

## Caroline Board Listens to Residents, Rejects Resolution

*Board discussions actions to protect water, land, and roads*

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*The following article is based on reports made by Caroline citizens attending the July 12 Caroline Town Board.*

Town of Caroline residents unhappy with a resolution that would ban petitions for local control over fracking have been letting their town board members know how they feel. In June, so many people showed up to speak that the town board meeting didn't adjourn until 10:30pm.

On July 12 they once again filled the town hall for discussion and a vote on what's become known as the "Ban the Ban" resolution. About 30 people spoke during a two-hour privilege of the floor session. In the end, two council members reversed direction and the board rejected the resolution by a 4-0 vote.

The resolution in question was proposed a couple months ago by Caroline Town Board members Linda Adams and Peter Hoyt. The purpose, they said, was to "clarify the role of the town board" regarding gas drilling. If passed, the resolution would have prohibited the Town of Caroline from taking any action to either encourage or limit gas drilling.

At last week's board meeting most of the residents who spoke made it clear that they want their town to be able to take a stand against fracking. Discussion amongst board members was brief. Council members Toby McDonald and Hoyt, who supported the resolution at the previous meeting, declined to comment. Adams acknowledged that public statements made at both the June meeting and last week's made her realize that the community clearly wanted the town board to play a role regarding gas drilling. The town shouldn't simply limit itself to roads, she noted.

Councilman Dominick Frongillo pointed out that the town board is just beginning to understand the impacts of gas drilling on the community. In his mind, the legal issue of whether the town is preempted by state law is not yet settled. Since gas development would conflict with the town's Comprehensive Plan, Frongillo feels the town board should not limit its role.

Town supervisor Don Barber spoke at length, explaining why he opposed the resolution and laying out several actions the town should take. The role of government in a civil society is to protect the health, safety and well-being of the citizens, Barber said. It is also to protect the process of democracy. He pointed out that government at the federal and state level is run by the rich and tends to not look out for the best interests of the citizens. The only level of government that is still accessible to and responsive to the common citizen is the local government, Barber stated. It is the last defense against runaway corporate power and must stand up in defense of civil society.

Barber commented on property rights, noting that they include the "right to peaceful enjoyment of one's property". He wondered how the influx of huge multinational corporations would affect the Town of Caroline.

As zoning is always a hot topic, Barber pointed out that with no public input whatsoever, the Town of Caroline has just made a major shift in land use policy. More than 50 percent of the town's land mass has essentially been handed over to corporate control through gas leases. Barber noted that zoning and other town-based land use decisions would require public notice and public discussion, neither of which happens when a landowner leases his land for gas development.

Barber commented that the revised SGEIS does recognize the role of local governments in setting land use policy. Because of the uncertainty over state preemption of local authority, he called for

the resolution to be rejected. He also acknowledged that gas drilling is a polarizing issue and asked all sides to “remain sensitive to the possibility that they might be wrong”.

There are a few actions Barber believes the Town of Caroline should take. The town board should enact industrial site plan review legislation and adopt rigorous aquifer protection plans. The town board should develop a strong road preservation law. Finally, Barber said, the town should give serious consideration to a ban or other control by the town on high impact industrial uses.

When the vote was called there was no vote in favor of the resolution. Adams, McDonald, Frongillo and Barber voted against it. Hoyt abstained, citing conflict of interest due to his gas lease (see *BVW 6-23-11*). Although the town lawyer has determined that there is no “conflict”, Hoyt has promised to recuse himself on all votes regarding gas drilling for the remainder of his term.