

TOWN OF GROTON – MINUTES OF TOWN BOARD MEETING

TUESDAY, DECEMBER 10, 2013 AT 7:30 PM

PUBLIC HEARING ON PROPOSED LOCAL LAW #2 FOR THE YEAR 2013 AT 8:00 PM

THE TOWN HALL, 101 CONGER BOULEVARD

Those present:

Glenn E. Morey, Supervisor
Ellard L. Sovocool, Councilman
Donald F. Scheffler, Councilman
Richard B. Gamel, Councilman
Sheldon C. Clark, Councilman
Fran Casullo, Attorney for the Town

Also present:

Lisa Maloney Hahn, Carole Daugherty, Kathleen Seible, Dan Carey, Katherine Wolf, Peter Clark, David Norte, Richard Dale, Kelly Smith, Danny Klimaszewski, Dorothy Pomponio, Harvey Norte, Terry Sharpe, Nancy Peacock, Diane Cummings, Joanne Senecal, Ted Schiele, Scott Cole, Mark Robinson, Elizabeth Snyder, Elizabeth Conger, Mary McGarry-Newman, Rachel Newman, Stefanie Books Jacobs, Betty Yaichuk, Morris Peck, Greg Weiland, Sue Bennett, Joe Bennett, Christine Hughes, Scott Hughes, Lori Gardner, Joan Packard, Frank Heine, Katherine Clement, Sarah Bullock, Marion Giamgattista, Alan Giambattista, Gailanne Mackenzie, David Neal, Lynn Musgrove, Dyan Lombardi, Dianne Harrington, Pat Gaines, John Gaines, Lisa Trust, Michael Morris, Robert Walpole, Jeff Toolan, Lorna Apper, Faith Tyler, Lyle Raymond, Ruth Williams, Jennifer Schwade, Michael Goldstein, Nick Babel, Karen Pastorello, Jean Morey, Milton DeGraw, John Morey, Sigrid Connors, Waylon DeGraw, Kay Blake, Beverly Oaksford-Moore, Doug Newman, David Dematteo, Deidre Dematteo, Celia Morgan, Dan Cerretani, Steve Breeds, Leslie Bode, Stephen DelCollo, Michael Searle, Charles Rankin, Richard C. Case, Jr., April Scheffler.

MOVED by Supervisor Morey, seconded by Councilman Sovocool, to approve the minutes of the November 7, 2013 hearing on the 2014 Fiscal Year Budget as presented.
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey.

MOVED by Supervisor Morey, seconded by Councilman Scheffler, to approve the minutes of the November 12, 2013 meeting as presented.
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

Claim Numbers 341-373 of the **General Fund** in the amount of \$20,606.57 were presented for audit.

MOVED by Councilman Gamel, seconded by Councilman Sovocool, to approve the General Bills for payment.
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey.

Claim Numbers 184-203 of the **Highway Fund** in the amount of \$35,387.46 were presented for audit.

MOVED by Councilman Clark, seconded by Councilman Gamel, to approve the Highway Bills for payment.

Ayes - Sovocool, Scheffler, Gamel, Clark, Morey.

Monthly Reports:

Charles Rankin, Bookkeeper - Submitted monthly reports for the Board's review and requested budget transfers.

RESOLUTION #13-076 - 2013 BUDGET TRANSFER

MOVED by Supervisor Morey, seconded by Councilman Gamel

Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

RESOLVED, that the Town Board hereby approves the following 2013 Budget Transfer:

General Fund - Town Wide:

From: Contingency, A1990.4.....	\$250.00
To: Town Clerk, Personal Services, A1410.1.....	\$100.00
Control of Dogs, Deputy Clerk Salary, A3510.12.....	\$150.00

RESOLUTION #13-077 - 2013 BUDGET TRANSFER

MOVED by Supervisor Morey, seconded by Councilman Sovocool

Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

RESOLVED, that the Town Board hereby approves the following 2013 Budget Transfer:

General Fund - Part Town:

From: Contingency, B1990.4.....	\$370.00
To: Zoning, Deputy Clerk Salary, B8010.12.....	150.00
Planning, Deputy Clerk Salary, B8020.12.....	220.00

RESOLUTION #13-078 - 2013 BUDGET TRANSFER

MOVED by Supervisor Morey, seconded by Councilman Gamel

Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

RESOLVED, that the Town Board hereby approves the following 2013 Budget Transfer:

General Fund - Town Wide:

From: Town Clerk, Contractual, A1410.4.....	\$748.00
Town Clerk, Records Management, A1410.42	1,307.00
To: Town Clerk, Equipment, A1410.2.....	\$2,055.00

Gary Coats, Code/Fire Enforcement Officer - Was not present, but had submitted monthly reports for the Board's review.

Richard C. Case, Jr., Highway Superintendent - The Highway Department is dedicated to snow and ice removal right now. Drainage and culvert replacement is still taking place when weather allows. The PM program, repairs, and snow equipment preparation are happening daily in the shop. The New York State DOT inventory has been checked and filed with the Department of Transportation. The Town of Groton currently has under its jurisdiction, 53.45 center-line miles of roadway. Tompkins County has 106.9 center-line miles of roadway within the Town of Groton. Just for your information, the Town plows roughly 40 miles of that under contract. The Highway Department employees and the Village DPW employees received the safety training in November that covers the PESH requirements for 2014 and I'd like to thank Chuck for making those arrangements. Other than that, I wanted to, on Don's last meeting, thank him for his support of the Highway Department. The employees have enjoyed your input and your dedication as I know the park & recreation operations have. Your interest and support has not gone unnoticed and is appreciated.

**RESOLUTION #13-079 - APPROVE 2014 CONTRACT WITH THE
TOWN OF GROTON HIGHWAY EMPLOYEES ASSOCIATION**

MOVED by Supervisor Morey, seconded by Councilman Sovocool
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

RESOLVED, that the Town Board hereby approves the 2014 contract with the Town of Groton Highway Employees Association, and be it further

RESOLVED, that the Town of Groton Highway Employees be granted the following for the year 2014: 50-cent raise in pay across the board.

April L. Scheffler, RMC, Town Clerk/Tax Collector - Submitted monthly reports for the Board's review. I had my training last week for the new DEC hunting and fishing license system. It looks a little different from what we are using now, but doesn't appear to be too difficult to navigate. Their go-live date was December 16th but it will probably be more like December 26th. They plan a 5-day blackout for selling licenses so that state-wide data can be transferred from the old program to the new one. License fees will not change, however there will no longer be any combination licenses like sportsman or super-sportsman. Instead, everything will be sold separately. This is because the hunting licenses will still run from September to September as they do now, but fishing licenses will be for 365 days from the time you buy it. There will still be a lifetime sportsman license that includes the fishing, but it will be called something different. I will be attending the State Clerks Assoc board of directors meeting and regional meeting Sunday and Monday. I am chairing the clerk of the year committee for the association this year as well as acting as assistant secretary and treasurer. Robin and I are gearing up for tax season. I will not be able to be here for the first couple of days of collection as my husband is having surgery, but I am confident that Robin can handle everything. I feel very lucky to have such an efficient and capable deputy. I think that Gary feels the same way. We have the TaxGlance link on the website. Anyone can now go online to print off a bill or receipt. I've been contacted by NCourt for the credit card payment part of it and they will be getting back to me this week to get that set up.

John Norman & A. D. Dawson, Town Justices - Were not present but had submitted monthly reports for the Board's review.

Councilman Donald Scheffler, Representative to Joint Youth Program - About 14 years ago, the Groton Central School approached the Town and Village of Groton about forming a joint recreation committee, creating more recreation opportunities in Groton while alleviating certain legal issues. From this, came the Joint Recreation Committee, of which I was chairperson for the first 13 years. We started with nothing and forged ahead somewhat blindly, slowly turning it into the well-oiled machine it is today. I would like to express my gratitude to the wonderful, unselfish group of dedicated volunteers who have worked tirelessly to create and nurture this program. Never once have I heard anyone take an ounce of credit for the successes or dish out blame for our failures. It has always been a team effort and I publicly thank them all. Last year it became apparent from the threats and promises that at some point I would no longer be here, so I passed the chairperson's position to Sheila Ossit, who has taken the reins with the help from the whole committee and is doing a great job. It makes me happy to be surrounded by capable people who no longer need me. A special thanks to Chuck Rankin, our Clerk/Treasurer, who has been a part of Groton Recreation from the start. I don't know how he does it all, and with a straight face. Last, I'd like to thank you, the taxpayers, and the Town Board for supporting the rec program. It is well worth it.

Privilege of the Floor:

Betty Conger - A member of the Village Board: "On behalf of the Joint Recreation Committee of the Village and Town of Groton, I would like to thank outgoing Councilman, Don Scheffler, for his many years of service to this Rec Committee. Don has been with this program since its beginning and has helped it to grow and provide many programs for the people of Groton, both young and old. We thank you very much, Don."

Mike Goldstein - Brought up the Groton Republicans website saying that there were statements on there that appeared to be coming from the Town Board and was not actually the Town Board talking but a set of Republican politicians and wanted to bring that to the Board's attention.

Jen Schwade - At the September Board Meeting it was said that the Ethics Board had met and assumed that given today's agenda that they had ruled as to whether the Board could vote on a moratorium and wanted to know if in the future when the Ethics Board meets, as well as any results, would be publicized.

Attorney Casullo - Explained that when they met, it probably lasted about 20 minutes and they went around the table and introduced themselves, exchanged phone numbers, and talked about why they were there. Mr. Watkins was chosen as chairperson and then they adjourned. It was nothing more than an introductory type of meeting.

Ms. Schwade asked if they had met again. Attorney Casullo said no, and Supervisor Morey said they hadn't because no written complaints had been received as required by in the law. She then asked where the Board stood on a road use law to protect our roads from possible damage from hydrofracking.

Supervisor Morey said that yes, in January, regardless of what happens tonight, there will be work sessions on a comprehensive plan, a law concerning foreign materials coming into the Town that was written in 1988, and the road preservation. When Ms. Schwade asked if the work sessions would be open to the public, Mr. Morey said yes, they have to be.

Jeff Toolan - Said there were some sort of verbal requests that provoked the initial meeting of the Ethics Board and doesn't understand why there wasn't any follow through with the Ethics Board.

Attorney Casullo - Said that late last year some people had concerns of potential conflicts of interest and it was decided to form an Ethics Board. This was not just because of the fracking issue. The State of New York wants towns and municipalities to have these laws in place, so we thought this was the time to do it and then move forward. He never anticipated that it would take as long as it did to pass it.

Supervisor Morey - Explained that they had looked at many other ethics laws from across the State as well as samples from the State Comptroller and the Association of Towns. It was then decided to write a law that would mirror the one that Tompkins County was also working on at the same time. Our law finally got passed but apparently Tompkins County has still not passed their law.

Jeff Toolan - Said he believed there was a verbal request for the Ethics Board to investigate whether or not the Town Board could vote on the issue tonight and did not understand why this was not done and wondered if the Town Board was in violation of some Town or County ethics law because of this.

It was explained that the new ethics law requires a written request for a review and none had been received, so no review as made.

Milton DeGraw - Has never had any trouble with the ethics of anyone on the Board until he read Saturday's paper where it talked about the ethics board being formed and some people wanted ethics. At the end of the article the new candidate said that her ultimate goal was to ban fracking in Groton. Mr. DeGraw does not think it is ethical for her to make up her mind before even getting on the board. He also questions the ethics of the group complaining about ethics. He said he would like to have this person investigated too.

Sue Bennett - Said that she didn't know what month it was but she verbally brought this issue up with Rick Gamel at a meeting and was never told to put it in writing. There is a difference between having an opinion versus someone having a financial possible gain and that is an ethical problem and that was what she was accusing Rick Gamel of.

Councilman Gamel - Said he believed the issue was whether or not Board Members had gas leases. He is not sure about all the leases, but his had run out well prior to the issue coming up. The gas leases were actually released by the gas companies on August 6, 2012, which is prior to Ms. Bennett even bringing that up. So, the issue of whether it is ethical or not because of financial gain, it's been released from the gas company, ran out long prior to that, and he has not been reproached on either his home property or rental property.

Ms. Bennett - But it's still the same issue for all the Board Members.

Supervisor Morey - There are no active leases owned by any Board Members.

Ms. Bennett asked if anyone had seen the draft of the law. Attorney Casullo explained that the law had been written, a public hearing held, and it was passed on July 9th. Ms. Bennett then wondered why the Ethics Board met one time but didn't conduct business and review this issue. It was explained that according to the new law, there needed to be a written complaint.

Ms. Bennett then lodged a complaint, saying that work sessions were not being published so that she could attend them and that minutes take a month to get online because they aren't published until they are approved. Clerk Scheffler explained that minutes have to be done within 2 weeks and are usually online when they get done.

Jeff Toolan wondered if the vote tonight, under the existing law is a violation of due process.

Attorney Casullo explained that Ms. Bennett brought up the ethics question late last year. That's when he thought the Town should just look at passing an ethics law, because the State wanted us to, not just because of this issue, but because of all issues. It took a lot longer than he anticipated, but in July the local law was passed, subject to a public hearing. In August there was an introductory meeting for the members of the Ethics Board. To date, it is his understanding that nobody has filed a complaint on any issue with that board as required by the local law.

Supervisor Morey moved to open the Public Hearing, seconded by Councilman Gamel, at 8:06 pm.

Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

PUBLIC HEARING ON PROPOSED LOCAL LAW #2 FOR THE YEAR 2013

Clerk Scheffler read the Public Notice as duly published in the Town's legal paper, the Groton Independent on November 27, 2013, and posted at the Town Hall, Groton Post Office, McLean Post Office, and Town website.

No written comments had been received from the public.

Attorney Casullo - A moratorium is not saying you are banning fracking or allowing fracking. The moratorium, as it's drafted, says for six months you're not going to allow fracking as the Town further studies the issue. It sort of gives you a period in which you can study the issue further and delegate it to the Code Enforcement Officer, Planning Board, hear from the State. Hopefully, after that six month period you would come to some conclusion as to what you want to do on this issue. It doesn't mean that you have to keep it for the full six months if you want to act sooner. You could extend it for a reasonable amount of time if you could show that you need more time. You would need to do another local law to do that. I just want to make it clear that a moratorium is not saying that fracking is out or fracking is in in the Town of Groton forever, it just allows more of a period of time to study the issue further. We did this back in the 90's on

the adult uses issue. We had a moratorium, had all those studies, and then we amended the Town's zoning code to reflect what we came up with.

After laying down some ground rules and limiting each speaker to three minutes, Supervisor Morey opened the floor for public comment.

Waylon DeGraw - I hope everyone here actually keeps it to three minutes. I know last time I was here, some people spoke for fifteen minutes and that was irresponsible. Everyone needs their time to speak and after their time is up, they should respectfully set down. The basis for this moratorium is not needed. There is no reason to have it. I am sure almost everybody who had a lease in the Town of Groton, it has already run out. They are not going to be drilling here in the next six months. Putting a moratorium just opens up the chance that the Town of Groton might get sued by a gas company. But they are not going to drill here, next year, the year after, the year after. They don't have leases here at this time and are concentrating on other places. So, the point of this moratorium is unnecessary. There is absolutely no belief that they are going to drill here. I have spoken to people who actually work for gas companies and they say that at this time they are not going to be drilling in the Town of Groton. So, why do we need this moratorium and have the chance of a resident or the Town of Groton being sued. It's not worth it. We have plenty of time to do research and we have to do research that's unbiased. Everybody here is most likely biased in one way or another, saying for or against it. We need unbiased research to come in here and show us the true affects. I can do a poll on a hundred people and depending on what their view is, it could be heavily one way or another. You need research done by unbiased people. Again, tonight is based on the moratorium, not on fracking, and I'd appreciate it if people have an issue with fracking, wait until a meeting on that comes up. Right now this is about the moratorium and that's what it's about. It's not about fracking, whether I'm pro or against it. I have my opinion, but I'm holding that to me, because right now is not the time or place.

Faith Tyler - This is the third time I've spoken to you on the fracking issue and I am going to speak on it briefly just because I think that's what the majority of the people are here for tonight. Can the crowd behind me raise their hands if they don't want fracking in Groton? Okay, so I would just like to keep everybody, everyone on the Board to realize that there's a really big turnout in support of the moratorium and I feel like the way that this hearing and vote has come about is very shady, right before Kelly is going to take her seat and yes, she is adamantly against fracking in Groton.

Supervisor Morey - I think Kelly should say her opinion, not you.

Faith Tyler - Okay. But I think that it would be the wrong decision to ignore so many town folk who are taking time away from their families and lives to come here and set and tell you how they feel on this issue. So, please do vote the moratorium. I hope they never do frack in Groton, but I don't know why they would ever want to sue the Town if they have no interest in fracking here in the first place.

Sigrid Connors - I'm very worried about the health and safety of my family, my children and my grandchildren if fracking were to occur in the Town. Earlier this week, the New York State Health Commissioner, Dr. Shaw, said there is currently no timeline yet for the release of a study about fracking's environmental impact, which was supposed to be out this spring. He went on to say that he is still not ready to say whether it's safe for

New Yorkers. So, if the New York State Health Commissioner is not ready to give a statement about the health and safety, I think six months is not long enough.

Lori Gardner - I wanted to say before, I'm very confused about this whole reason, we waited and waited for an Ethics Committee because they were supposed to determine whether certain people had a conflict of interest and needed to recuse themselves before we could vote. They met, they introduced themselves, they elected a chair, and all of a sudden we're here voting. I don't see it, I don't understand it. You talk a lot about property rights. It's obvious though that your concerns are only for the minority who would exert their usage over onto their neighbor's property. When someone makes noise that crosses over onto their neighbor's property, they are infringing onto the property rights of their neighbor. When someone brings in gas drillers who have in many other cases, poisoned the groundwater with arsenic, benzene, methane, radon, and other unwholesome compounds, they are infringing on their neighbor's right to enjoy their own pure water. When the gas drillers bring in convoys of large trucks that create congestion, noise and tear up roads, they are infringing on their neighbor's property rights. When the gas companies run drills all day and all night, the noise and lights from the drilling infringes upon their neighbor's property rights. Even if I do not choose to lease my property, if my neighbor does, the gas company can drill sideways to access gas under my land. If enough of my neighbors lease land they can actually...(tape cassette turned over)... How can you claim to respect property rights when you refuse to protect the rights of landowners to enjoy the peace, quiet and clean water of their own property? That is the most intrinsic of property rights. There are two honorable ways you could have preceded with this vote. One would have been to vote before the election and run on your records. By not voting before the elections, Mr. Sovocool and Scheffler were able to infer that they would vote against fracking if the need arose. The second option is to wait until after the election and let the newly elected board decide the issue. Since it was a hotly contested election, and this was a major issue, this could be a way to give the people a voice. This would have been a very honorable reason to hold the vote a month or so until the election. You have chosen to take the most dishonorable of paths, the one that totally disrespects the voters and the choice that they made on November 5th. The voters said quite clearly they do not want fracking in Groton. When the elected officials make a major vote like this, they should have to answer to the voters for their decision. It is disgraceful to take this vote with someone who is removed from office and no longer has to answer to the voters. Shame on you. Shame on you for waiting until you were in a seriously challenged election to take any action at all. Shame on you for refusing to vote, and go on record before the election, and shame on you for this underhanded way of negating the will of the electorate. You may still think that you're little gods that serve for life and you don't need to be concerned with the Groton voters. The past election should have taught you that you're wrong and you can all be replaced. Show some respect for the people you are supposed to serve. Hold this vote with the new board in January.

Milton DeGraw - Don't take that to heart. It sounded a little rough but it don't mean nothing. To start with, if they'd do their homework and research and most of the people that know about fracking already know this, that they can use propane gas. There's no chemicals involved, so there's no chemicals to pollute your water. If you want to check your water, you ought to go home and check it because you've probably got things in it that you don't even know of. All the water is surface water. You're well water is not very deep. Let the State of New York do this job. That's what

you elected them for. They're dragging their feet. This is a dead issue. You're candidate, when she talked to me on the phone before she hung up on me, told me it was a dead issue in New York State. Since it is, what are we doing here? We shouldn't even be here tonight. If you let the State of New York make up their mind, they are going to tell you how you're going to drill, if you're going to drill, and when. They are going to start in the Southern Tier if they ever get invited back. They probably won't come back because they p ---ed them off so much. I had a lease. I enjoyed that money. I spent it in this community. That helps create jobs. If I'd got another lease, I'd spend some more in this community to help create jobs. If you think about your children and grandchildren, that's what you should be thinking about, are they going to have a job in New York State where they can have a home? Ten or twelve dollars and hour isn't going to buy them a house. That's reality. New York State is damn near broke. Pennsylvania was but they came around. New York State needs industry. There's a lot of good people that it's a waste of time to go to college, but they're a good person in a factory, but we need industry. You're not going to have industry unless you get taxes down. The taxes are too high. I've seen my taxes go up a lot over the years. There's a lot of people, it says 800 that signed in favor of a moratorium, how many of those 800 are actually taxpayers? You want to tell me what to do with my land, help me pay my mortgage, pay my taxes? I'll take your money. Let the State of New York do its job. Vote this thing down and vote it down long enough to give New York time. I don't care if it takes a year or two. This isn't going to be an issue. We don't need to study the roads, we can't even take care of the roads we have.

Michael Shonk - My first question to all of you who are opposing fracking, what do you know about it? Have you ever worked any oil fields? Do you heat your homes with natural gas? Do you put natural gas in cars as an alternative fuel to gasoline? It's a cleaner burning thing than gasoline is. Your school that your kids attend is heated with natural gas. Milt just made the point also that jobs will be created. The gas companies will pay taxes to lower your property taxes. They will also pay taxes to fix your roads and other numerous taxes. So, this whole thing about a moratorium, it shouldn't even be discussed, because every other county around here, everybody, we've been talking about this for years. I just don't understand.

Kathy Wolf - I signed the petition for the moratorium and I pay taxes. I'm in favor of the moratorium. Everybody in Tompkins County has voted on it and approved a moratorium or a ban and we're the only one who hasn't. In terms of New York State, waiting for them to act, there's a lot of people who don't live where I live that are in New York State, and yes we do have representatives, but counties and towns are taking action to protect their little parts of New York State and I think that's a legitimate action. We don't have to just say well, they're going to make up their mind in Albany and we'll just do whatever they tell us to. Natural gas is cleaner than oil. You're still burning carbon. You're still putting greenhouse gases into the atmosphere. We're going the wrong direction on this, we should be going toward renewables. There's quite a bit of research that shows that solar power could actually produce a whole lot more energy, even in this kind of climate, than it has been given credit for. So, those are things that ought to be looked at hard because we aren't going to be here any longer than the sun is. The sun is ultimately our powerhouse. It's the one that put all that coal and stuff down there and that's really where we ought to be looking and there's other renewables as well. In terms of, every day, every month you hear about accidents, spills, disasters, environmental poisoning associated with extraction technologies. Why do we really think fracking would be any different? I mean they're

taking hydrocarbons out of the ocean, they transport them through pipelines and boats and every single one of them has been responsible for environmental disasters. Fracking is a crime against our water. It poisons it and then it buries it. Even though we're blessed with some snow out there and a lot of water, water is a precious, precious resource and we shouldn't be just poisoning it and putting it underground, we should be doing our best to keep it clean and keep it available. It's what keeps us alive. There are thousands and thousands and millions of people who lived in the world without love. Not one has lived without water. In terms of property rights, there are the property rights of those who don't want it and that the affect of the people who want drilling on their property can't be confined to their property. These people have been here over and over and over again to ask you guys to just say no and a six month moratorium isn't an unreasonable request for the people of Groton to request of you.

Jeff Toolan - As a young person who has been all over the world, I've worked on these issues all over the world and in Brazil which has a major natural gas industry and powers 30% of its fleet. Unlike the northeastern United States, they've learned their lesson, they're keeping their gas for domestic usage. The reality is the majority of this gas would be condensed and shipped overseas, which by the way makes it have a much worse carbon footprint than most other hydrocarbons, including coal. That's not why I'm here. I've tried to bring industry back to Groton. Unfortunately when you've got states like Nevada and North Carolina offering 80% tax credits and with our tax environment and our cost of doing business, the reality is that industry is probably not coming back and to be honest, good riddance because Smith Corona already poisoned our water once and my dad had to clean it up and it took more than ten years to get the heavy metals out of the Owasco Inlet. So, not on my watch is what I'm going to say as a young person who remembers that struggle and remembers what it was like to have the stigma of poison water in Groton growing up and seeing a giant pumping facility next to Owasco Inlet that's filtering out heavy metals that were just dumped directly into the water supply. But more importantly, all the most recent claims, and now that the Cornell University, Anthony Angasea (spelling?), and by the way he's in the top five concrete engineers on the planet, he says based on industry data alone 5-10% of the new wells will fail. Within ten years, 30% of the wells will fail. That's based on industry data based on the top engineer for the industry. So, having to reiterate my point, industry probably isn't going to come back unless all of a sudden we reinvent an entirely new economic situation for New York, which isn't going to happen in my lifetime. The two industries we'll have in the future is high-end agriculture and tourism, neither of which will benefit from fracking. Coming to Groton and knowing that I have to bring people here from around the world, one of the reasons they like it here is it's serene, we have clean water, we have lakes, we have waterfalls, we have organic agricultural. I see the Alnye trucks going by and I don't have a problem with them. That's where the future of Groton is, to really farm the land, to not extract it in a one-time use thing, destroy the water table. Ask the Pennsylvania farmers if they can get their water back? How much does it cost to farm when you have to import water? It's impossible. We lose our farming, we're down to only tourism and a lot of the tourism is based on farming, on the cheese, on the clean environment, on the produce. Try to produce produce with poisoned water. So, based on industry data, based on the top scientific thinkers in the world, based on the economic reality of New York, our future is in tourism and agriculture, neither of which involve hydrofracking.

Dyan Lombardi - I'm not really worried about the oil companies suing us because I think to them we are less than nothing in the scheme of things. I'm worried about the other

towns and the counties suing us when the trucks have to go through their land to get to our land and they pollute the other towns and counties, so I think we just have to move cautiously.

Joan Packard - I'd like to commend the Board for finally taking up the issue of hydrofracking after two years. We members of the Groton Resource Awareness Coalition have been pressing the Board to consider this issue for a very long time. I am disappointed however in the length of time the Board is giving itself to study this issue. A six-month moratorium, I feel is just not enough time to study hydrofracking. I've read the proposed local law and I feel that six months is way too short of time to study the impacts of this technology including, which is mentioned in the local law, studying the potential of groundwater pollution, studying the impacts of the demand for commercial waste water facilities, studying the impact of local roads, studying the environmental impact on water quality, agricultural uses and wetlands, and studying the potential for sediment and erosion, and the use of naturally occurring radioactive materials, studying the sources of surface water, private ponds, ground water, municipal water contamination, and let alone the liability issues involved. This is going to take a lot of your time just consulting with experts to figure a lot of this stuff out, plus the need, that you've mentioned in your local law, the coordination with the Town Board meeting with the Zoning Board of Appeals and Planning Board. I just don't see how you can possibly accomplish this in six months. So, I am urging you to at least do a moratorium for a year. I don't know how you can do all of this in six months. It just boggles my mind.

David Norte - Just a few things I've noticed. I know a lot of the people here and I'm uncomfortable with the tension that this is creating. I don't know how it's going to be resolved. Ultimately I think you guys (meaning those against fracking) are going to win, because if I was a business owner and I owned a natural gas company, there's no way I'd want to do business here. So, you folks will win, but what's going to happen? One town over, through good intentions, and I know people have good intentions, but what the Town of Dryden has done, they have completely devalued private property rights. I'm not going to speak to whether fracking is good, I don't know, I clean carpet, I'm not a fracker. I think that any business, I don't trust any business until I know, so I don't have a vested interest in saying fracking is great. My concern is as a private property owner, with people's best of intentions, there's going to be a lot of unintended consequences with new laws. One person spoke about, I'm glad industry is going to leave. Really? Come on, that's ridiculous. I try to run a business. We can't be anti-business. We treat every business skeptical just like anybody else. I just don't want the Board to protect stuff so much, you know to protect the roads, you've got heavy trucks driving up and down these roads all day long. What's the unintended consequence of passing a law to keep fracking trucks out when you've got Alnyne out there? Do you know what happens when an Alnyne truck spills? I'm a volunteer fire fighter and do you know what DEC does when milk spills into the river? It's poison, it kills fish. There are unintended consequences for over-reacting. We're asking way too much of our fellow citizens to try to make a decision on this. This is a State decision, but they're not going to come anyways. I wish everybody would just take a deep breath. There's no way it's going to be profitable to do business here. You've made it this way. Let's move on to something more important.

Dan Carey - I'm opposed to a moratorium on hydraulic fracking in the Town of Groton. New York State still has a moratorium on high volume fracking and it's been in place for five years. I think we should wait and see what they decide. The State has also initiated

a study on health affects of fracking. The results of this study are unknown at this point. The Town of Dryden court case has not been settled yet. So, what's the rush to enact a local law when there's so much that hasn't been determined yet? Tompkins County has updated their road use regulations and they're in place for town planning boards to use. The Groton Town Highway Department has been collecting road use information for roads in Groton for, I think, a little over a year or two years. So, a moratorium on road use is not necessary. That's an ongoing thing that the County initiated. A moratorium on fracking in the Town of Groton, would allow an inquiry of the comprehensive plan for the Town, which took more than three years to update. Our zoning regulations and site plan regulations have been well thought out in this updated document and I don't think they need further review. The CEAs or Critical Environmental Areas could be a consequence to landowners if this moratorium is enacted. The New York DEC, the EPA, and the USDA are all well aware of the location of sensitive lands in the Town of Groton, so I say there is no further need of the Town of Groton investigating private property at this time or anytime. I commend the Town Board for taking a measured approach to this sensitive issue and hope as a board you continue to be cognizant of how this issue affects private property rights. I want to be able to make my own decisions about my property and make my own choices about whether to lease my land.

Ted Scheile - I urge you to vote in favor of the six-month moratorium. The law that you are working on now is a six-month moratorium and that's all, but I think that it's important that you do take this time to not only look at hydrofracking on its own but also in the context of what is an industry here, which is agriculture and dairy. I think we all know that there is a growing dairy industry in New York State with the yogurt plants all up and down the Mohawk Valley and out into Madison County and out through Niagara. We need to understand how that is going to benefit the Town of Groton. I think it's important to look for the long view. It is true that individual property rights are important. There are people who have been living in this town many, many years longer than I have. I've been here for twelve years, but my view and I've put considerable effort into the property that I live on, and my view is to look at this in terms of the entire community and how this is going to impact the entire community. Therefore we look at it for the sustainable practice for the long term. What we have coming in as well, as far as vegetable gardens and truck farms and the dairy industry and how that's improving also. So, I hope that you look at all these things during the moratorium and I hope that you will in fact vote for the moratorium.

Mike Morris - I'd just like to address some of the issues that some of the people have brought up who are opposed to a moratorium. Number one, a moratorium is not a ban, it's just a study period, blah, blah, blah. All of us who are opposed to fracking and want a moratorium, we all have property rights too. I have to say, it's insulting to read in the paper comments that we're special interests. It's B.S., the idea that the majority of the people in the Town of Groton are a special interest group. We're constituents, we live here, and we have property rights. If not, if we're just going to say anything goes on property, then all right, we'll form a concert company and we'll plop down a Woodstock next to every single person with a 500 acre lease that's complaining that they can't do what they want on their property. Give me a break. We all have constraints. That's what being part of society is about. And I want to thank you for including in this law something about that if it's contrary to the comprehensive plan then it won't fly. Because that's case closed, because the comprehensive plan, and I hope everyone here has taken time to read, it reads, it would be more d--ning to the

fracking effort than the biggest website that the anti-frackers have with all of that information. If you follow the Town comprehensive plan, you cannot allow fracking in the Town of Groton. And there's a poll at the end of that comprehensive plan that 90% of the people are opposed to truck traffic, they're opposed to noise, yadda, yadda, yadda, they want to retain the rural character of the community, so bring it on, you're going to have a H--- of a fight on your hands if you okay fracking even after a moratorium or whatever. You are going to have a fight and unless you change the comprehensive plan it doesn't fly and to change the comprehensive plan you're going to have a big fight on your hands and I believe it can trigger something called a permissive referendum and then we'll all get to vote and then we'll have a vote in the Town of Groton. Put it out there. You guys could call for a referendum and settle everything in the Town so that people aren't opposed, la, la, la, just have a vote, have a referendum next election cycle and say thumbs up, thumbs down on fracking. I know it's a representative government, we've all elected you, blah, blah, blah, but you know, good luck.

Liz Snyder - I would hope you would vote for the moratorium. I think it's the thing to do. It will give us time. It would give you time to really look at things and make any changes that we need. And as Mike said, the comprehensive plan is the complete opposite of anything that fracking does. If you vote it down it will be a mistake partly because any economic boom, any income to the Town of Groton, any businesses or individuals, any of those booms will not offset the very really and likely pollution of our land, water and air. Here and in neighboring areas that do have moratoriums, it could cause economic and health impacts to all the people living in this area. It could also be a mistake because to me it means that you have not thoroughly researched and used all the available resources that have been available to you. You haven't listened to some of the people who have really gone through this process. I know some of you visited Pennsylvania but you haven't listened and really talked to the people who have dealt with the gas companies, the pollution, the tactics they pull, it is really frightening. And they are big and they can weasel out of a lot of things that you can't imagine. It would also be a mistake because I think you would have been wasting very extra unnecessary time creating the Ethics Board that could have been speeded up. You could have used the Tompkins County Ethics Board. Those are things and months that went by when safeguards could have been put in place or at least been looked at to get ready for a moratorium. Another mistake is not considering your constituents' opinions. I know you have listened to us at meetings, but I don't think you've really listened. I think that the numbers on the petition for a ban or moratorium have not been really seriously considered. And seeing that a new Board Member who stated right from the start her position on a moratorium or a ban, and she was elected. To me, that shows something right there. I think we have a really good group here in Groton. I think we all want the same thing, a safe place to live, a clean place to live, and I just think you need more time to consider this and more time to research.

Sue Bennett - I'm for a moratorium and one of my main reasons is that New York State has said that any township that doesn't have a moratorium or ban, if once New York State approves it, they could approve it tomorrow for all we know, they can come to Groton. They can come to any town that doesn't have a moratorium or ban. So, that's my main reason to start with. It bothers me because I've known Dan all my life and I've known Milt all my life but that I have farm land across from me. I like it a horse farm. If I thought that they would put a fracking oil rig there, I would be here every minute of your waking day because I don't want it to affect my life. What people do on their

property, I believe they should have the right to do what they want to do, but not infringe on others.

David Neal - A lot of people on both sides of this issue have spoken regarding property rights and I want to address that also. I think we're all in favor of property rights. I did sign the petition against the moratorium and I pay plenty of taxes. My wife and I pay plenty of taxes, plenty of taxes. And we support lots of local businesses. Dave Norte, you are a terrific carpet cleaner. Regardless of how this comes out, we will continue to call you as long as we have a cat, and that's true. But seriously, if you check statements from CFCU, Tompkins Trust, that fracking itself has a negative effect on property values. I suppose we could debate that, but it seems to be quite commonly accepted. It's tougher to get a mortgage; it's tougher to sell your property especially in an area as beautiful as ours. That's why people come here. It's also for many of us a significant portion of our retirement and while nobody wants to inhibit any of our neighbors from capitalizing on what they earn or what they have. If fracking were to happen here, you would essentially be going to all of your neighbors who do not have wells and asking them to contribute their own hard earned and hard won cash. It would diminish property values of all of us. We, several years ago, invested a fair amount to restore an old farm building on our property and we rent it out short term to people who are visiting kids in college, people who come to the area to enjoy natural resources. One of them wrote us a note and I won't but you through the whole thing, but I'll just say they really enjoyed their stay in Groton and the amenities of the businesses downtown, "we deliberately pick Groton for our vacation because of its proximity to Owasco Inlet, one of Doug's all-time favorite streams for catch and release fly fishing. This is a unique stream that combines beautiful scenery, ample public access, embank easements, and a remarkable population of trout. Although he has fished many famous trout streams throughout the US and abroad, Doug is already plotting a return trip to Groton with additional fly fishing buddies. Based on signs we saw, we gather that the citizens of Groton are facing a difficult decision about the development of natural gas. We hope that when you ponder the options for the future of your community, you will remember and protect the beautiful asset in your back yard, the Owasco Inlet. That's what brought us to Groton and it will attract us and other visitors again and again." And these folks made it quite clear that were we to have fracking, they would almost certainly not return. And this is a small business and it's also part of our retirement. It would have a negative effect and if you should proceed with the vote this evening, think about the effect that you will have on your neighbors. They all know each other, whatever side of this issue we are on. It will have effects that are known.

Leslie Bode - Please support the moratorium. A lot of folks have commented that it's unnecessary. A lot have people have commented that the industry won't come here anyway. I'm glad that Sue brought up that if we don't have a moratorium and they do tomorrow say it's open, bring it on, the industry could very well show up here and be here. I think that we all know that the reason people believe that they are not going to come here is because we have our guard up and we shouldn't be lulled into believing that we can sit back now and say, okay, we've done our part. You never stop guarding what you love. That's important. I'm from Texas, where I grew up. I know a lot of people who are in the oil industry, family and friends. It's an ugly business. Yes, money gets made, but I would hope that we are smarter than shortsighted money right now. I agree with the folks that talked about taking the long view. The people around us that allow fracking to come into their towns, they're going to get rich, filthy rich, filthy

being the key word there. They are going to get rich right away, but once the industry is done with them, it's over. There's no industry that can come back in and clean up the mess that was made and that industry doesn't care about you. I think someone on the side of fracking actually said that, that the industry cares nothing about us and that is very true. So, I would hope that we're smarter and that we do stay vigilant against this fracking industry. The other thing that I wanted to say too is that in Texas, the entire state is pretty much, like run, West Texas, South Texas and I've just been reading in the *Texas Monthly* about a county in South Texas, a couple of things, in just the past year traffic accidents have increased 300%. I just had a little girl, she's ten weeks old today. We planted pear trees, we have grape vines, raspberry bushes. We plan to like raise a family here in this area and it's not just about my property rights and the dirty water and environment that would be ruined, but I want my little girl to be able to run around outside and not be fearful of huge semi-trucks going 80 miles an hour down the road and it happens in a 35 mile an hour speed zone, that happens, the stories are out there. There isn't any reason that we should believe that our area will be different, that the industry will respect us more, so yeah, take the time. The moratorium, you may think it's unnecessary, but there's no reason to not take that time to wait and see and keep getting information from other people who have let their guard down and let the industry into their backyards. We're all in this together and so although we all want to make money. I'm all for like having money to support your family and to retire, but only a handful of us are going to benefit from this industry and a lot of us are going to suffer.

John Gaines - I thought since the County Attorney mentioned my name a couple of times, I should show my face as well. Thirty seven years ago my wife and I moved our family to 866 Cobb Street. We did that knowing we were moving into an active agricultural community. We knew what that meant. That meant tractors up and down the road; that meant heavy equipment; that meant noise at various times; but those folks were making a living and that was fine with us. It sometimes meant mud in the road during tilling time and harvest time. It also meant manure in the road when it was time to spread. That's all part of living in a farming community, no complaints whatsoever. Twenty years ago we had a choice to make because our kids wanted to buy our house. We built property across the road and built a brand new house at 869 Cobb. We did that again, knowing that we were still in an active agricultural community and we liked that. Things have changed in 30 years. Now the equipment is much bigger and sometimes a combine takes up the whole street, so you pull into a driveway and let them go by. The hay bales are much bigger than they used to be, no more little kicker bales, they're big round bales, and when they move them on the road you better get out of the way. That's fine. In West Groton and other parts of the Town, you know, that the other thing that's happened recently are tractor trailer loads of liquid manure. In our case, on Cobb Street, they're moving in from Lansing and Genoa. Because some of our land has gone out of production by the farmers who have owned it for generations, it is now rented to people who really want that land. So, it's a four-way stop at Cobb and West Groton and it's not unusual at my house, which is about 800 feet away, to hear them hit their jake-brakes, to hear them down-shift as they hit that four-way stop and then start up again as they go, and sometimes you smell the aroma if the winds coming from the south because they are all spreading south of us. Ted smells it more than we do. But it's okay. That's all part of living in an agricultural community. But I think, as I hear those jake-brakes go, because when a truck is really slowing down you can feel that jake-brake shutter the road. It's almost like a kid with their big base in their car, going by. What about that fracking fluid? How many truckloads, if we're going to have a well pad in West Groton, how many truckloads will

it take to get that well in place? There will be a lot of land clearing to start with unless they pick land that's already under agricultural production and that's real easy. You don't have to cut trees or anything, but that land goes out of production and all the land around it. How many truckloads are going to come in to make that four-way stop, to make that turn to go wherever they are going to go? How many truckloads are going to go out with who knows what's in it to go someplace to get that waste water treated? I have no idea. I hope that if you do this moratorium, those are the kinds of questions that you folks will have for whatever committee you appoint, whether it's the Planning Board or whoever, bring back to you with that hard information. It's not hard to get. All you have to do is go to Pennsylvania and count. I don't know. My guess is nobody at this table knows right now how many truckloads we're talking about. As the gentleman from McLean said, we have accidents now with milk trucks and that's not just milk of course, it's usually milk and diesel fuel, and the diesel is probably worse than the milk. We turned one over down here in Groton how many years ago was that and all went towards the Inlet, right? The first responders had to come out. They knew what they were dealing with, milk, whole milk and diesel fuel. If you turn over a fracking truck right in front of the Groton Hotel, what first responder is going to have any idea what is coming out of that truck, but they're the first ones there, right? The driver isn't even going to know, we've seen that in other places. But we've seen that happen right in the middle of Village, so those are some of my concerns. I'm concerned, as I've told you two times when I spoke to you before, actually, when I spoke to you before I only had one great-grandchild and now I have two that live right across the street from me. The kind of decisions you folks are going to make on fracking, not just the moratorium, but ultimately, are going to affect those two great-grandchildren. To me, it's real simple as a great-grandparent. I've got the safety of those great-grandchildren on one hand and I've got money on the other. You can talk about property rights, you can talk about all the scientific data, safety, anything you want, but it comes down to me, personal choice, just me, the safety of my grandchildren. I don't think a moratorium is enough, I'm for a total, permanent, outright ban on fracking, but that's not what you're discussing tonight so I would urge you to vote for the moratorium. Let's find out what we need to know to make the final decision.

Greg Wieland - I've been here several times. You've heard my arguments and you've heard those who have spoken today. So, I am not going to run through my concerns although industrialization, health, all the things people have talked about are my concerns. I would prefer a ban as well, but I am going to urge you to pass this moratorium. We need the six months. If they don't come and we have a moratorium, oh great, okay, we haven't lost anything, nobody is going to sue us because we have a moratorium. If it changes and we don't have a moratorium and the State says go ahead, we're in trouble. I'm telling you, I'm going to be here every day, as that other woman was, and I'm going to force you to the facts that are happening. As far as the argument, well, you know they're never going to come. A lot of people have that opinion that they're not going to come there, that they're not even going to come for the Utica, but I can tell you, and this is going to sound like an exaggeration but I sort of feel this way about it, that there are a lot of smart, educated people who said Hitler would never invade Poland, and he did, and I have to tell you it's going to kind of feel like that when those guys come in with their trucks it's going to feel like we've been invaded by an army and we're going to have no rights, we're gonna have nothing. So I urge you to at least do a moratorium and I hope in the future we get a ban.

Stephanie Brooks-Jacobs - I just want to remind you of four facts. Number one, there is no moratorium at the State level in New York. There are permits sitting on desks but the permits have not been issued, but there is no moratorium. Number two, all farming is subject to DEC regulations where it deals with ground water and the DEC regulations have to comply with the Federal EPA. Fracking is exempt from the Clean Water Act. Number three, people in Pennsylvania who lease their land and then have issues about the way the gas company behaved on their land were legally prevented from being allowed to enter areas that were on their own land. The gas companies, they really lost their property rights, they had no legal right to object to anything, but also they couldn't even be there. The gas companies got injunctions against them. The fourth one is royalties paid to landowners have been....(end of tape & start of new tape)...who lease their land and have to suffer through all the bad consequences, don't really make any money out of it.

Jen Schwade - I would urge the Board to vote for the moratorium on fracking. I'm glad to hear that you have a plan in place to work on some road use protection laws. They're not in place yet and I'd like them to be in place if fracking were to come to the area. I hope that fracking doesn't come but that's not something we have control over. What we have control over is what we can do to protect our town if it does and I would urge the Board to enact the moratorium to give you time to figure this out. I understand that legislation takes time, and planning takes time, and these things take time, and it is a complicated issue, and that's what the moratorium is for.

Dorothy Pomponio - I want talk to about insurance coverage and hydrofracking. On July 9, 2012, Lindsay Wickam of the New York Farm Bureau, Region 4 Field Advisor, talked about how the Farm Bureau views shale gas drilling. The Farm Bureau is unapologetically pro-drilling. The risks of hydrofracking is very low, said Mr. Wickam, it's the drilling that's risky. He mentioned surface spills, casing problems, and human errors. Three days later, on July 12, 2012, Nationwide Mutual Insurance Company, a company that covers many farmers, announced that its policies do not cover damage related to fracking. The company's commercial and personal insurance policies (quote) were not designed to cover that sort of risk said Nationwide Spokeswoman, Nancy Smeltzer (?). She also said that the risks involved in fracking operations (quote) are too great to ignore and are now prohibited for general liability, commercial auto, motor truck cargo, auto physical damage, and public auto coverage. That prohibition applied to workers who haul water to and from the drill sites, people who operate the equipment on the well sites, contractors involved in fracking operations, and landowners who leased their property for drilling. Why should the Groton Town Board be concerned if fracking operations are quote, not insurable? The question is this, what are the risks and hidden costs the Town Board is assuming on behalf of Town of Groton taxpayers when it allows unexamined, the drilling industry to come into our Town? Does the Town have adequate insurance coverage for any potential damages that might occur on the roads and to our water supplies? Show us the Town's insurance policy for liability so that we, the taxpayers can assess and verify that we are adequately protected. Further, I'd like to add that drilling companies do not insure landowners or the public against damages. You could verify this by contacting those very drilling companies who have offered leases in the Town of Groton. Ask to see their insurance policies, lest the Town of Groton be dragged into covering damages as a third party by some aggrieved neighbor of a leaseholder. This is just one issue that a temporary moratorium could enable you to examine.

Nick Babel - I have one question about the specific law.

Supervisor Morey - We're not going to answer any questions. You can ask me questions later. This is for the paper right?

Nick Babel - Well, the question, it would be nice for everybody to know....

Supervisor Morey - Okay, go ahead.

Nick Babel - Section 5, is there any specific property in Groton that would work for?

Supervisor Morey - I think that means that anything the Code doesn't cover, it would be an exception.

Nick Babel - Okay, and the other question is why was six months chosen as the amount of time?

Supervisor Morey - I thought it was New York State Law that it couldn't go beyond six months.

Attorney Casullo - No. The courts try to say that the longer you try to impose a moratorium, which is a restriction on property, the tougher it's going to be if it gets challenged. So, we stayed with the six months at the outset, because we know that is going to stand up to any challenge. We didn't want to go longer into a year or two years because the longer you go, the more challengeable it becomes. Some have been challenged in the past for being too long.

Mary McGarry-Newman - We have a certified organic farm that is our livelihood. That's all we do. We work 16, 17, 18-hour days during the season bringing food to our neighbors. The idea that some people are talking about, you know, that jobs would be brought to this area, well it's kind of stupid because you're getting rid of a bunch of the jobs that are already here, that people are trying to create. The gentleman was talking about agricultural businesses and tourism, that is something that doesn't hurt our neighbor's land; it doesn't hurt our neighbor's air or water. These are things that bring people here to spend money. So, to do stuff that's going to destroy that, there's no logic there whatsoever. You guys have been hearing information for years now. You've actually got plenty of information to make a ban because we can all see this is a stupid thing. You can look at the states where drilling has occurred, fracking has occurred, and you can see the nightmare that is left behind. You've heard all the stuff before, you've heard all the stuff for two plus years and all of a sudden you're in a hurry to do the moratorium. Well, that's great, but I'm kind of confused, like, we just had an election and have a new person coming on, and suddenly you're in a big rush to make a ruling here when the last whole year we've been hearing Board of Ethics, Board of Ethics, we can't talk about hydrofracking right now because we're talking about Board of Ethics and suddenly let's drop that on the floor and talk about moratorium. It's a little bit confusing and kind of curious, the timing on all this. Do you have anything to share about that? I think we're all sort of wondering, the timing on this.

Supervisor Morey - Well, the vote was four to one to bring the moratorium to a vote?

Mary McGarry-Newman - There was a vote last month? Whether to bring it to a vote? So, what happened to all the flurry about the Board of Ethics?

Supervisor Morey - I think you're confusing two different subjects.

Mary McGarry-Newman - Well, that was why we couldn't talk about it for all this time. There's not a confusion on my part. Like we couldn't talk about fracking all this time because we're dealing with the Board of Ethics, and suddenly we're able to talk about fracking and the Board of Ethics is like, where'd it go? And if there's a board, who's on it, who's electing them, who's appointing them, whatever it is. Do you have people on this board already?

Supervisor Morey - It was a Public Hearing, you had to be here to know who's on it.

Mary McGarry-Newman - So, are there people appointed to this Board?

Supervisor Morey - Yes.

Mary McGarry-Newman - And who are they? I mean, who appointed them?

Supervisor Morey - The Board appointed them.

Mary McGarry-Newman - You guys appointed the people who are judging something that ethically you couldn't do?

Supervisor Morey - John Gaines was asked to be on the Board and he decided he didn't want to be part of it. We asked Dan Carey from Lick Street, Jack Miller from Stevens Road, John McLean from Brown Road, John Watkins, from Elm Street, who is the chair, and I am the representative from the Town Board. I don't know what to say.

Mary McGarry-Newman - So, what's the criteria for being on the Board of Ethics?

Supervisor Morey - The people who wanted to be on it.

Mary McGarry-Newman - I'd be on it. No one asked me to be on it.

Supervisor Morey - I wouldn't ask you.

Mary McGarry-Newman - I know, why? Because you're asking people who feel the same way you do.

Supervisor Morey - Well, these are community leaders who have been here for many, many years, and so I don't understand why, I'd rather have someone who has been here for a long time.

Mary McGarry-Newman - That's nice! (Uproar from crowd).

Supervisor Morey - Do you have a problem with Dan Carey? Do you have a problem with Jack Miller who was the director of emergency services at Tompkins County for many years? John McLean, does anybody have a problem with these people?

Joanne Cipola-Dennis - I'm your neighbor in Dryden. Mary, Doug and Rachael, Mary just stood up here and volunteered to be on an Ethics Board and you said you had a number of other people and that she hadn't been here long enough. I find that....

Supervisor Morey - No, I said.....

Joanne Cipola-Dennis - Sir, let me speak, and then you can speak after my three minutes are up. Now, when a volunteer from your community says I am willing to take my time out of my day to give it to my community in service, you don't say, no thanks, but we're trying to find somebody else to replace you. I don't know how insulting you're going to be to this audience tonight but it's about going to be over pretty soon. Mr. Scheffler, I've come in here for nearly three years now, and when I first met you we talked about water contamination and at that point I respected you because I thought that you were going to be a man who could look at information provided by your constituents and look at it objectively. I visited your brother and his organic farm last year and what a wonderful place he has, what a healthy human being he and his wife are, and to learn after I visited his home that he had leased his land for gas development, which would then, your family would prosper from your decision on this board about fracking. I found that really disturbing and it is why, the sole reason why you have been voted out of this community after years of service. And furthermore, in our history there was a man who made a wonderful community service and he made a mistake in colluding with Britain and in the end we remember him 200 years later plus as Benedict Arnold. Kelly, thank you for running. We appreciate the service that you are going to provide, an objective, protective service to this community which they have waited for for three years. In surrounding communities vote after vote have booted those people who did not care enough to listen to their constituents and protect them against an infamous industry that ruins people, and we know that for a fact. If you vote tonight, I have to say there will be more than a few people in here to remind you every single month of what you have done. Do the right thing and do what you're sworn to do which is provide public service. Please, gentlemen, do that tonight.

Councilman Scheffler - Can I respond to that? I'd just love to. Number one, you keep saying you're my neighbor. I used to own a house across the road from where you built your house. You never once waved to me. My neighbors wave to me. That's number one. Number two, you keep saying you're a neighbor of Groton. You're three to four miles from the closest Groton line. Number three, you build a house maybe three quarters of a mile from the Cornell nuclear waste dump and you don't seem to be worried about that, but you're worried about something that may or may not happen in the Town of Groton.

Steve Breeds - As I spoke before, I have children, how many of us have children here? How, many? Come on. How many stand to profit from fracking? (Addressing the crowd).

Supervisor Morey - Speak to the Board, please.

Steve Breeds - I'll speak to everybody. Everybody's here. And you will listen, just like the young lady over here said. I don't mean to be rude, but this is our time. Our children should come before any dollar, at any cost. As far as the first responders, Dave, I hate to point this out to you, in order to get to that log book and find out what's in that truck that spills, you have to get to that little book. How many more gallons are spilt before

you get to the book and then you know what's in the water? I know, I'm a trucker. How many of us have made that trip to Pennsylvania, like I asked last time? Have you seen the carnage? Did you go out there?

Councilman Gamel - Actually sat with the Town of Wysox.....

Steve Breeds - Wysox, yeah, been there many times.

Councilman Gamel - ...yup, spoke with business people, spoke with well owners, spoke with industry, spoke with an entire forum of people, so yes.

Steve Breeds - Did you go out into the woods, where they actually were.

Councilman Gamel - Yes, we did.

Councilman Clark - Spent some time on a drilling rig, a lot of time.

Steve Breeds - Good, I'm glad to see we're actually starting to look at this stuff. I was down there when it was all happening. I've been driving for fifteen years, been down there, it was bad. I saw the accidents, I saw the carnage, and like I said, I saw the spills. I also saw what it does to the roads. I'm also an active hunter. I saw what it does to the wildlife. And that's just what you see, it's not counting what you don't see. Like I said, I live on **Spring** Street. Water runs **under** my house. I could go buy bottled water all day and that water that travels under my house will contaminate my house and my children and that's just the run-off. Any questions about that, or is that not true? That's what I thought. Everybody here needs to remember this moratorium is bull. We need to ban fracking. End of subject.

Mike Goldstein - One quick reminder about the legal status of moratoria in New York State, just to keep in mind, the Town of Avon, last spring had a one-year moratorium that was challenged by the oil company. They successfully defended their moratorium. In fact the judge specifically said that the Town of Avon was not using unreasonable police powers to regulate zoning. The judge's decision said that the Town was acting reasonably in temporarily halting development while they considered zoning changes. So, there really are nice legal precedent now for establishing moratoria with the right kind of basis, as yours does, and so I think legally the coast is quite clear to pass a local moratorium.

There being no further public comments, Supervisor Morey moved to close the Public Hearing and return to Regular Session, seconded by Councilman Sovocool, at 9:25 pm.
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

Supervisor Morey - Okay, let's discuss it. We've heard a lot of issues tonight. I think I'll go first. I think it's time we take a breath. We can't keep on fighting this back and forth. The moratorium is not against an issue or for an issue, but will give us time to work on the policies of the Town of Groton. If the moratorium comes, we're going to update the Comprehensive Plan, not the building code, the building code is already done; road preservation law; and I want to update a 1988 law that we lovingly call "Melody's Law" after Melody Scheffler and in section 8 of the law it says that the transfer of waste generated from any other source but the Town is not allowed in the Town. Lewie, do you want to talk?

Councilman Sovocool - No, I don't want to talk.

Councilman Scheffler - I want to clear something up. I take offense that we haven't been studying things, and learning things, and we don't know things about heavy metal poisoning and whatever. I have what I call home-school PHD in radiation poisoning and heavy metal poisoning, where it comes from and how. It's kind of personal and it's really nobody's d--n business why I know this stuff or why I learned it, but I have doctors who ask questions, so stop telling me I'm stupid. I wrote something up so I don't make a mistake: I have studied the pros and cons of hydrofracking. I read stacks of periodicals and opinion pieces from Central Park to Texas to the Dakotas. I have made three personal junkets to Pennsylvania to get the facts, not the opinions of one side or the other. I have met with Penn. DOT, highway superintendents, businessmen, real estate companies, service companies, health department personnel, school superintendents, better business bureaus, bankers and farmers. Not all comments were positive. I have toured sites, actively looked for problems, and taken photographs. I was given a mountain of road preservation material.

I have studied the economy and the need for energy both locally and world wide. The sad truth is that one torpedo fired in the Straits of Hormuz will cause our lights to go out in weeks. No one likes nuclear, wind turbines, coal, alcohol or wood. Solar is a fun experiment that doesn't work, even with the government's help, or maybe it doesn't work because of the government's help. Hydrogen is great, but requires more energy to produce, compress and transport than it provides.

Currently there are no gas leases in the Town of Groton that I know of. The gas companies have, on their own, cleared the easements from the deeds in the Tompkins County Courthouse. This would normally be the landowner's responsibility. I take this as a slap - they're out of here for good. Any drilling activity would be preceded by months of landmen descending in herds to sign leases. We would have ample time to react if needed. By then the whole dynamic may change and any law would be circumvented anyway.

A question that hasn't been answered yet is the issue of private property rights. It is widely acknowledged that a landowner owns the minerals and mineral rights to his property. They can buy, sell, or lease them. If the government takes that right of property for the public good, then the landowners must be compensated the value. This is my interpretation, and has yet to be tried in the courts. To protect our Town from lawsuits and bankruptcy, I am in favor of waiting to see the decisions from the Town of Dryden lawsuit.

The greatest fear I have is not the pollution, noise, dust, or class envy caused by hydrofracking, but of the infringement of Constitutional, civil, and human rights that a moratorium or ban would create. It creates the precedent of a government slowly picking away at individual property rights and freedoms. Think it won't happen? Look around. In some places you can't have a motor home, boat, or camper stored in your yard. You can't buy a big soda, decent popcorn or trans-fats. You can't smoke a cigarette, play music, or have a party without a permit. You can't voice your opinion without being labeled a hater of something. You can only worship freely if your church is BATF approved. There's talk of banning cows and cow manure from Ag Districts because they don't fit some people's definition of rural character. Plastic bags will be illegal soon. The only things left uncontrolled are meth labs, crack houses and pot

farms. Not too long ago another government slowly picked away at good people's freedoms. They lost their homes, businesses, jobs, guns, books, property and even their children. It ended with a train ride to the gas chambers. Not in my Town. Not on my watch. It stops here. It stops now. That's my thoughts, and I'm stickin' to 'em.

Councilman Gamel - I'd like to start by to answer a question, or to refute a statement. New York State currently does have a moratorium/ban on high volume horizontal hydraulic fracturing. This is according to a representative I talked to this afternoon from the Public Affairs Office at the New York State Department of Environmental Conservation's Bureau of Public Outreach Division. This moratorium/ban is in place for the entire State of New York and at this point has no expiration date or estimated time for the impact study to be complete or for the State ban to be lifted. That was directly from them. With that said, I believe a six-month moratorium in the Town of Groton would not only be redundant but also an unnecessary restriction on the rights of landowners of this Town. I do believe that legitimate concerns may need to be addressed if and when the State finishes their environmental impact study, and only if they subsequently lift the existing ban and allow fracking to take place throughout the State.

Councilman Clark - I wrote some thoughts down: I and my fellow Board Members have listened to all sides for over two years. A few facts that have been brought to my attention, to set the record straight: A statement that the Town Board isn't maintaining Main Street in Groton. The fact is it is the sole job of the New York State DOT to take care of Main Street in Groton. A statement that the sidewalks in Groton needed attention, that we weren't attending to that; it is the sole job of the Village of Groton to maintain the sidewalks. A statement was brought out that the Town roads needed repairs and attention to snowplowing, when in fact many Town residents have shared with me their praise of how well our Town Highway crews take care of our roads as well as maintaining our equipment in-house as we consistently update our equipment. The call for the Town Board to put a moratorium on fracking when in fact it is a moot point, when, as Rick just stated, New York State doesn't allow drilling. Why does the Town Board need to put more needless regulations out?

Supervisor Morey - Okay let's call for a vote.

RESOLUTION #13-080 - VOTE ON LOCAL LAW #2 FOR THE YEAR 2013 FOR A MORATORIUM ON HYDRAULIC FRACTURING AND/OR HYDROFRACKING

MOVED by Supervisor Morey, seconded by Councilman Sovocool

Ayes - Sovocool, Morey

Nays - Scheffler, Gamel, Clark

RESOLVED, that the Town Board hereby **does not** enact Local Law #2 for the Year 2013 entitled A Local Law for a Moratorium on Hydraulic Fracturing and/or Hydrofracking in the Town of Groton.

Announcements:

- Planning Board, December 19, 7:30 pm
- Zoning Board of Appeals, December 25, 7:00pm
- Youth Commission awarded 2 grants.....

People in the crowd were making an enormous amount of noise, talking, getting up milling around, shouting things at the Board, interfering with the Board's ability to continue the meeting.

Councilman Gamel - Folks, can we finish our meeting please?

Supervisor Morey - I have some great news here.

A few people moved to the hallway but some persisted to mill about in the Board Room continuing their noisy interference.

Councilman Gamel - Go ahead, Glenn.

Supervisor Morey - The Youth Commission was awarded two grants this past month. The first one was \$2,150.00 from the United Way.....

People were still making inappropriate noise, several people had come into the bench area, and someone had approached the bench speaking rudely and jabbing her finger at Councilman Scheffler.

Councilman Scheffler - Excuse me, he has the floor.

Supervisor Morey -for summer lunch program. The other is a \$9,480.00 grant from the Community Foundation for a youth employment program.

Additional Announcements:

- Christmas Tree Lighting, Friday, December 13, at 6:00pm next to Express Mart
- Home for the Holidays, December 14
- Photo and Art Show, December 14, 10:00pm to 4:00pm, at the Town Hall, as part of Home for the Holidays.

Supervisor Morey - I want to read this to Don. When a person gets involved in the community, he wants to give something back to that community. When a person takes on the election process, the community he serves becomes a passion to make his community a better place to live for everyone. For the past 18 years, you have taken this commitment while running your own company with a dedication, honesty and integrity. I have learned to trust your judgment and respect your opinions. Someone is going to fill your position, but they will never replace you. The Town Board and the community appreciate your service and want to thank you. I personally want to thank you for being Deputy Supervisor, for being there when I needed you to do payroll, to overseeing meetings I couldn't make it to, but I also want to especially thank you for being very supportive while I was in New York City with my son, Ben. So, God bless you, and good luck to you.

Applause followed.

Councilman Scheffler - A few years ago I was struggling with the word "ethics." It seemed to me to be an oxymoron. Ethics change over time and even in the present are sometimes situational and subject to "who's watching" and "will I get caught?" One night I sat up straight in bed and I heard the words, "the word is integrity, look it up." I thought it strange that the world's most perfect woman was still asleep and hadn't heard it. I figured it was a dream and went back to sleep. Several days later, I got out our little abridged dictionary, one written for school kids, because we're cheapskates. The word integrity is described as an absolute truth, using the words honesty and probity. So, I looked up honesty, described as integrity and probity. Likewise, probity was described as honesty and integrity. Integrity is a level of truth, honesty and consistency that is almost indescribable.

If you spend the money to buy a decent dictionary, next to the word integrity is a group photo of this board, these guys, along with Rick Case, April, John, Dewey, chuck, Fran, and Vicki, our employees, and a host of others before them.

It has been my privilege to serve the public for so many years with this outstanding group of people. It is very humbling to be trusted with this honor.

Groton has always been a town of families, friends, neighbors, and neighborhoods. A town where "everyone knows your name." We've no doubt always had our differences, but they were dealt with individually and with respect, dignity, tolerance, and understanding. In recent years, I've noticed an increase in selfishness and disassociation among neighbors. It seems like people just can't get along. They complain to the Town Board about their neighbors' house, garage, and driveway, their music, cows, manure, signs, apartments, gas wells, gas leases, dirt bikes, and four-wheelers. Folks have forgotten that even with differences, it's still your neighbors that will wake you in the night and pull you out of a burning house. (Clerk Scheffler finally closes door to the hallway in an effort to muffle the noise in the hallway.) It's your neighbors that will meet the school bus and watch your kids when you've had an accident. Instead of baking a pie, buying a quart of ice cream and walking down the driveway to discuss their differences and work out a solution, everyone whines to the Town Board to do it for them. God knows we've tried, but you can't legislate friendliness, common courtesy, respect and decency. These traits have to be taught and learned at home, church and school.

Visit your neighbors. Have a picnic. Go to a concert or football game. Take dinner to someone. Mow their lawn, help them with their roof, listen to their music, invite them to church, send a card, accept their help or invitation when it comes your way, be aware of your surroundings. This is what will make Groton great again, not more laws, regulations, grants or bitterness. To put all this in perspective, I would like to close with a quote from the 2nd Century satirist, Juvenal, "Yesterday we were the village ruffians. Today we are the arbiters over life and death. Tomorrow we will be keepers of the public toilet." May God bless you all beyond your wildest dreams.

MOVED by Councilman Scheffler, seconded by Councilman Gamel, to adjourn at the meeting at 9:38 pm. Unanimous.

April L. Scheffler, RMC
Town Clerk