

Town of Olive
County of Ulster
State of New York
Monday, April 2, 2012

Minutes of a special meeting of the Town Board of the Town of Olive held Monday, April 2, 2012, 7:30 pm at the Town Meeting Hall, Shokan, NY. The purpose of the meeting as stated in the legal notice was for the Town Board to draft a proposal referencing hydro-fracking in the Town of Olive.

Members Present: Berndt Leifeld, Supervisor
 Donald VanBuren, Board Member
 Linda Burkhardt, Board Member
 Bruce La Monda, Board Member
 Peter Friedel, Board Member
Recording Secretary: Sylvia Rozzelle, Board Member

Others Present: Drew Boggess, Planning Board Chairman; David Sorbellini, Planning Board Member

George Koury of Olivebridge stated he is a member of Olive Defense Against Fracking (ODAF) which is connected with the Towns of Rochester, New Paltz, and Marletown made up of community members all wanting to ban hydro-fracking. He presented correspondence #40-12 from the Community Environmental Legal Defense Fund (CELDF) in Mercersburg, PA regarding stopping Marcellus shale gas drilling at the municipal level. Mr. Koury thanked everyone on the Town Board for putting this meeting on the books and stated he believes the board is in earnest wanting to protect the Town. He noted all Town Board members and the Town Clerk signed a letter to be presented to the Governor. Mr. Koury introduced Christina Humberger of Boiceville.

Christina Humberger stated that everyone has different levels of information on the issue and presented correspondence #41-12 with data and information regarding hydro-fracking not limited to the following: A single well requires 5 million gallons of water, hundreds of chemicals including known carcinogens, neurotoxins and endocrine disrupters. The DEC has no disposal plan for the containment or treatment of the millions of gallons of toxic/radioactive wastewater called brine. In Schoharie County the recent flooding has stirred worries that toxic chemicals used in hydro-fracking and the wastewater can travel far. Holding ponds could overflow. An environmental study concluded that the fracking process would be catastrophic to the City's water supply. Wastewater from natural gas drilling in NYS is radioactive, as high as 267 times the limit safe for discharge into the environment. Lenders are reluctant to approve residential mortgages on the increasing number of properties affected by fracking. Ohio links fracking to earthquakes. There are no radioactive treatment plants in NYS to handle the radioactive waste from fracking. From water to air quality Ms. Humberger noted that even with fracking being far away from us contamination can still reach us. She noted there are signed leases in Calicoon, NY which is approximately 58 miles from us.

George Koury stated that he, Christina Humberger and members of ODAF have worked for over a year and a half to gather information and present this to the Town Board. He entered into the record and read correspondence #42-12. Issues addressed in the correspondence were not limited to the following: It is vital for everyone in Olive to know that we are not protected from

hydro-fracking. The DEC commissioned study, dSGEIS, is a fatally flawed document which fails to study the effects of fracking on human health. The mandate of the DEC authorizing legislation 23-031 requires it to “provide for the operation and development of oil and gas properties in such a manner that a greater ultimate recovery of oil and gas may be had.” Pro-drilling interests have donated \$403,000 to NY candidates and parties since the start of last year and over \$100,000 to Governor Cuomo himself. Chesapeake Energy, the same company responsible for contaminating Pennsylvania water supplies due to fracking, now employs 22 lobbyists in Albany and has spent \$1.6 million on lobbying over the last three years. The DEC received over 60,000 letters during its recent hearings on this, an overwhelming majority of taxpayers want fracking banned in the State. A bill was recently introduced in Albany requesting funding for a Health Impact Assessment study to determine health risks from fracking. The amount of \$100,000 for the study was refused by the Governor to be put into the current budget. Mr. Koury stated there are two types of laws currently being introduced to municipalities across the State. The first law is called a “Community Rights Law” and the second law would be a Zoning ban. Mr. Koury presented a draft law (#43-12) as prepared by the legal defense fund. He stated the course they would like to see the Town Board take is to pass both of these laws. This is the strategy that most communities are adopting. He stated that ODAF would like to see one representative from the town leaders to attend a conference in Wilkes Barre, PA on April 28th.

Board Member La Monda suggested it could be in the town’s best interest to impose a moratorium to get this going.

Supervisor Leifeld asked if these laws are already on the books in the State. Mr. Koury stated there are nine total laws Statewide relating to hydro-fracking. He stated their attorney would be glad to work with the Town Attorney on this issue. Supervisor Leifeld stated he has brought it up at the Ulster County Supervisor’s monthly meeting that the county should draft a law that all the towns could use so we would all be on the same page. He stated that Ulster County Executive Mike Hein is often in attendance and asked Mr. Koury if he has spoken with him.

Board Member Friedel asked if there is anything in here addressing brine on the roads. Mr. Koury stated it bans trucks from traveling on the roads and disposing of it in any part of town.

Board Member La Monda asked if the Town Board members would be willing to enact a moratorium at the next Town Board meeting. General consensus of the Town Board was to do so.

Mr. Koury stated there is strength in numbers and 141 community rights laws have been passed in NY and other states and 5 of these have been challenged. He stated their intention is for all the counties in the state to come on board. All of the communities that have hydro-fracking are regretting it. He noted the entire world is looking at NY now to see what will happen.

Christina Humberger stated that NYS is currently in a moratorium and once this moratorium is over then the gas companies can start drilling.

Jim Sofranko thanked Christina Humberger and George Koury for a great presentation. He stated as you drive up to Cortland there is a tremendous amount of people supporting hydro-fracking as farms are failing. He stated that it is extremely urgent that the Town Board act as quickly as possible.

A person in attendance stated this proposed law is strong and it states that we have the rights to protect our rights and encouraged this law to be passed by Olive noting that if we do all of the extractions in NYS we would have only 14 years of gas.

Shelley Tran gave a first-hand observation of her visit to Dimock, PA stating you have to cover your mouth to breathe the air, noise is constant, the ground shakes, water is not safe to drink or wash your clothes in, pets are dying, children are sick, and their homes have no value. Potable water is being brought in to the community in 500 gallon containers.

Judith Karpova of Rochester Defense Against Fracking stated this is a grassroots civil rights movement and we need the resources to sustain life, we need clean air, clean water, and clean land to live on. Unfortunately our government has really been bowing to pressure and moneys. She questioned who has power, we people on the local level or the large corporations? Every single town can step forward in leadership and courage. She stated that what happens in one town affects everyone downstream.

Robert Selkowitz stated the point is that this is another issue of home rule. He noted people are concerned and it appears that the Town Board is on board with this one.

Board Member La Monda stated that people have the mindset that the NYC DEP will keep it out of the water here but there is a great part of Olive that is not in the watershed.

Help was offered by the over 100 people in attendance to assist in getting the moratorium and law on the books.

Vin Martello, previous Supervisor from Marbletown, stated that the EPA determined that the entire High Falls aquifer was declared carcinogenic many years back due to deliberate discharge of toxic waste from an area business. He stated they came close to having to close down all of High Falls. He stated at that time experts stated that water pollution in aquifers can travel hundreds of miles. He urged the Town Board as a neighbor to please consider doing this and protecting our community.

Supervisor Leifeld stated that a moratorium will have a time limit on it. He stated we can make it six months or a year; but, he really believes a moratorium is the first step because it goes into effect immediately. He stated this will give the town time to put an effective law in place.

Supervisor Leifeld stated he would like to have the Town Board give their individual concerns on this.

Board Member Van Buren stated he is for banning hydro-fracking. Board Member Burkhardt stated we want to make sure the law we pass will hold up and supports the ban. Board Member La Monda stated he's definitely in favor of a moratorium noting we want something to happen quickly and at least the moratorium will get us started in a timely manner. Board Member Friedel stated he would vote "yes" for a moratorium and would like to see something else put in there addressing the brine on the roads.

Supervisor Leifeld distributed copies of the Woodstock proposed local law to Town Board Members.

Kathleen Ruiz stated that earthquakes also are an issue and with a 100 year old dam we should keep this in mind.

Zachary Sklar stated that people from Rochester and Marbletown are here and asked if this Town Board could implement a coordinated effort with other towns. Supervisor Leifeld stated he spoke earlier that he has brought this up at the Supervisor's Association and several Supervisors there are interested and in agreement. He stated that Mike Hein attends these meetings frequently and will find out what progress the county is making.

Kathleen Ruiz stated that many people signed off on mineral rights years ago prior to hydro-fracking being developed further noting this could be a concern.

All business pertinent having been discussed the Town Board adjourned at 8:50 pm on a Leifeld/La Monda motion.

Sylvia B. Rozzelle, Town Clerk