

GUEST VIEW | CHARLES FRANKLIN

Rights of landowners threatened

You can read in recent news reports that New York State Department of Conservation (DEC) Commissioner Joe Martens has stated that, after the department issues final regulations governing drilling for natural gas using high volume hydraulic fracturing, permits will be issued initially only in those locales which do not oppose such drilling.

What does this mean for those of us locally who support drilling? It means that, if we live in a township that has not passed a ban on drilling, we could be first in line.

However, if a local township enacts a ban on drilling, yet you have a gas lease, you are out of luck. So is the company that leased your land.

This points to the real crux of the entire issue. Who has the authority to allow or ban drilling for natural gas using high volume hydraulic fracturing?

More and more New York townships are being approached by out-of-town lawyers affiliated with or hired by anti-drilling organizations. These lawyers attempt to persuade town boards to pass a ban on gas drilling without telling them what could happen if they did.

Several have already done so. Others are considering it.

More and more landowners are being left out of this debate, especially those who have signed gas leases. When a township passes a ban on drilling, it is saying that they have the right to decide what happens on a landowner's property, not the landowner.

Most of the acreage in a township could be leased, but if the town board passes a ban, then all of the property owners who leased their land lose out. Gas companies could possibly seek to recoup the money already paid to the landowners, perhaps from the townships. Some gas companies have already sued the townships. Some landowners have sued the townships.

After the Town of Middlefield passed a ban, a local dairy farmer with a gas lease on 400 acres sued the town. Dryden passed a ban and was sued by the gas company who had leased more than 22,000 acres within the township.

A state Supreme Court judge has ruled in favor of the townships – so far. Both cases are slated to be appealed to the Supreme Court Appellate Division. Both townships are having to pay the substantial legal costs involved to defend their bans in court.

If the bans are eventually upheld, the townships and schools are big losers. On top of the local tax money spent on legal costs, they will lose all the potential tax money a gas company would pay once wells were drilled. We're talking about hundreds of thousands, if not millions of dollars over the next few years, depending on the number of wells drilled. So if your school or town has budget woes, think about it.

The landowners who have gas leases are also big losers – in spite of the fact they decided for themselves whether or not they wanted drilling on their land.

So, since the DEC has apparently decided to permit wells only where there are no local land-use agreements banning it, what can we do to make sure they know we are in favor of drilling?

I would propose that townships who think they would benefit from such drilling could pass a resolution clearly stating that they support responsible drilling that is carefully regulated and monitored by the DEC. This puts them on the record.

If desired, county landowners' coalitions can help with the wording and assist in sending a copy of the resolution to the DEC.

Such a resolution would also indicate to gas companies where it is safe for them to lease land without the fear of having a ban on drilling enacted after they have already signed and paid for leases.

We must do something and do it soon. I, for one, am willing to stand up for my individual rights as a landowner. I do not want someone else making decisions which concern my land. Local governments, and all other levels as well, already govern too much and too often.

I encourage all local landowners who either have or want a gas lease, to go to their town boards and request they pass such a resolution. If we do not stand up for our rights, they will be taken away from us.

■ Charles M. Franklin is a Woodhull resident.

ARTIST'S VIEW



POLITICS | SEN. TOM O'MARA

Meth again

A little over a month ago in this column, I posed the question, "Is meth making a comeback?"

I posed the question because of the feeling among many area residents that there's been an alarming and a troubling increase across the Southern Tier and Finger Lakes regions over the past year in the incidents of addiction, violence and tragedy that are the by-products of rampant methamphetamine production and use.

Since then, we've continued to read and hear about additional meth-related crimes locally. Just last week, for example, two area men were charged with allegedly making meth in an out-of-town homeowner's garage in Lindley, Steuben County.

So meth-related story after meth-related story simply keep fueling the perception that meth is on the rise across the region. The officers of the Southern Tier Methamphetamine Task Force continue to do outstanding work to protect our communities. But the rest of us can't sit back and allow our region or anywhere else in New York state to serve as a safe harbor for meth labs, meth addicts or meth pushers. The risks are too great and the consequences too overwhelming for the safety of our neighborhoods, our police officers and our first responders, to say nothing of local systems of health care, criminal justice and social services.

Heightened public awareness and stronger education are critical. But I'm also hopeful that tougher laws could be helpful in the prosecution and punishment of meth criminals while, at the same, sparking the broader public discussion that needs to be ongoing.

So I've recently introduced legislation in the Senate to significantly increase the criminal penalties for possessing, selling or manufacturing the dangerous and highly addictive drug. The toll that meth takes is remarkable. According to a 2009 report from the Rand Corporation, the economic cost of meth use in the United States reached nearly \$2 billion in 2005 and could go as high as \$48 billion. Meth manufacturing involves the use of highly explosive, flammable and toxic chemicals, and meth labs pose a significant public health and safety threat, especially if they're located in residential neighbor-

hoods. To say nothing of the personal toll that the drug inflicts on its users.

I'm proposing to:

- increase the criminal penalties for the possession of methamphetamine manufacturing material and the unlawful manufacture of methamphetamine, implementing a series of increasingly severe felony offenses; and

- in a similar fashion, increase the criminal penalties for the possession and/or sale of methamphetamine to bring the penalties more in line with the penalties for possessing and/or selling cocaine and heroin.

These actions would make it easier to prosecute meth crimes and impose tougher criminal penalties to punish meth convicts. We also believe tougher anti-meth laws will act as a stronger deterrent among our young people at risk of falling prey to this cycle of addiction and tragedy.

It wasn't that long ago, in 2006, when the Legislature and then-Governor George Pataki enacted New York's first comprehensive anti-meth law. That followed the release of a sensational report from the State Commission on Investigation (SIC) warning that methamphetamine would become an increasingly dire public health and safety threat unless New York adopted new and tougher laws to combat the drug's proliferation.

That 2005 report, "Methamphetamine Use & Manufacture" (which, by the way, can still be found online at http://nyslec.org/pdfs/111804_final_report.pdf), cautioned that the drug's rapidly growing use and manufacture posed "an urgent threat to public health and safety and without new and tougher laws to combat the threat, New York could become a haven for methamphetamine users and manufacturers."

It singled out the Southern Tier as a hotbed of criminal meth activity.

Less than a decade later, it looks like we need to heed that warning once again. And we need to ensure that our laws are keeping pace with the goal of putting meth manufacturers and sellers out of business here at home, and across New York state.

■ Tom O'Mara is a Republican state senator from Big Flats.

OTHER VIEW | S. JOSE MERCURY NEWS

Adopt more protections against mad cow disease

U.S. agriculture officials say their announcement recently of the first case of mad cow disease in the United States since 2006 confirms that the nation's food-safety system works.

We might agree if we didn't know that the United States randomly tests only about one of every 10,000 cows, or 40,000 of the 35 million cows that are slaughtered every year. By comparison, Britain tests 70 percent of its beef cattle and Japan tests 100 percent.

Face it: Britain and Japan are taking food safety more seriously than the United States.

Two years ago, California adopted a law requiring meat processors to euthanize any downed livestock, animals that can't walk, and keep them out of the food supply. Downed cattle are at much higher risk of having mad cow disease than cattle that appear healthy. But in January the U.S. Supreme Court ruled that a state could not impose stricter requirements than the federal law.

Fortunately, U.S. Rep. Gary Ackerman, D-N.Y., introduced legislation in the House in January that is virtually identical to the California law. Congress should pass Ackerman's bill and examine other ways to improve the nation's food safety, including additional testing.

While the U.S. needs better safeguards, the discovery in the Central Valley may not indicate widespread danger. Despite the lack of testing, the United States has never had a major mad cow outbreak, and there were only 29 cases reported worldwide in 2011. In addition, the meat from this particular animal had not been introduced in any form into the supply chain.

Meat processors probably reduced the chances of mad cow disease when they stopped using high-risk cattle parts in food provided to cows. The massive outbreak in Britain in 1992 is believed to have been exacerbated by cows eating meat from infected livestock.

But food safety experts still fear, with good reason, that if downed cattle are not euthanized, tissue from body parts will be mixed unintentionally with other animal feed, raising the possibility of infecting other animals and spreading the disease. The California Legislature passed the law after viewing evidence that these cows were being included in the state's food supply. Not only is the practice inhumane, but it creates a higher risk for the spread of disease.

Humans who consume contaminated cattle become susceptible to a human form of mad cow disease. More than 35,000 cases were reported in the United Kingdom in 1992, and 150 people there died of the disease in the 1980s and 1990s.

Food crosses state and national lines, and most Americans expect some assurance that what they buy will not kill them. Only a federal agency can play that role. There's more work to be done to protect against mad cow disease.

LETTER TO THE EDITOR

Yartym energy what we need

TO THE EDITOR | Education in New York is undergoing monumental changes. School administrators, teachers, support staff, and board members alike need to be prepared to accept these changes. The challenge will be to blaze new paths that will put Bath Central School at the forefront of this new era. Jen Yartym has the

vision, passion, and energy our district so badly needs. She will pursue new ideas and implement them with a thoughtful action plan that is fitting to our community's economic situation.

As a graduate of the district and a life-long resident of Bath, I was thrilled to hear Jen is running for a seat on the Board of Education. Jen Yartym is extremely bright, sensible and will eagerly take on the chal-

lenges and responsibilities of being on the Board of Education. Her considerable abilities will, undoubtedly, help to make this district the best possible place for our youth.

On May 15th I urge you to support Jen Yartym – she will make a positive, innovative difference in the education of our children.

Matt Hill
Bath

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ON THE FRONT PAGE
Clocktower by artist Larry Bagnone