

Caroline Town Board Meeting Minutes of July 12, 2011

The Town Board Business meeting held on July 12, 2011 at the Caroline Town Hall was called to order at 7:00 p.m. by Supervisor Don Barber.

Attendance:

Don Barber, Supervisor
Dominic Frongillo, Councilman
Linda Adams, Councilwoman
Toby McDonald, Councilman
Pete Hoyt, Councilman

Recording

Secretary: Marilou Harrington, Town Clerk

Also present: Over 60 Town of Caroline residents attended the meeting with 28 people speaking against hydrofracking and the resolution; Clarifying the Town of Caroline's Role Regarding Gas Development Based on Current Environmental Conservation Law (which was tabled at the June 14th Business meeting) and 5 people spoke either for having the gas companies in the Town of Caroline or held a neutral position until they had more information about the process.

Privilege of the Floor

The Public hearing of the MS4 (Municipal Separate Storm Sewer Systems) reporting to the DEC opened at 7:00 p.m. Hearing no comments Supervisor Barber closed the hearing at 7:02 p.m.

The following residents of Caroline* spoke about the Resolution Clarifying the Town of Caroline's Role Regarding Gas Development Based on Current Environmental Conservation Law and hydrofracking and gas drilling in the Town of Caroline.

*Please note the following comments from the Caroline residents are not a complete synopsis of their opinions nor their words verbatim, but rather a small reflection of what each individual contributed about the pros and cons of hydrofracking and/or their opinion on the proposed resolution Clarifying the Town of Caroline's Role Regarding Gas Development Based on Current Environmental Conservation Law.

Susan Yapple, 160 Yapple Rd – She submitted a letter for the board to have as part of the record of minutes (see attachment 1.) She originally signed the petition (sent around by ROUSE) to ban gas drilling in the Town of Caroline. She is now in favor of gas extraction because she uses gas energy and feels for her it would be the height of hypocrisy to support a ban when she uses this type of energy in her everyday life.

Pat Brehl- She is against the resolution supporting the gas.

Jim Burlich- He signed a lease (with a gas company) that he deeply regrets signing. He will pledge \$1400 to the Town the Caroline (toward attorney fees, etc) if the board will ban gas drilling in the Town of Caroline.

Eric Smith-He spoke about the perception people have of hydrofracking; pros and cons. He said he thought the resolution was pointless. What his concerns are is how the Town's people perceive the resolution.

Tony Tavelli- He believes the DEC will work to prevent problems caused by the gas companies. He personally thinks the Town's people and the Town board need to work together to accept the challenges brought forth by the gas companies.

Joy Weber- She is a registered nurse who as part of her job advocates on behalf of her patients and she feels that the Town Board needs to advocate on the part of their citizens. She feels that with the support of the board the Town needs to ban hydrofracking.

Pricilla Timberlake- She felt reassured that with the participation at the June 14th meeting that the majority of the people who attended were against hydrofracking.

Tim Levatic- He owns 13 acres on Bailor Rd. He expressed that he was worried about such an absolute ban. It would be nice to put a concept together (within the Town) so it would be implemented through the gas companies.

Kim Knight Bocieville Rd- She is worried about peoples rights being infringed upon; compulsory integration. She is opposed to hydrofracking.

John Confer, Hammond Hill Rd- He doesn't trust the competency of the DEC, he said they have varying opinions and they are understaffed. He suggested that resolutions should be on the web page before the Town board meetings. He thought the perception was that resolutions are being "pushed through" without the Town's people being aware of their content. He suggested reviewing the process.

Bert Cooley- Also suggested the Town board review the meeting process. He would like to see the agenda and resolutions on the web page before the meeting.

The Town board answered both John and Bert. There are many resolutions like SPCA contracts, approval of abstracts and various others contracts and addendums that need to be addressed at that months meeting. To put up all the resolutions on the website a month before the meeting would not only be time consuming for the clerk but it would put the Town behind in paying bills and filing reports and other items required by resolution.

Michelle Brown –Asked what the rush was to bring up the resolution; and that she didn't want it to pass. Supervisor Barber answered about the democracy and the process for anyone to propose a resolution.

Karen Confer- She has had family members who have lived in the area for years. She is concerned for the wetlands, worried about hydrofracking contaminating the watershed. She is against hydrofracking and against the resolution.

Janice Burton- She is against hydrofracking until it is perfected by the gas companies.

Jonathon Comstock- Against hydrofracking, gave a paper to the board about methane, a common contaminate when hydrofracking happens (see attachment 2)

Anna Gibson, Bailor Rd- She addressed Pete Hoyt, Toby McDonald and Linda Adams. She is opposed to hydrofracking, She said that there is no acceptable level of risk that is acceptable that might affect the drinking water.

Susan Pearce-Kelling- She said she appreciates the work that the Town Board does; appreciates that the board listens to what the Town's people has to say. She thinks the resolution is premature. She would also like "draft" minutes (before board approval) on the website.

The clerk was asked about putting up the draft minutes and the response was it could be problematic to post unapproved minutes that someone might read as the approved version. The board reviews the prior month's minutes and makes any corrections and approvals at the following months meeting. Supervisors Barber also pointed out that the clerk's position was that of the whole Town staff and that the position was not full time.

Bert Cooley- He objects to the wording of the resolution, as he feels it says nothing more then the Town is not going to do anything. He would also like disclosure on the record as it may alleviate a lot of the Town's peoples miscomprehension of the reason behind the resolution.

Rob Elshire- He said it is clear that the community is not united on this venture and likely will not be in the future. He said the impact of hydrofracking on each of us and our neighbors is a very big issue for us all; it has positive impacts on some and negative impacts on others. He is against passing the resolution because it prevents the Town's people from having meaningful and thoughtful discussions on the topic.

Jim Cornell- He is for having gas companies in the Town of Caroline. He, along with many of the Town's people could use the income and he thinks that the gas companies are working to make sure everything is done to minimize problems. He thinks the board does a good job.

Bruce Murray- He would like to have the resolution voted down. He said everyone can live without gas but they can't live without water.

Bill Podulka from ROUSE- He said a very important discussion to have on the risks and benefits of hydraulic

fracturing and is the merits and demerits of banning that practice in the Town of Caroline. He is against hydrofracking and against the resolution. (See the minute attachment from the June 14th meeting on the Town of Caroline website for additional comments.)

Louisa Johnson, Valley Rd – She said the gas companies can not be trusted to cut corners to increase their profits; accidents will happen and wells will be contaminated. She said the DEC knows this otherwise would they ban hydrofracking in New York City and near the Syracuse watersheds. She is against hydrofracking.

Mary Arsenault- If it can be assured that hydrofracking can be done safely she is for it, or if they can't assure that the drilling can be done safely, then she is against it. She asked the resolution not be passed because it may close the door to some regulatory use in the future.

Amy Cohort, Belle School Rd- Doesn't understand how the board can consider passing this resolution when it is obvious that it is against what so many people in the Town of Caroline expressed wanting. The answer on whether to pass the resolution or not should be obvious if you are representing the wishes of the Town's people. She is against hydrofracking and the resolution.

(Supervisor Barber wanted to clarify that the petition that had been circulating against hydrofracking had not been presented to the Town board so that the comments that had received [pro and con] were at Town board meetings, through letters and e-mails.)

Susan Barr- She said she didn't think the resolution was thought through very well and that the board should vote 0-5 against it. She asked that the board vote against the resolution.

Aaron Snow- He spoke about a friend who worked for one of the oil and gas companies (out west) and all of the problems they see, and are aware of. He said that he was told that the people in the Town's where a lot of hydrofracking take place just get use to it and the problems that come with it. He said he doesn't want the Town of Caroline to be one of those communities that just accepts hydrofracking and all the problems that come with it. He is against hydrofracking and against the resolution.

Cyrus Umbir- He is against the resolution; he concurs with what others have had to say in opposition. He said he understands about the people who are looking to make money from the gas companies but that when a few make money others will suffer with the effects of hydrofracking. This can happen through increase in taxes, having to pay for road repairs, and other problems like air and water pollution. He has a friend who has to pay \$800 a year to have her water tested because a neighbor allowed hydrofracking on their property which affected his friend.

Bill Crispell- He is for the resolution and for the gas companies being in the Town of Caroline. He said we all use natural gas and buy it from Countries that hate us and we get charged \$4.00 a gallon. He asked, so why get it from somewhere else when we have it in our own town?

Michelle Brown- She wondered what was the urgency that this resolution was brought up now. She asked for an answer as to the process of a resolution She is against the resolution.

Supervisor Barber answered that a resolution can be brought up by any board member and in order to be on the table to be voted on it has to be "moved" and "seconded" by two board members. That process has taken place with this resolution but it doesn't mean that the whole board is in agreement with it

Tony Tavelli- Asked what is the relationship between the Town of Caroline and gas companies as far as road damage goes.

Supervisor Barber answered that the Town of Caroline has not taken any proactive action. So at this point in time if a gas company was to come to the Town of Caroline and asked about a road use agreement then we would be willing to talk with them about it. There as been no policy established that would require them to come and speak to us, so if road damage were to take place then the tax payers would have to pay for the road repair. Since we wouldn't have the money in our budget it is hard to say what our recourse would be.

Katherine Durant- In view of the legal uncertainties and unknowns she has heard talked about here this evening she asked the board not vote on resolution; to wait or table it.

Barry Goodrich, Slaterville Rd.- He talked about challenges and impending changes for the future with the gas companies. He said he understands peoples concerns but he feels only a percentage of the people talk from the

facts, while others talk from emotion. He wished that people who spoke on the subject would educate themselves, not only on the subject of gas but water and the geology of the area we live in. There is a document produced by the DEC that has addressed all the questions that were brought up here at this meeting.

Frank Proto, County Legislator

Gave the County report; County budget, the 2 percent cap passed. Asked the depts. 2:10 min to come up with 2 scenarios; 1 with the 2% cap and the other will have to cut 4-5 million dollars worth of services.

T-Cat rural routes possible 50 cent increase in tickets.

Court wants to move out legislative offices, already moved out COFA, which costs the taxpayers.

Mrs. Cindy Whittaker, Highway Superintendent (given by Toby McDonald)

See attachment 3

Toby McDonald, Town Board

Toby met with Town Clerk's office, Highway Department, the Code Officer and the offices of the Court to see whether there was any issues of violence in the work place which there was none was reported. See attachment 4

Dominic Frongillo, Town Board

Energy Independent Caroline received a request from Cooperative Extension to be on the Green Building open house because of the geothermal and solar panels.

The Planning board is continuing to work on questions for the Industrial Site Plan review.

Peter Hoyt, Town Board

No report

Linda Adams, Town Board

No report

Don Barber, Town Supervisor

Correspondence of Note:

1. Inspection this month and then letter from Army Corps of Engineers that Barille II project was found in compliance
2. Notice for TC Emergency Response that fire alarm at Town Hall will not be patched directly to their headquarters after 11/30/11. We will need to find another service to monitor the fire alarm system.
3. Final check received and close out letter from SEMO for Barille II
4. Hard copy of email from Atty Krogh regarding conflict of interest investigation

Report:

1. No action from SDM Contracting regarding sidewalk repair- need to discuss next steps. The Board discussed and decided that the Town Attorney will send a letter to SDM Contracting regarding the problem.
2. Subdivision Review Board is actively reviewing a proposal called Birch Hollow on Harford Road- 10 rental units- no road dedication
3. Open bids for window treatment, etc of Town Hall meeting/court room
For the record. The Linda Myers- Window treatments \$9672.21,

Lauri Borden Window Treatments approx. \$6000 in general.

4. Health Consortium-claim and premium activity close to budget. DOS allowed us to roll remainder of grant into reserves \$120K; 5 year Proforma done with 9.5% premium increase shows us paying back municipal capitalization in 2014 with 3% interest

Transfers

Resolution 97 of 2011

Motion Don Barber; Seconded by Dominic Frongillo

Resolved, the Caroline Town Board hereby authorizes the Supervisor to transfer 2011 funds as follows:

\$ 1,000.00 from Highway Fund Account DA 5130.1 Machinery PS to
Highway Fund Account DA 5130.11 Machinery PS OT

\$ 3,000.00 from Highway Fund Account DA 5140.1 Misc PS to
Highway Fund Account DA 5140.11 Misc PS OT

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Approval of Abstracts

Resolution 98 of 2011

General Fund Abstract

A motion was made by Mr. Barber and seconded by Ms. Adams to approve payment for the General Fund voucher numbers 212 through 244 for \$13,990.02.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Resolution 99 of 2011

Highway Fund Abstract

A motion was made by Mr. Barber and seconded by Mr. McDonald to approve payment for the Highway Fund voucher numbers 112 through 128 for \$23,359.21.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

**Resolution 100 of 2011
Streetlight Fund Abstract**

A motion was made by Mr. Barber and seconded by Mr. Frongillo to approve payment for the Streetlight Fund voucher numbers 12 and 13 for \$585.42.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Resolutions

Resolution 101 of 2011

Motion made by Mr. Barber: Seconded by Ms. Adams

The Town board hereby authorizes the Town Supervisor to Sign SPCA contract Addendum for 2011 Dog Control.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Resolution 102 of 2011

Motion made by Mr. Barber: Seconded by Mr. McDonald

Establish Mileage Reimbursement Rate at \$0.555/ mile

Resolved, the reimbursement rate to be paid to Town officials and Employees for the use of their personal vehicles for Town business, effective July 1, 2011 is \$0.555/ mile.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Resolution 103 of 2011

MS4 (Municipal Separate Storm Sewer Systems)Report

Motion made by Ms. Adams: Seconded by Mr. Hoyt

Resolved, that the Caroline Town Board hereby approves March 2010 -2011 MS4 (Municipal Separate Storm Sewer Systems) Annual report

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Resolution 104 of 2011 Establishing Standard Work Day and Reporting and Pay Rates for Elected and Appointed Personnel

Motion made by Mr. Barber: Seconded by Mr. Frongillo

Now Therefore Be It Resolved, the Town Board hereby rescinds resolution number 21-2011, and

Be It Further Resolved the Caroline Town Board hereby establishes the following standard workdays, as required for determination of retirement benefits for Town Officials, and their annual salaries:

Position Name	Days/month	St'd workday	Term Ends	Salary	Participates in Time
Supervisor, Donald L. Barber,	13.33	6 hours	12/31/2011	\$ 16,500	ROA

Reporting System

Town Justice, Paul Grennell	4	6 hours	12/31/20	\$ 10,028	ROA
Highway Supt, Cindy Whittaker	20	8 hours	12/31/2011	\$ 52,225	ROA
Town Clerk, Marilou Harrington	13.33	6 hours	12/31/2011	\$ 28,851	ROA
Code Enforcement Officer, John Daniels	20	6 hours	12/31/2011	\$ 38,944	ROA

And Be It Further Resolved that, the Town shall require, for each position where the employee is part of the NYS Retirement System, a "Record of Activity" of actual time worked or, in the case where actual hour record is not required, the official holding the office shall submit to the Town Clerk a record of his or her activities for a period of three consecutive months.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Comments from Supervisor Don Barber about the proposed resolution Clarifying the Town of Caroline's Role Regarding Gas Development Based on Current Environmental Conservation Law

I know that the Town residents have come to participate in a democracy, and part of what they need is a response from the Town Board. You want to know how I feel about this issue, and I'm more than happy to tell you. This is not something new to me. I've been spending a lot of time thinking about this for many years. And I know that we all develop opinions based upon our personal values and experiences that we've had, and they're all different. That's what's so exciting about being at the Town Government and being part of this discussion.

You all participate in a democracy. You don't see this happening very much at the state and federal level—actually, never. So this is a rare opportunity and we should treasure it because it's something that the other levels of government should aspire to.

My biggest fear is that Paul Simon's line will come true and that *"People hear what they want to hear and disregard the rest..."* And I'm hoping that you'll at least continue to listen when I speak. I also want to share that I take Nelly's suggestion very seriously about thinking globally and I'm working back to Caroline.

So what is the role of government? Of all governments? Well, governments are created by a civil society—people—and they are created to protect them and to maintain their systems. They protect the health, safety, and well-being of the people; protect and create public assets; and defend democracy. Democracy is a process, and we've been doing that today. Governments also exist to defend civil society's freedoms and rights and that's what we're really talking about here, on many different levels—our freedoms and rights.

I believe that the federal government is a plutocracy; it's run by the rich. In fact, you can't even run for election unless you're a millionaire. Campaigns cost tens of millions of dollars, and the 15, 20, 50, 100 or 500 dollars that we contribute is peanuts to those campaigns. We don't have a voice.

Because the federal government has exempted hydrofracking from the Clean Water, Clean Air, and Safe Drinking Water Acts, you can tell that it has left the civil society off to the side and is working for the plutocracy.

A civil society—this group—cannot depend on the federal government to defend us. Now we're looking to the state government and people have been asking the state government to do the same, to really respond to them. But, the rich have taken over the state government, as well. We wouldn't be looking at a property tax cap if they hadn't.

NYS Governors have been gutting the DEC for years and it was not just one administration; it's been going on for many, many years. That's not done to protect the civil society, that's done to protect business. It's the only reason to do it. And now we're looking to the DEC to defend us and help us. I don't have the confidence that some people do that the DEC will be able to do that.

So the local government is the only place left for you, the civil society, to turn. And you did. For the last couple of months, you've been coming to your local government. This resolution uses clairvoyance to predict a judicial decision to be made in the future. But really the local government's role is to protect our freedoms, and so no matter what we may feel the judges may decide, local government has to stand up for the civil society; that's our role.

What are our freedoms that the local government needs to protect? They're life, liberty, and the pursuit of happiness. Life is safety and security. That's what we're looking for. That's what we want. All of us want that. Liberty is independence. We want to be able to do what we want to do, and not have someone else tell us not to do that. We also recognize we're part of a society, and we have to balance our individual rights with society's rights. That's what this issue is about; that's the core of what we're talking about. And pursuit of happiness—that's the peaceful enjoyment of our property; you don't want to go home and feel threatened.

So with the federal government being co-opted by a plutocracy, the local government is our only place left.

We're talking about corporations coming into our town. What's going to be the effect on our freedom? Corporations are not people. They don't need clean water or clean air to survive. They just need money; that's their blood. They're not living things. We are living things. We're making a decision: corporations are coming in to this town. We're not talking about little corporations, we're talking about transnational corporations, colossal in size, "too big to fail," and they're eying Caroline.

How are they going to impact our freedoms? One way is controlling the subsurface rights, and they've already got control over many of those subsurface rights. They also have control over surface rights, as well. If you lease your land, you give control to a corporation. It doesn't live here; it doesn't need clean water or clean air. If it has to make a decision on whether or not to comply with the law, it's purely financial, because it's not going to jail.

It's a really tough place for us to be, a David and Goliath situation, because we are the David's in this whole deal. We're talking about safety, talking about being able to drive our roads and not face truck after truck after truck. Being able to walk our roads with our kids, or bike. I don't know how many of you've faced a big dump truck coming by. Even if it's just one on the road, and it is following all the traffic laws, it's still pretty intimidating. I know what people mean when they say they fear for their safety.

The corporations will have an effect on our economy, and some people think it could be good. I've been to Pennsylvania, been to Towanda, and they overwhelm the economy. People that used to have restaurants don't have restaurants any more, but they're busy as can be because they're making food for the crews. They've overwhelmed the economy. We know that people who used to be able to rent houses are now being forced out because there's so much demand landlords are able to get more rent. And it is happening in New York State, as well. That's an impact; an economic impact of this industry that we haven't even begun to discuss, to deal with. Nowhere in Tompkins County have we talked about this. The Tompkins Landowners Coalition actually recognizes this, and Linda has spoken about it quite a bit. Corporations need to have some counterbalance and she feels, and the members of her coalition feel, that the Landowners Coalition can provide that counterbalance. I think they *can* provide a counterbalance. But unfortunately, it's for a small amount of land and a small number of

landowners and the rest of us are left holding the bag. So I think we have to work together; we have to have more than just the Landowners Coalition to solve this issue.

One of the writers of our Constitution, Thomas Jefferson, said, “Whenever people are well-informed, they can be trusted with their own government.” And that’s where we are right here. You are well-informed and you’re trying to inform the Town Board and that’s what good government is all about. So in the face of a polarizing issue, how does the Town Board deal with that? How can we listen and communicate in a way that’s respectful?

This is not an article by anyone that’s a relative of mine, although his name is Benjamin Barber. It’s called *America’s Knowledge Deficit*. I just want to read one paragraph from this, which I think is very germane to what all of us have to deal with, especially Town Board members.

“The trouble is that when we merely feel or opine, persuaded that there’s no possible way our opinion can be controverted or challenged, having an opinion is the same as being right. Being right quickly comes to trump being credible and provable. [And this goes to Barry’s point, exactly.] And we lose the core of the democratic faculty by admitting that we might be wrong, and that our views must be judged by some criteria other than how deeply we hold them. Our polarizing, anti-democratic politics, of personal prejudice, is all about the certainty that we are right paired with the conviction that nothing can change our mind, yet democracy is totally contrary to that subjective certainty. To secure our liberty in a world of collectivity, civil society, we must remain endlessly sensitive to the possibility that we might be wrong.”

That’s for everyone in this room. I’m speaking to everyone.

It seems to me that the essence of this petition is demanding that the collective power of a nonhuman entity (local government) counterbalance the power of corporations. The title of the resolution is “Clarifying the Town’s Role.” That’s exactly what we need to be doing, and that’s what we’ve been working on for two months now. It’s probably the most healthy conversation I’ve participated in since I have been on the Town Board; excellent. But my conceptualization of this resolution is that it is anything but neutral. It concedes all powers to the corporations, and I believe that’s a dangerous policy to make.

We’ve heard about private property rights. We all have private property rights—all of us—even if we’re tenants; even if we’re corporations leasing land. We all have private property rights. And there should not be a judgment in any court that people with larger holdings have more rights than anyone else. So my perspective on private property rights is that they have been, and they are still being, leased and sold on a massive scale to absentee, nonliving corporations. The Tompkins County Landowners Coalition recognizes this and is trying put limits on those corporations in the leases they are working on. But corporations already control property rights in the Town of Caroline; more than 50% of the land in the Town has been leased. That’s a major shift in land use control. It’s huge. People are concerned about zoning. That’s peanuts compared to what’s just happened in this Town.

This should concern anyone who is not part of a lease arrangement, and many who have signed leases before they realized the scale of the activity for the Marcellus extraction. Private property rights are being bought and sold and the community had no say in it. It was done by independent landmen going around and speaking under cover. You couldn’t talk to your neighbor. That’s how this was done. That’s not democracy.

Unlike community zoning decisions, this land use change was made by a few, and not by the collective community. Ironically, many who defend personal freedoms from property rights over the collective needs of the

civil society have just sold their property rights to corporations. I don't get it. That's not consistent. But then again, as I said earlier, if you're convinced you're right, it's hard to listen, so I'll try to do the best I can with that.

I believe the Town Board has a role in protecting our freedoms from nonliving corporations; the civil society needs a voice, and this local government has to be that voice.

Toby mentioned pre-emption by the state. Federal and state energy policy is actually a corporate business plan for energy companies. There *is* no energy policy in this country. Many people have already spoken about that; how we can come up with an energy policy. Energy Independent Caroline is a group that actually is trying to do that for the Town of Caroline and it is getting a lot of support. That's very encouraging, for sure.

There's concern over Environmental Conservation Law 23-0303. This supposedly limits the role of local governments. But the timing on the Supplemental GEIS couldn't be more perfect because the wording in the Supplemental actually recognizes that there *is* a place for Home Rule; it actually talks about that. And guess what? The State's not going to be suing anyone over it; they're going to be asking the gas companies, "What's happening in the local community? How do they feel about your operations?" This is something pro-active for the town to be doing; they just opened up the door for us to be having this discussion and not feel like we're being pre-empted by anyone. Pre-emption is a gray area at best; it's not considered black and white any more.

So, I have a suggestion for a road map for how the Town of Caroline can move forward on this issue.

(1) I think Caroline needs to finish the work that it started on an Industrial Site Plan Review. We need to talk about how we're going to deal with corporate neighbors. Not talking about it is not an option for a civil society. If we decide not to talk about it, then we've just become part of that corporate plutocracy.

(2) Pure water is essential to human life. Caroline needs to adopt rigorous aquifer protection plans.

(3) We have to give serious study and consideration to getting a ban or other ordinances expressing the community's desire and intent regarding high-impact industrial activity in the Town of Caroline.

(4) The Town Board is in a key and important position to hold fair information sessions that are as objective as possible so that we can, as a community come together, put down some of our closely held beliefs, and do what's best for our community.

(5) Finally, we need to develop a rigorous road preservation law; we can't be pussyfooting around. We have to be very clear on our expectations when high-impact, heavy truckloads come into our Town—many more than we have seen in the past.

So, I will not be supporting this resolution. I think we have a lot of work to do and I'm so glad all of you have come to help us with this project.

Resolution 93 of 2011 (Tabled from June 14th 2011)

Resolution Clarifying the Town of Caroline's Role Regarding Gas Development Based on Current Environmental Conservation Law

Motion made by Ms. Adams: Seconded by Mr. Hoyt

WHEREAS ECL 23-0303, section 2 states, "The provisions of this article shall supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over local roads or the rights of local governments under the real property tax law"; and

WHEREAS it is the opinion of our municipal attorney that the State clearly, with intent and purpose, set this scope; therefore be it

RESOLVED that the Town will not attempt to either encourage or limit gas drilling in the Town of Caroline; and further

RESOLVED that the Town will exercise its fiduciary responsibility to protect its investments in local roads, primarily through road use agreements; and further

RESOLVED that the Town through its authority under the Stormwater Law will protect local water supplies from any damaging effects of surface runoff due to gas drilling or any other large scale industrial activity.

Did not pass Barber: Nay ; Frongillo: Nay; Adams: Nay; McDonald: Nay; Hoyt: Abstained

Adjourned on a motion by Mr. Barber and seconded by Mr. Frongillo the meeting adjourned at 10:03 p.m.

Respectfully Submitted,

Marilou Harrington, Town Clerk