

TOWN OF ULYSSES
REGULAR TOWN BOARD MEETING
APRIL 13, 2010

****Note:** Audio version of this meeting available on the Ulysses Web page at www.ulysses.ny.us
Present: Supervisor Roxanne Marino; Town Board Members David Kerness, Kevin Romer, Elizabeth Thomas and Lucia Tyler; Town Clerk Marsha L. Georgia; Highway Superintendent James Meeker; Deputy Supervisor Sue Poelvoorde; Attorney Mariette Geldenhuys.
Others Present: Alex Rachun, Code Enforcement Officer; Debra Watkins, Village Trustee; Debbie Teeter, Representative from Cooperative Extension; Steve Messmer, from Delta Engineering; Aaron Munzer, Ithaca Journal Reporter; Bill Chaisson, Free Press Reporter; and Diane Hillman, President Jacksonville Association and Chairman of Ulysses Water Commission.
Supervisor Marino called the meeting to order at 7:30 pm and led those assembled in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES

The Town Board tabled all the minutes until they had time to review the changes and corrections made by Supervisor Marino.

APPROVAL OF CLAIMS

Ms. Marino moved, seconded by Ms. Tyler the following:

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the previous examined vouchers #'s 138 through 191 in the amount of \$170,208.17.

Ms. Marino aye

Ms. Thomas aye

Ms. Tyler aye

Mr. Kerness aye

Mr. Romer aye

Adopted

PRIVILEGE OF THE FLOOR – no one wished to speak at this time.

TC COOPERATIVE EXTENSION

Debbie Teeter from Tompkins County Cooperative Extension outlined a request for an extension of the County Ag district for property on Route 89 going to be developed as a vineyard. Ms. Teeter was hoping for a resolution tonight from the Town Board supporting this Ag extension. The Town Board felt that they would like to review the information and would give Ms. Teeter an answer at their April 27th meeting.

7:55 DELTA ENGINEERING

Steve Messmer of Delta Engineering gave a proposal on their proposed multi-municipality program for developing and putting in place a Road Use Agreement policy for the Town roads.

8:55 TOWN REPORTS

Reports given by the following Town Officers:

Highway Superintendent James Meeker – gave a brief report on monthly activities. Mr. Meeker also asked Ms. Marino to look into insurance for the new Town Barns.

Town Clerk Marsha L. Georgia – gave totals of fees collected for the month.

Code Enforcement Officer Alex Rachun – gave a brief report on building permit activities.

Reported on the process of Grass Roots permits for parking and camping on Agard Road (Referenced correspondence with Attorney Geldenhuys). Gave a brief overview of the activities of the Planning Board and Lakefront Zoning Committee.

Agriculture and Farmland Protection Plan – Ms Marino reviewed a meeting that she and Ms. Poelvoorde attended reviewing several different Towns Farmland Protection Plans.

Citizens Advisory Board on Gas Drilling – no report

TOWN BOARD MEMBERS

Reports given by the following Board Members:

Lucia Tyler – The Health Care Consortium is still questioning the amount of cash to have on hand or the possibility of a bond and how many members of the unions to be on the Consortium Board. Also, there is a question about Liability Ins. for Board members who are members of a variety of different boards; Ms. Geldenhuys addressed the liability insurance

Kevin Romer – Emergency Management & Preparedness He attended a forum on this for government officials. Many questions were raised and Mr. Romer will provide all of those to the Town Board to be reviewed at a later date. Mr. Romer also attended a meeting of the Jacksonville Association and he turned that report over to Diane Hillman the Chairman of the Association to present. Ms. Hillman read the following report on the Jacksonville meeting on Police protection issues.

Attendance, approx. 25

Our guest, Sheriff Peter Meskill, began by explaining the structure of the Sheriff's Department, and how they work with the State Police and other agencies (the Park Police, for example) to cover rural areas of the county such as Ulysses. He passed around some statistical information about police calls in our area, and noted that they were generally quite low. He also provided budgetary information, and commented that the Grassroots Festival gets billed for police services at a rate of \$20,000+ per year, not including the extra DWA patrols provided during that period. Concerns from the group initially focused on the traffic through Jacksonville, more specifically the garbage truck traffic that has been an issue throughout the county. The issues are pedestrian safety, speed enforcement, noise of the brakes (especially at night), and trash from badly secured loads that ends up in yards along Rte. 96. There are also continuing problems with speeding motorcycles through the hamlet, again mostly at night. Dick Coogan pointed out that the JCA has been complaining about vehicles passing in the hamlet, encroaching on the unmarked pedestrian area along the curb, and there will be striping of the pedestrian areas this year in response to that, making it clearer that the width of the road through the hamlet is not reserved for vehicle convenience.

There was some discussion of possible enforcement strategies, and Sheriff Meskill agreed to step up enforcement presence where he can, and to ensure that the electronic speed displays (which all agreed were effective up to a point) get used when feasible. Questions about juvenile services also came up. There was also discussion about an alternative that might include the Trumansburg village police, but several attendees pointed out that such a solution would be costly (requiring a new assessment district, not unlike the water district) and could not only include Jacksonville since, as a hamlet, it has no real boundaries. Sheriff Meskill pointed out that there would be no saving on the county side, as we would not be refunded monies from the funding from the Sheriff, and he would still be responsible for some policing in the area (though not necessarily all he does now).

Diane Hillman Water Committee Chair

Ms. Marino gave Ms. Hillman and the Board a summary of her notes from the conversation she had with Herb Engman, Supervisor Town of Ithaca. Ms. Marino summarized this by saying that Ithaca Town Board met and rejected Ulysses proposal to split the cost 50/50 of installing a 2-way

water meter at Woolf Lane. Ithaca's counter proposal to Ulysses is the Town of Ithaca will wipe the slate clean (\$33,522.57 as per spreadsheet estimate from the Town of Ithaca March 5, 2010) on all back water charges and they will contribute \$21,254 total to the cost of the 2-way meter. Mr. Engman recommends that Ithaca and Ulysses meet with either full Boards, or just Supervisors and another representative to negotiate.

Liz Thomas – TC Animal Control Advisory Board & TCCOG – Ms. Thomas said that NYS is considering getting out of the dog licensing business. This would mean each individual Town would have to purchase the licenses, maintain the data base etc. Ms. Thomas said that TC Animal Control Advisory Board is looking into working across municipalities in the County to develop a proposal for a County level dog licensing program. Ms. Thomas said on the matter of the dog enumeration many towns are working together to develop a questionnaire as the first step. Ms. Thomas said that at the TCCOG meeting they discussed the broadband situation and there is an application that Goggle has going for broadband. Ms. Thomas feels that is a long shot. Also the subject was brought up about hiring a person through TCCOG for information gathering, a resolution to support the water and sewer study, and a presentation was given on the Emerald Ash Borer (Ms. Thomas had some informational flyers and hand outs she asked the Clerk to distribute and thought it may be nice to have a display rack for the public.)

Deputy Supervisor – Ms. Poelvoorde had nothing.

Supervisor Roxanne Marino- Ms. Marino distributed copies of the 2010 Operating Statement for the period ending March 31, 2010 and reviewed and answered questions.

Ms. Marino wanted to mention the upcoming meetings. On April 27th from 9 to 11 am in the Ithaca Town Hall a presentation on voucher processing and a meeting with Bergman Assoc. at 2:30 pm in reference to the Ag & Farmland Protection Plan and other Planning and Zoning topics. Ms. Marino said that the AUD has to be done by the end of April.

OLD BUSINESS

9:04 Ethics Policy

Mr. Kerness handed out copies of the revised Code of Ethics policy and the Board reviewed. Ms. Thomas moved, seconded by Ms. Marino the following:

BE IT RESOLVED that the Town Board of the Town of Ulysses approve the Code of Ethics policy as amended March 13th, 2010 as follows:

TOWN OF ULYSSES – CODE OF ETHICS

WHEREAS, the General Municipal Law provides that all towns shall enact a Code of Ethics and that it be filed with the State Comptroller on or before December 31, 1970, and

WHEREAS, this Town Board believes that a Code of Ethics will provide town public officials and employees with adequate and definitive guidelines for their official conduct, be it

RESOLVED, that the Town Board of the Town of Ulysses does hereby enact and adopt the following resolution and that a certified copy be sent to the comptroller of the State of New York and also one copy be posted on the Town Clerk's bulletin board:

Section 1. Pursuant to the provisions of Section Eight Hundred Six of the General Municipal Law, the Town Board of the Town of Ulysses recognizes that there are rules of ethical conduct for public officials and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is

the purpose of this resolution to promulgate these rules of ethical conduct for the officers and employees of the Town of Ulysses. The rules of ethical conduct of this resolution as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. – Definition

A. “Municipal Officer or Employee” means an officer, appointee, or employee of the Town of Ulysses, whether paid or unpaid, including members of any administrative board, committee, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

B. Interest means a pecuniary or material benefit accruing to a municipal officer or employee unless the contract otherwise requires.

Section 3. – Standards of Conduct.

Every officer or employee of the Town of Ulysses shall be subject to and abide by the following standards of conduct:

A. Gifts. He/she shall not directly or indirectly (through family members), solicit any gift; or accept or receive any gifts having an annual cumulative value greater than seventy-five dollars and that \$75 referred to is the limit of all permissible gifts to an affected employee or public official regardless of number of such gifts. The gifts could be in the form of money, services, loan travel, entertainment, hospitality, promise or any other form, under circumstance in which it could reasonably be inferred that the gift was intended to influence him/her or could reasonably be expected to influence him/her, in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

B. Confidential Information. He/she shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.

C. Representation before one’s own agency. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

D. Representation before any Agency for a contingent fee. He shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Disclosure of Interest in Legislation. To the extent that he knows, thereof, a member of the Town Board and any officer or employee of the Town of Ulysses, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

F. Investments in Conflict with official Duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or private transaction, which creates a conflict with his official duties. In the event such a conflict exists he or she shall recuse him or herself from any decisions involving such conflicts

G. Appearance of Impropriety. A public official or employee must avoid circumstances that compromise his/her ability to make decisions solely in the public interest or create an appearance of impropriety.

H. Recusal. A public official or employee must rescue himself when faced with the above conflicts. Recusal defined-Recusal means that the official may not deliberate, vote, or participate in any way in such matter. The official should disclose his or her conflict and remove him or herself from the board.

I. Town Property. No employee or public official shall use town property or assets for personal purposes or profit or to benefit a private party. Use of town property or assets restricted to the conduct of official business and for the benefit of all residents.

J. Nepotism. Spouses and other family members may not serve in positions creating a conflict of interests, the appearance of a conflict or consolidation of power in one board.

K. Private Employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or services creates a conflict with or impairs the proper discharge of his official duties.

L. Future Employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Ulysses in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

M. Subordinates. No public official shall solicit political contributions from subordinates.

N. Incompatible Positions. A public official is prohibited from (a) holding positions when one is subordinate to the other (b) Holding positions when the duties of the positions conflict.

Section 4. – Right to File Claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claims, account, demand or suit against the Town of

Ulysses, or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 5 – Distribution of Code of Ethics.

The Town Clerk of the Town of Ulysses shall give a copy of this Code of Ethics to every public official and employee of the Town of Ulysses upon appointment or request or update of document. A signed document reflecting receiving and understanding of Ulysses Code of Ethics Policy (see attachment 1) must be returned to the Town Clerk within 3 months. The attorney for the Town shall provide annual training for Ulysses public officials and employee's concerning the requirements of the Town Code of Ethics.

Section 6 – Penalties.

Any Town of Ulysses employee or public official may submit in writing alleged ethical issues or concerns to the Tompkins County Ethics Board for review and investigation. Infractions of the Code of Ethics that are confirmed by such investigation will be referred to the Town Board for action.

Section 7 – Effective Date.

This resolution shall take effect 30 days after it is filed as provided in Section Twenty-seven of the Municipal Home Rule Law.

This is to certify that the above Revised Code of Ethics was adopted by the Town Board of the Town of Ulysses April 13, 2010.

MEMORANDUM

The purpose of this Memorandum is to advise each employee, appointee, and public official of changes to the Code of Ethics Policy for the Town of Ulysses. A copy of the Code of Ethics is attached to this Memorandum for your information.

Please review the attached Ethic's Policy and if there are any components of the Policy that you do not understand or would like to comment on, please send your questions in writing or via e-mail to: Marsha L. Georgia, Town Clerk 10 Elm Street, Trumansburg, NY - email - touclerk@twcny.rr.com

After reviewing the Code of Ethics Policy, sign the attached declaration affirming that you have read and understood the Policy and return this sheet to Marsha L. Georgia, Ulysses Town Clerk. If you feel you cannot sign the declaration, you will need to attend the Ethics Training provided by the town of Ulysses.

Each employee and elected official should be aware that the gift limit described therein is a cumulative, annual gift limit and that the \$75 referred to is the limit of all permissible gifts to an affected employee or official regardless of the number of such gifts.

Beginning January 13, 2009 any alleged infractions of the Town of Ulysses Code of Ethics Policy will be referred to the Tompkins County Board of Ethics for investigation. Infractions of the Code of Ethics that are confirmed by such investigations will be referred to the Town Board for action.

Town of Ulysses – Code of Ethics
Declaration

Town of Ulysses Code of Ethics Policy

I _____ have received a copy of the Code of Ethics Policy for the Town of Ulysses. I have read and understand the Code of Ethics Policy for the Town of Ulysses and understand that it is my responsibility as an elected official, public official, or staff member for the Town of Ulysses to adhere to its requirements.

If you cannot sign this declaration it is mandatory for you to attend the Town of Ulysses Ethics training.

I understand that any alleged violations of the Town of Ulysses Code of Ethics Policy will be referred to the Tompkins County Board of Ethics for review and investigation.

Date Signature

Ms. Marino aye
Ms. Thomas aye
Ms. Tyler aye
Mr. Kerness aye
Mr. Romer aye

Adopted

9:22 Willeys' Water

Ms. Marino said that at the last meeting it came up that the Town sells water to a couple of users that are outside the water district#3. In the past the Town has just had an oral agreement and the Board discussed having a more formal agreement in writing Ms. Marino asked Ms. Geldenhuis to draw up a draft agreement .

NEW BUSINESS

Ms. Thomas moved seconded by Mr. Kerness the following:

REQUEST TO GOVERNOR DAVID A. PATERSON to Withdraw the draft Supplemental Generic Environmental Impact Statement Related to Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop Marcellus Shale and Other Low-Permeability Gas Reservoirs

WHEREAS, the Town of Ulysses, a community in Tompkins County is wholly located above a portion of the Marcellus Shale formation, a low-permeability rock formation estimated to contain reserves of natural gas; and

WHEREAS, recent technological developments including horizontal drilling and high-volume hydraulic fracturing have enabled energy exploration companies to potentially mine this resource in New York State, including the Town of Ulysses; and

WHEREAS, the Town of Ulysses recognizes the need for interim energy sources as our state and country transition to widespread economical renewable energy use; and

WHEREAS, the Town of Ulysses recognizes that, if properly regulated, the development of natural gas resources in New York State could present some communities and residents with financial benefit; and

WHEREAS, the Town of Ulysses also realizes that the aforementioned potential financial benefits could easily be offset by unforeseen and preventable damage to the Upstate economy, including the tourism, wine, agriculture and education industries, should development of natural gas resources be allowed to continue in a largely unregulated manner; and

WHEREAS, land-use planning in the Town of Ulysses is guided by a Comprehensive Plan and Zoning Ordinance; and

WHEREAS, in addition to residential, commercial and industrial zones, the Town of Ulysses is also comprised of sizable areas unique natural areas, ecologically fragile surface waters, or other land unsuitable for surface disturbance, and

WHEREAS, through the Comprehensive Plan process, Town of Ulysses residents have overwhelmingly identified environmental protection as a top priority for consideration in land-use and growth management policies; and

WHEREAS, the Town of Ulysses has historically taken an active role in the siting and permitting of development within its borders, including industry; and

WHEREAS, it is generally recognized that NYSDEC has assumed de facto siting and permitting authority related to the exploration and extraction of natural gas; and

WHEREAS, the process of hydraulic fracturing involves the use, retention and disposal of millions of gallons of fracturing fluid and wastewater that is high in dissolved solids and contains toxic and radioactive materials, some of which are not subject to public disclosure requirements; and

WHEREAS, there are no requirements for closed, above-ground storage facilities, nor pre-treatment requirements, for the fracturing fluid and wastewater generated during the fracturing process; and

WHEREAS, the United States Environmental Protection Agency is preparing to undertake an investigation of the impacts of hydraulic fracturing on the environment; and

WHEREAS, there have been hundreds of reported spills, fires and contaminated water supplies related to conventional vertical well drilling in New York State, and surface contamination related to the retention and disposal of fracturing fluid and wastewater from natural gas operations; and

WHEREAS, staff resources of the NYSDEC Division of Mineral Resources, Bureau of Oil and Gas Regulation are dangerously inadequate to manage current drilling activities in New York State and, so, are not sufficient to handle the widespread proliferation of deep well horizontal drilling and hydraulic fracturing; and

WHEREAS, the proposed fee structure related to permitting new wells would not provide finances adequate to staff NYSDEC to the degree necessary to process and manage an onslaught

of new and more complicated drilling operations, thereby potentially creating a taxpayer subsidy for the oil and gas industry; and

WHEREAS, there is no strict liability requirement for natural gas drilling waste releases by energy companies, potentially shifting the financial burden of remediating contamination related to drilling and extraction to taxpayers; and

WHEREAS, New York State's Spill Remediation Fund may only be available for emergency response related to oil spills, excluding emergencies related to natural gas; and

WHEREAS, reporting requirements for uncontrolled oil and gas releases are currently insufficient and could be made similar to those for leaking underground storage tanks; and

WHEREAS, according to NYSDOT, New York State and Tompkins County reportedly contain the alarmingly high percentage (37%) of structurally deficient or functionally obsolete bridges; and

WHEREAS, the widespread development of natural gas resources in New York State would involve the regular transport of heavy equipment and routine hauling of large volumes of hydraulic fluid and hydraulic fracturing wastewater over state, county and municipal roads and bridges, creating potentially dangerous conditions and a potential financial burden for taxpayers; and

WHEREAS, foreknowledge of the siting of industrial facilities related to natural gas development is critical to acquiring an understanding of future road usage for bonding and planning purposes, and no such advance notification requirement exists; and

WHEREAS, a comprehensive analysis of the statewide impacts of natural gas development utilizing a "full build-out" scenario has not been done; and

WHEREAS, the Town of Ulysses has a responsibility to preserve and protect its natural resources, water resources, infrastructure, and residents' quality of life.

NOW, THEREFORE BE IT

RESOLVED, that the Town of Ulysses Board hereby requests that the Honorable David A. Paterson, Governor, withdraw from the current SEQRA review the 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, as the aggregate protection provided therein is inadequate to safeguard the public health, environment and economy of New York State.

BE IT FURTHER RESOLVED that the Town Board of the Town of Ulysses requests that no new permits be issued for horizontal drilling and deep well hydraulic fracturing until the aforementioned and following regulatory issues are addressed:

1. Allow municipal control over permitting, siting and certain construction and operational parameters in accordance with a municipality's land-use regulations and local laws.
2. Require closed storage and pre-treatment of fracturing fluid and wastewater from natural gas operations. Prohibit surface storage and surface disposal of fracturing fluid and wastewater from natural gas operations.
3. Require complete public disclosure of fracturing fluid and drilling wastewater constituents.
4. Require independent comprehensive baseline water quality testing of any and all potentially impacted public and private drinking water sources, financed by energy companies.
5. Mandate setbacks from private and public water sources that are adequate to protect them from uncontrolled releases of gas and hydraulic fluid, which, according to NYSDEC historical spills data, can migrate thousands of feet in minutes.

6. Impose strict reporting requirements for uncontrolled oil and gas releases consistent with New York State Navigation Law.
7. Impose strict financial liability on energy companies for environmental remediation costs.
8. Allow access to New York State's Spills Remediation Fund for emergency clean-up related to natural gas drilling contamination releases.
9. Create a permit fee structure to finance adequate staffing at NYSDEC and training of local emergency response personnel.
10. Require energy companies to post performance bonds or acquire pollution clean-up insurance prior to initiating site work.
11. Require disclosure of development plans far enough in advance to allow for planning and bonding for bridge and roadway use.
12. Conduct a comprehensive analysis of statewide impacts of natural gas development, using a "full build-out" scenario based on the maximum allowable wells per acre.

Be it also resolved that a copy of this resolution shall be sent to Governor Paterson, Regional Representative to the Governor Kevin McCab, NYSDEC Commissioner Grannis, NYS Secretary of the Environment Peter Iwanowicz, State Senators Winner, Seward, and Nozzolio, State Assembly Speaker Silver, State Assemblywoman Lifton, NYS Senate President Malcolm Smith, NYS Senate Majority Leader Pedro Espada, Chair of State Senate Committee on Environmental Conservation Thompson, Chair of State Assembly Committee on Environmental Conservation Sweeney, State Attorney General Cuomo, U.S. Representatives Hinchey and Arcuri, U.S. Senators Schumer and Gillibrand, EPA Region 2 Regional Administrator Judith Enck, New York Comptroller, Thomas DiNapoli and New York State Association of Towns and Municipal Officials and Clerks.

Ms. Marino aye

Ms. Thomas aye

Ms. Tyler aye

Mr. Kerness aye

Mr. Romer aye

Adopted

Ms. Thomas moved seconded by Mr. Kerness the following:

**RESOLUTION TO SUPPORT PROPOSED STATE LEGISLATION URGING STRICTER
OVERSIGHT OF HORIZONTAL DRILLING AND HIGH-VOLUME HYDRAULIC
FRACTURING USED IN THE EXTRACTION OF NATURAL GAS FROM THE
MARCELLUS SHALE FORMATION**

Whereas the proposed New York State bill number A10088 prohibits the use of on-site, open-pit storage of flow back waters due to the hazards they potentially pose for wildlife and the surrounding water quality from accidental releases. This bill proposes the use of steel tanks for flow back storage to minimize such hazards, and;

Whereas the proposed New York State bill number A10090 prohibits on-site disposal or burial of drill cuttings from natural gas wells due to the extreme volume of cuttings generated of between 100 and 500 times the volume generated at vertical well sites. Oxidation and leaching from these cuttings produces an acid mine discharge which if not properly managed poses a threat to nearby water quality; and

Whereas the proposed New York State bill number A10091 requires the Department of Environmental Conservation to disclose the ingredients in hydraulic fracturing fluids and prohibits the use of chemicals that pose a risk to human health due to their persistence, their bio-accumulative or toxic characteristics, or their mutagenic qualities; and

Whereas the proposed New York State bill number A10092 requires an Environmental Impact Statement (EIS) for any natural gas drilling involving the use of hydraulic fracturing fluid to determine if it will pose a threat to special groundwater protection areas; and

Whereas the proposed New York State bill number A8784 requires permit holders to test the quality of ground and surface water sources within a thousand foot radius of the drilling area and on all water wells in the production unit, unless the Department of Environmental Conservation (DEC) determines that an expanded radius is required; and

Requires such testing to occur prior to drilling, following any hydro fracturing, prior to well completion and annually for producing wells; and

Defines “compounds” or “contaminants of concern” to include the ingredients contained in hydrofracturing fluids and chemical treatment; and

Establishes liability for the permit holder if the post drilling/hydrofracturing test results indicate contamination or decreased flow rate; and,

Requires DEC to promulgate methane and "compounds or contaminants of concern" regulations; and

Whereas the proposed New York State bill number A9414 establishes liability for any person involved in the extraction of natural gas by use of high volume hydraulic fracturing techniques. A “person” means “any individual, association, corporation or other entity that engages in natural gas exploration, drilling, extraction or transportation. The term “person” shall include any individual, association, corporation or other entity that owns an interest in land that is subject to a lease or other grant that permits surface rights, sub-surface rights or both surface and sub-surface rights for the purpose of natural gas exploration, drilling, operation or extraction unless said lease or grant was executed prior to the effective date of this title.”

Whereas the proposed New York State bill number A8806 establishes a water permitting process to allow the Department of Environmental Conservation to better regulate the use of the State’s water resources.

Therefore, be it resolved, that the Town of Ulysses supports passage of the above state legislation meant to improve oversight of natural gas hydrofracturing activities to ensure the health, safety and well being of the citizens of the Town of Ulysses.

Be it also resolved that a copy of this resolution shall be sent to Governor Paterson, Regional Representative to the Governor Kevin McCab, NYSDEC Commissioner Grannis, NYS Secretary of the Environment Peter Iwanowicz, State Senators Winner, Seward, and Nozzolio, State Assembly Speaker Silver, State Assemblywoman Lifton, NYS Senate President Malcolm Smith,

NYS Senate Majority Leader Pedro Espada, Chair of State Senate Committee on Environmental Conservation Thompson, Chair of State Assembly Committee on Environmental Conservation Sweeney, State Attorney General Cuomo, U.S. Representatives Hinchey and Arcuri, U.S. Senators Schumer and Gillibrand, EPA Region 2 Regional Administrator Judith Enck, New York Comptroller, Thomas DiNapoli and New York State Association of Towns and Municipal Officials and Clerks.

Ms. Marino aye

Ms. Thomas aye

Ms. Tyler aye

Mr. Kerness aye

Mr. Romer aye

Adopted

Meeting with Town Clerk

The meeting was scheduled for Thursday April 29th, 2010 at 2:30pm.

2nd Town Board Meeting

The Board had originally scheduled the 2nd Board meeting of the month to start at 7:30 pm; this was changed to 7 pm.

Open House at New Town Barns

Mr. Kerness announced that the open house at the new Town Barns is going to April 23rd, 2010.

It will start at 12 noon .

Hearing no further business Mr. Romer moved seconded by Mr. Kerness to adjourn the meeting.

Unanimously approved; meeting adjourned at 10:34 pm

Respectfully submitted,

Marsha L. Georgia

Ulysses Town Clerk