

Steering Committee- Zoning Review for Hydrofracking
October 18, 2012

Present: Committee Members- Jack Ellis, Larry Smith, Lynn Parnell, Steel Fuller, Heather Grant, Frank Rose Jr. Others- Supervisor Jerry Deming, Attorney Andy Emborsky, Davies Nagel, Pat Gardner, Renee Lyness, Fred Mangreno

Mr. Deming commenced the meeting at 7:10 pm- explained that this would be the first organizational meeting for the Steering Committee to review the Town zoning in regards to hydrofracking. Need to work toward a common goal of what is best for our community.

Intro:

Mr. Emborsky explained that the charge of the committee is to determine what if anything the Town should do with regard to restricting and/or banning fracking. It is important for the committee members to familiarize selves with the comprehensive plan. He explained that we cannot regulate the gas industry but we do have the ability to ban and zone- we should consider both restrictions because once the state allows permits for fracking, we lose all ability to ban or restrict within our own Town. He stated that we are limited in what we can do with the restrictions and basically can only say where the fracking may occur in our Town boundaries. Mr. Emborsky suggested that all committee members need to thoroughly review the comp. plan, zoning and state regulations- once this is done we can engage in discussion of what steps we need to take.

Mr. Ellis asked if we come to a resolution as a committee- what happens next, does it go to a vote?

Mr. Emborsky said yes, it would be a public referendum. After a vote, attorneys will hash out the info and formulate a final draft. He stated that no one is sure what the state is going to do in regards to fracking or what the time frame will be. Now is the time to act- critical because if committee says yes to a ban then we can put it in place before too late.

Mr. Deming clarified that once someone applies for a permit if NYS allows, the Town loses all ability to place a ban on fracking.

Mr. Smith said he hears that there are approx. 40-50 wells in the town- how many owners does this actually represent?

Mr. Deming stated that 95% of the gas wells in York are located in the Northern end of Town.

Questions/ Issues to consider:

Mr. Smith stated that it seems very difficult to tax this industry- a majority of the community does not receive benefit from fracking when it enters into a region- mostly just landowners.

Mr. Deming proceeded to list other questions/issues he would like the committee to think about...

1. NY State says drilling cannot happen within 1,000 feet of gathering place- is that enough?
2. What about a road use agreement being developed by the County?
3. What about drilling near the salt mine- bad idea?
4. Where will the waste go if fracking comes to York?
5. What is the water source to be used?
6. Noise level- will our existing noise ordinance cover issues with fracking noise pollution
7. What about the lighting?
8. What would the hours of operation be?
9. Will there be temporary housing put up?
10. How does it affect traffic in the hamlets?
11. Storage areas?
12. What would a fracking permit cost? Taxing issues
13. Aquifers- keeping them safe
14. All water wells existing now should be tested before any permit given
15. Vibration
16. Emissions
17. Storm water

Mr. Ellis said that the DEC would watch over the industry. Mr. Deming said they just don't have the manpower to control all of it. Mr. Ellis has worked with DEC on other situations where they had to disturb ground.

Mr. Deming also brought up the liability issue- would a land-owner be liable if problems arise due to fracking for which they were leasing their land. Mr. Emborsky was not sure about this issue. He said it would be a sticky scenario but if York manages to update the zoning and put clauses in that landowner and company are both responsible, we could use this but it might also be struck down. That is why this committee is working now- to formulate answers to all of these issues.

Mr. Smith stated that the current York zoning has a very specific wind energy section. Mr. Rose agreed that this might be a good guideline to use when drafting zoning for fracking.

Committee Organization:

Chairman will be Jack Ellis- all in favor. Also Heather Grant will be secretary- all in favor. All committee members filled out information- name and email. Committee decided to meet every week on Wednesday evening at 7:00 pm at the Town Hall through the end of November. Dates for upcoming meetings: 10/24, 10/31, 11/7, 11/14, 11/28. Mr. Deming requested to have a written report submitted to the Town Board once a month- first report will be due 11/20- one member of the committee should be present at Town Board meeting.

Tasks to complete for next meeting:

- Mr. Ellis recommended that everyone review the current zoning of the Town of York- especially the wind energy section.

- Mr. Ellis will contact the Supervisor of the Town of Avon to gain further input.
- Mr. Emborsky stated that he will try to be at all of our regular meetings.
- Mr. Deming stated that he would be able to contact engineers if we needed their input as well. Mr. Deming will also look into scheduling a tour to visit a fracking facility and community soon.
- Mr. Fuller or Ellis will try to obtain a map of the salt mine with an overlay to see exactly what the extent of it is.
- Everyone on committee should make a list of ideas to review; study the current wind zoning;
- Mr. Smith will look into ag. District information

Meeting adjourned at 8:45 pm.

Respectfully submitted,

Heather Grant, Secretary Steering Committee