

July 14, 2014

TO: Schuyler County Legislature
Schuyler County, New York

From: Concerned Citizens of Schuyler County

Subject: Demand for action

Members of the Legislature:

We, the Concerned Citizens of Schuyler County, respectfully demand from the Schuyler County Legislature that **today**, they do the following:

1. That members of the Schuyler County Legislature demand Chair Dennis Fagan **recuse himself immediately** from all matters relating to the proposed out-of-state Crestwood project. Fagan Engineers, a company Dennis Fagan founded and recently sold to his younger brother and two partners, is being paid by Access Midstream, a joint venture partner of Crestwood, for a construction project in Chemung County.
2. That the Legislature immediately **rescind** its June 9, 2014, narrowly approved resolution endorsing the proposal to construct Crestwood's industrial facility on the shore of Seneca Lake because of an ethical conflict by Chair Fagan. Since recusal is required, the resolution supporting gas storage by the Texas-based corporation Crestwood is illegitimate and needs to be rescinded in tonight's meeting.
3. That the Legislature does not support **any** gas storage facility or project, now or in the future, as the citizens and businesses demand, for the reasons stated in the attached document.
4. That the Legislature **immediately** put in place a safety and evacuation plan for the existing Crestwood facility until said facility is dismantled and no longer working, for the reasons stated in the attached document.
5. That the Schuyler County Legislature **must be held accountable for, and must answer to**, the violation of open meeting laws, for the reasons stated in the attached document.
6. That the Schuyler County Legislature **must be held accountable for, and must answer to**, the violation of the Code of Ethics, for the reasons stated in the attached document.

In conclusion, we, the Concerned Citizens of Schuyler County, will continue to make these demands of the Schuyler County Legislature until they are all met. We are prepared to increase our pressure regarding these issues until the Legislature meets our demands.

RATIONALE FOR CONCERNED CITIZENS OF SCHUYLER COUNTY DEMANDS

1. Recusal of Chair Dennis Fagan

We, the Concerned Citizens of Schuylar County, respectfully demand that members of the Schuylar County Legislature demand Chair Dennis Fagan recuse himself immediately from all matters relating to the proposed out-of-state Crestwood project, for the reasons stated below.

- Dennis Fagan has stated that he has sold his company to his brother, David Fagan, and two other partners.
- Fagan Engineers & Land Surveyor PC announced in May 2013 its assistance in the construction management of a Chemung County project with Access Midstream, formerly Chesapeake Midstream. **Access Midstream and Crestwood Midstream are joint venture partners.**
- These facts clearly constitute a conflict of interest, and therefore Dennis Fagan should *not* be voting on issues regarding an industry from which he and/or his family profit.
- If there is, in fact, no conflict of interest, it is Mr. Fagan's obligation, as an elected representative of the county, to provide evidence of that fact.

The legislators who back Mr. Fagan have all said they take him at his word regarding his severed connection to Fagan Engineering. Legislator Phil Barnes said it was up to the Concerned Citizens of Schuylar County to *prove* that Mr. Fagan has a conflict of interest. Quite to the contrary, we believe it is incumbent on *Mr. Fagan* to supply the proof that he has no conflict of interest. The Legislature's current stance on this issue is a direct violation of Section III, Conflict of Interest:

2. To the extent that is known thereof, a member of the Legislature and any officer or employee of the County of Schuylar, whether paid or unpaid, who participates in the discussion or gives official opinion to the Legislature on any legislation before the Legislature, *shall publicly disclose on the official record* the nature and extent of any direct or indirect financial or other private interest existing in such legislation [emphasis ours].

Furthermore, Mr. Fagan's behavior in this matter is a direct violation of Standard of Ethics Section IV, number 6, which states that each county employee shall endeavor to pursue a course of conduct that **will not raise reasonable suspicion among the public** that the employee is likely to be engaged in acts that are in violation of trust.

The evidence on the Fagan Engineering website and elsewhere raises reasonable suspicion that Dennis Fagan's introduction of the resolution supporting the LPG project **is just such a violation of trust.**

More important, in proposing the June 9 resolution, Mr. Fagan was going against the wishes of his constituents, who have been loud and clear about their opposition to Texas-based Crestwood's projects on Seneca Lake.

2. IMMEDIATELY RESCIND THE RESOLUTION

We, the Concerned Citizens of Schuyler County, respectfully demand that the Legislature rescind its June 9, 2014, narrowly approved resolution endorsing Crestwood's proposal to construct this industrial facility on the shore of Seneca Lake, and remove all support from any gas storage facility or project, now and in the future, as the citizens and businesses demand, for the reasons stated below.

Because there is a clear ethical conflict of interest by Chair Dennis Fagan, and because Resolution 27 was introduced and voted on by Chair Fagan, the resolution is **illegitimate and must be rescinded immediately.**

3. DO NOT SUPPORT GAS STORAGE NOW OR IN THE FUTURE

*We, the Concerned Citizens of Schuyler County, respectfully demand that the Legislature not support **any** gas storage facility or project, now or in the future, as the citizens and businesses demand.*

The Legislature's support of gas storage **does not represent the will** of the **thousands** of people, families, and businesses that have spoken out against Crestwood's gas storage proposal on the shores of Seneca Lake.

This region has been named one of the top lakeside destinations **in the world** by the Weather Channel, Journey Etc., Yahoo! Travel, Sherman's Travel, and others; one of the best wine-tasting destinations by Budget Travel, Dave's World Travel, Striped Pot, and others; and one of the best vacation spots, period, by Frommer's, CNN Money, and Family Vacation Critic. A large gas-storage facility threatens this existing lucrative local industry that has taken years of hard work to build and that brings in millions of dollars for the region and the state.

The following Seneca Lake communities have **spoken out against** the Crestwood project: Seneca County, Ontario County, Yates County, Town of Romulus, Town of Fayette, Town of Waterloo, Town of Ulysses, Town of Geneva, City of Geneva, the Seneca Lake Water Pure Waters Association, and Health Care Professionals of Schuyler County, as have senators from around the state. The Schuyler County Legislature vote defies the appeals from its own constituents and others in the region who rely on the Finger Lakes for food, water, and its vibrant agri-tourism economy.

Because Crestwood's projects will not only impact Schuyler County but also the surrounding region, Schuyler County's vote is in direct opposition to both its own citizens' and its neighbors' appeals.

4. THE SAFETY ISSUE

*We, the Concerned Citizens of Schuyler County, respectfully demand that the Legislature **immediately** put in place a safety and evacuation plan for the existing Crestwood facility until said facility is dismantled and no longer working, for the reasons stated below.*

The Schuyler County Legislature bears full responsibility for guarding the safety and well-being of our citizens and visitors to our county, above all by working to prevent needless loss of life. The Schuyler County Legislature is entrusted with the drafting and review of the County Emergency Management Plan, which mitigates risks to safeguard the well-being of the local community.

- The **overwhelming number of failures** at underground storage facilities occur in salt caverns such as the facility proposed for Schuyler County, and such incidents involve the uncontrolled burning of gas from the wellhead, resulting in loss of life, property damage, and evacuation of residents.
- The facility will **increase the risk** to the local community by the handling, storage, and transport of liquefied natural gas over local roadways, pipelines, and railroads.

The geography of Schuyler County and the Village of Watkins Glen is particularly unsuited to transport of hazardous materials by road and rail. Trucks leaving the facility in a southerly direction descend a long downgrade into the heart of the village; trains traverse the 75-foot-high trestle through Watkins Glen State Park.

5. THE OPEN MEETING ISSUE

We, the Concerned Citizens of Schuyler County, respectfully demand that the Schuyler County Legislature must be held accountable for, and answer to, the violation of open meeting laws, for the reasons listed below.

Due process was denied to the Schuyler County citizens who showed up to attend the Legislature meeting the night of the June 9 vote. The Legislature was told ahead of time that it would be necessary to change the venue to accommodate the expected number of attendees, and they simply chose not to do so, leaving dozens of citizens outside without the ability to see or hear the proceedings.

6. THE ETHICS ISSUE

We, the Concerned Citizens of Schuyler County, respectfully demand that the Schuyler County Legislature must be held accountable for, and answer to, the violation of the Code of Ethics, for the reasons listed below.

On that same evening of the June 9 vote, however, Mr. Fagan used his position as Chair to allow twice as many people into the Courtroom as is lawful in order to make sure the Crestwood people got in.

Section IV, Standards of Conduct, states:

Every employee of the County of Schuyler shall be subject to and abide by the following standards of conduct:

4. No county employee shall use or attempt to use an official position to secure unwarranted privileges or exemptions personally or for others.

In conclusion, we, the Concerned Citizens of Schuyler County, will continue to make these demands of the Schuyler County Legislature until they are all met. We are prepared to increase our pressure regarding these issues until the Legislature meets our demands.