

February 11, 2013

The Town Board of the Town of Warwick held a Public Hearing on a Local Law to Amend Chapter 164 of the Code of the Town of Warwick “To Prohibit Heavy Industry” and “Prohibit Brine on Town Roads” which will add Chapter 65 to the Code of the Town of Warwick. Said public hearing was held on Monday, February 11, 2013 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 6:00 p.m.

**ATTENDANCE:** Supervisor Michael Sweeton  
Councilman Floyd DeAngelo  
Councilman Russell Kowal  
Councilman James Gerstner  
Councilman Mickey Shuback

Town Planner, Theodore Fink

**LEGAL NOTICE:** The Town Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on January 30, 2013. (Copy of this legal notice is printed at the end of these minutes.)

Supervisor Sweeton – We started down this road late summer, early fall last year and it’s a complicated issue with lots to understand with passionate views on both sides of it. The Town Board as it normally does tries to do a lot of homework, tries to understand the issue from all perspectives and we consulted with our Town Planner who is here tonight, Ted Fink from GREENPLAN, and he has been the Town Planner for over 20 years now. He has a lot of experience dealing with this issue in other municipalities as well as our own. We did ask him to do a sort of synopsis of options for us and he presented those to the Town Board, we discussed that and the result is the two local laws before us tonight. We are going to consider both together because they really are interrelated, one deals with the potential for the process itself and the other deals with the use of any of the byproducts of the process on our local road system. At this point I would ask Ted to briefly give a quick synopsis of the two local laws and then we will open for comment.

Theodore Fink – Planner, Town of Warwick, NY – I helped in the formulation and preparation of the proposed local laws. Just to give you a brief overview one of the reasons why the Town is doing this is because in New York State the Environmental Conservation Law has a section devoted to oil, gas and solution mining activities. What that law does is it creates what’s called a preemption a local regulation of oil, gas or solution mining within New York State. Local governments are prohibited from regulating oil, gas and solution mining and one of the purposes of the oil, gas and solution mining law is to foster the development of the states oil, gas and solution mines. They are taking away the ability for local government to regulate those activities and they are done instead by the New York State Department of Environmental Conservation. When hydraulic fracturing became popular when the gas companies around six or seven years ago one of the things that many communities in New York State started to do was to take a hard look at what happened in

many of the states where this technology had already been in place and many communities have chosen to go ahead and create prohibitions on gas development activities. That was challenged in the courts and so far there have been three lawsuits that have been resolved in three different courts within New York State and they all have affirmed the right of a town to prohibit natural gas activities. Not to regulate but to prohibit, so towns are pretty much constrained in their ability to be able to really either prohibit natural gas activities or to allow it within their borders and this law is a reaction to that. When I took a look at the zoning law there's one section that allows extracted operations within three principal zoning districts in the town; the mountain, the rural and the office and industrial zoning district and that accounts for more than half of the land area within the town. There is a catchall statement within the use where it's permitted in the zoning and it simply consists of stone, sand, gravel, topsoil, or other extracted activities. That other extracted activities is one possible approach the gas company would use if they wanted to develop natural gas within the town. What we've done is created an exclusion to that by identifying natural gas as being a heavy industrial activity. There are other heavy industrial activities that would also be prohibited by this and that would be steel manufacturing and so forth. What that's done is created a means by which the town can take its existing zoning and through several simple zoning amendments can make it clearer that oil, gas and other hydrocarbon development in the town both the exploration for as well as the extraction of that would be prohibited under the zoning law, so that's essentially what we've done. That's the local law to prohibit heavy industry. We've also distinguished between heavy industry and light industry because within the towns office and industrial park district what's always been contemplated they're both in the Comprehensive Plan as well as the zoning is through light industry, manufacturing the types of things that would occur within an office and industrial park, like research and development activities, that sort of thing, but not heavy industry that would require trucking, hazardous materials, explosive materials and that sort of thing. The other thing is the local law to prohibit brine on town roads. One of the waste byproducts of the natural gas extraction process is called flow back and it's been found that the flow back is often contaminated with brine, with radionuclide's and with some of the chemicals that are used with the hydraulic pressuring process. Yet that has been used in the past especially for winter snow removal on roads in the state and so a number of communities have also banned the application of these fluids onto town roads. A number of counties have done that and a number of municipalities have done that so those are the two laws that we have before you tonight.

Supervisor Sweeton – Thank you Ted. Just information wise we have referred this to our Town Planning Board which is a requirement before we can make any zoning changes and also to the Orange County Department of Planning for comment. Both of those are requirements before we would actually enact any of the law.

Geoff Howard – Member, Sustainable Warwick – First thing I would like to do is make these observations of the local laws that are before us. These laws are amendments to Warwick's zoning code and we clearly feel they're more than amendments. As we consider these laws we need to keep in mind exactly what a zoning code is and why it's so important. Of course you're a board and know these things very well. Zoning is the codification of what this thing called Warwick is. Zoning looks at both past and present and most

**importantly the future and makes determinations of what should and shouldn't happen, what is permitted or encouraged, what is discouraged or prohibited. Zoning strikes the delicate sometimes controversial balance but critically needed balance between what individual property owners can do and what is best to the long term interest to the community as a whole. With this perspective in mind I want to thank the Board for having brought us to this moment this public hearing. You have heard the recommendations of your own Conservation Board. You've heard the various presentations on fracking and you have revisited the Comprehensive Plan. Tonight we have before us the results of your due diligence in the form of these two laws and I would like to quote directly from your language in that law. "Heavy industry is not permitted in the Town because it is inconsistent with the towns Comprehensive Plan and has the potential to increase traffic, noise and odors, disrupt the esthetic quality of the towns landscape and open spaces, diminish the towns land value, potentially contaminate the towns water and air resources and disrupt the towns biodiversity". Thank you for expressing in the very language of this important law all the reasons why this law is so critical we couldn't have said it any better.**

**Supervisor Sweeton – Thanks Geoff.**

**Dan Mack – I am here to underline a letter sent to the Board by a number of business people in Warwick. I've run my business here for 25 years and we sent you a letter signed by 36 prominent businesses from all different sectors of Warwick. I just want to underline that the quality of life in Warwick which both your laws address is very important to us. Most of our businesses depend on the attitude and atmosphere that Warwick has and if some form of hydro-fracking or the use of those materials on the roads here were to happen it would adversely affect the business here. The letter we sent to you I think on January 24<sup>th</sup> states that we urge you to follow the Conservation Boards unanimous recommendation and act immediately to protect our unique town and business community by banning fracking and its waste products. Business owners need to plan for the future and we fear the uncertainty that could exist for years if there's not a clear policy on fracking. Businesses need the stability that comes from unambiguous laws and tax codes and we urge you to specifically ban fracking and its related activities by name in our town laws. The range of the people goes from orchards, to main street business people, to light industry people, to artists like myself, I mean it's the full range of activities. Listening to Mr. Fink speak is there any grandfathered arrangement? When you talk about light industry verses heavy industry I think of Jones Chemical and whether this law would affect what goes on here already in terms of whether the chemical plant is considered heavy industry?**

**Supervisor Sweeton – My reading of the definition is it would fall under light industry.**

**Ted Fink – In any case, Jones Chemical you say would be grandfathered. There's a nonconforming use section of the zoning so even if you could construed that as falling into heavy industry category it still would be grandfathered because nonconforming uses when ever there's a change in the zoning those uses that are already in existence today are allowed to continue in the future.**

**Dan Mack – Thank You.**

**Mary Makofske – While some people see the gas leases as promising a fortune they can prove very risky for property owners. Most people don't realize it when they sign a gas lease that they are not in compliance with their mortgages and not covered by insurance for any damages from fracking. Real estate insider news knows that some banks in New York have been weary of granting mortgages on properties leased for gas drilling and Fanny May and Freddie Mack require to ask for consent before signing a gas lease. Attorney Elizabeth Radow puts it even more strongly in her article in the New York State Bar Association Journal, she states that homeowners may put their mortgages at risk if they have fracking and may incur damages that they will be responsible for solely. In cases of damages their only recourse would be to sue the gas company. In an article in the Niagara Gazette she states the risk clearly. Resident mortgages prohibit heavy industrial activity and hazardous materials on property and residential fracking brings both. A growing number of banks won't give you mortgage loans on homes with gas leases because they don't meet secondary mortgage market requirements. Homeowners insurance doesn't cover risks from fracking and neither does the gas lease. Industrial size risks are so expensive even gas companies don't get fully insured for them. Homeowners can get slammed with risks for the dangerous activity and they don't even control it. Obviously the problems with mortgages and insurance could impact not only landowners who had leases with gas companies but those with adjacent properties. The zoning laws proposed here will protect property in our town and I look forward to seeing them approved and I thank you.**

**Supervisor Sweeton – Thank you Mary.**

**Alice McMechan – I'm grateful to the Board for taking these strong proactive steps to protect Warwick from an industry that has some serious documented problems and I'm especially grateful because the ability of the Department of Environmental Conservation to protect communities is called into question by at least three issues that I'm aware of. First as a health professional I am concerned that the DEC neglected to address accumulative health effects in its initial regards environmental statement on fracking. When this was widely criticized the New York State Department of Health was asked to address the problem. The DOH did an internal study that was never made public; again that process was widely criticized. The State then called in three public health experts to look at the DOH study and that information has still not been made public. This lack of transparency does not inspire me with confidence in the DEC overseeing this process. Secondly, the DEC has two missions regarding the gas and oil industry which may appear to be in conflict. The first is to set regulations on the industry and enforce them and the second is to promote for development of gas and oil resources. This could be a slippery slope; finally the DEC simply doesn't have the resources to adequately supervise this industry. It has admitted itself that it does not know the cost to regulate fracking and does not know where it will get the money. We do know that as of July 2011 the DEC had 14 well inspectors. A gas industry plant states it has as many as 65,000 wells in New York State. How much inspecting they can do is pretty obvious. The DEC said it would need an additional 226 staffers in two years to accommodate the inspections. It has lost 806 full time employees since 2008 and everybody knows what a difficult fiscal situation the state is in. As Al**

**Appleton, the former Commissioner of the New York City Department of Environmental Conservation, has said about fracking that I could write a series of regulations that would look great on paper but they just wouldn't happen in the real world. Again thank you for your proactive protection of Warwick and I look forward to your positive vote.**

**Supervisor Sweeton – Thank you Alice.**

**Ray Westbrook – My sister and brother in-law live in Cameron, West Virginia on State Route 250 about 20 miles southeast of Reeling in the panhandle between Ohio and Pennsylvania. The gas companies started setting up leases about 8 years ago and have been extracting gas, building dirt roads, pipelines and pumping stations for about 3 or 4 years. The company has not been benevolent as time progressed. Initially they paid \$250 an acre to the landowners for their leases and they've gotten up \$2,500 on their leases. I've heard recently they're giving some royalties so the companies are not really benevolent. My wife and I have driven out to visit once or twice a year and we noticed when we drive out that dirt roads are parallel and intersecting with routes 21 and 250 and the deterioration of both roads. The dust from the dirt roads is running onto the adjacent fields and roads. We've also noticed pipelines being replaced and run under the roads for either drainage or water lines. My sister in-law has had problems with the municipal water supply where the pipes were broken by the constant heavy truck traffic and lost her water twice. They also lost their cable, telephone and electricity when accidents with the trucks took down the telephone poles. Route 250 is a winding two lane road that runs north to south through West Virginia. It runs a ridge that has driveways off of it similar to Route 1A and most of the roads around here like 94 and 17A and the trucks have trouble sharing the road with local traffic. Another problem they've had is the noise from the trucks running 24 hours a day bringing in water or carrying out waste water. Hiring of local people has not gone as well as they hoped because gas companies hired locals if they agreed to move onto the next site. They preferred to bring in trained workers and this has created secondary problems the rents have gone up for locals and rental units have gotten scarce. The reasons against allowing fracking in Warwick unless safeguards and clauses are included in the contracts which looks like you have included in the contracts that you've put together to prevent dust, silt, runoff, repair of roads and repairing and replacing of the sewer, water and storm drains, also the repair or replacement of telephone or electric lines damaged by the heavy industry traffic.**

**Supervisor Sweeton – Thank you sir.**

**Bill Makofske – I would like to cover material on the property rights and compulsory integration. Property rights are sometimes thought of as the right the property owner has to do whatever he or she wants to do with their property. Yet the rights of one property owner end when they begin to infringe on the property rights of neighbors. There is no doubt that industrial fracking would create substantial nuisance for most people, for example heavy truck traffic, noise, congestion, gas flaring as well as threaten air, water and property values. This proposed zoning change protects the property rights of a vast majority of Warwick citizens who would be so affected. A compulsory integration law in New York State which governs the rules for fracking is a good example of infringing on**

**other people's property rights. Gas companies set up their wells on spacing units of 640 acres. Once they have pieces on 60% of that land the owners of the other 40% are compelled to be part of the fracking unit. Doesn't this seem like a serious property rights issue? Even some who support fracking such organizations as the Marcellus Drilling News think that the compulsory integration law is a big mistake and violates other property rights. This law is also highly undemocratic for example one or two owners of 384 acres which is 60% of a spacing unit could force 256 owners of one acre lots to have their land fracked so one or two people can trample the property rights of 256 other landowners. If the 384 acres were outside a village with high density and small lots sizes the number of homeowners affected would be substantially greater and yet they would have no say in the matter. Compulsory integration could favor the property rights of the few over the many and proposed zoning law prevents this injustice. Thank you very much for proposing this law.**

**Supervisor Sweeton – Thank you Bill.**

**Jerry Ruebenstahl – I'm a 49 year landowner and resident here in Warwick and I'm a retired architect and construction manager. About four months ago I was very skeptical about what I was hearing so I decided I didn't have much knowledge on the subject. I did a lot of reading and I did a lot of listening and I evolved and I evolved to a point where I believe that Warwick and fracking are incompatible and I want to thank the Board and I want to commend the Board on their courage of taking a stand and saying what they're saying. Thank you very much.**

**Supervisor Sweeton – Thank you.**

**Hannelore Chambers – I'm a new mother and my husband and I moved to Warwick from the city about three years ago. We moved here for the quality of life that everyone else has been speaking about so far. We moved here for the natural resources, for the recreational opportunities and just for the beauty of the Warwick Valley and the surrounding area. When we have guests come up from the city they are always astounded in how beautiful the area is here and how close it is to New York City. I personally would like to commend everyone who has lived here up until now who has been able to maintain that and preserve that. I have listened to many reviews over the last few years and I have heard what has happened out in the west particular in Wyoming, Colorado and Montana. I hear we have plenty of farmers who live off of the land and off of their animals. Leonard Ropey on NPR recently interviewed a journalist who has been doing research and studies at some veterinaries that Cornell has been doing where they have been finding that the animals that have been living off the land under which the hydro-fracking has been occurring and have been suffering from a number of very life threatening issues, even such small things as their tails falling off, which obviously doesn't sound very natural. To help preserve the farmers way of living here this is something to consider or research if you guys haven't already done so. I'm also a home owner and I am very concerned about my property values going down based on what my neighbor may do if they allow fracking. Or more suggestive if people come up here and suddenly they no longer see this ideal community we have here and they see smog, trucks and all of the heavy equipment. Lastly I would just like to make**

**a point that it seems that in this day and age that the southwest of this country in Georgia and the remaining southeast region there are water shortages every year and we are fortunate enough at this time to have ample fresh water. I have a well on my property and I would be devastated if anything happened to it. Thank you so much for proposing this and I highly encourage you to go ahead and pass it.**

**Supervisor Sweeton – Thank you and congratulations on being a new mother too.**

**Jerry Zimmerman – I live in Pine Island and I want to thank you all for your considered time and effort in creating these two proposals and I sincerely hope that you will adopt both of them. I think we need to be mindful of the history in New York State where different towns and communities were not so considerate and not so mindful and wound up with sites like the Gowanus Canal and Newtown Creek and it is impossible to imagine that anything like that could happen here. It won't happen as long as you put these two proposals into a law which is what I hope you do. Thank you.**

**Supervisor Sweeton – Thank you.**

**Jane Hamburger – I've been in education for 45 years teaching young children and in part about how to think and how to think critically. Things like know your sources, who do you trust, listen to other points of view that are out there, but when it gets to how to think those things are better left to families and parents. I steer clear of that but I do have a family and a note that I would like to share with you. This comes from my teenage granddaughter who was visiting us from Tennessee. She was messaging her friends back and forth in Tennessee telling them I love to drink the water from grandma and grandpas well it tastes so clean and so fresh. I don't want to lose that and I've listened to a conversation from people tonight that I trust of what all is out there and I want to thank you for the courage that you are showing in considering the local laws and keeping things fresh thank you.**

**Supervisor Sweeton – Thank you.**

**Bob Schluter – I've been an engineer for over 30 years in fields related to fracking and I want to bring up three points in these three minutes. My first point is as an engineer. I've seen some tremendous engineering projects go and as many engineers that you have on the job they try to idiot proof them and you can not idiot proof things. I've met some idiots that get right around the best engineers in the world. Fracking has the opportunity for dozens of things to go wrong I mean we have a lot of humans involved with this and I'll give a couple of examples that where slight human errors can make huge submissions. The first is Three Mile Island and this was one error of one operator so no matter how great the engineering was at that nuclear facility one operator took it right down and created a huge mess. Same thing with Chernobyl; that reactor puked its guts and that's an environmental legacy that will live on for hundreds of thousands of years. I'm very glad to see these proposed laws because it tends to eliminate that human error. The second thing I want to talk about is the lack of regulations and oversight. Just recently the federal government started mandating for some installations the disclosure of the fracking chemicals but it's**

not enough. There certainly is no oversight on the job site itself. I go out onto heavy industry construction sites where people aren't looking and people do bad things. They don't live in this neighborhood, they don't live in this town and they're going to do things that don't make sense and its going to impact us all forever. I moved my family to this town because I love the environment here and the last thing I want to see is some knuckleheads screw it up. The third point is greed; another one of these wonderful human traits. I was involved with fracking almost four years ago and it was a tremendous process they could do a lot from under the ground. What's happened recently because of people with greed trying to increase productivity remember everything that people are doing here for the fracking is about the money, the money, the money, so if somebody can slip a few chemicals in there to make more money, because it lubricates the process, they will do it and they continue to do that. I don't think that greed is a good mix in this at all. I do support natural gas; I think it's a wonderful thing. In the past decade our carbon flow print has dropped dramatically pretty much solely on account of natural gas instead of coal, so it's a good thing. I do support fracking but not the way it's done right now so I think your proposed laws are tremendous and until the industry can get its stuff together and actually true regulation and oversight I'm going to oppose it.

Supervisor Sweeton – Thank you.

Brian Baird – I wrote a letter and a package for you folks. I'm a Warwick resident, registered Republican, landowner, taxpayer, stakeholder and member of Sustainable Warwick. First I want to congratulate the Board on defining such balanced laws to further protect Warwick and they address many current and foreseeable concerns and I look forward to you putting these laws into effect. The oil and gas industry can often be painted with a pretty dark brush. As with every industry there are those that lie, cheat and steal but I'm certain that most people that work in the industry believe they are doing something good for the country and good for the landowners that they engage the leases with. Naturally this leads to well meaning claims that the extraction processes are totally safe. Common things I hear from proponents of shale gas extraction is that they believe industry claims that the process is completely safe, that they've been to areas where the industry is operating and seen no issues, and it is unfair to disallow these processes for those that want to use their land to make money the way they see fit. For a moment I would like to take a quick look at the airline industry. I've flown hundreds of thousands of miles and never been in a crash, however when crashes occur they are spectacular and public and government and industry aggressively work to prevent future crashes. It's this kind of oversight and effort that may well make the airline industry the safest in the world. But the heavy shale gas extraction industry isn't yet under wide public scrutiny for a variety of reasons. Included but not limited to a lack of awareness of what the process really is, and because the mistakes, breaks and other failures frequently take months or years to become evident. Not only is there room for the industry to point fingers elsewhere but the challenges aren't visibly spectacular as with the plane crash. News coverage though now accelerating has been limited. So it maybe easy to believe that the process is safe simply because we've not been widely shown that there are indeed disasters. Perhaps because the

failures are not visible at the level of a plane crash or for whatever reason, there's no equivalent oversight anywhere to make the industry safe enough to allow in Warwick. We wouldn't allow an airport here so we certainly shouldn't allow heavy industrial activity; it's not compatible with Warwick. As the Board may recall I swim in political circles that embrace shale gas extraction, specifically fracking and I started the journey to this hearing believing these processes were low risk. What I found were numerous, credible references to show that safety cannot be guaranteed and the consequences of failure are dire. I have attached a subset of all the information on safety failures for your review just in case the voices against this law get loud enough to make you question the great work you've already done. The whole compendium here, the Pennsylvania Department of Environmental Protection, they even had to engage in lawsuits for over 3,000 different violations. I have a list of fracking disasters that have taken place across the country including Pennsylvania and sighting against Chesapeake Energy where they were fined and so on and lastly this is very important is milking. This is something that was done by a journalist which shows that using industry documentation how wells that get put in non-fracking just wells in general 60 to 70% fail at start, 50% will fail over a 20 year period of time. The other challenges is even if we do have leaks that doesn't mean our stuff is leaking into aquifers and well water but even in their own documents its printed in this thing I'm going to hand you show the same challenges that they do in fact contribute to aquifer damage.

Supervisor Sweeton – Thank you.

Ray Ruszkiewicz – Listening to the speakers I'm very much impressed with their concerns and worries over water contamination and the fracking process. Looking back at this when I first saw it with the news articles and so forth coming out I did some research. The landowners in eastern Ohio these guys with the mining of the Utica Shale are getting up to \$15,000 and signing bonuses plus very generous royalties which with the interest shown on the fracking here in Warwick I thought maybe there's something here. So I started going on the internet and looking back and seeing what's happening and I can't find anything or any reference. There's no Marcellus Shale below us and the Utica Shale is very spotty in this area and according to the data provided by the Energy Information Administration the geological survey, Pennsylvania surveys and the US Department of Energy the Utica Shale in this area is over 10,000 feet below us. If anything should be done with it, it certainly won't be done in my lifetime or even my children's lifetime and our concern over fracking and the contamination of our water supply I don't feel it will happen. I think we're going to have good water and the process of going forward with this leaves bad feelings especially in my mind in terms of what is the Town of Warwick doing other than possibly supporting the supporters of anti-fracking in other areas that certainly does not have an effect on us here in the Town of Warwick. We are moving pretty quickly toward and why the rush to move forward toward anti-fracking process. My recommendation would be to set this thing aside for a while until further information comes out. The other possibility would be is the whole fracking process is in infancy stages and as I understand it from my

research is the first fracking was done back in 2004 and that's eight years ago. There are tremendous changes being done to it and the type of chemicals they are using and in some areas they are not even using chemicals they are using compressed gas to get down into the rock formation to split it. By the time it gets to Warwick maybe in 50 years this process will be a very clean process.

Supervisor Sweeton – Thank you Ray I appreciate that.

Marsha Talbot – I'm a realtor here in Warwick and I have a letter signed by 24 realtors in our town which I'm not going to read it because so much of what has already been said is in this letter and I thank the Board for your consideration in maintaining and trying to keep our town as beautiful as it is. This is really important to all of us so thank you.

Supervisor Sweeton – Thank you.

Richard Thayer – I was a teacher at the University of Maryland College. Fracking to extract the natural gas from the seams in the shale raises important environmental economic issues. I grew up on a dairy farm in Sullivan County, Pennsylvania northwest of Scranton and Sullivan County is also part of the Marcellus Shale development area. I have friends there which is why I mention this and the promises that they were made for the respect of how the shale would be mined of the natural gas the reality some 4 or 5 years later are dramatically different and not very good. According to a professor at Penn State Marcellus Shale promises economic benefits to Pennsylvania but he has also noted that the fracking to extract the natural gas from the seams of the shale raises enormous and important environmental economic land use issues that should be favored is correct. In your term economic benefits of fracking should not be prematurely questioned to it assuring the long term health of the environment must be our top priority.

Supervisor Sweeton – Thank you sir.

Donna Spector – I came to Warwick from the San Francisco Bay area and for the last 33 years I've lived on Blooms Corners Road in a house with a well with very pure water and a view of our beautiful sanctuary. I would just like to thank and commend the Board for its courage in considering these laws which can really protect and benefit our community.

Supervisor Sweeton – Thank you.

Joan Terrell – I'm going to curtail my comments because much of what has already been said I would echo enthusiastically and completely. People who have raised issues of environmental concerns, medical concerns, economic concerns, and safety concerns, all of which are out there and many questions without firm answers and resolution. I think with that in mind all of the risks at stake we shouldn't accept on face value that these energy companies are seeking resources here in Warwick or

anywhere else and that they are invested in this process in the welfare of our communities as we are. They are not; they're here for profits and we see the awful and the irrevocable consequences of fracking along communities that are undergoing it right now from Colorado to Pennsylvania. With air pollution, earthquakes, fowl drinking water, depressed home values, disappointed residents who thought they were going to have a pay day that never came and we have to remember they are fracking to collect what will ultimately be a global commodity. So do we really want to take these risks here in Warwick? I think Supervisor Sweeton and the Board you have a golden opportunity to act heroically not only for now but for future residents. I urge you respectfully to make the courageous choice of supporting these laws and voting them in so you can sustain the trust that was passed to us by people who lived here in Warwick generations past. Which we in turn must honor. We need to provide the same opportunity to future generations that we now enjoy to live here healthfully and without stress or panic in the beauty and validity of nature protecting the sustainability of this. We don't want to leave future generations or ourselves bound as holy owned subsidiaries to our own energy conglomerate and the sacred stewardship of Warwick should never be for sale. Thank you very much.

Supervisor Sweeton – Thank you.

Matt Frey – I've been living here for 6 months or so as an intern and I'm not going to be here much longer. Why I'm admitting that is I'm from northeastern Pennsylvania outside of Scranton and I've seen first hand the economic impact that comes from fracking. I grew up going camping with my family to a park called Worlds End and it's where the Endless Mountains meet and converge on a single point and the Loyalsock Creek runs through it. I haven't gone camping there since I was 16 and now I am 21 and I went back for the first time in a long time last summer. I went hiking all day on the Appalachian and the best part of the day was looking forward to swimming in the Loyalsock and that water is just not there anymore, it doesn't have the quality that it used to. They do take the water from the Loyalsock Creek and they do use the water from it. It has been modified for pine line running and the effects are apparent. I drive through Bradford County, Sullivan County, Luzerne County on my way to school in Rochester. Towanda is an absolutely stunning town and it's one of my favorite places in Pennsylvania. That is one of the central hubs in northeastern Pennsylvania where you can find fracking. The town is expected to grow boundless but it's much like Warwick with a small main street and it hasn't. All I find when I go there is loud endless streams of trucks and dusty, dusty roads. There's nothing left, no value has been brought in, and you can find piles of cars but none of them with Pennsylvania license plates. What I'm getting at is the benefits don't outweigh the costs and I want to thank the Board for seriously considering this even though it really doesn't affect me too much.

Supervisor Sweeton – Thank you.

**William Vieldhouse – I kind of agree with the gentleman from Pine Island. There isn't any gas that they're going to extract in Warwick and all we are doing is taking a side with an environmentalist and I call myself an environmentalist. But we have extreme environmentalists that burn down houses and stuff so you have to be careful before you classify yourself. We've taken part in putting terrorists in power in Egypt and Libya and we take everybody else's part without really knowing and everybody agrees. As far as Pennsylvania goes I go out there and yeah I heard 640 acres but I don't think Warwick is going to get it, but everybody in that town gets a little money and it's a booming town out there. Everybody's happy out there. There was one spot which I know well where they got water in a couple of wells which eventually got out they supplied them with water. Now I just heard on the news in the last week or two that Halliburton who some of the politicians own whether it's Democrats or Republicans I don't know because I have nothing against or for either one, but they developed a new nontoxic fracking company. So what I'm saying is you're getting into something that you don't even have to worry about. But I want to tell you something else that disappoints me a little bit is this ban on heavy construction and stuff. That's why I'm paying \$300 a week in school taxes because we don't have any stuff like that. I learned how to drive on Old Ridge Road when it was dirt and that's when I went up to Pennsylvania for because I liked it. Now they've paved a lot of roads, the companies. Everybody's happy and I haven't heard one person out there. The problem is nobody ever goes out and sees; they take what they read. I have a lot of respect for people like the engineers, lawyers and doctors because I only went until the eighth grade but God has blessed me beyond my wildest dreams. The wisdom comes from the things I did wrong and that's wisdom knowing common sense. Engineers can design hi-rises and highways but can't design a septic system that works. I'm just saying we need a little common sense and if you want to do it maybe you ought to take a trip out there. I don't care if you do it or not because I think if you do it, it don't make a difference, but it does to you because you're making a decision to do something that is going to affect the town. You're just banning something, rules are good but too many of them. You want to talk about chemicals? Jones Chemical I mean there's a good taxpayer and the chemicals they make could be dangerous right but they take the sewer water from Atlantic City and make as good as any of our wells or our reservoirs. The bottles of water that you buy isn't as good as some of our wells, so I'm just telling you that you ought to take a ride out there and see. Don't listen to what you hear or read go see for yourselves. They say pictures are worth a thousand words but seeing is believing. You're getting into something that isn't even any of our business because we don't have it.**

**Supervisor Sweeton – Thank you sir.**

**Kate Brunkhorst – I wanted to thank all of you for putting this together because I think it's very important. I'm here representing some young people from Warwick and there are not a lot of young adults in the Warwick area. I'm a Warwick graduate, I went to Syracuse University, returned and now working at a software company and it's clear that everyone is coming out to support the passage of these**

laws. I would really like to encourage the passage of these laws to set a precedent for our region as well and all of the counties and municipalities that are affected by the potential fracking of Marcellus Shale especially Broome and Onondaga County. I think us passing these laws will encourage other areas to do the same thing and if we're one of the first in Orange County to develop such a principal it might encourage others. I also ask the Board to consider and all of us in this room what happens after we pass the laws if and when they do pass. We need to tell others about this and what we've learned and heard tonight. I think we want to encourage young people to come back to Warwick. I did come back to Warwick because I love it for its beauty and I've grown up here my whole life and the way I was raised in Warwick has much to do with the community. I want to thank everyone here for that and I think we need to encourage young people to speak up and come out and talk about the issues so thank you very much.

Supervisor Sweeton – Thank you.

Cheryl Devine – I moved into town about 26 years ago and the thing that struck me upon moving into town was a big threat from the State of New Jersey they want to dig up hundreds of thousands of tons of radioactive waste from the Oranges down in New Jersey and truck it up to Vernon and dispose of it in the granite quarries there. That radioactive runoff would have gone into the Wawayanda River which is one of the only rivers that flows north and was going to flow up toward Middletown and we would run the risk of having contaminated our aquifer from that. There were some legal goings on and Warwick had to jump into that though we were an abutting state. I remember an attorney from Vernon saying he was very grateful that Warwick had gotten involved because they would have lost the battle and that taught me a lot about this town that this town really cares about itself. It was the threat of contamination of water then and I feel that hydro-fracking and also the horizontal drilling from this natural gas process is a great threat to our water. Once you have no water there's not a thing on this earth that can live. I want to thank the Board for having that insight, so many of you have lived here even longer than 26 years so you remember those battles that went on. I commend you for the forward thinking and doing the research and presenting this to us. This is a really wonderful town and wonderful people, thank you.

Supervisor Sweeton – Thank you Cheryl.

Russ Layne – I was in New Orleans when the Deepwater Horizon exploded and the instrumental damage both emotionally and economically was devastating and still is. I know that the gas and oil industry has got viable resources to let us know on almost any media that we turn up that its safe. After what I saw happen in New Orleans I am extremely skeptical about anything that the gas or oil industry tells us. I would like you to take that under serious consideration. I appreciate what you're doing tonight and thank you very much.

Supervisor Sweeton – Thank you.

**Pat McConnell – I'm a native who grow up here in Warwick. I'm here to address the environmental impacts especially the health impacts from hydraulic fracturing, for air pollution, water pollution and incidentals. I'm a retired nurse and I was a member of the Board of the American Lung Association specializing in educating people on asthma and I have asthma myself. There are approximately 75,000 wells in 30 states in the country right now and the gas and oil industry is preceding so rapidly right now that the EPA and the DEC can not really keep up with the progress of the oil and gas industry. It is particularly important for us as a town who has always done the right thing over the years to pass legislation whether it will happen in the future or not to pass it now to protect ourselves. Something new came to light recently, that there's a new ball of light seen from space in North Dakota and it is from the methane release which you see along New Jersey's roads from the wells and its creating such a ball of fire that you can see it from space. All of those consecrated areas of the wells are releasing methane and a variety of other air pollutants. These releases offset because of the leakage and the flaring offsets some of the benefits that we could get from the natural gas extraction. Some of the air pollutants include methane, carbon monoxide, carbon dioxide, nitrous oxide, vocs which are volatile organic compounds. These and others in the water, benzene, toluene we already know from our dealings with the landfill that these are highly carcinogenic and they're certainly toxic to people who have respiratory and cardiovascular disease. The EPA is working right now to amend sections 111 and 112 of the Clean Air Act and as I said the gas and oil industry are working even faster. The methane that is released from theses flares from these gas wells is part of the process that eventually ends up making ozone. Ozone as we know is not only a pollutant and causes severe respiratory problems but is part of our problem in our environment. The health impacts are mainly our children because children's lungs do not really develop fully until they're adults, people with respiratory or cardiovascular diseases and older people who have debilitating illnesses these pollutants affects them more. We've always in our community tried to do the right thing by protecting our families, our farms, our people, our health etc. I heard people talking about the pros for it or questioning what's going on. We have other alternatives there's solar, we have wind, we have a variety of other things that you can use to reduce our energy dependency on oil without harming the environment. The town has already done it with the solar panels on the roof here and we have people with solar around. We don't have wind but we do have solar. There are other alternatives and I thank you for doing this and I think it's the right thing to do.**

**Supervisor Sweeton – Thank you Pat.**

**Melanie Gold – I first want to thank you along with everyone else for looking at our health in a reasonable manner because this really is about our health. I also want to encourage the Board to work with municipalities that are nearby because fracking and that kind of heavy industry doesn't know our boundaries that we draw on maps. It does seep into nearby towns and nearby lakes and so forth so I would like**

to encourage us to work with nearby towns. Minisink right now is fighting with this industry to stop a compressor station that's being built there so that's one area and its right here and it's really not that far away at all. I also want to join the woman who just spoke encouraging us to explore more solar, more wind and more even hydro electric power. I know there are towns nearby, West Milford is one of them that has been doing more exploration and I know we can do a lot more than we have. I wanted to address the issue of money. Any argument that I've ever heard for fracking was based solely on economics and this is about our health not about money. What good is money if you have no health?

Supervisor Sweeton – Thank you.

Steve Gross – I've lived in Warwick for 48 years. For more then 30 of those years I have been working in the environmental impact assessment industry. I've written environmental impact statements and I've reviewed impact statements written by other people. In that time I've learned a dirty little secret the way that reports are written for industries and the reports that are written for clients even in the State of New York where you have the State Environmental Quality Review Act even though the document may belong to the agency the document was prepared and paid for by the industry or the applicant that wants to get the approval. It's interesting that it always ends up favoring the person who paid for it. I'm impressed by everyone who has done their research and read both sides but I question you that all the arguments that have been written in favor of fracking have been paid for by the fracking industry and as a result you'll find them askew. I'm going to bring up one thing that I have personal knowledge of just to prove a point. Those of us in the environmental field when fracking first came out were interested and we calculated what the impacts were. One of the things that the industry always proclaimed was that it was safe in part because when they drill these wells the casing that they were putting down were designed in a way that they would be good for a century. Those of us that were looking at this were saying what happens after the century if you still have the chemicals down there will they breakthrough then and get into the aquifer, but I learned something that blew that whole thinking out of the water anyway. You may be surprised to know that I belong to an organization that actually celebrates American industry and I go on tours of industrial plants all over the country. With this organization I had gone on a tour of a plant in Wilder Kentucky known as TMK IPSCO. They make the casings for the fracking industry, the well casings for the fracking industry. We had a very in depth tour of this plant and we were taken around by the Plant Manager Jim Truskot and he showed us the very casings that they were selling to the fracking industry. I was curious about it and I asked him directly how long do these last and I was waiting to hear about these 100 years and he told me no better than 5 years. I said and you're talking about for fracking and he said yes, especially for fracking. The chemicals that are put down into these casings are so highly corrosive so we don't expect any more then 3 to 5 year life expectancy and then they have to be replaced. Well that was completely different than anything I've ever heard from the oil and gas industry, but here was the plant manager for the plant that was making

**the casings and you would like he would tell us how good they were but he was being honest and here we were a bunch of industrial enthusiasts and he was being honest with us. We were asking questions and he was telling us the truth. That's just one point that has been touted by the gas industry for fracking. Just one out of all the things that they list as pointing to as to why this is so safe and that one flies in the face of the truth. I like everything that one engineer had to say about the idiots and that's the other thing that I find when we do environmental impact analysis's is that no matter what is told to you about all of the measures that are there to guarantee safety and all you need is one idiot Exxon Valdes or one equipment failure the Gulf spill or in this case that you have a casing that you thought was going to last a century but failed in 3 to 5 years. All it takes is one incident it's kind of like terrorism we have to be right 100% of the time to prevent terrorism. It's the same thing with this; all it takes is one incident to be wrong. There was a gentleman before that talked about wisdom and learning from mistakes. I don't want us to gain wisdom here by learning from a mistake that happens here and I applaud everything that you have done in heading this off at the pass. Also I'm proud to see that this is something that has seemed to have brought together all sides Democrats, Republicans, everything we all care about this now.**

**Supervisor Sweeton – Thanks Steve.**

**Ted Fink – Dan Duthie from the Conservation Board just handed me a note said he was going to go to the Planning Board meeting and he wanted to say that the Conservation Board enthusiastically supports both laws.**

**Bill Wegner – I'm a resident in Florida and I'm also an environmental scientist. I've been involved in fracking issues since 2008 and everything I've seen since then just clearly indicates that fracking poses significant risks to health, to the environment and economic growth. It's really a no-brainer because there are all of these chemicals going into the ground and these are the reasons why I oppose fracking in itself. I also oppose spreading fracking waste onto any roads in the town, I mean road salt typical sodium chloride or table salt that everybody has in their kitchens will kill vegetation 200 meters away from roadside when it's used in deicing operations. Imagine what the toxic brew of fracking chemicals is going to do in stormwater runoff when it impacts roadside wetlands and streams that are buffers; it's not acceptable. It's an unacceptable risk for us, for our families for our children. It's a no-brainer and so I urge the Board to follow through with this and ban it.**

**Supervisor Sweeton – Thank you.**

**Kevin Cote – I've been a Florida resident since 1992. The lady who spoke before who was a nurse just to let you know every time you breathe out, every time you speak you are expelling carbon dioxide; who's going to shoot me about that. That's the trees and green things making photosynthesis by them taking in carbon dioxide I want somebody to name these chemicals that they use for fracking. Nobody is**

**naming chemicals somebody said something about salt, table salt. If salt is so bad how come we don't have dead zones around every brook in Warwick? Jeff Feagles they put down thousands of tons of salt.**

**Supervisor Sweeton – I'm going to ask everybody please this is this gentleman's turn to speak please keep your comments to yourself.**

**Kevin Cote – Thousands of tons of rock salt that they mine from out of the ground from upstate New York they put on the roads. How come it's not ground? Year round all this dangerous stuff they take out of the ground it comes from the ground and its going back into the ground. The light that they can see from space in the Dakotas is because they are flaring off methane and natural gas so these wells don't blow. Until they can get the pipes to these wells and these wells prove to be economically feasible and they're going to pay they have to flare up this gas. That's why your boys of the EPA your buddies, another thing I want to say people who are pro-fracking ok I'm not being paid by anybody. I happen to be a landowner and I'm like a lot of people from the village who live on these little postage stamp lots who sign these petitions online and we don't know if they're signing up their dogs. We know how it works; it's a corrupt system. I came here last time to speak against this. This is wrong; if I owned land in Warwick and if fracking is something that's available to me they can drill a little tiny well on my property and I could get \$500 or a \$1000 every month because they are going to either empty this little tank of natural gas or oil. It's not going to do anybody any harm and they come here and spend money in the B&B's and they go to the little shops in the village, buy stuff in the village, spend their money in the village getting food, stopping at the gas stations and all the rest. How's that harming anybody? If I own land and you prevent me with some law from drilling a well on my land and harvesting something that's down underground that's not doing anyone any harm Show me the proof because I haven't seen the proof yet. I don't want to go to some stupid movie matinee to find out what the truth is. This is about my property rights.**

**Supervisor Sweeton – I'm going to ask the audience again please keep your comments to yourself.**

**Kevin Cote – You were elected Michael to protect my constitutional rights. That's what my vote for you went for. You are my representative, you are my servant, and the government is my servant to protect my rights. Not like 1,500 people against 55,000 people that live in Warwick up which the people that live in the village have nothing to say about this. It is strictly a landowner issue. The people who have land that can drill on their land should be the ones voting and speaking about this. Not people who live in Florida or live in an apartment or the people who live in the village it has nothing to do with them. The village is the one who is going to benefit by this and who here likes paying \$4.00 a gallon for gas? Do you want those jackass Arabs sticking it to us every time we go and buy their oil and gas? We have more oil and gas in the Unites States than they do in Saudi Arabia and a lot of other places. If we were to utilize our natural resources we could tell them all just like I**

want to tell all the anti-fracking people it's about my land, its about my rights. Where's your compassion, all the liberals, the compassionate liberals that don't care about everybody. Who's caring about me, who's caring about my rights?

Supervisor Sweeton – Thank you.

**Krista Yacovane – Tape malfunction. A series of chemicals many of which are carcinogens are injected underground and much of this chemical fluid flows back as waste. In addition fracking mobilizes heavy metals and naturally occurring radioactive materials know as NORM and brine which come up along with the gas and also must be disposed of. This waste although in fact is hazardous which is not designated as such under federal and state laws because of special exemptions to the oil and gas industry. New York State currently allows brine from low lying vertical hydraulic fracturing operations to be spread on roads with special permission called beneficial use determination is obtained from the Environmental Conservation Office. To maintain this permission brine only has to be tested for radioactivity once per year. This is completely inadequate to insure the safety of the citizens that the radioactivity of brine were merely based on the well source. Once spread contaminates from the waste can runoff into water supplies and onto residential and outer local properties. In addition traffic can stir up contaminates and release them into the air supply. Westchester and Ulster Counties have banned the spreading of waste on their roads and both Dutchess and Putnam Counties are currently considering similar legislation. We urge the Board to take similarly protective action as quickly as possible especially since road spreading has already begun for this winter season. Every keeper looks forward to supporting the Board in passing this critical legislation and thank you for the opportunity to address the Board tonight.**

Supervisor Sweeton – Thank you very much.

**Gar Wang – So many of us feel it's so obviously a one sided issue here and I certainly feel that what the Board has come up with is commendable. Your actions have reaffirmed my confidence in local politics and I'm also very grateful to all the citizens of Warwick who have put a lot of energy into seriously researching this and thinking it through. Benzene is a known carcinogen and I don't want to drink it. Warwick has so much surface water around us and if any of these contaminants gets into one well it can easily pollute the neighboring well. I don't see the logic in the argument that fracking will produce so much gas that it will be economically feasible that the companies will be able to export this gas to other parts of the world. So who's making the money when this happens, it would be the oil and gas company not little old us who have our wells polluted. We will have our quietness destroyed because of all the heavy trucks going in and out transporting waste byproducts to where? To another community that will also be polluted and destroyed, so no I commend the Board because you have taken into consideration the long term effects of something like this and you are courageous because this is an emotional issue. I understand some of you feel that you are perhaps going to alienate some of your**

**supporters but I do feel that your decisions and actions have really and truly helped to protect the welfare of the community, not just of individuals, so thank you very much.**

**Supervisor Sweeton – Thank you.**

**Greg Merksamer – I'm not an expert on hydraulic fracking. One thing I was really, really glad about tonight is that we had a gentleman with relatives in the West Virginia Panhandle and a gentleman over here who's very intimate who knows about the state parks in Pennsylvania he's been to The Promise Land because that's the place that I know well. I've been to all 67 counties in the State of Pennsylvania and I could vouch from first hand observation that US250 in West Virginia is a wonderful driving road between coal trucks and oil trucks I've seen this with my own two eyes. I'm just really glad that these folks were here to remind us of what could go wrong with a place, with a town, a nice town when a heavy industry comes in and even when they're working a plant you get a little economic opportunity but you also get something that down in Appalachia they call the leadings. You get the site as high as real mountains, you get the dust, you get the ruined environment, you get the heavier traffic, you get the ruined roads and noise at night. The economic activity always has its down side and the thing to think about is there's always a safer saner way to extract oil from your land it that's the only thing on your mind. I'm glad there were folks who've been around and seen what fracking has done to other places where here to tell us about it tonight. I know some of those places and what they were like with my own eyes and to hear the descriptions of how these places have changed for the worse. I'm glad that they are here because I don't want to see Warwick go in the same direction as the West Virginia Panhandle, Pennsylvania or Sullivan County because they I bet were magnificent places until somebody got their hands on it with the only mind to make a buck.**

**Supervisor Sweeton – Thank you Greg.**

**Michael Jay – Thank you for hearing me. I would like to note that our first speaker we heard tonight was our Town Planner and he noted that when the so called brine water comes back up he said it's radioactive and contains the chemicals from the fracking process. That is why the brine is such a concern. The other thing I would like to note is that the gentleman who pointed out that this process is only 7 or 8 years old but he also said that the Utica Shale is 10,000 feet below us. What we have to worry about is what they will be able to do in another 7 or 8 years. That's why we have to act now and I wanted to speak because nobody really mentioned why Sustainable Warwick members have been in mindful of the clock in bringing this issue to you. That is because the DEC, the Department of Environmental Conservation has a deadline of February 28<sup>th</sup>. It's very likely that they will act this week to have their own public hearing and to rule by the end of the month. For the town such as the other 150 towns that have acted if we get in under the wire its very likely we'll maintain our options or maintaining home rule. If it turns out that a law such as this is wrong we can overturn it in 20 years if fracking is safe great but**

there's every reason to pass these laws. It seems to me that there's no reason not to. I also want to commend you. We had mentioned we have resources, we spoke to other lawyers and organizations and they all say these laws look great. I know you've listened, I know you did great research and now with the kinds of sentiment that you see behind me I think its obvious what the sentiment of the town is and we look forward to you please to pass both these laws as soon as possible before the end of the deadline. Thank you very much.

Supervisor Sweeton – Thank you.

Tracy O'Halloran – I moved to Warwick five years ago from New York City. I am absolutely amazed at the people that are here and that this community has come together to even talk about an issue like this. I try to live my life sustainable and I try to communicate sustainability so having the conversation about being sustainable is very important. That being said I also would like to just ask that we all continue to attune our ears to sustainability and while something's sound sustainable they may not always necessarily be sustainable. I am not fans of big oil companies, big corporations, FDA, AMA, ADA all those sort of government agencies that are suppose to protect us especially farmers who know this in our community that are not necessarily doing that. I feel that we the people who are gathered here today continue to sort of police the language that we use. Green and sustainability sounds really great and we should live that way but not a lot of times do those words necessarily ring true or relaying ourselves with free and independent thinkers and citizens especially in our country which is governed by the Constitution. When we talk about something like fracking obviously we're concerned. I have small children and I'm concerned about clean drinking water. I don't even like the drinking water that I have I'm not blessed with a well like some of you all are, so clean water is an important issue. Words like banning though do also concern me that we can come together and talk about it I think its great, but I don't want us just to be blinded by the fact that we talk about environment in terms of sustainability, green and protecting and clean. To just say oh immediately let's start putting bans on this and that. I think we all need to attune our ear, come together like this and speak to you all and other people like you all because we are the people and we need to continue to pay attention to what our rights are, what our voices are and continue to come and speak. I don't know that I'm a fan of fracking but I also don't know if I'm a fan of banning and I think the conversation needs to continue to be had. That doesn't mean allow it but I think you need to continue our conversation for the sake of conversation. Maybe the goal needs to be let's not do something until the opportunity comes and have a conversation then because bans become so wide and so general. I'm reading this piece of paper and it's a little concluded and difficult to understand what does that mean. It seems to prevent some opportunities but it seems to prevent potential damages so on one side it seems really great. I think there are places where there are little bit of holes in it so the conversation truly does need to continue. Again this room is amazing I hope the room continues to grow with people having dialogue and having respect for other

peoples voices and points of view and not to box labels and certain phrases to continue to keep our minds open. Thank you.

Supervisor Sweeton – Thank you. I did get submitted tonight a letter from Garrett Durland who is the president of Seely and Durland, a local insurance agent, pointing out some issues within the insurance industry that relates to this process. Stating that Nationwide Mutual Insurance was the first major insurer that announced that they won't cover damages related to the process and that includes liability for the contractors etc., etc. All of the correspondence is available for people to look at in the Clerks office. I think what we'll do which we've traditionally done we'll take written comments for 10 days from tonight to give who could not get here an opportunity to submit written comment for the Board to consider in it's deliberation of whether to enact two laws before us or not. That would mean that the first opportunity would be after the February 14<sup>th</sup> meeting. As I mentioned at the beginning we are required to submit this to our Planning Board for comment before we act as well as Orange County Department of Planning before we act. So we need to get those two responses back which we have not received as of yet. The February 14<sup>th</sup> meeting there will be no action. My advice to the Board is because of the time frame with the state and the uncertainty of what they are doing and I think the issue that we've approached this with from the beginning is to try to be cautious in this. There are a lot of issues whether you believe the process works or not. Personally I believe that the natural gas that we're going to extract is going to benefit our country in the long run. We need to be able to do it safely and be respectful of people's rights as well as their impact on other people. We're trying to be cautious in this and conservative in our approach to it. What I'm going to propose to the Board is our next meeting after the 14<sup>th</sup> will be February 28<sup>th</sup> which could be close to a decision point with the DEC. I think we will ask the Board tonight to move that meeting to February 26<sup>th</sup> and that would give us an opportunity to take action if we needed to do so.

Councilman Shuback – We can't do it that night we've got to wait till Thursday to do it, it's not a legal meeting night.

Supervisor Sweeton – We'll do that at the February 14<sup>th</sup> meeting I'm just letting the public know that would be the intention of the Board. We would have to do that by resolution at the February 14<sup>th</sup> meeting. By the way, the meeting on the 28<sup>th</sup> was an afternoon meeting and we intend to have it as an afternoon meeting regardless but we'll discuss it on February 14<sup>th</sup>. We will close the hearing subject to written comment for 10 days from tonight.

**CLOSE PUBLIC HEARING: Motion Councilman Gerstner, seconded Councilman DeAngelo that the public hearing be closed subject to written comments for 10 days. Motion Carried (5 ayes, 0 nays) 7:52 p.m. 02-11-13 CP.**

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Marjorie Quackenbush, Town Clerk