken Ryan, Planning Board member, to explain the history of the Zoning Ordinance and the need for the changes and the addition of Sections 45 and 46, Telecommunication Towers and Noise Ordinance, respectively. Jerry Locke, Town Councilman, was called on to give a digest version of what the changes and additions were. Supervisor Wilcox then called for public comments and stated that those wanting to make comments need to state their name and keep comments to three minutes or under.

John Knapp referenced Article II, Section 2, which highlights the purpose of this ordinance, states "The provisions of this ordinance shall be . . . to promote the health, safety and general welfare of this community". Let us always keep this in mind. His main concern was the change to Article V, Section 8-A-1 Agricultural District, paragraph b, "Uses which may be permitted as a Special Exception by the Planning Board". Commercial excavation, drilling for gas and oil has been removed from the R-1 Residential District and also the addition of Material Staging Area is not permitted in residential areas. If the Board has deemed it unwise to allow drilling in one area of the town, how can it then subject the remainder of the community to those same risks?

Paul Brennan had concerns in regards to the proposed 214 Law. First – “The phase “drilling for oil and gas” which is present in the 2007 law under “special exceptions allowed” in the R1, RR2 and RM3 zoning districts has been removed in the proposed 2014 law. I personally agree with this change because there is no harmony or compatibility between heavy industrial practices, such as those involved in oil and gas drilling, and the definition of residential characteristics as contained in the current 2007 and proposed 2014 Oxford Town Law. He did have concerns with the addition of the phrase “but not limited to” in the description of “special exceptions” which may be allowed by the planning board. He states “the Board of Appeals is required by town law to follow a criteria or guideline in order to make any zoning decision pertaining to permit issuance. There is no written criteria that the Planning Board is required to follow in making decisions about permits. Approval of permits cannot be a discretionary call, but should be based on an established set of guidelines to maintain consistency from permit to permit.”

Mina Takahashi said she would focus her comments on the environmental impacts and the unenforceability of the proposed addition of “Material Staging Areas” as a permitted use by special exception in the agricultural district. My husband and I live and maintain a farmstead in the agricultural district and would never allow shale-gas development on our property. The problem with gas drilling and all of the industrial activities associated with it, is that disallowing it on our property does not mean we are protected from the pervasive environmental effects of those activities occurring next door or even miles away from it. By permitting material staging areas by special exception, the town board is effectively allowing the use outright. If the Oxford Town Board truly wants to protect our town and have legal and enforceable authority over this matter, please follow the example of Dryden and Middlefield and pass legislation to either prohibit or place a moratorium on shale-gas development in the Town of Oxford.

Donna Hansen: I live in the Town of Oxford and the neighbor across the street drives tractor trailer and insists on bringing home a refrigerator trailer that runs as long as he is home. There is a need for a noise ordinance so that no one can disturb the peace. People move to the country to enjoy the peace and quiet.

Angelique Bakalyar: As a land owner and business owner in the Town of Oxford, living in an agricultural and commercial district, I would very much like to have a noise ordinance for non-agricultural noise such as tractor trailers not being used for local farm business. I understand that farmers are vital and I would like an exception for those necessary purposes, not for non-agricultural or non-local activities be they private or commercial. The times for quiet should be set for 10 pm to 7 am, Monday thru Sunday, 365 days a year.

Trellan Smith: Among the stated purposes of the Town of Oxford Zoning Ordinance are to “promote orderly development, regulate the intensity of use, establish standards of development, protect against hazards, conserve the taxable value of lands and preserve any historic resources within the township”. The revisions to the 2007 Zoning Ordinance fail on every one of those counts. 1. They give the oil and gas industry unfettered rein in the agricultural districts of our Town and exposes the land and people living there at risk for the many hazards associated with high volume hydraulic fracturing. 2. They pretend to protect the three residential districts by removing “drilling for oil and gas” as a permitted use, but have added the words “included but not limited to” to those uses, making the revision all but meaningless. 3. They add “Material Staging Area” to the list of uses permitted by special exception to the agricultural and commercial districts, opening those areas up to further intrusion by the gas industry. 4. They shift the responsibility for “special exception” permitting from the ZBA Board to the Planning Board, this concentrating the Town's permitting powers in the hands of a body that has no codified procedures for deliberations.

Dave Davis: The zoning revisions proposed by the Oxford Town Board are a deeply flawed and misguided initiative in my view. In 2007 the Town Board added the phase “drilling for gas and oil” to a list of activities that could be approved by special exception in each District. The proposed changes to the 2007 zoning ordinance dropped the “drilling for oil and gas” from each of the residential districts and moved the body that would decide on granting the special exception for each of the other districts from the Zoning Board of Appeals to the Town Planning Board. The phase “material staging area” was also added to each of the non-residential districts by special exception to be decided upon by the Planning Board. The Town Board would have us believe that these changes would offer us greater protection. The fact is that the residential districts are no safer from being drilled if the State opens it up. The reason for this is that only if an activity such as gas drilling is not specifically prohibited it is likely that the lawyers for the gas industry will be able to have that zoning set aside. The non-residential districts are put at a high risk by adding “material staging area” defined as “temporary material storage”. The material referred to in this change are drilling wastes and there is no definition of what temporary means or what precautions would be required.

Willard Bradley: I have a change of heart about the dangers of gas drilling. I now believe gas is dangerous, even the gas lines going throughout the Village of Oxford. I suggest that the Town of Oxford ban the use of gas in both the town and village of Oxford.

Stacey Edick: Where is the Town Attorney? I believe the Town Attorney should be present at this public hearing and let us know what his opinion is. There should be a ban on any new compressor stations. The Town Board could use a loud speaker system so that those of us that are hard of hearing could hear what is being said.

Dan Taylor: Do the zoning changes welcome gas drilling even when there is proof that our water sources could be affected. This is a very dangerous thing to do.

Kristopher Fuller: I second everything that has been said and asked the Town Board to please reconsider their stand on fracking.

Betty Solewater: There should be a ban on gas drilling in both the residential and agricultural district.

Bruce Leonard: How can we draw a line between residential and agricultural districts? Material Staging areas will have trucks moving everywhere over the roads in the village and town.

Delmar Franklin: I work part-time for a bus line and have had several occasions to pick up passengers from areas in Pennsylvania. They all say that the gas companies do maintain roads in good condition, but don't drink the water.

Kathy Golden: The noise ordinance is needed now.

Joan Leonard: We live in a unspoiled area and we have an obligation to keep the Town of Oxford free from gas drilling and what it could do to our beautiful landscape and environment.

Carol Birdsall: Without some oversight, we should slow down and hold off on the "special exception" changes to our zoning ordinance.

The entire text of the papers that were presented during the public hearing on the zoning changes are on file in the Town Clerk's office for the perusal of the public during regular office hours.

Supervisor Wilcox stated that the Town Board needs to have time to consider and evaluate the many thoughts presented at this Public Hearing. No decision will be made tonight. This matter is hereby postponed until the September 10th Town Board meeting.

COMMUNICATIONS:

The July 2014 collateralized deposit account information report was received from BNY Mellon.

The final equalization rate was received for 2014 – 62% - a drop from last year.

A message was received from Mayor Stark concerning the meeting with the Steering Committee and Saratoga Associates scheduled for Tuesday, August 19th at 6:00 pm at the Fire Station.

A letter of resignation was received from Delmar Cooke, Oxford Assessor, effective on or before October 1, 2014. Del has served the Town of Oxford faithfully for 25 years.

SWIMMING POOL REPORT:

Patrick Moore, Pool Director, gave the following report of Pool activities for the past eight weeks: 115 swimming lessons were given to students in third to ninth grades and over 6,000 have used the Pool. Many good comments have been received from residents about the conduct of the Lifeguards and the condition of the Pool and grounds. They appreciate the Town Board for keeping the Oxford Pool open. A playday for kids is scheduled again this year. The last day for swimming is August 24, 2014.

Painting has been scheduled for next year, along with doors being replaced, and the fixes to the Pool and pumps are holding very well. The new surveillance cameras have been a big help with break-ins.

HIGHWAY SUPERINTENDENT'S REPORT:

Tim Tefft reported that stone and oiling has been completed on seven miles of road. The crew has been hauling sand for the upcoming winter season and cutting brush along road sides. The loading deck is being rebuilt. Some shoulders are being repaired and patch applied on the road around Lake Gerry. Tim stated that the 2001 Chevy truck should be declared as surplus and sold at auction.

Jerry Locke made a motion to declare the 2001 Chevy Truck as surplus and put up for auction. Alan Davis seconded the motion and the motion carried with 5 Ayes.

BILLS & CLAIMS: August 2014

Claims #127 thru #149, General Fund: Total: \$48,742.37

Claims #122 thru #144, Highway Fund: Total: \$144,449.70

Motion was made by Jerry Locke and seconded by Ron Charles to pay the bills and claims. Motion carried with 5 Ayes.

The next Town Board meeting will be held on September 10, 2014 at 7:30 pm in the Village Hall.

Meeting was adjourned by Supervisor at 8:57 pm.

James W. Hemstrought Jr.
Town Clerk