



NEWS RELEASE

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NEW REPORT: REVIEW OF PRO-FRACKING RESOLUTIONS HIGHLIGHTS GLARING WEAKNESSES OF NYS LOCAL ETHICS AND OPEN GOVERNMENT LAWS

CLEANING UP LOCAL ETHICS PART OF CUOMO'S 2010 UNFINISHED AGENDA

"WILD-WEST" ENVIRONMENT PERVASIVE ON HOT-BUTTON ISSUES; FRACKING SUPPORT AND CASINO SITINGS

NYPIRG CALLS FOR SWEEPING CHANGES IN LOCAL ETHICS LAWS AND BOOSTS IN TRANSPARENCY LAWS TO INSTILL PUBLIC TRUST IN LOCAL DECISIONS

(Albany, N.Y.) *Drilling Down*, a new report by NYPIRG, found that at least some towns that adopted resolutions in support of hydraulic fracturing in 2012 did so in a "Wild West" environment, under a cloud of possible conflicts of interest, failures to provide timely public notice and shielded by state lobby disclosure laws that exempt reporting of information about who spends money to influence smaller municipalities across the state. The report undermines the Cuomo Administration's current reliance on local governmental decisionmaking to determine critical issues, such as where to permit the controversial process of hydraulic fracturing or the siting of casinos.

The report called for sweeping changes in the state's local government ethics law, administration, enforcement, and improvements to the state's Open Meetings and Freedom of Information Laws.

Overhauling local government ethics and transparency is part of Governor Cuomo's unfinished 2010 "Clean Up Albany" reform agenda. Then-candidate Cuomo stated, "*With all the obvious potential for conflicts of interest and significant sums of taxpayer money at stake, the current laws regarding municipal ethics are both weak and frequently unenforceable.*"

This report shows that many local governments in the Marcellus Shale Drilling Region would face tremendous pressure from those on all sides of the fracking debate: businesses and individuals with financial interests in advancing fracking, as well as residents either opposed to fracking or deeply skeptical that the purported benefits of fracking will outweigh the public health, environmental and community character consequences.

A clear finding of *Drilling Down* is that the state's transparency and municipal ethics laws are woefully inadequate. These laws fail to ensure that the public has timely information about local governments' consideration of controversial issues and access to relevant information and documents about the subjects considered by local government. The problems are compounded by the state laws that fail to require disclosure of information about who is attempting to influence many local governments and

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laws that fail to stringently regulate conflicts of interest that arise at the municipal level. Moreover, there is no single oversight agency charged with providing guidance on or enforcement of the local ethics laws, resulting in a “*Wild West*” environment for local decision making.

NYPIRG’s *Drilling Down* echoed the problems described by the governor. In particular, the NYPIRG report found that:

- New York State’s ethics laws fail to ensure that local governmental decisions are free from conflicts of interest.
- New York State’s lobbying law contains a gaping secrecy loophole.
- New York State’s Open Meetings Law contains gaps that can be used to deprive the public of timely notice of local government meeting agenda items and access to pertinent documents.
- Some small local governments lack the financial resources, infrastructure, expertise and personnel to substantially comply with the state’s open government laws.

NYPIRG recommends sweeping changes to local governmental ethics and openness laws. In addition, NYPIRG urges that the governor not rely on local governmental decision-making for current or future state policy decisions.

- The state ethics law applicable to municipalities needs to be overhauled.
- The local government lobbying secrecy loophole must be closed.
- Strengthen the Open Meetings Law to improve public participation and confidence in local government decisions.
- Bring local government transparency into the 21st Century.

Research for this report entailed making records requests under the state Freedom of Information Law to scores of municipalities, as well as the Office of the Attorney General of New York State; extensive online searches; and conducting site visits to seven town clerks’ offices. NYPIRG researchers reviewed thousands of pages of local government documents, public records, news reports and other information sources.

In all, NYPIRG researchers reviewed the activities of 59 municipalities and reached out to 58 through the use of Freedom of Information Law (FOIL) requests. Between March 17, 2014 and May 22, 2014, 42 towns and villages were sent letter requests by email and 16 by fax. Responses were received via email, fax and through the U.S. mail.

Numerous follow up phone calls were made as were individual site visits to the towns of Hancock, Delaware, Preston, Newark Valley, Van Etten, Sanford and Chenango.

The report is available at www.nypirg.org.

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