

NY Gas Company Appeals 'Home Rule' Court Decision

ALBANY, N.Y. (AP) — A gas drilling company has filed a notice of appeal in its attempt to overturn a western New York town's moratorium on natural gas development.

Lenape (LEH'-nuh-pee) Resources had sued the Livingston County town of Avon, claiming its moratorium was illegal because the state Department of Environmental Conservation has sole power to regulate the industry. On March 15, a trial-level state Supreme Court judge ruled against Lenape, citing two other local bans that had withstood court challenges.

Those two cases are now before the Appellate Division of state Supreme Court.

Lenape's lawyer, Michael Joy, said Wednesday he would file the appeal after the Appellate Division rules on the cases involving the towns of Dryden and Middlefield. A decision is expected in mid-May.

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