

RESOLUTION NO. 41-11

MEMORIALIZING THE NEW YORK STATE SENATE AND THE ASSEMBLY OF THE STATE OF NEW YORK TO REPEAL AND AMEND APPROPRIATE STATE LAWS TO PROTECT THE RIGHTS OF LANDOWNERS; TO REGULATE THE PRACTICE OF LAND-LEASING FOR THE PURPOSE OF GAS DRILLING; AND TO ESTABLISH A COMPENSATION AND REMEDIATION FUND TO ADDRESS UNFORESEEN DAMAGES TO LANDOWNERS AND MUNICIPALITIES AS A RESULT OF ACTIVITY RELATED TO GAS-DRILLING.

WHEREAS, gas-drilling and development in New York State includes high volume hydraulic-fracturing, also known as hydrofracking, that is a technology for obtaining natural gas and is proposed for use in the Town of Lebanon and other areas in Central New York and beyond, and

WHEREAS, high volume hydraulic-fracturing involves pumping large quantities of water and additives at extremely high pressures into deep vertical wells, fracturing the rock and injecting sand into the cracks to release the natural gas, and

WHEREAS, there are many questions about potential environmental risk to land and to water aquifers as a result of high volume hydraulic-fracturing and related gas-drilling activity, and

WHEREAS, there is a law in New York State, "Compulsory Integration," which allows the gas industry an eminent domain tactic which is viewed as unconstitutional and coercive, and

WHEREAS, there is an effort on the part of natural gas development companies to lock up rights to drilling in areas of their own determination referred to as "Spacing Units", and

WHEREAS, the Compulsory Integration Law allows gas companies and their agents the ability to take control of land against the will of landowners who do not wish to participate or be involved with natural gas development on or under their property, and

WHEREAS, the Compulsory Integration Law permits gas companies and their agents to use coercive methods in obtaining leases under the threat of compulsory integration, whereby landowners who fail to sign a lease will have their land included in the gas company "Spacing Unit" against their will and be compensated at a lesser amount than other leasees, and

WHEREAS, the environmental and health concerns including the potential contamination of aquifers and fresh water supply, the use of massive quantities of water, the disposal of the hydro-fracturing fluids, the release of chemicals used in the process, and the impact upon local landscapes are rarely disclosed by gas companies and their agents in the course of securing a lease, and

WHEREAS, concerns have been raised about the potential of high volume hydraulic-fracturing to pollute drinking water through leaks, accidents, spills or by proposals to inject unknown contaminants underground, and

WHEREAS, issues have been raised about the requirements and incentives for the gas drilling industry to restore the land and clean up any waste, creating questions about the possible impact upon our local landscape, the potential impact upon the health of our residents, and damage to private property, and

WHEREAS, it is acknowledged that gas drilling, including high volume hydraulic-fracturing and similar operations are governed by the rules and regulations of the State of New York and that it is the responsibility of the State of New York to protect its citizens, and

WHEREAS, it is the desire of the Lebanon Town Board for the New York State Senate and the New York State Assembly to amend appropriate state laws, to address the practice of gas drilling, including high volume hydraulic-fracturing known as hydrofracking,

**NOW THEREFORE BE IT RESOLVED**, that the Town of Lebanon Town Board recommends the following changes be adopted by the New York State Senate and State Assembly as follows:

1. **Repeal and Reform Compulsory Integration laws.**
2. **Enact a Landowner's Bill of Rights** requiring gas companies and their representatives (Landmen) to disclose the true nature of gas drilling, including high-volume hydro-fracturing, and the liabilities which landowners may face as follows:
  - a. A detailed description and diagram of the type of well, including vertical and horizontal distance proposed.
  - b. A list of the chemicals which are used in the process of high-pressure drilling, or created as by-products, or which may be released from deep within the rock below.
  - c. A thorough description of the waste created by the drilling, and illustration of how it will be stored on the land.
  - d. An estimate of the number and type of trucks, and other equipment, which will travel over both the private land and public roads, with tonnage calculation.
  - e. A list of possible negative environmental impacts, including gas contamination of water sources
  - f. A thorough explanation of Compulsory Integration, which apparently removes the right of neighboring landowners to decide if the mineral resources will be removed from under their lands.
  - g. A thorough explanation about the value of baseline testing for wells and springs prior to gas drilling and mandatory requirements for pre and post testing by the gas development industry of all wells, springs and water aquifers within at least 2,000 feet of a drilled natural gas well
3. **Establish a Compensation and Remediation fund to be financed by the Natural Gas Industry** to compensate landowners and communities who suffer losses as a result of natural gas development and high volume hydro-fracturing.

BE IT FURTHER RESOLVED, that the Clerk of the Town of Lebanon is hereby directed to transmit a copy of this resolution to State Senator David Valesky and state Assemblyman William Magee, representatives for the Town of Lebanon, and requests them to enact legislation to accomplish the goals of the resolution, and

BE IT ALSO FURTHER RESOLVED, that the Clerk of the Town of Lebanon will also forward copies of this resolution to Madison County Board Chairman John Becker, County Administrator Mark

Scimone, Madison County Natural Gas Development Working Group chair Roger Bradstreet, Town of Nelson Supervisor, the New York State Department of Environmental Conservation (DEC) Commissioner's office, the offices of Assembly Speaker Sheldon Silver and Senate Majority Leader Dean Skelos, and the office of Governor Andrew Cuomo, and to the appropriate chairs of the Assembly and Senate Environmental Conservation Committees.

On Motion Of   
James Goldstein Supervisor, Chair, Administration and Oversight

Seconded by OK 

(discussion)

Vote: King ✓ Hartshorn ✓ Morgan ✓ Wilcox AB Goldstein ✓

Approved ✓ Defeated       

Dated: April 11, 2011