

TOWN OF WOODSTOCK • 45 COMEAU DRIVE, WOODSTOCK NY 12498

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Ext. 1: Assessor

Ext. 3: Building Dept, Code Enforcement

Ext. 6: Planning Board

Ext. 8: Zoning Board of Appeals

Ext. 8: Environmental Commission

Ext. 8: Commission for Civic Design

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Assessor, Bldg. Dept., Planning Board

Zoning Board of Appeals, CCD, WEC

Incorporated 1787



Colony of the Arts

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RESOLUTION 67-2013

A RESOLUTION IN SUPPORT OF A LAW TO CRIMINALIZE THE TECHNOLOGY OF HYDRAULIC FRACTURING FOR OIL AND GAS AND ALL ACTIVITIES RELATED

Offered by Supervisor Wilber, seconded by Councilman Wenk:

THIS RESOLUTION in support of NEW YORK PUBLIC LAW 1, a law to criminalize hydraulic fracturing for oil and gas and all related activities, is submitted for public discussion and official endorsement in the towns and villages, cities and counties throughout New York State.

One basis for this act of criminalization rests in Chapter 40, Title A, of the NYS Penal Code, which states: "the general provisions of this chapter are:

- To proscribe (*make illegal*) conduct which unjustifiably and inexcusably causes or threatens substantial harm to individual or public interests.
- To give fair warning of the nature of the conduct proscribed and of the sentences authorized upon conviction.
- To insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, the rehabilitation of those convicted, and their confinement when required in the public interest."

WHEREAS, to prohibit the industrial technology known as hydraulic fracturing, or "hydrofracking" for oil and gas and all activities that surround and support such technology; and

WHEREAS, hydraulic fracturing for oil and gas is a shale gas and oil extraction procedure designed and perpetrated by business corporation directors exercising rights, powers and decision-making authority never granted to corporate entities by the People; and

WHEREAS, the rights of the People, especially with regard to their health and safety, are supreme, and their rightful decision-making authority must take precedence over the privileging of corporations by federal and state legislators, executives and judges; and

WHEREAS, the New York State Department of Environmental Conservation's Division of Mineral Resources is mandated "to authorize and to provide for the operation and development of oil and gas properties in such manner that a greater ultimate recovery of oil and gas may be had," and, therefore is not mandated, making it incapable, to protect people, their communities or their natural environments; and

WHEREAS, destructive impacts to water, air, land, local economies, housing resources, roadway infrastructure, and public health are significant and well-documented; and

WHEREAS, all bans and moratoria on hydraulic fracturing for oil and gas are not true prohibitions accompanied by deterrent-level penalties, subject as they are to the vast discretionary authority of DEC officials appointed by the governor or executive office agencies; and

WHEREAS, bans and moratoria cannot guarantee prohibition of the many related activities that can be imposed on communities, including but not limited to water withdrawals, importing/dumping of oil and gas hydraulic fracturing wastes and operation of already permitted hydraulic fracturing for oil and gas wells; and

WHEREAS, it is necessary to move beyond past focus on the techniques and harms of drilling, toxic chemicals, corporate poisoning of water and the like, and strongly assert the Peoples' authority to decide the circumstances of energy production in our state and nation, thereby placing such decision-making where it belongs in any real democracy, in the will of the governed; and

WHEREAS, a law to criminalize hydraulic fracturing for oil and gas with appropriate penalties is unlikely to originate in the legislature or from our state officials, it is incumbent upon the people of the State to instruct our legislators to introduce and enact this law; therefore

BE IT RESOLVED, that hydraulic fracturing for oil and gas and all related activities shall be illegal in New York State as anti-social and anti-ecological behaviors; and

BE IT FURTHER RESOLVED, that all corporate directors or public officials committing or enabling hydraulic fracturing for oil and gas or related activity shall be penalized commensurate with their violation of the law; and

BE IT FURTHER RESOLVED, that as self-governing people it is our responsibility to make the rules and write the laws by which we shall be governed; and therefore,

BE IT FINALLY RESOLVED, that the Town of Woodstock in the State of New York supports the passage of NEW YORK PUBLIC LAW # 1 and instructs the Woodstock Town Clerk to send a certified copy of this resolution urging enactment of said law to our legislators in the Assembly and the Senate along with a copy of NEW YORK PUBLIC LAW # 1.

All voted 4-0: Supervisor Wilber - aye
Councilwoman Magarelli - aye
Councilman Wenk - aye
Councilman McKenna - aye

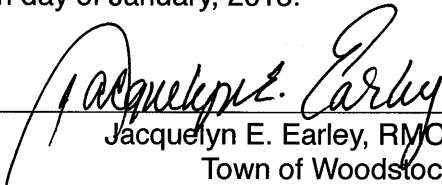
STATE OF NEW YORK
:SS:
COUNTY OF ULSTER

I, the undersigned Clerk of the Town of Woodstock, Ulster County, New York, **DO HEREBY CERTIFY:**

THAT I have compared the attached proceedings of the Town Board of the Town of Woodstock including the resolution contained therein with the originals thereof on file in my office and that the same is a true and correct copy of the said original as recorded in the minutes of the Town Board meeting held on January 15, 2013 and filed in the Office of the Town Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Woodstock, New York this 17th day of January, 2013.

SEAL



Jacquelyn E. Earley, RMC, Town Clerk
Town of Woodstock