

MINUTES OF THE PUBLIC HEARING ON THE
COMPREHENSIVE PLAN FOR THE TOWN OF SMITHVILLE
Sept. 11, 2102

The Public Hearing for the purpose of hearing Public Comment on the proposed Comprehensive Plan for the Town of Smithville was called to order at 6:30pm by Supervisor Fred Heisler Jr. Present were the following:

Smithville Town Board

Supervisor Fred Heisler Jr.

Board members:

Elizabeth Vanderweyde

Bob Whitmore

Karl Ludwig

John Cammarata

Others in attendance

Town Clerk Alison Owens

Hwy. Sup't Bruce Kinney

Planning Board Chair Jackie Centerwall

PB Members Tim Hanna, Tom Pollard,

Doug Garnar

About 15 Townsperson

Town Clerk Owens read the legal ad as published in the Chenango American and Supervisor Heisler declared the Public Hearing Open. He reiterated the Hearing was to receive Public Comment about the Comprehensive Plan. A "sign-in sheet" for those wishing to comment was presented to Supervisor Heisler. The following persons commented about the Comprehensive Plan:

Susan Dorsey: On the last 2 pages # 12 mentions Marcellus Shale and historic use of 3.14.1, then refers back to the mission statement in 3.1 of keeping it rural. Request adding some language for long term land use. Land once developed for commercial or residential use will never revert to previous use, whereas gas drilled land can be reverted back. In the last sentence it should be the State regulates the gas industry; it should not be the intent of the Town to regulate the industry. (Full comment appears at the end of these minutes)

Carol Omalyev: Liked the rural part of the Comprehensive Plan. Would like to see the 2004 Survey done again, perhaps during Election time. On section 3.141, activity must be done with Town review and before SGIS is released. In order to do this it has to be done before SGIS review. It would make that paragraph redundant. (full comment appears at the end of these minutes)

Kathleen Harrington: Against part of section 3.141. Concerned about how much financial gain would be realized. Concerned about aquifers and the pollution to wells, and that in 3.3 one of the possible drawbacks is that gas drilling could detract from Historical value. Water from small streams could not support the amount of water needed for the drilling operation. Air and noise pollution, road degradation would contribute to threats to the Town. Well pads need 4-5 cleared acres and clear cut rights for the gas pipeline for its production. Opposed to Comprehensive Plan giving any consideration to gas drilling. (Full comment appears at the end of these minutes)

Other comments:

Jeff Dorsey: information is outdated in previous comment. His comments are the same as Susan Dorsey's.

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Richard Crow: Statement said “We should let the State decide in the Comprehensive Plan”. I disagree with that.

Sally Crow: We wrote a letter and asked the Planning Board last year to take a survey but it was not done.

Planning Board member Doug Garnar: spoke about the survey and that it should be done on a periodic basis. Looking also for input from the Town Board with regard to other issues that could come before the Town. A Comprehensive Plan is not cast in concrete. Things should be thought through carefully on how to get a good representation of all organizations and of how to reach the people.

Tom Pollard: mentioned other organizations for input

There were no other comments. Supervisor Heisler declared the Public Hearing Closed. There was no action taken on the Comprehensive Plan except to note the following minor changes:

- Neal Root’s previous comments with regard to the dams at Cincinnatus Lake and Long Pond
- No known date of organization for the Genegantslet Fire Co.:
- Walking Track at the Community Center
- Smithville Center Grange no longer in operation
- Add General Store as employer
- Alron Corporation no longer in operation

Supervisor Heisler declared the meeting adjourned at 6:59pm. The next meeting will be Sept. 17th for the regular meeting of the Town Board.

Alison B. Owens

Smithville Town Clerk

See continuing pages for full comments by Susan Dorsey, Carol Omalyev and Kathleen Harrington.

Full Comment by Susan Dorsey
Public Hearing on proposed Town of Smithville Comprehensive Plan
September 11, 2012

Thank you for hearing my comments.

I know the planning board has done a lot of work to bring forth this draft plan and I thank them for their efforts. In general I think they have done a great job, and there are just a couple of points I would like to comment on. I was not able to attend any of the planning board meetings so that is why I wanted to comment tonight at the public comment hearing.

Section 3.14 pertains to gas development in Smithville. I was happy to see that reference to gas development was left in the revised Comprehensive Plan (under the section on geology) as it was an historic land use in our town.

Section 3.14.1 The second sentence states the town wishes to maintain the rural nature of the community and it refers back the mission statement in section 3.1

With regard to maintaining the rural nature of the community, I would like to see language included that cautions future town leaders to take the long view of what will preserve the rural aspect. Having been a professional in the area of land use for many years as a licensed NYS realtor, real property appraiser and as both an elected and an appointed real property assessor in 5 towns over a 3 county area, I have learned that an area once developed for residential or commercial uses never reverts to agricultural use or forest.

Gas development, by contrast, is an ancillary use to farming as crops can still be grown and livestock grazed around a well head, and further, after 40 or 50 years the well will be finished producing, the pad removed and the land restored by reseeded or replanting to the use that existed at the time of initial development, usually pasture or woodland. I have delineated my reasoning in a letter to the editor of the Norwich Evening Sun. Due to the recent focus of their editorial section on endorsements for the candidates in this week's election, my letter was not printed although it may yet be. Therefore I have forwarded that letter to Alison and requested that she distribute it to all Town and Planning Board members, and that it be incorporated into my remarks tonight. (I have added that letter to the end of this email.)



Alison Owens <townofsmithville@gmail.com>

Fwd: letter to editor

2 messages

virtuallysusand@gmail.com <virtuallysusand@gmail.com>
To: Alison Owens <townofsmithville@gmail.com>

Tue, Sep 11, 2012 at 6:29 PM

Please forward to town board and planning board members.
Thank you,
Susan Dorsey
Sent from my iPhone

Begin forwarded message:

From: susan dorsey <virtuallysusand@gmail.com>
Date: August 30, 2012 2:39:11 PM EDT
To: Jeffrey Genung <jgenung@evesun.com>
Subject: letter to editor

Hi Jeff,
see letter below.
thanks,

Susan Dorsey
425 Winner Road
Oxford NY 13830
607-321-3601

Dear Editor:

Gas wells represent industrialization. FALSE!

No, gas wells are like a construction project, like a major home remodel: very disruptive for the short term but overwhelming benefits over the long term. As a former tax assessor in NY State, and with background as an independent appraiser and realtor, I have studied land use for years.

Look at the long-term consequences of rash decisions made today. Despite the hysteria heard from the anti-gas protesters, gas development does not equal a devastated industrialized landscape. I do not accept that gas well drilling is an industrial activity by any broad definition. It is not a factory that is there for as long as there is a market for widgets and then abandoned to grow weeds through the asphalt of its empty parking lot. It is not a quarry or mine, which allow no ancillary use. You can still plant crops in the same field as the natural gas wellhead.

Gas development, especially the spacing required by NYS for high volume horizontal hydraulic fracturing, leaves behind an almost imperceptible footprint in the rolling bucolic landscape. Most people have seen photos of drilling rigs, dirt roads and parking lots full of water trucks. This phase is during construction only, taking a couple of weeks. After the well is connected to a pipeline, the apparatus left at the wellhead resembles a fire hydrant usually painted green, along with possibly some containers which look like mini silos. The grass is reseeded around the well, a neat gravel drive is maintained for access to take meter readings. Maybe a gate is installed to deter the crazed saboteurs who would rather cause a surface spill to blame on the industry that to protect the environment they profess to cherish.

It is difficult to pick out the well sites in the heart of shale gas development even when you know what to look for. There are dozens of invisible wells in Chenango County, which by the way are currently, under NY State law, being frac'ed using the same chemicals as will be used when horizontal hydrofrac'ing is allowed - with no 2 headed animals or transgender mutations in the womb! Ask Linda Collart at the NYS DEC.

I have traveled extensively through Susquehanna and Bradford Counties in Northeast PA in every season of the year. Even in the most recent, most heavily developed Marcellus shale areas, the sights and sounds are cows and pastures, wooded hedgerows, puffy clouds filling frog ponds full of peepers- in every way as I remember the area when I grew up near there.

By contrast, a subdivision is forever. Using Rt. 28 between Oneonta & Cooperstown NY as a graphic example, when I took continuing ed classes in Oneonta back in the late '80s the Rt. 28 corridor was rolling pasture and small historic hamlets. Only the electric plant below Goodyear Lake was an exception to the unbroken pastoral landscape. Now enter tourism and population growth. We have 'Dreams Parks' and mini-golf, we have strip malls to accommodate the needs of

Cooperstonians who want the tourist dollars but will not tolerate the necessary ugly underpinnings like hotels and fast food. We have Park & Ride lots so visitors can hop a nostalgic trolley and avoid the gridlock downtown in Summer. We have McMansions in residential subdivisions with paved streets and gutters to carry off the stormwater. We have how much area now paved over, unable to absorb the water as the land always did before? So, here we see morbidly preserved Cooperstown propped up by the seamy underbelly that supports its tourist industry.

With bans on gas development being the purported politically correct thing to do, society there has sealed their fate. I predict in the not too distant future, the tourists will need to take a drive over to neighboring Chenango County on Sunday afternoons to enjoy the bucolic landscape and rolling pasture that was eradicated from Otsego County by well intentioned good-deed-doers. Cooperstown will be an island in what will look much like New Jersey.

A friend of mine in NE PA tells me the Proctor & Gamble plant near Mehoopany that produces toilet paper, disposable diapers and paper towels uses 30 million cubic feet of natural gas per day produced from their own wells on P&G property to fuel their paper processes, to heat the plant, and provide for a share of its electricity through combined heat and power systems. That 30 million cubic feet per day could replace an electricity source producing a constant 37 megawatts.

BP's Mehoopany wind farm project (which will become PA's largest wind farm upon completion) is expected to produce some 4.8 kilowatts per acre at a generous 30% capacity/generation factor. Thus to fuel the P&G plant would require 7700 acres and 77.1 six megawatt turbines.

The continent's largest photovoltaic solar plant in Sarnia, Ontario produces slightly less than 1/3 of what P&G needs at 13.7 mw. Its 960 acres provide 14.3 kilowatts per acre, which would mean that to power P&G's facility would require approximately 2380 acres of south facing land to be cleared and filled with solar panels. That is, just to provide the power needed to provide some Americans with toilet paper would require a solar facility that would be 2 1/2 times as large as the world's second largest photovoltaic solar plant! Currently, these energy needs are being satisfied by just 6-8 natural gas wells that have disturbed less than 20 acres of land on Proctor & Gamble's own property!

If large landowners, most of whom do not derive their wealth from outside the area, are not allowed to benignly access the gas they are sitting on and pay taxes on while the value of it escalates due to speculation, they will have no choice but to log the land for revenue, to cut the 'back 40' into spaghetti lots for trailers or McMansions.

An area once used as residential may become commercial use over time, but it never reverts to agricultural or forest. So, yes, gas friendly areas of Chenango County will remain as they look now, with the only noticeable change being that farmers will be able to afford to paint their houses the same color on all four sides, re-roof the barn and mend the fences.

Doug McLinko County Commissioner of Bradford County PA has a slide in one of his presentations on gas development that shows the dramatic decrease in subdivisions in his county over the last 10 years, the drop-off coinciding exactly with the arrival of gas development. How short sighted can some planners be? It is a tragedy.

At a recent Village of Oxford planning board meeting Ken Fogarty of Guilford, who might happen to be in the solar business, suggested that farmers should install solar panels across their acreage rather than natural gas wells. I will never agree that a private property owner's options be limited to someone else's agenda. There are just a few small problems with that idea:

1. I do not want to see a solar array across my fields.
2. Such an installation would preclude traditional uses like pasturing livestock or producing crops or hay
3. Gas companies are supplying capital and solar companies are not
4. I do not believe in government subsidies so don't even go there
5. I do not believe in poisoning people in China where the panels are made under lax if any regulation
6. I want to preserve the rural nature of our area
7. I do not believe in transporting solar panels halfway across the globe and then claiming the moral high ground by virtue of this 'alternative'.

By the same token I do not believe that our country should continue to propagate foreign wars so that we can ship oil from the other side of the planet where there is no environmental control over its production, when we are sitting on a supply of natural gas large enough to provide for generations of use. Recent estimates show Chenango County has at least 2 billion barrel of oil equivalent in gas.

No one can regulate or legislate away human error and there are accidents with every human endeavor. Those same people who urge us to 'buy local' foodstuffs fail to acknowledge that the distance to the end user only increases the chance of accident with regard to our energy supply. I love children. I have 7 of them and 5 grandkids so far. And I don't like seeing them raised up to be cannon fodder so that we can continue to enjoy our modern amenities.

If solar, or wind for that matter, is ever able to address all of the above concerns satisfactorily, I might be inclined to listen. But not to the same blind zealots who are now the standard bearers for alternatives here in Chenango County.

This anti-gas pro-alternative energy mob forgets one little fact. We own the land. Denying us access to our natural gas, which they will always need as spinning reserve for their intermittent solutions, is not the way to win friends and influence landowners. Solar panels and windmills have to be installed somewhere. Alienating the owners of the vast majority of the land in the county who opt to utilize a god given resource is not going to open doors to the experimental technologies they advocate.

Susan Dorsey

Alison Owens <townofsmithville@gmail.com>

Wed, Sep 12, 2012 at 7:58 PM

To: Fred Heisler <smithtownsuper@aol.com>, Elizabeth Vanderweyde <lizvdw@aol.com>, "Bob, Jane Whitmore" <bandjWhitmore@frontiernet.net>, John Cammarata <hiddenmeadows@frontiernet.net>, Karl Ludwig <familyfun@citlink.net>, Jackie Centerwall <jcenterwall@gmail.com>, Bob Brooks <toptrot@frontiernet.net>, Thomas Pollard <mtpollard@frontier.com>
Cc: Susan Dorsey <virtuallysusand@gmail.com>

forwarding as requested; FYI item

[Quoted text hidden]

Carol Omalyev Comments
Town of Smithville Public Hearing on Comprehensive Plan
Sept. 11, 2012

I am responding to Sue Dorsey's comment about gas drilling maintaining the agricultural feel of the area. I am responding that it will turn this area into an area of heavy industry.

Section

3.14.1

I said that this section was not needed as the Town of Smithville can do nothing to control what happens in the town once the dSGEIS is released and the Governor says Drill, Baby, Drill. To do so would cause a "taking" and open the town to a lawsuit by landowners and gas companies. This is why an ordinance must be written BEFORE the release of the SGEIS and permission to drill because no takings exist at that point and there is nothing to sue about. This was the whole point of Slottje's presentation.

I ask that the survey interviewing citizens of the town of Smithville be redone because horizontal hydrofracking was not included in that survey as it was done in 2004 and is now outdated. So the survey does not represent the wishes of the citizens of the town of Smithville.

Re: current (draft) comprehensive plan for the Town of Smithville, dated July 9, 2012

I am against part of section 3.14.1 Item for Consideration 12 that says, "with the potential development of this industry, (Re: Section 3.14: "the Town of Smithville lies in the Marcellus shale formation containing potential natural gas and oil deposits"), there are possible economic advantages for the town's residents. Also stated in Section 3.14.1 states that "any gas or mineral extraction activity must be done with town government review in order to ensure these activities are in the best interest of the Town of Smithville resident". While there could be some financial gains, it is unknown just how much financial gain could be acquired from allowing hydrofracking, how long the drilling would last - a year/a few years/several years. There are many risks involved in gas extraction that conflict with other Sections of this Comprehensive Plan.

According to Section 2.6.3 Aquifers, too much extraction of groundwater or too much improper development can reduce the amount of available water in the aquifers, while improper disposal of wastes could pollute them. Also stated in this Section, it states "because of position near the surface and high permeability, they (aquifers) are very susceptible to pollution from industrial...sites.

Section 2.6.4 Rural Water Supply mentions the depth to a sufficient flow of potable water puts a limit on the amount and density of development that may be possible outside of a municipal water service area. It also states precautions of wells going dry due to new wells and even deep-road cuts nearby.

Under Section 3.3 Item for Consideration 2 one of the possible threats to promote, preserve, maintain/enhance historic resources, ill-considered new development which detracts from, rather than adds to, the historic character of the town.

The following addresses the concerns about the above Sections (2.6.3, 2.6.4, and 3.3) and why Section 3.14.1 Item for Consideration 12, should *not* consider the development of hydraulic fracking in the Town of Smithville (or this item for consideration should not actually be considered at all):

The current proposed well sites are just the start up wells and areas. Most information on hydraulic fracturing states that the average Marcellus Shale well uses about 4 million gallons of water a day during hydraulic fracking. On the average it takes 18-25 days to drill one well. One well can be drilled at least 10 times. More wells are usually added to the original location of the "first well", and new wells are usually drilled in close-by locations. Water for the drilling is usually taken from municipal water supplies or rivers and streams. Much concern should be given to the use of our streams - the smaller tributaries may not be able to support this much water consumption, especially for an undetermined amount of time - possibly most streams cannot support this type of daily water usage at all. It is not consoling to think that if we were to run out of water that the gas drilling companies would supply us with bottled water.

You can certainly drink bottle water, but I think it would be truly difficult to take a shower under a bottle. If we let science be the guide on hydrofracking (supposedly safe according to the scientific explanation), then drilling could be done near the NYC watershed - but it is deemed to be too great a risk to that watershed, yet rural people are supposed to be agreeable to accepting the risks of contaminated water and other uncertain factors, and some certain factors like air pollution, noise pollution, and degraded roads to mention a few. As stated in the plan, our aquifers are very susceptible to pollution from industrial, etc., sites. Once again, if an "accident" occurs and our aquifers are polluted, we would also be supplied with bottled water, but once again that is not very consoling, especially knowing that perhaps you or somebody you know drank contaminated/poisoned water. Right now the proposed drill sites may not pose a threat to the historic preservation and maintenance of resources, but as more wells get drilled at more locations they could be a real threat to historic sites. At the very least, a nearby well site would certainly distract (detract) from aesthetically pleasing surroundings. Since the gas companies have the power of eminent domain we are all at risk of unwanted nearby drilling or drilling on our property, as well as the possibility of gas lines being brought across our properties. The well pads need 4 to 5 cleared acres, (sometimes more), and the clear-cut rights for the gas pipeline can be very wide - several hundred feet. I care about the environment - the forestry and animals in this environment. There may not be much left for quite some time for us to continue to enjoy the environment around us, and nor would the animals have very many areas left for them to access. The fish in the streams are part of this consideration also.

All this, and more, is why I am opposed to the Comprehensive Plan giving any considerations to gas drilling in the Town of Smithville.

Kathleen Harrington