

LUMBERLAND TOWN BOARD MEETING MINUTES
DECEMBER 8, 2010

The Town of Lumberland Town Board held a regular monthly meeting on Wednesday, December 8, 2010, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Rajsz opened the meeting at 7:04 p.m., followed by the Pledge of Allegiance.

Roll Call was administered to those members present:

Supervisor Nadia Rajsz
Councilman/Deputy Supervisor Joseph Carr
Councilman Jay Shafer
Councilman James Akt
Councilman William J. McKerrell

Also present were Town Clerk Virginia Horn, Tax Collector Phyllis Knapp, Chief Constable Patrick Cahill, Cathy Sterling, Susan & Mack Morley, Caroline Akt, Joy Ryerson, LEC Co-Chairs Ann Danuff & Cheri Bodnaruk, Joanne Trapasso, Linda Shafer, Sophia Martynec, Susan Gregg, Judy & Stanley Stern, Peter Comstock, Mr. & Mrs. Yaron Fidler, Bohdan Kandiuk, Eileen & Frank Kean, Sandy Long from the River Reporter, ZBA Chair Lewis Powell, Abbey Schlosser, Keith Gilmour, Helga Rupnick, several residents from the Black Forest Colony and several residents from the Town.

Supervisor Rajsz reported that the Board would review the Agenda until 7:15 p.m., at which time they would be opening the Public Hearing for Local Law #1, 2010 entitled DOG LICENSING.

MINUTES

Supervisor Rajsz noted several corrections to the Minutes of November 10, 2010. Supervisor Rajsz noted that on page 3, 2nd paragraph, it should read she said it was a great project. Also on page 3, Supervisor Rajsz noted on the 2nd line in the last paragraph it should read she attended the open house and dedication ceremony for the new school. Supervisor Rajsz noted a correction on page 5, second paragraph, the town listed should be Cohecton.

Supervisor Rajsz stated that on the Minutes of November 17, 2010, on page 2, she recommended everyone write letters to their State representatives, and on the next to last paragraph it should read "certain bills are in committee".

Councilman Carr made a motion to accept the Minutes of November 8, 2010 as written, seconded by Councilman Akt, all in favor, so carried. Councilman Carr made a motion to

accept the Minutes of November 10, 2010 as corrected, seconded by Councilman McKerrell, all in favor, so carried. Councilman Carr made a motion to accept the Minutes of November 17, 2010 as corrected, seconded by Councilman Akt, all in favor, so carried.

CORRESPONDENCE

1. Monthly Reports: a. Supervisor
b. Town Clerk
c. Buildings
d. Highway Superintendent
e. Constables

2. UDC Correspondence
3. NYS Comptroller's Newsletters
4. NYS Water Environmental Assoc. Newsletter
5. ZBA Meeting Minutes – Oct.
6. Upper Delaware Scenic Byways Mtg. Agenda
7. Catskill Region Land Use Training Notification
8. Code Enforcement Officer Training Certification
9. Sorensen Newsletter
10. Catskill Mountaineer Newsletters
11. LEC Meeting Minutes – Nov.
12. Sullivan County Fire Advisory Board Meeting Minutes- Sept.
13. Grant Writer Update Report
14. NYS DEC letter- Flood Mapping

Supervisor Rajszyk requested holding Items #6 & #14 for discussion. Supervisor Rajszyk reported Item #6 was notification that the Scenic Byways has a grant for signage along the byways which would provide signs free to the townships. Supervisor Rajszyk noted that they would have the Highway Dept. put the sign into the ground. Grant Writer Frank Schwarz questioned the deadline to pass the resolution for the grant? Supervisor Rajszyk reported the deadline was January 24, 2011.

Supervisor Rajszyk reported Item #14 was regarding flood mapping, noting we have received the flood maps and need to do a Local Law for the mapping by January. Supervisor Rajszyk noted we will need to hold a Public Hearing for the Local Law.

Councilman Carr made a motion to recess the regular meeting at 7:13 p.m., seconded by Councilman Shafer, all in favor, so carried. Councilman Carr made a motion at 7:13 p.m. to open the Public Hearing for Local Law #1, 2010 entitled DOG LICENSING, seconded by Councilman Shafer, all in favor, so carried.

PUBLIC HEARING – LOCAL LAW #1, 2010 ENTITLED DOG LICENSING -7:15 P.M.

OPEN FLOOR FOR 1ST TIME:

Supervisor Rajsz reported that the Licensing Law is the same as what the State used to do except the Town will now be doing the licensing. The Town Clerk reported that the Board members have discussed the fee schedule which will be approved at the Year-End Meeting. The Town Clerk reported that the State is still mandating that the Town send \$1 for spayed/neutered dogs and \$3 for unsprayed/unneutered dogs so the Town Board has agreed that the present \$2.50 license fee for spayed/unneutered dogs will go to \$3.50 and the present \$10.50 license fee for unsprayed/unneutered dogs will go to \$13.50 for the new mandate. The Town Clerk noted that there has been a discussion and agreement that Senior Citizens would only have to pay the \$1 for spayed/neutered dogs and the \$3 for the unsprayed/unneutered dogs, which exempts them from paying the full fee.

OPEN FLOOR FOR 2ND TIME:

No Comment

OPEN FLOOR FOR THE 2RD TIME:

Joan Rosenfelt questioned if this new law will help with the spaying/neutering of cats? Supervisor Rajsz reported that it does not because it only applies to dogs.

Councilman Akt made a motion to close the Public Hearing at 7:16 p.m., seconded by Councilman Shafer, all in favor, so carried. Councilman Carr made a motion to reopen the recessed meeting at 7:16 p.m., seconded by Councilman Shafer, all in favor, so carried.

PRE-FILED RESOLUTIONS

- #147 – Local Law #1, 2010 Approval – Dog Licensing
- #148 - Local Law #2, 2010 Approval – Cold War Veterans Exemption
- #149 - LEC Member Appointment –Gregg
- #150 - Gas Drilling

Supervisor Rajsz stated they would consider Resolution #148 after the Public Hearing on Local Law #2, 2010, which is scheduled tonight at 7:30 p.m.

Supervisor Rajsz read Resolution #150 for Gas Drilling and Thanked Peter Comstock for drafting up the Resolution. Supervisor Rajsz also noted that Comstock has drafted up letters to be sent to our legislative officials. Supervisor Rajsz stated she would like to amend the letters to invite all officials to visit our area. Supervisor Rajsz Thanked all the

residents for coming to the meetings, noting she is not against gas extraction but is not in favor of the process that is being used.

OPEN FLOOR TO PUBLIC

Peter Comstock stated that this is what democracy was all about and he was proud of the Town Board for being responsible and doing their home work on the gas drilling issue. Comstock noted it was commendable of the Town Board to work together with the Town on this issue. Comstock stated that the Town needs to take a step further and establish home rule. Supervisor Rajszt stated that she hopes governor elect Cuomo will follow Governor Patterson on this issue. Comstock reported there was an important meeting in the Town of Highland tomorrow night regarding gas drilling for anyone that would like to attend. Supervisor Rajszt noted someone had previously asked if anyone in the Town of Lumberland had leased land for gas drilling and she reported she checked with the County and nobody has to this date.

Councilman Carr made a motion to recess the regular meeting at 7:30 p.m., seconded by Councilman Shafer all in favor, so carried. Councilman Shafer made a motion to open the Public Hearing for Local Law #2, 2010 entitled Cold War Veterans Exemption at 7:30 p.m., seconded by Councilman McKerrell, all in favor, so carried.

PUBLIC HEARING- LOCAL LAW #2, 2010 ENTITLED COLD WAR VETERANS EXEMPTION – 7:30 P.M.

Supervisor Rajszt reported this Local Law was for the Cold War Veterans Exemption and read the Local Law.

OPEN FLOOR FOR 1ST TIME

Mack Morley questioned why the Cold War Veterans had been ignored for so long in the Town of Lumberland when the other surrounding towns enacted this Local Law some time ago? Supervisor Rajszt stated she could not speak for the previous Town Board but she was appreciative of the duty of the Cold War Veterans. Ann Danuff questioned if this exemption included Cold War Veterans widows? Supervisor Rajszt stated she would check with the County.

OPEN FLOOR FOR 2ND TIME

No Comment

OPEN FLOOR FOR 3RD TIME

Councilman Carr stated that the previous Town Board looked into the impact this exemption would be to the Town but it was never brought up again because they never

found out what the impact would be. Councilman Carr noted that the present Town Board got on top of it and got it done.

Councilman Akt made a motion to close the Public Hearing at 7:35 p.m., seconded by Councilman McKerrell. Councilman Shafer made a motion at 7:35 p.m. to reopen the recessed meeting, seconded by Councilman Akt, all in favor, so carried.

The Board members approved Resolution #148 for the Local Law #2, 2010 entitled Cold War Veterans Exemption.

REPORTS OF BOARD MEMBERS

Councilman McKerrell reported the parks are closed up and they are still working on the sledding hill and the holiday decorations.

Councilman Carr stated that, due to Supervisor Rajszyk, money has been saved by getting much needed projects done and the Town has been getting grant monies at no cost to the Town. Councilman Carr suggested putting together a listing of all the projects and grants and posting it in the Town newsletter.

Councilman Akt reported they are starting to replace the floor tiling in the municipal building and will be working on it through the winter until it is finished.

Supervisor Rajszyk Thanked the Youth Program and all the others that decorated the buildings and wished everyone Happy Holidays.

ZBA Chairman Lewis Powell reported the ZBA is quiet and the zoning rewrite committee continues to meet two times a month. Powell requested a copy of the flood maps and the information that the Supervisor received regarding the flood mapping.

LEC Co-Chair Cheri Bodnaruk reported they did workshops in September and October on single stream recycling and composting. Bodnaruk noted they are continuing the water testing. Bodnaruk stated the LEC has been requested to show the movie "Gasland", however, they do not have permission to show the movie publicly. Bodnaruk reported she
(6) December 8, 2010

has the original movie that "Gasland" was based on. Supervisor Rajszyk questioned if we could get "Gasland" from the Town of Highland to show? Peter Comstock reported he has ordered a copy of "Gasland". Supervisor Rajszyk reported she has asked Bill Cutler to come to the January Town Board meeting to discuss recycling. Bodnaruk reported she is on the committee for the updating of the knotweed brochure, noting she is trying to get on of the

seminars on this issue down to this area. Bodnaruik reported that knotweed is very invasive and they have to try to control it, if not eradicate it.

The Chief Constable Patrick Cahill reported on his department's monthly activity report.

The Tax Collector Phyllis Knapp reported she is getting ready for our New Year's present of our tax bills.

Councilman McKerrell reported that there will be a Public Hearing for the County Budget next Tuesday in the Town of Highland which is the only one in our area.

OPEN FLOOR TO PUBLIC

Sandy Long from the River Reporter reported she has been covering the gas issue for the last 3 years and the River Reporter is offering a 6 week free subscription for non subscribers. Long announced that Supervisor Nadia Rajsz has been nominated for the Vice Chairman position for the UDC for the coming year. Long noted that the River Reporter has a story about the Kadampka Meditation Center in a couple of weeks. Supervisor Rajsz stated the River Reported does an excellent job on the gas drilling issue.

Supervisor Rajsz noted the Special Announcements.

ABSTRACTS

Councilman Shafer made a motion to approve General Fund & Highway Abstract #12, 2010, with General Fund Claims G12-#700 through #778, in the amount of \$20,540.18, General Fund Prepaid Claims in the amount of \$21,813.31, and Highway Fund Claims H12 -#500 through #534, in the amount of \$33,070.98, with a total of Abstract #12, 2010 of \$75,424.47, seconded by Councilman Carr, all in favor, so carried.

Councilman Akt reported that Bob Rice was present tonight representing the Black Forest Colony with letters addressing the concerns of their citizens and fracking. Rice read several letters requesting the Town Board's support in considering imposing a ban on fracking. Supervisor Rajsz reported she has received a petition from the Kadampa Center also and noted that this is not the only letter she has received requesting a ban. Sandy Long from the River Reporter stated she learned today that the Delaware River Basin

Commission will be releasing their regulations tomorrow and there will be a public comment period until March when a Public Hearing will be held.

Sue Gregg stated that the Lumberland Concerned Citizens would like to submit to the Town Board a petition with 200 signatures regarding gas drilling. Gregg read the petition

before presenting it to the Town Board. Supervisor Rajsz questioned if there were any regulations in zoning allowing mining? Martha Tully reported that the regulation permitting the process for extraction falls under the definition of mining. Sue Gregg stated that, under the NYS nuisance law, issues such as truck traffic are addressed. Supervisor Rajsz reported she called the Association of Towns and this issue falls outside of the Conservation Law. Martha Tully noted that if the zoning was in effect for regulations then a special use permit would need to be applied for. Tully recommended working on the regulations for gas drilling and get them in place. Peter Comstock recommended the towns get together to pool our resources.

Supervisor Rajsz reported that Town of Highland Councilman Paul Zimmerman passed away and the Town of Highland canceled their Town Board meeting that was scheduled last night.

Supervisor Rajsz wished everyone a Happy Holiday.

Councilman Akt made a motion to adjourn at 8:25 p.m., seconded by Councilman McKerrell, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk