

Town of Bristol
Focus Panel
June 4, 2012

Members Attending: Chairman Nate Harvey, Councilman Tom Stevens, Jude Ellis, Judy Taylor Salzburg, Scott Battle, Secretary Sandra Riker

Absent: Lon Chase

In order to make a recommendation to the Town Board and citizens of the community in September the Panel has started an outline of the various topics they have researched and how they fit with the present Comprehensive Plan. Many areas were discussed: legal issues, truck traffic and the effects on local roads, public safety, health services, Water, Social Services including housing and the possible shortage with the increase of people in the area, Community Character, and Economic impacts to name a few of the areas. The Panel has done a great deal of research and there are two sides to every issue. It is important to weigh them all carefully to find the correct balance for the Town of Bristol and the County as a whole.

With regard to Local Law 3 the proposed Moratorium ,a couple of questions remain: one being when does the clock start ticking if this Law is passed. Will this be an extension of the Law in place or will it supersede that one and a new clock starts? Judy brought up the fact Penny Cox had questioned the decision to leave in the terms regarding HVHF, she is under the impression this will be harder to defend. The secretary had the pleasure of hearing Alan Knauf, Esq. Speak at the GVFLR conference held at Bushnell's Basin on May 17th. Mr. Knauf was one of the defense attorneys in the *Case of Anschutz Exploration vs. the Town of Dryden*. She contacted him with that question and his reply was "the Environmental Conservation Law generally pre-empts regulation of oil and gas drilling by municipalities, but in the Dryden Case the court decided this did not pre-empt local zoning.

If it were me I would limit the moratorium and any law to HVHF, since I don't think you want to ban all drilling for oil and gas in the town. However, once you start discriminating between types of oil and gas drilling, I think you are open to the argument that you are regulating, not just zoning, so the moratorium or other law would be pre-empted, since DEC has the exclusive right to regulate oil and gas drilling. While in my view it would not be.

So I think it comes down to whether or not it is important to allow other types of drilling. If not then a broader moratorium is probably more defensible, but I think a ban on only HVHF would be valid. However, until we get a decision from the Court of Appeals, I cannot give a definitive answer." The Panel had already decided to leave it the way it is.

Future meetings: the BVFD has agreed to let us host our Sept. 26th meeting there, Judy has lined up Dr. Richard Young from SUNY Geneseo (a geologist) to speak in Honeoye on Sept. 20th, and Dr. Anthony Ingrassia, Engineer from Cornell will be speaking on June 28th in the HCS auditorium at 7:00 p.m.

The next Focus Panel meeting will be on June 20th.

Respectfully submitted,

Sandra Riker
Secretary Focus Panel