

MONDAY, AUGUST 26, 2013
7:00 p.m. - TOWN HALL – 1529 NYS RTE 12
BINGHAMTON, NEW YORK 13901

PRESENT: Cynthia Paddick – Chairwoman
Judy Snyder
Messer: Warren, Donnelly and Bernard

ALSO, PRESENT: Thomas Geisenhof- Assessor & Building/Code Inspector
Alex Urda P.E. – Town Engineer
Russell Hemedinger – Town Board Member
John Barrett- Appointed Resident Member

ABSENT: Gene Hulbert, Jr. - Town Board Member

The meeting convened at 7:00 p.m., at which time Mrs. Paddick called the meeting to order and welcomed the audience. First order of business is the approval of the minutes from the July 22, 2013, Comprehensive Plan meeting.

A motion was made by Mrs. Snyder, seconded by Mr. Donnelly, to approve the July 22, 2013, Comprehensive Plan minutes.

Roll Call: Ayes – 4 Nays- 0 Abstain - 1 (Warren)

Mr. Hemedinger greeted the audience and said to have the meeting flow properly, the Board will discuss the noise and light ordinances there will be no public comment at this time. Once they have completed their discussion, then it will be time for public comment each person wishing to speak must state their name and address and limit their comments to five minutes.

Mr. Hemedinger stated the proposed items for tonight’s discussion. An overview of the energy questions on the business and residential surveys. Discuss options to provide for energy developers in the Comprehensive Plan. Question # 29 of the residential survey asked the type of energy development they would like to see in the Town. Solar development was the highest in all three groups. Question # 30 asked the least you would like to see developed in the Town. Natural gas drilling was on top for all three categories, for the residential survey (suburban, rural and random residential).

The business surveys forty two percent felt natural gas development is very important to benefit their business. Increase industrial development. The somewhat important items are mixed use zoning have residential with commercial and more land zoned commercially.

Mr. Hemedinger stated the current status on horizontal drilling, is currently not allowed in New York State. The Home Rule allows municipalities to govern their own rules, which the Town can draft a set of rules to be in place for developers to follow. Based on the past two levels of court drillings, it appears home rule will prevail when it comes to gas drilling, if it is allowed in New York at all. Municipalities can control protections for their roads, noise and lights, if there is an ordinance in place. So there are several options the Board has to consider for drilling. There are pros and cons for all energy development. Here are some options for gas drilling.

1. Make no ordinance change specific to energy development.
 - Currently not allowed in the Town without a use variance.
 - Zoning Board of Appeals makes a final determination as to where it is allowed (within adopted state guidelines).
 - Stipulations can be applied by the Zoning Board of Appeals.
 - Planning Board give their advisory.
 - Ensure noise and light ordinance would be adequate to address activities.
2. Recommend allowing drilling in the Town according to the state guidelines.
 - Town must have a road protection in place.
 - Ensure the noise and light ordinance be adequate.
3. Recommend a moratorium in the Town.
 - Town should still prepare road protections, noise and light ordinance.

These items should be added to all options. (Road protection plan, noise and light ordinance)

4. Recommend allowing certain areas in the Town.
 - Develop a New Energy Development zone.
 - If not in defined area until application is made
 - Where any energy development activities are proposed the following should apply:
 - Indicate point on the map of proposed activity (like well site, etc.).
 - 60% of assessed value within 1 mile radius must have a sign petition in favor of creating new zone presented to the Town Board.

2.

- Public hearing held (same as any other re-zone).
- Advisory from the Planning Board.
- Advisory from the Zoning Board of Appeals.
- Town Board to make the final decision.

Solar and Wind energy development

- Similar as the above criteria procedure
- Require only 30% of the assessed value verses (60%)

The Board discussed the application process with the Zoning Board of Appeals, who can place stipulations on the application. They also necessary receive advisories from Broome County and the Planning Board.

The Town must ensure there is a light and noise ordinance that is adequate enough to address these activities. Also have a Road Protection Plan in place. With any option the Town will have to follow whatever the state mandates.

Mrs. Snyder stated they should have put horizontal drilling as a question on the survey to get more feed back. Instead of a sixty percent of assessed value within a 1 mile radius to sign the petition, why not have registered voters sign the petition.

Mr. Bernard agreed it should be up to each individual person not by assessed value. How are water and sewer districts formed by assessed value and the Town Board has the final decision? I think each property should get one vote.

Mr. Warren asked about properties being rented, does the owner or the tenant get to vote? The tenant doesn't own the property. However, he lives there, which could have some impact. What if the owner lives out of the area do they still get to vote?

Mr. Hemedinger said there could be several registered voters per household each property owner should receive one vote.

Mrs. Snyder stated they should have a bond in place for the road protection plan and what about the rural areas that depend on wells. Is there a way to protect their water supplies?

Mr. Donnelly asked about the environmental impacts.

Mr. Hemedinger indicated the Long Environmental Impact Form (EAF) would be required for any energy development. We could request the driller to perform water testing pre and post to drilling.

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Mr. Bernard suggested the meter sites have trees and grass as a type of buffer.

Mr. Hemedinger said the application will be forwarded to the Planning Board for their advisory whether they choose the rezone option with the Town Board or the use variance with the Zoning Board of Appeals for any energy development.

Mr. Bernard stated Southwest when they did drilling replaced the roads better than the way they were. They were built up 2 feet and the roads are beautiful.

The Board seemed to lean towards option one and four as their recommendation to the Town Board.

Mrs. Paddick stated it will be difficult for the Town Board not to go with the majority regarding energy development.

Mrs. Snyder asked if residence around the surrounding areas would be notified.

Mr. Hemedinger stated residents within 500 feet would be notified and a legal notice placed in the paper, and on the Towns website. Then a public hearing would be held for a rezone or use variance. We could possibly mirror the cell tower notifications criteria to fifteen hundred square feet from any property line. Along with application fee of five thousand dollars and require a performance security (section 72-21 of the Towns ordinance).

The Town Attorney, Donald G. Walls, is fully aware of all the options seen here today.

The Board took a vote and unanimously agreed upon option number four. However, Mr. Donnelly stated option number one had some merit.

Mrs. Paddick agreed, but number four has a better way to voice the resident's opinion.

So the Board remained undecided.

Mr. Hemedinger asked if they were in agreement changing the assessed value in option four to property owner within a one mile radius.

Mrs. Paddick stated the water, sewer, light and sidewalk districts are considered an improvement. Any type of energy development can go either way and we have to live with the possible negative impacts. This is a very controversial topic.

Mr. Donnelly felt all residents old enough to vote should have a say.

Mrs. Paddick and Mr. Warren agreed it should be property owners only.

Mr. Bernard questioned a three family apartment, they could be transient, there one day and gone the next, they can't have a vote. How you would like to live next to a drilling site, I would want to have some say in the matter.

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Mr. Hemedinger stated there are not any apartments in the agricultural zone. Since the Board has a split decision on this we will table this for now and move onto the next item.

For water and sewer improvement the Town Board requires fifty-one percent of assessed value.

Mrs. Snyder suggested all types of energy development have sixty percent of the assessed value.

There was more discussion on the one mile radius and the notifications. If it should be from the well, well pad etc.

Mr. Bernard stated you can go two miles from the pad.

Mr. Geisenhof suggested plotting on the Gis map one mile radius to visualize how far out it covers.

Mr. Donnelly asked if it should be a radius around the well only.

Mr. Bernard said it is not unusual to have three compressor stations within two miles. If there is not enough compression for the wells they will install another compressor station.

Mrs. Snyder asked if we could change our recommendations if we find it is not sufficient enough.

Mr. Bernard said it starts with a lease agreement, drill a well and in two to three years come back drill another well. There is also an underground pipeline that is not visible but will require right-of-way; we should let the State handle that.

Mr. Urda stated there is also water containment for the drilling site. The pond falls under the MS4 regulations, which would be required as part of the site plan review.

Mr. Hemedinger asked how will the water be transported to the site location by tanker or piped in. How many trucks daily would it be? Would that be part of the Zoning Board decision (option number one) as far as water piping is concerned. Have a check list to follow should be created.

Mr. Bernard said he is concerned about our aquifer it takes a long time to refill, and does not want to damage our water resources. We should have a drawn out calculations with a check list for applicants to follow. The process stations the state regulates. It is possible to have two well pads with nine pipelines with gas compressor stations, check station and a meter station to move the gas. There is also fracking fluid from the drilling that is deposited into huge ponds that remains until it can be trucked elsewhere. There are many facets for this type of project.

Mr. Donnelly felt it would be very difficult to regulate.

Mr. Hemedinger asked the Board if option # four would be compatible for wind and solar development. Decide who can sign the petition sixty percent or only thirty percent or have property owners with one vote per household. Also add noise, light and road ordinance to be in place for the solar/wind development.

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The Board felt the one mile radius is suitable, with a signed petition in favor of creating a new zone, presented to the Town. Along with the Long EAF, site plan review, Broome County 239 review, and a signed petition being required. The Town could supply the applicant with a check list on procedures.

Mr. Hemedinger stated they should be considering the radius for wells, well pads, check stations, meter stations and compressor stations.

Mrs. Paddick did not feel comfortable deciding the radius, when I don't what these things are. We should have a professional decide. I wish we had some pictures of how these structures look.

Mr. Bernard stated a check station is where located at the frack site. It has two acres with waste tanks, pressure transmitters which goes into two buildings that is monitored by two different companies.

Mrs. Paddick mentioned they received a letter from Debbie Preston, Broome County Executive to Frank Zmitrowitz. Instead of reading the entire letter add as an attachment to the minutes. To summarize it stated her stance on safe natural gas drilling appears to be the right thing to do for job creation and lower taxes. They have developed a Road and Use Preservation Law put before the Legislature to protect our roads, in the event safe gas drilling is approved. She thanked Mr. Zmitrowitz for the information that he supplied to her and would forward to a couple of Town Supervisors.

Mr. Hemedinger opened the public comment portion of the meeting. Asked to give their name and address and limit their comments to five minutes.

Charlotte Schotnaus of 369 Port Road asked if the Board members received the email she sent to Russ Hemedinger and Gene Hulbert regarding Pennsylvania Alliance for Clean Water and Air and the list of the harmed by fracking. Hopefully you had time to review it. First of all I am very perturbed how flippant you are about tossing out option number three (moratorium ban). The majority of people do not want gas drilling. So how can you take that option off the table? The Town Board should have the final decision on this. As for the voting/petition registered residences should be allowed to vote. You should consider allowing both owners of the property and the people living there to have a vote. If you go by the name on the deed, for example our house was deeded over to me for business reasons due to New York State if you get sued. I'm sure many home owners have done it for the same situation. We still both own the property and my husband is still responsible for the bills and is the property, he should get a vote, along with any registered voter that resides in the house.

Robert Wedlake, Attorney, residing at 630 East Hill Road, I am in favor of responsible gas drilling. I have been involved with this for five years. I am currently in litigation with the City of Binghamton for their actions concerning this same subject. There is some misinformation regarding horizontal drilling is completely wrong. It does not allow high volume drilling. For example the Pippnella well in Tioga County does horizontal drilling, so there is gas drilling in New York State. As for bonding, several years ago Middlefield/ Dryden tried to tell the gas companies where they can drill, which was over ruled. You may be able to tell where it can take place but, not regulate how it will take place not unless the Court of

Appeals reverses the applet decision. You can designate certain areas where it can take place. But, how it is going to take place may create problems. Option number four is not how you going to regulate. If 6.

you select option number four gas companies spend thousands of dollars setting up leases etc. and to apply for a rezone prior to knowing if it will be allowed will be difficult, and if the rezone is denied, you may be setting yourself up for a potential law suit. So you should be careful with option number four. You may want to designate your zoning classifications first for your residential, agricultural, commercial and industrial zones. Specify what is and where certain things are allowed. Suggest an industrial zone be in place and then the gas company can't complain you rezoned the property after they have invested a lot of money in gas leases without knowing the Town of Chenango will allow it. Bonding for the roads will follow. Salamaka tried to charge a fee as a type of a bond for the roads and it was over turned.

I never attended a Planning Board meeting but isn't part of the goal of the Planning Board is to cultivate business in the Town, it's not their goal to discourage and drive out the gas business. But by doing so, it will have an impact on the local restaurants, motels and businesses in the area. If you go with option number four you may be discouraging gas companies from coming to this area.

Keep in mind in the Town of Chenango Town Law 240, with any zoning change if the residents present the Town Board with a twenty percent signed petition against the rezone your Town Board will require $\frac{3}{4}$ vote to be passed. So any recommendations you make to the Town Board, ensure you qualify your decision.

David Howe of 702 Brotzman Road was surprised more than sixty percent of the surveys did not want gas drilling. Is this board going to be swayed by the majority?

Richard Tarnowski of 557 Dimmock Hill Road stated he has multiple parcels and did not receive a survey. Sixty percent property owners should have the vote not tenants, they are transient and do not pay taxes. You should not ban option three (moratorium). I am Mr. Mitrowiitz's neighbor and he wanted me to read the letter from Debbie Preston, since he could not attend tonight's meeting. (Letter was read and will be attached to the minutes) I am very surprised that by default you are trying to regulate an industry you nothing about. I suggest you have someone come in and give you a presentation so you can be better informed.

Daryl Hartzel of 20 Pembroke Drive- stated energy development should have other Heavy industrial question number ten on the survey, mostly wanted to see less. Town residents are not interested in creating an energy zone. There is already an industrial zone if you create an energy development zone you are inviting gas drilling to the area. Also not everyone that is renting is a transient. They could be elderly they get to vote on other things and should not be disregarded.

Aleta Kinne, of 891 Castle Creek Road, said the Board should check out some the drilling sites; they are very willing to give tours. I suggest you have someone come in to educate the Board. I am confused on the mile radius, would this be the same for a wind farm. They can be huge, with several acres. They would be different than a well pad?

David Burkhart of 4 Leonard Lane asked if they have any list with feedback with people that don't live in the Town. Forty percent with leases don't live in the Town not sure what the demographics are for the

Town of Chenango. Will the people who don't live here impact what happens with the Town of Chenango. There are segways between the infrastructures that cut thru their property have a voice. The

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clearings are quite wide the new study on water quality mile and a half for a test well, above the recommended percentage has an impact. I suggest getting the study at Town of Chenango concerned citizens.

David Howe, of 702 Brotzman Road stated the state regulations are broken daily and are unusual less if not enforced. I know someone that works on the Sanford pipeline, and short cuts are taken whenever possible. If they can get away with they will. This is almost impossible to regulate. Too many things are being pressed into passing.

Mrs. Paddick did not feel comfortable by default regulating something this board knows nothing about.

The other Board members were in agreement.

Mr. Hemedinger suggested they have someone from the industry come in a give the Board a presentation to be better informed on the whole process.

There being no further discussion, the Board unanimously agreed to adjourn at 8:55 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary

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