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***Hydrofracking
Moratorium***

Village Attorney compared hydrofracking moratorium draft proposal and Village Master Plan in order to proceed. There is no charge to proceed with this process. The Village will check with the Town of Oppenheim and their status of adopting a moratorium.

***Village of Dolgeville
Hydrofracking
Moratorium Proposal
Local Law No. # 1 - 2012
Resolution # 34-2012***

The following resolution was offered by Trustee Maxwell and sec. by Trustee Loucks. Ayes all.

APPENDIX A

ATTACHED TO AND FORMING A PART OF
VILLAGE OF DOLGEVILLE, NY
LOCAL LAW NO. # 1-2012,
known as:

“Moratorium on and Prohibition of
Gas And Petroleum Exploration and Extraction Activities,
Underground Storage Of Natural Gas,
And Disposal Of
Natural Gas Or Petroleum Extraction, Exploration, And
Production Wastes.”

The “Moratorium on and Prohibition of Gas And Petroleum
Exploration and Extraction Activities, Underground

Storage Of Natural Gas, And Disposal Of Natural Gas Or Petroleum Extraction, Exploration, And Production Wastes” to which this Appendix A is attached is herein sometimes referred to as “this Local Law” or “this Law.”

This Appendix A is a part of the Local Law to which it is attached for all purposes.

Section 1. Authority and Intent. This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Village Board of the Village of Dolgeville under the New York State Constitution, and the Laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, Section (c) (ii) (6), (10); Municipal Home Rule Law § 10 (1) (i); Municipal Home Rule Law § 10 (1) (ii) (a) (6), (11), (12), and (14); Municipal Home Rule Law § 10 (1) (ii) (d) (3); Municipal Home Rule Law § 10 (2); Municipal Home Rule Law § 10 (3); Municipal Home Rule Law § 10 (4) (a), and (b); Statute of Local Governments § 10 (1), (6), and (7); Village Law § 4-412 (a); Village Law Article 7 (Building Zones) inclusive; Environmental Conservation Law § 17-1101, § 27-0711, and New York State Law, Public Health Law § 228 (2), and (3).

This Law is a police power and land use regulation. This Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Village to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive “incidental control” of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Village, including the physical externalities associated with certain land uses, such as negative impacts on roadways and traffic congestion and other deleterious impacts on a community.

Section 2. Findings of Fact.

1. Dolgeville is a community in Herkimer and Fulton Counties that takes great pride in and assigns great value to its rural character, small-town atmosphere, and scenic and other natural resources. East Canada Creek and Beaver Brook flow through the Village of Dolgeville and Spruce Creek forms its northeasterly municipal boundary. Beaver Brook and Spruce Creek are tributaries of East Canada Creek. The Mang Ice Pond constitutes a historical body of water located within municipal boundaries. A recurrence of the historical flooding of East Canada Creek and Beaver Brook could send dangerous water levels to any areas

of high risk ground drilling and storage sites that may be located within the municipality which, because of a washing effect. Would likely compromise these bodies of water and existing trees and greenery, all of which are a major attractiveness of the Village.

2. Many residents are dependent upon aquifers and wells for life-sustaining water; maintaining the quality of water resources within the Village is critical to protecting the natural environment of the Village, the general health and welfare of Village residents, and the local economy.
3. Preservation of the Village's irreplaceable scenic sites, air quality and water quality, and priceless and unique character, is of significant value to the inhabitants of the Village and to the tourists who visit here.
4. The Village's rich natural environment is a valuable asset that creates a sense of identity and well-being for residents of the area. Preserving and protecting the scenic, recreational, and other natural resources of the Village is important for both a healthy environment and vibrant economy. Aesthetic issues are read and evoke strong reactions from people. They deeply affect the way people feel about a place – whether or not businesses will want to locate, or people will want to live in and visit a place.
5. Allowing the activities prohibited by Section 4, of the Local Law would impair the existing character of the Village, because by their very nature such activities have the potential to produce a combination of negative impacts upon the environment and people living in or in proximity to the communities in which they are located. Such negative impacts may include, without limitation, traffic, noise, vibrations, fumes, damage to roadways, degradation of water quality, degradation of air quality, decreased availability to and loss of open space, natural areas, and scenic views, decreased availability of affordable housing damage to and loss of agricultural lands and soils, damage to and loss of open space, natural areas, and scenic views, decreased recreational opportunities, and damage to the tourism industry.
6. If one of more of the activities prohibited by Section 4. Of the Local Law are conducted within the Village, traffic generated thereby could be hazardous or inconvenient to the inhabitants of the Village and could be dangerous to pedestrians (especially children), cyclists, and motorists, and could result in traffic congestion that could delay emergency response times

for medical emergencies, fires and accidents. Roads are a critical public resource and constitute a major investment of the public's money. The Village is not in a position to bear the high costs associated with the road use impacts that accompany many of the activities prohibited by Section 4. of the Local Law. Accidents involving heavy trucks have greater potential for death than those involving smaller vehicles. Increased truck traffic increases air pollution and noise levels, and decreases the quality of life and property values for those living nearby.

7. If one or more of the activities prohibited by Section 4. of the Local Law are conducted within the Village, the air pollution, dust and odors generated thereby (whether onsite or by truck traffic to and from the proposed site of such activities) could be hazardous or inconvenient to the inhabitants of the Village. Air pollution is a known hazard to the public health.

Motion to adopt the proposed hydrofracking moratorium for presentation to the Herkimer and Fulton County Planning Boards.

AYES: Trustees Boucher, Brandow, Loucks, Maxwell

NAYS: None

ADOPTED – March 19, 2012

[REDACTED]

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