

PRE-APPROVED - LUMBERLAND TOWN BOARD MEETING MINUTES
OPEN MEETING
JANUARY 11, 2011

The Town Board of the Town of Lumberland held an Open Meeting with the Lumberland Planning Board, Zoning Board of Appeals and the Advisory Board for Gas Drilling Issues on Tuesday, January 11, 2011, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7:01 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, Sophia Martynec, Terri Fountain, Robert Grimm, Lewis Powell, Joanne Trapasso, Martha Tully, Peter Comstock, Gregory Bodnaruik, Ann Steimle, Keith Gilmour, Susan Morley, Hattie & Ed Gavalla, Caroline Akt, Abbey Schlosser, Susan Gregg, Van Krzywicki, 2 representatives from the Kadampka Meditation Center, K. Thubchen, Sharon Lovich, Jess Gluckler and a couple of unnamed residents.

Supervisor Rajsz reported that the Zoning and Planning Boards have come together with the Advisory Board on gas drilling issues to discuss how to best protect the town. Supervisor Rajsz noted that the Advisory Board members present were Peter Comstock, Martha Tully, Cheri Bodnaruik, Lewis Powell, Caroline Akt and Councilman Akt, who will represent the Town Board. Supervisor Rajsz reported she would like to add Ann Steimle for Emergency Services, Keith Gilmour, and Terri Fountain from the ZBA to the Advisory Board.

Supervisor Rajsz noted that Peter Comstock gave out packets on gas drilling issues and the Town of Lumberland passed a Resolution in favor of being pro active on the gas drilling process. Supervisor Rajsz stated she is not against drilling but if it has a negative impact it should be studied first before approving it. Supervisor Rajsz noted that the EPA study may not be done until 2012.

At this time Supervisor Rajsz turned the meeting over to Advisory Board Chairman Peter Comstock. Comstock stated that he would like to give the Planning and Zoning Boards

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the updates on what is going on with the gas drilling issue. Comstock reported he appreciates the work of all the Boards. Supervisor Rajszyk noted the members of the ZBA and Planning Boards and the Environmental Council that were present at tonight's meeting. Comstock noted there was a member of the Concerned Citizens Committee also present.

Peter Comstock reported that there could be profound impacts from gas drilling, noting that in the packets he distributed tonight there were pictures of what those impacts have been already to other towns. Comstock noted that one of the greatest impacts is to roads. Supervisor Rajszyk reported there is a multi-municipal task force meeting tomorrow night in Narrowsburg which is an open meeting to discuss the issues of regulations for roads with the attorney group. Comstock reported that in Bradford County, Pa. there have been large tanker trucks leaving gas drilling sites with contaminated water and no manifests. Supervisor Rajszyk questioned where is the contaminated water going? Comstock noted that there are regulations as to where it is suppose to go, however, it is not always going to that particular place. Comstock noted that they can't account for all of it. Comstock stated it is the Planning and Zoning Board's work to protect the Town. Comstock stated that the Town Board has taken a step in the right direction by joining the Multi Municipal Task Force and by rewriting the Zoning Law. Comstock reported that there is legislature pending in the Senate to clarify that towns do have the right to use their zoning to regulate drilling as long as the laws are applicable to but not exclusively to gas drilling. Martha Tully will check on the pending law.

Peter Comstock reported that the Town of Highland Advisory Committee will be in collaboration with the Town of Lumberland Advisory Committee, noting they will have a forum in mid February along with the Planning Boards, Zoning Boards and Town Boards from both towns invited to attend. Comstock noted legal teams will be present and looking at the local control issue. Comstock reported they will have an informational session in the morning with a work session in the afternoon. Comstock noted that the Town of Lumberland Advisory Board will meet on Sunday, January 23rd with the Town of Highland Advisory Board. Comstock requested a copy of the Lumberland Master Plan and participation from the Planning and Zoning Boards at the forum in February.

Supervisor Rajszyk Thanked Comstock for coming to the meeting and stated that we need to be proactive but be sensitive to the private property owners rights. Supervisor Rajszyk stated they also have to consider Emergency Services to be involved with the Advisory Board. Ann Steimle stated they do not have the personnel if an event were to happen as a

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result of gas drilling. Comstock noted that he did not want to be an alarmist but there has already been an explosion elsewhere as a result of gas drilling.

Ed Gavalla questioned if there had been any gas drilling leases signed in the Town of Lumberland? Supervisor Rajsz reported there were none but we need to put regulations on what is allowed before it happens. Supervisor Rajsz noted she has been checking with the County to see if anyone has come in to register a lease.

One resident reported that the records show that Pennsylvania residents have had their market value of their houses go down because of the drilling in their areas. This resident also noted that water had to be brought in for those living in the drilling area because their water was no longer safe to use. Supervisor Rajsz agreed that the risks outweigh the gains and the gas companies are only in it to gain money.

One resident noted that the Marcellus Shale is more radio active and it's levels are higher than the legal standards. Supervisor Rajsz stated they should put a halt on the drilling system until the study is done. Peter Comstock noted the head of the DEC has issued a statement on gas drilling that was extremely interesting. Jess Gluckler questioned if anything was being done to prohibit them continuing until the study was done? Peter Comstock reported the Assembly and Senate have put on a moratorium until May but left out horizontal fracking. Comstock noted they need an additional 30 day comment period and need more than 30 days to complete the study. Comstock reported the DRBC has issued regulations and have put a comment period on from March to April and will have a public hearing on February 22nd in Rock Hill. Supervisor Rajsz noted there will also be a public hearing in Honesdale at the same time. Comstock noted the DRBC went ahead and issued their regulations without an impact study.

Supervisor Rajsz stated that the Delaware River is the cleanest river and the gas companies want to take water out of it for the fracking process. Councilman Shafer noted it only takes 7 to 9 minutes to take out the amount of water that is needed. Supervisor Rajsz questioned what if there was a drought? Jess Gluckler questioned if there was a safe way to get the gas up out of the ground without fracking? Councilman Shafer reported they are trying something different in Canada, such as putting CO₂ in the ground. Keith Gilmour stated that if they come up with a better process fracking is still releasing methane gas. Gilmour noted that even with drilling in a cement casing sometimes they hit a void which cannot contain the cement. Supervisor Rajsz stated that issues need to be resolved before going on. Jess Gluckler noted that the gas companies have been given tax incentives. Susan Morley stated that in many rural areas people cannot afford to have their wells tested continuously if drilling is in the area. Supervisor

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Rajsz stated they should have the gas companies pay for the well testing and do continuous testing to insure the safety of the residents in the area. Keith Gilmour reported it could cost \$1,200 to test a well.

Supervisor Rajsz Thanked everyone for attending tonight's meeting. Councilman McKerrell made a motion to adjourn at 7:59 p.m., seconded by Councilman Shafer, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk