

August 14, 2012
4:00 P.M.
Continuation of Public Hearing – July 24th, 2012

Present: Supervisor Gerald L. Deming, Councilmen : David Deuel and Norman Gates

Absent: Lynn Parnell and Frank Rose Jr.

Others: Carl Peter and Lynne Messana

Supervisor Deming reconvened the Public Hearing of July 24th at 4:00 p.m.

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to accept all written comments submitted pertaining to proposed Local Law # 1 of 2012 to institute a Moratorium and Prohibition within the Town of York, Livingston County, New York (herinafter “Town”), of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes.

Supervisor Deming asked if anyone wished to make a final comment or submit further documentation for the minutes.

Written comments are as follows:

1 (Fred Mingrino)
3112 Federal Rd.
Pawling NY 14525

RECEIVED

BY CMH

7/24/12 DATE

My family moved to York in 1986
& have raised two children here.

We have carried homeowners & auto
insurance w/ Nationwide for 26 Yrs.

2 Weeks ago we read a memo from
Nationwide Insurance that states:

"After months of research & discussion
we have determined that the exposures
presented by Hydraulic Fracturing are
too great to ignore. Risks involved
with hydraulic fracturing are now
prohibited for "General Liability",
Commercial Auto, Public Auto, Motor
Truck Cargo, & Automobile Physical Damage
coverage."

It also states that prohibited risks
apply to landowners who lease lands
for shale gas drilling & contractors
involved in fracking operations, including
those who haul water to & from gas
sites, pipe & lumber haulers, operators
of bulldozers, dump trucks & any vehicle
used in drill site preparation.

When a company the size of Nationwide
Insurance determines that Fracking is
too risky & dangerous to insure, our elected
officials & citizens should consider the dangers
involved.

2

What countless families, farmers & small business owners across the nation have already figured out - that fracking just can't be done safely - national corporations with a stake in our land are now realizing as well.

Nationwide isn't willing to risk its bottom line over fracking - & our elected officials shouldn't be willing to risk the health & safety of those they serve.

How many other insurance companies in the next 12 months will come to these same conclusions.

Towns & counties that have adopted a 12 month moratorium will be able to safely observe as more & more information about the dangers of fracking are revealed.

We are very fortunate to have our neighbor towns in Livingston & elsewhere take up this issue. & realize that a year long moratorium is essential to our county's environmental safety & well being.

My heart goes out to our brothers & sisters in small communities like ours in Pennsylvania who were not warned of the dangers & distress that were inflicted upon them when gas companies were given the green light to drill using the ~~sketchy~~ ^{haphazard & risky} method of hydraulic fracturing.

If these gas companies happened to drill here, before they drilled in PA. we might have been the ones whose beautiful valley was scarred & spoiled & these town meetings would be taking place in PA. instead of here

We truly are lucky - Let's take full advantage of what we have learned & will learn about the dangers of Fracturing & please vote unanimously to have a year long moratorium in York

Thanks
for
listening

RECEIVED

BY D. Devel 7/24/12 DATE

A few months ago I appeared before the York Town Board inquiring about their position with respect to a moratorium or a ban on Hydraulic Fracturing in the town of York. I was informed at that time that a 1 year moratorium was being considered so that the towns infrastructure could be addressed so that the town would be ready if and/or when the industry would be at knocking at our door. I also was told by the Towns attorney that the board knew from a legal standpoint a ban was not an option. I was satisfied with the information I was given.

I trust nothing has changed since that meeting.

I most sincerely hope the boards position is not being influenced by what can best be described as false or dramatically overstated claims advanced by a well organized opposition.

Its easy to get caught up in the emotion surrounding this issue. What is difficult and takes courage is to look at the facts and then make a decision on what is best for our taxpayers and residents living in our community.

In other words, you can have your own opinion, but you can't have your own facts.

Here are some undisputable facts.

New Yorkers Favor hydraulic fracturing

A Quinnipac University poll showed that New Yorkers support natural gas development 45 to 41 percent. Simmilarly a Sienna Research Institute poll showed New Yorkers favor the state Dept. of Environmental Conservations guidelines overseeing hydraulic fracturing 44 to 40 percent.

Hydraulic fracturing does not poison water.

Objective research, including a study from the University of Texas has concluded that hydraulic fracturing does not lead to groundwater contamination. Period. Even in Pennsylvania, where residents there are realizing the economic benefits to local communities in small towns like York, there has not been a single case where fracking fluid has come in contact with groundwater.

Additionally, the negative impact in Pennsylvania, where methane migrated into the well water of several homes was regrettable. But it was also localized and would never happen in New York due to the state-of-the-art casing and cementing rules already in place here. The FEDERAL Environmental protection Agency has since deemed the water safe.

Drilling for natural gas promotes Economic growth and lowers taxes.

Any industry that would move into our town would support this statement. Restaurants, hotels, gas stations, housing, retailers and even charities. All in the community would benefit from the mass influx of revenue via property taxes the gas companies would pay.

1 gas rig producing 2.5 mcf of natural gas at today's market price would contribute about \$300,000 annually in property taxes. 1 gas rig!

What would be the magnitude of a comparable industry that would generate that much towards our tax base??

Often the opposition makes note of the truck traffic involved in the drilling process. This is true, during the construction phase, similar to

what would be realized during the construction phase of any business. Same with the water usage. Gas drilling does require large amounts of water. However, once the well is drilled and gas begins to be extracted, the site is reduced to a few storage tanks and returned cosmetically to its original state. Water usage is only involved in the initial drilling phase.

And regarding truck traffic, perhaps those in attendance not from our community don't realize is, we already tolerate truck traffic. Routes 36 and 63 are major arteries for commercial truck traffic.

Our community thrives on Agriculture and the trucking that is required to support it.

A typical large dairy farm will operate 24 hrs a day and produce noise, dust and odors. But we tolerate it because it stimulates and supports our economy.

A large cash cropper during harvest time will run trucks and noisy grain dryers 24 hrs. a day, but we tolerate it because it stimulates and supports our economy.

In the heart of our community we have a salt mine. During the winter it requires a tremendous amount of truck traffic. But we tolerate it because it stimulates and supports our economy.

With respect to the American Salt Company, how can we say yes to one industry that extracts natural resources from underground, but say no to the gas industry that wants to do the same?

How can we say to landowners "no, you can't exercise your legal rights to the resources that you own".

How can the York Town Board say no to what could be the single largest industry to move into Livingston County, let alone NY State? All the while our neighbors to the south in Pennsylvania are saying "what on Earth are you waiting for?"

In closing, I would challenge the York Town Board to make the right decision for all the residents in our community. Please don't take the easy, emotionally charged path and say "no" to gas drilling. Why not be courageous and say "yes, we will welcome the industry", and join the growing number of townships along the southern tier who are saying we will put our confidence in the New York State DEC's ability to harvest their shale gas resources in a safe manner.

Respectfully Submitted
Jeff Edwards

(Jeff Edwards
4128 River Rd.)

HEARING
7/22/12

RECEIVED
BY *Cmt* | 7/23/12 DATE

1. I am a dairy farmer. I like what I do. I love my land and my community.
2. We use a lot of water on the farm. The water is both town water and farm water. The water is an indispensable part of our farm operation and it is limited even now.
3. I am not an environmentalist. I do believe in stewardship and in taking care of our farm and our community. Community means farms, roads, bridges, schools and neighbors for now and the future.
4. I do not believe that just because we own land, buildings, trucks and machinery we should be allowed to do anything. We want to work with those assets. I was on the first zoning committee which drafted York's first zoning ordinance. Planning is important for the homeowner, the farms and the community.
5. We, at one time, many years ago, leased our home farm to a gas company. They broke promises they made, found no gas and then came back more than once to get us to lease to them again. We did not.

6. This is a good town. It has some great advantages. The Town is well managed. I like the identity of our Town the way it is. I am in favor of a pause ... a moratorium to think things over. Why pit neighbor against neighbor?

7. We own the land behind three sides of the village of York. Do we want drilling rigs and industrial activity in those areas?

Concerns:

earthquakes

trucking

water supplies

methane escape

carbon dioxide emissions

industrial accidents

5 million gallons

100 - 8% of gas produced

More disclosures needed:

engagement vs. you can't tell me what I can do

effective monitoring

tough rules on design, spills, and water management

no methane emissions

school bus hours, potholes, bridges

Larry Smith

RECEIVED

BY

Cmt

7/27/12 DATE

Dave Nagel, 3558 Main St, Piffard and I'm a member of the Town of York's Planning Board Hydrofracking Research Committee. I am speaking for myself.

I'd like to start with a question for the Town Board. Please raise your hand if you believe that fracking is already here in the town of York and in fact has been around for 50 - 60 years. ___60%__raised their hand___.

According to our research, fracking is already here in our area and in fact has been around for 50 - 60 years.

BUT, this is not High Volume, Horizontal, Hydrofracking which is what tonight's meeting is about and there are very important differences between the two processes.

Recently, we've been reading York's Comprehensive Plan. A Comp Plan is one of the tools that the state gives the towns to protect what they have.

This is from the introduction:

This Comprehensive Plan for the Town of York serves as a guide for growth and preservation within the community and to accommodate future development in a manner that best protects the environment, preserves current community values and maintains the rural character of the Town.

This is written about the need for planning:

When we look at the County and Region around us, we can identify problems that can occur when there is a lack of planning or inadequate attempts at planning.

And:

Town officials and residents alike must recognize that existing problems will intensify and new ones will emerge - problems that must be dealt with at the taxpayer's expenses. A successful comprehensive planning program will enable the Town to anticipate and deal with these growth and development problems rather than reacting to them on a "crisis" basis.

The Plan should not be a static document, but should be reviewed every few years and amended, as necessary, to reflect changing conditions and emerging issues.

The Comp Plan was last revised in 2006 and it states the plan should be reviewed again in 3-5 years to recognize changes in the Town. That would bring us to 2011 so it seems our Comp Plan is definitely overdue for a review.

We've also been reading the Town's Zoning Ordinance, another tool given to the towns by the state to protect what they have.

The intent is to provide for the orderly growth and development of the Town of York in accordance with the Town's recently completed Comprehensive Plan (but overdue for a review). The zoning regulations aim to protect the health, safety, and general welfare of the community through the designation and regulation of certain uses to appropriate areas of the Town.

We found that there are 11 pages that deal with Wind Energy Facilities. The fees that must be paid, permits required, landscape and lighting plans, traffic plans, complaint resolution plans, noise standards, safety measures, setbacks, abandonment of use. There are about 100 pages in the Zoning Ordinance and so over 10% deal with Wind Energy Facilities:

I would again like to ask for some board participation and ask if anyone would like to guess how much of those hundred pages in our Town's Zoning Ordinance covers high volume, horizontal, hydrofracking? Answer ____0____ Zero is correct.

There is absolutely nothing in our zoning ordinance that deals specifically with high volume, horizontal, hydrofracking.

It is my opinion, the Town of York is not ready for high volume, horizontal, hydrofracking.

It is the responsibility of the Town Board to protect our town using the Comprehensive Plan and Zoning Ordinances but because both of these documents are out dated when it comes to high volume, horizontal hydrofracking the town board would be unable to do that.

It therefore is critical that the Town Board pass a year's moratorium on high volume, horizontal hydrofracking so we can update these documents and they can continue to be used protect to our town and its people.

Submitted by

Dwain Wilder

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BY Cmt

17/24/12 DATE

How Fracking Threatens the Health of the Mortgage Industry

By Kurt Cobb | Thu, 24 May 2012 22:03 | 1

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<http://oilprice.com/Energy/Natural-Gas/How-Fracking-Threatens-the-Health-of-the-Mortgage-Industry.html>

One fact ought to tell you all you need to know about the risks faced by homeowners signing leases for natural gas drilling on their property: Wells Fargo & Company, both the largest home mortgage lender in the United States and a major lender to the country's second largest producer of natural gas, Chesapeake Energy Corp., refuses to make home loans for properties encumbered with natural gas drilling leases.

This salient fact comes from an article (PDF) written for the New York State Bar Association Journal by attorney Elisabeth N. Radow. Written in the form of an even-tempered legal brief, Radow relates one astounding finding after another. Perhaps most relevant to homeowners who either have signed drilling leases or who may be asked to sign them in the future is this: "Signing a gas lease without lender consent is likely to constitute a mortgage default." You read that right. Default.

Her conclusion stems from something which most homeowners probably don't even realize:

Standard residential mortgages prohibit:

the use, disposal, storage, or release of any hazardous substances on, under or about the mortgaged property. In mortgages, hazardous substances include gasoline, kerosene, other flammable or toxic petroleum products, volatile solvents, toxic pesticides and herbicides, materials containing asbestos or formaldehyde and radioactive materials.

Of course, homeowners often have and use some of the above-mentioned materials. But the lenders may invoke their rights should industrial-sized activities such as hydraulic fracturing or fracking occur. Fracking, a process often associated with natural gas drilling, utilizes a cocktail of hazardous chemicals mixed with water. Millions of gallons of the mixture are pumped under high pressure into each well to fracture deep shale formations and thereby release the embedded natural gas found there. Beyond this, homeowners with mortgages are prohibited from violating any environmental laws, federal, state or local. Can they always count on drillers to observe those laws?

Now, here's how the fracking mess intersects with the on-going mortgage mess. Most mortgages are sold into the secondary market to federal lenders such as Fannie Mae and Freddie Mac, and some are packaged in groups as mortgaged-back securities and sold to investors. The mortgage lenders make representations to buyers in the secondary market that the mortgages they are selling conform to widely accepted standards that prohibit the kinds of activities listed above. In Radow's opinion it is likely that many residential mortgages with natural gas leases on the underlying properties have already made their way onto the books of Fannie Mae and Freddie Mac or into investor portfolios. And, with shale gas found across many states, there are likely to be many more compromised mortgages sold into the secondary market in the future.

None of this might matter if the drilling and production did not affect the value of the underlying property. Some of those who signed leases for drilling so-called coal-bed methane in Colorado and then experienced problems ended up with losses on their homes that reached 85 percent. In some instances, property owners merely situated near drilling and production have suffered. A Pennsylvania couple was recently denied a new mortgage on their home and hobby farm because according to the lender "gas wells and other structures in nearby lots...can significantly degrade a property's value." The owners came to the logical

conclusion that if they cannot refinance their own home, no potential buyer would likely be able to get a mortgage to purchase it should the couple ever want to sell.

Others who've had their water supply contaminated but could not prove it was due to nearby natural gas drilling are facing a wipeout since their homes are now worth far less than the mortgages on them. Some of those people will simply end up walking away in order to protect the health of their families.

But why not turn to one's insurance company to pay for damage to one's property? It turns out that homeowners insurance almost always excludes damage from industrial operations on one's residential property, Radow writes. And, that's what natural gas drilling is, an industrial operation. Even for those who escape the problems of water contamination and human and animal health effects, there remains the ever present possibility of damaging explosions and fires from drilling and production operations. Homeowners insurance won't pay for that either.

Surely, the drilling companies are responsible for explosions and fires linked to their operations. Unlike water contamination which is usually an underground phenomenon and often difficult to prove, it should be obvious that the companies are responsible for damage from explosions and fires caused by their actions. Don't count on it, Radow seems to say. In such circumstances, homeowners may have to sue for damages and even if they win, they may not get paid for all damages since the natural gas drillers admit in their regulatory filings that they may not carry enough insurance to pay for damage due to such mishaps.

One more twist has been the sale by a major homebuilder of entire subdivisions of new homes stripped of their mineral rights. Obviously, the homebuilder hopes to make a second fortune by leasing those rights should they become valuable. Naturally, the newly aware homeowners worry about the possible loss of value in their homes should that come to pass. It's no wonder. Homebuilder D.R. Horton's energy subsidiary has been given "the perpetual right to drill, mine, explore ... and remove any of the subsurface resources on or from the property by any means whatsoever."

Now, we come to who will ultimately pay for any clean up on abandoned, underinsured properties contaminated and otherwise made uninhabitable or at least, undesirable. Perhaps you've already figured out that it will be in almost all cases U.S. taxpayers who now own the two largest mortgage companies in the country, Fannie Mae and Freddie Mac. When these mortgage giants finally take possession of all the contaminated and impaired properties, they will be obliged to clean them up and simultaneously bear the losses in the value of the mortgages issued on those properties.

In this way, the average citizen will be subsidizing the natural gas industry by bearing the costs associated with devalued property and hazardous waste clean up. When all of this starts happening in a big way, you can count on those in charge saying that nobody saw it coming.

By. Kurt Cobb

Kurt Cobb is the author of the peak-oil-themed thriller, Prelude, and a columnist for the Paris-based science news site Scitizen. His work has also been featured on Energy Bulletin, The Oil Drum, 321energy, Common Dreams, Le Monde Diplomatique, EV World, and many other sites. He maintains a blog called Resource Insights.

RECEIVED

BY CMLH 7/21/12 DATE

Fracking in the Marcellus Shale: Contractual Risk Transfer and Insurance Issues for Property Owners and Municipalities

BY: MICHAEL CONLEY & MEGHAN FINNERTY

The debate over how to best balance concerns for the environment with the desire to increase our nation's energy independence is currently raging on in small town borough council meetings and the state and federal legislatures. The debate is fueled by ever escalating estimates of the amount of recoverable natural gas in shale formations across Pennsylvania, New York, West Virginia, Maryland, Ohio, Virginia, and New Jersey and the potential consequences of the methods used to extract the gas. According to the Associated Press, over 3,000 new natural gas wells utilizing hydraulic fracturing, or "fracking," have cropped up across rural Pennsylvania in the Marcellus Shale since 2005. With tens of thousands of additional wells planned, and enthusiastic projections of natural gas abundance in the adjacent Utica and Upper Devonian Shales, fracking activities are going to expand exponentially. As with any novel science, the only thing more certain than the controversy it stirs will be the claims and lawsuits that result. Indeed, a myriad of lawsuits seeking personal injury and property damage resulting from Marcellus Shale drilling have already been filed in courts throughout the region.

Despite assurances that the process of fracking is clean and safe, it is nevertheless imperative that municipalities, property owners, and mineral rights owners evaluate how to best protect themselves from the gambit of fracking-related claims and litigation, which will include everything from on the job injuries to environmental contamination. Other than campaign statements made by Pennsylvania's Governor Tom Corbett – who proclaimed that state regulation should require drilling companies to maintain adequate insurance - there has been surprisingly little discussion of the role that insurance and contractual risk transfer can play in protecting municipalities and property owners from these claims.

While every situation is unique, here are some considerations for property owners and municipalities when evaluating whether they are adequately protected for claims arising out of fracking:

Contractual Indemnity Provisions

Many Marcellus Shale oil and gas leases contain boilerplate indemnity provisions in which the gas company promises to indemnify and hold harmless the property owner in the event of a claim. However, when you drill down to the details, these provisions may be offering property owners a false sense of security.

First, an indemnification provision is only as good as the party agreeing to provide the indemnification. Property owners and municipalities need to investigate the financial solvency of the entity signing the oil and gas lease or applying for the oil and gas permit, particularly where larger corporations are using LLCs and subsidiaries to enter into these legal contracts.

Second, in order to ensure that you have adequate protection in the event you are personally tied to allegations of negligence or wrongdoing, the indemnification provision should be as broad as allowable under applicable law. These indemnification provisions should include language indemnifying you for your own acts of negligence where such indemnity is not otherwise against public policy.

Additional Insured Provision

Shockingly, many oil and gas leases contain no provision requiring any type of insurance on the part of the companies engaging in the drilling. Property owners should require that they be named as an additional insured on all insurance policies of the oil and gas company, as well as on the insurance policies of any contractor that comes onto the property for any purpose related to the drilling.

In addition, simply asking to be listed as an additional insured is not enough. Property owners (and municipalities who require additional insured status as part of permitting) should keep in mind that not all additional insured provisions in insurance policies are the same. If left to the insurance company to choose, undoubtedly the insurance company will utilize as narrow an additional insured provision as possible. For the greatest protection, the additional insured provision in the oil and gas lease should specify the scope of the coverage for the additional insured.

Property owner should also investigate the scope of coverage contained in the oil and gas company's insurance policies. By way of example, most commercial general liability policies contain pollution exclusions, which insurance companies will undoubtedly rely upon to exclude coverage for the discharge of any "pollutant". Oil and gas companies and companies involved in drilling can and should carry specialty insurance for their operation that do not contain exclusions for pollution liability or contain only limited pollution exclusions. Property owners and municipalities should be aware that this specialized coverage is available; otherwise they may be arguing with the insurance company over coverage under a policy with a pollution exclusion.

Similarly, property owners and municipalities should be aware that many companies involved in oil and gas drilling have policies written on a "claims-made" basis. Claims-made policies generally are triggered when the claim is made by a third-party. In contrast, "occurrence" based policies general provide coverage for claims that take place at least, in part, during the policy period. For property owners and municipalities, the concern with "claims-made" policies is that they may not provide any coverage if the damage does not manifest itself until years later, which is often the case with environmental contamination.

Finally, insurance coverage is in many cases only as good as the limits and deductible or self-insured retention associated with that policy. In both of these instances, the property owner or municipality should dictate the terms of coverage acceptable to them.

One last word of caution – property owners and municipalities should not rely upon Certificates of Insurance as evidence of compliance with insurance provisions of a contract, or as evidence of compliance with permitting requirements. Certificates of Insurance may not be binding on an insurance company and often contain limited and incorrect information. The only way for a property owner or municipality to make sure the insurance policies meet either the contractual or permitting requirements is to obtain, and fully review, copies of the actual policies.

Claims Handling

In the event of a potential claim, property owners and municipalities need to be vigilant in making sure that timely notice of a claim or potential claim is provided to under every potentially applicable insurance policy. In no instance should the property owner or municipality rely on the

gas company or contractor to give notice on their behalf. Even if you do not have all the particulars of your claim, give notice immediately, you can always supplement the notice later.

While landowners and municipalities may not be able to avoid fracking-related liability completely, by following these guidelines and turning to insurance recovery professionals when necessary, they can nevertheless minimize their uninsured exposure.

This article is part of the summer edition of Offit Kurman's quarterly Insurance Recovery Advisor. You can download the full Advisor [here](#).

Michael Conley is a Principal at Offit Kurman and Chair of the firm's Insurance Recovery practice. Mr. Conley is a frequent speaker on insurance recovery and fracking issues. He can be reached at 267.338.1317 or mconley@offitkurman.com.

Meghan K. Finnerty is an Associate at Offit Kurman and a member of the Insurance Recovery practice. Ms. Finnerty's practice includes a focus on insurance recovery for environmental issues. She can be reached at 267.338.1322 or mfinnerty@offitkurman.com.

RECEIVED

BY *CMT* 7/26/12 DATE

2656 York Rd. W.
York, NY 14592
July 25, 2012

Jerry Deming, Town Supervisor
Town Board Members
York Town Hall
Main Street
York, NY 14592

Dear Jerry and Board Members;

I would like to thank the Town of York Board for scheduling the opinion gathering meeting that was held July 24, 2012 in the Town Hall. I found the meeting very enlightening. It is obvious to me that the town would benefit from time to gather information, analyze it and determine the best course for York.

Personally, and from the many opinions I listened to at the meeting, I see no objection to the 52 existing wells located within the town. It appears that Lenape has been at the least, a responsible business. However, all the current wells are vertical, low volume, hydraulic fracturing gas wells. In the discussion of adopting a town moratorium on high volume, horizontal, hydraulic fracturing gas wells, a question seems to have been raised about whether or not Lenape would shut down the wells they operate here as they have done in Avon, NY since they enacted a town moratorium. This action is nothing more than a bullying technique they have chosen to employ to scare towns, such as York, from adopting a similar moratorium. I fail to see how this is being a responsible business. Such threats begin to show a company's true ethics and business partnership. Lenape is behaving like a small child who will only play by his own rules or he will take his 'marbles' (shut off existing wells) and go home.

This spring many citizens of York gathered together to ask the Abby of the Genesee not to put a slurry pond on their property, bordering Craig Road. The increase in truck traffic with its potential accidents, harm to our roads, increases in taxes to fix problems the trucks will cause, to say nothing of declining property values due to a slurry pond, is a drop in the bucket when compared to the same issues we will be forced to deal with if the town allows high volume, horizontal, hydraulic fracturing gas wells to be our new neighbors.

As I mentioned at the beginning of my letter, many opinions were heard at the meeting on July 24, 2012. There was no consensus. Certainly, time to explore the industry and our options would be helpful. Enclosed is an article regarding fracking in Wyoming that may prove interesting in our town's consideration of the issue. Has anyone found a good aspect to the industry? Citizens' health, our very lives and the lives of future citizens, is at stake. However, I believe the best course of action for the town of York is not a moratorium but a complete, permanent, unilateral ban on all high volume, horizontal, hydraulic fracturing gas wells. I strongly urge the Town Board to adopt said ban as soon as possible. To do otherwise is a dereliction of your duties to protect the best interests, health and happiness of the citizens of York, NY. Profit for a few does not trump the health of the masses.

One final note that I was told today: On Saturday, July 21, 2012, Marvin Shimmel attended his family reunion in Pennsylvania. When fracking came into the conversation , his cousin quoted a fracking industry worker in Pennsylvania: "We screwed up Texas; now we're working on Pennsylvania." Don't let York be the next screw up.

Sincerely,

A handwritten signature in cursive script, reading "Laurie K. Schneider". The signature is fluid and elegant, with the first name "Laurie" being more prominent than the last name "Schneider".

Laurie K. Schneider

Wyoming got EPA to delay frack finding

MEAD GRUVER

The Associated Press

CHEYENNE, Wyo. — Wyoming's governor persuaded the head of the U.S. Environmental Protection Agency to postpone an announcement linking hydraulic fracturing to groundwater contamination, giving state officials — whom the EPA had privately briefed on the study — time to attempt to debunk the finding before it rocked the oil and gas industry more than a month later, an investigation by the Associated Press has found.

During the delay, state officials raised dozens of questions about the finding that the controversial procedure that has become essential to unlocking oil and gas deposits in Wyoming and beyond may have tainted groundwater near the gas-patch community of Pavillion.

Gov. Matt Mead contacted EPA Director Lisa Jackson and persuaded her to hold off any announcement, according to state emails and an interview with Mead. The more than 11,000 emails made available to AP in response to a state records request show Wyoming officials took advantage of the postponement to "take a hard line" and coordinate an "all-out press" against the EPA in the weeks leading up to the announcement Dec. 8.

Meanwhile, the chief state regulator of oil and gas development fretted over how the finding would affect state revenue. And even as the state questioned the EPA's science, there were doubts about how effective those objections would be.

"It's already too late. The White House has already seen the report with conclusions," wrote

Strong, an engineer with the Wyoming Oil and Gas Conservation Commission, following a presentation by EPA Deputy Assistant Regional Administrator Martin Hestmark. The emails indicate that, at least in the minds of Wyoming officials, the EPA was being pressed by the White House to release its report.

"Once local folks received data and it showed what it did, they had the responsibility to take it to HQ and in fact, it ended up with them in front of the White House. HQ and White House decided that now that data is released, EPA must release conclusions quickly," wrote Tom Kropatsch, a natural resource analyst for the state Oil and Gas Conservation Commission.

But the state's questions did set the stage for additional groundwater and household well water sampling in the Pavillion area that began a couple of weeks ago.

The struggle by both Wyoming officials and the EPA for message control shows the extent to which they fretted about the findings. Wyoming depends on oil and gas for its economic well-being while environmentalists have pushed the Obama administration to crack down on a process responsible for increasing U.S. onshore production.

The worry wasn't misplaced: Though the findings were unique to Pavillion, they ricocheted amid heightened scrutiny of fracking in other drilling regions including the Marcellus Shale states of New York, Ohio and Pennsyl-

Rochester D+C 7-27-12 Pa. court backs towns on fracking

Marc Levy
Associated Press

HARRISBURG, Pa. — A Pennsylvania appellate court panel on Thursday ruled in favor of municipalities seeking to protect homeowners, parks and schools from being surrounded by natural gas drilling sites or waste pits.

The panel struck down provisions in a new law regulating the state's booming natural gas industry that opponents said would have left cities and towns defenseless. The ruling was a defeat for the natural gas industry, and a prompt appeal to the state Supreme Court was expected.

The state Commonwealth Court ruled 4-3 that the limitations in the

so-called Act 13 violated the state constitution. The opinion's author, Judge Dan Pellegrini, said the provisions upended the municipal zoning rules that had previously been followed by other property owners, unfairly exposing them to harm.

Seven municipalities had sued over the sweeping, 5-month-old law, saying it unconstitutionally takes away the power to control property from towns and landowners for the benefit of the oil and gas industry.

"This is a wonderful victory for local government, a recognition that local municipal officials have a valid interest in protecting the property of their citizens," said Jordan Yeager, one of the

lawyers who argued on behalf of the municipalities. "Act 13 took that away and the court said that the governor and the Legislature had gone too far."

Among the most objectionable provisions cited by the towns were requirements that drilling, waste pits and pipelines be allowed in every zoning district, including residential districts, as long as certain buffers are observed.

The natural gas industry, which has invested billions of dollars in Pennsylvania since 2008 to exploit the Marcellus Shale formation, the nation's largest-known natural gas reservoir, had sought even stronger limitations than the ones in the new law to make it easier to

navigate local ordinances.

Gov. Tom Corbett, viewed as a staunch ally of the industry, had also pressed for stronger limitations than the ones he won in the law signed Feb. 14. He viewed the limits as a way to encourage the industry to move rigs to Pennsylvania and at one point warned that Ohio was trying to lure it away with a law wiping out any local regulation.

Though New York hasn't decided yet whether to allow high-volume hydrofracking to extract natural gas, the Pennsylvania case is of interest to Empire State municipalities that have approved moratoriums on fracking as a pre-emptive step to ban the practice.

July 20, 2012

RECEIVED

BY Cmt | 7/24/12 DATE

My name is Dr. Arnold Matlin. I am a pediatrician. I have been a physician in Livingston County for over 40 years. I am also Medical Consultant for the Livingston County Department of Health. However, this letter is written in my role as concerned private citizen.

I am Past-President of the Livingston County Medical Society, and a member of the Medical Society of the State of New York (MSSNY). MSSNY has recently developed a position paper about fracking. To summarize briefly, the position paper states that the chemicals known to be used in fracking are extremely dangerous; the information about other chemicals used in fracking is considered proprietary, and so their potential dangers are unknown; there is insufficient scientific data available to declare that fracking is safe. Therefore, MSSNY has called for a moratorium on fracking until such time as it is clearly demonstrated the fracking will not harm the ecosystem and the people who depend on that ecosystem.

I stand behind the position paper of my organization, the Medical Society of the State of New York. I call for a local—and state—moratorium on fracking until more is known and understood.

Respectfully yours,

Arnold Matlin, M.D

Arnold H. Matlin, M.D., F.A.A.P.
2290 Anderson Road
Linwood NY 14486
<ahmatlingvcp@igc.org>
Phone 585-768-6277
Fax 585-768-7311

RECEIVED
BY CMH | 7/24/12 DATE

Good Evening,

I am Phillip Mulligan and I am here to speak in favor of the fracking moratorium. Currently, I live in Chelsea Vermont but I have interest in this gas issue as a 4th generation landowner with the Gratwick family.

There are 2 points I would like to speak to tonight:

The first is to ask you not to take what you are given here in the town of York for granted. Through the eyes of someone that returns to Livingston County now as a visitor, I am amazed at the beauty and productivity of this land. I am stating the obvious, but sometimes the obvious is overlooked until it is gone.

The second point I want to make relates to what it means to be careful or conservative.

You are being asked to hold off on allowing an industry to experiment with your land and water. This is a new technology and amidst the controversy is a massive add campaign by the gas industry, and on the other side many very concerned residents. Everyone is excited. Many truths are spoken and I suspect many un-truths as well. It is hard to know what is real.

I think allowing a new potentially damaging extraction technology to come to town without careful consideration is a radical decision. It puts caution to the wind. A conservative person would wait and let the mistakes be made somewhere else if they must be made. Our gas will not go away and the longer we wait before tapping it the better the technology and information will be to help us make the right decision.

Thank you for your time.

Phillip Mulligan PO Box 187 Chelsea, VT 05038

RECEIVED

BY Cmt

7/21/12 DATE

PUBLIC HEARING JULY 24TH YORK

Thank you for giving me the opportunity to speak.

I support passing a moratorium on high volume horizontal hydro fracking for the following reason:

I believe that this heavy industry is not compatible with the quality of life we presently enjoy in the town of York. What is at stake is beautifully set forth in the beginning section of the moratorium document, and I would like to quote the following:

"York is a community in the western part of Livingston County that takes great pride in and assigns great value to its rural residential character, small-town atmosphere, fine agricultural lands, and cultural, recreational, scenic and other natural resources.

Many residents are dependent upon aquifers and wells for life-sustaining water; maintaining the quality of water resources within the Town is critical to protecting the natural environment of the Town, the general health and welfare of the Town residents, and the local economy.

Preservation of the Town's irreplaceable high-quality agricultural land, air quality, and priceless and unique character, is of significant value to the inhabitants of the Town and to the people who visit here."

This resolution we are considering gives us some time, one year, to better understand the risks we are taking if we allow this heavy industry into the community. One year. That is not much to ask in the scheme of things.

Respectably submitted,

**Lee Gratwick
1912 York Rd.
Pavilion, NY 14525**

July 24, 2012
York Town Board
2668 Main Street
York, NY 14592

RECEIVED
BY Cmt | 7/24/12 DATE

Dear York Town Board,

As an owner of farmland in Avon, and a future owner of family property in York, I am very invested in this area.

I believe hydrofracking for gas and the supporting activities that accompany this very invasive industry could severely affect many things we all depend upon: Our health, safe roads, and local control of our land use.

Effective July 1, 1994 section 272-a of the Town Law reads:

The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by local governments.

(b) Among the most important powers and duties granted by the legislature to a town government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens. (Emphasis mine.)

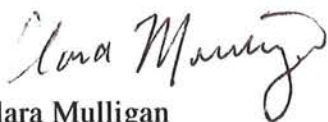
Being from Avon, I am well aware of the threats Lenape Resources has made against our town. I believe that because Avon has only 16 wells, Lenape took a chance to make a big splash in the media, trying to undermine the split town board, with very little to lose. It didn't work. Ultimately, the threats helped solidify the town board. Lenape was asked to participate in the moratorium process, and the board went to all lengths to accommodate his present business. Lenape's response was to shut in the active wells in town. Do you want this kind of business in your town? Can you fully protect your citizens when a gas company may act on its own interests more than yours?

A time-out, in the form of a twelve month moratorium, gives the town board and citizens time to consider the profound impact of this industry before it is imminent. And imminent it is. The Utica shale is at an ideal depth below us, and Lenape Resources is operating over 40 wells in town. When asked at public forums if he would hydrofrack in this area, president John Holko said yes.

As a town government, I ask you to protect our landscape, our public health and our future.

I am for a moratorium on fracking in York.

Thank you,



Clara Mulligan
5325 Barber Road
Avon NY 14414

RECEIVED

BY

PAS

7/20/12

DATE

2473 Cowan Road
Piffard, New York 14533
July 18, 2012

Mr. Gerald Deming
Supervisor, Town of York
2668 Main Street
York, New York 14592

Dear Mr. Deming,

Subject: Proposal to postpone a decision on permitting hydro-fracking in York.

I understand the Town is considering postponing making any decision on allowing hydro-fracking in York for one year. My preference is that you do put off making any decision on whether or not to permit hydro-fracking in the Town of York for at least a year.

Hydro-fracking is a new process that benefits the extraction of natural gas to help with our energy supply. But it also creates known and unknown harmful effects for both the environment and infrastructure. Another year's experience will provide more data and anecdotal evidence to make a better-informed decision. The scars this process creates will be here for a long time. Can they be minimized? Do we want them?

Once these permits are granted they don't ever seem to be rescindable. It is imperative to get it right the first time.

Yours truly,

Floyd Galbraith, Jr.

Floyd Galbraith, Jr.

RECEIVED

BY *CmH* | 7/30/12 **DATE**

2999 Mt Pleasant Rd
Piffard, NY 14533

July 30th, 2012

York Town Board

Following the meeting to discuss a Moratorium on allowing high volume hydraulic fracturing etc within the Town of York on July 24th, we would like to be on record as being strongly in favor of such a moratorium for at least a year.

Since we first became aware of the problems associated with this type of natural gas extraction a couple of years ago we have read many articles and watched various documentaries put out by reputable sources. All of this has lead us to believe that the negative impacts to the community far outweigh any possible gains.

Our two main concerns are:

1. The enormous volume of truck traffic involved, which would turn our rural community (and it is a gem!) into an industrial zone.
2. The very real danger of water sources being contaminated.

These two dangers would themselves lead to further stresses and conflicts within the community, and for what gain? A few individuals and corporations would gain financially while the rest of the community would suffer major impacts to their quality of life. There would also be unknown long term consequences for allowing this type of extraction - do not let this be a decision made in haste that becomes a decision regretted for many years into the future.

We understand that the vertical fracking that is now being done is totally different from the newer high volume Horizontal Hydraulic Fracking. We also understand that the Marcellus Shale is probably not an option as this point, but richer resources are underneath in the Utica Shale layer.

We do not believe that property owners have absolute right to do as they like on their land especially when it might affect the entire community. Rather we should try to be good stewards and do what is right for the whole community.

Yours sincerely,



Ned and Martha Edmonds



Roger Bruce
1980 York Rd W
Linwood, NY 14486
585 584-3229

RECEIVED
BY CmtH 8/3/12 DATE

August 1, 2012

York Town Board
2668 Main St.
PO Box 187
York, NY 14592

Dear Board Members,

I am writing to support passage of the resolution for a moratorium on high volume fracking in the town of York.

In addition to concerns about water pollution and high volume trucking, there are serious doubts that the extraction companies and sub contractors have the technical ability or the financial resources to underwrite long term liability. Decades in the future, it is all too likely that towns, property owners, and taxpayers will be left with challenges of difficult or impossible remediation.

Sincerely,

A handwritten signature in blue ink that reads "Roger Bruce". The signature is stylized, with the first name "Roger" written in a cursive script and the last name "Bruce" written in a more straightforward, slightly cursive style.

Roger Bruce
1980 York Rd W
Linwood, NY 14486

Chris Harris

From: Ann Jenson <a.jenson@hotmail.com>
Sent: Thursday, August 02, 2012 4:54 PM
To: yorkclrk@rochester.rr.com
Subject: Comments made by me at the town public hearing

RECEIVED
BY CMH 8/3/12 DATE

Hello Chris - Sorry this is a little late, but below is what I said during the public hearing on a hydrofracking moratorium for your town. Please put it in your records on this issue. Thanks!

"I'm Ann Cady Jenson and I live in Avon but I am here as a friend of York and I wanted to make a few comments. Please keep in mind exactly what you are voting on - not whether to allow or disallow hydrofracking but whether or not to impose a moratorium so you can study the issue. You can see by the comments that have been made here this evening that there are people on both sides, and some people don't have very much information on the issue. I am very opposed to hydrofracking, but I admit there must be some positive aspects to it that I am not aware of. The moratorium will just give you time to research, assess, and determine what is the best position for the town to take.

Additionally, I suggest that you take the comments and opinions of those in the gas industry in light of the financial gain they would accrue should hydrofracking be permitted.

As town board members, please don't feel overwhelmed by the work that you may see coming your way should you impose a moratorium. You probably don't want to have anything more to do, but in Avon, before the moratorium was passed several community members volunteered to serve on a committee to study hydrofracking and I am sure that would occur here in York as well. You won't be standing on your own."

Ann Cady Jenson

2056 Sackett Rd.
Avon, New York 14414
585 226-2081

"When a dog runs at you, whistle for him." Henry David Thoreau

RECEIVED

BY *cmh* | 8/6/12 DATE

July 31, 2012

York Town Board
2668 Main Street
PO Box 187
York, NY 14592

To the York Town Board:

I am writing to ask that you pass a resolution for a moratorium on high-volume fracking in the Town of York. Numerous studies have linked fracking and related activities to the contamination and depletion of groundwater, as well as the generation of air pollution. In addition, the fracking industry would bring a significant increase in truck-traffic, which will damage roads and negatively affect the quality of life in our rural community.

Sincerely,



Becky Lewis
Linwood, NY

<http://finance.yahoo.com/news/driller-ny-stop-local-bans-161459423.html?l=1>
YAHOO! FINANCE

Driller to NY: Stop the local bans or we'll sue

Gas driller threatens to sue NY if state agency doesn't act to stop local bans and moratoriums

AP By Mary Esch, Associated Press | Associated Press — 3 hours ago

ALBANY, N.Y. (AP) — A natural gas drilling company is taking a new tack in the industry's fight against local drilling bans: It's threatening to sue if New York regulators don't step in and extinguish the prohibitions.

John Holko, president of Lenape Resources, sent a letter Thursday to state Department of Environmental Conservation Commissioner Joe Martens saying a moratorium prohibiting natural gas development in the Livingston County town of Avon forced his company to shut down its wells there.

The state enacted a drilling moratorium in 2008 when DEC began an environmental review of horizontal drilling and high-volume hydraulic fracturing, or "fracking." Lenape's wells in Avon, however, are vertical wells that were not subject to that moratorium. The town law doesn't distinguish between types of wells, but Town Supervisor David LeFeber said it was worded to protect Lenape's existing wells.

Regardless, Holko said Avon's moratorium and others like it violate a 1981 law that says state rules supersede local ordinances in the regulation of gas development.

"Lenape is trying to make it clear to DEC that the agency has a legal duty to carry out state law," Michael Joy, Lenape's lawyer, said on Monday. "That duty includes informing local municipal governments that they don't have the authority to regulate the oil and gas industry."

In the past, DEC has sent letters to towns that enacted laws regulating oil and gas development, telling them they didn't have the authority to do so. In its letter to Martens, Lenape attached one such correspondence, sent to the city of Olean in 1984.

David Slotte, an Ithaca lawyer who helps towns draft moratoriums or bans on gas drilling, said in a letter to Martens on Tuesday that since two courts have upheld local bans, DEC doesn't have to tell the towns to repeal them.

More than 30 municipalities in upstate New York have passed bans on gas drilling and more than 80 have enacted moratoriums in anticipation of DEC completing its environmental review and lifting the 4-year-old state moratorium. The actions are in response to fears that fracking, which frees gas by injecting a well with chemically treated water at high pressure to crack rock deep underground, could contaminate water supplies or cause other harm. Drillers and DEC say state regulations and standard industry safeguards protect against harm from drilling and fracking.

Martens has said that local ordinances will be taken into consideration when the agency approves permits for shale gas wells.

Denver-based Anschutz Resources took the town of Dryden to court over its ban and a Middlefield landowner sued over that town's ban. Both laws were upheld by judges who said bans are not regulation, so the state law against local regulation of gas development didn't apply. Albany lawyer Tom West has said the decisions will be appealed.

Local control over gas drilling has also been an issue in other states in the Marcellus Shale region, which includes southern New York, Pennsylvania, Ohio and West Virginia. The gas industry says local laws create a patchwork of regulation that thwarts development.

A Pennsylvania court last week ruled that the state can't restrict localities from using zoning laws to regulate oil and gas drilling within their borders. Ohio townships were stripped of regulatory authority over gas drilling under a law passed in 2004. Ordinances enacted by a handful of West Virginia communities to ban gas drilling were overturned last year by a

Driller to NY: Stop the local bans or we'll sue - Yahoo! Finance

Page 2 of 2

judge who said the state has sole authority to regulate the industry. Morgantown, W. Va., enacted new zoning ordinances recently that restrict drilling to designated industrial zones; an industry group has said it may challenge that in court.

Deborah Goldberg, an attorney for the environmental group Earthjustice who represents Dryden, said Lenape is wrong in saying DEC has an obligation to take enforcement action against towns that ban drilling.

"To the contrary, the statute plainly gives the agency discretion over enforcement," Goldberg said via email. "Under the circumstances, it would be a waste of scarce resources if DEC were to take action before the appellate courts resolve the pre-emption claims."

DEC apparently agrees.

"The scope of the pre-emption must be left to the courts," DEC spokeswoman Emily DeSantis said by email.

Lenape said if DEC doesn't take action against the town of Avon, the company will do so and will name DEC as a party in the lawsuit.

Lenape's broader goal is to send a message to other municipalities that they don't have the authority to enact gas development bans or moratoriums, Joy said.



LENAPE ENERGY, INC.

40 CHAMBERS STREET, SPENCERPORT, NY 14559

585.344.1200

Fax: 585.344.3283

July 24, 2012

RECEIVED
BY *cmh* | 7/24/2012
DATE

Town of York
2668 Main Street
York, NY 14592

*York
Town Clerk*

Dear Members of the Town Board:

I am sorry I am unable to attend the public hearing this evening, July 24, 2012 for "Local Law No. 1 for 2012" which is titled the "Moratorium and Prohibition within the Town of York, Livingston County, New York (hereinafter "Town") of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes". This topic is very important to me because the title of this moratorium is essentially my business and we have been performing these operations in the Town of York for 30 years without incident. My name is John C. Holko, New York. I am a graduate of Penn State University with a degree in petroleum engineering and I am the President and owner of Lenape Resources, Inc. with offices at 9489 Alexander Road, Alexander, NY and have over thirty years of experience in the oil and gas industry in New York.

In the Town of York, Lenape currently operates 56 gas wells, all of which have been hydraulically fractured to provide flow of natural gas to the wellbore from the Medina formation. We have thousands of acres currently under lease with numerous landowners for the continued development of their mineral resources. In addition, the gas being produced in York supplies energy to local businesses and homeowners. These operations also provide royalties to landowners and property taxes to the Town, County and Local School System and have done so for decades. We have been a good corporate resident in the Town of York since the drilling of these wells began in 1982 some 30 years ago. You should be aware that no one has contacted me or my company in regards to this moratorium. There have been comments that the grandfathering provision in the moratorium document was written to protect existing operations, but no one has considered what existing operations cover nor the detail necessary to protect those operations from a blanket moratorium against an entire business. Lenape has not even been contacted with regard to the grandfathering or the moratorium itself even though we have been operating in the Town of York for 30 years. This Local Law will have a significant economic impact on my existing business, future operations and existing contractual relationships with York landowners. What follows are some comments relative to my concerns with this moratorium.

During various industry public education and outreach meetings, I have heard groups discuss concerns about shale development in Pennsylvania or elsewhere and what impact it would have on local municipalities in New York if exploration or development starts in New York. There are various misleading perceptions that have been created in the discussion. First and foremost is the concern that the industry will be unregulated. The New York State Division

of Environmental Conservation Division of Minerals has been working on developing new guidelines for use with Shale development in New York for 4 years. The development of these guidelines follows the SEQR process and allowed a tremendous amount of public input and discussion. During this time, they have drafted a very detailed document known as the “draft Supplemental Generic Environmental Impact Statement” (dSGEIS). This document is in excess of 1800 pages and covers in detail all aspects of regulation and guidance that will be utilized by New York’s regulatory agency if and when High Volume Hydraulic Fracturing on multi well pads is allowed in New York. I am attaching with this letter a 22 page document that I have compiled which represents the entire “Table of Contents” for the version of this document that was released in September 2011. I would ask that the board not only review this table of contents, but refer to the actual sSGEIS at the DEC website to assist in there review of whether or not there is anything that the state regulators have not include in their review that would require the need for a moratorium of any sort.

Another item that reflects directly on the moratorium document presented is the intent behind the law. I understand that the law is being designed to provide time for the review of operations relating to high volume hydraulic fracturing or horizontal drilling. When I reviewed this document, I did not find a document drafted with this intent, instead I found a document that has been drafted to eliminate an entire industry and with a poorly worded grandfathering section which utilizes undefined words and prohibits any drilling including existing vertical drilling or work outside the existing wellbore would seemingly prohibit the economic operation of Lenape’s current wells in the Town of York. It should also be noted that the development of this law doesn’t even seem to consider that there will be no Marcellus shale drilling in the Town of York because of depth limitations. Besides that, the likelihood of a mad rush to new Utica development is probably years in the future. I also reviewed the “Authority and Intent; Findings; Purpose” of the Law, as provided in Section 2. After having drilled and operated gas wells in the Town for the past 30 years, I would put on record that the actual findings of fact after reviewing these many years of operations would suggest that those outlined in this proposed Law as drafted are incorrect and inconsistent with reality. Since findings of fact reflect a historical review of an activity relating to its operations, I would like to request that the Town utilize Lenape’s historical and existing operations performing natural gas and petroleum exploration and extraction activities in York for the past 30 years to develop “findings of fact” and to reconsider any need for this moratorium. It would seem that if the findings of fact do not consider a business that has operated in the Town of York for 30 years performing the operations subject to the moratorium being contemplated they are lacking in detail and intent.

Also this Local Law, goes much farther than providing an opportunity for review and develops regulations that are already covered by existing State regulations and in some cases directly conflicts with State law. The law as drafted puts Lenape in a very precarious legal position. Under the terms of the oil and gas leases which have been obtained by Lenape and under which these wells have been drilled and operated for all of these years this Law may by its restrictive nature hinder Lenape’s ability to continue to operate in accordance with and consistent with the stated policy of New York’s Oil, Gas and Solution Mining Law as set forth herein:

§ 23-0301. Declaration of policy.

It is hereby declared to be in the public interest to regulate the development, production and utilization of natural resources of oil and gas in this state in such a manner as will prevent waste; to authorize and 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, and that the correlative rights of all owners and the rights of all persons including landowners and the general public may be fully protected, and to provide in similar fashion for the underground storage of gas, the solution mining of salt and geothermal, stratigraphic and brine disposal wells.

In the event that Lenape is forced to operate these wells within the limitations of this proposed Local Law, they face the real possibility of inability to comply with the public interest dictates of New York State Law, not only as it relates to the continued production of the wells from the zones currently being produced but from any other zones which might be potentially productive in the future. The restrictions imposed by this Law also affect any potential future economic value that may be enjoyed not only by Lenape but also by its Lessors in any alternative productive zones. Lenape has captured the economic benefit from the mineral ownership of its Lessors and continues to compensate the mineral owners for their property but if it is prohibited or otherwise limited from continuing production from these wells and prohibited from ongoing exploration and production activities of its Oil and gas Leases, Lenape and those Lessors will suffer real damages. In addition, Lenape's ability to protect the correlative rights of mineral rights owners will be impeded and in conflict with New York State Law.

Another potential conflict with this Local Law and the State Law is one of supercedure. Under the NYS Oil, Gas and Solution Mining Law amended in 1981, the state amended the law (Article 23-0303) as follows to clearly establish the preemption of state regulation:

"2. The provisions of this article shall supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over local roads or the rights of local governments under the real property tax law."

The law was enacted with the clear understanding that local governments could not in any way regulate the industry, that the regulation of the industry would need to be accomplished at the state level as in other states, that the state was likely the only entity that could afford to hire experienced petroleum engineers and geologists, that the oil and gas activities posed both environmental and safety concerns that should be handled by professionals, and that the state was the only entity in a position to establish a uniform and consistent regulatory framework under which the industry could operate efficiently and effectively. Nor could any community undertake the environmental impact review that has been underway in New York State over the past few years relative to not only the highly publicized hydrofracking controversy but to all phases of oil and gas operations and its impact upon the citizens of the State of New York through the Draft Supplemental Environmental Statement (dSGEIS) review process.

In contrast to the following which is the supersedure language (Article 23-2703) in the 1991 Amendments to the Mined Land Reclamation Law:

“For the purposes stated herein, this title shall supersede all other state and local laws relating to the extractive mineral industry; provided, however, that nothing in this title shall be construed to prevent any local government from:

- a. enacting or enforcing local laws or ordinances of general applicability, except that such local laws or ordinances shall not regulate mining and/or reclamation activities regulated by the state, statute, regulation or permit; or
- b. enacting or enforcing local zoning ordinances or laws which determine permissible uses in zoning districts. Where mining is designated a permissible use in a zoning district and allowed by special use permit, conditions placed on such special use permits shall be limited to the following:
 - (i) ingress and egress to public thoroughfares controlled by local government;
 - (ii) routing of mineral transport vehicles on roads controlled by local governments;
 - (iii) requirements and conditions as specified in the permit issued by the department under this title concerning setback from property boundaries and public thoroughfare rights-of-way natural or man-made barriers to restrict access, if required, dust control and hours of operation, when such requirements and conditions are established pursuant to subdivision three of section 23-2711 of this title;
 - (iv) enforcement of reclamation requirements contained in mined land reclamation permits issued by the state; or
- c. enacting or enforcing local laws or ordinances regulating mining or the reclamation of mines not required to be permitted by the state.”

Thus, the supersedure language was developed to clearly establish the boundaries between state and local regulation in mined land law. These differences reflect the extractive mining industry’s significantly different land use from the oil and gas industry because mining by definition is a consumptive land use. Without concurrent reclamation which is difficult in most cases, mines continue to grow in size before reaching their boundary and economic limits. Mines, particularly quarries, can have economic lives in the hundreds of years. Therefore, the nuisance impacts (noise, dust, traffic) from a mine continue for many years. As a distinction, Oil and gas wells, on the other hand, have impacts limited to weeks or months. If the State of New York requires, for instance, that some permitted gas wells which are proposed to be drilled upon the same drill pad, be so drilled within a three year period for each 640 acre pad, then the impacts can be argued to be only three years and intermittent at best.

In closing, I have other technical issues that could and should be discussed in more detail and investigated in more depth before the Town of York elects to enact the Local Law, which is

the subject of tonight's hearing. I respectfully submit to the town that they have local professionals currently operating oil and gas wells within the Town, who would be more than happy to meet with any and all members of the Town Board and or the public at large in order to discuss this matter further.

Respectfully submitted,

Lenape Resources, Inc.

John C. Holko

President

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¹ Updated/revised July 2011

² New July 2011

³ Appendix 22 from the September 2009 dSGEIS has been replaced with a new Appendix 22.

RECEIVED

BY *Cmt*

| 8/8/12

DATE

2620 York Road West
PO Box 216
York, NY 14592

August 6, 2012

Town of York
PO Box 187
York, New York 14592

Dear Town Board Members:

We are writing to express support for a moratorium on high volume hydrofracking in the Town of York. This will give both citizens and elected officials time to learn more about a complicated issue and the confusing claims made by the industry and its opponents. It will also give us time to observe the fracking activity in Pennsylvania and learn from what happens there.

We also feel very strongly that the Town already has an active industry, agriculture, which is dependent upon trucking and water. We dread the addition of another industry which is also heavily reliant on both trucks and water. This cannot have anything but a negative effect on our quality of life.

Very truly yours,

Paul MacLean Roberta MacLean

Paul and Roberta MacLean

August 10, 2012

Jeanne Williams
2628 Main Street
York, New York 14592
Re: Hydrofracking Moratorium

RECEIVED
BY CMH | 8/10/12 DATE

Town of York
2668 Main Street
York, New York 14592

Gerald Deming and Town Board Members,

I moved here from Long Island almost two years ago. I grew up and lived hearing the constant sound of traffic, smelling the potent scent of diesel fumes and knowing that on a clear night seeing more than the Big Dipper was truly a gift. My husband and I thought we'd do better for our daughters and decided to relocate to more a more pristine and preserved part of New York. I had certainly heard about high volume horizontal hydraulic fracturing and was glad when Governor Paterson put a temporary stop to the rush to drill that the gas companies seemed to be counting on. I also put more faith in our current governor as well as the Department of Environmental Conservation to help protect the environment and its inhabitants from the damages we've seen in other parts of our country. I am no longer feeling confident that our state government has the best interests of the residents, the land and the wildlife as a top priority.

I fully support the town's proposed year-long moratorium on hydrofracking. What I would ideally like to see would be an all-out ban. I understand the financial incentive offered to my neighbors by the gas drillers can be enticing, but at what cost to all of us? What's the cost to us all when no one can drink the water, sell their home (who'd want to live here?), much less insure their property? I also understand that people have the right to "do as they please" on their own land. That argument is not entirely valid however: The same person who says they have a right to let this drilling happen on his land may not necessarily agree that I have a right to build a strip mall on my front lawn.

To live in one place for a long time can sometimes create a sense of apathy for one's surroundings. My family does not take the natural beauty around us for granted and we'd hate to see it taken away from all of us. I'd prefer to not live in fear of a manmade disaster, I don't want to have to hear the constant noise of the frackers, I don't want to smell the fumes from their trucks and I really wish I could let you know how depressing light pollution can be. Thank you for bringing up the discussion of a very important issue which concerns us all.

Sincerely,

Jeanne Williams

Chris Harris

From: Jerry Deming <gdeming@gwrr.com>
Sent: Saturday, August 11, 2012 3:58 PM
To: yorkclrk@rochester.rr.com
Subject: FW: public comment on proposed moratorium

RECEIVED
BY CMH 8/13/12 DATE

From: cynthia carestio [mailto:meadowdoggies@gmail.com]
Sent: Saturday, August 11, 2012 1:43 PM
To: Jerry Deming
Subject: public comment on proposed moratorium

Aug

ust 10, 2012

To the Town Board of York,

My name is Cynthia Carestio and am a resident of Livonia and I am writing this in support of the proposed moratorium on unconventional shale gas extraction and in solidarity with the concerned residents of the town of York who have petitioned the board to pursue such legislation.

Unconventional shale gas extraction (hydrofracking) is not a self contained process and the consequences of this technique effect not only the residents of the town in which it is permitted but the region surrounding that town.

I have included an article regarding a proposed compressor station in Hancock, NY. This is relevant to the town of York where a large compressor station is located, however addresses only one area of concern involving shale gas extraction and the

large industrial infrastructure necessary to support it.

A one year moratorium is a stop gap measure to insure that a town has ample time to make an educated decision regarding this controversial and complicated issue and would help insure that the town act in accordance with it's comprehensive plan which asserts..."serves as a guide for growth and preservation within the community and to accommodate future development in a manner that best protects the environment, preserves current community values and maintains the rural character of the Town." The intense industrialization which accompanies unconventional shale gas extraction is contradictory to this statement.

Home Rule has been upheld in a court of law in the towns of Middlefield and Dryden, NY. There has not been an appeal of this ruling. I urge you to pass a moratorium on hydrofracking. If you look beyond the rhetoric, media spin and propaganda, and delve into science-based, non-industry funded research and listen to the experiences of the real people who are negatively effected by this practice, you will be better able to ascertain the risk to benefit ratio. Time is needed to do this.

Respectfully,
Cynthia B. Carestio

THE HUNGRY HILL COMPRESSOR STATION

Those who attended the Thursday August 2nd FERC meeting at the Hancock High School must have been impressed by the compelling testimony that proved Hungry Hill is an inappropriate location for a compressor station. At least area eleven residents spoke; some talked about the negative impact the station would have on quality of life and real estate values, but the overarching theme of the evening was public safety.

Person after person testified that Hungry Hill Road is a steep, narrow dirt road that is occasionally impassable during inclement weather and that it lacks a second means of egress during winter months. In an emergency, residents could be trapped, while fire trucks and other first responders would be unable to reach the site.

To make matters worse, the Long Eddy Volunteer Fire Department, the nearest fire company, has just seven members, only one of whom passed a recent physical exam. And the department doesn't own a single foam truck – the kind of vehicle that was used to extinguish the recent fire at a compressor station in Windsor, New York.

TOXIC EMISSIONS

Area resident, Daniel Martinez, provided sobering testimony about the toxic atmospheric emissions from compressor stations. Another proposed [station](#) (in Buffalo Township, PA), will be two thirds the size of the 15,900 horse power station proposed for Hungry Hill, yet it will have estimated annual emissions of:

- 58.7 tons of nitrogen oxide
- 49.0 tons of carbon monoxide
- 49.2 tons of volatile organic compounds
- 5.97 tons of particulate matter
- 2.86 tons of formaldehyde
- 7.58 tons of hazardous air pollutants
- And 89,422 tons of greenhouse gases

What's makes this even more troubling is the news that EPA recently announced that it may [lower air emission standards](#) for compressor stations in rural areas – and Millennium refuses to say it won't expand the Hungry Hill station in the future.

“A BIG FIREBALL”

The July 23rd compressor station fire in Windsor shed some light on what might be in store for any community that plays host to a compressor station. Broome County Fire Coordinator Brett Chellis said lightning hit an exhaust vent and ignited a “[big fireball](#)” that shot hundreds of feet into the air and forced the evacuation of surrounding homes. Neighboring residents who were interviewed about the fire took the opportunity to complain that the station was “[very noisy and can be very loud in the middle of the night](#)”.

JOBS, BUT WHO WILL GET THEM?

The few comments in favor of the compressor station mainly concerned the jobs it might bring to the area. While the project would create some short term construction jobs, Millennium has refused to commit to hiring locally.

ON TAPE

[Shaleshock Media](#) videotaped the entire hearing. It's not posted yet, but we'll let you know when you can see it online.

Mary Sturm

RECEIVED

From: "Mary Sturm" <marysturm3@frontier.com>
To: "Mary Sturm" <marysturm3@frontier.com>
Sent: Friday, August 10, 2012 7:40 PM
Subject: Gas wells

BY *Cmtt* | 8/13/12 DATE

Dear Supervisor Deming and York Town Board members,

We are writing in opposition to the proposed gas well moratorium. We will begin with full disclosure.

1. We own two houses that get free gas from Lenape wells.
2. We own very little land and would not benefit financially if any new wells were drilled.
3. Our right to free gas results from maintaining, by deed, the use of gas from wells we previously owned.

The reasons for opposing the moratorium are these:

1. The wording sounds as if normal maintenance of existing wells would be forbidden. e.g. removing and transporting water from existing wells. Perhaps the grandfathering clause in section 6 A-1 covers this adequately, but section 6 C seems confusing and contradictory.
2. No government agency should cause a shutdown of a legitimate business that is obeying all applicable laws and regulations.
3. A one year moratorium is not needed since the state is not allowing any new drilling until new regulations are finalized. The gas fields in York are not considered to be the most attractive place to start.
4. New York State will have the strictest regulations in the country when finished.
5. We need to work towards energy independence while carefully protecting our environment.

Respectfully,

Jerry Sturm Mary Sturm

Jerry and Mary Sturm
2496 Ellicott Road
Caledonia, NY 14423

8/10/2012

TOWN BOARD MEMBERS

I don't know much about hydrofracking

Please vote for the moratorium

Dean Gardner Jr

RECEIVED

BY Cmtt

8/13/12 DATE

RECEIVED

BY Cmt 8/13/12 DATE

8/8/12

To The members of the Town Board of York,

I will be the first to admit that a very short time ago, I knew nothing about hydrofracking. Having been outspoken about environmental issues in the past, I have unconsciously chosen to "stay under my rock" on this issue (pun not intended).

But several weeks ago, I ran into someone who asked if I was attending the 7/24 meeting, of which I knew nothing about(!). So I started reading... and what I read, scares the hell out of me!

I am quite sure there are a lot of people in the community the same as I was/am — uninformed and uneducated on what hydrofracking is all about. It is not a matter of we can try it, and if we don't like it, we can stop... once hydrofracking starts — the earth can not be fixed nor the polluted water replaced. It's not a choice that one can go backwards on.

For this reason, I beg the York Town Board to vote for moratorium on hydrofracking — give EVERYONE time to become more educated on this amazingly serious proposal.

Thank you for taking the time to read this letter.

Patricia D. Gardner 2714 Chestnut St York NY 14592

I am against the moratorium.

William Doolittle

Experts: Some fracking critics use bad science

Posted on July 23, 2012 by admin

PA State Wire KEVIN BEGOS

PITTSBURGH (AP) – In the debate over natural gas drilling, the companies are often the ones accused of twisting the facts. But scientists say opponents sometimes mislead the public, too.

Critics of fracking often raise alarms about groundwater pollution, air pollution, and cancer risks, and there are still many uncertainties. But some of the claims have little – or nothing- to back them.

For example, reports that breast cancer rates rose in a region with heavy gas drilling are false, researchers told The Associated Press.

Fears that natural radioactivity in drilling waste could contaminate drinking water aren't being confirmed by

monitoring, either.

And concerns about air pollution from the industry often don't acknowledge that natural gas is a far cleaner burning fuel than coal.

"The debate is becoming very emotional. And basically not using science" on either side, said Avner Vengosh, a Duke University professor studying groundwater contamination who has been praised and criticized by both sides.

Shale gas drilling has attracted national attention because advances in technology have unlocked billions of dollars of gas reserves, leading to a boom in production, jobs, and profits, as well as concerns about pollution and public health. Shale is a gas-rich rock formation thousands of feet underground, and the gas is freed through a process called hydraulic fracturing, or fracking, in which large volumes of water, plus sand and chemicals, are injected to break the rock apart.

The Marcellus Shale covers large parts of Pennsylvania, New York, Ohio and West Virginia, while the Barnett Shale is in north Texas. Many other shale deposits have been discovered.

One of the clearest examples of a misleading claim comes from north Texas, where gas drilling began in the Barnett Shale about 10 years ago.

Opponents of fracking say breast cancer rates have spiked exactly where intensive drilling is taking place – and nowhere else in the state. The claim is used in a letter that was sent to New York's Gov. Andrew Cuomo by environmental groups and by Josh Fox, the Oscar-nominated director of "Gasland," a film that criticizes the industry. Fox, who lives in Brooklyn, has a new short film called "The Sky is Pink."

But researchers haven't seen a spike in breast cancer rates in the area, said Simon Craddock Lee, a professor of medical anthropology at the University of Texas Southwestern Medical Center in Dallas.

David Risser, an epidemiologist with the Texas Cancer Registry, said in an email that researchers checked state health data and found no evidence of an increase in the counties where the spike supposedly occurred.

And Susan G. Komen for the Cure, a major cancer advocacy group based in Dallas, said it sees no evidence of a spike, either.

"We don't," said Chandini Portteus, Komen's vice president of research, adding that they sympathize with people's fears and concerns, but "what we do know is a little bit, and what we don't know is a lot" about breast cancer and the environment.

Yet Fox tells viewers in an ominous voice that "In Texas, as throughout the United States, cancer rates fell – except in one place- in the Barnett Shale."

Lee called the claims of an increase "a classic case of the ecological fallacy" because they falsely suggest that breast cancer is linked to just one factor. In fact, diet, lifestyle and access to health care also play key roles.

Fox responded to questions by citing a press release from the Centers for Disease Control and Prevention that doesn't support his claim, and a newspaper story that Risser said is "not based on a careful statistical analysis of the data."

When Fox was told that Texas cancer researchers said rates didn't increase, he replied in an email that the claim of unusually high breast cancer rates was "widely reported" and said there is "more than enough evidence to warrant much deeper study."

Another instance where fears haven't been confirmed by science is the concern that radioactivity in drilling fluids could threaten drinking water supplies.

Critics of fracking note the deep underground water that comes up along with gas has high levels of natural radioactivity. Since much of that water, called flowback, was once being discharged into municipal sewage treatment plants and then rivers in Pennsylvania, there was concern about public water supplies.

But in western Pennsylvania, the Pittsburgh Water and Sewer Authority did extensive tests and didn't find a problem in area rivers. State environmental officials said monitoring at public water supply intakes across the state showed non-detectable levels of radiation, and the two cases that showed anything were at background levels.

Concerns about the potential problem also led to regulatory changes. An analysis by The Associated Press of data from Pennsylvania found that of the 10.1 million barrels of shale wastewater generated in the last half of 2011, about 97 percent was either recycled, sent to deep-injection wells, or sent to a treatment plant that doesn't discharge into waterways.

Critics of fracking also repeat claims of extreme air pollution threats, even as evidence mounts that the natural gas boom is in some ways contributing to cleaner air.

Marcellus air pollution "will cause a massive public health crisis," claims a section of the Marcellus Shale Protest website.

Yet data from the U.S. Energy Information Administration show that the shale gas boom is helping to turn many large power plants away from coal, which emits far more pollution. And the U.S. Environmental Protection Agency passed new rules to force drillers to limit releases of methane from wells and pumping stations.

Some environmental groups now say that natural gas is having a positive effect on air quality.

Earlier this year, the group PennFuture said gas is a much cleaner burning fuel, and it called gas-fired power plants "orders of magnitude cleaner" than coal plants.

Marcellus Shale Protest said in response to a question about its claims that "any possible benefit in electric generation must be weighed against the direct harm from the industrial processes of gas extraction."

One expert said there's an actual psychological process at work that sometimes blinds people to science, on the fracking debate and many others.

"You can literally put facts in front of people, and they will just ignore them," said Mark Lubell, the director of the Center for Environmental Policy and Behavior at the University of California, Davis.

Lubell said the situation, which happens on both sides of a debate, is called "motivated reasoning." Rational people insist on believing things that aren't true, in part because of feedback from other people who share their

views, he said.

Vengosh noted the problem of spinning science isn't new, or limited to one side in the gas drilling controversy. For example, industry supporters have claimed that drilling never pollutes water wells, when state regulators have confirmed cases where it has. He says the key point is that science is slow, and research into gas drilling's many possible effects are in the early stages, and much more work remains to be done.

"Everyone takes what they want to see," Vengosh said, adding that he hopes that the fracking debate will become more civilized as scientists obtain more hard data.

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Posted in [Uncategorized](#) | Tagged [clean energy](#), [drilling](#), [energy](#), [Independent Oil & Gas Association of New York](#), [natural gas](#) | [Leave a comment](#)

Take Action!

Posted on [June 18, 2012](#) by [admin](#)

Governor Cuomo's administration may limit the initial permitting of horizontal gas wells to select communities in the Southern Tier. Municipalities would initially have control over whether to allow natural gas development within their communities. Such limitations, which are not based on scientific data, are inappropriate and not in the best interest of our members, the Southern Tier economy and the entire state.

Please [ask the governor](#) to adhere to state law and reject local drilling bans and moratoriums, and to allow natural gas development to expand consistently across the Southern Tier.

Posted in [Uncategorized](#) | [Leave a comment](#)

IOGA of NY Celebrates Flag Day 2012

Posted on [June 14, 2012](#) by [admin](#)

Flag Day started as the idea of Bernard Cigrand, a 19-year-old Wisconsin school teacher, to honor the stars and stripes' birthday, June 14, and was formalized in 1949 when President Harry S. Truman signed an Act of Congress designating the date as National Flag Day. The Independent Oil & Gas Association of New York celebrates this day as we pursue the continued safe development of natural gas in New York.

[IOGA NY Flag Day 2012 Postcard](#)

Look Who's Cooking with Gas

Posted on July 31, 2012

[link to article](#)

RECEIVED
BY *cmh* 8/13/12 DATE

NY DAILY NEWS – A group of anti-fracking foodies threw an interesting fund-raiser at the Brooklyn Winery last week.

Their gimmick was to showcase the culinary bounty of the upstate region that's allegedly in jeopardy if Gov. Cuomo green-lights gas drilling in the Marcellus Shale. They call themselves Chefs for the Marcellus.

Guests were treated to eggplant-stuffed okra, smoked lamb belly with fermented tofu and whipped ricotta jewel on toast — along with wines from the Finger Lakes and beers from Cooperstown's Ommegang brewery.

The only thing more delicious than the menu was the irony, because many if not most of those dishes were cooked over the bright blue flame of natural gas.

That's right, the Chefs for the Marcellus saw nothing wrong with using the very same fuel they portray as a dire threat to the upstate countryside.

Plus, there's all the electricity they needed to refrigerate the okra and air-condition the patrons who had paid \$125 a pop.

Most of those kilowatts, in New York City, were produced by gas-fired power plants.

And every last cubic foot of gas they consumed originated from a hole drilled in the ground. Based on national averages, roughly a quarter of it was extracted from shale formations using the high-volume hydrofracturing method that anti-frackers are working overtime to demonize.

And some of it, in all likelihood, came from non-New York areas of the Marcellus Shale, such as Pennsylvania.

But too many anti-frackers are trying to have it both ways — to completely ban the practice in their own backyard, while continuing to take enjoy the food-cooking, house-warming, juice-generating benefits of gas drilled elsewhere.

"We all cook with gas. We all use gas," acknowledged Chefs for the Marcellus organizer Hilary Baum. "But we have to be looking at developing alternative energy sources and not be so stuck on fossil fuels."

Ah, but we are stuck on fossil fuels, at least for the foreseeable future. It will be decades, if not centuries, before we can fully replace them with renewables such as wind and solar or, if it were up to me, greenhouse-gas-free nuclear power.

Even when that day comes, I doubt any windmill will ever be able to properly char a steak or saute a salmon fillet.

Of the fossil options, natural gas is by far the greenest. Drilling has its risks, but they're minimal compared with the damage caused by carving the top off a mountain in coal country or risking an oil rig explosion in the Gulf of Mexico.

Gas burns cleaner, too. It causes nowhere near as much smog or acid rain as oil or coal. It wasn't long ago that environmental types were clamoring for New York's power industry to burn more of it.

Gas also releases much less planet-warming carbon dioxide than other fuels. According to the International Energy Agency, the United States' CO2 emissions dropped 7.7% between 2006 and 2011 — faster than any other country or region — in part because of "a substantial shift from coal to gas in the power sector."

What made that shift happen was high-volume hydrofracturing, a technology that's allowing the U.S. to tap vast reserves of clean fuel that were previously out of reach.

The benefits for the economy have also been huge. As Manhattan Institute energy expert Robert Bryce points out, fracking has helped lower the price of gas from about \$10 per thousand cubic feet in July 2008 to about \$3 today. That's

saving the American economy \$264 million a day while creating thousands of jobs.

Of course fracking can cause pollution. Every large-scale human activity does. The anti-fracking folks at the Ommegang brewery, for example, suck millions of gallons from the Susquehanna River watershed, burn propane to run their boilers and dispose of wastewater containing cleaning chemicals into leach fields on their own property.

"We try to be as clean as we possibly can," spokesman Larry Bennett told me.

The same cost-benefit logic should apply to fracking in New York — and will apply, if the Cuomo administration moves forward with what would be the toughest drilling regulations in the nation, if not the world.

"It's easy to demonize the oil and gas industry," said Bryce. "But getting along without the fuels they provide takes us back to the Stone Age."

Nobody, not even hard-core environmentalists, wants to live there.

I believe NYS has enough regulations concerning hydro-fracking, and we are not in danger of any repercussions of the current drilling operations. I am against the moratorium proposed.
Cynthia Doherty



LENAPE RESOURCES, INC.

9489 ALEXANDER ROAD, ALEXANDER, NY 14005

www.lenaperesources.com

585.344.1200

Fax: 585.344.3283

August 9, 2012

RECEIVED

BY *Cmt* | *8/9/12* DATE

"original"
signatures
120

Town of York
2668 Main Street
York, NY 14592

Dear Members of the Town Board:

Attached with this letter are petitions signed by various business owners, farmers and members of the community in and around the Town of York opposing any moratorium against the development of natural gas.

If you need any additional information or would like to discuss these petitions, please contact me at my office at 585-344-1200 x 243

Respectfully submitted,

Lenape Resources, Inc.


John C. Holko

President

Petition Supporting Private Property Rights &

Opposing Prohibition on Natural Gas

To the Town Board, Town of York and other Towns in Livingston County, New York

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#	Name	Address
	Ken Rogers	2115 Telephone Rd, Le Roy, N.Y.
	Tom Seifert	2981 TELEPHONE RD. Caledonia, N.Y.
	Frank Lafoma	2063 Casey Rd
	Cindy Doolittle	2509 Linwood Rd, Linwood, N.Y.
	Suzan George	2714 Linwood Rd, Linwood, N.Y.
	Jon George	2714 Linwood Rd, Linwood, N.Y.
	William Doolittle	2509 Linwood Rd Linwood N.Y.
	RUTH Doolittle	2715 Linwood Rd. Linwood N.Y.
	Nate Edmund	8605 Harris Rd. Le Roy, N.Y.
	Tom Corcoran	1302 McEwen Rd. Caledonia N.Y.
	Ronald Hermin	1488 McEwen Rd Caledonia NY

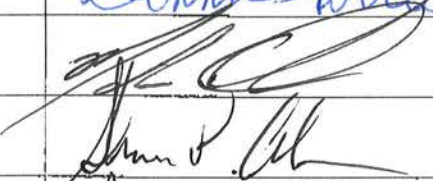
Kasey Hemm	1488 McEwen Rd Caledonia NY
Walter Keeneman	1488 McEwen Rd Caledonia NY
Jerry Lapp 40 A	2619 Anderson Rd Linwood, DE
Paul Raymond	2905 Simpson Rd York
KB	2715 Main York
Steven Linder	4360 Wadsworth RD
Tom Stolica	3693 CAL-AVON RD. CALEDONIA, N.Y.
Norma + Jim Hoag	2058 Black St Caledonia NY
James Hoag	2058 Black St Caledonia NY
Tennis Mushaghe	1896 Federal Rd Linwood
David	1753 McPHERSON RD CALEDONIA
Laura Carney	8248 Mc McColl Rd Le Roy
Arnold Sturm	2496 Elliott Rd Caledonia 14423
Alexis Hoag	2521 Telephone Rd Le Roy NY 14482
Alison Arnold	2671 Telephone Rd Le Roy NY 14482
Lara Arnold	2671 Telephone Rd Le Roy NY 14482
Jessica L. Arnold	2671 Telephone Rd, Le Roy, NY 14482
Stanley Rodgers	10386 South St Rd., Le Roy 14482
Larry B. Hoag	2263 Elliott Road Caledonia 14423
Mayorie R. Sturm	2452 Elliott Rd Caledonia 14423

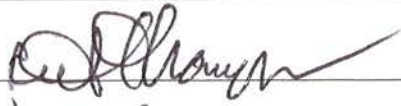
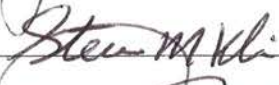
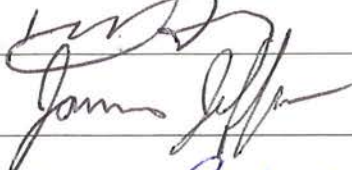

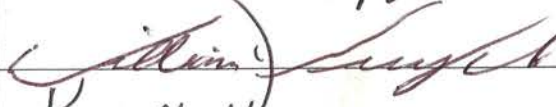
Mary D Sturm	2496 Ellrott Rd Caledonia N.Y.
Steven P. Stein	946 South Rd Caledonia N.Y. 14423
Donna Powell	2070 Linwood Rd Linwood N.Y.
Will H. Hanco	10018 Asbury Rd. Le Roy, NY 14482
Arthur Hamington	1360 Quarry Rd Caledonia N.Y.
Margaret B Hunt	1436 Middle Rd, Caledonia
IVAN KIRIYAK	1216 Leicester Rd Caledonia
Susan Davis	1640 Main St. Caledonia N.Y.
Davis Trailer World	1640 Main St. Caledonia N.Y.
Don DAVIS	11211 Perry Road Avon NY
Jim Bevell	2030 Limerick Rd Linwood
Mark T Collan	4194 Cameron Rd Caledonia
Lillian H. Stein	1102 Leicester Rd Caledonia
James W. Stein	1034 Leicester Rd. Caledonia
William I Deerp	932 Leicester Rd Caledonia
Roberta Klapper	7526 Jilton Rd Pavilion
Stephen Per	6329 Hilltop Dr. Groveland
Ram Ramous	2918 McGovern Rd., Caledonia
Leonard Ramous	2918 McGovern Caledonia
Gail M. Currie	3720 Fowcerville Rd., Avon.

Petition Supporting Private Property Rights & Opposing Prohibition on Natural Gas

To the Town Board, Town of York and other Towns in Livingston County, New York

We, the undersigned, are the Farmers, Landowners, Small Business owners and People living, working in and supporting the economy of rural New York State. A moratorium prohibiting natural gas development is a taking of our property rights, it is another unnecessary restriction on the use of our land and it hurts small business owners within our Community. I/we oppose any moratorium prohibiting natural gas development in the Town of York, or in any town in Livingston County, New York.

#	Name	Address
	JEFFREY COHEN	4294 RT 15 CALEDONIA
	Samyang Reck	4786 East River Rd West Henrietta, NY 14586
	Jim Kennedy	7 Seneca Ave, Genesee, NY 14454
	Bob VanScott	6292 Main Rd, Stafford, NY Churchville
	Colleen Conroy	715 Riga Mumford Rd NY
	Ralph A. Farnell	153 Mill Ford Crossing, Penfield
	Donna Ferruggia	153 Mill Ford Crossing, Penfield
		54 Vermont St. Nunda NY 14510
	Jim Adams	6790 Dagway Rd. Conesus NY 14435
	Steve Bartlett	6790 Dagway Rd. Conesus NY 14435
		39 Sycamore Dr. Arc NY 14414

	1478 Exchange Adcock NY
James Burnett	7928 WALLACE Rd Piffard NY 14533
	7497 Dillon Rd Pavilion
	6742 LeRoy E Bethany Pl. Piffard NY
James Jeffers	510 Wyoming Rd Wyoming N.Y.
Nancy Cutcliffe	6276 Shepard Rd Pavilion NY 14525
Edward Cutcliffe	6276 Shepard Rd Pavilion N.Y. 14525
Kno Hoffmeister	6337 Shepard Rd Pavilion NY 14525
Emily Hoffmeister	6337 Shepard Rd Pavilion, NY 14525
Nathan Hoffmeister	6337 Shepard Rd Pavilion, NY 14525
	" " " "
CHAD TILLOTSON	10311 Perry Rd LeRoy NY 14482
Herbert Tillotson	7289 Telephone Rd LeRoy NY 14482
Chris Starr	5504 W. Middleburg Rd. Wyoming NY 14591
Michael Cutcliffe	6276 Sheppard Rd, Pavilion
	2197 LeRoy E. Piffard
Kim McIlwain	30 Maple Ave, Oakfield, NY

Petition Supporting Private Property Rights & Opposing Prohibition on Natural Gas

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#	Name	Address
	Douglas G. Swader	11295 Perry Road Pavilion, NY 14525
	Tim Kerwin	7148 Court Rd. Pavilion NY 14525
	Rob Hartins	372 Transit Rd Wyoming NY 14591
	Dan Albion	11129 River Rd Pavilion NY 14525
	Tom Crato	1917 New Road Pavilion NY 14525
	Ryan Smart	1724 Rt 19 Wyoming NY 14591
	Mary Jeffries	563 Crossman Rd Wyoming NY 14591
	Randy Hagston	538 Wyoming Rd Wyoming NY 14591
	Paul J. Shihl	4881 Darby Rd Avon NY 14414
	Joe D.B.	35 East Ave. Lur Athol, NY 14011
	Tyler Schaefer	567 Crossman Rd Wyoming NY 14591

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#	Name	Address
	Roger Gray	7550 Telephone Rd LeRoy, NY
	Suzanne J. Gray	7550 Telephone Rd LeRoy NY
	Stephen Spencer	9283 Asbury Rd. LeRoy NY 14482
	Andrew Spencer	198 McBinnis Rd Scottsville NY 14546
	Stinson	7926 Telephone Rd LeRoy
	Crystal Bertner	7925 Telephone Rd LeRoy NY
	David Berry	7925 Telephone Rd LeRoy NY
	Jenni Clark	7926 Rt 20 LeRoy
	Stephen H. Spencer	7926 Rt 20 LeRoy

Petition Supporting Private Property Rights & Opposing Prohibition on Natural Gas

To the Town Board, Town of York and other Towns in Livingston County, New York

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#	Name	Address
	Jon Barefoot	1375 Middle Rd. Caledonia NY
	Scott Barefoot	Home 2009 Elliott Rd Caledonia Shop 2920 Telephone Rd York
	David F. Chapp	1650 McKenzie Rd. Caledonia, NY 14423
	JEFF HOAG	2058 BLACK STREET, Caledonia, NY 14423
	Richard E. Mills	8090 Black ST. Rd Le Roy
	Harvey A. Mills	10064 Linwood Rd, Le Roy
	Mark Cole	532 Peoria Rd Pavilion NY

Petition Supporting Private Property Rights & Opposing Prohibition on Natural Gas

To the Town Board, Town of York and other Towns in Livingston
County, New York

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#	Name	Address
	Joe Stella	Caledonia NY
	JOE BAUER	LEICESTER
	Dan Jeffres	Wyoming N.Y.
	Doug Rodlee	LEICESTER NY
	Bob Taylor	Pavilion N.Y.
	Mike Broller	Pavilion N.Y.
	Wayne Taylor	Wyoming N.Y.

[illegible]

29 names total

(Submitted by Lee Gratwick)
RECEIVED
BY CmH | 8/9/12 DATE

PETITION

We, the undersigned residents of the Town of York, petition the Town Board to place a moratorium on gas extraction using high-volume, slick water, hydraulic fracturing in the Town of York.

The methods used and the intensity of industrial development may threaten our clean air, clean water, soil, rural landscapes, and health, as well as our social and economic well-being.

#	Printed Name	Address	Signature
1	Lawrence W. Smith	2413 Craig Rd., Piffard	Lawrence W. Smith
2	Andan N. Smith	3145 York Rd. East Piffard	Andan N. Smith
3	Becky Lewis	1980 York Rd Linwood, NY	Becky Lewis
4	Roger Bruce	1980 York Rd Linwood, NY	Roger Bruce
5	Glenn Carter Bruce	1980 York Rd. Linwood, NY	G. C. B.
6	Anne Hasler	2829 Chandler Rd. Piffard, NY 14533	Anne Hasler
7	Roberta MacLean	2620 York Rd York 14592	Roberta MacLean
8	Deven Dorman	2241 York Rd West Piffard NY	Deven Dorman
9	KAREN A Kennedy	3495 BATZING Rd Caledonia NY 1442	KAREN A Kennedy
10	Catherine J. Smith	2413 Craig Rd. Piffard, NY 14533	Catherine J. Smith
11	Thomas Dorman	3154 Chandler Rd., Piffard, NY	Thomas Dorman
12	Ray Dorman	2337 Federal Rd Linwood, NY	Ray Dorman
13	Allie Dorman	2255 Cowan Rd Piffard, NY 14533	Allie Dorman
14	Bruce R Dorman		Bruce R Dorman
15	Floyd M. Gallagher, Jr.	2473 Cowan Rd., Piffard, NY 14533	Floyd M. Gallagher, Jr.

over

8 names total

PETITION

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#	Printed Name	Address	Signature
1	CAROL ELL	2682 Main St. York	<i>[Signature]</i>
2	Karl Sick	2677 York Rd. W. York	<i>[Signature]</i>
3	Jane Sick	2677 York Rd W	<i>[Signature]</i>
4	PAUL CONKLIN	2657 MAIN ST. YORK	<i>[Signature]</i>
5	Laurie Peete	2619 Main St. York	<i>[Signature]</i>
6	John Anderson	2607 LIMERICK Rd	<i>[Signature]</i>
7			
8			
9			
10			
11			
12			
13			
7	Sage Mingrino	312 Federal Rd.	<i>[Signature]</i>
8	Rene Lyness	2374 York Rd W Pittard NY 14533	

10 names total

(Submitted by Grace McLaughlin)
RECEIVED
BY CMT 8/9/12 DATE

PETITION

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#	Printed Name	Address	Signature
1	GRACE McLaughlin	3112 Federal Rd	[Signature]
2	SPRING MORROW	3410 Fowlerville Rd	[Signature]
3	Fred Mingrino	3112 Federal Rd	[Signature]
4	Brian Rensing	2630 YORK Rd W B43Y	[Signature]
5	Bryce Mingrino	3112 Federal Rd	[Signature]
6	MICHAEL DUKE	2591 GENESEE ST. PITTARD	[Signature]
7	Kurt Rothenberg	2337 Federal Rd	[Signature]
8	Barbara Higgins	3012 Main St. Pittard NY	[Signature]
9	James Vitale	2967 Genesee St. Pittard NY	[Signature]
10	Diana DeAnthony	3054 Main St. Pittard NY	[Signature]

10/18/12

- 11 MARGARET AINSLIE 2401 YORK RD W. YORK NY 14572 Margaret Ainslie
- 12 JAMES AINSLIE 2401 YORK RD W. YORK NY. James Ainslie
- 13 Julia H. McMaster 2358 Linwood Rd Linwood, NY 14486 Julia H. McMaster
- 14 TOM MCMASTER 2358 Linwood, Rd Linwood, NY 14486 Tom McMaster
- 15 ELIZABETH RHODES 2177 Linwood Rd. Elizabeth Rhodes Linwood, NY 14486

PETITION

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The methods used and the intensity of industrial development may threaten our clean air, clean water, soil, rural landscapes, and health, as well as our social and economic well-being.

- | # | Printed Name | Address | Signature |
|----|------------------|------------------|------------------|
| 16 | Eric Rhodes | 2177 Linwood RD | Eric Rhodes |
| 17 | Jessica Rhodes | 2177 Linwood Rd | Jessica Rhodes |
| 18 | Lynette Clark | 2261 Linwood Rd. | Lynette Clark |
| 19 | Lindsay Callahan | 2972 Federal Rd. | Lindsay Callahan |
| 20 | | | |

14 names

Print

address

Signature

- | | Print | address | Signature |
|----|---------------------------------|---|------------------|
| 21 | Bernard J. Logio
B. J. Logio | 2982 Federal
Road Pavilion NY | B. J. Logio |
| 22 | Travis Logio
Travis Logio | 2982 Federal Rd
Pavilion, NY 14525 | Travis Logio |
| 23 | Betty Grant | 3102 Genesee St
Pittsford NY 14533 | Betty Grant |
| 24 | Cheryl Beach | 3026 Genesee St
Pittsford, NY 14533 | Cheryl Beach |
| 25 | Carmen Wright | 3194 North Rd
Pittsford, NY 14533 | Carmen Wright |
| 26 | Rene Wright | 3194 North Rd.
Pittsford, N.Y. 14533 | Rene Wright |
| 27 | Michael Hale | 3742 E. Rd
Pittsford, NY 14533 | Michael Hale |
| 28 | Janet Craft | 2919 Main St.
Pittsford, NY 14533 | Janet Craft |
| 29 | Virginia Durbin | 2874 Main St.
York N.Y. 14592 | Virginia Durbin |
| 30 | Mary Congdon | PO Box 217
York, NY 14592 | Mary Congdon |
| 31 | Dor Congdon | PO Box 217
York, NY 14592 | Dor Congdon |
| 32 | Nick Drollette | 2875 Main St.
Pittsford, NY 14533 | Nick Drollette |
| 33 | Kathleen Freeman | 2718 York Rd E.
York N.Y. 14592 | Kathleen Freeman |
| 34 | Jim Freeman | 2718 York Rd E
York NY 14592 | Jim Freeman |

PETITION

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The methods used and the intensity of industrial development may threaten our clean air, clean water, soil, rural landscapes, and health, as well as our social and economic well-being.

#	Printed Name	Address	Signature
1	Paulette Liptak	2934 Retsof Ave York NY	Paulette Liptak
2	Peter Liptak	2934 Retsof Ave Retsof NY 14539	Peter Liptak
3	DAVID TILLEY	2869 GENESEE ST. PIFFARD NY 14533	David Tilley
4	MARY ANN MUSTARI	2877 RETSOF AVE. RETSOF, NY 14539	Mary Ann Mustari
5	JERRY JAMES MUSTARI	2877 RETSOF AVE RETSOF NY	Jerry James Mustari
6	Patricia Gardner	2714 Chestnut St York NY 14592	Patricia O Gardner
7	BONITA BOYD	2755 YORK RD. ET. York	Bonita Boyd
8	Ed Fitzpatrick	2735 Chestnut St York, NY	Ed Fitzpatrick
9	Tracy Peglowski	2712 Chestnut York, NY	Tracy Peglowski
10	Pennis Showers	2413 YORK RD W Piffard, NY 14533	Pennis Showers

PETITION

We, the undersigned residents of the Town of York, petition the Town Board to place a moratorium on gas extraction using high-volume, slick water, hydraulic fracturing in the Town of York.

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#	Printed Name	Address	Signature
1	Ellen Friedler	2650 York Rd W.	Ellen Friedler
2	William Lister	2447 Fack Rd W	William Lister
3	Brian P. RESSING	2630 YORK RD West	Brian P. RESSING
4	Valerie Zambito	2427 York Rd W	Valerie Zambito
5	Pam Battaglia	2664 Limerick Rd	Pam Battaglia
6	Paul Battaglia	" "	Paul Battaglia
7	Jerid Draper	2618 Dow rd	Jerid Draper
8	Jerry Flynn	3484 RESOLF Rd	Jerry Flynn
9	Brian D. Dineen	3243 Genesee St	Brian D. Dineen

A Town Board's Obligations

Town boards are obligated to protect town roads, houses and water.

1. The DEC *cannot* protect any roads.

The DEC is not empowered to protect town roads, county roads, or state roads.¹ The protection of town roads is totally up to the town, not the county, not the state.² If the town fails to enact a road use ordinance, the taxpayers will be obligated to pay to repair damage done by frack trucks,³ the drillers are not liable for such repairs, absent a town ordinance.

2. The DEC *will not* protect homes, businesses or water supplies.

The DEC's set backs of a gas well from structures and water supplies is the worst in the United States.⁴ The DEC's regulatory set backs for shale gas wells virtually guarantee that water wells will be contaminated⁵ and home owners will lose their mortgages and insurance.⁶ The DEC is notoriously lax in enforcing its own regulations.⁷ No town can rely on the DEC to protect water supplies or the built environment; that is not the DEC's job,⁸ it's the town's responsibility to do so.⁹ The DEC, in fact, is mandated by [Article 23 of the NYS Environmental Conservation Law](#) to '*maximize the efficiency with which oil and gas are extracted.*' As interpreted by the DEC, this leaves the protection of land uses and drinking water up to the town.

3. The town board is obligated to protect roads and land uses.

It is not only the town's right to protect its roads, if the town board reasonably believes that the roads will be damaged by frack trucks, it is the town board's obligation to do something about it. The same obligation applies to protecting land uses and water supplies.¹⁰ ***"It is a legislature's right and, particularly in matters of ... land use and planning, its obligation as well to anticipate future problems and to enact measures to guard against them, though in fact the anticipated events may never come to pass."*** Legal citation: [Town of Huntington v. Park Shore Country

¹ <http://www.scribd.com/doc/74102302/New-York-Shale-Gas-Road-Impact>

² <http://my.brainshark.com/Road-Use-Ordinances-in-New-York-224232466>

³ <http://my.brainshark.com/Frack-Truck-Convoys-By-Chip-Northrup-142091865>

⁴ <http://www.scribd.com/doc/72545747/Worst-Fracking-Regs>

⁵ <http://www.scribd.com/doc/65577477/How-Gas-Wells-Leak>

⁶ <http://www.scribd.com/doc/70784790/Fracking-the-Homestead>

⁷ <http://www.scribd.com/doc/100601387/New-York-Gas-Well-Enforcement>

⁸ <http://www.scribd.com/doc/100132075/New-York-s-Nonexistent-Environmental-Agency>

⁹ <http://www.scribd.com/doc/63141534/New-York-Gas-Well-Zoning>

¹⁰ <http://www.scribd.com/doc/100749710/Land-Use-Protections>

Day Camp, 47 NY2d 61 (1979)] The conclusion of the *Dryden* and *Middlefield* courts was that the DEC regulates *how* a gas well is drilled, but the town regulates *where* they are drilled – and has an obligation to protect land uses within the town – as towns do in other states.¹¹

4. The DEC's regulations were written by the gas industry.

The state's compulsory integration law was written word for word by Chesapeake's lobbyist.¹² As enforced by the DEC, it is the worst compulsory integration law in the United States. The shale gas regulations were drafted by Chesapeake's lobbyist, who has been given drafts to review, to insure that the DEC staff got the wording right.¹³ *Chesapeake did not write these regulations to protect houses, roads and drinking water.*

5. The town cannot rely on regulations that have not been issued.

The presumption of the "frack us first" resolution is that the DEC's shale gas regulations are sufficient to protect the town.¹⁴ That amounts to governance by wishful thinking, *because the regulations have not been issued yet.* And there is no history to indicate that the regulations will be sufficient to protect town roads, land uses and water supplies. Those protections are best addressed at the town level, not by state bureaucrats.

6. Most voters will not benefit from shale industrialization.

A recent study by Penn State confirms that most residents will not directly benefit from shale gas industrialization.¹⁵ 90% of the residents studied did not own enough land to lease, and they will be hard pressed to find work in their own town on a rig exploring for gas – to the detriment of town roads, homes and water wells.

James L. "Chip" Northrup

<http://www.scribd.com/northrup49>

¹¹ <http://www.scribd.com/doc/63141534/New-York-Gas-Well-Zoning>

¹² <http://www.scribd.com/doc/74790533/Compulsory-Integration-in-New-York>

¹³ <http://www.timesunion.com/local/article/DEC-gives-edge-to-gas-drill-lobby-3667935.php>

¹⁴ <http://www.scribd.com/doc/96473599/Frack-Us-Home-Rule-Resolutions>

¹⁵ <http://www.scribd.com/doc/100688155/Leases-Can-t-Vote>



GFS Energy, Inc.

2107 SR 44 South
Shinglehouse, Pa. 16748
814-698-2122 Phone
814-698-2124 Fax

RECEIVED
BY *CMH* | 8/14/12 DATE

August 8, 2012

Town of York
2668 Main Street
York, NY 14592

Dear Members of the Town Board:

I am sending this letter in opposition to "Local Law No. 1 for 2012" which is titled the "Moratorium and Prohibition within the Town of York, Livingston County, New York (hereinafter "Town") of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes". I am sure you are aware by now that this law directly affects numerous individuals, farmers, landowners and businesses that are either directly associated with natural gas development such as mine or rely on it for the energy it supplies or the market and customer base it creates. Having worked throughout the Town of York either directly for Lenape Resources during the drilling and completion of the wells that they have drilled or for various landowners when they connected directly to wells to receive natural gas for their homes I can not understand how or why with a historical record of drilling and hydraulic fracturing the Town of York would consider such a law.

This law not only conflicts directly with the State's role in oil and gas regulation, but reflects a taking of the landowner's mineral rights without compensation and interferes with the existing contracts that have been negotiated within the Town of York between property owners and oil and gas operators for the development of their minerals. Why the Town would pursue such a drastic measure does not make sense. New York's Division of Mineral Resources has been working for four years developing new guidelines that will be utilized with any new well development and it would be difficult for a town to exceed the work that has been done by the state. I sincerely hope that the board will terminate any further consideration of this law. Thank you for your consideration in this matter.

Sincerely,

Rod West
GFS Energy, Inc.

RECEIVED

BY *Cmt* | 8/14/12 DATE

PETITION

We, the undersigned residents of the Town of York, petition the Town Board to place a moratorium on gas extraction using high-volume, slick water, hydraulic fracturing in the Town of York.

The methods used and the intensity of industrial development may threaten our clean air, clean water, soil, rural landscapes, and health, as well as our social and economic well-being.

#	Printed Name	Address	Signature
1	<i>[Signature]</i>	1926 YORK RD W LINWOOD NY 14486	Kelly Harris
2	Charles Harris	"	<i>[Signature]</i>
3	Dean Lubberts	1810 York Rd W	Dean Lubberts
4	Kathy Lubberts	"	Kathleen Lubberts
5	Elaine Gardner	1809 York Rd	Elaine Gardner
6	Collin GARDNER	" "	Collin Gardner
7	Dennis Mellander	25574 Hamlet Rd	Dennis Mellander
8	Donna Mellander	"	Donna Mellander
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RESOLUTION offered by Mr. Deuel and seconded by Mr. Gates to officially adjourn the Public Hearing of July 24th.

Meeting closed at 4:05 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk