

# TOWN OF SHARON

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## RESOLUTION # 14-2011-COMMENTS ON THE CONTROVERSIAL ISSUE OF HYDROFRACKING AND THE POTENTIAL AFFECT ON THE TOWN OF SHARON

OFFERED BY: *Joseph Falsarella*

SECONDED BY: *Brian Young*

WHEREAS, the law as it currently stands in New York is that only New York State Department of Environmental Conservation has authority over whether and to what extent hydrofracking will occur in New York State; and

WHEREAS, the New York State Department of Environmental Conservation released details of major revisions to its report on June 30, 2011 and gave its recommendations to Governor Cuomo on July 1, 2011; and

WHEREAS, the Department of Environmental Conservation has lifted the ban on hydrofracking and also recommends that drilling be prohibited around the Syracuse and New York City watershed regions, as well as on all State land and leaves the remainder of the State to fend for themselves; and

WHEREAS, ECL § 23-0303(2) provides that the State's oil, gas and solution mining regulatory program "supersede(s) 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, Schoharie County's position is that towns within the County need not take action regarding regulations of natural gas drilling until New York State makes changes as to authority; and

WHEREAS, the Town of Sharon is concerned about the wells of the Town residents, Engleville Pond and Reservoir, the municipal water supply for the Village of Sharon Springs located in the Town of Sharon, and also the historic mineral water springs located in the Village of Sharon Springs, and

WHEREAS, the Town of Sharon is concerned about the affect of drilling in the area near Bowmaker's Pond and Clausen's Pond where there are pending leases. Bowmaker's Pond is owned by the Town of Sharon; Clausen's Pond is privately owned. These two bodies of water are critical to flood protection for the Village of Sharon Springs. Bowmaker's Pond is also considered as a back-up water supply for the Village of Sharon Springs; and

WHEREAS, it is the intent of the Town of Sharon to adopt a Road Preservation Law within the next six months; and

WHEREAS, it is the intent of the Town of Sharon to adopt new amendments within the next few months to both the Town Comprehensive Plan and the Town of Sharon Land Use Code regulating heavy industry in our community; and

WHEREAS, it is the intent of the Town of Sharon to delay regulatory action until this issue is clarified concerning who has power over hydrofracking in New York State. If the State changes the law and grants Towns the authority to control hydrofracking, then the Town's intent is to pass a moratorium on gas drilling in order to have ample time for careful planning to develop a law at that time. It is also the intent of the Town of Sharon to be progressive by having a shelf-ready amendment to the Land Use Code preventing gas drilling and hydrofracking in the event New York State grants authority to local municipalities; and

WHEREAS, the Town of Sharon Comprehensive Plan dated September 2009, page 5 states, "The concept of the Town of Sharon remaining as a rural community dedicated to agriculture, rings strong with a majority of the people surveyed. Growth in the Town of Sharon should be done first and foremost with agriculture and the rural nature of the Town in mind"; and

WHEREAS, the Town of Sharon Comprehensive Plan dated September 2009, page 12 states, "Single-family residential is the single most predominant land use in the Town of Sharon at over 28%. Not surprising, the next two largest categories are vacant land at 27% and agriculture at just under 10%"; and

WHEREAS, the Town of Sharon Comprehensive Plan dated September 2009, page 18, states, "The area is rich in its scenic, agricultural, and rural town character. Many residents want to see these characteristics maintained. Growth is viewed as being necessary but it is felt that it should be done with caution as to not disrupt the character of the Town. New development that takes place should be weighed to grant applicants the freedom to pursue endeavors while keeping growth in line with the Town's character." The goal is to "Protect and maintain the rural character and small town atmosphere of the Town of Sharon while promoting appropriate economic development"; and

WHEREAS, municipalities have a responsibility to preserve and protect their natural resources, water resources, highway infrastructure, and quality of life for their residents; now therefore, be it

RESOLVED, that a copy of this resolution shall be sent to the Senator James Seward, Assemblyman Peter Lopez, Acting Commissioner Joe Martens-New York State Department of Environmental Conservation, Chairman Harold Vroman-Schoharie County Board of Supervisors, and Mayor Omer Cousineau-Village of Sharon Springs.

ROLL CALL OF VOTES	AYE	NAY
Brian Young	X	
David Cross	X	
Joseph Falsarella	X	
Carl Ullman	X	
Sandra Manko	X	

Barbara Cousineau, Town Clerk  
August 3, 2011