

Town of Bristol

Focus Panel

November 20, 2012

Members Attending: Chairman Nate Harvey, Jude Ellis, Judi Salsburg Taylor, Lon Chase, Tom Stevens, Scott Battle, and Secretary Sandra Riker

Lon gave us a paper with information for the DSGEIS Geology Section 4 to support his present feelings with regard to HVHF in Bristol. He said he has continued to do research since our presentation and is coming to the conclusion that it is not viable for drilling to be done in Bristol for either the Marcellus or Utica Shale as to the lack of thickness of both and the fact that Bristol is above the 2000' no drill line as established in the DSGEIS. The only way he sees natural gas being obtained in our area would be through the traditional single vertical wells. He went on to say that we should continue to be vigilant by performing scheduled reviews of our infrastructure, roads, and zoning and be ready to make changes to the zoning at that time. Scott questioned if this is true why were leases signed in the last two years? Lon said individual wells could be viable and perhaps that is the answer to your question.

Jude commented that if changes occur and we do not have safeguards in place it will be difficult to protect the community. These safeguards must be done ahead of time not when it arrives on our door step. Judi added that we should be mindful of what Lon is saying but still have to protect the people, 92% of the people that responded to our survey indicated that they do not want HVHF allowed in Bristol.

Lon responded that a Ban if unfounded could cause more problems; it could be considered arbitrary and capricious leaving room for litigation against the Town.

Scott mentioned the fact there are other layers of shale below the town and as it stands right now we do not know what tools are available to deal with the issue of HVHF. He said he felt there are two points that would help this:

1. Clarity from the SGEIS
2. Litigation results from Dryden and Middlefield.

Nate presented his feelings to the others and said the recommendations to the Town Board should be in steps as a result of:

1. A decision from Albany, that will not happen until the Public Health study is completed.
2. A decision on HOME RULE
 - a. This will help define where drilling can be allowed
3. Approval of the SGEIS and even if a Ban is suggested we still need to address zoning.

4. If it is determined Bristol is north of the “no drill” line that would be an intentional Ban by the State and we could still have a Ban of our own in place.
5. He agrees with Lon’s opinion there is not enough to go after a Ban at this time.
6. If a North/South line is determined would our action be as a Town or County wide decision? Tom commented that all the Towns would have to agree on the Ban because it would probably not be done at the County level.

Nate said he would recommend to the Town Board to continue the moratorium and wait for the decisions to come down from the higher levels.

Tom mentioned he was disappointed with the survey in that we did not have a larger response but we should still be respectful of the people that did take the time to respond. Some of the people he spoke with have indicated they are against HVHF in Bristol at this time but perhaps would be willing to look at it differently down the road. He said his recommendation to the Town Board would be to propose a Ban, for example, a 5 year period to give the industry time to improve their practices further and then review it again. The question was raised if this is a legal option? Tom suggested we contact Bill Kenyon for that answer.

We need to review what zoning we do have in place and at present we do not have any road use agreements. Tom said at the County level they do have a permit system and that should be reviewed by the Town Planning Board as an example of what we could use for a road agreements. The Focus Panel could act as a committee for gathering this type of information as an aid to the Planning Board realizing they do have other matters before them most of the time. The Secretary reminded them that they should not be looking to single out HVHF but look at Heavy Industry as a whole and how it fits or does not in Bristol. It is agreed the consensus of the residents that have either lived here all of their lives or new people that have come in to our community like living in the country and do not wish to see it disturbed by Heavy Industry of any sort.

Nate reminded the group that the survey numbers represent 170 responses to 1131 notices mailed to the households of 1618 eligible voters. This means that 10.5% of eligible residents participated in the survey. He also mentioned that the largest number of respondents from the anti-fracking community, because they have excellent leadership, are organized, and kept each other informed of the survey. Nate said it was obvious not enough people participated in the survey. Judi countered Nate’s comment by pointing out that that all residents were sent two notices about the September presentation and the survey was available to everyone. She said the Focus Panel has been equally available for input from all residents through various means—mail, email, and the survey. She countered that the pro-fracking community has had their say, but they are outnumbered, only 7% to 8% of the community.

Scott expressed his unhappiness with the way the surveys were handled. He did not think it should have been a unilateral decision by Nate to have the names and contact information removed ahead of the Panel discussing the situation. Jude agreed with this. When the names and contact information were removed and the survey responses remained there were

questions on some that could not be answered because the contact information was destroyed. They felt that the names and contacts should have been kept and the surveys and names coded to assist in this process. The secretary said she was the only one to see the names and surveys together when she verified the residency requirement. Nate did not participate in this process but the secretary did ask Sharon Miller to verify one or two of the survey respondents. Judi also agreed with the inappropriateness of Nate's unilateral decision to remove the respondents' names and contact information and expressed a concern with the level of trust that was ignored. Nate said he did not mean to be harmful but felt this was the best way to protect the identities of the respondents from being left open to any sort of antagonistic actions. Lon said he was quite sure Nate did not mean to be harmful but the action was a mistake in the way it was handled. Tom agreed. Scott said in the future he would like to see decisions made as a group rather than unilaterally.

More suggestions for review with the Town Board were discussed. They were:

1. An assessment of the town roads.
2. The Panel should be kept in place to continue the Moratorium (if an extension is needed) to show that a continuation of our work is in progress.
3. The Town Board needs to do everything it can to follow the results of the survey and based on those results work on keeping High Volume Hydro Fracking out of Bristol.
4. Mapping environmentally sensitive areas in the Town of Bristol.

Scott said the Panel as a group should work on finding out what other towns around us are doing to keep Heavy Industry at bay in their towns. It was suggested this would be a good topic for the January meeting as they will be taking December off. Jude mentioned South Bristol has been working on their zoning for months. Nate said he would contact their Chairman to see what they have done. Tom reminded all that when they talk about zoning they should be aware of infringing on rights of others, because zoning can be a two edged sword.

Sandy told the group Jeanne Stone from West Bloomfield contacted her with regard to having our focus panel provide the September 26, 2012 presentation to their Fact Finding Group and their Town Board. The Panel agreed they would be willing to share our information with them to aid in their research. Sandy will get back to the West Bloomfield representative and work on setting up a time.

Tom & Judi discussed the following thoughts that Nate could take to the December Town Board meeting:

Based on community feedback it is apparent that the residents of Bristol do not want to allow HVHF in our town. During this period of the Moratorium, the Focus Panel is aware of Gov. Cuomo's actions, the Final SGEIS, and New York Appellate Court's decision on Home Rule. The Focus Panel's recommendations for protecting Bristol from High Volume Hydrofracturing will take these matters into consideration, and may require an extension of the Moratorium.

The Committee will continue to explore ways to make the best recommendations to the Town Board and during this period the Moratorium will need to be continued and if necessary

extended, in this way the Bristol residents can be protected. Other Considerations that the Town Board should be aware of: Gov. Cuomo's actions and the DEC decisions, Home Rule, the final SGEIS, and if Bristol is north of the "no drill" line then Bristol will not need a Ban of our own. These conditions are important so Bristol does not incur the cost of writing or defending our own Ban.

The meeting was then adjourned.
Respectfully submitted,

Sandra Riker
Town of Bristol
Focus Panel Secretary