

A Regular meeting of the Otsego Town Board was held on the 16th day of March 2011 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

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

Planning Board Members Present:

Joseph Galatti	Chairman
John Phillips	
Steven Purcell	
Joseph Potrinkus	
Rosemary Craig	

Zoning Board of Appeals Members:

Greg Crowell	Chairman
Bill Kitchen	
Edward Hobbie	

Also Present:

Paul Elkan:	Town Attorney
James Ferrari	Planning Board Attorney
Pamela Deane	Town Clerk

Supervisor Kiernan called the meeting to order.

Supervisor Kiernan submitted for discussion, from the various Boards, proposed changes passed by the Town Board at their regular March 9th meeting. After an hour of discussion Supervisor Kiernan asked everyone to take a turn and state his or her view on the proposed changes.

John Phillips thought the revisions made the law too restrictive. Phillips questioned whether the proposed law would hold up in court. He did not want to see the Town Board spending a lot of money on court fees.

Steve Purcell felt that history is the greatest teacher. Back in the 1960's there were agencies that wanted to put four dams along the Colorado River for economic and environmental reasons. The cost of that venture would have been the loss of the Grand Canyon. They did put in two of the four dams. Starting with a small group of people a Grass Roots movement made a difference by stopping the other two dams from being built. As Americans we have rights. With rights come responsibilities. Purcell gave an example using his own farm. His farm was in existence long before he was born. He felt that if he were to make a decision that would affect his farm permanently that would affect the rights of future owners of his farm.

Joseph Potrikus is not sure he is excited about the idea of hydrofracking but on the other hand does not like to see the Land Use Law so restrictive. He would rather not see words like "prohibited" in the law. He questioned how easy it would be to change the law in the future if technology made it safe to extract natural gas.

Rosemary Craig felt peoples' collective rights need to be exercised by prohibiting hydrofracking until data has been presented proving that it is safe.

Edward Hobbie has found representatives from Gastem unprofessional. Gastem has never sold one cubic foot of gas in the United States. Gas companies have been fracking since the 1940. Hobbie found no record with Chesapeake Gas, a reputable company, polluting water in the United States. It's companies like Gastem that make a bad name for all companies. Hobbie suggested that gas companies wanting to frack in the area be required to be

heavily bonded. This would eliminate the not-so-reputable companies.

Bill Michaels stated that he is concerned with how the proposed law change reads stating that any use not specifically permitted is prohibited and the extraction of geothermal resources are not permitted. He requested that public comments made during the public hearing be limited only to the law as it is presented. Michaels felt that when hydrofracking is regulated and deemed safe the Town Board will be bombarded with people asking that the law be changed allowing it to be permitted. He was encouraged with Ellen Pope's comment at the Public Meeting wanting the community to support businesses that support agricultural such as breweries, milk and hop processing, or a Chobani plant.

John Schallert stated that he was torn. He feels for people who have lived here all their life paying taxes on 200 acres or more, maybe now having a chance to make some money to help pay for medicine. With the adoption of the proposed law they won't be able to do that. On the flip side he did agree that the Board couldn't take a chance on residents' well water or Otsego Lake being contaminated.

Greg Crowell stated that as far as the proposed statement change in the Land Use Law "any use not specifically permitted is prohibited", that only reinforces what the law already says. Crowell had no objections to the definition change of "Mineral Extraction" excluding the operations extracting geothermal resources, natural gas, and /or petroleum, because the original intent was to allow the existing gravel bank in RA-2 to continue. The definition was never meant to apply to gas drilling. He is in favor of sustainable industry being allowed in the Town but the problem with the gas drilling is if it is allowed in the Town, State Law prohibits the Town to have any regulations governing it. Greg Crowell warned against relying on the DEC. He stated that the DEC has a list of all the wells that are leaking in New York State.

Ann Geddes-Atwell is not convinced that hydrofracking is safe now and it has the potential of being detrimental to resident's health, the watershed and the tourism industry. It has been her finding that, yes, hydrofracking has been done since 1940 but only in the last ten years has hydrofracking been done under much more intense water pressure. She was in favor of the proposed law change until data is made available showing the process safe.

Carl Wenner presented a proposed amendment to the Land Use Law for the Boards consideration. It read: "The first object of government being to secure to every citizen whatever is his own, the Town Board of the Town of Otsego affirms that the rights of the individual, which are endowed by his Creator and codified by the Constitution of the United States, shall not be infringed by any law of the Town of Otsego. Any law not affirming and protecting these rights shall be null and void". There was no further discussion from the Board.

Joseph Galatti is uncomfortable with the added statement "any use not specifically permitted is prohibited" and the definition of geothermal. Galatti felt that when a use is taken away there should be a substitute replacing it.

Supervisor Kiernan explained to Galati that in the event there is an application for a project that is not allowed but the Planning Board or the community feels would benefit the Town, it takes a very short time to change the law.

Supervisor Kiernan closed the workshop with the Planning Board and Zoning Board of Appeals.

Supervisor Kieran call the Special Meeting of the Town Board to order.

MOTION by Councilman Michaels, seconded by Councilman Schallert, to accept the proposed Land Use Law Amendments as presented and schedule a Public Hearing for April 13th at 7:00 PM.

MOTION CARRIED: Supervisor Kiernan, Councilmen Schallert and Michaels and Councilwoman Geddes-Atwell vote yes. Councilman Wenner voted no.

Councilman Michaels requested that clapping not be allowed and comments be limited to the proposed amendments. There were no objections.

MOTION by Councilman Michaels to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 8:40PM.

Respectfully Submitted,

Pamela Deane
Town Clerk

Greg Crowell objected to relying on the DEC. He stated that the DEC has a list of all the wells that are leaking in New York State.