

PREAPPROVED

LUMBERLAND TOWN BOARD WORKSHOP MEETING MINUTES

NOVEMBER 8, 2010

The Town Board of the Town of Lumberland held a Workshop Meeting on Monday, November 8, 2010, at 6:30 p.m., at the Municipal Building in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 6:48 p.m.

Those members present were: Supervisor Nadia Rajsz

Councilman/Deputy Supervisor Joseph Carr

Councilman Jay Shafer

Councilman James Akt

Councilman William J. McKerrell

Also present were Nicole Bury, Sophia Martynec, Peter Comstock, Karen Smyth and Town Attorney John Kelly.

Supervisor Rajsz introduced Peter Comstock, who was present to talk to the Town Board regarding the gas drilling issue. Comstock Thanked the Board members for letting him come and talk to them and noted he will be at the regular meeting. Comstock stated he was present in the spirit of cooperation and he is representing the people that are concerned about gas drilling. Comstock noted he traveled to 3 gas sites in Bradford County, with the trip being hosted by Mike Lovegreen who is in charge of water issues. Comstock reported Lovegreen was overwhelmed with the 200 gas drilling pads there and alarmed by the number of trucks leaving drilling pads with contaminated water and no manifest. Comstock reported that, in Bradford County, if a field does not have a drilling infrastructure it has to have survey ribbons. Comstock noted that the EPA did a study in 2004 and has recently started a new study on new methods used for drilling. Comstock also noted that the DRBC is considering doing a cumulative impact study and the NYS Senate has passed a moratorium on drilling for enough time to do a study and some towns and cities also have passed moratoriums. Comstock stated he will be at the Wednesday night Town Board meeting and noted he is not any part of any organization but is concerned as a citizen.

Supervisor Rajsz stated that the Governor Elect wants the EPA to complete their study before the drilling begins. Supervisor Rajsz also noted that she is concerned

but is in favor of waiting for the results of the studies before taking any action. Supervisor Rajszt stated the Town of Lumberland is part of the Multi Municipal Task Force which is doing a road assessment. The Town Attorney stated the Town should also be looking at the question of hauling manifests. Councilman Akt questioned what the County's stance is? Supervisor Rajszt reported the County did a moratorium last year. Comstock stated he was not asking the Town Board to take a position on drilling he was just asking them to be cautious. Supervisor Rajszt reported that Congressman Hinchey wants the EPA to do an extensive study. Supervisor Rajszt questioned if they are looking for the Town to be the lead agency? Comstock stated that there is a draft resolution that is coming out in favor of a delay until the proper study has been done. Supervisor Rajszt reported that there is a State moratorium in effect until May. Supervisor Rajszt noted that the DEC has more layoffs coming. Comstock reported that Bradford County does not have the staff to inspect the sites. Councilman Akt reported the Black Forest Colony has a petition in favor of a moratorium. Comstock reported there are steps beyond that, noting the Town of Highland is looking at their zoning to account for drilling. Councilman Shafer stated there is nothing the Town can put in place for zoning until the DEC has published their decision, noting Damascus had a lawsuit because it was okay to zone for drilling but not Town wide. Supervisor Rajszt stated they will consider the attorney's recommendations. Supervisor Rajszt questioned how Comstock's trip to Dimock Pa. went to see what the effects of drilling had on a town? Comstock reported that it was very interesting, noting there were contaminated wells and people have had to leave their homes. Comstock reported one family lost their water supply that was wrecked by methane gas migration, noting they now have an agricultural water tank in the garage, which has to be vented to prevent explosions. Supervisor Rajszt stated this was probably not an isolated incident and Thanked Comstock for coming to talk to the Board.

Karen Smyth met with the Board members about putting in a garden at the Mackenzie School for a project to be done by the students of the school. Smyth showed the Board members a map of the area they were requesting which is by the ball field. Councilman Akt questioned if the area in question was Town property? Councilman McKerrell verified that it was Town property. Smyth also noted they would need a potential water source for the garden and questioned using the ball field and park bathrooms. Councilman McKerrell noted that the bathrooms are shut down in the winter. Smyth explained that each grade would pick a theme for their garden which will be linked to their curriculum. Supervisor Rajszt questioned if Smyth planned to continue beyond the initial garden? Smyth reported that they hope to continue doing the garden and they want to work with the Summer Youth Program, the Boy Scouts and Girl Scouts. The Board members agreed they did not see a problem with it. Councilman Shafer noted that the fencing that is already there is part of the decision to go along with the proposal. Supervisor Rajszt

questioned when they would start? Smyth reported they would begin this winter by preparing the soil. Supervisor Rajszyk stated they would put together a letter and a resolution for Wednesday night. Smyth gave Supervisor Rajszyk copies of the initial proposal letter. The Board members reviewed their meeting agenda. Supervisor Rajszyk noted they will be adding a resolution for the Wednesday night meeting.

Supervisor Rajszyk reported the Town website is online, the Highway Superintendent has met with P&N Alarm for a proposal on an alarm system in the highway garage, and questioned if the fuel tanks in the town hall have been hooked up and filled?

Councilman Akt reported that the tanks in the town hall were ready last week but the subcontractor has not been able to coordinate with the fuel company. Councilman Akt stated that they tried to get the plumber and Roger Bisland here with the oil company but that didn't happen. Councilman Shafer noted we contracted for State bid for fuel oil, but questioned if we could get the fuel from someone else? The Town Attorney questioned if the successful bidder had been contacted? Councilman Shafer reported the Highway Superintendent handles it but he hasn't called them yet. The Town Attorney stated that the Town should arrange to make the call themselves because companies are now suing for customers not buying according to the contract. The Town Attorney noted that, as long as there is no obligation to buy a certain amount or exclusively, that in light of the weather it would be on the order of an emergency. Councilman Shafer suggested calling 3 companies for quotes for 660 gallons of fuel oil. Supervisor Rajszyk stated she would make the calls. Councilman Akt reported the repair work on the school bus garage is done.

Supervisor Rajszyk reported the tax exemption packages have been sent out to all the tax exempt properties, noting that they will need to get them back to the Assessor's office as soon as possible because the deadline is February 15th.

Supervisor Rajszyk questioned if the GEM car had been sold yet? Councilman McKerrill reported it was sold, however, it may not have been picked up yet.

Councilman Akt reported the guardrail at the end of the municipal parking lot has been installed.

Nicole Bury reported that the 3 open positions for the town are posted on the website.

Councilman Shafer questioned if the Town Board would be reviewing the applicants? Supervisor Rajszyk stated that the committees should interview the applicants and make their recommendations to the Town Board. Councilman

Shafer stated he felt that should be changed, noting he felt the Town Board should do the interviewing. Supervisor Rajsz stated they should not take it out of the committees' hands, noting that if a committee is dysfunctional then they should address that issue. Councilman Akt stated the Town Board should also interview the applicants. Supervisor Rajsz noted that the process is that the committees interview and make their recommendations to the Town Board. Councilman Carr stated that the committees should interview the applicants and then, if the Town Board chooses, they could also interview the applicants. Councilman Akt noted that the Town Board has the last say anyway since they are the ones approving the appointments. Councilman Shafer stated that the problem comes in when the Town Board does not do what the committee recommends. Supervisor Rajsz stated the Town Board always has the last say, noting that the process should be #1 – the request letters come in and are given to the committees, #2 – the committees interview the applicants and makes their recommendations, and #3 – the Town Board interviews.

Councilman McKerrell reported he contacted the lawyer for Pithian Camp and the lawyer did not see a problem with removing the deed restriction on the property by the cemetery. Councilman McKerrell noted that the lawyer didn't realize there was a problem. The Town Attorney stated he will draft and file a new deed without the restriction.

Councilman Carr made a motion to close the Workshop Meeting at 7:33 p.m., seconded by Councilman McKerrell, all in favor, so carried.

EXECUTIVE SESSION

Councilman McKerrell made a motion to go into Executive Session to discuss personnel and pending litigation at 7:33 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman McKerrell made a motion to close the Executive Session at 8:14 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman Shafer made a motion to reopen the Workshop Meeting at 8:14 p.m., seconded by Supervisor Rajsz, all in favor, so carried.

The Board members reviewed the vouchers and initialed them.

Supervisor Rajsz made a motion to adjourn at 8:55 p.m., seconded by Councilman McKerrell, all in favor, so carried.

Respectfully Submitted,

Nicole Bury, Part-Time Clerk