

**TCCOG Gas Drilling Task Force**  
**Meeting Minutes**  
September 16, 2010

**Attending:** Ed Marx, Helen Slottje, Marie McCrae, Kathy Halton, Ric Dietrich, Craig Schutt, Don Barber, Joe Wilson, Elizabeth Thomas, and Darby Kiley

**Membership:** Art Pearce will be joining the task force. Jacob Gartman, the law student from Cornell, has moved on, but Helen has a new student working for her.

**Soil and Water Conservation District - Craig Schutt**

Craig would like to identify where SWCD can be of assistance to the task force and feels their strengths are in the areas of wetlands and roadways as well as how pipelines and compressor stations will impact the area. Craig is also attempting to clarify how the various stormwater regulations might affect drilling especially under the new MS4 regulations.

Todd Miller, also from the SWCD, will speak to the Danby Gas Drilling Task Force on September 22 at 7:00pm.

Action item: Kathy and Liz will send announcement of meeting (oops. Looks like we missed this date.).

**Tour of PA Drilling Region**

Several members of the TF are interested in a tour of PA in an area where drilling is well underway. Bradford County was suggested and Carol Chock, who has already toured the area, will provide the TF with the names of the citizen guides she met. She suggests our group spend a half day with her contacts and a half day with municipal leaders. Other suggested contacts who may help make the tour productive:

Rod Howe from the Community and Rural Development Institute at Cornell has toured the area and has contacts;

Mark Smith – Bradford County Commissioner leads a task force on gas drilling for the County;

Katie Borgella – Tompkins County Planning- has toured the area and may have contacts. Craig has the name of his counterpart in the Bradford County area and will provide that name.

To date, those who are interested in going are: Don, Ric, Richard, Jason, Kathy and Liz. Let us know if you want to join.

Action item: To date, we don't have anyone to officially organize this trip. Any takers?

**Association of Towns Annual Meeting – Agenda**

At the 2010 Assoc. of Towns meeting in NYC, the topic of hydrofracturing was barely discussed. In order to put this topic on the AoT agenda, towns need to submit requests

that have been passed by resolution. It is suggested our task force provide towns with a sample resolution that can be submitted to the AoT. This work needs to be done soon in order to meet the deadline.

**Action items:**

- TF should draft a resolution requesting the AoTs add the topic of hydrofracturing to this year's annual meeting.
- Copies of this resolution should be made available to towns in TC.
- Request that Martha mention this at the CaRDI meeting on Sept 27.

**Regional Meeting of Task Forces**

The Community and Rural Development Institute and PRI are sponsoring a biannual meeting of task forces from around Marcellus region. The meeting is Monday, September 27 from 2:30 to 4:30 at the Museum of the Earth. Both Don and Liz are out of town that day. Martha Robertson will represent the TC task force but others are welcome to attend.

**Action item:** RSVP to Kelly Cronin, [kec42@cornell.edu](mailto:kec42@cornell.edu) if you plan to attend.

**Roads – Don Barber**

The Road Committee will meet September 16 at the Old Jail Conference Room. Several municipalities are passing road preservation laws but there is some question if they will hold up in court. Attorneys are still looking at the nuances of what is allowed. The NYS Legislature could give towns the authority to preserve roads and we should ask them to do so.

Several towns have signed contracts with Delta Engineers to assess infrastructure. The committee is discussing trucking routes within the county.

**State Moratorium**

Contrary to what's been printed in the paper, NY does not have a moratorium on hydrofracturing. Only the Senate passed the moratorium but it has yet to pass the Assembly or Governor's office.

**Land Use – Helen Slottje**

The Land Use committee met last week and are currently focusing on noise ordinances in addition to looking at what to focus on next: dust? Air? Aquifers? Pipelines, mining, or forest lands?

Helen is researching NYS law to determine whether mining (thus hydrofracturing) can be banned since it is fairly clear towns cannot supersede NY regulations for mining. The state has determined that gas companies cannot easily comply with different regulations from town to town, so towns cannot create ordinances that would regulate drilling practices differently than the state regulations, but they could ban drilling completely if there is enough justification that drilling would affect the health, safety and well-being of its residents. She feels towns that have zoning in place may be able to

influence where drilling can take place and ban it in certain zoned areas. Towns can use zoning and comprehensive plans as justification, especially if the comprehensive plans emphasize terms like rural character, outdoor recreation, environmentally sensitive areas. Areas in which banning might be logical: residential areas, unique natural areas, creeks and lakes, conservation and environmental protection zones. Banning across an entire municipality might not hold in court, but there is legal language stating that towns can restrict exploitation of its natural resources.

Another avenue is to require a special permit in zoned areas. The municipality can then decide whether to approve or deny the permit based on the permitting regulations. This would likely need to apply to the Trenton Black River gas as well as Marcellus.

Kathy asks if permitting would also need to apply to logging, mining, industrial farming and other industries. Helen feels a permitted list would be allowable.

**Action item request:**

- Ric requested that the TC Planning Dept make a presentation to planning boards within the county to help them understand the options of what types of facilities can be regulated, by what means, and in what areas.
- Add Joe Wilson to the Land Use subcommittee.

**Assessment – Carol Chock**

During her tour in Bradford County, PA, Carol learned that leased lands have lost their “clean and green” assessment adjustment which will increase the amount of taxes due in the future. Values of homes near drilling have lost value and some landowners with leases complained about not being paid. Also when a landowner leases land parcels that are not contiguous, the lease applies to all the parcels. Initiating drilling activities locks the lease on all the parcels.

Carol reported that Jay Franklin is in contact with PA assessors and is watching for changes in land and housing assessments.

Jay is also using the TCgasmap which was developed by volunteers. The county doesn't have staff to keep this work going, but Jay says the information is extremely valuable.

Dealing with the Dept of Weights and Measures is important to see how they plan to meter and tax gas extracted. We need to find answers to how the metering will be done, by who, who will receive this information. More research is needed along with answers from NYS ORPS (Office of Real Property Services)

**Action items:**

- Find help to maintain the TCgasmap website
- Interact with NYS ORPS to determine how gas is metered and who the information will go to, and how the gas will be taxed.

### **Website – Liz Thomas**

The website is now available to the public. Please feel free to suggest changes. See the site: [http://www.tompkins-co.org/tccog/Gas\\_Drilling/Index\\_GasDrilling.html](http://www.tompkins-co.org/tccog/Gas_Drilling/Index_GasDrilling.html)

### **New Planner**

The new planner will be hired within the week (update: has been hired; will be announced who soon and will begin work by mid-October) and will be available for one year. The position will be supervised by the County Planning Office and Ed envisioned 1/3 of the time would be with TCCOG, 1/3 with individual municipalities and 1/3 for general work mostly research.

Requests from the TF for the planner's time:

- Work with the subcommittees that have a planning base -- land use and roads.
- Help municipalities develop regulations to mitigate impacts from drilling
- Help planning boards
- Work together with municipalities with similar interests
- Communicate with other task forces both within NY and PA
- Find activity on roads around the state; get a sense of what other counties are doing and what Delta is seeing based on its work.
- Industrial site plan review – especially for muni's without zoning
- Pipelines
- Map potential build out if all leases were explored and if all land with potential for leasing were drilled.
- Work with SWCD to protect aquifers using lidar (work with Craig)
- Focus on Land Use subcommittee
- Assist the task force since its membership is derived from municipalities with a common interest making it efficient to research topics and communicate within multiple municipalities at once.
- Find enacted legislation that can be used within Tompkins County.

### **Mapping – Don Barber**

Tony Ingraffea spoke recently on Capitol Pressroom about the usefulness of having a map of what an area would look like once all the potential drilling is complete. Don would like this group to work to create such a map for Tompkins County. Several rough maps are already available (see links below) but these could be refined and distributed to help municipalities visualize just how much impact a fully drilled area would have on the landscape. A more complicated, but useful, step would be to add potential pipelines and compressor stations. Maps like this could be useful to help predict truck traffic. It's impossible to know exactly what land will be leased and where drilling will occur, so this map would be a best guess.

Suggestions for who might be able to help: Cornell or IC Geography Departments (for GIS), Cooperative Extension, gas companies, Tony, LIDAR specialists,

<http://www.flickr.com/photos/34299700@N06/3192219824/>

<http://www.tompkins-co.org/planning/energyclimate/documents/wellgrid5ac1migrid.pdf>  
<http://www.tompkins-co.org/planning/energyclimate/documents/wellgrid3ac40acgrid.pdf>

**Action items:**

Don requested names of people who are skilled at GIS and might be willing to help with this project.

**Next Meetings:**

September 15, 3 p.m. - Gas Drilling Task Force Old Jail conference room

September 17, 10:30 - Roads Focus Group – Old Jail Conference room

September 21, 10:00am – Safety and Emergency Response – Emergency Response Center

October 7, 3:30 - Land Use Focus Group – Old Jail conference room

October 21, 3:00-4:30 – General Task Force meeting – Old Jail conf room

November 18, 3:00-4:30 – General Task Force meeting **change in location: Tioga Room at the Town of Ithaca Town Hall**

December – uncertain date and location.