

The regular meeting of the DeRuyter Town Board was held at 7:30pm on the above date in the Conference Room at the Genevieve D. Staley Civic Center, 735 Utica Street, DeRuyter, NY.

Present were Supervisor Degear, Clerk Wightman, Councilmen Hathaway, Coon and Barnes, Highway Superintendent Cook, Eugene Selden, Shea Skeelee and Joe Yankowski. Councilman Jones was absent.

Motion by Councilmen Barnes and Hathaway to accept the minutes of the September 13th meeting as presented. All in favor and carried.

SEALED BID OPENING: One bid was received for snow plowing on Camp Crone Road. The bid from MD Excavation, Truxton, NY was opened and read (\$6,990 – November 1 to May 1). Motion by Councilman Coon to table.

PUBLIC HEARING: Public Hearing concerning proposed local law #1 of 2012. Motion by Councilmen Coon and Hathaway to open the public hearing at 7:40PM. All in favor and carried. There being no one present to speak in favor or against said proposed local law, motion by Councilmen Barnes and Hathaway to close the public hearing at 7:42PM. All in favor and carried.

TOWN CLERK'S REPORT:

- The monthly written report was submitted.

HIGHWAY SUPERINTENDENT'S REPORT:

- Sand pile is complete
- Ditching done
- 10 dead trees taken down
- Cleaning up brush
- Guiderail on Carpenter Road installed
- Enclosed the lean-to
- Snow and ice agreement – Motion by Councilmen Barnes and Coon to adopt:

#48 RESOLVED THAT WHEREAS, the Board of Supervisors of Madison County adopted Resolution No. 260-12 on August 14, 2012 designating the improved roads of the County Road System of the County upon which snow and ice removal should be performed; and

WHEREAS, the County Superintendent of Highways was authorized to enter into agreements with the Town for the aforementioned purpose starting October 1, 2012 through April 30, 2013 at rates specified in the Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Town Superintendent of Highways of the Town of DeRuyter, Madison County be and hereby is authorized and directed to enter into an agreement with the County of Madison to perform snow and ice removal upon the improved County Road system as per attached Agreement.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Absent

The Clerk declared the foregoing duly carried.

SUPERVISOR’S REPORT:

- Monthly written statement.
- CNY Farm Supply has a used 1997 Badger excavator that they are selling on consignment for \$12,500. It is 2 years newer and has half the hours than the one we currently own. Following a discussion, Councilmen Coon and Hathaway moved to adopt:

#49 RESOLVED: Whereas Highway Superintendent Cook has found a 1997 Badger excavator being sold on consignment for \$12,500.00, and;

Whereas said excavator is 2 years newer and has approximately half the hours than the Town’s current excavator,

Therefore be it resolved that this Town Board does hereby approve the purchase of said 1997 Badger excavator pursuant to Guideline #7 of the Town of DeRuyter Procurement Policy, and;

Be it further resolved that the purchase will be made from line item DA5130.4.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Absent

The clerk declared the foregoing duly carried.

- The permissive referendum time period having expired, Supervisor Degear signed the proposal for a pre-demolition asbestos survey at the former highway garage

CORRESPONDENCE:

- NYS DOT regarding request for speed reduction on Dugway Road.
- Notice from Madison County Board of Elections regarding access to the Civic Center for elections.

OLD BUSINESS:

- Library Agreement – attorneys are still working on this.

NEW BUSINESS:

- Following a discussion of the Justice Court Assistance Program, motion by Councilmen Barnes and Coon to adopt:

#50 RESOLVED: WHEREAS, the Justice Court Assistance Program (JCAP) was established in 1999 to provide some State assistance to Town and Village Courts, and;

WHEREAS, the Town of DeRuyter Court is currently operating without the State-approved and recommended SEI Courtroom case management software, and;

WHEREAS, the courtroom case management software and multi-user upgrade are grant eligible items within JCAP.

NOW, THEREFORE BE IT RESOLVED that the DeRuyter Town Board having reviewed JCAP grant documents prepared by Justice Fox does hereby authorize application to the New York State Justice Court Assistance Program for a JCAP grant.

All in favor and carried.

- Following a discussion, motion by Councilmen Barnes and Hathaway to adopt:

#51 RESOLVED:

WHEREAS, The 2013 Tentative Budget for the Town of DeRuyter included monies set aside to purchase a new all-in-one copier/printer/fax at an estimated cost of \$5,000, and;

WHEREAS, NYSERDA announced a \$1.1 million first-come first-served rebate program for local governments to purchase Energy Star® rated appliances, and;

WHEREAS, all-in-one copier/printer/fax machines are eligible for a 75% rebate through this program, and;

WHEREAS, pursuant to the Town of DeRuyter procurement policy, quotes were received from many vendors including Usherwood Office Technology, Toshiba, Ricoh, and CMS Imaging Solutions, and;

WHEREAS, Usherwood Office Technology provided the best overall value to the Town of DeRuyter to including purchase cost and service agreement.

NOW, THEREFORE BE IT RESOLVED, that the DeRuyter Town Board authorize the immediate purchase of a Cannon ImageRUNNER C2020 from Usherwood Office Technology at a cost of \$4,164, and;

BE IT FURTHER RESOLVED, that the DeRuyter Town Board authorizes the application of the Cannon ImageRUNNER C2020 purchase to the NYSERDA rebate program thereby saving the town \$3,123.

All in favor and carried.

- **Local Law #1 of 2012:** The State Environmental Quality Review (SEQR) Short Environmental Assessment Form was reviewed. Motion by Councilmen Hathaway and Coon stating that upon review of proposed local law # 1 of 2012, review of page 1 of the SEQR form, and other hearings and deliberations among the Board, a finding is hereby made that the enactment of the Local Law #1 of 2012 will not result in any significant adverse environmental impacts and therefore a negative declaration is hereby made under SEQR. All in favor and carried.

There being no further deliberations or discussions, motion by Councilmen Barnes and Coon to adopt:

#52 RESOLVED: That this Town Board does hereby enact Local Law #1 of 2012 as

**A Local Law to Override the Tax Levy Limit Established
in General Municipal Law 3-c**

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of DeRuyter pursuant to General Municipal Law §3-c, and to allow the Town of DeRuyter to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Override

The Town Board of the Town of DeRuyter, County of Madison is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye

The Clerk declared the foregoing duly carried.

- **EEOC Policy** – Following a review of said policy, motion by Councilmen Barnes and Coon to adopt the “Equal Employment Opportunity Policy” as follows:

Equal Employment Opportunity Policy

Policy Statement: The Town of DeRuyter is an Equal Opportunity Employer. The Town does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, marital status, or military status. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement compensation, promotion, transfer, training, leave of absence, and termination.

Notice of Policy Violations: An employee should immediately report any perceived violation of this policy to the employee’s department head. In the event the employee is unable to discuss this matter with their department head, the complaint should be reported in writing to the Town Supervisor or any member of the Town Board. All complaints of discrimination will be investigated discreetly and promptly. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

Adopted: October 11, 2012

All in favor and carried.

- **Sexual Harassment Policy** – Following a review of said policy, motion by Councilmen Coon and Hathaway to adopt:

TOWN OF DERUYTER POLICIES AND PROCEDURES

- I. **SUBJECT:** NON-DISCRIMINATION AND HARASSMENT IN THE WORK-PLACE POLICY (INCLUDING SEXUAL HARASSMENT)
- II. **ADOPTED:** October 11, 2012
- III. **PURPOSE:** The Town of DeRuyter is committed to securing for Town of DeRuyter employees a workplace that is free from discrimination and harassment, including sexual harassment.

IV. POLICY:

It is the policy of Town of DeRuyter to promote a productive work environment and to prohibit conduct that disrupts or interferes with an employee's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town is committed to educating employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to providing an effective means of eliminating such harassment from the workplace.

Any conduct that discriminates against, denigrates or shows hostility or aversion towards a person on the basis of gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, sexual orientation or any other legally protected status or classification is strictly prohibited. In short, the Town of DeRuyter will not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace.

Furthermore, the Town does not tolerate any retaliation against anyone who in good faith complains of harassment or discrimination or who participates in any type of protected activity. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and promptly resolving, complaints of discrimination and harassment, including sexual harassment, without any risk of retaliation to an employee who files such complaint or who cooperates with the investigation of a complaint.

Applicability of Policy - This policy applies to all employees of the Town of DeRuyter and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, supervisors or managers, elected officials, or by third parties not directly connected to the Town such as outside vendors, consultants or citizens. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting such as during business trips, business meetings, and business-related social events.

Supervisory Responsibility – Department Heads and supervisory personnel are responsible for ensuring a work environment that is free from discrimination and harassment, including sexual harassment. Supervisors must take immediate and appropriate corrective action when instances of discrimination or harassment come to their attention in order to assure compliance with this policy.

Definition of Sexual Harassment - This policy places special attention on the prohibition of sexual harassment in the workplace. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; or

- Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employee's work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy as well as state and federal law.

Forms of Sexual Harassment - Specific forms of behavior that the Town of DeRuyter considers sexual harassment and which are prohibited include, but are not limited to, the following:

- Quid pro quo threats or promises by a supervisor (loss of job or promise of job, promotion, or other employment benefit).
- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sexually-oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- Any sexual advance that is unwelcome or any demand for sexual favors.
- Sexually suggestive written, recorded or electronically transmitted material showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- Physical contact of any kind which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

Consensual Relationships and Contact - Clearly, unwanted sexual advances and requests for sexual favors that are made a condition of employment are violations of the law and are prohibited by this policy. However, dating and consensual relationships are not prohibited by this policy. Dating and consensual, physical relationships that may exist between 1) employees, or 2) between employees and outside vendors or customers, can have an impact on the workplace. Employees who engage in dating or in a consensual, physical relationship that falls within the categories described above must maintain professionalism at work at all times. Any and all physical displays of affection are prohibited in the workplace at all times, including sexual activities. In addition, all other relationship-related behavior that may create a hostile work environment for others or that makes others uncomfortable is prohibited. This related behavior includes, but is not limited to, flirting, fighting or other similar

activities. Consensual relationships between supervisors and subordinates are discouraged as the real or perceived power of a supervisor over a subordinate may result in complaints of sexual harassment if the relationship changes or ends.

Reporting of Discrimination and Harassment (including Sexual Harassment) - Employees are encouraged and responsible to report incidents of discrimination and harassment (including sexual harassment) as soon as possible after the occurrence. Reports should be made to the employee's immediate supervisor, the Department Head, or to the Town Supervisor or their designee. Contact information for the Town Supervisor is as follows:

The Town of DeRuyter
Attn: Town Supervisor
P.O. Box 735
DeRuyter, NY 13052
(315) 852-9650

Employees who work second and third shifts are encouraged to contact their supervisor, the Department Head or the Town Supervisor during their normal working hours. Emergency situations should be reported in accordance with departmental policies and procedures.

Discrimination and Harassment (including Sexual Harassment) Complaint Form - To ensure that all discrimination and harassment complaints are managed appropriately, effectively and in accordance with the Town's policy, such complaints will be recorded using the Town-sanctioned Complaint Form. Only those individuals authorized to receive a complaint may do so. Complaint forms can be obtained from the Town Clerk.

Confidentiality - Complaints of discrimination and harassment will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. Although complete confidentiality cannot be guaranteed, the Town of DeRuyter will endeavor to limit the number of people who know about the complaint. Any witnesses who are interviewed will be instructed to maintain confidentiality.

Investigation of Complaint - The investigation of a complaint will be conducted by the Town Supervisor, or by a third party investigator appointed by the Town Board, and will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred.

Employee Defense - Any employee who is the subject of a complaint alleging workplace discrimination or harassment will be afforded a full and fair opportunity to offer and present information in the employee's defense. Such information will be confidential to the extent possible.

Disciplinary Action - Any employee or official who is found to have committed an act of workplace discrimination or harassment, including sexual harassment, will be subject to appropriate disciplinary

action, up to and including termination of employment, as provided by applicable Town operating procedures, including Civil Service Law Section 75 or the disciplinary procedures contained in a collective bargaining agreement, where applicable.

Post-Remedial Action - Following a finding of discrimination or harassment, victims may be periodically interviewed to ensure that discrimination or harassment has not resumed and that no retaliation has occurred.

Notices and Training - The Town of DeRuyter will distribute this policy to all new employees at the time of hire, and to all existing employees on a periodic basis. Additionally, the Town will arrange for periodic training of all personnel on the issue of workplace discrimination and harassment, including sexual harassment, as a further means of preventing such conduct in the workplace.

All in favor and carried.

- **ADA Policy** – following review of said policy, motion by Councilmen Barnes and Coon to adopt:



**NOTICE UNDER THE AMERICANS
WITH DISABILITIES ACT**

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of DeRuyter will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Town of DeRuyter does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Town of DeRuyter will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Town of DeRuyter programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Town of DeRuyter will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Town of DeRuyter offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of

DeRuyter should contact **Dan Degear, ADA Coordinator, at 315-852-9650 or via e-mail at dan@deruyternygov.us** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of DeRuyter to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Town of DeRuyter is not accessible to persons with disabilities should be directed to **Dan Degear, ADA Coordinator, at 315-852-9650 or via e-mail at dan@deruyternygov.us.**

The Town of DeRuyter will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**Town of DeRuyter
Grievance Procedure under
The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Dan Degear
ADA Coordinator
PO Box 735, DeRuyter, NY 13052
Phone - (315) 852-9650
Fax – (315) 852-9701
Email – dan@deruyternygov.us

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio

tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Madison County Chairman of the Board of Supervisors or his/her designee.

Within 15 calendar days after receipt of the appeal, the DeRuyter Town Board will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the designee of the Town Board will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the DeRuyter Town Board and responses will be retained by the Town of DeRuyter for at least three years.

Adopted: October 11, 2012

All in favor and carried.

- **Compulsory Integration** – Supervisor Degear discussed the recommended changes New York State’s rules governing compulsory integration. Motion by Supervisor Degear and Councilman Coon to adopt the following:

Whereas, effective August 2, 2005, an application for a permit to drill an oil or gas well in New York State is required to submit a map to define the area assigned to that well (spacing unit); and

Whereas, in New York State this map may include some or all of a landowners acreage, even though they may not have entered into an oil and gas lease; and

Whereas, the NYS Department of Environmental Conservation is responsible for issuing a well permit and has developed a compulsory integration process to deal with those landowners that have not signed leases (uncontrolled owners); and

Whereas, the current compulsory integration policy in New York State can ensure that un-leased landowners in a spacing unit are reasonably compensated for their proportion of the natural gas extracted from beneath their un-leased acreage; and

Whereas, currently, an applicant is required to have 60% of the acreage in the unit secured through an oil and gas lease before the DEC will issue them a drilling permit; and

Whereas, the uncontrolled owners are then forced to participate in the extraction of gas or oil from below their property, and are given various options for how to participate in the extraction process; and

Whereas, the uncontrolled owner is only given 21 days to respond to the letter asking them for their choice (“integrated non-participating owner” or an “integrated participating owner” or an “integrated royalty owner”) in the integrated process; and

Whereas, uncontrolled owners are given the lowest royalty payment percentage or the other leases making up the spacing unit.

Now, Therefore, Be It Resolved, that the Town Board of the Town of DeRuyter recommends reform to the compulsory integrated process; and

Be It Further Resolved, that 80% of the acreage in a unit should be secured with leases before a permit can be issued; and

Be It Further Resolved, that the integration hearings should be set at a designated location within the municipality in which the drilling will take place, preventing uncontrolled owners from having to travel to Albany to be heard; and

Be It Further Resolved, that uncontrolled owners should be allowed 28 days to make their election with the integration process, not the 21 days as currently required; and

Be It Further Resolved that uncontrolled owners are given an average of the lease royalty payments being offered to participating leases within the spacing unit, not the lowest percentage as currently required.

All in favor and carried.

- **Tentative Budget** – Supervisor Degear reviewed the tentative budget. Councilmen Barnes and Hathaway moved to adopt:

#53 RESOLVED: That this Town Board does hereby prepare and approve as the preliminary budget of this Town for the fiscal year beginning on the first day of January 2013, the itemized statement of estimated revenues and expenditures on file in the office of the Town Clerk, and be it

FURTHER RESOLVED, that this Town Board shall meet at 7:30PM on the 8th day of November, 2012 for the purpose of holding a public hearing on such preliminary budget and be it

FURTHER RESOLVED, that the Town Clerk shall give notice of such public hearing in the manner provided in Section 113 of the Town law, and that such notice be published in substantially the following form:

Notice is hereby given that the preliminary budget of the Town of DeRuyter for the fiscal year beginning January 1st, 2013 has been filed in the office of the Town Clerk at DeRuyter where it is available for inspection by any interested persons during regular hours.

Further notice is given that the Town Board of the Town of DeRuyter will meet and review said budget and hold a public hearing thereon at the Town Offices, 735 Utica Street on the 8th day of November, 2012 at 7:45PM and that at such hearing any person may be heard in favor or against any item or items therein contained.

Pursuant to Section 113 of the Town Law, the proposed salaries of the Town Officers are as follows:

Supervisor		\$5,250
Councilmen	4@	\$1,500
Justice	1@	\$5,700
Justice	1@	\$5,000
Clerk/Collector		\$21,020
Highway Supt.		\$40,940

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Jones	Absent
Councilman Hathaway	Aye
Councilman Barnes	Aye
Councilman Coon	Aye

The Clerk declared the foregoing duly carried.

OTHER BUSINESS:

- Natural Gas Moratorium information – City of Binghamton. Judge ruled for the enactment of the moratorium to be upheld, the municipality must show that it’s actions were:
 1. In response to a dire necessity;
 2. Reasonably calculated to alleviate or prevent a crisis condition; and
 3. That the municipality is presently taking steps to rectify the problem.

Supervisor Degear explained that since none of these conditions currently exist, it would be illegal for the Town Board to enact a moratorium, leaving the Town open to law suits. Therefore, Supervisor Degear referred to item 14 of the “Town of DeRuyter Rules For Decorum At Public Meetings” and stated that public comment regarding hydrofracking will not be allowed (unless a Board member requests public comment be allowed) as it will not be considered Town business until/unless there are new developments.

PUBLIC COMMENTS:

- Joe Yankowski once again requested a public hearing concerning hydrofracking and again requested the Board enact a moratorium.

- ✓ Motion by Councilmen Barnes and Hathaway to accept the Supervisor’s statement. All in favor and carried.
- ✓ Motion by Councilmen Barnes and Coon to pay the bills as audited:

Abstract #1015	\$21,740.64
Abstract #1016	\$20,720.89

All in favor and carried.

- ✓ Motion by Councilmen Coon and Barnes to adjourn. All in favor and carried.

Respectfully submitted,

Rebecca Wightman

Town Clerk