

The Community Environmental Legal Defense Fund  
Pennsylvania Community Rights Network  
P.O. Box 2016 Chambersburg, Pennsylvania 17201  
[www.celdf.org](http://www.celdf.org)

**Town of Wales, New York, Adopts Community Rights Ordinance That Bans “Fracking”**

*“This local law embodies the will of our residents to protect our natural resources from destruction, so our children and grandchildren can have the quality of life we enjoy.” –  
Councilmember Mike Simon*

MEDIA RELEASE June 15, 2011  
CONTACT: Ben Price, (717) 254-3233  
[benprice@celdf.org](mailto:benprice@celdf.org)

FOR IMMEDIATE RELEASE

(Tuesday, June 14, 2011) Tuesday, June 14th, the Town of Wales, NY, adopted a community rights ordinance titled *“Town of Wales Community Protection of Natural Resources.”* The Ordinance ( No.3-2011) was enacted as a local law under NYS Municipal Home Rule Act, which recognizes broad police powers under the statute. The Ordinance establishes a Bill of Rights for Wales residents and “recognizes and secures certain civil and political rights of the residents of the Town of Wales to govern themselves and protect themselves from harm to their persons, property and environment.”

The Ordinance was drafted in consultation with the Community Environmental Legal Defense Fund (CELDF) and advocated for by the community group Protecting Our Water Rights (POWR).

Two key prohibitions are enacted to protect the rights enumerated. The Ordinance bans “ any individual or corporation to engage in the extraction of natural gas or oil utilizing in whole or in part the process commonly known as and herein defined as hydraulic fracturing” and also prohibits “any individual or corporation to engage in the extraction of natural gas or oil utilizing in whole or in part the process commonly known as horizontal gas well drilling,” with the exception, in each case, of gas wells installed and operating at the time of enactment of the Ordinance.

The bill also recognizes the right of the people to a form of government where they live “which recognizes that all power is inherent in the people, that all free governments are founded on the people’s authority and consent, and that neither individuals nor corporate entities and their directors and managers shall enjoy special privileges or powers under the color of state law which purports to make community majorities subordinate to them.”

Prior to the vote, POWR member Susan Everett commented "I hope tonight you will be voting to pass this local law. You have listened to the people and acted responsibly to protect our families and our natural recourses for generations and I speak for many in thanking you."

Procedural questions on the authority of the Board to enact the Ordinance were addressed by Councilmember Mike Simon, who said "I don't want to wait for any other agencies, federal, state or county to tell us what to do. The more I learn about the harms of fracking, the more I know that we have to act on this...It comes down to the principle of home rule versus state rule."

The town submitted the proposed law to the Erie County planning board in April and they were to make their recommendation within 30 days. Instead they asked the Town submit the law to another state agency before voting on it.

"I think the county is trying to pass this off to the state" commented Rickey Vendetti, Wales town supervisor

The Town Board voted 4 ayes and one abstention to vote on the ordinance without submitting it to the state, then the Board voted 4 ayes and one abstention to enact the Community Rights Ordinance.

"This is a truly unique example of government working like it should. The people of Wales went to their town board members and the board responded to their concerns," stated Sarah Buckley, founder of POWR.

The Ordinance includes a local "bill of rights" that asserts legal protections for the right to water; the rights of natural communities; the right to local self-government, and the right of the people to enforce and protect these rights through their municipal government.

The bill was modeled after the Ordinance adopted on November 16th of last year by the City of Pittsburgh, Pennsylvania, and drafted by the Community Environmental Legal Defense Fund. Similar ordinances have been enacted by Mountain Lake Park, Maryland, West Homestead PA, Licking Township PA, and have been introduced as bills by communities in Pennsylvania, New York, Ohio and West Virginia.

The gas extraction technique known as "fracking" has been cited as a threat to surface and ground water throughout the region, and has been blamed for fatal explosions, the contamination of drinking water, local streams, the air and soil. Collateral damage includes lost property value, ingestion of toxins by livestock, drying up of mortgage loans for prospective home buyers, and threatened loss of organic certification for farmers in the affected communities.

Ben Price, Projects Director for the Community Environmental Legal Defense Fund, applauded the Council for taking a stand on behalf of community rights. "State law preempts municipalities from regulating the industry to protect the community. But residents have the right to decide whether or not they get fracked. We don't have a gas drilling problem. We have a democracy problem. Its symptoms are the State's refusal to recognize the right to local, community self-government, and the issuance of permits to drilling corporations that empower them to violate the rights of the human and natural communities."

*The Community Environmental Legal Defense Fund, headquartered in Chambersburg, has been working with people in Pennsylvania since 1995 to assert their fundamental rights to democratic local self-governance, and to enact laws which end destructive and rights-denying corporate action aided and abetted by state and federal governments.*