

**LOCAL LAW of 2011  
TOWN OF BRIGHTON  
"HYDRAULIC FRACTURING AND RELATED ACTIVITES  
MORATORIUM LOCAL LAW"**

Section 1. Title

This Local Law shall be known as the "Hydraulic Fracturing and Related Activities Moratorium Local Law" of the Town of Brighton.

Section 2. Purpose

While hydraulic fracturing and directional gas drilling are not currently permitted uses in any zoning district in the Town of Brighton, the Town Board desires to take further steps to ensure that neither hydraulic fracturing, directional gas drilling nor any ancillary or related uses or activities take place within the Town, pending review, drafting and adoption of Town Code provisions relevant to such activities. Serious health and environmental impacts caused by these uses could threaten the health of the residents in the Town, could require the use of massive amounts of water, or the transportation of massive amounts of water causing impact to Town highways and could cause other aesthetic, environmental and public health impacts, resulting in the degradation of the quality of life in the Town of Brighton and the Town's infrastructure. It is the purpose of this local law to enable the Town to have sufficient time to consider, draft and enact a local law or laws relating to hydraulic fracturing, directional gas drilling and related or ancillary uses to avoid such negative impact within the Town of Brighton.

Section 3. Moratorium

The Town Board hereby enacts a Moratorium which shall prohibit the review of any application, the grant of any approval or permit, the issuance of any use or area variance, the grant of any preliminary or final site plan or subdivision approval, and/or the issuance of any other Town approval or permit relating to any wells involving the practices involving of directional gas drilling or hydraulic fracturing, or any use, business or project involving the storage or vehicular transport of water to be used for hydraulic fracturing or any hydraulic fracturing fluids or waste materials on, over, or about any real property within the Town.

Section 4. Supersession of Provisions of State Law

This Local Law is enacted pursuant to Section 10 of the Municipal Home Rule Law, and under section 22 of such Law, is intended to supersede Sections 261-a, 264, 267, 267-a, 267-b, 273, 274-a,

274-b, 276, 277, 278, 279, 280 and 280-a, as well as all inconsistent provisions of the Town of Brighton Code or Town ordinances.

Section 5. Term of Moratorium

This Local Law and the Moratorium established hereunder, shall expire one year from its effective date.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Section 7. Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 8th day of June, 2011.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor  
JAMES R. VOGEL  
RAYMOND J. TIERNEY III  
LOUISE NOVROS  
SHEILA A. GADDIS  
Councilpersons

**WHEREAS**, the process known as hydraulic fracturing, also known as hydrofracking, which involves the injection into the earth of water mixed with various combinations of often toxic chemicals, in order to force natural gas from certain rock formations, has caused significant environmental issues in other areas where it has been used to extract natural gas from the ground, including but not limited to potential damage to natural watersheds; and

**WHEREAS**, the Town Board of the Town of Brighton is aware that the State of New York legislature is considering legislation to establish a one year moratorium on the use of hydraulic fracturing in the State, to attempt to ensure that it not be allowed in New York unless it can be done in a manner that does not put the environment and people's health and safety at serious risk; and

**WHEREAS**, the New York Assembly has adopted legislation to establish a one year moratorium on hydraulic fracturing , but the State Senate must now act on the legislation and the Governor must sign it in order for it to become effective; and

**WHEREAS**, the Supervisor and Town Board support state legislation that would establish a one-year moratorium on hydraulic fracturing and will send correspondence to local, state, and federal elected officials, the Governor and Attorney General of New York, and other state and federal officials as may be appropriate, to publicly declare their concern about the current process of hydraulic fracturing; and

**WHEREAS**, the Supervisor and Town Board urge that hydraulic fracturing not be permitted in New York State until regulations are adopted by the State of New York regulating the use of hydraulic fracturing in the State and until the Environmental Protection Agency study of hydraulic fracturing is completed and it is determined that hydraulic fracturing can be done in a manner that does not involve significant environmental and/or health risks; and

**WHEREAS**, the Supervisor and Town Board oppose the disposal of waste water and other materials from hydraulic fracturing sites within New York and from locations outside of New York State, until such time as research studies demonstrate that such disposal will not pose health and/or environmental hazards and impose additional costs to communities; it is therefore

**RESOLVED**, that the Town Board of the Town of Brighton hereby declares that it supports legislation to establish a one year moratorium on the use of hydraulic fracturing in New York State, as recently passed the New York Assembly, and further directs that correspondence be sent to local, state, and federal elected officials, Governor Cuomo, Attorney General Schneiderman and such other state and federal officials as may be appropriate, with a copy of this resolution, communicating the position of the Supervisor and Town Board of Brighton in support of such legislation and that hydraulic fracturing not be permitted in New York until state and federal regulations governing the use of hydraulic fracturing are adopted to avoid the risk to the environment, health and safety, and to mitigate financial burdens on local infrastructure and waste water treatment systems caused by hydraulic fracturing.

Dated: June 8, 2011

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____