

**STEBEN COUNTY NATURAL GAS TASK FORCE
ROADS & INFRASTRUCTURE SUBCOMMITTEE**

Wednesday, November 17, 2010

2:30 p.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Karl Anderson, Esq., Chair Elaine Swiler	Vincent Spagnoletti Steve Orcutt	Dan Hamilton
STAFF:	Mark R. Alger		
LEGISLATORS:	Patrick F. Donnelly	Joseph J. Hauryski	Michael Hanna
OTHERS:	Len McConnell	Ed Young	

I. CALL TO ORDER

The meeting was called to order by Mr. Anderson at 2:30 p.m.

II. APPROVAL OF MINUTES

MOTION APPROVING THE MINUTES OF THE PREVIOUS MEETING MADE BY ELAINE SWILER, SECONDED BY DAN HAMILTON. ALL BEING IN FAVOR. MOTION CARRIES.

III. INTRODUCTION OF MEMBERS

IV. NEW BUSINESS

Mr. Anderson stated that he received an email from C.J. Randall stating that he is working on developing an economic study on drilling and has a particular interest in roads and trucks. He read our minutes on-line which indicated we would be releasing a working document in the next week or so and he would like to know if we have any pressing concerns that we may want to have addressed. In addition, he would like to pass on the information that he has. Mr. Anderson stated this individual is with the Department of City and Regional Planning out of Cornell University.

V. GENERAL BUSINESS

A. **Topics for Discussion** - Mr. Anderson asked Mr. Spagnoletti how he was doing on Road Use Agreements and drafts. Mr. Spagnoletti stated that he has a draft of a Road Use Agreement that is based on a permit system per vehicle. They would be charged based on the estimated use of the road and the cost to reconstruct the road. It's a cumbersome system as I see it, as it is written now. It's more of an idea than a draft law. There would be a permit, with an annual fee, to cover all vehicles. The fee would cover the cost of the permit system, the cost to post the roads, damages anticipated, number of heavy vehicles and the number of trips. Fees would be paid at the time the permit was issued, or on a quarterly basis. That part of a permit system could be a bureaucratic nightmare. It could be a lot of work with the complication of more than one Natural gas company on the same road. We are working on it. I'm just not sure if it's better than what we have now. We can always post the road and that would bring them to the table, as we have in the past, when we have a Road Use Agreement.

Mr. Anderson asked, if the towns used this model, they would need to post their roads and have some method for monitoring? Mr. Spagnoletti replied, a draft law requires a very involved pre-use survey of a road to see what condition the road is currently in and then a post-use survey to see how much damage was done to it. We would have to do that to each one of the roads. This would require additional staff to monitor the road use. I think we would have to structure it so that the drilling companies would hire the engineers to do the pre and post report under our monitoring.

Mr. Donnelly asked would it be better to have the drilling companies reimburse us for the cost so we could hire the engineer? Mr. Anderson stated one of the things we've done with the windmills is use an escrow agreement.

Mr. Anderson stated the next issue is how to get the drilling companies to come to the table in the first place. It's great to have a Road Use Agreement. That agreement means they sign something with you, but a local law or something of that nature is really what needs to be done first in order to set some sort of parameters of who needs to come to the table. A threshold also needs to be established. Mr. Spagnoletti stated that the main purpose of the draft local law was to require the gas drilling companies to come to the table and sign a Road Use Agreement. As it is now, all we can do is post the road and subsequent to that, they come to the table and sign the agreement. We wanted to have a local law. No County has actually passed a local law.

Mr. Hauryski asked would the proposed local law include language for concrete trucks, milk trucks, etc.? He stated that he could see a fairness issue coming up that a gas drilling company could use against us. Mr. Anderson stated that's where the threshold might come in. Mr. Spagnoletti stated the way that the draft reads is that there would be exemptions to certain vehicles such as State vehicles, municipal vehicles, school buses, emergency vehicles etc. The Legislature is going to vote on a resolutions at the next full board meeting in support of the draft GIS of the D.E.C. in which the drilling company would have to sign a road use agreement with the municipality they're working in or to show that they have made good effort to do it. If this was included in the local law then that would bring them to the table.

B. Other Areas of Concern:

- Monitoring the Permit Process
- Loss of Employees
- Site Planning Template- Set up trailer courts, temporary housing – could get massive and invasive.
- Increase in Rent and Real Estate Values
- Maintaining the Roads

Mr. Anderson adjourned the meeting at 3:30 p.m.

Respectfully Submitted by

Debra Cotter
Account Clerk
Department of Public Works

**NEXT MEETING
Wednesday, January 19, 2011
1:30 p.m.**