

York Town Board Meeting  
September 27, 2012

Present: Supervisor, Gerald L. Deming, Council Members: Lynn Parnell,  
Norman Gates, Frank Rose Jr. and David Deuel

Absent: None

Others: George R. Worden Jr. (Highway Superintendent), Roger McCracken  
(Water and Sewer Operator), Andrew Emborsky (Town Attorney) and  
attached list of guests.

Supervisor Deming opened the Town Board Meeting at 7:30 p.m. with the  
Pledge of Allegiance.

**MINUTES**

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to approve the  
minutes of the September 13<sup>th</sup> Town Board Meeting. Voted on and approved,  
Yes-5, No-0.

**HIGHWAY REPORT**

1) Maintenance:

Highway Superintendent, Mr. Worden reported the department has been  
mowing back roadsides over the past week and trimming brush in the right of  
way. Mr. Worden commented from time to time we receive a complaint that a  
homeowner is not happy with trimming of their trees, but to date no complaints  
have been lodged.

Mr. Worden stated we have completed the prep work for the Batzing Road  
repairs. We are now just waiting on the road widener for the project.

2) Machinery:

Mr. Worden reported the crew has been preparing the machinery for winter  
conditions. The majority of the equipment is now ready for snow fall.

Mr. Worden added the men are still on the work schedule of (4)10 hour days,  
and will remain on it until further notice.

**WATER/SEWER REPORT**

1) SolarBee:

Mr. McCracken reported we have obtained and sent out to SolarBee two water  
samples thus far, with more to follow over the next few weeks.

2) Route 63:

Mr. McCracken stated the Rt. 63 water main project will be underway  
effective Monday (October 1<sup>st</sup>). The project is for replacement of approximately

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GUESTS (PLEASE PRINT)

Robin Wick

ROBERTA DeLong, CFP

Laurie Schneider

Mary Peter

Jerry LaPo

Jack Crooks

Bill Gerych

Julie Mcmaster

Chris Wall

John Holko

Jeff Withman

RENE LYNESS

JERRY STURM

Tan Taylor

MIKE FARWELL

Lee Graturick

Anne Roth-Blizzard

Henry Stuller

Pat Carden

DAN TEMPLETON

Roberta Maclean

Beth Rhodes

Melissa Albee

Grayce Malaykin

Fred Mingino

Dave Nagel

Bob Thompson

Mary Ann Thompson

Gindy Carostio

Dan DeZarn

Thomas Stigill

Jon Salow

Dale Kouger

WED EDMONDS

JR Church

Julie Carostio

36

7,300 linear feet of 12-inch water main, including valves, hydrants and water services.

3) Study request:

Mr. Worden reported he received an email recently from Eric Wies of Clark Patterson Lee inquiring if the Town might be interested in participating in a THM R&D Project, by samples taken and then shipped to Clemson University. SolarBee representative, H. Kenneth Hudrell, PhD stated in the email, the project data would help them better understand the potential for trihalomethane production in our system and to more efficiently operate our system, with the addition of the new SolarBee reduction technology.

Mr. Worden commented to the Board the study could be beneficial, but feels if SolarBee wants us to participate, it should be at their expense. After little discussion, the Board agreed if SolarBee wants the Town of York to participate in the project, they should pay for the shipment of water samples collected.

Mr. Worden will notify Mr. Wies of the Board's decision.

Supervisor Deming stated due to the numerous requests for Privileges of the Floor this evening, the Board will be allowing three minutes for each person.

**PRIVILEGES OF THE FLOOR:**

1) Laurie Schneider (2656 York Road West):

Mrs. Schneider stated to the Board after the July 24<sup>th</sup> Public Hearing, she submitted a letter and two articles where state officials in Wyoming and Pennsylvania continue to raise questions pertaining to hydrofracking. Currently New York State is taking more time and finds it encouraging, and hopes the York Town Board will follow suit. Mrs. Schneider asked the Board to proceed with the moratorium.

2) Roberta MacLean (2620 York Road West):

Mrs. MacLean commented she too submitted an article two weeks ago for the Town Board and Water Superintendent to review and now has a second article to view as well. Mrs. MacLean stated the State's recent delays in permitting, allows us and other towns more time to make sure water sources are protected. Mrs. MacLean briefly read aloud a proposal prepared by Vanessa Lamers from Yale School of Forestry and Environmental Studies and Yale School of Public Health. Ms. Lamers spent the summer researching the impacts of shale gas development on water quality in rural South West Pennsylvania, and is the recipient of the 2012 Yale Center for Environmental Law and Policy Research Prize Fellowship for her proposal on hydraulic fracturing.

In Ms. Lamers' document she points out, even though many do not agree about whether fracking can be safe, there are 5 ways it could be made safer:

- #1- Use alternatives to frack ponds
- #2- Employ tracing fluids
- #3- Ensure community buy-in
- #4- Create third-party oversight
- #5- Set strict distances from water sources

Ms. MacLean commented although well drilling presents economic opportunities, its consequences are great, and are now coming to the forefront. Mrs. MacLean urged the Board once again to pass the one year moratorium.

3) Elizabeth Rhodes (2177 Linwood Road):

Ms. Rhodes stated she has been a resident of York for over 20 years. The last two years she has educated herself on the issue of hydrofracking, and hopes the Town Board understands the importance of preparing for the impacts it will have on our community. The Towns must strive to mitigate and remediate all impacts affecting our infrastructure (Water and Sewer) as well as our roads and bridges. Ms. Rhodes continued, local governments can not afford to sit back and do nothing, because they may be the first to feel the ramifications of that. By updating our Comprehensive Plan we can ensure the long range goals and plans for the York Community are considered. An updated Comprehensive Plan will play a significant role during the permitting process. Ms. Rhodes asked, what has our Town put in place in regard to hydrofracking. This is the time to address the citizens concerns, and plan accordingly so that we have a say in how it affects us. Ms. Rhodes stated she is very much in favor of a moratorium. It is not a ban, it's time to look at a complicated issue and decide the best course of action.

4) Grayce McLaughlin (3112 Federal Road):

Ms. McLaughlin stated in March of 2012 a representative from Dominion Resource Services came to her home informing her of their plans to replace existing pipe at their property, roughly 500 feet away. They not only replaced piping but added three structures to the location without having to obtain a Site Plan Review only a building permit. Ellisburg to Craig Project for a gas metering station is now on Federal Road, and has significantly altered the property visually. Ms. McLaughlin expressed concerns about possible toxins in the air with this updated system, and asked the Board to be more hands on with the hydrofracking matter and approve the moratorium.

5) Bob Wied (Lenape):

Mr. Wied asked to defer his Privilege of the Floor to Lenape Owner, John Holko.

Mr. Holko commented he was unable to attend the Public Hearing on July 24<sup>th</sup>, but certainly wanted to attend this evenings meeting. Currently Lenape has 43 active wells within the Town of York. Mr. Holko stated he expressed to the Board previously that he does not feel a moratorium is necessary drilling will not occur in our town. Mr. Holko stated he believes the past has shown Lenape as a good neighbor and feels that future experiences will not change that. Mr. Holko commented proposed Local Law #1 of 2012 would prevent him from doing business, ultimately severely affecting his company. He asked the Board not to proceed with the moratorium.

6) Henry Fuller (3566 Fowlerville Road):

Mr. Fuller stated whether a person is for or against fracking, the whole story has yet to fully come to light either way. Vertical fracking has been here for numerous years without major incident. As far as a "Right to Farm Community", the Town of York has had to endure farming procedures, and asked the Board not to approve a moratorium.

7) Rene Lyness (2374 York Road West):

Mrs. Lyness expressed since the Town's beginning in 1819, this community has endured many changes, with agriculture/farming as its main stay. Thereafter the Genesee River was at the forefront, as the York Landing became a busy port. Next came the Genesee Valley Canal to expand on the navigational time period and decrease the travel times. Many laborers arrived to work on its initial construction and increased the area's population temporarily. The Railroads then arrived, bringing their laborers to lay track, now having York experience further growing pains. The result was faster travel and our farmers took advantage of this to ship their milk to market along with other products. Salt mining had begun in Cuylerville and Retsof and large number of immigrants came to the area. Throughout the years and all of the changes we have remained an agricultural community.

During the 1980's and 90's further change occurred. The mine that had employed several generations of our people was no longer content to just mine salt. We were told no danger would occur to our land and water from storing waste ash in the empty cavities. Mrs. Lyness stated thanks to the efforts of our neighbors an organization called P.A.C.E was formed and defeated this proposal. Unfortunately, many of us lost our water supply, something we never thought could happen. Acres of land had sunk and roads were shut down and numerous wells were dry or contaminated. Neighbors' had to be relocated, some at the expense of the mine and then the mine went out of business and left the communities "holding the bag". We were grateful the Town of York expanded the Water district to include some of the affected areas. We know how important and vulnerable our water supply is, and are being asked to allow this type of natural gas recovery in our area. Are we to risk what, few financially gain from? Has the Town not learned from the AKZO Nobel issue? Is the Town Board ready to be held responsible for the consequences?

What is the harm in passing this moratorium and remaining an agricultural community. Then maybe York will still be here to celebrate its 200<sup>th</sup> birthday in 2019!

8) Lee Gratwick (1912 York Road West):

Ms. Gratwick stated her grandfather moved to this area in 1900 and experienced challenges at that time, but now we must deal 112 years later with water that may not be potable if fracking is brought to our community and disturbs the wells in the area. As the previous speaker stated, farming is a large industry of this town, but what is being proposed is a far greater industry with

major consequences. In 1994 when the salt mine collapsed many experienced financial loss and much heartache, we can not afford another mistake. We can't rely on NYSDEC, it is our responsibility for the safety of our own community. Let's not sell out our resources, a moratorium gives us the time we need, and believe it is the right thing to do.

9) Stanley Rodger (LeRoy):

Mr. Rodger requested Privileges of the Floor but did not attend the meeting this evening.

10) Davies Nagel (3558 Main Street):

Mr. Nagel stated when the Town needed to prepare a Comprehensive Plan and update zoning regulations, a working committee was formed and both were successfully completed. We are now dealing with the prospect of high volume horizontal hydrofracking coming to our community and we have no verbiage on regulations of it anywhere in either document. By not having any regulations to speak of, it puts the Town in a difficult situation if permits were applied for, not to mention additional fees for road repairs due to heavy truck traffic. Mr. Nagel expressed his concern if we do not have a land use ordinance in place, drilling rigs may be placed close to York Central School. The question asked of the Board is: "Does the Town Board have plans to appoint a working committee to update our zoning in order to address these issues as well as the questions relating to the hydrofracking industry?"

Supervisor Deming replied the Town Board has discussed plans for a committee, and will be seeking members shortly.

11) Melissa Alber (2345 Linwood Road):

Ms. Alber stated she has been a teacher for the past 15 years, half of that time as a teacher of global studies. The course educates students on the unique events that have occurred throughout history and questions how it could have come about. It asks how the government allowed these events to happen, with the answer most often being "follow the money".

The past ten years the fracking industry has given over 20 million dollars to current congressional members, and spent \$726 million on lobbying, to persuade federal authorities to ignore the dangers of hydrolic fracturing. These promises allowed the industry to systematically exert themselves from most major environmental laws. Ms. Alber commented she feels people and government may be swayed by the possibility of money, ultimately at our expense. After much research she determined that the quick money the gas company is promising in the short term, will end up costing us more. Housing is a major area of concern. In fracking communities, home values have dramatically dropped. Banks are refusing to give mortgages to homes with gas leases. Wells Fargo, Tompkins Trust, Bank of America, GMAC, Solvay Bank and others are either imposing large buffer zones or not loaning at all. Insurance companies as well are concerned, and are dropping coverage to property owners with fracking wells, and to their surrounding neighbors. Additional housing concerns are for fixed income families. With the increase of out of state rig workers needing housing, rents

where fracking is occurring have doubled, tripled and in some cases quadrupled, putting homes out of reach for community members. The old saying rings true when something seems too good to be true it usually is, and there is no such thing as “easy money”.

Ms. Alber urged the Board and the community to take a long look at the true economic costs of allowing fracking to occur in our township. No amount of money is worth it if it destroys our community and our way of life, follow the money and do the math....pass the moratorium.

12) Cindy Carestio (Livonia):

Ms. Carestio stated she resides in Livonia, and is pleased that her Board has already approved a one year moratorium, and urges the York Board to follow suit. Ms. Carestio stated she feels imposing the moratorium is in the best interest of the Town of York. Currently State and Federal regulations do not classify fracking waste as hazardous, and DEC Laws exempt waste, and feels it is a true threat to Public Health. Chemicals used are highly toxic in the range from 25-75%. Ms. Carestio stressed the need for the Town Board to pass the moratorium as a form of protection for the community.

13) Jamie Carestio (Groveland):

Mr. Carestio stated he is an organic farmer from Groveland and has many concerns regarding fracking and the impacts it will have in this town as well as other areas. Mr. Carestio addressed health concerns, road damage and ultimate repairs to the roadways as issues of importance to consider. As stated earlier in the evening, recent study reflects mortgage applications and property values being severely affected by well sites. Many applicants located within 100 feet of a drill site can be and have been refused loans. In areas such as Texas, residents are seeing long term economic affects for years. Mr. Carestio asked the Town Board to pass the moratorium this evening.

14) Anne Roth-Blizzard (1891 Limerick Rd.):

Mrs. Blizzard commented she has seen signs throughout the Town touting job creations in the gas industry. Questioning the actual numbers, she researched employment statistics on hydrofracking in other states. What was actually discovered was that the predictions provided by the industry were overstated. Shale gas drilling relies mostly on out of state workers. Those companies employ their own experienced personnel. By using their trained workers it saves the gas company time and money. The majority of the drillers are transient workers who return to their communities once the job is completed. The Marcellus core industries in PA projected that 200,000 jobs would be created in the gas extraction industry by 2015. Pennsylvania Department of Labor and Industry data reflects actually only 4,144 local jobs in the 5 years since the shale boom began.

In the NYSDEC SGEIS report, 17,000 jobs are projected in New York for well construction. When you review the actual data for drilling operations, the majority of these jobs will be filled by young males, out of state such as Texas or Oklahoma, not by local workforce. Mrs. Blizzard asked the Board how the Town of York plans to accommodate the housing needs of the influx of out of state

workers? With hydrofracking comes the eventual need for municipal services. In addition to the temporary housing issue, communities across the United States have experienced explosions, fires, spills, stream contamination and well pollution. With these type of incidents, additional stress has been placed on EMS units, local emergency services, fire departments and hospitals.

Mrs. Blizzard asked what type of planning, preparation and training has the Board considered for the safety of the residents of this community and the potential drilling employees. Enact Local Law #1 of 2012, we need to take the time to thoroughly and carefully examine the many significant changes hydrofracking would bring to this community.

15) Robert Thompson (Livonia):

Mr. Thompson stated his original intention was to speak to the Board about the economics “finances” of fracking, but decided instead to focus on the comments already expressed this evening. Mr. Thompson stated the Board needs to fully listen to the constituents and their concerns. The Board cannot delay in a decision because permitting may come at any time and the Town should already have something in place, or it could be too late and consequences may be extreme. Mr. Thompson strongly urged the Board to pass a one year moratorium.

16) Mary Ann Thompson (Livonia):

Mrs. Thompson read aloud from a newspaper “The Flowback”, this particular segment entitled, The costly consequences of Hydrofracking, by Mayor William Sciscoe of Dish, Texas.

“Oil and gas production is a dirty, filthy, nasty business. Anyone who tries to paint it otherwise is a liar. Your serene, picturesque countryside, small town lives, scenic drives through Norman Rockwell-like views, and the peace and quiet are all going to be decimated. There will be ugly well sites every mile or so”.

Mrs. Thompson continued, there will be heavy trucks on all roadways to and from and drilling rigs and compressor stations with multiple diesel engines at full power. “There will be pipeline metering stations, with high pressure pop off valves releasing one hundred million cubic feet of raw natural gas into the atmosphere”. Mayor Sciscoe commented, we were told there was nothing to worry about, the gas is lighter than air and goes straight up. They proved the theory wrong, the gas fumes, including the toxins and carcinogens, hugged the ground until moved out by the wind. Mayor Sciscoe made it clear he was not against the oil and gas industry, just the opposite, he and his family have been in the business for generations, but stressed this practice is much different.

Mrs. Thompson asked the Board to take the time to make the proper decision for the York community, pass a moratorium.

17) Fred Mingrino (3112 Federal Rd.):

Mr. Mingrino thanked the Board for the opportunity to speak this evening and for putting together other informational gatherings that helped residents get involved and educated about the dangers of hydrofracking.

Mr. Mingrino stated after listening this evening, he is now well aware that the Town of York is not ready for the undertaking of this industry. He asked the Board to enact a moratorium in order to have the time necessary for planning.



Mr. Mingrino commented the Board has a choice. This community can be seen as failing to demonstrate sufficient mental strength and courage in the face of a challenge or we can show that we have the ability to stand up for what is right for our Town. Mr. Mingrino expressed a statement made by a Lenape representative at a Frack forum at York Central earlier this summer. A question was asked regarding safety issues and problems encountered in Pennsylvania due to hydrofracking. The Lenape response was, “ We can’t get away with in New York what we were able to do in PA”. With a moratorium this is our opportunity to put safety measures in place and conduct advance planning. Mr. Mingrino stated we do not want to send our Supervisor to a Board of Supervisor’s meeting as the representative of one of the only towns left in Livingston County not supporting a moratorium for their community.

Please join the other 11 Town Boards in our County that have enacted a Local Law for a one year moratorium.

Submitted by  
Roberta Maclean

9/27/2012

<http://sagemagazine.org/?p=4442>

September 17, 2012 at 1:19 am

**Solutions From the Gas Fields** by *Vanessa Lamers*

*Vanessa Lamers is a Joint MESC/MPH Candidate at the Yale School of Forestry and Environmental Studies and the Yale School of Public Health. She spent the summer researching the impacts of shale gas development on water quality in rural southwestern Pennsylvania. Vanessa is the recipient of the 2012 Yale Center for Environmental Law and Policy Research Prize Fellowship for her proposal on hydraulic fracturing.*

In Texas in 1999, as the story goes, an inattentive, possibly bored researcher flipped a switch that would change US energy for decades to come. Instead of pumping a specially prepared gel into his test gas well, the researcher accidentally sent down millions of gallons of water. The result of this experiment was the controversial process now discussed daily in newspapers across the country: hydraulic fracturing.

Hydraulic fracturing, commonly known as fracking, is merely one of the many steps involved in extracting natural gas from shale rock deep underground. Fracking uses highly pressurized water, mixed with sand and chemical compounds such as biocides, to break the rock and pipe up the gas. This new technology allows drillers to access unconventional natural gas deposits, like those trapped in shale, driving down energy costs and helping the nation wean itself off coal.

Fracking's detractors are numerous and vehement. Yet despite numerous reports and lawsuits alleging water, land, and air contamination, as well as animal and human health impacts, shale gas development is growing both domestically and internationally. Despite being banned in places as diverse as France and Vermont, and delayed beneath moratoriums in New York and Maryland, fracking is nonetheless spreading, from Ohio to South Africa.

Hydraulic fracturing, for better or worse, is likely here to stay. But we must also acknowledge that energy extraction confers inherent risks, and discuss how to improve the process. Even if we don't all agree about whether fracking can be safe, here are five ways it could be made safer:

**1) Use alternatives to frac ponds.** Impoundment ponds, or "frac" ponds, are essentially open pits that collect the chemical and liquid waste flowing back out of gas wells. Regulations vary widely from state to state about what type of liner, if any, must be laid down to prevent the waste from leaching into the ground. States also disagree about how to eventually dispose of the waste.

Frac ponds are one of the riskiest, least certain aspects of shale drilling: plastic liners leak, rains overflow the ponds' rims, pets and wild animals fall into ponds, and hazardous chemicals are left to aerate or leach. Impoundment ponds are no longer best practice — which is why, if fracking commences in New York, the state will require a closed-loop system of tanks, now used by some companies, to deal with the waste.

**2) Employ tracing fluids.** Currently, there is little courts can do to determine the truth of claims that fracking contaminates waterways. One popular suggestion, proposed by many stakeholders and creative scientists, is to include some type of tracer device, such as a color or a chemical, to follow fracking fluids through the environment.

This solution wouldn't track the leaching of natural gas through old mines or fissures, but it would help companies, overseers, and policy-makers understand how chemicals flow deep underground, especially when multiple companies are drilling in one area. Such tracers would hold companies accountable to the environment, to landowners, and to stakeholders.

**3) Ensure community buy-in.** As a Pennsylvanian judge once ruled, municipalities should be able to determine their own character. Cities and regions accomplish this self-determination through zoning laws, giving citizens the power to make informed decisions about the risks and benefits that energy projects bring to their communities. Towns then independently allow or disallow industrial, business or residential zoning in particular areas. However, new laws such as ACT 13 in Pennsylvania and Senate Bill 315 in Ohio strip municipalities of their right to define their own character, and thus prevent them from having a say in the welfare of their own communities.

Forcing industrial processes such as oil and gas drilling onto a community is a lose-lose situation. Residents are disenfranchised and disempowered, and the companies find themselves unwelcome. Complete participation and transparency should be the gold standard, with community members involved in the entire process.

Hello My name is Beth Rhodes. I have been a resident of York for over 20 years.

Whether you are antifracking or profracking everyone should be asking what has our town done to prepare for the possibility of hydrofracking. I will admit that I had no idea of what hydrofracking was until a couple of years ago. I have been doing a lot of reading on the issue and a common thread is how important it is for towns to prepare for the impact hydrofracking will have on the community.

~~I started looking for what kinds of preparations we should~~

The New York State Law & Practice Report states that municipalities must plan for the activities + impacts associated w/ predrilling, during drilling and post drilling.

Towns should strive to mitigate + remediate all impacts from

hydrofracking that can affect the infrastructure including, but not limited to local roads <sup>bridges</sup> that are impacted by heavy truck traffic. This can be done by developing a comprehensive town plan, using ~~land use~~ laws of general applicability, road use regulations + agreements and host community agreements.

Local governments cannot afford to stand idly by because they will be the first to feel the major impacts. Through ~~land use controls~~ local governments can empower themselves to ~~control~~ have control over. By updating our local Comprehensive plan we can ensure that the long range goals + plans for our community are considered. A comprehensive plan will play a significant role during the permitting process.

that may ~~can~~ be enacted include light noise dust odor stormwater management

regulation + land use provisions concerning industrial uses

In NYS The Vehicle + Traffic Law gives local government authority to regulate local roads. A town can establish haul routes, restrictions can be placed on hours of operations and type of trucks (excluding double trailers).

Agreements need to be reached on who is going to pay to maintain and repair the roads. ~~that are used by numerous trucks carrying very heavy equipment.~~

What has our town put in place with regard to hydrofracking. Have we made any kind of comprehensive plan ~~to deal with hydrofracking~~ introduced any new zoning or made any kind of provisions for the many issues that our citizens are concerned about.

This is the time to address ~~these issues~~. the zoning + planning for these issues so that we can

have a say about how this affects our community.

Personally I would never enter a business contract without making sure that I had done everything possible to protect my interests. I feel our town should do the same - we need the time to get prepared - that is why I am in favor of the moratorium. It is not a ban ~~it gives~~ it just gives us the time to look at a very complicated ~~and prepare~~ issue and decide on the best plan for our town.

Since York's beginning in 1819, our little town has endured many changes. York was originally founded as an agricultural community with farming as its mainstay.

Shortly thereafter it was discovered that the Genesee River could be navigated during certain months of the year. The York Landing became a busy port for the towns to the West of us during those months and traffic increased on "Skinner's Road". Wheat and Lumber made up the bulk of the shipments from our port.

Next came the Genesee Valley Canal to expand on the navigational time period and decrease the travel times. Throngs of laborers arrived to work on its construction and temporarily increased the area's population. Wheat and Lumber were still the major shipments.

Then the Railroads arrived bringing their laborers to lay the track. York again experienced growing pains. The result was faster travel and our farmers took advantage of this to ship their milk to market along with their other products.

Salt mining had begun in Retsof and Cuylerville and again an influx of immigrants arrived in our area. As the mines became more mechanized the labor force shrank again.

Thru each of these endeavors York has remained an agricultural community. It has repeatedly expanded and contracted but it has survived as an agricultural community.

We have our forefather's to thank for this as it was their faithful stewardship that has kept our lands fertile.

However, during the 1980's and 90's things began to change. The mine that had employed several generations of our people was no longer content to just mine salt.

We were assured that there was no danger to our land or water from the storing of waste ash in these empty mine cavities. Some of us naively believed this and took their promise at face value.

A big "Thank you" to our neighbors who formed PACE and defeated this proposal.

Then, much to our surprise, that which we were told would never happen, did! Many of us lost our water supply. Acres of land sunk and roads had to be shut off. Some in neighboring communities even had to be relocated. Some of this was paid for by the mine's money. But alas, the mine went out of business and left the communities holding the bag.

Another "Thank you" this time to the Town of York for expanding the water district to include some of those affected by this.

That brings us to today. We are no longer naïve. We know our water supply is vulnerable. We know that land can be rendered uninhabitable.

Thanks to the information available to us we know that:

Lakes can be polluted-Onondaga Lake near Syracuse NY from industrial waste heavy with mercury.

Land can be poisoned- Love Canal near Niagara Falls NY from chemical waste.

And Underground water reservoirs can be breached and diverted-York/Leicester/Avon area by AKZO/Nobel mine collapse and ensuing seismic activity.

Now, we are being asked to allow this type of natural gas recovery in our area. The risks are groundwater contamination, methane leaks into the air, gases and hydraulic fracturing chemicals migrating to the surface, the possible mishandling of waste and health effects from all of these.

Are we to risk what we already have so a few among us can gain financially?

Has this town not already learned its lesson from AKZO/Nobel?

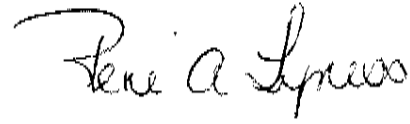
Is this board ready to be held responsible for the consequences?

What is the harm in passing this memorandum and remaining an agricultural community?

*moratorium*



Then maybe, just maybe, York will still be here to celebrate its 200<sup>th</sup> birthday in 2019.

A handwritten signature in cursive script that reads "Gene A. Lyness". The signature is written in black ink and is positioned to the right of the main text block.

My name is Dave Nagel and I'm a resident of the Town of York.

I just have a quick question for the Town Board.

When the town needed to complete a comprehensive plan and to update our zoning, the board appointed working committees to do this and both documents were successfully completed. Included in the zoning were 11 pages dealing with wind power as many of us had concerns about that industry.

We now find ourselves dealing with another industry, high volume, horizontal hydrofracking but there is not one word in our comp plan or zoning that deals with this.

It is my understanding that this omission will leave the town in a very bad situation if any part of this unconventional fracking comes to the area.

For instance, if the town doesn't have the protection of a road use ordinance the taxpayers will have to pay for the road up keep from the resulting increase in heavy truck traffic.

If we don't have a land use ordinance the drilling rigs may be placed close to York School.

So my question for the Board is this: "Does the Town Board have plans to appoint a working committee to update our zoning in order to address these issues, as well as the many others that may relate to this high volume, horizontal hydrofracking industry?"

Thank you.

*Melissa Alber*

I have been a teacher for the past 15 years about ½ of those as a teacher of global studies. In the course of educating students about any variety of atrocious and/or unbelievable events that have occurred throughout history the question invariably arises – How could this happen? How could the government allow this to happen? Unfortunately, the answer is almost always the same - “follow the money”.

Over the past 10 years the fracking industry has given over 20 million dollars to current members of congress and spent \$726 million dollars on lobbying, in a campaign to persuade federal authorities to ignore the dangers of hydrolic fracturing. Such promises have allowed the industry to systematically exempt themselves from most major environmental laws.

I am afraid that some citizens as well as our government may be being swayed by the idea of making easy money or fast money at the expense of losing our way of life here in York.

After doing some research I have found that the quick money the gas company is promising in the short term, will end up costing us much more than we are bargaining for.

My first area of concern is housing. For most of the families here in York their primary investment is their home. In communities where fracking is occurring, home values have dropped dramatically. Just one example is the home and 10 acre horse farm of Tim and Christine Ruggiero of Eastern Wise County, Texas which they opened up to the fracking industry. Their home went from an assessed value of \$257,000 dollars on the 2010 tax role to a property now worth \$75,000

Banks are regularly refusing to give mortgages to homes with gas leases. Bank of America, Wells Fargo, Tompkins Trust, GMAC, Solvay Bank and many others are either imposing large buffer zones around homes as a condition to the loan or not loaning at all. Likewise, insurance companies are dropping coverage to not only properties with fracking operations, but to their neighbors as well.

Another housing concern is for families in York on fixed incomes. With the influx of out of state rig workers needing housing, rents in areas where fracking is occurring have doubled, trippled and even quadrupled, thus putting affordable housing for members of this community out of reach.

This brings me to the false notion that allowing hydrolic fracturing will create jobs for people in this area. This has also been proven to be false as most of the employees used in this industry are imported out-of-state contract laborers who pay taxes in the state in which they live, not here in New York.

As you can see our town budget will be quickly eaten up by decreases in tax income from lowered property values, the costs for repairing roads and bridges, increased costs for social services and emergency 1<sup>st</sup> responders, and any number of other issues we haven't yet foreseen.

When something seems too good to be true it almost always is, and there really is no such thing as "easy money". I urge the board as well as my neighbors and fellow members of the community to take a long hard look at the true economic costs of allowing High Volume Hydrolic Fracturing to occur here in York. No amount of money is worth it if it means the destruction of our way of life.

Follow the money! Those of us who stand here speaking out against fracking do not stand to gain financially by doing so. The gas companies, whose pockets are much deeper than any of ours DO! Their interest is NOT in making money for the Town of York or its citizens. Their interest is in making money for themselves. FOLLOW THE MONEY and DO THE MATH.

## Jobs

I have noticed signs about town touting job creation in the natural gas extraction industry. Curious about actual numbers, I spent a considerable amount of time reading up on employment statistics in high volume hydrofracking in various states. I read information both from the industry and its promoters and from the communities actually supporting the industry.

What I discovered is that the rosy predictions provided by the industry are significantly overstated.

Shale gas drilling relies largely on out of state workers. Companies employ their own experienced people who follow new well development. Using their trained workers saves the gas companies time and money for training new employees. Most drillers are transient workers who return to their home communities after their job is done.

The Marcellus core industries in Pennsylvania projected that 200,000 jobs would be created in natural gas extraction by the year 2015. However, PA Department of Labor and Industry data states that Marcellus core industries have actually created only 4,144 local jobs in the 5 years since their shale boom started. These numbers fall far below initial industry projections. ~~Yes, jobs have been created, but it is important to view industry projections with a huge grain of salt. They are greatly exaggerated in order to promote the interests of the gas corporations.~~ When gas companies in PA were surveyed for data on actual job creation, results revealed that 70 to 80 percent of all oil and gas industry employees are out of state workers.

Very few local citizens are hired. Any local employment usually involves retail jobs in the food service industry, parts suppliers and other support businesses. Most of these are part time, short term or low paying.

~~While some local jobs will be created to support the hydrofracking industry, the potential for damage to employment in existing industries such as tourism and agriculture is a significant counter balance to consider.~~

In the NYSDEC SGEIS report, 17,000 jobs are projected in NYS for well construction. When you look at actual industry data for drilling operations, the majority of these jobs will be filled by young males from states with established drilling operations such as Texas and Oklahoma, not by local workers.

How is the town of York preparing to accommodate the housing needs of the inevitable influx of the out of state workforce? Are we prepared to construct housing units made up of trailers and easy to assemble, poor quality apartment complexes? What effect will these have on existing rental units, home values and the quality of life we currently enjoy?

Respectfully submitted,

  
Anne Roth-Blizzard  
1891 Limerick Rd. Linwood

## Emergency Services Considerations:

With Hydrofracking and related industry comes a surge in the need for municipal services. Temporary population will increase, requiring a need for housing. In other communities supporting high volume hydro fracking operations, much of the housing takes the form of clustered temporary trailers. There are skyrocketing rents, increased traffic and the inevitable need for enhanced law enforcement.

Communities across the US in which hydrofracking is part of the landscape have experienced explosions, fires, spills, stream contamination and well pollution. These incidents have placed enormous stress on local emergency services, including volunteer fire departments, EMS units and hospitals,

Typical emergency situations which are likely to occur include:

1. Well fires causing burns and serious trauma. Extinguishing well fires typically requires 2 to 3 million gallons of water, large diameter hose pump relays, massive industrial tanker shuttles and fire fighters and emergency personnel who have received specialized training.
2. Accidents on drilling rigs which require technical rescue, involving the use of specialized techniques and equipment.
3. The potential for explosions.
4. Chemical leaks are not uncommon in hydrofracking operations.

York, surrounding towns and Livingston County will need to develop incident action plans, and a Risk Management Plan, involving multi-agency collaboration.

An emergency evacuation plan for schools, highways and neighbourhoods will be needed.

Emergency routes need to be planned. GIS addressing maintenance is essential in enhanced 911 tracking.

Medivac resources will need to be available for burns and serious trauma.

A medivac landing zone should be planned.

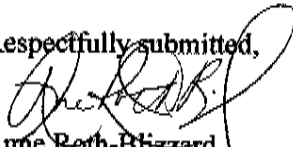
All medical and emergency personnel will need targeted training to deal with the type of injuries they will be treating.

What specifically have you considered regarding the extensive planning, preparation and training involved in ensuring for the safety of local residents and drilling employees?

What drilling company fees, needed to offset York and Livingston county taxpayers bearing the brunt of increased costs to our town and county for emergency services, water monitoring and public health surveillance, have you considered?

I ask you to please enact Local law # 1 of 2012 to ensure the proposed moratorium becomes a reality in the town of York. It is essential that we take the time to thoroughly and carefully examine the many significant changes high volume hydrofracking would bring to our community.

Respectfully submitted,



Anne Roth-Blizzard

1891 Limerick Rd. Linwood

Thanks for giving us all the opportunity to speak tonight. Unfortunately, after hearing our good neighbors speak, I see that we are not remotely ready to deal with this industry.

It takes a special person to admit that they are not prepared to deal with a situation like the one we now face. We are asking all of the board members to agree that much work & planning needs to be done and only, ONLY a moratorium will give us the time to do this.

We are not ready for this on any level and don't let anyone tell you otherwise.

You have a choice. This community can be seen in one of two ways. We can be seen as failing to demonstrate sufficient mental strength and courage in the face of a challenge, or we can show that we have the ability to stand up and do what is right for our town in this most difficult situation.

I also want to thank the board for putting together several informational gatherings that have helped get many of us involved & educated about the dangers of hydrofracking.

I want to share with you one statement that was made at the Frack Forum this summer in our school auditorium.

The gentleman who represented Lenape said in response to a question regarding safety issues & problems that were encountered in their hydrofracking operations in PA.

He said " We can't get away with in NY what we were able to do in PA." I repeat "We can't get away with in NY what we were able to do in PA."

2

Only you five board members & our planning board can make that statement a reality.

If we do nothing, gas companies can do anything. However, if we take the time to put safety measures in place, do some advanced planning, and get our zoning board to take these issues seriously, then and only then will we be able to safely say, if we allow them to drill here, they won't get away with the things they got away with in PA.

We need a moratorium in order to do this.

Let's not isolate ourselves.

Do we want to send our supervisor to the next Livingston County Board of Supervisors meeting as the representative of the one town that does not support a moratorium for it's people...Excuse me, there is on town in our county that supports fracking...but we should all remember this is the same town that was all for putting incinerator ash into our salt mine days before it collapsed 2 decades ago.

So as I said, do we want to send our supervisor to the next meeting as a representative of a town that does not support a moratorium for it's people.

Or, do we want to send Jerry Demming to work with a group of 12 supervisors, whether they support hydrofacking or not, are intelligent enough to know that they are not prepared to deal with this right now and must either decide to ban this practice in their communities or safeguard themselves if or when this industry arrives. We need a moratorium if we are to share this vision.



3

This auditorium is filled with people on both sides of the aisle whom are willing to help with all the work that lies ahead. Please join the other 11 town boards & supervisors in our county and vote for a moratorium unanimously as soon as possible. All of us are ready. Let's get to work. Thanks for listening.

FRED Mingrino

## **OLD BUSINESS**

### 1) Proposed Local Law #1 of 2012:

Supervisor Deming commented when the Board initially discussed a moratorium for the Town of York, it was for the purpose of updating areas of our Zoning Regulations and Comprehensive Plan. As the months have passed, he has had further concerns on whether or not NYSDEC's regulations would be able to fully cover us pertaining to hydrofracking. In his opinion, he does not feel they can completely protect us. York Central is a major concern and with current zoning, we cannot protect the area around the school if fracking was to come to this community as it stands right now. Mr. Deming stated that Lenape has always been a good neighbor and great to work with, and feels the proposed Local Law would not adversely affect their existing business.

Supervisor Deming reflected on a comment made by a young man the night of the Public Hearing in July. He asked that the community come together to protect what we have and to remember the moratorium would only be a one year pause, time to educate ourselves. Mr. Deming stated he fully agrees.

Councilwoman Parnell stated she supports a moratorium for the Town of York for the preparation of much needed regulations. Protecting private property, YCS and the roadways should be a priority. It is better to be safe than sorry.

Councilman Rose stated he is in favor of a committee to look at our existing zoning regulations, while preserving property values. Mr. Rose stated he has spoken with many farmers and property owners who have wells, and feel they need representation as well and does not support a moratorium at this time.

Councilman Deuel stated he has spent a great deal of time researching fracking, and expressed to the Board early on that in order for him to agree to move forward with a moratorium, it would have to serve a practical purpose, not a political statement against the process of hydrofracking. Mr. Deuel admitted he and his wife currently have a lease with Lenape Resources and have not experienced any negative results. Mr. Deuel stated he too understands the concerns of the community. He is very involved with wildlife, owns numerous acres of land and produces vegetables for a local farmer's market, so he feels he certainly knows the importance of land. Councilman Deuel stated he appreciates others' opinions, but after studying the Town of York's geology he realized that the Marcellus Shale is too close to the surface, which means they would not be drilling here in York. Mr. Deuel stated after review of the material he felt a moratorium was not necessary, but did agree a committee to update our zoning and comprehensive plan would be appropriate.

Councilman Gates stated as a dairy farmer, the business he and his family own continue to be held accountable with many regulations to meet. DEC has prepared numerous guidelines to follow and believes the Town can rely on those if needed. Mr. Gates agreed forming a committee to update zoning is a way to do what we need to do without having to enact a moratorium.

Attorney Emborsky stated the record should reflect that a moratorium is classified as a Type II action under the NYS SEQR regulations, and that Type II actions are essentially exempt from SEQR review and do not require an environmental assessment form or any further review.

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to approve Local Law #1 of 2012. Voted on, Yes-2, No-3:

Gerald L. Deming	Aye
Lynn Parnell	Aye
Frank Rose Jr.	Nay
David Deuel	Nay
Norman Gates	Nay

RESOLUTION FOR LOCAL LAW #1 of 2012: **FAILED**

### **NEW BUSINESS**

1) YCS informational meeting:

Supervisor Deming informed the Board of an upcoming informational meeting at York Central School in the auditorium, on Tuesday, October 2<sup>nd</sup> at 7:00 p.m. The Town of York and York Central School District are jointly applying for a grant (Safe Routes to School) to improve walking and biking routes to the school. The project involves installing sidewalks and crosswalks in the area near the school campus, and will improve pedestrian safety.

All residents are welcome to attend.

2) York/Leicester Youth:

Supervisor Deming reported we received a letter of resignation from Brad McClain as the York/Leicester Youth Baseball Coordinator, due to time restraints.

3) County Planning:

Councilman Deuel stated Livingston County Planning Department is asking residents of the county to complete the Transportation Connectivity Plan survey. The survey is a county-wide effort to create a more complete transportation system. For further details residents are asked to contact the Planning Department directly.

### **BILLS**

RESOLUTION offered by Mr. Gates and seconded by Mr. Deuel to approve all claims brought before the Board. Voted on and approved, Yes-5, No-0.

General Fund Claim	# 265-276	\$ 14,869.71
Joint Water & Sewer	# 264-274	\$ 9,680.45
Youth Fund Claim	# 18	\$ 575.41
Highway Fund Claim	# 183-191	\$ 23,666.73

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Deuel to adjourn the Town Board Meeting until October 11<sup>th</sup>. Voted on and approved, Yes-5, No-0.

Town Board Meeting closed at 8:40 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk