

Town Of Bristol 09SEP2013

7pm

Agenda

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Open/Call to order.

I. Pledge to the flag.

Privilege of the floor: As a courtesy, please maintain comments to a 3-5 minute time period.

II. Approval of previous minutes 12AUG2013

Minutes of the preceding session shall be approved without being read, unless the reading thereof is called for by a Member of the Board. Minutes are available for review with the town clerk.

III. Audit of bills.

- A. Authorization to pay bills.
- B. Acceptance of supervisor's monies report.

IV. Old business.

- A. Water Station report

V. Superintendent's / Director's Reports.

- A. Planning Board
- B. Zoning / Building
- C. Special Committees
- D. Highway Supt
- E. Town Clerk

VI. Supervisor's Report - Updates/ New business.

- A. Report on Bristol Library – Diana Thorn
- B. Richmond Recreation Program
- C. Request for speed zone – Kear Rd.
- D. Resolution recalled – “Update” From 12AUG
- E. Dog Enumeration – 5 year cycle

VII. New Business

A. Round table – by board members.

B. Executive session - As needed basis

C. Motion to Adjourn

*There will be a presentation to board members regarding information on the NYS STAR program immediately following adjournment.

Supv. Activities – Month of AUG

- County BOS – Monthly Mtg.
- Public Safety Committee
- Financial Mngt.
- Planning and Research
- Vice – Chair Ontario County Board of Supervisors
- Ontario County Economic Development
- NYS Association of Counties
- Ontario County Traffic Safety

Update

August 5, 2013

The Town Board of the Town of Bristol hereby directs the Planning Board to develop zoning laws pertaining to High Volume Hydrofracking (Heavy Industry) as described in the NYS SGEIS. At present, Heavy Industry is not addressed in the zoning laws of the Town of Bristol.

Recent court decisions from the Appellate Court of NYS, now give local municipalities the ability to determine a town's jurisdiction in the matters of High Volume Hydrofracking (HVHF). This jurisdiction relates to the issues of home rule, property owner rights and how the NYSDEC will regulate the gas industry. The Town Board is also acutely aware that legislation at the state level may also impact a town's ability to regulate HVHF (Heavy Industry).

Heavy Industry as it pertains to HVHF, is not compatible with the Town's current comprehensive plan

Any appeals in the future to the Court of Appeals of NYS and future legislation by NYS, may also affect any proposed zoning changes. As of August 29, 2013 the Court of Appeals - New York's highest court - said that it will hear the respective appeals of Norse Energy and Cooperstown Holstein in their challenges to the home rule authority of New York municipalities to use their land use authority to prohibit gas drilling, including fracking, within their borders. Norse and Cooperstown have lost their arguments at both the trial court and appellate court levels, and two other trial court decisions have upheld municipal home rule authority to prohibit gas drilling.

The Town Board of the Town of Bristol has engaged Boylan Code to advise and counsel the planning board in developing the desired zoning laws for the Town of Bristol. The planning board has the right to seek advice and counsel from other legal resources. This process is currently in progress.

As of June 2013, the Town Board has extended the moratorium on HVHF (Heavy Industry) for an additional 18 months in order to allow adequate time for update to be made to the Zoning Laws of the Town of Bristol.

The following points and comments are for consideration to the respective town legislative bodies:

- Comprehensive Land use plan section that defines HVHF and states that it is not compatible with the current Comprehensive Plan and will not be allowed in the Town of Bristol,
- Comprehensive Land use plan section that identifies where (if anywhere in any Town Zoning District) future vertical gas drilling (that does not require HVHF) will be allowed,
- The Town needs to recognize that a number of vertical gas wells do currently exist and are functioning,
- The Town needs to recognize that NYS DEC is still the regulatory agency for on-site management and licensing of gas wells,
- The Town recognizes that a number of gas and mineral rights leases exist in the Town of Bristol with 10 (or more) gas companies have established those leases with 131 known landowners. The condition may lend itself to future litigation by gas companies and/or current landowners.