

A Town meeting of the Otsego Town Board was held on the 2nd day of March 2011 at the Town Building, Fly Creek, NY at 7:00 PM. to hear public comments on the issue of gas drilling.

Town Board Members Present:

Meg Kiernan	Supervisor
Bill Michaels	Councilman
Carl Wenner	Councilman
Anne Geddes-Atwell	Councilwoman

Also Present:

Pamela Deane	Town Clerk
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Supervisor Kiernan called the meeting to order. She explained to the approximately 140 people present the ground rules to be followed during the course of the meeting. Each speaker would have a maximum time of 3 minutes to speak. Those present were told that this was an opportunity for people to participate and share their views not a debate, anyone disruptive would be asked to leave. Those uncomfortable speaking publicly were encouraged to leave their views with the Board on a signed index card before leaving.

Supervisor Kiernan introduced official time keeper Stephanie Bowers from the League of Women and Jean Dewey who was asked to summarize comments from the public and display them on an easel located at the front of the room. Supervisor Kiernan opened the floor for comments.

Mary Tedesco stated that she and her husband just recently found out, after visiting the County Real Property Office, that the property surrounding theirs has been leased to a gas drilling company. When they built a new house they had to go through a permit process yet leasing your land for drilling gas doesn't require anything. She felt that, at the very least, neighboring properties should have been notified and been allowed some input. She and her husband feel that this issue is too important to be decided by the Town Board and should be put to Town vote. Out of the 103 people that she telephoned 80 agreed that fracking should not be permitted in the Town of Otsego, 2 people felt fracking should be allowed and 21 people didn't know enough about the process to have an opinion either way.

Greg Crowell thanked the Board for holding the Town meeting. Crowell spoke out against fracking. Allowing gas drilling will not create jobs long term and will divide the community. Crowell referenced the Town's Comprehensive Plan pointing out that the number one goal listed in the plan is to protect property values. Nowhere in the Comprehensive Plan does it list heavy industry as a goal.

Paul Lord, a working environmental scientist, is still waiting for the data documenting the process of the scientific matter. For that reason he is conflicted whether gas drilling should be allowed or not. Lord was not convinced that any Town law would be able to stand up to State and Federal mandates. He agreed community and personal property needed to be protected and was strongly in favor of the Town Board doing whatever they could to protect Town roads and the water supply.

Sam Wilcox expressed concerns of increased volume of traffic, alteration of the beautiful countryside and contamination to the water supply, all of which threatens residents way of life.

Julie Huntsman submitted articles written by a highly respected newspaper, the New York Times, reporting their research findings on gas drilling. Huntsman reported that 30 dedicated volunteers passed petitions requesting the Town Board to pass legislation prohibiting heavy industry in the town including hydraulic fracking for natural gas. From that they received 680 signatures. Volunteers conducting a phone survey were able to contact 1155 out of 2637 registered voters. 82% of those contacted had serious concerns or were opposed to hydro fracking in the Town of Otsego. She thought that was a pretty good expression of political will.

Lang Keith and his wife live in the house his wife grew up in. She and her family have lived there for over 60 years. Keith was a lawyer in Virginia handling many real estate cases including Land Use in the Supreme Court and heard Land Use cases when he was a judge. Based on his background Land Use Law or Zoning is in essence

an extension of the law of nuisance. It has never been true that a property owner could use his or her property anyway they like. If a property owner was a bad neighbor and used his property in such a way that it damaged others the injured person could ask the court to ban his neighbors' use as a nuisance. The law of nuisance is complex, cumbersome, expensive to enforce and not suited to the world we live in today. Zoning Laws codifies nuisance law and requires all of us to be good neighbors. Although he does not see where extracting gas is allowed under the current Land Use Law he feels the gas companies will argue it is. For that reason Keith urged the Town Board to amend the current Land Use Law making it crystal clear that gas drilling is not a permitted use in the Town.

Village Trustee Lynne Mebust stated that she is opposed to gas drilling and will support all Town Board efforts in adopting regulations prohibiting gas drilling. She appreciates the Town's cooperation with the Village in protecting Town roads by an Intermunicipal Agreement with Otsego County. She shared that the Village Board has unanimously adopted a statement drafted by the Watershed Advisory Committee, opposing gas drilling in an effort to protect the Otsego Lake Watershed. She submitted to the Town Board a copy of the same policy and asked that they consider also adopting it. The Village Board is hoping all Towns in the Otsego Lake Watershed will adopt the policy. The Village of Cooperstown Trustees has asked the County to place a moratorium on all gas drilling until all roads; water and emergency service protection is addressed. She is also representing Dr. Walter Frank who is opposed to gas drilling

Elaine Guyot did not think residents should shoulder the burden of paying \$600 to have their water tested before gas drilling occurs to show that their water was clean prior to drilling.

John Kosmer presented two news articles stating that in Wise County, Texas, property values have dropped over 70% due to gas operations. A New York Times video shows two home owners in Colorado who abandoned their \$300,000.00 to \$500,000.00 homes because gas operations were making their families sick. The trade off is you will have to pay \$200,000.00 to \$500,000.00 in lost assets on your property to get a \$12.00 an hour trucking job. That is insane.

Cynthia Theodore stated that she and her husband did all their homework before moving here five years ago. Just recently they found out that their neighbor signed a gas lease agreement. She didn't think it right that she wasn't notified nor had any input. She is doubtful that anyone would ever buy their house now and feels her assessment should be drastically reduced. She has a stream adjacent to their property that empties into the Susquehanna River that travels all the way to the Chesapeake Bay. If the stream near her house is polluted there is the potential of that pollution traveling and affecting all those in the Chesapeake Bay area.

Nicholas Weir asked "About the jobs. How many know how to drill gas? HELLO". He found after researching gas drilling that casings have been known to crack and leak and has been known to affect water as far as 200 miles away. Weir felt the gas companies don't care.

Randy Velez felt some risks are worth taking and some aren't. If there is a possibility of damage occurring and it could be irreparable and we, along with generations to come, will suffer, then the risk is not worth taking. The risk should not be measured by frequency but whether or not it is irreparable. If there is any chance water in the area could be contaminated from gas drilling the risk is not worth taking.

James Deane has just recently found that land he owns is compromised by land bordering his that has a gas lease agreement. There is an assumption here that if the gas companies do everything right and they don't contaminate any water everything is going to be okay. Whether wells are contaminated or not the economic and environmental damage will be the same. If the gas companies even get here it is over. He urged the Town Board to consider adopting a permit process to those wanting to enter into a gas lease agreement whereby they would also be subject to the NYS SQER law and an Economic Impact Statement. If they can show clearly and without any doubt that their actions will do no environmental, water, financial, or quality of life damage to any of their neighbors, local businesses, or surrounding Towns, a permit could be issued. It is insane that one person is allowed to wreck another person's life.

Laura Weber commended everyone for taking a stand and setting an example for young people, so she and kids like

her will not have to worry about the water quality every time they turn on the faucet.

Paul Kuhn, Chairman of the Otsego Lake Watershed Supervisory Committee, pointed out that the NYS Department of Environmental Conservation has granted exemptions to the NY City Watershed and the Syracuse Watershed. The reasons for doing so were that those Watersheds did not have filtrations in their water systems. The reason for that is absolutely flawed because so many of these toxins and carcinogens are soluble. Filtration will never take them out. Kuhn stated that even though we are a small community, we are human beings too and should be treated the same way NYC and Syracuse Watersheds have been treated. The Watershed Supervisory Committee has made a recommendation to the Village of Cooperstown which was later adopted by the Board of Trustees, that we want the same treatment that both NY City and Syracuse have.

Bill Schaffer, as a follow up on some of the points made on water quality, stated that it is not a level playing field. An energy bill from 2005 known as the "Hal Burton Loop Hole" removed the rights of the EPA to regulate Hydraulic Fracking under the Safe Drinking Water Act, Clean Water Act and the Superfund Act".

Ron Bishop is amazed that at this late date with so much evidence available to people there is anyone that can say there is not clear cut scientific evidence for the dangers and hardships that come from natural gas development. There are some benefits to be had from natural gas drilling. Typically, not to the people who live near it.

Lou Allstat, based on his 31 years in the oil and gas industry, agreed with the New York Times information stating that the technology and regulation of oil and gas as it is proposed for NYS just is not safe enough and not up to the standards that it should be. Allstat suggested that in a situation like this where there is a lot of doubt about the safety it would be prudent to take as many precautions as we can to protect things until we are convinced that drilling can be done safely. The Land Use Laws should be bolstered and enforced, as well as hiring the best lawyer we can, to hold this off until somebody can prove that it is safe.

Frank Kukenberger argued that there is another side. He has been a dairy farmer all his life. Spent a lot of years working for nothing. Just about surviving. If the taxes aren't paid the land is confiscated. He has no retirement. He needs money for him and his wife to live. For that reason, he has lease agreements on both his farm land in the Town of Middlefield and the Town of Otsego so he can have a little money coming in.

Allan Springet from Morris asked people to make decisions based on facts not fiction or fear. He has worked 40 years as a scientist and geologist. He knows how difficult a process it is to clean up soil and water pollution. He asked that the farmers not be thrown to the wolves. Their backs are against the wall. NYS has over 10,000 wells drilled historically and has yet to see a major issue.

Jose Betancourt retired professor from SUCO said, he and his wife chose to live here 28 years ago because it was a healthy environment to raise their son. He came from an area where coal was a resource. He remembers seeing, as a young boy, miners coming up out of mines being told everything were safe. Betancourt felt that those renting their land, including farmers, for industrial use should pay a higher tax. Is that really going to be beneficial for agricultural use in this country?

Clifton Tamsett introduced himself as an independent contractor and attorney representing Gastem, with a chemistry degree from Cornell. Gas Tem's intent is to develop local gas for local use in Otsego County. At this point natural gas for a quarter the cost of oil gives you the same amount of energy. It's an abundant and reasonable resource. Gastem follows safe and environmental practices. Gastem has all well water within a half a mile radius from the drilling site tested by an independent lab at their cost. Gastem tries to mitigate the drill site disturbance by using hemlock mats rather than gravel when possible to avoid large storm run off. They double case the casing to seven hundred feet below the aquifer or water well and the concrete is tested with a bond log to insure integrity so there will be no leak. In Chenango County approximately 85% of the people are in favor of natural gas drilling. Norse Energy is in the Clinton Sand Stones which is the formation Gastem intends to explore in Otsego County. Norse Energy paid in 2010 approximately \$700,000.00 in production taxes to the local County, Town, and School. It is anticipated that Otsego County will receive the same benefit when gas drilling proceeds.

Dotty Hudson stated that she has been reading about gas leaks Gastem has in Quebec that the government is trying

to figure out. She stated that it will cost seven billion dollars to convert from oil and coal to gas. Gas drilling, processing and transporting is barely cleaner or economical than coal or oil. It was her opinion that money that is available should be invested in alternative renewable energy.

Adrian Kuzminski stated that if one goes to a website called toxic targeting you will find evidence of thousands of violations on the part of oil and gas industry in New York State including vertical wells. A local paper reported an alleged problem with one of the first wells drilled here in Otsego County. Kuzminski went on to say that he attended a County Board meeting where Larry Bennett, representing Ommegang Brewery, just found out that all the land surrounding the Brewery has gas leases. The Brewery relies heavily on water and if their water supply is compromised then they're out of business. Research he has found states that gas pipe lines, seals, and valves, leak a methane gas which is a much worse greenhouse gas than CO₂. It's true the combustion end of natural gas burns a little cleaner but on the production and distribution end, natural gas omits a much worse gas into the atmosphere. On another note Gastem has violations in Canada and is paying fines for bad practices.

Village Trustee Jim Potts has a camp on Crumhorn Lake where Gastem has come and tested their water twice. They also entered into voluntary road usage with the Town which was promptly violated. Crumhorn Lake is one of the handfuls of landlocked lakes in NYS where if an accident were to occur, there would not be any way for the lake to recover. It is fed solely by aquifers. In this case even though Gastem's intentions were good, their execution was not.

Paula Diperna warned that the pollution of ground water in this County could turn this area into a ghost town. Diperna felt this was a tremendous risk. She would like the Town Board to be thinking of some kind of tax forgiveness for the farmers.

Misty Miller stated that she is originally from Oklahoma and even though she misses her family and they would like her to move back home she has chosen to stay here because of the clean air and water and beauty. Right now she is renting and has decided not to buy a house until she knows the area is safe from gas drilling. If you GOOGLE areas where gas drilling has occurred you will see paths after paths. If gas drilling is allowed here it will kill the beauty and kill the County's number one industry, tourism.

Pat Hanft attended a Town Planning Board meeting where there were several people objecting to a proposed project being reviewed by the Planning Board. Those attending the meeting objecting to the project were told by Planning Board members that they were very sorry but they didn't have clear directives from this Board about things like clear cutting of trees, road use, and steep slope development and so on. The Planning Board felt that they had no guidance from the Town Board in terms of what they could do. She urged the Board to enact some laws that would protect all of us.

Village Trustee Jeff Katz said, even though the Village has done some proactive work the Village is beholden to the Town to decide the bigger picture on hydro fracking and drilling. He hopes when doing so, the Town Board will consider the economic and health impact not only those outside the village but those in the Village.

Debra Dickinson wanted to underscore what Paula Diperna said about farmers probably being the most important people to consider.

Ruth Kukenberger stated the when Ommegang Brewery first went before the Middlefield Planning Board looking for permission to build their operation they promised they were going to help the farmers and buy local grain. That promise did not come true.

Phil Lienhart works for Ommegang Brewery and stated that he doesn't know how anyone could have promised to buy grain from the local farmer to make beer. Beer is made with barley and barley is not grown in this area. They have to purchase it from the Midwest. They do support local cheeses.

Garret Livermore works at the Farmers Museum. They always do a survey of the tourists that come and the main answer given is because of the natural beauty. Permitting gas drilling had a huge negative impact on tourism in Pennsylvania and it will here.

Peg Leon felt that for local use you would need permission from every person in the Town to run the pipeline through their property. It just isn't going to happen.

Chris Devill felt that even if everything goes right the mats that are put down to control run off is not enough. There will still be poison present that will get into the plant life, get into the water that animal and people will drink causing possible birth defects for not only for this generation but for generations to come.

Veronica Seaver felt that "When in doubt just say NO".

Roberta Hohensee moved here because of the clean air, water and beauty. Because of the uncertainty of what will happen her husband now wants to move while they can still sell their house. She doesn't want to move.

Robbie Katz does not support hydro fracking but wanted people to realize that we are going to need other resources as population grows.

Brian Fisher is an environmental and resource professional. He found it interesting that the scientific experts have disagreements among themselves but that is not uncommon. This isn't an issue about science; it's an issue about what kind of values you want in your community. His concern is the disposal of the fracking waste water. One way to dispose of the waste water is through a sewage treatment plants. Not all sewer treatment plants can handle the fracking waste water. DEC is developing regulations that will be done this summer. An EPA (Environmental Protection Agency) is finalizing a report looking at the environmental effects on fracking. If it is discovered down the road that there aren't any environmental impacts, which he seriously doubts, then the Board can take another look. For now Fisher felt the Town Board should act with the thought of "It's Better to be Safe then Sorry" and urged the Town Board to adopt policy based on caution and prudence.

Russ Honicker asked "How do you remediate an aquifer?" Honicker feels it is the Town Board's job to see that everyone here is protected.

Patty Murphy would like to see this issue on the ballot allowing voters to vote rather than leaving it up to the Town Board to decide.

Emily Brown, who is now in school, would like to be able to come back to this area someday and raise a family. If we add the possibility of environmental toxicity, families will not want to raise their children here. She would like to have little kids on her street.

George Hymas has in-laws that own a cattle ranch in Wyoming. He has been going out to visit for the past 40 years. You wouldn't want to live there he said. It not what it was when he first started going out there. The one thing the gas industry has provided for the town is a lot more money for the new jail.

Joseph Boan, Village Mayor, thanked all the Village Trustee's for attending the meeting. He extended to the Town Board the Village's willingness and commitment to work with the Town to keep Otsego Lake and the watershed safe.

Elaine Guyot stated that she is not a farmer but is still self employed for 35 years. She knows all about working long hours, going with the uneven flow of prosperity, desperate scary times, and taxes and counting on royalties. She warned landowners that were promised royalties. All expenses have to be met first. She had serious doubts that anyone would be paid anywhere near the royalties they were promised.

Dr. Amy Freeth is an endocrinologist. She is not an expert on gas drilling but is an expert of the human body. About 90% of the chemicals used that they can identify poses health risks such as cancer and birth defects. She sympathized with the farmers but allowing hydro fracking is not worth the potential health risks.

John Kosmer told the Board that between the polls that have been taken and the number of people present it is clear what the people want implemented. The Board has the chose to do it or not do it. There are elections coming.

Adell Johnson read a statement which said that one should not assume that drilling done right will be safe. Even the best companies using the best practices will create impact. You must expect damage to water, the economy, health and welfare. There is no one to turn to if things go wrong.

Clifton Tamsett from Gastem stated that Gastem plans on doing a good job and wants DEC inspectors there. There has been very little mention about the benefit of green house gas reduction when coal and oil is replaced with natural gas. The data can be found on the EPA and EIA websites.

Susan McGuire doesn't believe Mr. Tamsett. McGuire reminded the Town Board that they represent the people. The people have made their position very clear.

Douglas Miller asked if Gastem has promised to do a good job and be safe then why not voluntarily subject themselves to clean water and clear air. Acts put in place to protect the public why avoid those issues.

Mike Ottis, a board member of the Chamber of Commerce, said the Chamber put out a statement to all Chamber members regarding their opposition to drilling in the Town of Otsego. The Chamber received tremendous support from their members against drilling.

Greg Crowell stated that if people are counting on DEC to protect them, think again. In September the State Comptrollers Office issued a report stating that DEC failed to collect over 9 million dollars in fees and fines from petroleum bulk storage industry in the State of New York.

James Deane felt the key point is Gas Companies can only come to lease land. They have no right to do anything else but to go onto leased property. The only thing between us and the gas companies is the lease. The lease is the choke point of the whole argument. No leases, no drilling. We have the power to stop the gas companies by controlling the leases.

Julie Huntsman stated that a lease is only a speculative arrangement. There are no special rights with a lease agreement.

Mary Tedesco pointed out that if property values go down then the money needed for school taxes to educate the children in this area will be drastically reduced. The land that the farmers own will also be worth less. It will be a domino effect on everybody's property

Bob Hanft informed the Board that the electorates have spoken. We do not want gas drilling. The question is how do we stop it. Hanft thinks the Town Board should hire the best lawyer they can find.

Nicholas Weir urged the Town Board to think of a solution. Windmills were ugly but at least they are harmless and people could stay here. Solar panels are ugly but they too are harmless and people could stay here.

Mary Beth Dow supported everyone comments. Felt it was time to wrap it up.

Supervisor Kiernan thanked everyone for coming and for their comments. The meeting concluded at 8:50PM.

Respectfully Submitted,

Pamela Deane
Town Clerk

