

**STATE OF TEXAS** §  
**COUNTY OF DENTON** §  
**TOWN OF BARTONVILLE** §

A special called meeting of the Bartonville Town Council was held on March 30, 2011, at 7:00 p.m., in the Council Chambers of Bartonville Town Hall, 1941 East Jeter Road, Bartonville, Texas. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas, and, as required by law, was duly posted at 3:00 p.m., on Friday, March 25, 2011, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

**Present:**

Ron Robertson, Mayor  
Carla Anderson, Mayor Pro Tem  
James Ashburn  
Bill Reaves  
Jim Farrell  
Gracie Egan

**Absent:**

None

Also present: Debbie E. Millican, Town Administrator  
Bob Hager, Town Attorney  
Kristi Gilbert, Town Secretary  
Dave Howell, Police Chief

Mayor Robertson called the meeting to order at 7:00 p.m.

**Call to Order**

Mayor Robertson recited the second of two readings Ordinance 515-11. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, ESTABLISHING A MORATORIUM ON ACCEPTING, PROCESSING OR ISSUING PERMITS, AUTHORIZATION OR APPROVALS NECESSARY FOR THE CREATION OF DEVELOPMENT PLATS (SUBDIVISION OR SITE PLANNING), CONSTRUCTION OF FACILITIES RELATED TO GAS EXPLORATION AND PRODUCTION OR OTHERWISE INTRODUCING CHEMICAL AGENTS INTO SUCH FACILITIES FOR THE EXPLORATION OR PRODUCTION OF GAS; PROVIDING FOR WRITTEN FINDINGS; PROVIDING AN EXPIRATION DATE; PROVIDING FOR AN EXTENSION OF SUCH MORATORIUM; PROVIDING FOR A WAIVER BY THE TOWN COUNCIL, AFTER NOTICE AND HEARING IN ACCORDANCE WITH STATE LAW; PROVIDING FOR LIMITATIONS ON MORATORIUM FOR PERSONS WITH VESTED RIGHTS; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO-THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

**Second Reading  
of Ordinance  
515-11**

Council Members Gracie Egan and James Ashburn recused themselves due to a conflict of interest and filed a Conflict of Interest Affidavit attached and incorporated

**Recusals**

into these minutes.

Mayor Robertson opened the hearing to public comment.

## **Open Hearing**

George Dunham of 103 Burghley Court, stated that he was a concerned citizen and not someone who stands to make money. He stated that he was concerned about what the gas industry has brought to his home. He stated that there was a compressor within 700' of his home and nine wells within a half mile of his home. Mr. Dunham said that he had read stories of water being contaminated to the point where the water catches on fire. He stated that his well has broken down four times in the past two years. He stated that his well water has tested positive for drilling surfactants, as well as his neighbors. He stated that no water is recycled and millions of gallons have been contaminated. He stated that there have been numerous spills in area that have contaminated surface water. He stated that Pennsylvania and New York have adopted moratoriums. Mr. Dunham asked that the Council help us breath clean air, drink clean water, and raise our children in a safe town not gas land.

## **In Favor**

Robert Massagli of 9081 Crockett Dr, Lantana, Mr. Massagli stated that he was member of ABC Alliance fighting for common goals to preserve quality of life. He stated that several members have provided TCEQ and RRC with data. Mr. Massagli stated that fracking is one of the most questionable activities of all and no one knows the implications of this process. He said that the process releases a tremendous amount of air pollution. He asked what chemicals are we breathing in and what is happening to our drinking water? He stated that surface property owners have the right to clean air and soil. He stated that the fact that the EPA has chosen to study our area indicates that we are in danger. He stated that a moratorium should be enacted until the EPA study is complete otherwise we will be nothing more than guinea pigs in a science experiment. Please do the right thing for our communities.

Peggy Henkel-Wolffe of 831 Indian Trail, stated that she lived between Argyle and Bartonville. She stated that sometimes big-things happen in an instance and some things happen slowly. She stated that she hoped everyone had read the "Citizens of the Shale" stories that have been running in the Denton Record Chronicle. She said that the very first story she wrote about the Barnett Shale was about the illegal dumping behind the Bartonville Store more than five years ago. She stated that it is no longer a property rights issue, it is no longer a money issue or a policy issue; it is a humanitarian issue. She stated that the final stories are yet to be told, will you be a hero in that story?

Zoe Nance of 890 Noble Champions Way, stated that there were arguments made at the Planning and Zoning meeting that she would like to refute. She stated that there were mineral owners that wanted the Town to say no to drilling, but yes to fracking. She stated that this was to protect the owner's financial interests, but many people are paying the price. She stated that, while the mineral owner is cashing in, the rest of us are paying the price. She stated that there was an individual that stated that we do not know its bad, so let us keep doing it until someone tells us it is not. Ms. Nance stated that it would be safer to wait for the EPA results to allow more drilling. She stated that an XTO representative had provided data from a different aquifer than the trinity aquifer because there had been at least 44 contamination issues in seven counties.

Michael Knoll of 104 Burghley Court, stated that he was a citizen of the shale, and that the gas industry has drilled at an alarming rate during the past nine years. He stated that his research reveals that the monitoring systems are designed to detect catastrophic and extreme situations only. He said installing effective monitoring systems was very pricey and would impact their profits and their primary goal is not to protect the citizens of the community. Mr. Knoll inquired as to where the water was coming from and stated that the water cannot be reused. He stated that the industry does not have to divulge what chemicals they are using. Mr. Knoll stated that gas drilling emits more smog compounds than all the cars and trucks in the DFW area. Mr. Knoll asked that the Town declare a moratorium for 188 days and require the operators to install vapor recovery systems for all wells.

Susan Knoll of 104 Burghley Court, stated that she was a citizen of the shale and was representing the ABC alliance. She stated the alliance was comprised of men and women that wanted their concerns to be voiced and heard. She stated that they had purchased their property four years ago in Badminton Heights and there was no disclosure. She stated that, in her neighborhood, seven homes had been built so far; three houses have kids with frequent nose bleeds, seven adults suffer from frequent and unexplained headaches and two families have unusual and unexplained rashes. She stated that the ABC Alliance has collected data that document symptoms that range from watery eyes and asthma to brain cancer. She stated that our area's asthma rate is 25% and the rest of the state is 7%. She stated that one compressor emits more VOCs than a concrete factory. Ms. Knoll stated this may not be Bartonville's jurisdiction, but it still deserves the attention of the Council. She stated that no one has the right to poison anyone else, especially our children. She stated that greed was legal and it was ruining our health and property values. Ms. Knoll stated that it was not a landowner's right to damage other people's property. Ms. Knoll stated that there were at least twenty-three people that have filed lawsuits against operators, including the entire town of Dish. Ms. Knoll stated that the property owners should be fined as well as the gas operators. Ms. Knoll asked, on behalf of the ABC Alliance, to adopt the moratorium.

Lo Schell of 726 Porter Road, stated that she lived directly across the street from several major gas wells. She stated that they did not have a choice, she moved here before they were there. Ms. Schell stated that they were unsightly and the earth was being torn apart. She stated that her major concern was environmental with the air and water. She stated that she was in favor of a moratorium and realized it would be short lived but anything would be appreciated.

Gene Schell of 726 Porter Rd, stated he heard a lot of good information that he had not known previously, which added to the reasons for wanting the moratorium to be adopted. Mr. Schell stated that the natural gas industry had a bad reputation. He stated that he had heard of explosions and leaks. He stated further that you never know when something is going to happen that you have not anticipated. Mr. Schell said that he had the same concerns that had been already stated. He recommended that there should be a continuous gas monitoring system with an alarm and mandatory reporting at each site.

Sharon Wilson of Denton, Texas, stated that she was a landowner, mineral owner and

a citizen of the shale. She said that prior becoming the organizer for TOGAP, she had worked for the gas industry more than 12 years. Ms. Wilson said that she knew the industry from being on the inside, as well as being outside. She said she had previously sent a lot of information to the Town. However, she said it may not be known that people with health issues contact her from other states, i.e., Oklahoma, Colorado, New Mexico, Louisiana, etc. Ms. Wilson stated that, as a mineral owner, she did not want to profit at the expense of my neighbors. She said it was a fact that Texas has the most drilling and by far the worst regulations. She added that there were no specific regulations for fracking, when we (Texas) regulate cement jobs. Ms. Wilson stated that in 1996 the Texas Railroad Commission (RRC) investigated over 100 wells in Wise County that did not have enough surface casing. She closed by saying "The RRC and the TCEQ have failed us."

Bob Manthei of XTO Energy located at 810 Houston Street in Fort Worth, stated that he had supplied information about gas well activities and fracking to the Council and Planning and Zoning Commission. He said that hydrofracking has been used to extract natural gas for many years, only it was done with explosives back in the olden days. Mr. Manthei referred to one of his handouts that depicted how a well is cased. He said that the fluid comes back to the surface and stay within the pipe. Mr. Manthei said that when a frack is being performed the casing pressure is being monitored. He further stated that the fluids (chemicals) used were listed on the MSDS sheet as required to be kept on file, as well as, on location. Mr. Manthei said that the same chemicals were used in household products, the medical industry, and in cosmetics. With respect to the Range Resources lawsuit, Mr. Manthei stated that the EPA facts were not complete and failed to look at characteristics of the gas. He said that the TCEQ and RRC had shown that leakage was from a shallow gas well aquifer. Mr. Manthei said that about 4 million wells had been drilled in the history of the United States. He said that the New York and Pennsylvania booms took place around 1890. Mr. Manthei said that a drilling ban would impact the security of our nation and there would be a loss of about 80% and 2.9 million jobs. He said that energy would have to be imported from somewhere else. Mr. Manthei said that there needed to be a good oil and gas ordinance in place, not a moratorium.

**Opposed**

Deborah Hempill-Medina with Williams Operating, located at 6776 Corporation Pkwy in Fort Worth stated that she was Flower Mound resident. She said she lived near several well sites. She said that she also wanted clean air for her family, neighbors, and coworkers. Ms. Medina stated that William's operations exceeded Local, State and Federal standards. Ms. Medina stated that hydrofracking has been in utilized as a tool to extract gas for over forty years.

Lucas Smith, an Environmental Health and Safety Specialist for Williams Operating, stated that Williams had many safety policies in place to protect the environment. He said that, starting in April, a frack disclosure website would be available to all that would list the chemicals used at each site. He said that anyone would have access to the website ([www.hydraulicfracturingdisclosure.org](http://www.hydraulicfracturingdisclosure.org).) to gain information on the type of chemicals used at each drilling site. He said that the MSDS were required by OSHA, and listed hazardous chemicals of less than 1% as required to be on the MSDS. Mr. Smith stated that nickel was a carcinogen. He said the website would be an eye opener for people. Mr. Smith stated that the majority of biocides were bleach, similar

to what is used in swimming pool.

Rusty Rice, of 1086 Broome Rd, stated that in 1957 his father purchased part of property that he now owns. Mr. Rice reiterated that fracking was not a new process. He said that Oklahoma City had over 200 producing wells within the city limits. He said that when they were fracking his well, they used microseismic surveying to monitor height and depth (highest was 7,900'). He said that a water well was normally at 1,400 feet in the Trinity formation. Mr. Rice stated that Williams had tested his wells and there were no signs of contamination. He said the people concerned about the numerous trucks need to remember that the heavy truck traffic came from the initial frack. Mr. Rice said he was very much opposed to moratorium.

Mayor Robertson asked if the Councilmembers had any questions of the speakers. There were no questions. He stated that the Council had the option to not impose a moratorium or impose a moratorium for 90 days with one ninety- day extension for a total of 180 days. He said that they could not put another moratorium in place for two years on the same subject. He further stated that the price of gas itself was driving the need for drilling. The Mayor added that the President, along with T. Boone Pickens were pushing for more use of natural gas.

The Mayor closed the hearing to public comment.

Town Attorney, Bob Hager, stated that the law allowed time to study the issue and revise ordinances, but would not allow a town to prohibit drilling. He recommended that if the Council approved the moratorium, they should direct staff or appoint a committee to study all the evidence/informational materials. He further suggested that members of the industry be invited to join the committee, along with others, to gather information.

Mayor Pro Tem Anderson stated that she had read a lot in the past week. She stated even though the Town's ordinance were consistently reviewed and updated they could use a little more tweaking. She said she would like to enact a moratorium to study the issue more thoroughly. However, she said, not without appointing a committee. She suggested that the committee be made up of two Councilmembers, two Planning and Zoning Members, one person from the industry, one citizen and the gas well inspector to look at all the data and make recommendations to the Council.

Councilmember Reaves asked what would be necessary to extend the moratorium and inquired as to if there was some sort of release mechanism (waiver process). He said he had always been a proponent of alternative fuel sources; however, the whole issue is frightening. Councilmember Reaves said that he recognized the right of landowners to be able to harvest their minerals. He stated that, yes they have been fracking for forty years, but they have not been studying the effects for 40 years.

Councilmember Farrell stated that he had more questions than he had a week ago. He said he liked the idea of a committee. He said it made a lot of sense and would provide an opportunity to make any needed changes.

Mayor Pro Tem Anderson stated that, even though the Town's ordinances were exceptional, we can always do better. Mayor Pro Tem Anderson moved, with a second by Councilmember Farrell, to approve Ordinance 515-11, stating that the general health, safety and welfare may be negatively impacted by additional drilling of natural gas wells and mineral extraction by the introduction of chemicals into the water supply and such may contaminate the ground water supply of the Town of Bartonville; that the general health, safety and welfare of the Town may be negatively impacted by such hydraulic fracking and use of chemical agents in the drilling process of gas wells by the introduction of chemicals into the ground water through such production; that the Town's regulations and ordinances may be inadequate to protect the health safety and welfare; and to provide for a seven person ad hoc committee consisting of two Councilmembers, two citizens, two from the natural gas industry, one representative from the TCEQ, the RRC or Town's Gas Well Inspector if state agencies decline to serve. For: Anderson, Farrell and Reaves. Against: None. Abstain: Egan and Ashburn. The motion carried by a vote of 3-0-2.

There being no further business to come before the Council, Mayor Robertson declared the meeting adjourned at 8:15 p.m.

**APPROVED this the 19th day of April 2011.**

Approved:

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Ron Robertson, Mayor

(Seal)

Attest:

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Debbie E. Millican, Town Administrator