

Candor Resident Pressures Town Board to Become Pro-Active on Gas Drilling Concerns

by Martha Goodsell

Broader View Weekly, July 24, 2009

Candor resident Sue Heavenrich approached the Candor Town Board at their regularly-scheduled meeting on July 14 with questions on local gas drilling matters. “What are you doing to educate yourself about gas drilling?” she asked. Heavenrich stated that over the last few months, there have been a number of meetings that focused on actions towns could take to protect their infrastructure, but that Candor leadership was notably absent.

“Our town needs to be proactive. There are actions we can take – and we need to begin now”, Heavenrich said. “We need to update our driveway permit system. We need to make sure, because we are a permitting agency, that we are involved in the SEQRA process. Our highway superintendent should conduct a survey and document the condition of our roads and bridges.” Heavenrich encouraged the town board to review town laws and ordinances in light of road usage, police power, and health and safety concerns. In addition, she encouraged the town to demand of drilling companies a list of fracking chemicals and MSDS sheets; and of the DEC [Department of Environmental Conservation] notification when a permit is applied for.

“I would like to know that there is communication between our town board and our town attorney on these issues,” Heavenrich concluded. “I would like to see our town attorney educating himself about the issues and outline proactive steps our town can take.”

“There are countless gas meetings”, bemoaned councilman Milt Dougherty, taking up the discussion later in the meeting. He asked other board members just how active the town attorney should be.

Earlier, Heavenrich had accused the town of foot dragging; however, the board later replied that they were waiting on the county. Because the Marcellus shale is everywhere, Dougherty explained it was in the town’s best interest to work with other towns and counties. Dougherty asked Martha Goodsell, TING member, about county activities. Goodsell explained that the county was addressing road concerns, but no other model language was currently in the works. Goodsell also explained that TING was not only addressing environmental concerns, which could be addressed through local municipal ordinances, but also focusing on social and economic concerns and opportunities. Goodsell encouraged the town to focus on local legislative efforts where possible.

“In many cases, the DEC will have control of the entire drilling process, even over the roads,” highway superintendent Kevin Noble explained. “The DEC will enforce the rules and collect the fines, and the towns will be out in the cold to get any money.”

Noble explained that the town highway superintendents in the county had been meeting and had come full circle over the last several months. Noble described how the highway superintendents

and others initially thought they could come up with some model road-use language and fee structure, but attorneys from Broome and Tioga County concluded otherwise. Noble stated that the group had given up trying to get anything in writing from the drillers. Goodsell added that the Town of Owego was moving forward on proactive legislation, and that it had accepted the fact that it might have to go to court as a test case. Noble stated that the highway superintendents concluded that the only proactive approach they could take would be to document the current road conditions. Road borings, according to Noble, would cost the town \$30,000 to \$90,000 or more. Councilman Joe Bish chimed in to the discussion, stating that the town would spend more on lawyers and engineers than it would just to fix the roads. "I think that's what they're counting on," Noble said sarcastically.