

Caroline Town Board Meeting Minutes of January 10, 2012

The Town Board Business meeting held on January 10, 2012 at the Caroline Town Hall was called to order at 7:05 P.M. by Supervisor Donald Barber.

Attendance:

Donald Barber, Supervisor
Dominic Frongillo, Councilmember
Linda Adams, Councilmember
Aaron Snow, Councilmember
Irene Weiser, Councilmember

Recording

Secretary: Christine Wilbur, Deputy Town Clerk

Also present: Approximately 20 members of the public.

Supervisor Barber opened the meeting by leading the Pledge of Allegiance to the Flag.

Kevin McMahon, the Town's new Code Enforcement Officer, was introduced to the Board and members of the public. Kevin described his background and noted that he is looking forward to his new job. He provided business cards with his contact information and indicated he is available to meet and discuss any issues at hand.

Prior to the Privilege of the Floor portion of the meeting, Supervisor Barber reported that there was an interest to provide a policy regarding this section of the meeting. The intent is to provide clear expectations for the Board and residents and to avoid turning the session into debates. The proposed policy has been reviewed and approved by the town attorney, Association of Towns, and is similar to what other communities use.

Resolution #37 of 2012:

A motion was made by Mr. Barber and seconded by Mr. Snow to adopt the

Privilege of the Floor Policy at Caroline Town Board Meetings:

A three-minute time limit is set for each person for Privilege of the Floor unless a Board member desires additional time for clarifications or questions.

Town Board has the right to grant or deny this privilege and to set a time limit for that specific meeting night. This privilege will be given uniformly to all residents of the Town of Caroline and non-residents as time permits. The Town Board will not use this power of granting/denying privilege of the floor for political purposes to silence or mute a particular point of view.

Repeated refusal to follow the Rules of Privilege of the Floor will result in a loss of the privilege for that night.

Privilege of the Floor is not a time for debate.

Character assassination of any individual, derogatory remarks, profanity, interrupting or speaking over the person holding the floor, and disorderly conduct will not be tolerated, and will result in loss of "Privilege" at that meeting.

A sign in sheet will also be available to sign in prior to the meeting, being called to order. The Supervisor will call in order on the sign in sheet.

It is recommended that topics that fall within the responsibility of the Highway Department should be addressed to the Highway Superintendent apart from the Town Board Meeting.

It is recommended that topics that fall within the responsibility of the Code Enforcement Officer first be addressed to him. If satisfaction is not reached, the individuals may then contact and/or meet with the

Supervisor.

The person will be addressing only the Board and shall: (1) clearly state their name, (2) whether they are residents of the Town of Caroline or another town, and (3) the specific topic to be addressed. The concern will be stated in a short, clear, and concise manner. The individual may submit, in writing, any details to be considered at a later time by the Board.

At the sole discretion of the Board, an individual can be held off until a specific agenda item.

A person can only sign up once for Opening Privilege of the Floor on a given meeting night.

Questions addressed to the Board may or may not be responded to, and should be directed to the Supervisor, who may either answer them or refer the questions to Town attorney, if present, or to a town board member. The Board is not obligated to answer any questions presented at the meeting. No person has the right to demand an answer to a specific question from a member of the board. Questions presented in writing will be responded to at a later time.

Adopted: Ayes: Barber, Adams, Frongillo, Snow, Weiser Nays: None

Privilege of the Floor: The following members of the public thanked the Board (past and present members) for their work, urged support of the moratorium in preparation of a ban on hydrofracking, approve the comments to DEC regarding the SGEIS, support the Climate Smart Communities resolution and expressed desire to assist landowners who need the money that gas leases would bring, to find other solutions:

- Mary Alice Kobler
 - Cornelia Farnum – see written comments on **Attachment #1**.
 - Jon Comstock
 - Ellen Harrison
 - Bill Podulka
 - Inge Alexander
 - Bruce Murray
 - Mark Witmer
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Reports

Donald Barber, Town Supervisor

Correspondence of Note:

- Banks Road and Beaver Creek Road bid summary
- Redistricting Notice of meeting 1/31 at 5:30- Town of Dryden Hall
- Certificate of Recognition from Sustainable Tompkins to Caroline's Energy Committee for Community Meetings, Retrofits to Town hall and Town Barns and Hydrofracking Activism

Report:

- Attended bid opening for RFP on construction of Banks and Beaver Creek roads after Tropical Storm Lee, met with low bidder JB Construction and signed notice to proceed

- Spoke with Attorney Krogh about providing space in time to work on road preservation and other gas related issues with the prospect of DEC issuing permits in the near future. He suggested a moratorium local law and further recommended that he had worked with CEDC on this topic with other municipalities and recommended that I speak with them to get a well-considered and vetted draft and to save the Town money. I met with CEDC and Attorney Krogh on Friday 1/6/12 to go over my suggestions to Section 2 and Guy's 11 comments. The result of that work was sent to you yesterday and topic of discussion later.
- Provided the Board with a chart from Integry's Energy Systems that shows the cost for electricity – 6 ½ year history compared with a new 18-month fixed price contract. See **Attachment #3**.

Highway Superintendent: No report.

Mr. Barber encouraged Mr. Snow, who is the Highway Department Board liaison, to meet regularly with the Highway Superintendent and make reports at future Board meetings if appropriate.

Frank Proto, County Representative

No report; however, Mr. Barber reported that Mr. Proto is currently the acting Chair of the Tompkins County Legislature, as they have been unable to elect a permanent Chair as yet.

Supervisor's Report: Mr. Barber reported on the following items:

- Explained where monthly correspondence to the Town is kept and encouraged Board members to look through it periodically;
- Described the range of bids for the Banks Rd. project – JB Construction won the bid. They have done work for the Town before and we know the quality of their work;
- Encouraged Board members and the public to look at and read the Town's website;
- Described the process to prepare the draft local law to enact a moratorium, which will be discussed later in the meeting.

Dominic Frongillo, Councilmember Report:

- Mr. Frongillo will present a resolution later in the meeting to make an appointment to the Environment Management Council.

Irene Weiser, Councilmember Report:

- Ms. Weiser reported that she and Mr. Frongillo have met regarding the Public Information and Website Committee and will be working to update the Town's website. She encouraged the Board and members of the public to provide input and feedback and invited anyone interested to serve on the Committee.

Aaron Snow, Councilmember: No report

Linda Adams, Councilmember: No Report

TOWN BUSINESS:

Transfers

Resolution #38 of 2012

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve the following fund transfers:

Resolved, the Caroline Town Board hereby authorizes the Supervisor to transfer 2012 funds as follows:

\$ 2,152.40 from General Fund Account A5132.4 Garage CE to General Fund Account A 5132.2 Garage EQ;

And, be it further Resolved, the Caroline Town Board makes the following 2012 Budget Adjustment:

Increase Highway Revenue line DA 3061 FEMA Grant by \$ 57,033. (Total project amount \$65,180 x .875 – FEMA and SOEM portion) and Highway Appropriation Line DA 5110.41 Beaver Creek repair CE by \$57,033.

Mr. Barber reported that due to the low bid and the monies that are dedicated from FEMA, the project might not require any Town funds at all.

Adopted: Ayes: Barber, Adams, Frongillo, Snow and Weiser Nays: None

Approval of Abstracts: Mr. Barber thanked Council Members Adams and Weiser for reviewing the vouchers.

**Resolution #39 of 2012
Streetlight Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Snow to approve payment for the Streetlight Fund voucher numbers 1 and 2 for a total of \$509.09.

Adopted: Ayes: Barber, Adams, Frongillo, Snow and Weiser Nays: None

**Resolution #40 of 2012
Highway Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Highway Fund voucher numbers 1 through 21 for \$47,519.54.

Adopted: Ayes: Barber, Adams, Frongillo, Snow and Weiser Nays: None

**Resolution #41 of 2012
General Fund Abstract**

A motion was made by Mr. Barber and seconded by Ms. Adams to approve payment for the General Fund voucher numbers 1 through 35 for \$44,952.69 plus a late addition from the Court in the amount of \$572.00.

Adopted: Ayes: Barber, Adams, Frongillo, Snow and Weiser Nays: none

RESOLUTIONS:

Resolution #42 of 2012

Thaler and Thaler Legal Services

A motion was made by Mr. Barber and seconded by Ms. Adams:

Resolved, the Town Board authorizes the Town Supervisor to sign a contract for 2012 with the Thaler and Thaler for legal services.

Adopted: Ayes: Barber, Adams, Frongillo, Snow and Weiser Nays: None

Resolution #43 of 2012

Speedsville Fire Protection

A motion was made by Mr. Barber and seconded by Ms. Weiser:

Resolved, the Town Board authorizes the Town Supervisor to sign a contract with Speedsville Volunteer Fire Company for 2012 Fire protection District.

Adopted: Ayes: Barber, Adams, Frongillo, Snow and Weiser Nays: None

Resolution #44 of 2012

A motion was made by Mr. Barber and seconded by Ms. Weiser:

Resolved, the Town Board authorizes the Brooktondale Fire District members be included on the Town of Caroline's Worker's Compensation Policy.

Mr. Barber clarified that due to the high cost of a separate policy for each of the 3 fire protection companies in the Town to provide their own Worker's Compensation Policy, it is legal that they be included in the Town's overall coverage, and that the fire companies reimburse the Town for their share of the premium. This is an approximate savings of \$4,000 for each company. Any claims under \$500 are paid by the fire company or the Town and are not filed with Worker's Comp – this keeps the premiums low. And, Mr. Barber reported that there were no claims in 2011! Mr. Frongillo asked if it was possible to also provide health insurance in this manner. Mr. Barber said it as possible, but would need to consider the cost. Hearing no further discussion, the motion was:

Adopted: Ayes: Barber, Adams, Frongillo, Snow and Weiser Nays: None

Resolution #45 of 2012

Code Enforcement for the Town of Richford: A motion was made by Mr. Barber and seconded by Ms. Adams:

Resolved, the Town Board authorizes the Town Supervisor to sign a contract with Town of Richford for Code Enforcement for 2012.

Mr. Barber reported the Town of Richford pays \$8,670 for these services; the Town of Harford has a contract as well that includes zoning; and the additional duties of storm water management inspections, fireworks and construction permits have been added to the job description.

Adopted: Ayes: Barber, Adams, Frongillo, Snow and Weiser Nays: None

Resolution #46 of 2012

Subdivision Review Committee: A motion was made by Mr. Barber and seconded by Mr. Snow:

Resolved, the Town Board appoints Walt Peck of 216 Brooktondale Rd., Brooktondale, NY to the Subdivision Review Committee. This is a five-member board with 5-year terms.

Adopted: Ayes: Barber, Adams, Frongillo, Snow and Weiser Nays: None

Resolution #47 of 2012

Climate Smart Community: A motion was made by Mr. Frongillo and seconded by Ms. Weiser:

WHEREAS, the Town of Caroline has emerged as a leader in local efforts for energy independence and was recognized by the U.S. Environmental Protection Agency and the Governor for being the 2nd municipality in New York State to procure 100% wind power; and

WHEREAS, since 2005, the town advisory committee Energy Independent Caroline has worked to reduce energy use by town government, study potential for renewable energy in the community, and engaged the public in energy efficiency, conservation, and renewables; and

WHEREAS, the Town of Caroline believes that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, ecological communities, including native fish and wildlife populations; spread invasive species and diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come; and

WHEREAS, the Climate Smart Communities program is a voluntary program of the Department of Environmental Conservation (DEC), the Energy Research and Development Authority (NYSERDA), the Department of State, the Public Service Commission and the Department of Transportation to support local communities in reducing emissions and adapting to our changing climate,

IT IS HEREBY RESOLVED that the Town of Caroline, in order to reduce greenhouse gas emissions and adapt to a changing climate, seeks to:

1. Combat Climate Change by Becoming a Climate Smart Community
2. Set Goals, inventory GHG Emissions, and Move to Action
3. Decrease Energy Demand for Local Government Operations
4. Encourage Renewable Energy for Local Government Operations
5. Realize Benefits of Recycling and other Climate Smart Solid Waste Management Practices
6. Promote Climate protection through Community Land Use Planning, as consistent with the Caroline Comprehensive Plan
7. Plan for Adaptation to Unavoidable Climate Change
8. Support a Green Innovation Economy
9. Inform and Inspire the Public
10. Commit to an Evolving Process

AND, BE IT FURTHER RESOLVED that the Town of Caroline charges Energy Independent Caroline with coordinating implementation of these voluntary goals and incorporating them into current efforts, as appropriate.

Board members entered into a lengthy discussion regarding the merits and benefits of passing this resolution i.e. access to networks, grant opportunities, extra points in grant applications, etc.

Ms. Adams questioned the third whereas regarding the threat to climate changes due to burning of fossil fuels. A lengthy debate followed where Board members cited several experts that had differing opinions whether or not all fossil fuels are to blame.

Ms. Adams made a motion to include a friendly amendment that would consider a distinction that not all fossil fuels contribute to negative climate change and that natural gas be noted as having a positive climate impact. Mr. Snow seconded the motion.

Ms. Adams presented the following reasons:

- Per Faith Birol (the chief economist for IEA-International Energy Agency)
 - Our planet with no changes is on a trajectory for a 6 degree Celsius temperature increase
 - Many influential parties say we need to stay within a 2 degree Celsius increase
 - Today, right now, given current habits (energy infrastructure) we have already committed 80% (used 80%) of the 2 degree goal limit
 - Per IEA, if we do not make change quickly..by 2017...we will have lost forever the chance to keep within a 2 degree increase max
 - Natural gas is an important part of the fast solution to lessen global warming potential (per IEA and many national USA environmental groups)

After much further debate, Ms. Weiser called the question on the amendment. All were in favor.

The vote on the amendment was as follows: Ayes: Adams Nays: Barber, Frongillo, Snow and Weiser. The motion was defeated.

After further debate and discussion on the original motion,

Mr. Snow made a motion to table the discussion on the Smart Climate Communities Resolution. Seconded by Ms. Adams.

Motion carried: Ayes: Snow, Adams, Barber Nays: Frongillo, Weiser

Resolution #48 of 2012

Comments on Revised draft SGEIS: Mr. Barber made a motion and seconded by Mr. Frongillo:

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has released the *Revised Draft Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs* (hereinafter referred to as the "SGEIS"), and

WHEREAS, the deadline for submitting comments on the Document is January 11, 2012, and

WHEREAS, the Town of Caroline has for centuries had land uses of agriculture, residential, and light duty Commercial and as such does not have the water, sewer, and highway infrastructure to accept industrial development, and

WHEREAS, two-thirds of the surface acreage in the Town of Caroline are the water supply for the City of Ithaca, and

WHEREAS, all residents of the Town of Caroline acquire their water directly from un-filtered, unprocessed ground water, and

WHEREAS, the Town of Caroline is, by law, charged with protecting the health, safety and welfare of the people of the Town; and

WHEREAS, once the SGEIS is codified into regulations, municipalities will no longer have a direct comment on the regulation of drilling for natural gas using high volume hydraulic fracturing, leaving municipalities with little recourse to advocate for their community on the drilling process nor the rate at which drilling occurs within their borders; and

WHEREAS submitting comments on the SGEIS allows municipalities to advocate for their community on the process and rate at which drilling occurs within their borders; and

WHEREAS this may be the last opportunity for municipalities to submit such comments before NYSDEC establishes drilling regulations; and

WHEREAS municipalities will bear the burden of any inadequacies in the SGEIS and regulations; and

WHEREAS, it is also recognized that natural gas is a finite resource and that environmental damage from extraction particularly to water, arguably New York State's most valuable finite resource, could be permanent, and

WHEREAS, Town of Caroline municipalities has a responsibility to preserve and protect, water resources, and other natural resources highway infrastructure, economic development in many other sectors, public health, and quality of life for our residents now and in the future.

NOW THEREFORE BE IT RESOLVED, that the Town of Caroline finds the following omissions and unfinished work in the Document and urges the DEC to complete this information and issue a complete revised draft of the SGEIS for public comment before regulations are developed and before permitting begins:

- The DEC has decided to finish the economic analysis of the SGEIS to include costs to local governments and their communities. The analysis should also incorporate the 8/23111 USGS findings report that reduces the amount of recoverable shale gas. The comment period should be extended for public comment on this analysis after the integration of this data and release to the public.
- This process and the socio-economic impacts are being better understood every day. New data has been released since the publication of the SGEIS which has significant impact on some of the SGEIS's conclusions. This developing information should be considered and included in the updated SGEIS and revisions made as appropriate.
- The SGEIS does not require or refer to an analysis of public health impacts, despite the fact that there is a growing body of evidence on the health impacts associated with shale gas industrialization; including fracking-related air pollution and water contamination. This omission needs to be addressed and the public allowed to comment on this additional section. The DEC must require an in depth review of health impacts and actively involve the Department of Health in the review process.

- The SGEIS does not adequately address the issue of remediation of contamination resulting from natural gas production. Such remedies should include:
 - Regulations to establish a prompt course of action in the event of contamination resulting from natural gas production.
 - Funds to allow DEC to respond quickly to an emergency related to natural gas production and provide damaged parties with recourse other than litigating against the oil and gas companies.
 - Strict liability for parties who cause contamination.
 - Authority for the Attorney General to recover costs expended by the Natural Gas Damage Recovery Fund from parties who cause contamination.
 - A public registry of all gas-production-related incidents in New York State.

The Document has an incomplete cumulative impact analysis.

Cumulative Impacts for Water Withdrawals The SGEIS addresses cumulative impacts for water withdrawals by using the passby flow determinations; however, the SGEIS needs to address cumulative impacts on water resources.

Program to Monitor and Protect Drinking Water Resources

Proper monitoring and assessment strategies must be in place to protect the State's water resources, and sufficient laboratory capabilities for analysis must be in place prior to drilling. The state currently does not have a strategy in place for data collection and analysis. Such a strategy is key to developing a comprehensive regulatory process that must be in place prior to drilling. All stakeholders (regulatory personnel, drilling companies, and the public) need to be ensured that valid data are being collected and disseminated in a cost effective manner. Considering the volume of environmental and public health data that will be generated by HVHF gas drilling, it is essential that NYS Department of Health develop and manage comprehensive databases in order to facilitate effective, comprehensive oversight and public protection during gas drilling. A program must be developed for electronic sharing of monitoring data and must be shared with local health departments as they will be the agency first contacted if any contamination is detected.

Pipelines and compression stations, staging and storage areas, gravel mining and other ancillary activities are not addressed by the SGEIS. The Town of Caroline believes this is an illegal segmenting of the Generic Environmental Review process. Without an accounting of such impacts, New York's environmental assessment is incomplete and the full impact of fracking is unknown.

Thresholds. In sum, there is no attempt in the SGEIS to establish thresholds of activity that the environment could sustain without permanent damage. In the SGEIS, the spacing unit is the only limiting factor on development. The NYSDEC must establish a pace and level of

development that it deems the human and natural environment could tolerate.

A fully researched cumulative impacts section needs to be addressed and the public allowed to comment on this additional section

Utica and other low permeability shale formations The SGEIS is incomplete because it does not include an analysis of all low permeability shale formations where high volume hydrofracking gas drilling will be employed. Many sections of the document only reference the Marcellus Shale. Environmental impacts associated with other low permeability gas reservoirs where the hydro-geochemistry is different than the Marcellus shale are not addressed in the SGEIS. The SGEIS must either be revised to encompass the full, cumulative impacts of drilling and ancillary development in the Utica and other low permeability formations, or the SGEIS and permitting must be limited to the Marcellus formation.

The SGEIS must be expanded to include potential impacts from other formations.

Local Government Notification. The SGEIS does not provide adequate processes for Local Governments to be involved and informed in all aspects of the extraction industries interaction with their community.

Flowback Water Disposal-Section 1.7.9 The state must not allow municipal sewage treatment plants to treat drilling wastes, until the drilling wastes are characterized for chemical content and until such plants are not designed to handle the toxic elements in such wastes. The SGEIS needs to clearly make this statement.

Primary and Principal Aquifers -Section 2.4.4.1

The DEC is proposing to prohibit fracking in primary aquifers that serve as public drinking water supplies. The logical conclusion is that there are risks to ground and surface water from these extraction processes that are significant enough to warrant prohibition. All residents of the Town of Caroline get water straight from aquifers with no filtration. All aquifers and surface waters are or can be sources of drinking water for residents of the State and neighboring states. This SGEIS needs to state why the disparity in regulation.

Natural Gas Migration -Section 6.1.4.3

The DEC has not addressed fracking in areas of special geological risk, such as those with fault lines that are potential pathways for the upward gradient of contaminants into aquifers because they claim that contaminants can't rise into aquifers. However, independent scientific studies have proven that upward migration of contaminants is not only possible, but also likely. The Town of Caroline has a site where native Americans found salt on the surface apparently from upward migration along such a fault. The SGEIS needs to address this deficiency. Also there is no discussion of the nature, type, history of tectonic stresses, and timing of the formation of faults in central NY. There is only discussion of the occurrence of faults in eastern and northern NY. This is a major oversight since the main subject of this document is gas drilling that is most likely to occur in the southern central NY.

Abandoned and decades old plugged wells: The SGEIS must require the operator to identify any

abandoned gas or oil wells along the length of the horizontal bore hole as well as any mapped faults.

7.1.3.3 Hydraulic Fracturing Additives

The SGEIS must require full disclosure of all components used in the hydraulic fracturing process regardless of whether the industry insists disclosing trade-secrets would be to their disadvantage. Treatment facilities, water monitoring networks, residents using well water and emergency response teams need to know what products are being used in the HVHF process.

Water quality: Water quality monitoring programs should focus on monitoring the groundwater resource, not just existing drinking water wells. At least three monitoring wells should be installed around each well pad (two downgradient and one up gradient) and these wells should be used to determine the direction of groundwater flow in the vicinity of the well pad and sampled and analyzed at the same frequency as the private water supply wells.

Review of the water-well testing results by local health departments as proposed in the draft SGEIS following a complaint cannot be accomplished without additional resources. The SGEIS proposes that county health departments have responsibility for initial response to most water well complaints, referring them to the DEC when causes other than those related to drilling have been ruled out. Funds for implementing this program should be provided to local health departments. Fees cannot be raised directly by the local health departments since the NYSDEC has sole regulatory authority over gas wells.

EMERGENCY RESPONSE PLAN Section 7.13

The DEC must obligate the gas companies to interface with, and provide information to, local first responders and/or County emergency management offices. This section notes that an emergency response plan consistent with the SGEIS must be provided to the DEC 3 days prior to well spud. A 3-day advance notice to local emergency responders is complete insufficient.

In addition to what is contained in the SGEIS, are the following minimal specifics for an emergency response plan: GIS addressing/mapping, access and egress appropriate to emergency response vehicles, MSDS information, functional communications for requests for fire, EMS, law enforcement responses; expectations for when first responders would be needed, what would be handled directly by the gas company, and what other agencies might be needed in any given emergency.

Road Use Agreements -Section 8.1.1.4

The local highway infrastructure in NYS is not engineered. The subbase is native soil and the base is what has been empirically deemed adequate for current road use. Neither the industry nor the residents are well served by ignoring the inability of the current infrastructure to carry the aggregate amount of weight needed to be transported while keeping highways in a condition to allow passenger car travel. This section states that DEC strongly encourages operators to reach road use agreements with local governing authorities. The SGEIS should require the development and execution of binding road use agreements. DEC should specify minimum standards for Road Use Agreements including: bonding, haul routes, criteria for determining existing and needed road carrying capability. Operators should be required to notify all local municipalities, including villages, towns, cities, and counties, that their haul routes travel through, even if there is no drilling operation in the municipality itself. Operators should then be required to sign binding road-use agreements for those municipalities, as well as with municipalities where the drilling operation is located to hold municipalities harmless for damage to roads and other infrastructure by drilling-related traffic; and

BE IT FURTHER RESOLVED, that the Town of Caroline finds the release of draft "regulations" before completing the SGEIS to undermine not only the quality of the Regulation document, but also the democratic process. The Town of Caroline urges the DEC to withdraw its draft "Regulations" until the SGEIS is complete. Then re-issue draft regulations for public hearing after the SGEIS is finalized. It must allow ample time to review both documents before scheduling public hearings. Further, permitting should not begin until after the regulations are finalized; and

BE IT FURTHER RESOLVED, that the Town of Caroline urges the DEC not to issue permits until it has established funding for Regulatory Oversight and Impacts to Infrastructure and Local Government Services. We recommend that the proposed fee structure, ad valorem tax structure, and severance tax if any be included in the "Regulations" document.

BE IT FURTHER RESOLVED, that the Town of Caroline, for all of the reasons above, feels the responses required will make the SGEIS significantly different from the current version thereby requiring that it be made available in another draft version for public comment, and

BE IT FURTHER RESOLVED. that copies of this resolution shall be sent to Director Jack Dahl of the NYSDEC Division of Mineral Resources, Governor Andrew Cuomo, NYSDEC Commissioner Martens, New York State Senators Dean Skelos and James Seward, NYS Assembly Speaker Sheldon Silver, Assemblywoman Barbara Lifton, Attorney General Eric Schneiderman, United States Senators Charles Schumer and Kirsten Gillibrand, U.S. Representatives Maurice Hinchey and Richard Hanna, and the New York Association of Towns.

Adopted: Ayes: Barber, Adams, Frongillo, Snow, Weiser Nays: None

Resolution #49 of 2012

Environmental Management Council Representative: A motion was made by Ms. Weiser and seconded by Mr. Frongillo:

Resolved, that the Caroline Town Board appoints Steve Nicholson, residing at 220 Yapple Road, Berkshire, NY, to be the Town of Caroline Representative to the Tompkins County Environmental Management Council (EMC), and further

Resolved, that the EMC representative will act as a liaison between the EMC and the Caroline Town Board by doing the following:

- Reporting to the Town Board, either in person or by written report, about the issues being considered and the actions taken by the Environmental Management Council, and
- Providing the Caroline Town Board with necessary background information about the issues being considered by the EMC
- Soliciting the Caroline Town Board's considered opinion about the issues the EMC is considering, and
- Representing the Town's opinions and interests to the EMC for the council to consider before actions are taken.

Adopted: Ayes: Barber, Adams, Frongillo, Snow, Weiser Nays: None

Moratorium Local Law Discussion:

At this time, the Board discussed the proposed local law that would provide for a moratorium on hydrofracking. A draft was provided (**see attachment #3**). Mr. Barber explained the process of proposing and adoption of a new local law. Board members decided to hold a meeting whereby residents could attend and offer their suggestions for the language of the law. The Town attorney will also be in attendance to offer his expertise on the legalities of any proposed changes. Once the language of the law is set, a public hearing will be scheduled. This will be another opportunity for residents to express their opinion about the topic prior to voting on the law.

A motion was made by Mr. Snow to hold the first meeting regarding the language of the local law to be held on February 1, 2010 at 7 PM at the Speedsville Community Center, if it is available. Mr. Barber will check. Seconded by Mr. Frongillo. Carried unanimously.

Association of Towns Resolutions Discussion:

Mr. Barber provided Board members with a group of resolutions that were being put forth to the Association of Towns, and asked Board members for any comments, questions, etc.

Ms. Weiser had questions and issues with several of the resolutions, specifically Resolution #3 in regard to Publication of Legal Notices. She made a motion that the language of the resolution be changed to indicate the publications for notice be non-partisan and non-religious in nature and to specify the notices have a widespread distribution. The motion failed for lack of a second.

Adjourn: Hearing no further business, Mr. Barber made a motion and seconded by Mr. Frongillo to adjourn the meeting. The meeting adjourned at 10:20 P.M.

Respectfully submitted,

Christine M. Wilbur, Deputy Clerk