

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, demand that the Schuyler County Legislature do the following **today**:

1. Rule that Chair Dennis Fagan **recuse himself immediately** from all matters relating to the proposed Crestwood project on the shores of Seneca Lake due to a conflict of interest, as explained below.
2. **Rescind** its June 9, 2014, resolution endorsing the proposal to construct Crestwood's industrial facility on the shore of Seneca Lake for reasons explained below.
3. **Resolve** not to support **any** gas storage facility or project on Seneca Lake, now or in the future, for reasons explained below.
4. Initiate **immediately** a proper safety and evacuation procedures plan, until said facility is no longer operational, for reasons explained below.
5. **Hold itself accountable for, and answer to,** the violation of open meeting laws for reasons explained below.
6. **Hold itself accountable for, and answer to,** the violation of the Code of Ethics for reasons explained below..

We, the Concerned Citizens of Schuyler County, once again call upon the Schuyler County Legislature to properly and ethically secure the health, safety, and welfare of county residents by taking the steps detailed in the following pages. We pledge everything within our power as citizens to legally and properly assure that the Legislature does so.

# CONCERNED CITIZENS OF SCHUYLER COUNTY: RATIONALE FOR DEMANDS

## 1. RECUSAL OF CHAIR DENNIS FAGAN

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

- Despite his denials of a current relationship to Fagan Engineering, Dennis Fagan recently sold the company he founded to his younger brother, David Fagan, and two partners, a firm that does business with gas companies and is being paid by Access Midstream, a joint-venture partner of Crestwood, for a construction project in Chemung County. That connection should have been revealed by Mr. Fagan when questions of apparent conflict of interest were first raised.
- These facts clearly constitute a conflict of interest. Therefore, Dennis Fagan should not vote, and should not have voted, 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 Schuyler County to prove that Mr. Fagan has a conflict of interest. Quite to the contrary, 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 Schuyler, 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 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 went 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, demand that the Legislature rescind its June 9, 2014, resolution endorsing Crestwood's proposal to construct this industrial facility on the shore of Seneca Lake—because there is a clear ethical conflict of interest on the part of Chair Dennis Fagan, **and** because Resolution 27 was introduced and voted on by Chair Fagan, making the resolution **illegitimate. Therefore the resolution must be rescinded immediately.**

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

We, the Concerned Citizens of Schuyler County, 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 people, families, and businesses** that have spoken out against Crestwood's proposal to build gas-storage facilities 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 Magazine, and Family Vacation Critic. A large gas-storage facility threatens established and lucrative local industries that have taken years of hard work to build and that already bring 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 its wholesome food, clean water, and vibrant agri-tourism economy.

**Because Crestwood's projects will impact not only Schuyler County but also the surrounding region, Schuyler County's June 9 vote is in direct opposition to both its citizens' and its neighbors' appeals.**

## 4. THE SAFETY ISSUE

We, the Concerned Citizens of Schuyler County, demand that the Legislature initiate **immediately** a proper safety and evacuation procedure plan, along with a plan to dismantle the Crestwood plant until said facility is no longer operational.

The Schuyler County Legislature bears full responsibility for guarding the safety and well-being of citizens of and visitors to the county—and above all for the prevention of 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. Such incidents involve uncontrolled burning of gas from the wellhead and explosions, 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 petroleum gas over local roadways, through pipelines, and by rail.

The geography of Schuyler County and the Village of Watkins Glen is particularly unsuited to the 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 very old 75-foot-high trestle through Watkins Glen State Park.

## 5. THE OPEN MEETING ISSUE

We, the Concerned Citizens of Schuyler County, demand that the Schuyler County Legislature **hold itself accountable for**, and **answer to**, its violation of open meeting laws.

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, hear, or participate in the proceedings.

## 6. THE ETHICS ISSUE

We, the Concerned Citizens of Schuyler County, demand that the Schuyler County Legislature **hold itself accountable for**, and **answer to**, its violation of the Code of Ethics.

On the evening of the June 9 vote, Chair Dennis Fagan used his position as Chair to allow twice as many people into the Courtroom as is lawful, in order to make sure Crestwood's supporters 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.

## **CONCLUSION**

We, the Concerned Citizens of Schuyler County, once again call upon the Schuyler County Legislature to properly and ethically secure the health, safety, and welfare of county residents by taking the steps detailed above. We pledge everything within our power as citizens to legally and properly assure that the Legislature does so.