

Town of Bristol  
Focus Panel  
Meeting Minutes  
January 16, 2013

Additional Comments from Focus Panel

Regarding the November 20, 2012 meeting minutes

The following are additional comments made but not included in the writing of the November 20, 2012 minutes from the Focus Panel meeting.

Jude Ellis:

- I do not understand the reasoning for removing the names since each person{s} who submitted their survey{s} and commentary clearly knew names and addresses were required for verification in order to be counted, so residents willingly gave up anonymity: they were not asking for protection.
- From the beginning, due to the controversial nature of this topic, we discussed how important it would be for the committee to demonstrate “transparency in both content and process”, so as to lay a foundation for trust and objectivity in our work. This action was a violation of that trust.
- I do not understand why absolutely no record of respondents was kept; the names and addresses were thrown away and not even filed or recorded in any way. These should have been a public record kept in the town’s files. I have a concern that it also may have affected the number of votes. (E.g. was it recorded if one survey was submitted by “Mr. & Mrs. As one or two votes?)
- All along we have operated as a unified group in our decision making process; the members of the panel have acted in ways consistent with high ethical and professional standards. Therefore, I was deeply disappointed to think that the members of the group were not trusted to keep confidential the names and addresses of the people who filled out the surveys.

Judi Salsburg Taylor:

- Under Tom’s comments about proposing a Ban for a 5 to 10 year period could be put in place giving the industry time to improve their practices further and then review it again. The question was raised if this would be a legal option? Tom suggested we contact Bill Kenyon for that answer.
- After Nate’s comment regarding the number of respondents she wanted it included that: Nate said he thought we should reach out more to the pro-fracking community.
- Under more recommendations to the Board:  
Item 3- The Town Board need to do everything it can to honor the results of the survey and based on those results work on keeping Fracking out of Bristol.
- The last paragraph should read: The panel agreed Nate could read the following to the December Town Board meeting:  
Based on community feedback it is clear that residents do not want high volume hydraulic fracturing in the Town of Bristol. During this period of the Moratorium, the

Focus Panel will continue to explore the best ways to protect the residents of Bristol. The Panel is aware of the importance of Gov. Cuomo's actions, the Final SGEIS, and the New York Appellate Court's decision on Home Rule. The Focus Panel's recommendations for protecting Bristol from high volume hydraulic fracturing will take these matters into consideration, and may require a moratorium extension.

Nate Harvey:

- Under the last paragraph he would also add: The committee will continue to explore ways to make the best recommendation to the Town Board and during this period the Moratorium will need to be continued and if necessary extend, in this way the Bristol residents can be protected. Other considerations that the Town Board should be aware of: Gov. Cuomo's actions, 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 and or defending our own Ban.

Scott Battle:

- With regard to the number of responses he felt that Nate's comment regarding 170 responses to 1131 notices mailed to the households of 1618 eligible voters should not include the number of eligible voters.
- With regard to Nate's comment that the largest number of respondents were from the anti-fracking community should not be included because we have no documentation to this opinion and we should not categorize this information.
- 

January 16, 2013 draft minutes:

The panel commented on the inconsistency with the actual number of surveys counted (hard copies and the ones included on the Gmail account. They would like to have the numbers from the October 24<sup>th</sup> survey results to reflect that the totals allow for a slight margin of error. It is clear that 90% of the respondents do want a Ban on HVHF and 93% do not want HVHF in Bristol at all.

Scott asked to have the questions posed on the surveys be revisited. The group agreed and each one took home a packet to review.

What are other towns doing regarding HVHF?

Judi provided the panel with the Town of Jerusalem's laws clearly addressing truck traffic in depth.

Scott cited the towns of Dryden and Middlefield's plans of actions for not allowing HVHF to occur in their towns. He mentioned the Town of Virgil has established an Aquifer Protection District. He suggested that Tompkins County has an entire document dealing with the pros and cons of the issue, and how they address road use regulations and road use agreements saying all are very specific.

Nate advised the Panel he had been invited to an Ad Hoc information gathering meeting of 6 towns in Ontario County that was held on January 9<sup>th</sup> that is moving towards a joint effort for zoning regulation updates. The towns included Canandaigua, Richmond, Victor, East Bloomfield, the Village of Bloomfield, Canadice and Bristol. The purpose of the meeting was to talk about the goals for the towns in creating tools to protect the roads, water resources, and

environmental overlay through the use of Boylan & Code law firm to help create a boiler plate for the towns to work with. The question was raised if the towns had decided on Boylan & Code for this task? It is the secretary understands that the contracts had been drawn up for each of the town's but they had not been presented to their Boards for signing.

Nate also mentioned he had been in contact with Jean Loberg, the Planning Chair for South Bristol who advised they had been working on and had completed adding definitions to their zoning regulations and were now taking a wait and see attitude to HVHF. He also mentioned the Town of Highland who has a Ban in place and is now facing a law suit by residents that are part of a coalition of land owners who have gas leases. Their concern is the loss of income that this is creating for them. Someone mentioned they did not feel the fear of lawsuits should be a determiner for how to proceed with handling the issue of HVHF.

The secretary mentioned that the Town of East Bloomfield was in the process of adopting new road use regulations using the town of Spafford as a model.

Lon advised that he still feels HVHF will not happen in Bristol but zoning still needs to be worked on with regard to

- Infrastructure-including bridges
- Comprehensive Plan should be reviewed and updated, the time frame of every 5 to 10 years or if an event or series of events occur to make the old Plan obsolete, ours was last reviewed in 2007.
- The question arises that Heavy Industry is not included in our Comprehensive Plan at present, should this be addressed?

Judi commented that it is clear there are two issues to be looked at by the Town Board

1. The public wants a Ban-how to do this should be looked at and if not viable
2. Defacto banning through the zoning process

Nate summed up his comments of how he feels the Town Board should proceed:

1. Procrastinate/Prepare as these five points are addressed
  - a. Public Health Study
  - b. Cuomo Decision
  - c. Home Rule Decision (Dryden/Middlefield)
  - d. Determine "No Drill Line" or minimum depth for HVHF drilling
  - e. Final SGEIS regulations are announced
2. #1 (a-e) will set the course for towns to follow, which will avoid the cost to write and defend local bans & and or zoning. They will also identify boundaries and other factors to framework local zoning.
3. Maintain the Moratorium until zoning is updated to include industry, heavy industry, vertical gas drilling, and Hydrofracking and provide definitions for each. Perhaps establish a new local moratorium to start once the decision is published or updates are complete, whichever comes first.
4. Update the Comprehensive Plan.
5. #3 above (zoning updates) could be a county wide effort or at least multiple town cooperation.

6. Consider implementing a “standard” road use and agreement policy for Bristol Town Roads. A road use agreement is between a municipality and a contractor, which includes any of the contractors and subcontractors used by the main one.

Scott suggested we look to Tompkins County as they have all these tools in place.

Draft Report-Judi and Jude have done a great deal of work so far in starting a Report to present to the Town Board. Nate and the rest of the panel thanked them for their efforts and suggested that it should be reviewed at the next meeting and work on additions by the other panel members. He mentioned he would like the report to be as short and concise as possible providing a document that the Town Board and public can review ahead of time making it an agenda item for the Board meeting it is presented at. The suggestion was made to have a power point of the Report so others present that did not have access to the document could follow along. The time frame for this work would be to shoot for the April 8<sup>th</sup> Town Board meeting, taking in to account Tom will be back from his trip to Africa on March 5<sup>th</sup>. The next meeting of the Focus Panel will be on January 30<sup>th</sup>.

**Recommendation for Nate to make at the next Town Board meeting would be to proceed with the necessary steps to extend the existing Moratorium. This was agreed by all Panel Members.**

Respectfully submitted,

Sandra Riker  
Secretary Town of Bristol  
Focus Panel

These minutes were reviewed and approved by all Panel Members on January 30, 2013.