

October 11, 2012

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, October 11, 2012 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:35 p.m.

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

Town Attorney, John Hicks
Deputy DPW Commissioner, William Roe
Police Chief, Thomas McGovern, Jr.

FRACKING PRESENTATION FOLLOW-UP: BILL MAKOFSKY, GEOFF HOWARD & MICHAEL JAY

Geoff Howard – Chairman, Sustainable Warwick – I would like to thank the Supervisor and the Board for hearing us and putting us early on the agenda. We ran a forum in this room three weeks ago and the subject was fracking pros and cons and what it means for Warwick. As we got ready for that forum and a period after it we did a lot of digging into exactly what the answer was to that question was. What would it look like on the ground and basically the picture that emerged for us caused us some concern and that’s why we’re here tonight to try to recreate for you that same picture so that you can understand our concerns. I am here with the other people from Sustainable Warwick and we represent Sustainable Warwick only. I know we speak for a lot of people in Warwick who share our concerns and have been reading the papers over the last several months and I’m sure you have some concerns too. I would like to turn it over to Bill and Mary Makofsky who are going to actually do the job of trying to create this. We have some pictures which we’ll try to show you as they’re talking but their words and those pictures should give you a clearer picture.

Bill Makofsky – Sustainable Warwick – Tonight what we are going to try to do is provide a picture for you of what fracking may mean on the ground in Warwick. We have pictures and a lot of data summarized and a written thing for you to take home with you. The first thing I want to talk to you about is we say fracking, but we’re not over the Marcellus shale in Warwick how can we have fracking in Warwick, right, but the Utica shale underlay’s a good portion of Warwick. If I quote what I read in the research literature and in the papers and this is a quote “It has the potential to become an enormous natural gas resource. The results of early testing indicate the Utica shale would be a very significant resource”. This is from the impact assessment study commissioned by the Tompkins County Council of Government. Gas companies are already doing exploratory drilling of Utica shale

in Ohio and they have filed applications to drill the Utica shale in New York State. First of all it's not the Marcellus we're talking about; the Marcellus is in western Orange County. We are talking about the shale that lies right under Warwick, most of Warwick. What I wanted to do was paint a picture of that and I'm going to do it very briefly. I'm going to start by saying industrial fracking is what we're talking about. Fracking has been around for 60 years and we're not talking about fracking that many people think of when they hear the word. The industrial fracking has been around for less than a decade and it's very, very different from the fracking that was done before. You drill vertically with any kind of fracking but industrial fracking drills horizontally. You can go five thousand feet down; you can go 5,000 feet out horizontally with the new technology. You use high volumes of water because you have these wells that go out thousands of feet so you use a lot of water compared to the old fracking. You also have clustered well pads, that is where you may have 10 or 20 wells on one well pad and each well goes out maybe 5,000 feet. We are getting a picture of something very different from the old fracking. I want to describe some of these things and I want to leave you with a set of pictures. We are going to hold these up as I talk about them but we are going to give you a copy as well. The first thing to realize is when fracking is done there is something called a fracking unit and the fracking unit is 648 acres approximately. That acreage is defined and there are usually contiguous spacing units, so within that thing there's a well pad in the center and then there are these pipes that go underground as many as 5 or 10 pipes in each direction. It's already been along the direction that gives you the most amount of gas and it depends on the geology in terms of the direction. That is one spacing unit but when you frack they need to cover the entire space so the reality is that one thing is multiplying again and again and again and in the center of each one of those units there is a well pad and that is indicated by the red square. Finally within each red square you have these wells that are going out so you can see those lines again and so when you're finished you essentially have fracking everywhere underground in the shale unit. What takes place at this well pad I just want to discuss what takes place and show you a picture of the well pad. First of all obviously the land is developed and cleared of all the trees so you can put the well system on and then you have trucks come and the trucks bring fresh water, sand and chemicals for fracking. In addition you have trucks that are filling trucks, pumping trucks, waste water trucks, construction trucks you have a lot of truck traffic. In addition to that one well for fracking needs approximately 5 million gallons of water and that's why it is called high volume fracking. Typically to provide that you would need about 1,000 truck trips so you have 1,000 truck trips providing this 5 million gallons of water and that's for one well, but on a well pad you have 10 wells so multiply that by ten. In addition to that each well is fracked potentially up to ten times so what I just described for one fracking can happen 10 times over the years perhaps over a decade. This is a very heavy industrial process. This is what the well pad looks like obviously a very heavy industrial activity. That's not the worse part because in addition to the well pads you also have to store the water that comes off. Sometimes the trucks bring it as you need it but sometimes they store it in a lagoon but then half of that 5 million gallons comes back out after fracking it's pumped out and so you start to get pictures that look like this.

In addition to the pad itself you have these lagoons and you might have three different lagoons sitting around and those lagoons one is for frack water, one is for fresh water and another one is for produced water. That is the water that comes out after the fracking fluid comes out and over time as you pump more water comes out of the ground, so you might have three different lagoons with three types of water there. So we have anywhere between 20 and 50% of the fracking water that's put down coming back to the surface. When it comes back to the surface it's not just the chemicals that you put in the fluid it also consists of radioactivity from the ground which is picked up. There are toxic minerals that are picked up from the ground and there is brine that is picked up from the ground so it's more contaminated than it was when it went in and in addition we have the produced water which I mentioned. Here are the pictures that I missed; they show you the lagoons. Those lagoons contain toxic materials and some of that material actually evaporates so it goes directly into the air and carried by the wind and it goes to the local neighborhoods where ever they are. There are quite a few volatile chemicals it's not just all the stuff that stays in the lagoon and so the air pollution that's associated with this is pretty substantial. We don't know exactly how much each well has because we looked at FracFocus which is the industry site they say a 1/2 % to 2% of the fluid contains chemicals. They don't disclose the details about which chemicals are used for any particular well. They claim it's proprietary information but disturbingly all of this activity is exempted from the Clean Water Act, the Air Act and the Clean Drinking Water Act. We are going to take the little round and assume 1% chemicals because they say 2% chemicals, but we're going to say 1% but we're going to say 50% returns, well that's 2.5 million gallons of very toxic water coming back in addition to the water that went down. That includes substances and we don't know the specific ones but there may be hundreds of different chemicals in there and some of them they use a lot like methanol, formaldehyde, hydrochloric acid and any of these as you probably recognize from this name is that they may be toxic carcinogens and so forth. So 1% means if your 1% of the 5 million gallons per frack it's 50 gallons of 10,000 gallons of chemicals for one fracking for the well. We don't know the composition exactly but a lot of those are toxic, so let's just assume 10% toxic materials so that's 5,000 gallons of toxic chemicals that has to be brought into the fracking site to be able to be used to frack the well and that is per well for fracking. With ten wells on a pad, ten frackings per well you can do the math just as well as I can that's 500,000 gallons of toxic chemicals we're talking about and that's being transported into the site and half of that usually leaves so it's even more contaminated. We looked at the shale in Warwick and we estimated that we could put 15 different well pads on there and if you start multiplying those numbers up it gets a little scary. Because we don't know that information and the industry doesn't provide the information of the concentration of each toxic chemical is not known but we do know that most of those chemicals are toxic in parts per million or parts per billion. Those are very small concentrations. We believe that's why the industry works so hard first of all to not disclose the amount they are putting in and secondly to get themselves exempted from the various federal laws. That's our view, I don't know. Where does this waste go? Well we have to look at the records. Sometimes it's deliberately

released to get rid of it; sometimes it's used as a liquid deicer on roads. These are not good things to do. It has been dumped in sewage facilities which are totally unable to process this material. It is possible it's put in deep injection wells and is disposed deep in the earth. I've been told by various scientists that the area here is not very good for deep injection wells. There are places in Ohio that are better suited and of course you can also recycle some of this but you can't recycle all of it. Those are some of the concerns that we have. The well pads are placed in a neighborhood so if you look at the spacing they are going to put the well pads in the center of each spacing unit. If they are right next to a house, school or farm it really doesn't matter so if you look at the placement here you can see the facility and houses close by and a compressor station and so forth and so on. When these things go in depending on the development that you have you can be next to a lot of people. While the well pads are being fracked and developed and so forth you would expect that you would get a lot of noise, diesel fumes, truck flow in and out at all hours and so forth. Because you have ten wells on a pad being fracked at different times and because you potentially have ten frackings per well we're talking about 100 fracking periods of several weeks each occurring over a few years or maybe even a decade so it's not like it's a one time activity that's all closed down and everything is quiet. It keeps reoccurring as the fracking continues over time. Fracking wells can be put anywhere and we have some pictures of Pennsylvania of how the land is leveled and so forth to be able to put in the wells. I want to move to the traffic at the well pad and talk about what kind of traffic we're talking about here. We have potentially 50 well pads, 10 wells per pad, 1000 trucks to frack one well with the water coming in, 10 fracking per well comes to 5 million large trucks. That's coming in on our Route 94, County Route 1, Kings Highway; these are the roads that they would be using and then the trucks would fan out to the different paths. The 50 paths around Warwick and this is just for the fresh water and we haven't even talked about all the other truck trips, so this is a serious problem. What about water sources? It's pretty evident that the water they want locally because they don't want to bring it down from Lake Erie because that would cost a lot for gas and so forth. They want to find the local places for water and the local sources are our local lakes, reservoirs, rivers and groundwater. Until about a year ago it turns out that trucks could just come in and go to any public access site and take the water out of the well. We learned just in the past few days that the DEC now permits this taking and they limit it to 100,000 gallons per day from one source. But because of that we might not be able to put local restrictions; I don't know, this is something that has to be investigated to figure out whether that kind of 1,000 gallons per day is something that we can put more restrictions on. Somehow I don't think so, but that's a question. Now what about the gas itself? It can be stored for a while off site in a tank, it could be liquefied and transported or it could be flared. I'm going to show you a picture of a site where they are developing it and there's a flare; the gas is being flared at that time so that could happen. You can see residential houses all around and that's not going to occur for very long because they want the gas the gas is what they want to sell so they are not going to flare it all but the flaring may take place during some construction. What's going to happen is the gas is going to be collected in feeder pipelines and it's going to be taken to some local pipeline. Now of

course gas leaks and we have evidence that there's a lot of gas leakage at sites that are being developed at the well pads. Another thing that happens with wells is that they fail and when they fail it just means that the pipe is there but the methane is coming out around the pipe. If there is water there you can see it bubbling up through the water and where does it go but into the local environment into the ground water and you could say this is a rare occurrence because that's what the industry says, this is a rare occurrence. The data from the industry itself is one in ten to one in twenty wells fail as soon as they are completed. I mean as soon as they are completed they fail 10% of them and over a period of decades 50% actually leak. If you were going on a plane ride and they had only one out of ten crashing that wouldn't be a good statistic for you right? Well this is the data from the industry. There's no guarantee of safety and there's almost no signs of big studies and this is very new technology and very few scientific studies but the industry has rushed to secure leases in a lot of places and will before ongoing studies are released. I would like to mention that the Town Board in 1980 was facing a situation with exploration drilling for uranium and the Town Board in 1980 put a moratorium on uranium drilling and mining in Warwick. That made sense because the uranium, the radium, the radon and all the other materials are stored safely in the ground and not released in the environment. Maybe that is something the present Board can consider something like that. We painted kind of a scary picture but this is what we see and this is what the evidence seems to be when we do our research. We do have a window of opportunity to act perhaps before the State acts to place regulations in Warwick before regulations in New York State take place. What we are talking about tonight is going all around New York State so for example, among the municipalities in New York State there are 40 bans against fracking, there are 104 moratoriums in place around the State and there are 86 other municipalities that are in the process of doing that so this isn't something unique to Warwick, this is happening all over the State and people just like you all over the State are deciding that bans and moratoriums maybe the appropriate action. We see that the best way to protect Warwick is up to you because we are going to leave it in your hands because you're the only ones that have to gravel with this at this point, but one way to protect Warwick would be to ban fracking and it's associated activities in the Town before the State does anything. That's why all these other communities are acting so quickly at this time. Given the State of its technology, given its current record, I think the vast majority of Warwick residents once they are apprised of what we are talking about tonight would support a ban in Warwick. In the future the industry should prove it's safe and good scientific studies will come out which will look at the long term impacts and if you ban it now you can always take the ban away if the industry proves that it's going to do this safely. It does not have that record today. We have a source list, we welcome your questions, we would be happy to meet with anybody at any time to talk about this stuff and I really thank you for your attention.

Councilman DeAngelo – Those lagoons are they just cleared ground?

Bill Makofsky – They have liners, but one of the things that can happen is liners leak and they don't last that long. The other thing about Warwick is what happens when we have flooding the water in that lagoon will overflow the lagoon and flow into the groundwater, local streams and so forth. There are all kinds of things here that are very important.

Councilman DeAngelo – What happens to those failed wells?

Bill Makofsky – I think they try to reseal them because the casing has failed and I'm not the industry I'm just a concerned citizen. I don't know; I assume they can do something to try to reduce that but I don't know what they exactly do.

Councilman DeAngelo – Is the Utica Shale as productive?

Bill Makofsky – It's supposed to be more productive based on what I've read than the Marcellus. Again there are very little things that are being done and this is just the initial things that you read in the paper and it's the initial results that are coming out now. There's a lack of good information on all of this stuff and it's dripping out here and there in terms of the information.

Councilman Kowal – I know you don't get all of the fracking fluid back out of the well but the fluid that comes out do they reuse it?

Bill Makofsky – Yes they can recycle some of it but they can't recycle all of it so they have to take it out with waste water trucks or do something with it. If they could recycle all of it they wouldn't have had all these other problems where they dump it in sewage plants and things like that.

Mary Makofsky – Thank you so much for hearing our concerns. I really want to put this in the context of the Comprehensive Plan because I'm very proud of our Comprehensive Plan. I'm very glad that we have it. I want to read some quotations from the Comprehensive Plan. It aims to protect the rural quality and natural environment to accommodate growth with the least impact on the environment to discourage incompatible land uses, which have the potential to place burdensome pressures on farming activities and to protect surface and ground waters from point and non-point source pollution. It also wants to encourage small businesses and light industry and I was very carefully reading this wonderful Comprehensive Plan. These are small businesses and light industry which do not depend on daily high customer traffic and do not have other negative effects on the residential neighbors. When I read that and I look out over our beautiful valley and our hills and our streams and our rivers and I look at all of that and see how beautiful it is, I say to myself this fracking process would be totally incompatible with our Comprehensive Plan. There are a couple of other things I wanted to talk about and one is economics because so often people talk about economics in terms of fracking. I want to talk about what it might do to a Town like Warwick. It would distort the beauty of our landscape I think you can see through the pictures but it would also have an impact

on our economy because we have a viable economy. There is one economist who has studied areas where they had shale gas extraction and she found that this industrialization is likely to cause a decline of other economic activities. She mentioned specific ones; agriculture, tourism, wine and beer making, hunting and fishing, river and lake recreation. I just feel as if those words could be written for Warwick. I'm really concerned and very worried that if fracking came to Warwick it could collapse an economy that people have worked so hard to build and sustain. There are also a couple of other things that I'm really concerned about which are also often mentioned about fracking, one is property rights and property values. I would like to mention that everybody knows some people are going to make a lot of money. A few people have already made money by leasing their land, however, there were a lot of people hoping to make a lot of money and never saw any or saw much less than they expected. That's a real problem especially if they are then left with land that may have declined in value. This is a problem and I did want to read something from the New York State Bar Association Journal article that I read, which says a growing number of banks won't give new mortgage loans on homes with gas leases because they don't meet secondary mortgage market guidelines. The inability to sell one's home may represent the most pervasive adverse impact on residential fracking. Nationwide Insurance has also said its homeowners insurance does not cover damage from fracking. Both the insurance industry and the banking industry are giving some warning signals here. You can imagine how this could impact people's property values and we're concerned about that and not only of leased lands but of nearby properties. Another threat to property values and property rights is the Compulsive Integration law. Fracking is not economic unless as the pictures show you want to put it in a blank area and once you've done that you want to make sure you get the whole area that's to make it economic, so there's a New York State law passed by the Legislature and signed by the Governor. There was no discussion, no public hearing and this is what the law says, one of those phasing units that we have the pictures the rectangles once leases were signed on 60% of that land the other people that own the 40% have no choice. They are compelled into a lease, they are compelled into a lease whether they want it or not and that to me is a violation of property rights and I find that unacceptable and I can't imagine anybody here would find that an acceptable situation. That's why we're asking all of these reasons both for the beauty of Warwick, for the health and safety of the residents, for the property values and the economics of Warwick. We are asking the Town to ban shale gas exploration, extraction, storing fracking chemicals, storing or disposing of fracking water or processing of fracking waste water, feeder pipelines and any other related activities that are not covered by federal or state regulations. There are precedents; Bill said both in our uranium mine prohibition and the laws of all these New York State Municipalities that have already taken that power of home rule and said, we do not want this in our town. We are really confident that you're going to investigate this and the laws are really complicated because we've looked at some of them. They are all different because it's geared to a particular town and a particular comprehensive plan, We're confident that you can look at that and protect us, protect the beauty of Warwick and our farms and homes, and our health and our future. Thank you very much.

Supervisor Sweeton – Thank you.

Geoff Howard – I think you get some sense of why we were concerned. We found lots of things we didn't know and we felt that maybe you didn't have the exact same picture and it would be helpful if you did. We hope that your level of concern is enough so that you will realize we have to consider action, we have to consider action and there's a clock ticking in Albany. Once that Governor makes a decision, once the regs are in place, you might just as well make a home rule about who won the Olympics last year. The window is between now and then. The final part I want to leave you with is, this ban is liftable, it's reversible. At any point if you were to decide as a Board reflecting the community it's really in the best interest of Warwick if this goes forward you can reverse it. If you do nothing now and fracking comes and those pads and those pipelines and those trucks and that scaring, that can't be reversed, so from the point of view of keeping your options open it seems to me that's the strongest argument that there is. Now we will all take questions.

Supervisor Sweeton – Thanks Geoff. Do you have anything written on the presentation that you can give us?

Geoff Howard – We have copies for each of you and a set of pictures. As you move forward and need help we're very happy to do so.

Supervisor Sweeton – We appreciate that and we appreciate the presentation. My thought for the Board was and I see the Chairman of the Conservation Board is here. The Conservation Board took a big lead back when the uranium issue was and several other issues. Pat McConnell was involved so I think in my perspective I'd like to get their opinion. Obviously Dan's heard tonight's presentation and I think he was at the forum so maybe we would like to get them to weigh in. I would like our planner to look at the context of the Comprehensive Plan issue that was raised and then the Town Attorney can do a little research with state stature and things. I think that makes a little more sense to get the Board; I think most of the Board was actually at the forum so they did hear the pros and cons that were represented that evening. I didn't look in here but Bill do you have a list of citations? I guess you have a few citations here I guess.

Bill Makofsky – There's a whole page of them.

Supervisor Sweeton – I think we'll do that.

Geoff Howard – I think its due diligence on your part if that's the right word. I would just say it needs to be done before long.

Supervisor Sweeton – I understand, we understand, we know the Governor is looking at the issue. We know the DEC is investigating how they want to proceed

with it whether they issue permits in a specific portion of New York State or give the municipalities the ability to do individual banning or however they want to do it. We understand that time frame is finite. Do you have any other questions? I think audience questions we'd leave until the end of the meeting because that's the proper place for those anyway. Let us get through the business that we do. If you want to stay you're more than welcome.

ACCEPTANCE OF MINUTES:

1. Regular Meeting, 9/27/12

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on September 27, 2012.

Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

THOMAS F. MCGOVERN, JR. – Police Chief, Town of Warwick Police Department – Memo to the Town Board requesting a budget transfer from Admit Computer Services in the amount of \$15,098.00 to the Computer budget line (B02.00.3120.408).

MADLINE STOCKMAN – Dispatcher, Town of Warwick Police Department – Letter to the Town Board resigning from the Town of Warwick Police Department as a Dispatcher effective September 25, 2012.

THOMAS F. MCGOVERN, JR. – Police Chief, Town of Warwick Police Department – Letter to the Town Board requesting that Robert Stack and Shaun P. Graham be appointed as part time Dispatchers to reduce full time overtime costs.

BOARD'S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

Supervisor Sweeton – It gives me great pleasure this evening to introduce an exceptional young lady, Katie O'Reilly who is sitting down here at the end. Katie comes to us from the Warwick School System. Superintendent Bryant had asked the Board if we would be interested in having a student attend our meetings to keep us informed of school issues but also learn something about municipal local government. We are thrilled that Katie is here and for the presses information Katie is a senior and her activities include interact, FBLA, SADD, Homecoming Committee, secretary of the yearbook and varsity golf. She works in her spare time at Mt. Peter as a ski instructor and has done that for four years and also at Hickory Hill Golf Course where she is a golf instructor, she volunteers at St. Anthony Community Hospital, the Warwick Valley Humane Society and the Tom Coughlin Jay Fund Charity, she's worked on that since 2008. She hopes to go to college to

major in fashion merchandising and retail marketing but she could be a future political leader. What we plan to do is have Katie give a little report when we do Boards and Commissions and I explained to her that it really is up to her how she would like to do that. She can ask questions of us, she could bring issues to us from the school and just simply inform us of school issues.

1. **Dan Duthie – Chairman, Town of Warwick Conservation Board – We are expecting to have this dropped on us and we’ve already been studying the subject. We’ve gone to a presentation about three weeks ago John Conrad was there and Mr. Arnold from the Sierra Club so we got a little bit of balance in terms of the pros and cons. I think there’s a lot to come and we know the Governor has recommended the health department after a fairly long generic impact study by the BCC where industries thought this coming November they we’re going to get regs. They were going to at least let them go forward in three of the counties down in the southern tier and that doesn’t appear to be happening so the health departments is going to get involved. To my knowledge there’s no timetable and it’s probably not going to happen over night so I think we have a couple of months to really take a hard look at this and really come to some credible basis of what is the science out there, what is the failure rate, what are the benefits. One of the things I just looked at recently today is that electricity prices are trending downward which is a good thing and that’s principle because natural gas is now the go to fuel for electric generation, it’s displacing even coal. Those folks who are concerned about air admissions had a balance in the idea to bring more natural gases to the system for fracking which furthers our energy independence. We’re doing something that has another consequence we are reducing coal burning which is a lot dirtier and the #6 oil is coming out. I think we have to look at this overall in terms of not just the local effect and of coarse there are property regs involved. We need to take a candid look at the whole system and not just be concerned that we’re going to have devastation. I’ve seen some of the pictures it’s pretty ugly and there’s no question its industrial activity the way it’s built. You certainly wouldn’t want to be living next to that and it certainly is as Mary said it certainly doesn’t appear to be an activity that comports with our Comprehensive Plan. It just seems to be a real outright from that perspective and this town has done a tremendous job. If you go around I do some traveling for clients to upstate New York and they are in big trouble. Some local communities here are in the downtown areas are in big trouble. Warwick fortunately is extremely vibrant and that’s something that really has to be continued to be sustained, nurtured and protected and that maybe consistent with, I lost that statistic of how many trucks we’re going to have running around, but that is exactly conducive with Applefest. We are going to take a real hard look at it Mike and get back to you guys as soon as we feel we have something to report back on and it probably will be before the end of the year.**

Supervisor Sweeton – We would appreciate a good report and you have a good board so I suspect that you’ll be able to do it.

2. Mike Cipolla – Chairman, Town of Warwick Recreation Commission – We had the lacrosse tournament at Union Corners Park and I want to give a kudos to Bill Roe and his staff the park was in excellent shape. There were teams coming as far as Connecticut and southern Jersey that came and enjoyed the park facilities. The dog park was used totally on both days by people bringing their dogs to watch the kids play and Bill it was done unbelievable.

Supervisor Sweeton – We’re getting a lot of comments and compliments so that’s good thank you.

2. Katie O’Reilly – Warwick Valley Central School District Liaison – Now at the high school we’re getting ready for Homecoming. The parade is this Saturday and the football game is also this Saturday so we would like everyone to come out and help support Warwick.

Supervisor Sweeton – What’s the theme of the floats this year?

Katie O’Reilly – Decades.

COMMITTEE REPORTS

ENVIRONMENTAL CONSULTANTS REPORT

DEPARTMENT OF PUBLIC WORKS

WORK BEING

<u>DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>	<u>LENGTH</u>
CULVERT PIPES	Distillery Rd.	Drainage improvement	60 ft. 10"
CATCH BASINS	Distillery Rd. Jonathan Ct.	Drainage improvement 1 basin installed Repair basin	
DITCH WORK	Prices Switch Rd.	Clean ditches	
MOWING	Town wide	As needed	
POT HOLES	Town wide	As needed	
ROAD SIGNS	Town wide	As needed	
WATER DEPT.	Rt. 210 Lakeshore Rd.	Repair water main Repair water main	

COUNCILMAN DE ANGELO REPORT

1. Just a reminder that on October 13th at 11:00 a.m. we have “How to Speak Dog” at the Warwick Valley Humane Society and then on the 5K 4 Paws Run/Walk on October 20th. Also they are looking for donations for natural wood stove pellets, ground cat food especially because they have almost 200 cats to feed and bleach.

COUNCILMAN KOWAL REPORT

1. I say this at every meeting but the parks are in excellent shape as the Recreation Chairman attested to. Bill is doing a very good job of keeping the parks in shape. They get a lot of use and they are always in optimum condition as far as I can see.

2. As a freshman Councilman I was able to participate this week in the budget process which was very interesting and sometimes scary but I know that we'll do the best that we can to try and get through it all.

COUNCILMAN GERSTNER REPORT

1. Our Commission Chairman Mike Cipolla is here for a meeting tonight after this meeting.

2. Also as previously stated there will be Applefest this weekend in the Village of Warwick at 10:00 a.m. to 5:00 p.m. it is open and I'm sure you'll all be down.

COUNCILMAN SHUBACK REPORT

1. From last years storms we still have a lot of repairs to do to culverts and bridges that haven't been completed yet and we hope to get them completed by spring time.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

Fees Collected – Month of September, 2012 – Wickham Lake Permit Fees, Resident, \$40.00; Film & Video Permit Fee, \$250.00; Copies of Maps, \$25.00; Certified Marriages, \$20.00; Photocopies, \$8.50; Use of Kitchen Fee, \$50.00; Interest in Checking Account for Month of August, \$0.86; Dog Impoundments, \$915.00; Town Park Pavilion Fees, \$150.00; Marriage License Fees, \$332.50; Bid Specs Fees, \$300.00; Cascade Park Trail Map, \$5.00; Road Maps, \$6.00; Conservation Licenses, \$915.04; Dog Licenses Issued/Renewed, \$2,090.00; Use of Room Fees, \$380.00; Registrar Fees, \$20.00; Police Impoundment Fees, \$60.00; Waterfront Park Daily Non-Resident Fees, \$780.00; Waterfront Park Daily Resident Fees, \$1,384.00; Waterfront Park Wedding Permit Fee, \$30.00; Town Park Deposits, 150.00. **Total Fees Collected: \$26,263.36**

Fees Paid – Month of September, 2012 – NYS Dept. of Health for Marriage Licenses, \$427.50; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$253.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$16,550.96; Village of Florida for Registrar Fees, \$60.00; Village of Greenwood Lake for Registrar Fees, \$140.00; Village of Warwick for Registrar Fees, \$920.00. **Total Fees Paid to Supervisor, \$7,911.90**

Bid opening on Oct. 11, 2012 for emergency repairs of East Shore Rd. One bid was received from:

CMC Construction Group
P.O. Box 9
Slate Hill, NY 10973
Tel: (845) 355-8600

Bid Amount: \$201,733.10

SUPERVISOR'S REPORT

1. **The Mid Orange Correctional Facility-I really don't have much of an update. We continue through the meat grinder of the state departments trying to work out details. We have initiated SEQRA on a possible transfer of the facility to accommodation of the Town and the local development corporation that we formed. A portion of the property was our intent as was the intent of the committee report to have a portion of it as public and a portion of it as redeveloped for small commercial use. We will keep you up to date as we hear.**

2. **FEMA Permanent Repairs-As Councilman Shuback alluded to a lot of those repairs are going to start to happen very quickly. The two main ones that people need to be aware of is that on Monday, October 15th Cascade Road section from the bridge to Bellvale 17A will close and it will be closed for about 4 to 6 weeks in order for us to remove the temporary bridge and put in a permanent bridge. Everyone has been notified; residents, school district, emergency services know they have to come in from the other side and so they need to be aware of that. It's a complicated project because of the tightness of where that old bridge was and the fact that the bridge that is going in will be somewhat bigger. We ask everyone to be careful and follow the detour signs and watch the warning signs. The other major one is Ryerson Road and it's not going to be as much of a disruption because the bridge sits between Route 94 and Jockey Hollow Road so if you're going onto Ryerson from 94 you would go onto Jockey Hollow and then go out Ryerson. That one will also be closed approximately 3 to 4 weeks and we hope to get both of those open earlier but that's the time frame. All the other culvert repairs that we made temporarily back in the weeks after the storm will start to be fixed now with the exception of two that we continue to argue with FEMA about what the extent of the damage and what the repair is that we think we need to make. One of the most problematic is at Brady Road where Brady meets Cascade there's a triangle if you're familiar with it and that road continues to deteriorate by that spot. Unfortunately what the State and FEMA are telling us is that while they understand now that the project is perhaps larger scoped then they originally approved that probably will not get resolved until spring. What we are going to do on that road fairly quickly since it continues to eat away is we are going to close it in the one portion of the triangle where Brady first meets the triangle and then where the hole is so when you come down from Brady you're going to have to come down and make a right into the triangle to a stop sign to go left or right. When you're coming up from the village you're going to have to go into the triangle make the right and go up Brady. That's the only safe way to allow traffic to go through there this winter. We again ask the papers to publicize it and ask people to be cautious as they go through it.**

3. **Community Preservation Fund Update-For the month of September we received \$29,020.20 which brings the total in the fund to \$2,609,669.18. The receipts were a little less this month but still continues to build and this point out it's apropos to the fracking of the 3,000 acres that we preserved through land preservation most all of those in their easements have prohibitions against extracting anything with the exception of gravel so I think that is fairly safe for that portion any.**

4. **Monthly Budget Review-We're in budget right now and we are working hard with the departments to trim those budgets because we understand the strain that local taxpayers are under and we have every expectation that we can present to the public a budget that we certainly can stand behind and still deliver services.**

5. **Supervisors Corner is published each week in the Warwick Dispatch, with excerpts printed in the Warwick Advertiser.**

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2012-248 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW TO EXCEED TWO PERCENT PROPERTY TAX CAP

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to schedule a public hearing to consider the adoption of a proposed Local Law to exceed the two percent property tax cap. Said public hearing to be held at 7:30 p.m. on October 25, 2012, or as soon thereafter as the matter may be heard at the Town Hall, 132 Kings Highway, Town of Warwick.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated before anybody panics and writes big headlines we do that because it's part of the 2% tax cap levy cap regulations and we do it in case when they do the final analysis of what our budget is and what our levy is compared to assessments. In the event that we exceeded it by the State we don't have to sequester funds. We did it last year and we'll do it again even though we brought the budget in under the cap.

#R2012-249 BUDGET TRANSFER – POLICE DEPARTMENT

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the following Police Department budget transfer:

FROM	TO	AMOUNT
Check from Admit Computer Services mistakenly charged to Computer (B02.00.3120.408)	Maintenance (B02.00.3120.434)	\$15,098.00

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2012-250 ACCEPT RESIGNATION – MADELINE STOCKMAN

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Madeline Stockman, part time Police Dispatcher, effective September 25, 2012.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2012-251 ACCEPT BID – EMERGENCY REPAIRS OF EAST SHORE ROAD

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept a bid for the reconstruction of a section of failed roadway embankment of East Shore Road that collapsed due to heavy stormwater runoff from CMC Construction Group, P.O. Box 9, Slate Hill, NY 10973 in an amount not to exceed \$201,733.10.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2012-252 APPOINTMENT OF PART TIME DISPATCHER – ROBERT STACK

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to appoint Robert Stack as a part time Dispatcher at a rate of pay of \$14.15 per hour effective October 13, 2012.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2012-253 APPOINTMENT OF PART TIME DISPATCHER – SHAUN P. GRAHAM

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to appoint Shaun P. Graham as a part time Dispatcher at a rate of pay of \$14.15 per hour effective October 13, 2012.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

BILLS: Motion Councilman DeAngelo, seconded Councilman Kowal to pay the bills as audited. Motion Carried (5 ayes, 0 nays)

Supervisor Sweeton – We didn't do the resolution tonight but we'll do it at the next meeting. Just for the presses information we will be doing a Halloween curfew again and we will give you the hours and dates when we do the motion next time.

PRIVILEGE OF THE FLOOR (GENERAL)

Michael Jay – Resident, Town of Chester – I want to follow up on some of the things we spoke about and further information about fracking. I grew up in Essex County and lived in New York, California and moved here in the last year and it's been less than a year since I ever stepped foot in Warwick. I was really charmed by this place as you can imagine. I grew up in Livingston and it was also really beautiful in fact it had the famous Becker Train national famous train that round through this great farm with pigs and cornfields and actually they delivered our milk in a small milk car so I'm used to a rural environment. There were farms and chicken shacks in the middle of town and several locations and three blocks from my house. I moved

here to live in the woods and have quiet and beauty. I was happy to find there's a Comprehensive Plan in this town which emphasized the rural aspect and I was really honored to be asked to join the Community 2000 reboot as we're calling it. I attended that forum in April with Mr. Conrad he adversely took all the time in that forum and I was interested in and actually I thought I was aware of the environmental issues but I wanted to know more about this issue when I moved to New York. I thought I knew about it and I think that's what everybody finds out. I don't have perspective on what you people may know or not but I wanted to give you a little bit more perspective on it and make sure you understood that this is not just me few people finding out about this and just doing this research and coming up with these numbers. Dr. Makofsky came up with some of the numbers by just extrapolating but those are from the industry numbers. This is a photo slide from Mr. Conrad's presentation of the number of wells they expect to build and this is something else I want to mention that was not mentioned in the previous presentation and that is the wider issue of what's planned for New York because that effects us too and that's another reason to ban. This scale is 60 years from left to right and it peaks here at the highest bid of 60,000, 65,000 wells for New York State but the fact that it goes on for 60 years is kind of surprising. Every one of them needs the 4 to 5 million gallons, those 1,000 or 1,200 truck trips for each time they're fracked. If they only did once per well it's $\frac{3}{4}$ of a trillion gallons of water and they probably do it 10 times. What amazed me was that had heard of people lighting their water on fire from their faucet and getting sick when there's a leak and it's bad. It's a mess when they drill and I had no idea how bad and I had no idea about this many gallons of water. There's no solution for it. They're putting these 600 chemicals in, they were exempted from the Clean Water Act, Clean Air Act, we know there are no carcinogens according to them and according to the EPA, so they're allowed to put that in those millions of gallons and 20 to 50% comes back up. What do they do with it? They can't recycle it all so the industry is saying we could use it for irrigation, we could use it as deicer; again these are not our theories. The reason the Executive of Ulster County banned the use of it as a decider because of this suggestion by the industry. I don't think the industry really has our best interest at heart and we could be affected from all the other truck trips, from the water from the waste disposal, from these many other tens of thousands of wells over the next century. We come between the southern tier the county is on the border of Pennsylvania more further north they expand. Remember this process has only been possible for the past decade or 15 years. In the next 10 or 20 years this new technology may improve and let them go deeper, so there could be drills anywhere here in the Utica. I want to restate something I heard Makofsky say; other towns have looked into this, they've preceded us, our finding out about this, our research and I assume your actions on this. Forty towns have banned, 104 have placed moratoriums and another 80 plus are looking into it. That's towns large and small, Syracuse, Ithaca, our capital Albany, towns nearby Beacon, New Paltz I was at their hearing last week. Again it's not just us finding this out and the last thing I want to do is share these articles with you in case you haven't seen them. There have been many editorials and articles in our local papers. The Times Herald Record had been doing a very good job of staying active on it and they contradict a

lot of the things that the industry is saying. The industry says no leak has ever occurred from these wells, no person has ever gotten sick and nothings ever been tainted. That contradicts their own statements without those percentages of wells that leak. The industry has an interest in making sure their wells don't leak because it just lost money going into the ground, so they hire third parties to evaluate those leaks and it's those companies that show that leakage. This slide is from the well Dr. Tony Ingraffea from Cornell whose done research on this and he was hoping to get a share in the result of the industry so those percentages of the wells that leak immediately, the wells that leak over decades are from the industry. It's not anything we dug up on our own or invented and many other people have found this before us. The Record had an article about that "Tainted Wells Fracking Linked in New EPA Study". There's also another study where they confirm the EPA has said they found that yes it had leaked in Wyoming and yes it had tainted people's water supply. If you've seen articles or videos about this. You've seen longtime land owners who seem like they are multigenerational farmers, ranchers, cowboys, they live on the land and they have been there a long time. There was no fracking and now fracking comes along and they can light their water on fire or more seriously they are getting sick. It's not a common occurrence and it's certainly not as rare as the industry leads on and that's why I called your attention to the fact that it's covered in the Times Herald Record locally. Like wise this article is from October just from last week October 3rd and this is from October 6th "Report Needed Shale has Vast Resource of Gas and Oil" I have copies of these for you. Other elected officials who have taken this up have come to similar conclusions not just in the towns that ban. This is from the recordonline as well and it quotes Pittsburgh Councilman, Pittsburgh obviously a large city, Doug Shields "It's inherently dangerous, there's no environmental impact studies on a part of the state institutions of our government have failed miserably" To do any kind of environmental impact studies we're at full risk and now I've got people sick all over. The entire state the governor banned and said to expedite this industry that seems to be feel it could break so many of these rules we are going to just get them for everything and a couple states sued and it was upheld in Supreme Court and that's being appealed again. I think for our own economy we have reasons to maintain home rule here. The Thompson County City Council Government issued a report and in it included some information from the gas industry but it noted because their primary interest is management of four corporations some aspects of it have potential impact their profit margins maybe downplayed or over stated or even avoided entirely or exaggerated. They go on to say they have been included that they are used with caution in this impact assessment. I want to remind you that you've heard it in that report and it speaks volumes to me. This process would not be possible in the matte that it is now. It was not exempted in the Clean Water Act and the Clean Air Act and when that was done in 2005 the amount of this process exploded sort of speak. I've heard this from Mr. Conrad in his original presentation. This is not being allowed in the New York watershed and it's not being allowed in the Syracuse watershed. It's good enough for everywhere else in fact people are referring to the southern tier as the sacrifice zone rightfully because we've now carved out people who can be fracked and people whose water supply is

too important to be fracked and New York City is one of them. Mr. Conrad explained to me that it's because that is a watershed that is not filtered, it does not have a filtration system. The bottom line is still this process is not considered safe enough by a handful of people in New York to allow it. The New York Times did a fantastic series on this; many, many, articles and we have a link in the resources that Mr. Makofsky gave to you. This was a recent article "Gas Drilling Jitters Unsettle Catskills Sales" if people are thinking they are going to see dollar signs from this process the homeowners should know this evening before leaving the environmental impact, the health, the quiet quality of life aside there are so many articles about experiences with people and leases. Especially in that New York State that was pushed previously. The leases are written and often don't mention fracking they say they are going to drill on your land, they don't tell people about the pipelines or the fact that they dig up the land. The leases are written if the company wants to extend it there's a clause in all of them. Any activity that takes place on the initial lease period means that we can come up and essentially we are now renewing that lease for the same period. All they need to do on the last day of the 3 or 5 year lease is drive a truck up or send a person on that land and that's activity so there's another 5 years. The fact that compulsory differential was asked by the DEC to the State is outrageous and shows their hand. I caution you that this move by the Governor to have an independent panel redo the health study concerns me and a lot of other people that had heard about it. Every time he mentioned it he mentioned it in the context of the main interest of its being is to protect the State against losses. Not to get the health and science right and protect the health of his constituents take make sure when we move ahead with the fracking that there will not be losses and they will be covered. Every time I heard about that it speaks volumes to me. The fact that its being independently reviewed that was forced by so many comments to the DEC and the Governor. This is a map of the towns in New York that have taken action against this. All the written in purple ones have prohibited it, those are the 144 towns the yellow ones are working on it. As of last week New Paltz would be one of those. Further down you can see this list of the towns with the colors representing what we just saw on that map. They've preceded us and they all had to consult in this, they had to have public hearings, they had to have their lawyers review them all and they came to the conclusion we best ban this temporarily or long term. I've spoken to some of those lawyers, I've spoken to organizations that help promote this in the interest of their towns and they point out that to do a moratorium your going to do half the work of the ban and now you've got a moratorium and they recommend that you may as well do all the work. If you're going to have a lawyer look into it and you're going to have a public hearing you've got to do all of that. Ban it, you still can always take it away. I don't think it was said enough times to ban it would be a no lose position for you. If we have the courage to move ahead with that you can always take it away. If you don't do it we've got unimaginable amounts to lose. That is why there are so many arguments about this locally, statewide, nationally and why so many people are up in arms, that's why the DEC heard more comments about this than any other issue in our history. The industry says the wells don't leak but the wells leak. This video is also from Dr. Ingraffea from Cornell and that's a well from Gimmick Pennsylvania not

that far away. I barely want to address the fact some people think there's an upside to this in terms of economic issues and you've heard Ms. Makofsky already say that studies show that many areas have an economic downturn it could be that some owners make some money. But to lose your tourism, fishing, hunting and quality of life for some hotel stays and restaurant income from temporary workers from out of state who are going to do their drilling it seems like a very bad fit.

Supervisor Sweeton – We appreciate that and some of those comments probably can resurface at the time if we decide to have a hearing and move forward. If you want to leave some of that stuff, that'd be great.

Michael Jay – More about the leases from the New York Times including the Wall Street Journal they have been covered extensively. I just want to make sure people are aware of that. Buffalo and those areas that I mentioned and Livingston are all gone and as you get closer to the city many places get developed. The farm where I grew up in the center of town is now a school and the other farm is a 7-Eleven that I worked at and I don't want to see that happen to Warwick.

Supervisor Sweeton – That's why we have a very active Farmland Preservation Program and that's why we're very protective of our beautiful landscape.

Michael Jay – I just ask that you take this very seriously.

Supervisor Sweeton – We certainly will.

Jerry Zimmerman – Resident, Town of Warwick – I just wanted to know if you will be considering a ban on the use of Warwick roads for trucks either carrying waste water or water for fracking? Even if you have a ban on fracking in the Town of Warwick if you have trucks coming from the west from Pennsylvania traveling east through Warwick will you be considering banning the use of Warwick roads to those trucks?

Supervisor Sweeton – Well we only can control the town roads, so there are several State roads and County roads but we'll look at all those issues. Clearly we have weight limits on some of our roads already but we'll certainly take a look at all the issues.

Alice McMechen – I was at a forum last week that Professor Ingraffea from Cornell presented and this gentleman just referenced. One of the things that really struck me was we talk about natural gas as a clean alternative but he had a chart showing if you took in the consideration of all the production, truck traffic and all of that, that it actually was dirtier than coal production. I thought that was very interesting insight.

Supervisor Sweeton - Thank you.

ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 9:00 p.m. 10-11-12 CP.

Marjorie Quackenbush, Town Clerk