

PRE-APPROVED

LUMBERLAND TOWN BOARD MEETING MINUTES

NOVEMBER 10, 2010

The Town of Lumberland Town Board held a regular monthly meeting on Wednesday, November 10, 2010, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7 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 James Akt

Councilman William J. McKerrell

Councilman Jay Shafer was Absent

Also present were Town Clerk Virginia Horn, Historian Frank Schwarz, Chief Constable Patrick Cahill, Tax Collector Phyllis Knapp, Melissa Worzel, Daniel Vale, Richard Hotzler Peter Comstock from the Homestead School, LEC Co-Chair Ann Danuff, Sophia Martyne, Fire Dept. President Ann Steimle, Ben Steimle, James Steimle, Cathy Sterling, Susan Morley, Joy Ryerson, Bohdan Kandiuk, ZBA Chair Lewis Powell, Sandy Long from the River Reporter, Mike Rajsz, Natalie Rajsz, Fank & Eileen Kean, Dan & Eva Martin, representatives from Kadampka Meditation Center, Helga Rupnick, Joanne Trapasso, Keith Gilmour, Susan & Joe Smith, Caroline Akt, Stanley Stern, Linda McKerrell, Martha Tully, Geraldine & Nicolas Alagna and numerous residents of the area.

MINUTES

Supervisor Rajsz noted several corrections to the Minutes of October 12, 2010, noting on page 3, last sentence, she had recommended to the DEC that the DEC

should have Camp Simcha install a meter. Supervisor Rajszyk stated that on page 4, last sentence, it should read that the County Legislature should be compared to a County manager and how they run the County. Supervisor Rajszyk noted page 5, next to the last paragraph, it should read all kinds of engineers' expertise.

Supervisor Rajszyk noted that the Minutes of October 13, 2010, page 5, that it should read the website was www.drbc.net.

Councilman Carr made a motion to accept the Minutes of October 12, 2010, with corrections, seconded by Councilman Akt, all in favor, so carried. Councilman Carr made a motion to accept the Minutes of October 13, 2010, with correction, seconded by Councilman McKerrell, all in favor, so carried. Councilman Carr made a motion to accept the Minutes of October 20, 2010 as written, seconded by Councilman Akt, all in favor, so carried. Councilman Carr made a motion to accept the Minutes of November 3, 2010 as written, seconded by Councilman McKerrell, all in favor, so carried.

CORRESPONDENCE

1. Monthly Reports:
 - a. Supervisor
 - b. Town Clerk
 - c. Buildings
 - d. Highway Superintendent
 - e. Constables
2. Comptroller's Newsletters'
3. UDC Correspondence
4. Catskill Mountaineers Newsletters
5. Constable Resignation letter- Skoufis
6. Upper Delaware Scenic Byways Correspondence
7. Planning Board Mtg. Min. – Oct.
8. Planning Board Member Re-Appointment Request

9. Planning & Zoning Training Schedule
10. Envisioning Better Communities Information
11. Envisioning Better Communities Information

Supervisor Rajszy noted that the Constables Report was for the month of October, not November.

Supervisor Rajszy noted the Correspondence items and read Item #4 from the Catskill Mountaineer Newsletter regarding gas drilling. Supervisor Rajszy noted the resignation letter from the constable, noting it is unfortunate to have to accept the resignation but Thanked Skoufis for his service to the Town. Supervisor Rajszy noted item #12 was a letter received today from Town residents requesting their letter be included in tonight's agenda because the content of the letter was regarding gas drilling.

Councilman McKerrell made a motion to accept Correspondence #1 through #12, seconded by Councilman Akt, all in favor, so carried.

PRE-FILED RESOLUTIONS

#140 - Town Clerk Budget Modification

#141 - Planning Board Member Appts.

#142 - 2011 Budget Adoption

#143 - Town Property Use Permission – Mackenzie School Garden

Supervisor Rajszy reported that the Town Board members worked diligently to keep the 2011 budget down with a 0% increase. Supervisor Rajszy Thanked the Board for their hard work.

Supervisor Rajszy reported that Resolution #143 was for a highly important project, noting that Karen Smyth is working on her thesis for her degree and wished her good luck with the project.

REPORTS OF BOARD MEMBERS

Councilman Akt reported that they have put back to back furnaces in the bus garage and that the guide rail at the end of the municipal parking lot was completed.

Supervisor Rajsz reported that the Town website is up and running.

The Town Clerk reported the municipal offices will be closed tomorrow for Veterans Day.

Low Powell reported the Zoning Rewrite Committee is still working hard.

Cultural Series Director Frank Schwarz reported their 25th Anniversary celebration went well and Thanked the Town Board for the plaque he was given. Schwarz noted that as a result of their celebration he has a nationally known performer coming in 2012.

Grant Writer Frank Schwarz reported there is a grant possible through Hudson Energy for 100% funding , noting it involves putting in new fixtures to conserve energy in the buildings.

LEC Co-Chair Ann Danuff reported that the LEC has changed their November meeting date to November 18th due to Thanksgiving. Danuff reported the meeting will be devoted to water testing and noted they have 2 new potential members.

Susan Morley reported there will be a vote on December 7th for the Eldred School District that will involve taking \$2 million of the extra money not spent in the district and put it aside for special repairs. Morley noted she would bring in the information, noting that they don't know yet if there will be any other extra monies left over at the end of the year. Supervisor Rajsz reported she attended the open house at the high school.

Fire Dept. President Ann Steimle reported on their monthly activity. Councilman Carr reported he will be attending the Fire Dept. meetings.

OPEN FLOOR TO PUBLIC

Peter Comstock reported he attended the Town Board Workshop Meeting on Monday night to talk about the gas drilling issue. Comstock noted that the Town Board wants to work with the people, noting gas drilling is a very serious issue.

Comstock reported that the majority of people are saying that it is going to happen no matter what we do, however, there are hazards from drilling such as the pollution and environmental damages that need to be looked at. Comstock noted that the town of Dimock, Pa. is the poster child of water contamination, noting that the Homestead School kids went on a field trip there to see for themselves. Comstock stated that the homes in Dimock are worthless but the industry is saying that is an isolated case. Comstock reported that, during a recent application he made for a building permit, he had to have a site plan review done and felt that the gas drilling companies should also adhere to stricter regulations. Comstock reported that during the fracking process 50% of the mixture of water, sand & 1% chemicals used in the process goes underground and goes wherever and the other 50% comes back up to be disposed of.

Comstock stated he had to pay for his own site plan study but the industry involved in gas drilling does not have to do the same. Comstock reported that the EPA took the one gas drilling firm to task and issued them a subpoena. Comstock questioned if a moratorium should be a standard practice until the procedure is determined to be safe. Comstock noted several areas have already voted in moratoriums and requested the Town of Lumberland consider one also, and requested that everyone send out letters to their legislators, Congressmen and the President of the USA. Comstock noted there was a resolution included in the packets he handed out for the Town Board to consider. Supervisor Rajsz Thanked Comstock for coming to tonight's meeting.

Joan Rosenfelt suggested everyone see the movie "Gasland" that has been shown in a few areas. Supervisor Rajsz stated they could set the movie up here for the public to see. Susan Morley stated that people have to realize this is important because we want to make sure our children and grandchildren live to enjoy life here in the Town of Lumberland. Rosenfelt reported she was awakened by a big tree cutting truck so just imagine what the noise would be from the gas drilling trucks. Ann Steimle stated that the kids that live in Dimock, Pa. can't go outside to play anymore.

Dot Davies questioned if the Town Board could go to Dimock Pa. to see what is going on there? Supervisor Rajsz stated that it was definite possibility that they could take a road trip. One resident stated that part of the drilling process is that you have to consider what you can't see and that is where does the fluid go that is being forced underground and stays there. The resident stated that if they have tried to stop this in one single township he is all for trying to stop it from coming here. Supervisor Rajsz agreed that we still have to protect our people and our

environment and we can do everything we can to stop it. Peter Comstock stated they have sent out postcards with Dimmock, Pa. on the front of the card.

Keith Gilmour stated the worst case scenario is the damage to the water supply, noting everyone should go outside and just listen because if drilling comes in you will never hear the peace and quiet again.

One resident questioned if we can find out if anyone has leased their land? Supervisor Rajsz reported she was told the County should be able to tell us. Supervisor Rajsz stated the State should go after the tax exempt agencies instead of people having to go to gas drilling. One resident noted it is illegal to dump chemicals down our wells but the gas drilling companies are using chemicals into the ground from the fracking. Joan Rosenfelt reported that animals are dying from the contamination from gas drilling and people are getting sick. Susan Smith questioned how is the use of anybody's land determined? Supervisor Rajsz reported because it is private property they are allowed to permit it. Supervisor Rajsz noted that the Town of Tusten tried to put it into their zoning regulations but couldn't. Dot Davies reported she has a Bed & Breakfast on her property and she had to comply with the town regulations. Supervisor Rajsz reported that the laws don't apply to gas drillers because of federal laws and they don't have to adhere to the clean air act. One resident stated that the Town Board should adopt more stringent laws for private property. Supervisor Rajsz stated there is no home rule regarding gas extracting but they need to change the system, noting everyone should write letters about this issue.

Sue Gregg questioned what about a referendum vote? Gregg also noted that she has heard a rumor that state land has been leased for gas drilling. Supervisor Rajsz stated she has not heard of anything but will make calls to see who they can call to verify. Gregg noted there was an article in the Times Herald Record about the possibility of leasing state land. A resident stated that if a neighbor drills you are affected by it. Councilman Carr noted that when they drill down vertically they can go the same amount of distance horizontally. Supervisor Rajsz stated she appreciated everyone coming out tonight and that the Town Board will take everything discussed into consideration. Councilman Carr invited everyone back to next month's meeting.

Sophia Martynec Thanked the Town Clerk for her work on election day. The Town Clerk noted that some of what she does for elections is in her job description.

Joy Ryerson questioned why Rio Dam Road was closed. Supervisor Rajsz reported Alliance closed it down for repairs and when she inquired about the closure the man she spoke to was very arrogant and nasty. Supervisor Rajsz stated it is an inconvenience for the road to be closed, but noted the town lost tires on their highway trucks due to the condition of the road and the road needed to be fixed.

Supervisor Rajsz read the Special Announcements, noting Friday, December 3rd they will do the town hall decorating. Supervisor Rajsz also noted that everyone should check their smoke detectors.

ABSTRACTS

Councilman Carr made a motion to approve Abstract #11, 2010, with General Fund Claims G11-#642 through #699, in the amount of \$29,999.41, General Fund Prepaid Claims in the amount of \$9,782.51, and Highway Fund Claims H11-#463 through #499, in the amount of \$166,342.07, with the total of Abstract #11, 2010 of \$206,123.99, seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn

Town Clerk