

39 hours so far since February 24th. So far revenue is up \$3355 since the same time last year. Additional assistance has been good while Justice was out for medical reasons, and during court sessions. Phone assistance, in person tickets, writing receipts. Also great for checks and balances. It will cost \$960 at 3 hours a week for the remainder of the year to keep her on. Jerry Simcoe commented that under the circumstances, it was a good thing the Court had a Deputy Court Clerk.

Lloyd DeMun asked if this was a permanent position. Tracy indicated it would be reviewed again during budget time. Dave Ballard asked where the money came from to pay for the salary. Tracy responded it comes from the ticket revenue. Money will need to be transferred from one account to another if it turns out there is not enough in the contractual at this time, but money is being generated above budget.

Lloyd DeMun made the motion to continue with the Deputy Court Clerk position through the end of the year. Linda Salyerds sought clarification that this was not a permanent position. Confirmed by Tracy. Motion seconded by Linda Salyerds. Roll – all agreed.

Motion carried.

3. Regarding the Steuben Landowner's Coalition Resolution request:  
Lloyd Demun read from the article posted in the Leader Friday, May 18<sup>th</sup>:

“Any vote by the board on any matter dealing with drilling would require the four leaseholders to recuse themselves, or abstain, from voting, in order to avoid violating state municipal laws on conflicts of interest. According to State Laws, board members are prohibited from voting on issues where they, or family members, benefit financially.”

Lloyd asked if Dave Ballard would benefit from voting in the affirmative on the proposed resolution. Dave responded that he would benefit just like everyone in the whole room. Pat Clark indicated that any landowner will benefit if the gas companies find gas in their property, but there is no telling where that gas will be found.

Dave stated that all the resolution is doing is telling DEC and Governor Cuomo that the Town is open for business. Pat Clark indicated that the resolution shows that the Town is open to a conversation.

Jerry Simcoe indicated that he has found information indicating that a Town may be sued regardless which direction they chose to go on this issue. Lloyd DeMun expressed his concern that the Town would be opening itself up to a lawsuit.

Karen Ballard, Steuben County Landowner's Coalition representative, stated that if a moratorium was chosen, the Town is open to a lawsuit. The resolution does not cost landowners money. The DEC has implied that they will consider permits first in those towns that have expressed an openness to drilling. The resolution is a statement to gas companies that the Town is open. There are no legal or financial costs.

Linda Salyerds clarified that Pam Gee, Town attorney, has indicated that adopting this resolution is premature but other than that there is no legal reason NOT to adopt it.

Karen responded that this resolution is not premature. John Bloise, Landowner's Coalition representative said that as of most recently, the Associated Press has announced that Governor Cuomo, DEC and gas companies are now looking at the towns bordering PA. And only in the townships that are receptive.

Jerry Simcoe commented that it makes sense to approach the Southern Tier because all equipment is just across the border.

Jim Lundgren expressed being in total favor of the proposed resolution. Terry Hill commented that he supports something from the Town Board that shows we are NOT in a moratorium mood. Dee Hill commented that she voted for the Board members because she trusted they would support landowner's rights and that the resolution should be considered.

Pat Clark made the motion to adopt the resolution. Linda Salyerds seconded. Roll – Pat Clark: Yes; Lloyd DeMun: No; Jerry Simcoe: No; David Ballard: Yes; Linda Salyerds: Yes.

Resolution Adopted.

4. Hawbaker representatives Adam Schultz, Attorney, and Greg Sovas, Attorney. To do a presentation on the proposed asphalt plant and rezoning.

Adam Schultz expressed that in the past, communications between Town and Hawbaker's has been contentious. Mr. Schultz affirmed that this is not how either Hawbaker or the Town prefers to communicate, and hopes that interactions can remain more congenial.

Mr. Schultz showed maps of the proposed asphalt plant and the Hawbaker holdings on the Barron and Youngs farms. Proposed asphalt plant outline, and proposed rezoning industrial area are purely conceptual at this time and there are no firm plans set in place, just a starting place to open discussion. No formal proposal has been made at this point.

If the indicated area between the river and River Rd. just past the Prescho Bridge, were rezoned as industrial, the Town would have more control about where industrial business might be located in the town.

Another option would be that as town residents, Hawbaker would have to come in and follow the Conditional Use Permit process and place industrial where ever it was approved.

The current idea along River Rd on Barron property would be to keep traffic off River Rd. and use Lateral Rd., an access road along the railroad tracks. This would be connected to the Prescho Bridge.

Other facilities that might be located in the proposed industrial zone would also be restricted to this access road. Furthermore, traffic from the Hawbaker gravel pit would go directly to the asphalt plant rather than drive on River Rd.

The berming sketched in the map along the river was to decrease the visual impact from Rt 15.

An aerial image of the Pleasant Gap facility in State College, PA showed the general outline of a trucking pattern and where the plant was located, raw materials kept, access roads.

- The road to the Prescho Bridge would be maintained by Hawbaker's as it would be a private road, even if other businesses were brought in.
- Sand would be brought in.
- Acreage of the plant would be provided after Mr. Schultz gets the answer.

TOWN OF Lindley  
STEUBEN COUNTY, NEW YORK

CERTIFICATE OF RESOLUTION

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The undersigned, being the Town Clerk of the above stated Town in Steuben County, NY, hereby certifies that the following resolution was duly made, seconded and adopted by the TOWN BOARD, TOWN OF Lindley at a regular meeting held on the 13<sup>th</sup> day of ~~May~~, 2012.

June

**WHEREAS**, the state has dedicated more than three years and more than 10,250 man hours creating a 900-page comprehensive plan for the safe development of natural gas through its draft Supplemental Generic Environmental Impact Statement (SGEIS) under the leadership of the Department of Environmental Conservation (DEC) and Commissioner Joe Martens as well as Governor Andrew Cuomo: and

**WHEREAS**, promoting economic activity and creating jobs to support families is a top priority: and

**WHEREAS**, state officials are developing standards to ensure safe development of our natural gas resources based on the expertise of DEC employees and advisors, such as :

- Requiring DEC staff to visit every well pad before permits are issued; and
- Requiring preapproval of wastewater treatment plans for every proposed well pad; and
- Requiring natural gas operators to provide a plan for assessing and repairing any road wear before permits are issued; and
- Requiring multiple layers of cement and steel casings around each underground well extending at least 75 feet below New-York State's deepest drinking water tables; and
- Requiring operators to provide dual failsafe protections for wastewater from hydraulic fracturing, mandating it be sealed in watertight, covered tanks enclosed in a secondary containment system; and
- Requiring disclosure of all additives used in the hydraulic fracturing process: and

**WHEREAS**, the role of municipal governments in New York State's natural gas development still remains under review by the DEC as a part of the ongoing SGEIS process: and

**WHEREAS**, local municipalities will have a designated role under the state guidelines once released: and

**WHEREAS**, development of our natural gas resources is currently prohibited pending the DEC's plan and final approval by Governor Cuomo: and

**WHEREAS**, premature local action in our municipality could negatively impact the competitive environment of all of New York State for natural gas development, and jeopardize the potential \$11.4 billion in statewide economic impact of development: and

**WHEREAS**, preserving a competitive environment for development in New York as compared to neighboring states will be critical to the economic future of our region: and

**NOW, THEREFORE, BE IT RESOLVED**, that we, the Town Board, find pursuit of a ban, or moratorium to natural gas exploration to be a premature misallocation of town resources pending the release of the state's final SGEIS: and

**BE IT FURTHER RESOLVED** that we support the state's leadership in developing a comprehensive statewide program to address the potential resource development holds for New York; and

**BE IT FURTHER RESOLVED** that we have confidence the state will develop a program that allows development of our natural gas resources to proceed in a safe, responsible, and competitive manner.

Dated: <sup>June</sup>~~May~~ 13, 2012

Megan E. Thistle  
Town Clerk  
Town of Lindley

(SEAL)