

Town of Bristol
Focus Panel on Hydro fracturing
February 22, 2012

Attending: Judi Salsburg Taylor, Nate Harvey, Tom Stevens, and Sandy Riker

Nate advised the other members that Scott Warnshouse had resigned from the panel due to other obligations and time constraints. He said the Town Board was looking for a replacement for Scott's spot on the panel. It was agreed that he will be missed as he provided a lot of insight and knowledge of the gas industry and its processes for extracting natural gas.

The question of how to proceed with the Open Forum came up. Nate said he will preside over the meeting. It will open with a presentation of the revised moratorium as drafted this evening by the Focus Panel based on the comments received to date. Nate asked that a list of speakers be provided and those people would be the first to speak after the presentation. Their comments must be held to five minutes given the possible number of people that may wish to comment. The comments are to be restricted solely to the Moratorium and its revisions. After the meeting the Panel will finalize its revisions to the document based on the comments of the people and then present it to the Town Board for their review as well as to Bill Kenyon, attorney. The Town Board can adopt it or not, which is their responsibility. The Town Board will submit its final version to the County Planning Board for review. The Focus Panel is authorized to report to the Town Board only.

Judy then shared the results of the comments that had been gathered from the emails received at bristolfrackinformation@gmail.com. The contents of the emails provided the Panel with the concerns of the town's people.

1. Start date for the Moratorium
2. Conflict of Interest with the Panel members.
3. A need for the language of the document to be well written, and clearer in detail.
4. A need for definitions to be added to the document.
5. An increase in the fines if the Moratorium is violated.
6. Questioning the need for a Variance /Appeal clause in the document.
7. The full law included in Article 23 Section 23-0303(2) needs to be included in the document under findings.

It is obvious from the comments received the sentiment of the people is to start the Moratorium now rather than waiting for the NY SGEIS decision by the DEC. A concern that the town would have little or no room to enact land use laws regulating the high volume drilling in the town if the Moratorium was not in place before the DEC regulations were finalized was expressed. Tom Stevens said he did not have a problem with moving the start date ahead. Nate prefers it the way it is now, because the Town will have more time available to update local law, then with the proposed change in the start date. We recently updated our Minor Subdivision laws and it was a long process. However, we were not trying to meet any critical timeline as would be the case now.

The first decision for the Town of Dryden was mentioned where the Local Supreme court Judge has ruled in favor of the Town to be able to ban High Volume Drilling in their town. This will no doubt be appealed by the Gas Company and the Lease Holders.

A discussion proceeded with the comments that the South Bristol Moratorium seems to be a tighter document than the proposed Bristol Moratorium and it was observed that they had a section of definitions which all felt was helpful. The Naples Moratorium was also observed to contain a hardship provision with a better defined appeals section. The fines were also higher than those of Bristol. The fact that instead of Variance/Appeal section iv of our document perhaps the hardship provision of Naples would be better suited to a revised version of our Moratorium. Based on the comments above Tom Stevens has started the revisions to the Bristol Moratorium. Judi was also working on a rough draft; both will be shared with the Panel before the Presentation next Tuesday 2/28/12. More revisions will be made based on comments from the public at the open meeting, 2/28/12. The Panel will then try to meet the County's agenda deadline for their March 13, 2012 meeting and review.

Judy mentioned that the Town of South Bristol has invited David Slottje, attorney to speak on March 7th at their town hall at 7:00 pm as an FYI to the other panel members. She also mentioned a couple of other sources for research: Articles by Dr. Anthony Ingraffea of Cornell University who is part of the Fracture Group on Marcellus Shale Gas Development. He has on the web his power point presentation done for Penn Yan TV: Dr. Ingraffea/Power Point Presentation/Horizontal Drilling for Natural Gas.

Judy concluded by saying Dan Robertson who is the Chair of the Geology Department at MCC might be willing to come and speak at one of the Panel's future meetings. She said that while he is in the academic community now he has a background in the field of natural resources.

Next meeting will be held at the Bristol Fire Hall on Tuesday 2/28/12 for the Open Forum on the Moratorium and its revisions.

Submitted,

Sandy Riker
Focus Panel