

**RESOLUTION REQUESTING THE NEW YORK STATE  
SENATE AND THE ASSEMBLY TO REFORM 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  
REMEDATION 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 throughout areas in Central New York, potentially including the Town of Cazenovia; and

**WHEREAS**, the Town of Cazenovia has formed a study commission to review the potential impacts upon the Town of Cazenovia relating to the practice known as hydrofracking and to provide recommendations and advice to the Town Board concerning such activities; and

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

**WHEREAS**, there are many open and unresolved questions relating to the potential environmental risks to land and to water aquifers as a result of high volume hydraulic-fracturing and related gas-drilling activity; and

**WHEREAS**, the predominant supply of potable water for residents in the Town of Cazenovia is by way of wells from underground aquifers and subsurface water supplies; and

**WHEREAS**, in New York State the practice of “Compulsory Integration” presently exists which practice allows the gas drillers a method of extracting gas resources under a quasi-eminent domain tactic which is viewed by many as unconstitutional and coercive; and

**WHEREAS**, there have been documented efforts 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 practice of Compulsory Integration allows gas companies and their agents the ability to take control of land resources 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 questionable methods in obtaining mineral and subsurface resource leases under the threat of compulsory integration, whereby landowners who fail to sign a lease may have their lands included in the gas company’s “Spacing Unit” against the landowner’s consent and potentially be compensated at a lesser amount than other similar leases; and

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

**WHEREAS**, concerns have been raised about the potential of high volume hydraulic-fracturing as a pollutant in 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 impacted lands and to clean up associated wastes, creating further questions regarding the possible impact upon local landscapes, the potential impact upon the health of Town residents, and damage to private properties; 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 various agencies 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 Cazenovia Town Board for the New York State Senate and the New York State Assembly to amend state laws, to address the potential negative impacts and practices of gas drilling, including high volume hydraulic-fracturing known as hydrofracking.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Cazenovia Town Board, on behalf of its citizens hereby calls upon the New York State Senate and State Assembly to take decisive action to protect its citizens in the following manner:

1. Reform Compulsory Integration laws and regulations.
2. Enact a Landowner's Bill of Rights requiring gas companies and their representatives (Landmen) to disclose, prior to obtaining lease rights from landowners, the potential impacts of gas drilling, including high-volume hydro-fracturing, and the liabilities which landowners may face, including the following:
  - a. A detailed description and diagram of the type of well, including vertical and horizontal distance proposed.
  - b. A list of the chemicals which may be used in the process of high-pressure drilling, or created as by-products, or which may be released in the process.

- c. A thorough description of the waste created by the drilling, and illustration of how it will be stored on the land and its proposed disposal.
  - d. An estimate of the number and type of trucks and related drilling equipment under maximum case scenarios, which will travel over both the private land and public roads, with tonnage calculations.
  - e. A list of potential negative environmental impacts, including gas contamination of water sources (both surface and groundwater).
  - f. A thorough explanation of Compulsory Integration, which removes the right of neighboring landowners to decide if 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 natural gas developers to compensate landowners and communities who suffer losses as a result of natural gas development and high volume hydro-fracturing;
  4. Direct that the Department of Environmental Conservation develop and adopt a “Financial Assurance” policy that provides assurances to readily implement remedies to protect the public and environment from any damages resulting from gas drilling operations;
  5. Direct that the Department of Environmental Conservation implement a “Citizens Participation Plan” which will require proposed drillers to notify all adjacent property owners, local municipal officials and local media of the State permitting process associated with the drilling;
  6. Direct that the Department of Environmental Conservation implement a fee compensation policy whereby the Department of Environmental Conservation charge back taxpayer costs to the natural gas developer to review, approve and

oversee the operations of the drilling activities and thereby assuring that adequate personnel will be available to carry out the appropriate regulatory oversight; and

**BE IT FURTHER RESOLVED**, that the Clerk of the Town of Cazenovia 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 Cazenovia in support of enacting legislation to accomplish the goals of the resolution; and

**BE IT ALSO FURTHER RESOLVED**, that the Clerk of the Town of Cazenovia 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.