

**TOWN OF WESTERLO TOWN BOARD
PUBLIC HEARING
RE: REVIEW OF AN EXTENSION OF THE EXISTING MORATORIUM
ON HYDROFRACKING PROPOSED LOCAL LAW NO. 1-2014
THURSDAY, JULY 24, 2014**

The Westerlo Town Board held a Public Hearing on Thursday, July 24, 2014 at Town Hall 933 CR 401, Westerlo, NY. The purpose of the Public Hearing was for a review of an extension of the existing moratorium on hydrofracking for a period of 12 months with the proposal of Local Law #1- 2014. Supervisor Rapp opened the Public Hearing at 7:00 P.M. with the Pledge of Allegiance to the Flag.

ATTENDING WERE: Supervisor Richard H. Rapp
Councilman Alfred L. Field
Councilman William F. Bichteman Jr.
Councilman Theodore S. Lounsbury III

ABSENT: Councilman Anthony W. Sherman

Also attending were Town Clerk Kathleen Spinnato, Zoning Board of Appeals member John Sefcik, and approximately ten interested persons.

Supervisor Rapp read an correspondence from Councilman Sherman who gave the reason for his absence and apologized for being unable to attend the meeting, but wanted it known, he supports extending the existing moratorium on hydrofracking for another year.

Supervisor Rapp explained the purpose of the Public Hearing and he opened the meeting to the Public.

Resident Diane Sefcik submitted a letter regarding an extension of the existing Moratorium on Hydrofracking. There being no other comment, Supervisor Rapp asked for a motion. Councilman Bichteman made a motion to adopt the following resolution:

WHEREBY: the Town Board would like to extend the existing Moratorium on Hydrofracking due to expire on August 1, 2014, be it hereby

RESOLVED: the Town Board extend the existing Moratorium on Hydrofracking for 12 months with the adoption of Local Law No. 1-2014.

Supervisor Rapp seconded the motion, and the following vote resulted:

AYES: Supervisor Rapp
Councilman Bichteman
NAYS: Councilman Field
Councilman Lounsbury

Motion not carried, resolution did not pass.

Councilman Bichteman suggested since there is a deadlock the Town Board should hold an emergency Special Town Board meeting due to the pending expiration of the current moratorium due to expire the Town cannot make the specified deadline for notification before the August 1st expiration date.

A resident asked if Councilman Sherman's correspondence was sufficient. Supervisor Rapp advised Councilman Sherman cannot vote by proxy. Councilman Bichteman agreed.

A resident asked why Councilmen Lounsbury & Field did not favor the extension of the moratorium. Councilman Lounsbury responded by indicating hydrofracking is not currently approved in NYS. There is no reason to task a committee twice with putting a report together, that was shot down/approved. There is no reason to do another task and have another committee look at the Zoning. The Town can wait until New York State makes whatever move they make and then at that time look at Zoning and adopt their rules and regulations. I am not against fracking or for fracking. If, it can be done safely and someone meets the regulations or rules that New York State (NYS) or Department of

Environmental Conservation (DEC) sets and meets the acreage required, the individual pays the taxes on the land, as long as it can be done safely then I am for it in that sense, but it has to be proven it can be done safely. NYS is not going to approve something that cannot be done safely neither is DEC. DEC is very strong in NYS.

Another resident disagreed disputing that NYS has the weakest regulations in the country. She asked if either Councilman Field or Councilman Lounsbury had ever worked for the petroleum industry. Both responded yes. She asked why this didn't come out as a disclosure as a possible conflict of interest. Councilmen Lounsbury & Field responded to her question. More discussion ensued between the resident and the two Councilmen.

Councilman Bichteman gave his view on the matter in regards to home rule, zoning, etc. and he indicated there is no harm in extending the moratorium on hydrofracking.

A resident asked Councilman Field why he was not in favor of extending the moratorium. He responded and indicated the following reasons: NYS has not issued any permits, the Town has had a moratorium for 2 years and nothing has been accomplished with either hydrofracking report, the shale is too close to the surface, the western and central portions of NYS have more volume for product, etc.

Several more residents spoke favoring the passage of an extension of the existing moratorium on hydrofracking.

The Town Board had a brief discussion concerning holding another meeting before the current moratorium expires on August 1st. Councilman Bichteman then made the following motion:

WHEREAS: the Town Board needs to hold another meeting to re-vote on proposed Local Law No. 1-2014 before August 1st when the existing moratorium is due to expire, be it herby

RESOLVED: the Town Board hold an emergency Special Town Board meeting on Monday, July 28, 2014 at 7:00 PM for the purpose of a re-vote on proposed Local Law No. 1-2014

Supervisor Rapp seconded the motion and a roll-call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Field and Councilman Lounsbury.

NAYS: None.

RESOLUTION #35-2014 was thereby duly adopted.

Supervisor Rapp asked for a motion to adjourn the Public Hearing, Councilman Bichteman made the motion, seconded by Councilman Field and carried by those present. The meeting adjourned at 7:45 PM.

Respectfully submitted,

Kathleen Spinnato

