

Caroline Town Board Meeting Minutes of October 4, 2011

The Town Board Agenda Meeting held on October 4, 2011 at the Brooktondale Community was called to order at 7:10 p.m. by Supervisor Donald Barber. He led the Salute to the Flag.

Attendance:

Donald Barber, Supervisor
Dominic Frongillo, Councilmember
Linda Adams, Councilmember
Toby McDonald, Councilmember
Peter Hoyt, Councilmember

Recording

Secretary: Christine Wilbur, Deputy Town Clerk and Marilou Harrington, Town Clerk

Also present: Approximately 130 members of the public attended

Supervisor Barber asked audience members who wished to speak during Privilege of the Floor to sign in with their name and address. He reported that residents of the Town of Caroline would have preference. Speakers will have up to 3 minutes to speak, they will be called up in the order that they signed in, and everyone needs to be respectful of all speakers. Supervisor Barber would like the public comment session to end by 9:30 PM.

The fire exits were identified.

Reports

Toby McDonald, Town Board - no report

Dominic Frongillo, Town Board - no report

Peter Hoyt, Town Board – no report

Linda Adams, Town Board - no report

Agenda items for October 11, 2011 Business Meeting:

- Abstracts for the General, Highway and Street Lighting funds;
- Budget – a budget work session is scheduled for Thursday, October 6, 2011 re: Highway budget;
- Public Hearing November 1st at 7 PM at Town Hall regarding the 2012 Town budget.

Approval of Minutes

Resolution 125 of 2011

Minutes of the Agenda Meeting September 6, 2011.

A motion was made by Supervisor Barber and seconded by Councilmember Adams to accept the minutes of the September 6, 2011 as submitted by the Deputy Town Clerk.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Minutes of Business Meeting September 15, 2011

A motion was made by Councilmember Frongillo and seconded by Councilmember McDonald to accept the minutes of September 15, 2011 as submitted by the Town Clerk.

Adopted Barber: Aye; Frongillo: Aye Adams: Aye; McDonald: Aye; Hoyt: Aye

Town Business

Resolution 126 of 2011:

A motion was made by Supervisor Barber to request the Board to approve two vouchers for payment prior to the audit of abstract for upgrades made to the Town Hall court facilities through a grant from the Unified Court System. Councilmember Frongillo seconded the motion.

Adopted Barber: Aye; Frongillo: Aye Adams: Aye; McDonald: Aye; Hoyt: Aye

Supervisor Barber announced there will be 2012 budget workshop on October 6, 2011 and will include a discussion of the proposed property tax cap.

Resolutions

Resolution 127 of 2011: Investigate Ban of Unconventional Gas Drilling

A motion made by Supervisor Barber and seconded by Councilmember Frongillo:

WHEREAS, Caroline citizens have presented the Caroline Town Board with a petition bearing 1,130 witnessed signatures of adults residing in Caroline and 16 additional witnessed signatures of adults who own land in the Town of Caroline but live elsewhere, which makes the following statement:

“We, the undersigned residents of the Town of Caroline, urge the Town Board to ban gas extraction using high-volume, slickwater, hydraulic fracturing in the Town of Caroline.

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

And

WHEREAS, this is an unprecedented number of signatures for a petition in the Town of Caroline, and

WHEREAS, in Tompkins County alone, the Towns of Dryden, Ithaca, and Ulysses have already passed local ordinances prohibiting high-volume hydraulic fracturing, and the Town of Danby and the Village of Trumansburg are in the process of considering and adopting such ordinances. Now, therefore

BE IT RESOLVED THAT, the Town Board hereby instructs the Town Supervisor to engage one or more attorneys, on a pro bono (no-fee) basis, but otherwise on terms acceptable to the Supervisor, to prepare using their best judgment as to method and language, for subsequent consideration and evaluation by the Town Board and by the Attorney for the Town, a draft local law that would prohibit within the Town unconventional gas drilling and associated high-impact activities, including but not limited to: high-volume hydraulic fracturing, injection wells for the disposal of hydraulic fracturing waste, treatment plants to process waste from hydraulic fracturing, natural gas compressor stations, and hydraulic fracturing chemical storage and processing facilities.

At this time, Supervisor Barber invited attendees to speak to the resolution:

Privilege of the Floor: Supervisor Barber reminded the speakers that there is a 3-minute time limit – a person has been designated as a timekeeper and will let speakers know when their time is up. Also he reminded all to be respectful, and he would like the comment period to end at 9:30 PM.

A list of names and address of those who wish to speak is attached. (**Attachment #1**)

- Linda Adams – introduced herself – she is a Town of Caroline Councilmember, a member of the Town of Caroline Watershed Committee, and a member of the Tompkins Landowner’s Coalition. She provided a Power Point presentation (see complete presentation on **Attachment #2**) that came to the following conclusions:

- NY water resources have a small exposure to risks;
- Surface disturbance is small vs. alternatives;
- It is cleaner than coal;
- Gas is affordable; we’ve been using it for years;
- Gas will support an orderly transition to other alternatives, it does not exclude renewable.

Due to time constraints, Linda ended the presentation and offered people to contact her for the rest of the information, or the sources for the information presented.

- Steve Nicholson – Co-Chair of Energy Independent Caroline Committee, spoke to clarify the views of the

Committee, which is in favor of supporting a ban on drilling of natural gas. The main concerns of the group are: protect our land, water, and air; build our local economy, strengthen our independence. (**Attachment #3**).

- Tony Tavelli spoke to the issue of home rule – State law supercedes home law. However, property owners can lease or not lease – are not being forced by the State to allow drilling.

- Jeff White – impressive to see community get together to discuss issues; however, a large group trying to take simplistic approach to a complex issue may bring unintended results; everything in life carries risk, nor guaranteed; maybe law suits – industry & landowners; some signed and regretted signing; retribution by some land owners; people creating divisions; try to work together to protect all our interests – not just monetary, not just water, etc. We have an obligation to be a part of the community we serve – if we are using fuel we should be a part of generating it; need balanced approach; minimize risk; not no or yes, work together.

- Liz Smith – lives in Town of Caroline. ROUSE has divided community; resolution is a problem – does not believe it is well written. We have a lot to lose; refused to be a part of a hypocritical community; our obligation is to work together in constructive discussion and to ask the Town Board for answers to the questions that will arise as a result. Her yard sign says “Friends of my Neighbors”.

- Bob Anderson – he read written comments that were distributed to Board members (**Attachment #4**); he recommends that the Town wait on their decision to see the results of lawsuits pending in other communities.

- Liz Evett – Bald Hill Rd. in Brooktondale. This is a decision that will have a profound influence on the future of this Town. Individual decisions - why willing to shut down any attempt regarding home rule; overwhelming evidence from other states that fracking does contaminate water; many other affects on communities; urges Board members to represent people who voted you into office. A presentation will be made on Oct. 15 at Women’s Community Bldg. regarding the economic and social affects of gas drilling.

- Bruce Murray – read statistics related to hydrofracking for gas drilling and believes there could or should be other methods. He urged everyone to uphold visions of the Town Comp. Plan.

- Dorie Lyle; new in community; from PA where gas drilling and coal mining is prevalent and has always been an accepted practice; however, \since she moved here, has changed her mind and is more concerned about public health aspects. Some things we know, some we do not. She gave examples of some that we know and the consequences. Gas drilling companies do not agree there are health risks. She does not want to be a test subject – as they say in the medical field – do not harm!

- Edie Spaulding, a lifelong resident of Town of Caroline, owns 40 acres and her mother has a lease, and she is a realtor. She is speaking for those who have signed lease, or contemplating a lease and are selling homes - how this affects mortgage market - see attached paper from Greg May, VP – Residential Mortgage Lending Tompkins Trust Company. (**Attachment #5**).

- Bill Podulka, speaking in favor of resolution, read a statement (**Attachment #6**) regarding “The Estimated Ad Valorem Tax Revenues from Marcellus Shale Drilling in the Town of Caroline”. The current economic market does not provide us with more opportunities to live more energy efficient, and we need to say no to risky development – make them provide something safer. He urges the Board to fight for Home Rule and to pass the ban on gas drilling.

- Nellie Farnam lives on 100 acres of non-leased land on White Church Rd. She read a statement (**Attachment #7**). She also urges the Board members to follow the vision of the Town of Caroline Comprehensive plan. All residents use wells – even if some do not sign leases, others who do will affect her. Fracking will not be allowed in NYC or Syracuse due to watershed safety – what about our wells.

- Mary Alyce Kobler urges the Board to vote for the ban – we want the ban and we want it now. Children’s rights, fundamental rights of our residents. Spoke of environmental disasters in other areas of the country. If Board should want other municipalities to fight their legal battles – it is despicable. United we stand, united we will fall. (**Attachment #8**)

- Jonathan Comstock – urges Board to pass resolution; overwhelming support, hundreds of personal testimony; proper role as elected representatives to protect our town. Energy Independent Caroline – join group – they have suggestions. We are the stewards of this Town, if we do not say no to this, no one else will do it for us. There is no safe gas extraction – until better methods are developed. (**Attachment #9**)

- Elliott Swarthout - talked about problems with gas drilling; he does not want to see it in Tompkins County; historically legal jurisdiction with State, what can we do to address this issue for the local residents.
- Joy Webber – registered nurse – lived here many years. Read a statement of health problems (**Attachment #10**), regarding water contamination – without clean water we cannot live. It is not safe for water supply. Please support ban.
- Anna Gibson, a 20-year resident on Bailor Rd. asked everyone to calm down and let's depend on the science – good science takes time, oil companies are in a big rush for profit. Science can make mistakes – let's not rush into gas drilling. What kind of gamble do we want to take? None. Financial insecurities – vulnerable residents – we do not want to have to choose between financial security and good health. Need other sources for farmers. Please ban hydrofracking. (**Attachment #11**).
- Seth Mead is building a home on Bald Hill and is very excited to raise family here. He is a former science teacher and a future nurse – impact on health – gave examples. ACS – benzene – known cancer. Children & elderly will show symptoms first – no treatment. Once equipment is here – they will not leave. Some will make choice. There has to be a better way.
- Jessica Evett-Miller encouraged using alternative energy sources. She wants to raise her children here where she grew up (married to Seth Mead). “Fracking turns fresh water into poison...” Read statement from Sandra Steingraber, a local biologist and writer. She also read stats from other experts and examples of ill health that is being attributed to nearby fracking operations. She urged board members to support the ban. (**Attachment #12**).
- John Reed, a Caroline resident, urged support of the ban –based on the Town Comprehensive Plan – quoted sections that were relative. DEC website – staffing not sufficient to support the oversight in natural gas drilling. Industry is inherently dangerous. (**Attachment #13**).
- Kendra Weaver is a new resident and a Cornell student. Beautiful area – perfect house, natural beauty, feels confident that town would not support gas drilling. She wants the board to ban fracking and spoke of the probability of not being able to sell house if fracking comes to town
- Irene Weiser – concerned citizens turning out by the hundreds to urge Board; attitudes not changed; unfair to blame ROUSE that this was an election issue; the only ones who made it this way are those on the board who are closed-minded. Should be proactive; legal defense fund – it is possible, it will also cost us more to allow drilling – we will pay one way or another. Legitimate concerns – deserve legislators who will protect this town. Protect our health & safety & long-term interest. We deserve better.
- John Confer moved here 35 years ago. He described his property and how he's developed it over the years- thinking about retirement. This was before fracking. Now his neighbors with leases could destroy his property. He described the rural and neighborly way of the area. He's fearful of the loss and value of the beautiful, tranquil environment. He believes that fracking would be like building a bridge to destroy the environment. (**Attachment #14**).
- Naomi Powers is a sophomore at Ithaca High School and has lived here all her life. She described her life in this rural area with simple pleasures and neighborly kindness. She would like her grandchildren to have the same opportunity here as well. She does not want hydrofracking to ruin the region. Toxic chemicals and corporate greed. The community will be broken and split up – we will be slowly poisoned. She urges the town board and citizens to keep us alive in this place we are proud to call home.
- Karen Confer feels like crying. She described the natural beauty of the area and how fracking will destroy it. She described a new, designated, natural area on Flatiron Rd. and how contaminated water will destroy the entire natural environment, for a short-term profit for those involved. Voting for the ban is the right thing to do – there is too much at stake.
- Sandy Podulka spoke of the ROUSE petition whereby more than 1,000 residents – 71% of those approached - are asking the Board to support the ban. She addressed Board members individually, asking them to give town residents what they request. The more towns that pass bans give more strength to the issue. She urges residents to support and vote for candidates for the Town Board that support the ban to replace current board members who do not.

- Jan Burton is resident of Caroline. She supports home rule – people should do what they want as long as it does not affect others. Drilling is not confined to those who signed up, does not respect property lines. She listed properties around the world that are working on moratoriums. She also reported on a statement of 65 local physicians who have dire concerns about the health effects of this process and request a moratorium. She requests the Board to vote for the ban. (**Attachment #15**).

- Jack Booker is concerned about Caroline – present and future. Most impressive is the petition signed by over 1,146 residents in the Town. He has not heard from all the town board members and feels they owe it to the public to share their views.

- Mark Whitmore lives on Weston Rd. – he and his wife live here because of beauty and good neighbors – he does not want to lose either. Heavy industry affects everybody. We need to consider issues together and make rational decision. He joined ROUSE petition drive – wanted to learn information and help disseminate to others. He felt information collected was fair, solid information. In looking at the evidence, there are plenty of reason to be cautious. We have the right to exercise local control, and urges the board to support ban.

- Sue Pierce Kelling lives on 76 Rd. She asked for text of resolution to be reread – she read the resolution. She feels a need to hear from the people who do not support a ban. Since 55% of land has been leased – – we owe it to them to hear the other.

- Priscilla Timberlake thanked the Board for their continued commitment to residents by holding a meeting in Speedsville. She read comments regarding gas extraction procedures – one water source. She asked Board members to take on issue of water protection – vote for the ban. Let's not wait for election – vote tonight to ban. Fear of being sued – should go all the way to the Supreme Court. She personally raised \$666 this evening to start legal fund. She will write a check to Town .

- Michelle Brown – Speed Hill Rd. – we've been told to endure risk to health – but risk of lawsuit; she yielded her speaking time to the Citizen's Defense Council – who spoke next:

- Helen Slotje- Community Defense Council – spoke on behalf of ROUSE. There appears there is no real legal threat. Board members are clouded by concerns other than what is in the best interest of citizens. The question is will the town board act on behalf of citizens. (Helen did not submit a copy of her prepared remarks for the record).

- Rebecca Shillenbeck was raised in Auburn, moved here in 2006. Her husband has lived here whole life. Fellow citizens – what unites us is love of Caroline –we want a rural way of life – we want longevity. A ban would assist in preserving this way of life. Please ban.

- Aaron Snow urges the board to support the resolution to ban hydrofracking. He explained why – the realization that how we live is not sustainable. We can change our lifestyle. He went to Bradford Co. – does not want Caroline to become a gasland – keep the rural nature of our community – we do not want to turn into heavy industry.

- Earl Colley – Central NY Landowner's Coalition – free legal advice is not worth the paper it's written on. Beware – stated examples of why – read code of responsibilities of lawyers – code of professional responsibility. Implore not to take free legal advice – pay one to represent fairly and honestly.

- Rita Rosenberg Barber read a statement from Marian MacCurdy who could not attend the meeting. She has lived here since 1987 and supports the ban. (**Attachment #16**).

- Ed Cope asked the board to support the ban – do anything you can to develop resolution – major obligation that may not be fulfilled – protect the safety of town residents; protect health; maintain quality of life to town. All are threatened. Up to board to protect – should have been on top of issue even before ROUSE – huge impact. Election is coming up – those Board members who do not support a ban should be thrown out for not representing the town.

- Bruce Kornreich spoke of the social implications – health & economic. He was raised in Brooklyn,, NY and has an acute appreciation for what we have here. He went to Cornell – moved back to NJ area – and came back to the Town of Caroline. Here he has a way of life he did not know prior and has gone through a transformation. He wants to protect his neighbors, family. Decision-making is based on risk & analysis – risk is not quantified. He

urged board members to vote in support of a ban.

- Phil Shapiro has lived in Caroline for 34 years. He's been talking to board members who are sitting on fence. If there is a ban, it will postpone the arrival of fracking. The ban gives time for technology to change. No one objects to old-fashioned gas wells – they do not do much harm. Not much risk. Times are changing – world of hydrofracking – recycling water as opposed to dumping – let's wait – we may get to a point where it will not be a problem. Right now we don't want to be a part of it. A ban allows time to postpone.

- Ralene Ludgate is a 25 yr. resident of Caroline. She is proud of board for implementing energy saving initiatives, and urges ways to conserve energy. We need to lesson use of hydrocarbons. This issue is a wake up call that we need to shift our way of living. Industry tends to come and go – needs to be safer, more efficient – please ban.

Written comments from Ellen Harrison (**Attachment #17**) and Veronique Domaratsky (**Attachment #18**) are included as attachments to these minutes. They were not on the speaker list.

At 9:30 PM Supervisor Barber concluded the Privilege of the Floor. He indicated that e-mail comments will be accepted and be made part of the minutes of this meeting.

Board discussion regarding the resolution to “Investigate Ban of Unconventional Gas Drilling” before the vote was taken:

- Peter Hoyt – comments: the legal aspect has been covered - it's risky and irresponsible to put the Board and the Town in a position of possible legal expense. Mr. Swartout – should be taken to State – he likes that idea; Disagrees with Ed Cope – doesn't see that in job description; election coming up – timing works out – not under great illusion; a new board would presumably have a majority in favor of a ban; not sure some in favor would still be in favor – depends on what happens in Dryden – wise heads will prevail when time comes; he will abstain from vote tonight –he has a lease – one more year to go – in a position to vote Board policy – town attorney advised no conflict – practical – would vote no for reasons that you get what you pay for – agenda to be promoted, irresponsible to act without legal representation; may be his last time to speak., depending on outcome of the election.

- Linda Adams – own 25 acres – not leased – does not need the money. Current times – looking at how industry developed – best practices – NYS – is going to happen. Some landowner focus the coalition will leverage for future leases – win-win for everyone. Does not make sense to take free legal advice that can be given – still need to have municipal attorney spend time – but go ahead, put draft together.

- Dominic –grew up at bottom of Bailor RD. – parents promoted stewardship – citizens wrote plan – went to Peace Corp – chose to stay and serve on the Board. We are gathered here – one community, one small town – value independence. Times have changed – farmers retiring with no one to take their place. Food pantry tripled in the last few years. We want to go to bed without worry of health and safety. We have common response. – help out our neighbors. We are one town – not let outside forces divide this community –we are stronger as one community. Grateful to all and mindful of those not present. 8 yrs. ago a 4 yr. process for comprehensive plan – 11 public meetings, town survey – loves the town the way it is – we need to take steps to protect it. Would alter character of town (gas drilling on scale proposed). Would violate spirit of vision of comp. plan. Citizens have a voice of our future. By and for Caroline residents – develop our own energy sources that are clean & renewable. Up to local governments to protect us. Must be advocates of those we represent. It is our responsibility to honor their requests. This is not a ban – this is to investigate the possibility – pay the attorneys. We could be sued for contaminating the water for the City of Ithaca, etc. A choice we can raise together to secure our future – our due diligence – seek the best legal advice. (**Attachment #19**)

- Toby McDonald – moved here in his 20's and bought the Bailor Farm on Bailor Rd. He knew that's what he wanted to do, he raised 3 kids there – very proud of them – immense respect for that property, town and neighbors. Grandson thinks it's all beautiful; not a day goes by that he doesn't think about the gas companies and their effect on area. Opportunity – comments to DEC – why not wait until after EPA study – before we issue permits. He tries to remove personal emotion – think without emotion. His point of view – more of an emotion-less stance. He has spoken about issue – his view has not changed. NYS law – any law we pass – as good as it may be – will be pre-empted by NYS law when it comes to gas drilling. He spoke to many people and own attorney – if we wait, see how it plays out in other areas. If things come back differently in the courts, he would

be happy to revisit. Read a prepared statement, and he will vote no on the resolution to investigate a ban on gas drilling.

- Don Barber – thanked all who have been persisting on this issue – what democracy is all about. Thanked town board for participating in process – to sit and listen to community to speak to them. He thanked ROUSE volunteers who gave civil society a way to speak their voice. He is concerned about the huge change gas drilling would make in this town. He heard people speak about Environmental Conservation Law – very clear – local governments do not have a say; land use decisions would be at the whim of the oil and gas industry; inadequate staffing in DEC to oversee this industry; environmental risk is pure foolishness. He will continue to advocate for all citizens and will have no part in leaving our community to multi-national corporations. He has looked at economic situation of counties that have gas – and they are no better off or worse off than they were prior to gas drilling. Pure speculation on potential revenue with gas drilling – any project is pure conjecture. High cost of defending ban – not a good use of public funds (so say others) – our resolution does not ban – it allows “investigation” of a ban. The majority of citizens would rather pay with cash than trade their quality of life. Impacts on community are immense; Town board should go after this issue from all sides – seek dialogue with gas industry. No one is malicious in this debate - ROUSE did not coerce anyone – citizens are smart and can think for themselves. Without a statement regarding the Town’s position, it gives the impression that Caroline is open for business. We prefer to work with citizens – not multinational corporations. Government is for us – civil society sat by far too long –the State & national governments have let us down. **(Attachment #20)**

The vote on the Resolution was as follows:

Barber: Aye; Frongillo: Aye; Adams: Nay; McDonald: Nay; Hoyt: Abstain

The Resolution did not pass.

Adjourn

On a motion by Supervisor Barber and seconded by Councilmember McDonald, the meeting adjourned at 10:15 P.M.

Respectfully Submitted,

Christine M. Wilbur, Deputy Town Clerk

Marilou Harrington, Town Clerk