

**\*\*\*\*\*DRAFT\*\*\*\*\***

**PUBLIC HEARING UPON  
PROPOSED LOCAL LAW # 2 OF 2012 ENTITLED  
“BANNING NATURAL GAS AND PETROLUEM EXPLORATION AND DRILLING”  
TOWN OF FORESTBURGH, SULLIVAN COUNTY, NEW YORK**

August 28, 2012

Supervisor Sipos called the public hearing to order at 7:00 p.m.

Roll Call: Present – William B. Sipos, Supervisor  
Eugene D. Raponi, Councilman  
John W. Galligan, Councilman  
Susan Parks-Landis, Councilwoman  
Michael Creegan, Councilman

Absent – None.

Recording  
Secretary – Joanne K. Nagoda, Town Clerk

Others  
Present – William D. Bavoso, Attorney for the Town  
David Bavoso, Attorney for the Town  
Tim Gottlieb, Town Engineer

Town Clerk, Joanne Nagoda read the notice of public hearing and submitted the affidavit of publication for the public hearing.

Supervisor Sipos requested Clerk Nagoda to read the proposed Local Law. At this time the floor was opened for comments.

Carl Amaditz – I take it that the fact that this was drafted as a local law by the town board, that you are all in favor of this. Or at least three to two, in favor of this. Attorney Bavoso stated that part of the local law process is they must introduce a local law, which they did, set a public hearing and hold a public hearing. After this hearing is closed and the board goes into regular session, it is assumed there will be a motion to adopt the local law which will be put to a vote. If that vote carries, then the local law will be signed by the clerk and sent to the Secretary of State's office for filing and once it's filed, it's effective. Mr. Amaditz continued that someone on the board had to suggest there be a local law. Supervisor Sipos stated we've kicked this around for two years, it's come up when we had the planning board. Mr. Amaditz stated that all of the geographical maps that he's seen, the Marcellus Shale doesn't even come into Forestburgh, why are you even going through this? Supervisor Sipos replied that it is very minute, however there are many residents who want to see a law placed on the books to protect the environment. That is why we've gotten to this point.

Supervisor Sipos asked if everyone knew what “brine” is and why it has been added. In Ulster County, the officials have banned the brine on the highway. The brine, or by-product of hydro-fracking is being used in New Jersey to de-ice the roads. Because it is a by-product of fracking, if you use it on the roads, you will have the runoff from the roads into your ditches, that will run into your culverts that will find its way downstream into brooks and streams and into the water table. That is why we added the line referring to the brine.

Sheldon Pasternak – Do you know of any other towns that have done this in the state? Supervisor Sipos stated there is a list of them. David Bavoso added that a number of towns in New York State have already adopted similar bans

and one was even challenged at the New York Supreme Court level and the local law was upheld. This law was drawn by such laws already adopted in Tusten and Lumberland, it combines those and some other language from other towns. Attorney Bavoso stated that the primary case that David mentioned is in Tompkins County, the town of Dryden, the oil companies challenged the right of the municipality to enact the ban or in any way attempt to regulate the drilling for oil or natural gas. The court determined that the municipalities do have the right to regulate it. It is being appealed, but it was a strong, strong decision.

Richard Robbins – Without any equivocations on my own behalf as well as the behalf of the Merriewold Club, for whom I speak, we are entirely in favor of this statute. It is very well drawn, each of the purposes have been well addressed by this statute. This will protect the towns rural and residential character, that is a key thing in our town, its part of the master plan, is to do just exactly that. It clearly will protect the towns air and water and so on. It is well addressed to the issues. Overall its an important principal in New York and I applaud the town board for following that role and exercising it's legal right to do so. It's been upheld, as counsel indicated, and the state itself is banning fracking in public parks, such as Catskill Park and Adirondack Park, as well as all of the watersheds for New York. It's an enormous area that they have banned this on. I think it makes perfect sense and is in keeping what you hope to achieve here by this local law. I applaud it. I think another town that has adopted a similar ban is Bethel. We have Bethel, Tusten and Lumberland – we are surrounded by towns that have banned this. I think it's a good idea to get on board with the logic that our neighbors have adopted. This is a terrific statute and I hope that you pass it and pass it now.

Tom McCormick – I would like to follow the comments of Mr. Robbins and applaud the board for taking this step. Look at the practical side, yes, the Marcellus Shale if it's here is quite deep and the chances of them extracting anything from here would be quite distant. But I applaud you for looking at what are the resources here in Forestburgh, what do we have here that people love and people cherish. That goes all the way back to the history of the Catskills. Why do people come here and what do they see? I applaud the town board for taking this step and moving in this direction.

Ellen Galligan – I would like to go on record on being in favor of the proposed law particularly as a ban of fracking and particularly concerned about the poisoning of our groundwater.

MOTION by Councilman Galligan, seconded by Councilwoman Landis to close the public hearing at 7:10 p.m.  
Vote: 5 ayes – 0 nays. Motion carried.

Respectfully submitted,

Joanne K. Nagoda, RMC  
Town Clerk