

The regular meeting of the DeRuyter Town Board was held on the above date in the Genevieve D. Staley Civic Center. Present were Supervisor Degear, Clerk Wightman, and Councilmen Hathaway, Coon, Barnes and Jones, Highway Superintendent Cook, and 13 residents.

Motion by Councilmen Coon and Hathaway to accept the minutes of the July 12<sup>th</sup> meeting as presented. All in favor and carried.

Supervisor Degear reviewed the Rules of Decorum for Town Board meetings.

**PUBLIC HEARING:**

Councilmen Coon and Jones made a motion to open the public hearing regarding the lease agreement between the Town of DeRuyter and the DeRuyter Free Library at 7:34PM. All in favor and carried. Since there was no one present to speak either in favor of or against said lease agreement, motion by Councilmen Jones and Hathaway to close the public hearing at 7:35PM.

**TOWN CLERK'S REPORT:**

The monthly written report was submitted.

**HIGHWAY SUPERINTENDENT'S REPORT:**

- Williams Road project is complete.
- Mowing roadsides for the second time.
- Helped Village of DeRuyter with work on the Fair Grounds.

**CORRESPONDENCE:**

- NYS Dept. of Taxation and Finance – the 2013 Equalization Rate is 90.5
- Town of Fabius Moratorium Legislation

**OLD BUSINESS:**

- Geo-thermal cooling – the Library is too far along in the process to consider it but the Town will look into it for our floor.

**NEW BUSINESS:**

- Insurance – amount of coverage on Town buildings was discussed. Supervisor Degear may touch base with Steve McCarthy from RMSCO.
- ABJ Sprinkler Inspection Agreement discussed.
- Dedication of the Genevieve D. Staley Civic Center will be held at 1PM on September 8<sup>th</sup>.
- Bath Salts – the governor signed an executive order. Supervisor Degear is working with DeRuyter Central School and Madison County to sponsor information programs.
- Motion by Councilmen Jones and Coon to accept the Automatic Fire Sprinkler Inspection Agreement with ABJ Fire Protection Company. All in favor and carried.

**OTHER BUSINESS:**

- Partial Sales Tax Exemption – effective 3/1/13 means approximately \$233,000.00 to the county.
- Board of Supervisors working on non-profit organizations impact on county budget.
- Supervisor Degear shared an article about well casings and read the statement he wrote and put on the Town website explaining the Town Board’s position on a moratorium on hydrofracking. Supervisor Degear also read the following statement, posted on the official Town of DeRuyter website.

**Natural Gas Development in DeRuyter**  
August 3, 2012

**At the May, 2012 meeting of the DeRuyter Town Board, a resident presented a petition calling for the town to enact a moratorium on natural gas drilling. The petition had well more than 100 signatures, including some signatures from residents of neighboring towns. While the DeRuyter Town Board appreciates the efforts and concerns expressed in the petition, the board is of the opinion that there is no need to take such action at this time.**

**Natural gas is not new to the Town of DeRuyter, our town has long-been home to a large, high-pressure transmission pipeline, natural gas has long-been an energy source for our village residents, and two natural gas wells were actually drilled in DeRuyter in 1980.**

**Our experience with natural gas does not, however, include the concerns that come with the extraction method currently in use to extract natural gas from shale formations thousands of feet below the surface. This method, hydraulic fracturing, requires large amounts of water, sand, and chemicals to be pumped into the gas well at a high-pressure to create crevices in the rock releasing the gas. The safety of hydraulic fracturing is the source of much debate with experts on both sides citing “facts” that are often hearsay. The DeRuyter Town Board is making every effort possible to distinguish the truth from the rhetoric as the best course for the town is determined.**

**A moratorium as requested by the petition is premature – it serves no valid purpose at this time. Currently, there is a state-wide de-facto moratorium in place as there will not be any high-volume hydraulic fracturing permitted by the NYSDEC until the Supplemental Generic Environmental Impact Statement (SGEIS) is complete. Shale-gas cannot be extracted using this method in New York State at this time – it is not legal to do so.**

**New York State Environmental Conservation Law Article 23 clearly states that the oil and gas industry is exempted from local ordinances. This is the law that the Town of DeRuyter must abide by until either the legislature changes it or case law is established to the contrary. Simply put, the town board does not currently have the ability to regulate the natural gas industry.**

**The towns of Dryden and Middlefield are currently fighting a legal battle with the natural gas industry regarding the towns' right to enact an outright ban of the industry. Two State Supreme Court justices found that the towns had the right to ban drilling for natural gas within their borders. These cases; however, are not final as they are subject to the appeals process. It is our understanding that an appeal has not yet been filed; however, we are told that case law is not established until the appeal process has been exhausted.**

**It is true that many municipalities disagree with our opinion and have enacted moratoria, regulations, or outright bans of natural gas drilling. Many of these municipalities are located outside of the likely shale-gas fairway. Many enacted these laws due to political pressure and not because there was a sound, scientific reason to do so. Anti-gas industry groups are well-organized and travel town to town pushing for moratoriums using fear-mongering techniques.**

**The DeRuyter Town Board is keenly aware of the potential of natural gas development – both the good and the bad. A moratorium, by definition, is a temporary measure. This is a tool of the Town Board that has an expiration date. Any moratorium enacted by the Town Board must expire within one year of its enactment with the possibility for (2) six-month extensions. Local geological experts have told us that if gas drilling were to affect DeRuyter, it is not likely to happen for nearly ten years.**

**The passage of a moratorium comes with other requirements as well. The Town must be actively pursuing some form of legislation or action specifically related to the subject of the moratorium during the term of the moratorium. It is unknown at this time exactly what will be required by the DEC under the SGEIS. Even in the event that law provides the town with the ability to regulate the industry, we will not know what regulations may be necessary until the finalization of the SGEIS.**

**It has become impossible for non-biased conversation about the issue to occur. Both the anti-gas and the pro-gas sides have taken the position that if you are not 100% with them, you must be against them. Neither side seems to allow for any middle ground. This is an unfortunate development because I believe that most of us are, in fact, somewhere in the middle on the issue.**

**Currently, the town board continues to watch and educate ourselves on the many facets of the natural gas and hydraulic fracturing issue. Our education includes numerous readings, educational meetings, seminars, and a trip to impacted areas of Pennsylvania to see the issues first-hand. The board has not taken the issue lightly and is committed to seeking out the best course for the Town of DeRuyter.**

**We thank those who felt strongly enough to sign or collect signatures requesting a moratorium. At this time; however, such action is not necessary. I encourage all concerned residents to contact me with any questions that you may have.**

**Respectfully,  
Dan Degear, Supervisor**

**PUBLIC COMMENT:**

- Joe Yankowski addressed the Board about his objections to hydro-fracking and again asked for public hearings and/or moratorium. He also requested to be put on the agenda for the September meeting.
  - Sandy Wilcox asked about the findings of the Town Board members’ trip to Pennsylvania. Supervisor Degear said that they heard both negative and positive.
  - Fred Swind asked about using the brine from hydrofracking for snow/ice melting on our roads. Supervisor Degear responded that such method of snow/ice removal has not been explored and is not on the table in this area.
  - It was stated that there are 80 active leases in DeRuyter and that each well requires 600 acres.
  - The New York State Department of Environmental Conservation will be the department to issue permits.
  - Darren Ladd suggested that as long as there is a State-wide moratorium, the Town shouldn’t waste time and money to institute a moratorium at this time.
- ✓ Motion by Councilmen Hathaway and Jones to accept the Supervisor’s statement. All in favor and carried.
  - ✓ Motion by Councilmen Jones and Coon to pay the bills as audited:

Abstract #1013	\$35,431.01
Abstract #1014	\$67,100.59

All in favor and carried.

- ✓ Motion by Councilmen Coon and Jones to adjourn. All in favor and carried.

Respectfully submitted,

Rebecca Wightman  
 Town Clerk