

Town of Enfield
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, December 14, 2011
6:45 p.m.

Present: Town Supervisor Roy Barriere, Town Councilperson Ron Clark, Town Councilperson Chris Hern, Town Councilperson Jean Owens, Town Councilperson Debbie Teeter, Town Highway Superintendent Barry Rollins, Town Clerk Alice Linton.

Supervisor Barriere opened the meeting at 6:45 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Presentation on City Van Program: Cynthia Kloppel and Dwight Mengel gave a report on the pilot program that was started in March, 2010 and will be ending December, 2011. The rural van service was operated by Ithaca Dispatch and proved successful in that each trip cost less than a taxi trip. All riders have been contacted so they can receive help if needed once the program ends.

Privilege of the Floor: Jon Hubbell of Harvey Hill Road asked the board not to ban hydraulic gas drilling and asked who would pay restitution to him for income lost.

Rob Sullivan of 68 N. Van Dorn Road spoke encouraging the town board to have lawyers begin work on banning hydraulic gas drilling in Enfield. He feels residents' health and welfare is more important than money made from drilling.

Doug Treado of 226 Hines Road stated he owns a certified organic farm of 90 acres with 2 wells. The Finger Lakes Trail passes along the northern part of the property. He is concerned about heavy traffic causing accidents and environmental damage, along with decreased property values, and asked the board to begin the process of banning hydraulic gas drilling in Enfield.

Tom Sieling of 302 VanOstrand Road read an article from the Watertown Daily Times by Paul Hessler of Canton, New York, regarding contaminated aquifers due to hydraulic gas drilling. The article stated there is no perfect well seal – the seals can and do fail. A drinking water well is never in solid rock, as water moves through joints, fissures, etc., as do contaminants. He hopes that drilling for gas will begin only after safe technologies have been developed.

Dave Bock of 109 Porter Hill Road stated hydraulic gas drilling is a divisive issue – there are widely different views. He believes everyone would like to maintain the rural nature of the town where agriculture and businesses flourish; where land values, roads and aquifers are protected. No matter what the town's long term decision is on the matter, he feels the short term decision is we need time to study the issues. A ban will buy time. If there is no ban before drilling begins, he feels it will be impossible to right the wrongs. Although the board is in a transition period, he would like to see lawyers begin drafting a ban.

Poney Carpenter of 192 Van Dorn South encouraged the board to move to enact a ban on hydraulic gas drilling soon. Once the process starts, it will still take several months for the ban to be enacted. He suggested since Caroline has the same attorney we do, and they may be enacting a ban, attorney fees might be shared. He would donate \$2,000 towards fees to prepare the ban.

Marsha Sundman of 25 Connecticut Hill Road stated there was an article in the December 7 issue of the Ithaca Journal describing health concerns of hydraulic fracturing. She is a specialist in cancer therapy and encouraged the town to enact a ban.

Marnie Kirchgessner of 191 Enfield Main Road feels the board was elected to represent the citizens of Enfield. She stated 7% of the world's fresh drinking water is in the Fingerlakes. Although she has a lease, when she signed it she had no idea what hydrofracking was about and feels there is no amount of money in the world that is worth this drilling process. She feels the town should enact a ban on hydraulic gas fracturing in Enfield.

Stephanie Haskins of 431 Enfield Center Road stated she is frustrated that there was no mention in the recent Town of Enfield newsletter about this hydraulic fracturing issue and no mention of the public presentation by the lawyers or the public comment period. This information should be reported in an unbiased way and she would like more coverage.

Paula Geary of 664 Bostwick Road reported there was a hydraulic gas fracturing site 1 mile from her old home in Pennsylvania where there was a well explosion. She stated the trucks were on the roads 24 hours a day and asked the town board to pass a ban on hydrofracking in Enfield.

Henry Hansteen of 382 S. Van Dorn Road noted the Town of Enfield plaque has trees, hills, etc. but no drilling pads, dead fish, lines of trucks, etc. He feels if the Board represents the interests and desires of Enfield residents, the public comment meeting left no doubt regarding the decision. He feels supporters of gas hydraulic fracturing want money at the expense of our land, water, health and future. He supports a ban.

Alfred Eddy of Bostwick Road spoke in favor of hydraulic fracturing. He is a farmer on Bostwick Road where his great-great-grandfather lived. A few years ago residents were opposed to the cell tower he has on his land, but now no one speaks of any concerns. He feels there is a lot of fiction regarding hydraulic gas drilling. He has seen first hand that the industry has helped businesses in Pennsylvania. He would like drilling here.

Joseph Cresh of 337 West Enfield Center Road spoke of his childhood in Germany where polluted water has caused residents and farmers to install \$2,000 water filtration systems. The EPA has announced that Wyoming has polluted ground water from hydraulic fracturing. He would like to see a ban against hydraulic fracturing in Enfield.

Approval of Minutes: Supervisor Barriere explained M. Clyde Hubbell, former Enfield Town Historian, requested his letter regarding the gene gun be included in its entirety in the September 14, 2011 Town of Enfield Minutes.

Councilperson Teeter moved, with a second by Councilperson Hern to approve the minutes of the November 9, 2011 regular town board meeting and an amendment to the September 14, 2011 regular town board meeting minutes to include the letter from M. Clyde Hubbell in its entirety in the minutes.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Correspondence: Notice of Ithaca-Tompkins County Transportation Council meeting to be held December 20, 2011 at 737 Willow Avenue from 2-4 p.m.

NYS Retirement newsletter, which was distributed to all town employees.

The new insurance policy for 2012 with Sprague Insurance was presented.

Councilperson Owens moved, with a second by Councilperson Teeter to continue to contract with Sprague Insurance for the town's liability, fire and workers' compensation insurance for 2012.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Budget Amendments:

Budget Amendment #2011-11

RESOLVED, that the General Fund Line Item A1990.4, titled "Special Items – Contingency Account", be decreased by \$7,830.00, General Fund Line Item A1670.4, titled "Central Printing and Mailing - Contractual", be increased by \$510.00, General Fund Line Item A1920.4, titled "Special Items – Municipal Dues", be increased by \$600.00, General Fund Line Item A3010.4, titled "Public Safety Administration – Contractual", be increased by \$140.00, General Fund Line Item A3510.4, titled "Control of Dogs – Contractual" be increased by \$1,030.00, General Fund Line Item A9020.8, titled "Employee Benefits – Medicare", be increased by \$100.00, General Fund Line Item A9030.8, titled "Employee Benefits – Social Security, be increased by \$400.00, General Fund Line Item A9055.8, titled "Employee Benefits – Disability Insurance", be increased by \$50.00, and General Fund Line Item A9060.8, titled "Employee Benefits – Medical Insurance" be increased by \$5,000.00.

Discussion: Supevisor Barriere stated these are budget amendments that should close line items out for the year.

Supervisor Barriere moved, with a second by Councilperson Owens to accept Budget Amendment #2011-11.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Budget Amendment #2011-12

RESOLVED, that the Highway Fund Line Item DA5110.1, titled "General Repairs – Personnel", be decreased by \$1,800, Highway Fund Line Item DA5142.4, titled "Snow Removal – Contractual", be decreased by \$500.00, Highway Fund Line Item DA5110.4, titled "General Repairs – Contractual" be increased by \$2,290.00, and Highway Fund Line Item DA9055.8, titled "Employee Benefits – Disability" be increased by \$10.00.

Supervisor Barriere moved, with a second by Councilperson Owens to accept Budget Amendment #2011-12.

Discussion: Supervisor Barriere stated these are budget amendments to close the line items for the year.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Resolution #2011-33

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS
TO TOWN HALL BUILDING RESERVE**

WHEREAS, the Town Board allocated funds for Building Reserve (Line Item A9950) in the 2011 General Fund budget, now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to transfer the amount of \$25,000 from A9950 to the Town Hall Building Reserve Account.

Supervisor Barriere moved, with a second by Councilperson Hern to accept Resolution #2011-33.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Resolution #2011-34

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS TO EQUIPMENT RESERVE

WHEREAS, the Town Board allocated funds for equipment reserve in the 2011 Highway Fund budget, now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to transfer the unused balance of \$40,300.00 from DA9950.9 to the Highway Fund Equipment Reserve Account, and further be it

RESOLVED, that this transfer is contingent upon the receipt of the full budgeted amount of the 2011 CHIPS funds.

Supervisor Barriere moved, with a second by Councilperson Owens to accept Resolution #2011-34.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Audit Claims: Supervisor Barriere noted TCCOG was requesting a \$250 voluntary contribution for their funding reserve.

Supervisor Barriere moved, with a second by Councilperson Hern to contribute \$250 to the Tompkins County Council of Governments budget.

Discussion: Councilperson Teeter asked if all towns were contributing. Supervisor Barriere responded all but one town contribute at this time.

. Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Councilperson Clark moved, with a second by Councilperson Teeter to authorize the supervisor to pay General Fund vouchers #313 to #349 dated December 14, 2011 in the amount of \$49,102.95, Highway Fund vouchers #178 to #191 dated December 14, 2011 in the amount of \$30,929.79 and H-Fund vouchers #31 to #33 dated December 14, 2011 in the amount of \$27,221.47.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

County Legislator's Report: Jim Dennis reported the county budget passed, the county has a new highway manager, and a search has begun for a new mental health director. There were over 800 present at a public comment session held at the State Theater on natural gas drilling. The

comments will be passed on to the State Department of Environmental Conservation in Albany regarding hydraulic gas drilling in New York State. He feels that it is imperative that all elected officials keep track of what's going on with this issue.

Dave McKenna reported there will be major improvements at the Tompkins County Airport.

Jim Dennis added there has been a request from hunters in the Newfield area to be able to hunt with a rifle in Tompkins County. At this time, there is a ban on hunting with a rifle. He has a resolution that he will be bringing to the county legislature to grant permission for hunters to use a rifle within the confines of Tompkins County.

Highway Superintendent's Report: Highway Superintendent Buddy Rollins reported the summer work is caught up and the snow equipment is ready. The crew continues to cut shoulders. A list of concerns was presented to board members regarding the new highway facility, along with a list of items needing to be purchased for the new facility, including some items needed for OSHA/PESH since they will not be grandfathered in at the new facility.

Supervisor Barriere moved to authorize Highway Superintendent Rollins to purchase the items listed on his OSHA list with funds from the H Fund: Metal oil waste can (2), Wire partitions for welding space, Exhaust blower for trucks, Exhaust blower for welding, Flammable cabinet, 55 gallon drum bases/spill. Councilperson Teeter seconded the motion.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Code Enforcement Officer's Report: Alan Teeter reported that for the month of November there were 8 new building permits issued or renewed, including one new home, bringing the year to date total to 60. There were a total of 28 inspections and progress checks for the month. There was 1 valid complaint received, and 9 fire and safety inspections completed. There was 1 house number issued.

Committee Reports:

Planning Board: Mike Carpenter reported work continued on the Comprehensive Plan at the committee's last meeting. The Planning Board is hoping the Town Board can give them a little direction on how thorough they would like the Enfield Comprehensive Plan to be. There is a vacancy on the board and 3 applicants have come forward. The Planning Board will take a vote prior to January 3 and recommend a candidate to the town board. The Site Plan Review Law should be completed soon, as the town attorney, Guy Krogh, has already added his comments. An aquifer study is another item the planning board will be working on.

Health Insurance Consortium: No report.

Enfield Community Council: Ann Rider, president, reported the winter edition of the newsletter has been sent out. Basketball for 4th and 5th graders at Enfield School has begun.

Marnie Kirchgessner is the town's representative on the County Youth Services Board and reported she will be attending a retreat in February to discuss what it means to represent a municipality. The Recreational Partnership Agreement is up next year and they are in the process of doing a youth assessment - preliminary information about that should be available in March.

Enfield Volunteer Fire Company: Art Howser reported in November there were 33 calls of which 27 were EMS, 1 chimney fire, 1 motor vehicle accident, 1 severe weather/power line down

on tree, 1 mutual aid to Newfield, 2 mutual aid to Trumansburg. In November the trainings were station and equipment maintenance, carbon monoxide calls and CO detector equipment training. The annual banquet included installation of officers with Art Howser continuing as Chief and Dennis Hubbell continuing as President. The first BBQ in 2012 will be held January 8 and a blood drive will be held January 17. About 1,500 fire department calendars were mailed to residents.

Facilities Manager: Councilperson Hern reported estimates have been obtained to repair the roof leak and replace a window at the town hall.

Councilperson Owens moved, with a second by Councilperson Teeter to authorize Night Owl Construction to repair the roof at the town hall at a cost of \$120, replace an existing window with a double hung window at a cost of \$850, and upgrade the air conditioner in the clerk's office.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

One estimate has been obtained to install a bathroom in the basement of the Community Building. More estimates will be obtained. Councilperson Hern will also continue to look for quotes to replace the furnace in the Community Building.

Communication Access Committee: Councilperson Hern reported Cris McConkey offered to video town board meetings and other events and have them available via a link with the town website or other available options. Supervisor Barriere will check with the town's attorney on this issue.

Facilities Development: Councilperson Owens spoke with Chuck Fezali of Resource Associates on a final accounting of funds. There are a couple of small projects still taking place and there are items being purchased that need to be included in the building. This report should be available at the January town board meeting.

Personnel Committee: Copies of the Employee's Handbook and Manual have been given to new town board members.

Tompkins County Council of Governments: Supervisor Barriere was not at the last meeting but read highlights from the meeting minutes. The Council discussed their 2012 work plan which will include transit issues, gas drilling, property tax cap, redistricting, broadband, SPCA formula, housing, health insurance and emergency management.

At this time Supervisor Barriere moved the **Discussion on Board's Plan of Action pertaining to "Hydro Fracking"** forward on the agenda. He feels several items need to be in place before drilling begins. One is an aquifer study. A Road Preservation Law should be put in place along with the town's Comprehensive Plan. He is leaning towards a ban, and whether we're for drilling or not for drilling, he feels the process should be started now so we can get things in order and the board can be educated on what this is all about.

Councilperson Clark felt there was a need to move forward and get attorneys involved, but since his term is ending, he would like new board members to make decisions. He thinks something should be done and it should be done soon.

Councilperson Teeter noted an aquifer study could cost \$280,000 but believes there is some funding available so our responsibility would be \$90,000. Supervisor Barriere believes there is still more funding available, but feels research needs to be started. Mike Carpenter of the Planning

Board mentioned Danby has completed a study and the town only paid 30% of the costs – although there were further grants for part of the 30% as well. It is a 5 year study. He will ask the Planning Board to take this project on and talk with other towns on this side of the county.

Councilperson Teeter went on to state she has concerns about hydraulic fracturing fluids and concentrated chemicals. She wants to be sure the voices of all residents are heard. She has listened to the legal presentation, but wants to listen to it again. She asked if we have a price tag on a ban or moratorium.

Supervisor Barriere replied our town attorney, Guy Krogh will have to review a ban or moratorium, and the price will depend how many times it comes back to the board, how many times the board decides to tweak it. Guy Krogh estimates it will probably cost between \$1,000 and \$1,500.

Councilperson Teeter visited Bradford County, PA with George Frantz, a lecturer at Cornell's city and regional planning department. She felt it was a helpful visit and put a lot of things in perspective for her. She didn't see an industrial landscape, but saw a rural agricultural landscape. She didn't see as many well pads as she expected. While there, she spoke with the director of county planning who stated there is an increased assessed value on land with producing wells which has resulted in increased property tax revenue - property values have risen. Homeowners have found it more lucrative to rent their homes then sell them. They have seen increased traffic and congestion; increased crime; increase in rental rates and changing social structure due to the drilling. She looked at a map showing the Marcellus Shale is 150 feet thick under Bradford County compared with Tompkins County where the formation is 40 to 80 feet thick. She feels this puts in perspective what the likelihood is that we'll see this type of gas development in this county. She saw many businesses that had expended, such as an asphalt plant, a gravel mine and a new heavy equipment rental store occupying a chronically vacant commercial property. She saw a lot of farm improvements such as new roofs and siding on barns, new fences and new farm equipment. Some roads that had been dirt were now paved. At one site she talked to a manager that said there were 44 employees on site, and all but a few were local or regional. After this visit, she feels the issues for Tompkins County are what happens to the water that is pumped into the ground when it comes out of the ground, and what is the potential for migration of water left in the ground. She also feels increased traffic and congestion, increased crime, and additional demands on emergency services are issues that need to be addressed. One final note was a short term economic boost can be used for long term investment. She also feels there are a lot of people in Enfield who do not agree with a ban and who have different opinions and who do not feel comfortable coming to meetings.

Councilperson Hern would like to hear from residents who don't support a ban, but is not against starting the process of a ban. He doesn't feel anything has been said about benefits to drilling, and there must be benefits.

Councilperson Owens would also like to hear from others. She feels it is very important to be inclusive. She will be going off the board at the end of the month, but proposed two resolutions.

RESOLUTION #2011-35

WHEREAS, the issue of hydraulic fracturing is a concern to many residents in our community, and

WHEREAS, a number of residents have expressed interest in the Town of Enfield hosting a presentation on the scientific facts and on what's happening presently in Bradford County, which is topographically and geologically similar to Tompkins County, pertaining to gas drilling,

NOW THEREFORE BE IT RESOLVED, that the Town of Enfield host a presentation presenting Donald Siegel, Professor of Earth Sciences at Syracuse University and George Frantz, of George Frantz and Associates in Ithaca, and

BE IT FUTHER RESOLVED, that an invitation to attend this presentation be mailed to Enfield residents.

Councilperson Owens moved, with a second by Councilperson Hern to approve Resolution #2011-35.

Discussion: Councilperson Owens noted there would be no cost involved for these presentations. Councilperson Teeter stated George Frantz would provide a slide show. Supervisor Barriere asked when and where the presentations would be held. Councilperson Owens stated both individuals would be available the first two weeks of January and suggested a Tuesday evening, January 10, location to be determined. Councilperson Teeter stated both of these presenters are neutral on the issue of hydraulic fracturing. Councilperson Owens believes each presenter would need about an hour, and then an hour could be left for questions and answers.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

RESOLUTION #2011-36

WHEREAS, the issue of hydraulic fracturing is a concern to many residents in our community, and

WHEREAS, there is a concern that a ban or moratorium of hydraulic fracturing could result in very large legal fees expended by the Town to defend the ban or moratorium,

NOW THEREFORE BE IT RESOLVED, that the Town of Enfield host a presentation by Scott R. Kurkoski, Esq. of Levene, Gouldin & Thompson who will present on the potential legal exposure of a ban or moratorium, and

BE IT FUTHER RESOLVED, that an invitation to attend this presentation be mailed to Enfield residents.

Councilperson Owens moved, with a second by Councilperson Teeter to approve Resolution #2011-36.

Discussion: Councilperson Owens reported Mr. Kurkoski charges \$1,000 for his 4 hour presentation and he would present the opposite side of the issue of hydrofracking. Supervisor Barriere stated he didn't feel taxpayers should pay for this presentation. Councilperson Hern felt the town's attorney should have addressed the possible legal exposure when he made his presentation on a ban. He feels the town should be more concerned with scientific issues than legal issues at this time and doesn't feel the town should pay for this presentation. Councilperson Clark concurred the expense of the presentation should not be paid by taxpayers. Councilperson Teeter suggested amending the resolution so the presentation could be paid for with donations, but no taxpayer funds.

Councilperson Teeter amended Resolution #2011-36 to state there would be no cost to the town.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Supervisor Barriere moved, with a second by Councilperson Hern, to ask David and Helen Slottje, who have volunteered to start the process for a ban, to begin work on a rough draft of a ban and also of a moratorium for the Town of Enfield regarding hydraulic fracturing in the Town of Enfield and then with the board's approval sending the drafts to the town's attorney, Guy Krogh, for review.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Old Business:

Update on Facility Consolidation Plan: No update.

Update on 5-Year Facilities Development Plan: Councilperson Owens presented to the board estimates prepared by Chuck Fezali of Resource Associates, one adapting the current highway facility to a public safety/clerk building and the other construction of a new community building/town hall. This is information for planning purposes. Chuck has the plans, which should be part of the town records kept at the town hall. Adapting the current highway facility would not include the code storage area.

Update on Road Preservation Plan: Supervisor Barriere reported he will be meeting with highway superintendent Buddy Rollins and town attorney Guy Krogh in January.

New Business:

Training for newly elected Public Officials and Association of Town Annual Meeting: Supervisor Barriere reported the cost of training for new officials in Rochester, New York in January, 2012 is approximately \$750 for Ann Rider and Vera Howe-Strait to attend.

Councilperson Owens moved, with a second by Councilperson Hern to authorize Ann Rider and Vera Howe-Strait to attend the training for newly elected public officials in Rochester.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Councilperson Owens moved, with a second by Councilperson Teeter to authorize Roy Barriere to attend the annual Association of Towns annual meeting in New York City at a cost of approximately \$850 and appoint him as the town's delegate for voting purposes.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Resolution pertaining to comments to the DEC on the revised sGEIS:

Resolution #2011-37

RESOLUTION TO SUBMIT COMMENTS TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON THE REVISED DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (sGEIS) ON OIL, GAS AND SOLUTION MINING

WHEREAS the Town of Enfield is, by law, charged with protecting the health, safety and welfare of the people of the Town; and

WHEREAS once the sGEIS is codified into regulations, municipalities will no longer have a direct bearing on the **regulation** of drilling for natural gas using high volume hydraulic fracturing, leaving municipalities with little recourse on the drilling process nor the rate at which drilling occurs within their borders; and

WHEREAS municipalities will bear the burden of an inadequate sGEIS and regulations, which in Pennsylvania and other states has led to detrimental changes in the character of communities; huge increases in truck traffic; contamination of air and water resources; pressure on municipal services such as emergency response, police, hospitals, schools, jails, road maintenance, and municipal administration; and spoiling of scenic and natural resources; and

WHEREAS the Town of Enfield intends to abide by its Comprehensive Plan to provide a high quality of life for its residents and the current revised sGEIS makes that goal unachievable.

THEREFORE, BE IT RESOLVED that the Town of Enfield submits the following comments to the Department of Environmental Conservation on the revised draft supplemental Generic Environmental Impact Statement (sGEIS) on Oil, Gas, and Solution Mining:

GENERAL/MISSING SECTIONS

COMMENT PERIOD

- The sGEIS is over 1500 pages long. A 90-day comment period is insufficient for municipalities to adequately comment on the sGEIS especially given the nature of passing resolutions through municipal boards.
- The DEC must not issue any drilling permits until after the sGEIS and regulations are complete.

HEALTH

- The sGEIS does not require or refer to an analysis of public health impacts, despite the fact that fracking-related air pollution and the potential for water contamination may have serious effects on people—especially the elderly and children, and communities downwind and downstream of proposed fracking operations. There is growing evidence of negative health impacts related to gas extraction in other states. The DEC in its sGEIS must undertake further review of fracking and the impacts of horizontal drilling to “ensure that all environmental *and public health impacts* are mitigated or avoided.” (excerpt from Larysa Dyrszka, MD <http://www.scribd.com/doc/63146614/Health-Impacts-Of-Fracking>)
- The DEC must actively involve the Department of Health in the review process. Indeed, the problems associated with shale gas development near housing have only recently been catalogued as drilling has moved into suburban locations and farming communities. http://abcalliance.org/wp-content/uploads/2011/09/hydraulic_fracturing_and_children_2011_health_prof.pdf

DEC STAFFING and MANAGEMENT

- New York DEC has been subject to steep budget and staff cuts and does not have adequate staff or resources to properly oversee fracking, even if every possible protection were in place This reality raises the possibility that the DEC will be forced to cut corners with its reviews or fast-track permits despite the risks.
- The thousands of miles of pipelines (and compressor stations required for drilling) to get the resulting gas to market will be reviewed by a different agency under a different process. Without an accounting of such impacts, New York’s environmental assessment is incomplete and the full impact of fracking is unknown. The

Public Service Commission has jurisdiction over gas infrastructure. As such, Governor Cuomo should direct state agencies to coordinate their efforts in order to protect our air, water and communities.

CUMULATIVE IMPACTS

- **Cumulative Impacts for Water Withdrawals** The SGEIS addresses cumulative impacts for water withdrawals by using the passby flow determinations; however, the SGEIS needs to address cumulative impacts on water resources in all areas. Although the Water Resources Bill passed in 2011 would address cumulative impacts of groundwater and surface water withdrawals, when and if regulations are developed, rules governing water withdrawal permits must be developed before permits are issued for drilling. Without the permitting framework for water withdrawals, it is not possible to determine if there are adequate safeguards for surface water and groundwater.
- **Cumulative Impacts for all Interconnected Drilling Activities** A process needs to be established to address impacts from all interconnected activities, including drilling operations, that are regulated by DEC and pipelines and compressor stations that are regulated by the Public Service Commission (PSC). An Environmental Impact Statement for the gas lines and compressor stations must be performed by the PSC to assess the cumulative impacts on water resources, community infrastructure and quality of life issues such as noise, road damage and air quality from the additional pipelines and compressor stations that will be needed to transport the gas from the thousands of individual well pads to the regional pipelines. Compressor stations will be needed, with pipelines from each well to the compressor station, and additional pipelines from the compressor station to the main transmission line. However, the rdSGEIS does not address the impacts of the pipelines or compressor stations necessitated by well drilling operations. The impact of the vast network of access roads, pipelines and compressor stations must be addressed by the SGEIS. The rdSGEIS identifies the PSC as the responsible agency to oversee construction and protection of the environment for pipeline construction. This segmentation of the environmental impact assessment makes it difficult for decision makers and the public to adequately assess the total environmental impacts anticipated from gas drilling activities.
- **Program to Monitor and Protect Drinking Water Resources** *Proper monitoring and assessment strategies must be in place to protect the State's water resources, and sufficient laboratory capabilities for analysis must be in place prior to drilling.* The state currently does not have a strategy in place for data collection and analysis. Such a strategy is key to developing a comprehensive regulatory process that must be in place prior to drilling. All stakeholders (regulatory personnel, drilling companies, and the public) need to be ensured that valid data are being collected and disseminated in a cost effective manner.. Considering the volume of environmental and public health data that will be generated by HVHF gas drilling, it is essential that NYS Department of Health develop and manage comprehensive databases in order to facilitate effective, comprehensive oversight and public protection during gas drilling. A program must be developed for electronic sharing of monitoring data and must be shared with local health departments as they will be the agency first contacted if any contamination is detected.
- **Funding for Environmental Oversight. Permit fees must be increased to cover the entire cost of a regulatory program for environmental oversight of the Marcellus gas drilling.** The State will incur increased costs for 1) DMR personnel to oversee field operations and process the associated paperwork, 2) health department personnel to develop and maintain a database, and to evaluate drinking water quality data collected from groundwater wells near the drilling sites and respond to water quality complaints, 3) NYSDEC personnel to monitor surface water discharges from treatment plants, 4) personnel in the NYSDEC to develop and maintain a database on surface water flows and quality in the areas where drilling is occurring, 5) other regulatory personnel needed in the NYSDEC Division of Water and Bureau of Hazardous Waste and Radiation Management as well as the DMR to oversee the immense program that drilling in the Marcellus Shale will necessitate, and 6) local municipalities will need support to cover increased costs for expanded services caused by drilling activities. The Division of Budget must perform an economic analysis to ensure the fees are adequate to fund the necessary environmental oversight.
- **Permit Re-evaluation.** The NYSDEC re-evaluation of specified permit condition in two or three years should involve public review and comment.
- **Other low permeability shale formations.** The scope of the dSGEIS includes all low permeability shale formations where HVHF gas drilling will be employed. However, many sections of the document only reference the Marcellus Shale. Environmental impacts associated with other low permeability gas reservoirs where the hydrogeochemistry is different than the Marcellus shale are

not addressed in the dSGEIS. The SGEIS must be expanded to include potential impacts from other formations.

- **Local Government Notification.** *Local Governments need to be involved and informed in all aspects of the drilling process and a procedure for this needs to be in place before drilling begins.* Each municipality must receive copies of gas drilling permit applications, including parcel tax map numbers, before any permits are issued by NYSDEC. The NYSDEC should also be required to provide each local municipality and county government with 1) accurate Environmental Inspector contact information for permit coordination between agencies as well as emergency and spill response coordination, and 2) written notification to each municipality of location of each well plugging permit application, including tax map parcel number and mapping coordinates.

EXECUTIVE SUMMARY

- The dSGEIS allows any ‘proprietary’ chemical constituents not to be subject to public disclosure. It appears that the companies can avoid disclosure, if they simply claim the additive is “confidential”. The DEC must require full disclosure of all chemicals and additives used in the hydro-fracturing process. - Lawrence McCann; SGEIS 2011 Executive Summary “Mandatory Disclosure of Fracking Additives and Alternatives Analysis” - page 22
- 1.7.9 Flowback Water Disposal - **The state must not allow municipal sewage treatment plants to treat drilling wastes**, because such plants are not permitted to handle the toxic elements in such wastes. Even the DEC questions New York’s capacity and ability to treat fracking wastes.
- 1.7.10 Management of Drill Cuttings - The plan by the DEC to track the solid and liquid wastes, generated in connection with fracking, is positive; however tracking of these wastes is the responsibility of the gas industry operators. The DEC must take a more active role in tracking waste that in other settings qualifies as as hazardous. The gas industry must not be allowed to oversee itself in this area.
- 2.4.4.1 Primary and Principal Aquifers - **Mapping of aquifers is inadequate.** In order to determine a 500 foot buffer to a principal aquifer, the aquifer must be mapped at least to the scale of 1:24,000 feet but many aquifers are only mapped at the 1:250,000 foot scale. The DEC must increase buffer requirements overall but particularly when mapping of the aquifers is inadequate. Part of the fee structure for permitting should go to funding better maps of aquifers throughout the state. (10/31/11).

Chapter 5 - NATURAL GAS DEVELOPMENT ACTIVITIES AND HIGH-VOLUME HYDRAULIC FRACTURING

- 5.13.3 Flowback Water - In October 2011, the EPA received data from states and other sources that show “elevated levels of pollutants entering surface waters as a result of inadequate treatment at facilities.” Those materials can include naturally occurring radium, bromide, and other toxic or radioactive substances that can be pulled out of the ground when water is produced at natural gas wells. Typically with other sectors, industrial wastewater is pre-treated before it is sent to municipal treatment facilities, lest contaminants damage the facilities (risking the release of raw sewage) or remain in the fluid even when it is ultimately discharged into waterways. Cynthia Dougherty, director of the EPA’s Office of Ground Water and Drinking Water, said during a Senate Energy and Natural Resources subcommittee hearing that there “isn’t good treatment available for some of the things that are in wastewater” from natural gas drilling. Given that no Publicly Owned Treatment Works (POWTs) in NYS are currently able to treat chemicals and soluble solids contained in waste water from shale gas drilling, and the liquid is not required to be pre-treated, DEC must prohibit drilling until this situation is resolved. Simply sending wastewater to other states or relying on injection wells for disposal is inadequate and unacceptable.

Chapter 6 - POTENTIAL ENVIRONMENTAL IMPACTS

- **6.1.5 Unfiltered Surface Drinking Water Supplies: New York City and Syracuse.**
 - ***NYSDEC should prohibit HVHF in all watersheds where surface water is the source of a public drinking water system, not just unfiltered surface water drinking sources.***
 - By giving the **NYC and Syracuse Watersheds** special protections, the NY DEC is implicitly admitting this process is inherently unsafe, and denies many New Yorkers Equal Protection of the Law. Both the United States Constitution (14th Amendment) and the NY Constitution (Art. I, § 11) demand that all persons deserve Equal Protection of the Law. These regulations fail this.

Chapter 7 – EXISTING AND RECOMMENDED MITIGATION MEASURES

- **7.1.3 Surface Spills and Releases at the Well Pad**
 - 7.1.3.1 Fueling Tank and Tank Refilling Activities
 - 7.1.3.2 Drilling Fluids

The DEC must prohibit any open pit storage of any produced or flowback liquid due to the fact that open pit liners are not secure enough to ensure any leakage into groundwater or nearby surface waters. (Liz Thomas, 11/1/2011)

 - **7.1.3.3 Hydraulic Fracturing Additives** - The DEC must require full disclosure of all components used in the hydraulic fracturing process regardless of whether the industry insists disclosing trade-secrets would be to their disadvantage. Treatment facilities, water monitoring networks, residents using well water and emergency response teams need to know what products are being used in the HVHF process.
- **7.1.4 Potential Ground Water Impacts Associated With Well Drilling and Construction**
 - 7.1.4.1 Private Water Well Testing - The testing distance should be increased to 2,000 feet, in order to be more protective of property owners. The DEC should make it clear that the burden of proof is on the driller to prove that they did not contaminate a private water well. In addition to private water well testing, a network of groundwater monitoring wells should be created in the vicinity of drilling activities, the monitoring should be conducted prior to site development and throughout site development and during the production phase
- **7.1.5 Setback from FAD Watersheds** - By giving the **NYC and Syracuse Watersheds** special protections, the NY DEC is implicitly admitting this process is inherently unsafe, and denies many New Yorkers Equal Protection of the Law. Q: Why the special protections? A: because this activity is inherently unsafe. Both the United States Constitution (14th Amendment) and the NY Constitution (Art. I, § 11) demand that all persons are deserving Equal Protection of the Law. These regulations fail this. (Walter Hang) 11/1/2011
- **7.1.9 Solids Disposal** - This section allows for drill cuttings to be directed to an open pit and then buried on site when air or water is used during drilling. Even with an acid mine drainage mitigation plan requirement, there remain uncertainties about the NORM levels. DEC should require that all drill cuttings be contained in closed loop systems and disposed of properly at a landfill that is regulated to accept materials with NORM. (Darby Kiley 11/8/11)
- **7.1.11 Setbacks**
 - **Prohibition on well pads in 2,000 foot buffer around public drinking water supplies** - Protecting public drinking water supplies is essential to protect public health in the State, so increasing the buffer to 2,000 feet is a critical element of protection these valuable resources. However, the location of fractures and faults in the vicinity of public water supplies also has to be taken into account. If there are fractures or faults shown on

published maps within 1000 feet of a public water supply well, well pads should also be prohibited within 2000 feet of the fault or fracture.

- **Prohibition on well pads in 500 foot buffer around private well supplies** - Protecting private drinking water supplies is as essential as protecting public water supplies. We appreciate the increase in buffer to 500 feet, however, the buffer distance should be 1,000 feet to adequately protect these vital resources.
 - **Prohibition on well pads in primary aquifers and 500 foot buffer** - Protecting primary aquifers is essential to protect public health in the State. Although we appreciate the prohibition of well pads within primary aquifers and within a 500 foot buffer, the buffer should be increased to 2,000 feet from the aquifer **boundary** to adequately protect these vital resources. In many cases, the maps on which the aquifer boundaries are based are at a scale of 1:250,000, thus a large buffer from the aquifer boundary is needed to adequately protect groundwater.
 - **Requirement for site specific SEQRA determination for well pads in principal aquifer and 500 foot buffer** - Protecting New York State's public water supplies is essential to protect public health in the State. Requiring a site specific SEQRA determination for well pads in principal aquifers and within a 500 foot buffer is not adequate to protect these vital resources. Well pads should be prohibited in principal aquifers and within a 500 foot buffer of the principal aquifer.
- **7.1.12.2 Setbacks from Other Surface Water Resources** - In the July version (Preliminary) revised SGEIS, a site specific SEQRA review was required where the closest edge of a well pad was within 500 feet of a tributary to a public water supply. This requirement should be included in the Final SGEIS.
 - **7.2 PROTECTING FLOODPLAINS** - We appreciate that well pads will not be permitted in flood plains, however floodplain maps are in need of an update. Until the floodplain maps are updated, there should be 500 foot setback.
 - **7.7.2 Regulation of NORM in New York State** - Routine radiation surveys should be required throughout the active life of a facility, including during drilling of all production wells and during decommissioning of any equipment that came into contact with flowback and/or produced water.
 - **7.13 EMERGENCY RESPONSE PLAN**
 - The DEC must obligate the gas companies to interface with, and provide information to, local first responders and/or County emergency management offices. This section notes that an emergency response plan consistent with the sGEIS must be provided to the DEC 3 days prior to well spud. A 3 day advance notice to local emergency responders is completely insufficient.
 - In addition to what is contained in the sGEIS, are the following minimal specifics for an emergency response plan:
 - GIS addressing/mapping
 - Access and egress appropriate to emergency response vehicles
 - MSDS information
 - Functional communications for requests for fire, EMS, law enforcement responses
 - Defining roles and responsibilities of gas company personnel as well as first responders

- Development of a collaborative relationship between the gas company and local first responders ... a jointly developed plan
- Expectations for when first responders would be needed ... and what would be handled directly by the gas company ... and what other agencies might be needed in any given emergency
- On-site training for first responders

Chapter 8 - PERMIT PROCESS AND REGULATORY COORDINATION

8.1 INTERAGENCY COORDINATION

8.1.1 Local Governments

- Local governments must be provided with notification by the DEC of permit application and approval.
- Local governments, health departments and emergency responders must be provided with all the chemical compounds being used for drilling in order to be able to respond to spills and to correlate health problems should they occur.
- Funding must be provided to village, town, city and county governments to offset additional staffing and resources necessary as a result of a rapid increase in services required as a result of active drilling areas. The state government must listen to and work with local governments to understand the community and economic impacts from drilling
- The State should respect local zoning laws enacted to protect residential areas, water resources, environmentally sensitive areas and other valued local locations from heavy industrial activities, as is the right of local governments under home rule laws.

Chapter 9 – ALTERNATIVE ACTIONS

9.2 Phased Permitting Approach

- 9.2.4 Permit Issuance Matched to Department Resources - The State and DEC must require as part of the permitting process, enough funds to hire adequate DEC staff to oversee the permitting, oversight and enforcement of regulations governing the gas industry. State tax funds should not be used for this purpose, but instead, the gas industry itself should be required to foot the extra financial burden placed on the state and local governments as a result of drilling operations. The DEC must require that adequate staffing is in place before any permitting is allowed.

High Volume Hydraulic Fracturing Proposed Regulations

6 NYCRR Parts 52, 190, 550-556, 560, and 750

750-1.1(b)(2)

- This section references sections 750-1.4 and 750-3.4, while it seems the correct sections for prohibited discharges should be 750-1.3 and 750-3.3.

750-3.4 Requirements to obtain a permit

- 750-3.4 (b)(2) Closed loop system for drill cuttings should be required with no option for an alternative plan, i.e. storage in an open pit.
- 750-3.4 (b)(4)(ii) What is the size of the “tract of land”?
- 750-3.4 (b)(6) ALL HVHF operations should be required to be conducted where the length of the wellbore is greater than 2,000 feet below the surface, without an option to propose an alternative plan. It is unclear what the criteria or review procedures would be for such an alternative plan.

750-3.12 Disposal of HVHF flowback and production water

- 750-3.12 (d)(1)(vi)(b) references Division of Water Guidance Document 1.3.8.1, Guidance for Acceptance of HVHF Wastewater by POTWs. The DEC website was searched and while the 1994 edition of 1.3.8 was available, it does not seem applicable. A call was placed to Division of Water and staff there thought there must be a typographical error because there was no guidance document with the number 1.3.8.1. If a new document is to be created, it should be available for review with the rest of the proposed regulations.

Councilperson Owens moved, with a second by Councilperson Teeter to move Resolution #2011-37 and forward the comments prepared by Supervisor Barriere pertaining to the revised sGEIS on hydraulic fracturing to the New York State Department of Environmental Conservation.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Schedule Organization Meeting for 2012: Supervisor Barriere suggested the annual organizational meeting for the Town of Enfield be held Tuesday, January 3, 2012 at 6:30 p.m. and the annual audit meeting for the Town of Enfield be held Wednesday, January 18, 2012 at 5 p.m. All members were in agreement on these dates.

Approval for early General Fund payroll for December: Councilperson Teeter moved, with a second by Councilperson Clark to authorize the supervisor to issue the general fund payroll on December 16, 2011.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Announcements:

Volunteer of the Month: Jean Owens was nominated by Roy Barriere as the December volunteer of the month. Jean founded the Enfield Food Pantry over 30 years ago and orchestrated the development of the Tompkins Food Distribution network. Today the Food Pantry has grown to serve over 100 customers, at least twice per month. Jean has been a member of the Enfield Volunteer Fire Company for almost 15 years and most of those years she served as an EMT. Jean has served Enfield for many years as a member of the town board, although not as a volunteer position, but often going above and beyond what was expected.

Adjournment: Supervisor Barriere moved, with a second by Councilperson Owens to adjourn at 9:17 p.m.

Respectfully submitted,

Alice M. Linton
Enfield Town Clerk