

Town of Olive
County of Ulster
State of New York
Monday, May 7, 2012

Minutes of a Public Hearing of the Town Board of the Town of Olive held Monday, May 7, 2012, 7:30 pm. The purpose of the Public Hearing as stated in the legal notice is to hear all in favor of or those opposed to the adoption of a local law to place a Moratorium on exploration, extraction, disposal and storage of shale gas within the Town of Olive.

Members Present: Berndt Leifeld, Supervisor
 Linda Burkhardt, Board Member
 Bruce La Monda, Board Member
 Peter Friedel, Board Member
Members Absent: Donald VanBuren, Board Member
Recording Secretary: Sylvia Rozzelle, Town Clerk
Others Present: Drew Boggess, Planning Board Chairman; Gene Sorbellini,
Recreation Director; Susan Horner, Supervisor Clerk; Ron Wright, Town Justice; and Jimmy
Fugel, Highway Superintendent

Supervisor Leifeld stated the Attorney for the Town drafted the local law with a consortium of lawyers suggesting the proper verbiage to use. Supervisor Leifeld read Local Law #1 of 2012 in its entirety to the approximately 70 people in attendance. Typographical corrections were made as necessary.

The Town Clerk presented the following correspondence: #50-11, Penny Schetzel of West Shokan states she is against hydro-fracking; #51-12, Danielle Woerner of Shokan submitted suggestions for correcting grammatical errors; and #52-12, Stephen Cadette of West Shokan submitted articles and information for the Town Board to read which run counter to the two main sources of disinformation regarding extraction of natural gas. Town Clerk Rozzelle stated that Linda Werner of Olivebridge had called stating she could not attend tonight's meeting but is against hydro-fracking.

Board Member La Monda stated the word "transportation" which appears in the text should also appear in the title. Mrs. Halstead stated the word "transportation" should be inserted in front of the word "disposal" in the title.

George Koury of Olivebridge stated he supports the moratorium local law.

Mark Donato of West Shokan stated he supports the passage of the local law.

Henny Wise of Olivebridge thanked the Town Board and stated she supports the moratorium.

Anne Hass of Olivebridge stated she supports the moratorium and appreciates the Town Board for having shown the intelligence and thoughtfulness and doing the heavy lifting of thinking this thing through. She stated she is proud of the Town Board.

Zachary Sklar of Olivebridge stated he supports the moratorium and law. He asked why the waiver section is in there. Supervisor Leifeld stated it is a legal requirement in case a company does come in to apply then the money will pay for the review. Board Member La Monda stated

it parallels the zoning ordinance in that you have to offer relief. You don't necessarily have to grant it; but, it needs to be in there. Town Clerk Rozzelle stated this is only a moratorium and not a ban on hydro-fracking.

Debbie Romano of Olivebridge stated she supports the moratorium but expressed concern that the waiver can be used sometime into the future. Board Member La Monda stated it applies to this local law which will expire in one year.

Mary Ann North of Shokan stated she supports the Moratorium.

Barbara Valocore of Samsonville read a statement from Barbara Prete of Olivebridge stating she would like to be put on record with her full support and gratitude for the activity of her neighbors and members of the Town Board in protecting her personal health, safety, and property. She supports passage of the local law. Barbara Valocore stated that she and her husband support a moratorium on banning fracking. She stated she questions what we are doing poisoning our air and our water and is grateful to this Town Board for being unanimous on this. She encouraged the adoption of a civil rights ordinance to protect our rights.

Jim Sofranko of West Shokan supports the moratorium local law but would like to consider terms on storage and wonders what kind of teeth that will have if someone disposes of hydro-fracking by-products in our town.

Elaine Ralston of Samsonville supports adopting the local law.

Philip Mantiliani of Olivebridge asked why for only one year and requested it be longer. He supports passage of the local law.

Amy Fradon of West Shokan and her mother Ramona Fradon support the moratorium. She stated she seldom remembers people using the word conservation anymore and is old enough to remember President Carter. She stated she feels we should wake people up to be more conservative with our natural resources.

Rudy Hunter of Olivebridge supports the passage of the local law.

Valerie Lynette echoes what she hears here and supports the moratorium.

Irwin Marcus of Boiceville thanked the Town Board for their work and supports the moratorium. He stated that Vermont is first state to ban hydro-fracking.

Christina Humberger of Boiceville read correspondence #53-12 from community rights group Olive Defense Against Fracking (ODAF) and the hundreds of residents who have demonstrated support for fracking bans in the Town of Olive. She stated they applaud the Town Board's decisive response and leadership to enact a moratorium and subsequent Community Rights based ordinance and Zoning laws banning all activities relating to shale gas extraction. She stated that through FOIL requests they found the DEC has failed to regulate and track the treatment and transports of drilling waste, wastewater and disposal from NY's active vertical gas drilling wells. She stated if the waste came from any other industry it would be classified as hazardous waste; but, because the oil industry has many loopholes their waste materials are not classified as hazardous waste. She stated the DEC reports were based on 6,000 active wells and with the DEC not doing a good job on tracking this waste materials, it would be worse

with 40,000 wells. She stated the drillers waste reports say only that the waste was “hailed away” or sent to “approved” facilities or “road spreading” with no further details given.

Board Member La Monda stated it is important for people to understand that this is only a moratorium because the Town Board didn’t feel they had the time to draft proper legislation that would hold up in court. He stated this is a high priority for everyone on the board.

Charlene Roberts of Olivebridge stated she definitely supports the moratorium. She stated we are dealing with these companies with big money that have the ability to ice over what is actually happening underneath. She noted all the reports she reads state there are so many violations these wells in other States have been sited for; but, these violations aren’t being addressed. She stated she has been out in PA several years ago in the middle of the State and couldn’t understand why everyone was so depressed as if a cloud were hanging over them and found out that this burden on their shoulders was that wells were being drilled. She stated her friends had to move to another part of PA because of the noise only to be faced with the potential of drilling there. She stated this is the first time ever she has come into action to do something and thanked the Town Board for their support.

Purdy Halstead of Samsonville supports the moratorium on fracking and asked the Town Board to exercise due diligence to come up with a law.

Roy Coutinho of West Shokan supports the moratorium. He stated the last time we were at a meeting the brine question was brought up and asked what is happening with that. It was noted that letters were sent from the Town Board to state, city, and county representatives requesting it not be put on any roads within the town. It was noted the County Administration Mike Hein implemented a ban on utilizing it on county roads.

Dorothy Caldwell, Pastor of the Ashokan Methodist Church, thanked the Town Board for doing this. She stated that many people feel it is a given that fracking will come into NY and it will be the small towns that will come through to protect their citizens noting it may be that every town has to do it and the State will wake up.

Marianne Hopkins supports the law being passed and the moratorium.

Claire Franck of Boiceville supports this moratorium. She requested those present tell everybody they know and people from the City that it’s important for them to support this.

Francis Ralston of Olivebridge supports the moratorium and quick passage of a law.

Lisa Hart of Shokan supports the moratorium and the law.

Andrew and Nancy Silvestri of Olivebridge both support the moratorium and law.

Helen Jeffs of Olivebridge stated she supports the moratorium and local law banning fracking.

All persons present having been heard the Town Board adjourned at 8:15 pm on a Leifeld/La Monda motion.

Sylvia B. Rozzelle, Town Clerk