

Town of Olive
County of Ulster
State of New York
Monday, February 11, 2013

Minutes of a public hearing of the Town Board of the Town of Olive held Monday, February 11, 2013 7:30 pm at the Town Meeting Hall in Shokan, NY. The purpose of the Public Hearing as stated in the legal notice is to hear all interested parties regarding proposed Local Law #1 of 2013 A Local Law creating Section 155-45 of the Town of Olive Zoning Ordinance with regard to Exploration for and/or Extraction of Natural Gas and/or Petroleum.

Members Present: Berndt Leifeld, Supervisor
 Donald Van Buren, Board Member
 Linda Burkhardt, Board Member
 Bruce La Monda, Board Member
 Peter Friedel, Board Member

Recording Secretary: Sylvia B. Rozzelle, Town Clerk

Others Present: Drew Boggess, Planning Board Chairman; Jim Mays, ZBA Chairman; Richard Wolff, ZBA member; and Susan Horner, Clerk to Supervisor

Supervisor Leifeld welcomed all present and stated the board wants to hear all comments regarding this local law.

Town Clerk Rozzelle entered the following written comments into the record: #7-13, Montine Jordan "couldn't feel more strongly in opposition to the idea of fracking coming to Olive." #8-13, Sara Lee fully supports all the Town Board's efforts in getting an anti-fracking zoning law passed in our town. #9-13, Andrew & Nancy Silvestri "go on the record in supporting the Town's efforts to ban fracking." #10-13, Barbara Valocore wants to show her support for the law banning fracking in Olive. #11-13, Sunday Dawne-Marie appreciates the steps the Town Board is taking to prevent hydraulic fracturing in our beautiful town. #12-13, Jim Marsten states "he is in favor of oil & gas drilling in our area." He considers "voting against drilling as a heartless act against those in our town that need jobs, and those expecting a future for their children."

Debbie Franke Ogg thanked the Town Board from the bottom of her heart for the voice of sanity in what the Town Board has put together.

Michael Puryear stated he is in favor of the law and asked if the City of New York would also be supportive of no fracking in the watershed.

Christina Humberger stated she supports the law from the bottom of her well. One of the best things about living in New York is the water that we have. She appreciates the Town Board's position on this local law. She stated the NYC DEP and the NYS DEC both inadequately protect the water. She presented correspondence #13-13 from Paul Rubin, Hydrogeologist and Hydrologist with Hydro Quest, noting that the State "draft regulations provide setback distances from well pads that are so short they will do little to protect the water resources of New York State." She also presented correspondence #14-13 NYC DEP Comments to the NYS DEC on the Revised Draft Supplemental Generic Environmental Impact Statement on the Oil, Gas, and Solution Mining Regulatory Program.

Supervisor Leifeld commended Mrs. Humberger for all her work on getting this law together for the town.

Norman Baron seconds everything said earlier and appreciates the Town Board. He is supportive of the law

Jay Wenk from Woodstock is delighted the Town Board is passing this law which will help all of Ulster County in firming up a stance against hydro-fracking. Our health and welfare would be very bad if fracking is allowed here. He stated the Town of Woodstock passed Resolution #67-2013 in support of a law to criminalize the technology of hydraulic fracturing for oil and gas and all activities related (#15-13). He presented correspondence #16-13 a draft NY law which would determine hydro-fracking as destructive to public health. He stated that a ban could be overturned by the State and feels that we should go further to criminalize fracking noting petitions would be available tonight for people to sign.

Karen Bittner stated that we can not tell them how to get things out of the ground, only the DEC can; however, they don't have any funds or regulations set up to regulate it. She stated that the DEP is not in opposition to it at this time. She is hopeful that this law will keep this in line. She doesn't understand why the City has not come out against fracking.

Board Member La Monda stated that at the beginning the City did come out against it. He stated the two areas considered being off limits to fracking were the NYC and Syracuse watersheds. He stated that if fracking is not good there then why is it good in the rest of the State.

Judy Cutinho stated she sees a gap in the way the law is written in that the enforcement section is under the authorization of the Town Board. Board Member La Monda stated it would be in zoning and we have an enforcement officer for that. No zoning permit would be issued.

In response to whether the ban in Olive would include the NYS forest preserve the reply was "yes".

Jim Mays stated Article 14 of the NY State Constitution prohibits any of the State's lands from building or tree removal. He stated without an amended state constitution it would not be permitted.

Irwin Marcus thanked the Town Board for putting this law together. He stated that as good as Michael Bloomberg is, he still has interest in the gas and oil industry. He stated he is glad the Town Board is adopting the law the way we are so the State will get the message.

Susanne McGlothlin asked if the NYS DEC would be the ones patrolling fracking.

Supervisor Leifeld stated structures for fracking would not be something that just goes up over night. He stated at this point he doesn't think the DEC would fight the City of New York.

Armen Harian stated the normal activity of fracturing for oil and gas recovery is usually done between a contractor and a private landowner. He noted this particular law would prohibit the individual property owner from entering into this contract.

Michael Puryear stated there is fracking all around his relative in Pennsylvania and the effects of this on the area are disastrous. He stated that truck traffic on these roads is amazing and most

of the people who are hired on these sites are trained people such as well drillers from outside the area. He stated most of the local jobs would be for truck drivers. He stated that the drill pads are horrendous. He noted real estate values decrease as no one wants to buy in an area where fracking is or has been.

Simon Straus supports this law and thanks the Town Board for going forward with it. He asked if funds have been set aside for legal fees in case this law is challenged.

Supervisor Leifeld stated we would have to defend the law but stated money has not been put aside specifically for that; however, there is a general fund account for legal fees.

Susanne McGlothlin asked how can this law be made permanent and how can we be sure a Town Board down the road won't change it. Supervisor Leifeld stated there is nothing etched in stone. It could be changed in the future.

Roxy Newberry stated she is totally in favor of this law and extended thanks to all who worked on this.

Anne Haas recognized the Town Board for grabbing the ball and never dropping it when they realized the possible outcome. She expressed her deep respect and appreciation for the board's concern. She stated when a fracking company has 60% of an area then you as an individual property owner have nothing to say about it. You can say that you don't want it or that it won't happen on your property. That is one of the serious problems with it.

Elizabeth Anne Spiotta thanked the Town Board and also Christina Humberger for all the work she has done.

Henny Wise thanked the Town Board for her granddaughter when she turns on the water and it is safe to drink.

Kathleen Ruiz thanked all for the support and work in creating this law. She stated that environmental toxicologists nationally are finding issues with the process. She stated that towns around us are passing similar types of laws and is glad we are in support. There are health risks involved with fracking and it also lowers property values. She stated it is a gift to live here and we need to cherish it for our children in the future. She asked if this law will prohibit use of fracking brine on our roads.

Board Member Burkhardt pointed out Section 4 on the last page which addresses this issue.

Linda Sobel thanked the Town Board for the work they've done and supports the law tremendously. She also thanked them for protecting our health and as a real estate agent knowing how it devalues property thanked them for protecting property values.

Charlene Roberts stated she is really opposed to fracking and thanked ODAF members for all they have done. She stated it has been time consuming further noting the ODAF group has much intelligence. She stated we need a statewide ban against fracking as all states are looking at NY as to how they handle fracking in the future.

Drew Boggess stated he supports the law. He stated our neighboring towns have passed similar laws. He stated the town has the right to regulate the use of the land; the DEC would regulate how the companies comply.

Margaret Cogswell supports passing this local law and has seen firsthand how fracking has affected parts of Wyoming around the Powder River area. She has seen areas where trees are totally dead and areas where water cannot sustain animal and plant life.

David Andrews wanted clarification about disposal of brine by Ulster County on county roads. It was noted that the County has already banned the use of fracking brine on Ulster County roads.

Joyce Baron stated she appreciates the amount of work and the diligence they have put into banning fracking.

Roy Coutinho stated he is very much against fracking and is glad that people have taken a lot of effort to see it passed.

Sandra Zuccala thanked all for seeing this through.

Sunday Henderson stated she bought her house in Boiceville five years ago and is glad to know that her property will be protected. She stated our water is too valuable to be taken away.

Ruth Halstead stated she and Helen Jeffs thank the Town Board for their perseverance and is glad the Town Board supports their ideas.

Jay Wenk stated a word of warning about the DEC in that they are not in the business to protect the people. They are there to mitigate to make corporations seem a little more friendly.

Elaine Ralston thanked the board for supporting this law.

Larry Brown thanked the board for taking a stand on this law and also the people who made this happen. He stated we need to take a look at the ecological impact that we are having on our planet.

Zach Sklar thanked the board for this important and courageous law. He stated the Town Board has gotten the law right and it will protect our town. It is important to send a message to the Governor that we are not willing to sacrifice our land, water, air, and quality of life by putting in yet another carbon fuel system. We cannot make these sacrifices to our quality of life just for jobs. Whether he's paid by these corporations or not what we are doing will send out a message to him.

Claire Franck is very glad that this will be passed. She stated that we are leading in this and feels the law will stand as we are committed to its content.

Jan Sonowitz shared a deep appreciation for what the Town Board is doing and is so grateful.

Rubin Moore is against fracking and supports this law and thanked all who made this effort happen.

Fred Milton thanked the board and supports the law.

Board Member La Monda said that they appreciate the kind comments but a lot of thanks should go to Christina Humberger for all her work.

Christina Himberger stated the group was quite amazing to work with and she stated the Town Board “gets it” and that is what is so important. She stated she was just the mouthpiece.

Board Member VanBuren stated he appreciates the attendance and support.

All persons present having been heard the Town Board adjourned at 8:30 pm on a Leifeld/La Monda motion.

As the motion to adjourn was made a young boy came to the Town Clerk and asked if he could say something for the Minutes. He was glad to know his comment would be in the history books forever. Che Spiotta, age 6, stated he wanted it to be recorded that he likes drinking clean water.

Sylvia B. Rozzelle, Town Clerk