

**TOWN OF NILES**  
REGULAR BOARD MEETING  
TOWN BOARD  
OCTOBER 11, 2012  
NILES TOWN HALL

**PUBLIC HEARING – LOCAL LAW #2 – 2012 - HYDROFRACKING MORATORIUM:**

The public hearing was opened at 7:03 P.M.

Discussion took place regarding the consideration of extending the Town of Niles current Hydrofracking ban by an additional six months. The Town needs additional time to discuss the matter further; considering factors associated with pipelines and also waiting on comments back from the State.

While the Skaneateles watershed is well protected the Owasco watershed is not. The primary reason for this difference is that Skaneateles Lake provides water for Syracuse. This watershed is so remote and pure that it protected by the EPA. If the state were to lose this protection from the Environmental Protection Agency by allowing Hydrofracking; it would then have to spend money to put in additional filtration devices for that lake; costing the State money that it does not wish to spend.

The extension of the Moratorium will not be problematic for the Town as indicated by Attorney Smith as long as there is ongoing exploration regarding the matter.

Mr. Michael Gorr inquired as to if the proposed six month extension will be enough time for the Town to continue to investigate and then hold a public hearing for a ban on Hydrofracking. It is believed to be sufficient time. February is most likely when the Town would begin to consider a ban.

Attorney Smith has collected examples of current Hydrofracking bans.

Mr. Bill Stinson emphasized the backwards thinking about Hydrofracking. The problem lies beneath the surface of the water; so to believe that the Skaneateles watershed is protected is foolish. This is because any Hydrofracking allowed within any surrounding area close to Skaneateles Lake; can create damage to the lake.

Mr. Robert Martin spoke regarding the Planning Board's desire to not use taxpayer's money at this current time to do a town wide road evaluation but rather to wait until there was a major project to occur; which would need to be defined by the Town. This is when the Planning Board would find it advisable for the Town to conduct such an evaluation. The Planning Board is continuing to investigate the Road Preservation Law.

Councilwoman Eberhardt inquired as to what the process would be if a pipeline were to be placed through the Town. The PSC would have hearings regarding the route of the pipeline and the necessity for it. The PSC would then determine the alignment for such a pipeline and if deemed so could use eminent domain to obtain it. The process would not involve obtaining a permit for a pipeline from the Town.

Mr. Michael Gorr reported that the Town of Elbridge has recently passed a Hydrofracking ban.

**ADOPTION OF LOCAL LAW NO. 2 - 2012 – HYDROFRACKING MORATORIUM:**

On a motion of Councilwoman Eberhardt, seconded by Councilman Juli, the following resolution was

ADOPTED	Ayes 5	Winters, Juli, Slagle, Eberhardt, Edmonds
	Nays 0	

Resolved that Niles Local Law 2-2012 be looked at as a type 2 SEQR because there should be no environmental impacts

On a motion of Councilwoman Eberhardt, seconded by Councilman Juli, the following resolution was

ADOPTED	by ROLL CALL VOTE	
	Supervisor Slagle	Aye
	Councilwoman Winters	Aye
	Councilman Juli	Aye
	Councilwoman Eberhardt	Aye
	Councilman Edmonds	Aye

Resolved the Town Board of the Town of Niles does hereby adopt Local Law No. 2-2012, Hydrofracking Moratorium

Attorney Smith reported a fairly routine month. There was some routine research. Attorney Smith did not have any new news regarding the Dryden or Middleton appeals regarding hydrofracking.

Mr. Peter Severson inquired as to if Attorney Smith had received a copy of the letter concerning the garbage transfer station. Attorney Smith has discussed the matter with the Town Supervisor and desires to make a few revisions and then discuss the proposed changes with Mr. Severson to determine if they are acceptable. The main concern which the Town has is that the Town cannot promise for others actions. If individuals do not abide by the rules of the transfer station the Town cannot be liable.