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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF TOMPKINS

ANSCHUTZ EXPLORATION CORPORATION,

Petitioner-Plaintiff,

For a Judgment Pursuant to Articles 78 and 3001 of the
Civil Practice Law and Rules,

-against-

TOWN OF DRYDEN and TOWN OF DRYDEN TOWN
BOARD,

Respondent-Defendants.

AFFIDAVIT OF
HENRY M. SLATER

Index No. 2011-0902

RJI No. 2011-0499-M

Hon. Phillip R. Rumsey

STATE OF NEW YORK: SS:
COUNTY OF TOMPKINS:

Henry M. Slater, being duly sworn, deposes and says as follows:

1. I am the former code enforcement officer and zoning officer for the Town of Dryden, Tompkins County, New York.
2. I have lived in the Town of Dryden all my life.
3. I was so employed by the Town of Dryden from January 1, 1987 to my retirement effective December 31, 2010.
4. I am very familiar with the provisions of the Zoning Ordinance because of my 24 years as the code enforcement officer and zoning officer.
5. As the code enforcement officer and zoning officer I was responsible for the interpretation and enforcement of the town's Zoning Ordinance.

6. During the time that I was employed by the Town of Dryden, Section 500(1) of the Zoning Ordinance provided:

“**Section 500.** Except as hereinafter provided, the following general provisions shall apply to land use and development in the Town of Dryden:

1. No land or building shall hereafter be used or occupied and no building or part thereof shall hereafter be enlarged or its use altered unless such action is in conformance with all the regulations specified for the zone in which said action occurs and any special regulations pertinent thereto.”

7. The drilling of a natural gas well was not an enumerated allowed use or use allowed by special permit in any zoning district at any time.

8. Upon information and belief the records of DEC show only six (6) natural gas wells having been drilled in the town. One of those was in 1941 before the enactment of the Zoning Ordinance.

9. The only instance that I can recall when the town received any notice of a pending permit for a natural gas well was in 2009 for the proposed Cook-1 well to be developed by the Petitioner-Plaintiff. The town received a Notice of Determination of Non-Significance (Negative Declaration) only because the proposed well is in Agricultural District No. 1. Upon information and belief a permit has not yet been issued by DEC for the proposed Cook-1 well.

10. At no time during my employment did I ever receive an inquiry from a landowner or from a driller of natural gas wells whether land in the Town of Dryden could be used for such purpose.

11. I only became aware of the existence of exploratory natural gas wells after the fact.

Henry M. Slater
Henry M. Slater

Sworn to before me this 12th
day of October, 2011.

Mahlon R. Perkins
Notary Public

MAHLON R. PERKINS
NOTARY PUBLIC, State of New York
No. 4605632
Qualified in Tompkins County
Commission Expires 6/30/2014