



May 10, 2011

David Bliss
Supervisor, Town of Middlefield
PO Box 961
Cooperstown, NY 13326

Re: Proposed Adoption of Amendments to the Town's Master Plan, the Proposed Repeal of the Existing Zoning Ordinance and the Proposed Adoption of a Revised Zoning Law – Public Hearing May 10, 2011

Dear Members of the Town Board of Middlefield:

We write in strong support of the proposed adoption of amendments to the Town of Middlefield's Master Plan, the proposed repeal of the existing Zoning Ordinance and the proposed adoption of a revised Zoning Law. We thank you for your efforts to protect the historic, agricultural, and rural character of the Town of Middlefield. We are familiar with the Master Plan of the Town of Middlefield. This plan sets forth a clear vision for development and stewardship of Middlefield's resources.

The Master Plan specifically states:

"Since the time of the settlement of the Township, farming has constituted the economic backbone of the community. As confirmed by the many families which have lived here for generations, farming is a basic human industry which stabilizes the community in good times and bad. At the present time, the human population of the United States and of the world is increasing at an unprecedented rate, while farmlands are disappearing in response to economic, governmental and population pressures. A grim paradox is thus created. In this regard, farmland may soon be more vital than ever to the health, prosperity and well-being of the community.

It is the specific goal of this Planning Board, in accordance with the four general goals in this Master Plan, to sustain the viability of farmlands where possible and to encourage and foster improvement that does not diminish farmlands."

Other specific goals of the Master Plan are the "preservation of Otsego Lake, of wooded areas harboring game, and of important aesthetic and historical characteristics of the Middlefield."

Post Office Box 1130 • Cooperstown, N.Y. 13326
607-547-8881 • Fax: 607-547-6195
www.otsego2000.org

We understand that the proposed zoning ordinance will prohibit heavy industry as defined therein, including mining and gas extraction. We believe the definition of heavy industry set forth in the zoning ordinance is necessary and appropriate to protect Middlefield from conversion of its farm lands, woodlands, forests and historic sites to drilling and pipeline construction sites, and its roads to drilling equipment and chemical delivery arteries. Towns such as Middlefield must have the right to develop their own Master Plan, to choose how their Town is developed, and how its resources will be allocated for this generation and the next.

The potential for rapid industrialization of Middlefield through heavy industrial practices, including gas extraction and supporting infrastructure, are inconsistent with the Master Plan and other Middlefield planning documents. We believe it constitutes a real threat to the historic and agricultural resources which Middlefield has nurtured and protected for more than a century and which are of cultural and historic significance as described more fully in the comments of historic preservation expert Jessie Ravage, filed with this letter.

We have taken the time to study reports from jurisdictions where heavy industry in the form of gas drilling has commenced and to study the plans issued by the New York State Department of Environmental Conservation (DEC) for this industry. We are alarmed that such an industry could be brought to Middlefield, which is ill-equipped to handle these developments and the risks they will impose. For example, Middlefield does not have the facilities or infrastructure to support the type of heavy industry excluded by the proposed ordinance. Middlefield has no public water supply, no police force, insufficient emergency services, and its narrow roads do not have shoulders to allow trucks to pass while the roads are being used by farmers driving farm equipment. We believe that a transformation of Middlefield into a heavy industrial area under these circumstances would be a mistake and will have drastic negative impacts on land values, farming, recreational uses, tourism, human and animal health, and Middlefield's entire existing economic base.

With respect to specific risks cause by the industrial practice of gas extraction, we urge you to consider the following:

- 1) There is growing evidence that fracturing in populated areas, near surface and ground water sources, risks contamination of drinking water. Statements made by the DEC and the industries that there are no instances of contamination attributed to hydraulic fracturing are proving to be false and based on a contrived definition of the process. Accordingly, until scientific studies of the life cycle of fracturing are completed, these industrial processes should be prohibited in Middlefield, as the proposed ordinance will accomplish.
- 2) Middlefield has no facilities for disposal or treatment of radioactive and brine waste products that will be generated in drill cuttings and flow-back waters. Similarly, Middlefield has no wastewater treatment facilities to process the hazardous wastes that will be generated by this process or any other heavy industrial uses. Nor does it have facilities to treat or clean contaminated drinking water. And, of course it does not have the resources to construct or acquire such facilities. In light of these circumstances,

prohibition of heavy industry, which creates large volumes of wastes and threatens water supplies, is clearly required.

- 3) We note that hydraulic fracturing in the New York City and Syracuse Watersheds has been exempted from generic treatment by the DEC. Scientific engineering studies have shown that the geology in Middlefield's watershed is virtually identical to that of these two more highly protected watersheds. In the absence of a rational, scientific basis for such discrimination, it is legally impermissible and morally repugnant to require greater environmental protection for individuals residing in politically favored areas. Heavy industry regulated more stringently by the State in one region rather than another, without valid justification, should be treated as suspect and prohibited on this ground alone.
- 4) Finally, we add that every single supervisory or regulatory agency with responsibility for environmental protection in Otsego County and/or New York State, has cautioned the DEC that the practice of gas drilling with high water volume fracturing is potentially dangerous, requires extensive additional study, and should not be commenced until after such studies are completed. We include in this list the United States Environmental Protection Agency, the New York City Department of Environmental Protection, the Office of Watershed Inspector General for the NYC Watershed, the New York State Senate Environmental Conservation Committee, the New York State Conference of Environmental Health Directors, the Otsego County Soil and Water Conservation District, the Otsego Lake Watershed Supervisory Committee, among others. All of these government agencies cannot be wrong. You are entitled to rely on their conclusions and act to protect Middlefield accordingly.

Each of these points is addressed in great detail, with extensive supporting authorities, in the Comments of Otsego 2000 to the EPA, dated September 28, 2010. (A copy of those comments is provided for the record with this letter.)

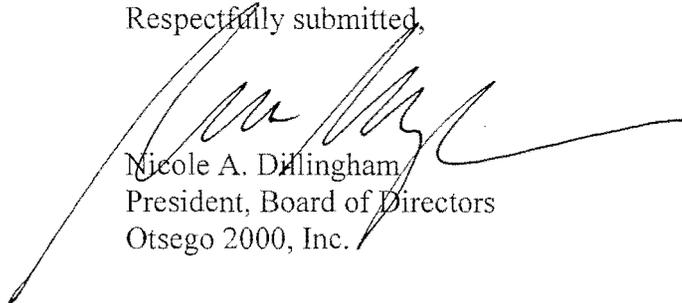
In addition, Otsego 2000 submitted extensive comments to the draft Supplemental Generic Environmental Impact Statement issued by the DEC (dSGEIS), on December 31, 2009. (A copy of those comments is provided for the record with this letter.) These comments set forth significant concerns with respect to the process of hydraulic fracturing as it may be practiced in New York State. Clearly, the process as described by the DEC would fall within the definition of heavy industry found in Middlefield's propose ordinance.

We take no position here with respect to whether the DEC may proceed to permit gas extraction as described in the 1992 GEIS or the dSGEIS (or any revision thereof) in communities that allow such uses. We maintain simply that the Town of Middlefield can and should exercise its existing zoning powers to define the heavy industrial uses that will be allowed in the Town, and to prohibit this and other inappropriate heavy industry within its borders pursuant to its constitutional home rule powers to protect its citizens and implement its Master Plan.

For all of these reasons, we urge the Town of Middlefield to adopt the proposed amendments to the Town's Master Plan, the proposed repeal of the existing Zoning Ordinance and the proposed

adoption of a revised Zoning Law. We also request that this letter, with enclosures, be added to the Public Record with respect to the proceedings.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nicole A. Dillingham', is written over the typed name and title.

Nicole A. Dillingham
President, Board of Directors
Otsego 2000, Inc.

Enclosures

Comments of Jessie Ravage
Comments to the EPA dated Sept 28, 2010
Comments to the DEC dated Dec 30, 2009