

**Tompkins County Council of Governments  
January 28, 2010  
Scott Heyman Conference Room  
3 p.m.**

Members Present: (15 municipalities)

T/Caroline – D. Barber/D. Frongillo	V/Cayuga Heights – J Gilmore/K. Supron
T/Danby – R. Dietrich/L. Shawley	T/Ithaca – H. Engman/B. Goodman
T/Dryden – M. Sumner/D. Makar	V/Groton – E. Conger
T/Ulysses – E. Thomas	V/Trumansburg – D. Nottke
T/Newfield – R. Driscoll	C/Ithaca – C. Peterson
T/Enfield – R. Barriere	Co./Tompkins – M. Robertson/D. Kiefer
T/Groton – G. Morey	V/Lansing – D. Hartill
T/Lansing – M. Christopher	

Municipalities Not in Attendance: (2 municipalities) V/Dryden, V/Freeville

Guests: J. Mareane, P. Younger, M. Lynch, County Administration; S. Shackford, Ithaca Journal; R. Kessy, Mark, Scheuerman, P. Buckland, Fortuna Energy; R. Silsbee, Citizen  
Staff: M. Pottorff, Legislature Office

**Call to Order**

Mr. Barber called the meeting to order at 3:00 p.m.

**Changes to the Agenda**

An update on the Health Insurance Consortium and a report on energy conservation was added to the agenda.

**Election of Chair**

Ms. Robertson said the Nominating Committee has communicated with members and based on input from members she made a motion, seconded by Mr. Gilmore, to open nominations for Chair and Vice Chair and to appoint the following:

Don Barber, Chair  
Elizabeth Thomas, Vice Chair

It was MOVED by Ms. Robertson, seconded by Mr. Dietrich, and unanimously adopted by voice vote by members present, to close nominations.

A voice vote on the slate of Chair and Vice Chair positions as presented resulted as follows:  
Ayes – 15, Noes – 0. MOTION CARRIED.

**Approval of Minutes of December 17, 2009**

It was MOVED by Ms. Peterson, seconded by Mr. Hartill, and unanimously adopted by voice vote by members present, to approve the minutes of December 17, 2009, as amended. MINUTES APPROVED.

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Mr. Gilmore said without additional information the Village of Cayuga Heights Board was reluctant to share in the \$200 expense of the hearing held at the State Theater on gas drilling as he offered at the last meeting. Members of the Village Board asked questions, such as what is the history of TCCOG funding and is there a policy on sharing expenses. The Village Board expressed concern in the Mayor setting a precedent by offering to cover expenses of a TCCOG-sponsored event.

Mr. Barber said TCCOG has no budget and no funding stream. In the past members have been asked to make a request for funding from municipal boards to pay for expenses that have been incurred. He said the event grew to be a large and successful event that was paid for by contributions.

Ms. Robertson suggested that the time may have come for TCCOG to discuss what a budget would include. The County pays for administrative staffing and she said questions have arisen as to what it might cost to upgrade the TCCOG website.

**Southern Tier East Regional Planning Development Board - Broadband**

Paula Younger, Deputy County Administrator, said Bob Augenstern, Director of the Southern Tier East Regional Planning Development Board (STERPB), spoke about plans the Board has for establishing the telecommunications infrastructure that will include 11 counties, including Tompkins. She said at a meeting that took place prior to this meeting Mr. Augenstern, along with representatives of ECC Technologies of Rochester, laid the groundwork to develop the Plan and have it ready for the next round of Stimulus funding in March. She said since the original plan was distributed there was a Federal award in the amount of \$40 million to a company called ION, to build on their plan that will include portions of Tompkins County. At today's meeting they asked what needs there are in Tompkins County and what is Tompkins County experiencing that would hinder areas such as economic development, education, health care, or e-government so they can make sure to include that in their stimulus application.

Ms. Younger said they are seeking letters of support from each municipality within the County and she will distribute a draft template letter that can be shared with boards and returned by March 1<sup>st</sup>. She will also provide copies of the Powerpoint presentation that was given prior to this meeting.

She said the reason Tompkins County is at the table right now is because the funds that are being paid to have ECC Technologies put this together are from ARC (Appalachian Regional Commission) and because of its location Tompkins County is entitled to that funding. It was noted no financial commitment is being asked for from municipalities.

**Gas Drilling**

Mr. Engman spoke of the road aspects associated with natural gas drilling. There are a group of towns (Caroline, Enfield, Ithaca, Ulysses) that have agreed to work together on a model local law which would address excavation, construction and municipal roadways and highway rights-of-way. They will be working with Guy Krogh on a model that could later be adjusted by each municipality. He said deadlines have been set and they are looking for a revised draft by tomorrow, and by February 5 they expect to send it to the New York Association of Towns and the Cornell Local Roads Program for input. Shortly after feedback is received they hope to hold a meeting with town highway superintendents to review the law. Mr. Engman said they hope to have a model local law at the end of the process that can be used by all municipalities. Concurrently, they are also hoping the County Attorney will assist with the road preservation law. He said they continue to look for additional municipal partners. They expect the cost of this to be approximately \$2,000 to be shared by partners. The next meeting will be tomorrow;

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they will be discussing joining with another group in an effort to make this as broad a consortium as possible. Mr. Hartill said it is important to remember when drafting such a law with weight limits that TCAT hybrid busses weigh 36 tons.

**Update from the Health Insurance Consortium**

Mr. Barber said the Consortium will meet this evening. When he reported at the last meeting there were two issues that needed to be resolved, the Reserve fund and union representation. It appears both issues are resolved although the State Insurance Department has not yet issued the certificate. The Insurance Department has agreed to a 17% reserve, which will be met in the first year. With regard to union representation a proposal has been made and a verbal acceptance by the Insurance Department has been given.

The proposal is that the Consortium will create a Benefits Advisory Committee and any benefit changes will be vetted through that Committee. Membership of the Committee will include representation from all 13 unions and all 13 municipalities. The Chair will be a labor representative and the Vice Chair will be a municipal representative. There will be a place on the Consortium agenda for the Committee to report out and the Chair will be a voting member of the Consortium. A proposal will be going out to all of the bargaining units with a request for them to sign off on this and then it will go to the Insurance Department.

Mr. Mareane reinforced the role of the Committee would be advisory and cannot veto any decision of the Consortium. He commended Don Barber for his work on this effort that will provide a benefit to the taxpayers.

**Water and Sewer Study – Update on Presentation**

Mr. Barber said a public presentation will be made on the water and sewer study conducted by T.G. Miller and paid for by a State grant. This is an inventory of all of the water and sewer infrastructure that currently exists in Tompkins County and excess capacity that exists or concerns with the system; this was brought about by the discussions of affordable housing opportunities in Tompkins County. Members recommended a presentation be held on March 2<sup>nd</sup> from 5:30 p.m. to 7 p.m.; a backup date of March 4<sup>th</sup> was suggested.

Anyone with questions should contact Martha Armstrong at TCAD at 273-0005.

**Upcoming Agenda Topics**

TCCOG Budget  
Water and Sewer Study Presentation – March  
Report on Emerald Ash Bore – February

**Energy Conservation**

Dominic Frongillo, Deputy Supervisor for the Town of Caroline, said NYSERDA has issued an RFP-10 for funding opportunities for small municipalities for energy conservation. One interesting item that is in the proposal is for shared energy management personnel. Cooperative Extension has a successful model with one person working across municipalities of exploring the idea of shared personnel. There is a deadline of February 17<sup>th</sup> if any municipality is interested. Mr. Frongillo said they would need a list of any items municipalities would like to use that could range from operational and energy efficiency, to wind energy, and others. He asked any interested municipality to contact him.

### **Report on Emergency Services**

Mr. Dietrich said the County is putting together an information session for municipal officers on March 30<sup>th</sup>. He asked that municipal boards or other interested parties take the online course to gain an understanding of terminology. He said this is a good step towards supporting the County's efforts to put a unified emergency management program together.

### **Presentation by Fortuna Energy**

Mr. Gilmore said he and Mr. Barber spoke about the importance of this group expanding its knowledge of gas drilling in this region. He introduced Rick Kessey, Manager of Engineering and Operations for Fortuna Gas. Mr. Kessey is in charge of the total project execution; he has nine years of experience in the region of overseeing Central New York drilling operations and 21 years of experience with the parent company.

Mr. Kessey said they are not actively drilling in Tompkins County but do have a limited number of leases. He explained slides contained in a Powerpoint presentation, during which he made the following points:

- Natural gas consumption is 63 billion cubic feet per day and production is only barely keeping up with demand;
- Natural gas is the cleanest burning fossil fuel at this time;
- Marcellus runs from southwest Kentucky to New York State; most of the area where it is being looked at for development at this time extends from the north part of West Virginia through Pennsylvania;
- Major measurements they look for when determining whether to develop the Marcellus include the thickness, depth (the deeper the more pressure), and thermal maturity (starts out as an oil and as it progresses east it matures due to the environment it has experienced and develops into a clean natural gas). In the southwest part of Pennsylvania, although there is natural gas, it has hydrocarbon liquids associated with it. The closer to where we are there is higher methane content;
- Horizontal wells are used to minimize surface impact;
- Compared to vertical well development there are significantly fewer surface drilling pads (the distance between the pads is ½ and 1 mile. The size of the surface imprint is approximately 5 acres so they can develop in the subsurface 640 acres (leaving a surface impact of 5 acres);
- Water management goals include reducing both the consumption and how much needs to be disposed of after drilling. One potential option for that fluid is reuse of that water, in addition to using deep disposal wells (proven by the industry to be a safe disposal option);
- Greenhouse gas emissions are at a very low level;
- Traffic concerns – traffic would be the most noticeable impact on the community but there are ways to manage and mitigate these potential problems. With regard to maintaining the quality of roads they participate in road use agreements with the road authority and quite often leave roads in better shape than when the drilling began;
- Protection of groundwater – the pressure rating on the pipe is well under excess of any pressure that it is going to increase risk or potential for catastrophic release – natural gas is explosive and any risk would be confined to the worksite; there is very little chance of that happening elsewhere;
- Although highly salty water is drinkable, Mr. Kessey does not believe hydraulic fracking water negatively impacts usable water supplies or is a public health risk;
- The central pad could be anywhere from 4,000 to 6,000 ft. subsurface. With regard to the actual drilling they being with the diameter of the first hole being approximately 13¾ in. and

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progress down the bulk of the drill length to be about 8½ in. Once that hole is drilled to the total depth they would set 5½ in. casing and would reverse circulate cement all the way up the outside of the steel casing to the surface.

- The drilling operation is done in stages; once the hole is drilled to 1,000 ft. and has a steel, cemented casing, the fresh water zone is isolated from any further work that might be done within the hole. They then progress to drill the 8½ in. hole and set casing. The distance then drilled could range from 4,000 to 6,000 ft. vertically and another 3,500 ft. horizontally. The weight of the casing as it is progressively put into the hole allows it to gradually bend and go into the horizontal position. It takes about 1,500 ft. to get to a full horizontal position;
- When the well is drilled there ends up being two sets of the steel casing and cement over the fresh water zone;
- The regulating authority for spills in New York State is the EPA (Environmental Protection Agency) and the DEC (Department of Environmental Conservation);
- The liquid mixture carries sand and chemicals in order to get it into the microfractures that are created as a result of the high pressure in the Marcellus shale that is pumped out;
- Water and sand make up 99.5% of the liquid. Ms. Robertson said according to the DEC each fracking produces approximately 5 million gallons. Mr. Kessey said Fortuna's volume is around 3-4 million and agreed 5 million would be a correct estimate. Mr. Gilmore asked if the chemicals used in the .5% are proprietary. Mr. Kessey responded they are not and said the list of chemicals used are available on the DEC's website; and
- The industry does not inject radioactive substances into the fracks.

Ms. Robertson said no one knows what comes back out of the ground. She said the DEC's proposal that drillers will be able to get permits approved at wastewater treatment plants is based on the assumption that drillers know what comes out of the water but, in fact, no one can know that information until the water comes out and can be tested. She also stated there are no facilities in New York State that are prepared to handle frack water. She said while it may be true that burning natural gas versus coal and oil is cleaner, it is vital that strong consideration be given to the entire life cycle of the fuel. This includes extracting the fuel to transport to the site of consumption. She noted no one has done a full life cycle analysis of Marcellus drilling. She said although it is true hydrofracking has been done for a number of years this is a new process and it is far more water, energy, and environmentally intensive process. She also expressed concern over the amount of water completely withdrawn from the hydrological cycle (estimated by the County Planning Department to be 25 billion gallons over a two- year period). Ms. Robertson said volume of traffic associated with drilling will be significant and will greatly increase the chances of accidents or spills.

Mr. Kessey addressed some of the concerns that have been expressed and stated the following:

- Fortuna is aware of what is coming out of the water;
- The industry agrees there will be increased traffic and it is a valid concern;
- The water usage is manageable; they are reusing 97% of the water in fracks and it is a misperception that it remains unusable forever. The water remains underground but it comes back gradually over time. Ms. Sumner said there needs to be more information about the toxicity of the water that does come back.
- Mr. Gilmore asked if water treatment plants have the ability to clean the water that does come back. Mr. Kessey said the water would not be cleanable to the point where it would be acceptable for human consumption because of the salinity in it. However, they filter and remove the non-salt products (typically calcium).
- The goal is to minimize traffic impacts; the largest impact is on the water distribution and their intent is to have local access to the water and be able to distribute it out the well

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paths. In any area where work is being done there are road use agreements in place with a municipality.

- Every 10 miles there would be a gas compression station facility; this facility would handle 50-70 wells. Natural gas is transferred to and from the station via an underground pipeline.
- Fortuna has always been expected to meet a noise limit requirement.
- He advised municipalities to observe other areas and get information about where drilling is happening and suggested contacting some of the smaller towns in Pennsylvania (Towns of Canton and Troy). Mr. Scheurerman suggested using PSAT (Pennsylvania State Association of Towns) as a resource. They have been very active and have worked on coming up with a standardized road use agreement to apply across ordinances and townships.

Mr. Kessey concluded his presentation and stated Fortuna will be supplying the DEC with its comments on the dSGEIS (draft Supplemental Generic Environmental Impact Statement).

**Adjournment**

The meeting adjourned at 5:15 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office