

NEW LISBON TOWN BOARD---JULY 12, 2011---7:30 PM
REGULAR MONTHLY MEETING---TOWN HALL, GARRATTSVILLE

Present: Supervisor Robert Taylor, Councilmen Edward Lentz, Connie Chase, Glen Noto (late), Hwy. Supt. Bill Whitaker, Clerk Charlene Wells, Attorney Martin Tillapaugh

Absent: Councilman Robert Eklund

Also: Residents Ed George, Sue Smith, Tony Cannizzo, Joe Gregory, Natalie Fisher, Donald Smith, Keith Woodbeck, Nancy Moen

Supervisor Taylor opened the meeting at 7:30 PM. A motion was made by Connie Chase, seconded by Edward Lentz and carried 3/0 to accept the minutes for the June 14, 2011 regular meeting as written. The Clerk submitted the minutes from the July 11, 2011 special meeting for the Board to review.

Fuel Bids were received from Reese-Marshall and Mirabito (comparing differential factors) as follows: Reese-Marshall—Fuel Oil--\$.18, Unleaded Gas--\$.17, Diesel--\$.18, Winter Mix Diesel--\$.18, Kerosene--\$.18 and service contracts--\$229.00 each. Mirabito—Fuel Oil--\$.1594, Unleaded Gas---\$.1594, Diesel--\$.1594, Kerosene for winter blend with Diesel--\$.1594, Kerosene--\$.2369 and service contracts--\$149.95 or \$289.95 each. Mirabito is the overall lowest bidder at this point; however, we have not received notice of who the County awarded bids to, only the bids they received. After further discussion, a motion was made by Edward Lentz, seconded by Connie Chase and carried 4/0 to authorize the Clerk to review the County bid awards with our bids and to select the lowest responsible bidder, with the provision that it is not an unknown bidder.

Supt. Bill Whitaker advised that they rented a small excavator and put in a culvert on Morse Road. It is almost ready for paving. He noted that John's truck went out for repairs and a tune up (had fumes coming into truck). His truck also needs a tune up and may need injectors. The goal of these tune ups & repairs is to get better performance and fuel consumption. Willie's truck needs a camshaft (approximate cost of \$2500.) and will be sent out while he's on vacation. Hwy. Supt. Whitaker noted that he and Victor & Willard will be on vacation during fair week. He is leaving a list of jobs for John & Louie. He has bigger culverts to put in on Gardnertown, Jones & South Welcome Roads. The Town of Laurens is loaning us an excavator & operator to help with these. They used our bulldozer and two of our guys will go help them pave next week. Supt. Whitaker requested he be allowed to surplus a 5 ft by 10 ft. plastic sluice which has been sitting around for years that he can't use because it's too short. A motion was made by Glen Noto, seconded by Connie Chase and carried 4/0 to declare the old 5 ft. by 10 ft. sluice pipe as surplus and authorize the highway supt. to dispose of it.

Highway bills #95 through #108 for a total of \$14,491.88 were audited and approved for payment by the Board.

Nancy Moen commended the Hwy. Supt. for quickly taking care of a washout on Gardnertown Road.

Ed George noted that High Street is in need of repairs. The sides have washed out making it too narrow for two cars to pass on it. Supt. Whitaker advised that he is aware of it and it is on his list of needed repairs. He noted that it is a struggle to keep up with repairs this year because of the rainy weather we've been having. Councilman Edward Lentz noted that he is trying to come up with costs for paved versus dirt roads. Supt. Whitaker noted that they try to fix roads the right way.

Supervisor Robert Taylor reported on the 6/24/11 conference he attended on gas drilling issues. He heard from different attorneys with one saying towns can't stop gas drilling and another saying you could with land use and zoning laws. There were speakers from DELTA, Broome County Fire Coordinator, Cornell, Assoc. of Towns, etc. One supervisor from Pennsylvania advised that they had 26 gas wells, the roads are in great shape as they have been fixed by the gas companies, the highest paying jobs do not go to local people (locals only get the lowest paying jobs), good economically for restaurants, catering, trucking, etc., and rents are 3-4 times higher than normal so locals can't afford. Stone quarries are busy, some gas companies have purchased old buildings to convert into their offices and overall, the way of life has changed. Another supervisor

from Madison County stated that they had to fix their own roads, they are concerned about a pipeline to be built there, and they are concerned about emergency preparedness and training. It was noted that it might take 24-48 hours before special crews can get there to handle emergencies. In Pennsylvania they are losing local volunteers because they are over stressed and local hospitals and jails have seen an increase in usage. Supervisor Taylor further reported that the next meeting of the Otsego County Gas Drilling Advisory Board is July 26th, with Otsego County Emergency Services Coordinator Kevin Ritton coming to talk.

Attorney Martin Tillapaugh was present to answer the Boards' questions about passing a local law to ban heavy industry. Councilman Edward Lentz wondered if we did pass a law and it was found to be unenforceable what would it cost the Town. Attorney Tillapaugh noted that the only expense to the Town would be minimal litigation costs (\$10,000.00 estimated), or the Town could just back down from its position. Residents may serve the Town with an Article 78 proceeding, stating that the Town exceeded our authority, but speculating that they could have made money from a gas well doesn't count in the court room. Attorney Tillapaugh spoke of his previous experiences with local land use issues and going to court over them. He advised that the Towns with the best chance of keeping out heavy industry have zoning laws, like Cooperstown & Oneonta. He felt that the State would push for control, because it is too hard for gas companies to deal with patchwork regulations that differ from town to town and county to county. He has been to several seminars and the road use documents of several gas companies are better than our road preservation law. The Town would be able to increase assessments on land involving gas wells. Ultimately, he feels that the State will take all the power over gas drilling. He will draft a local law banning heavy industry, based on our goals in our Comprehensive Plan if that's what the Board feels the public wants.

Councilman Edward Lentz stated he would like to see the Board adopt a ban on heavy industry which is totally in line with our Comprehensive Plan. Supervisor Taylor added that even if we did adopt a law, it might not be enough to keep out heavy industry, but it wouldn't do any harm, according to our attorney. After further discussion, a motion was made by Edward Lentz, seconded by Glen Noto and carried 4/0 to request Attorney Martin Tillapaugh to draft a local law banning heavy industry in the Town of New Lisbon for the Board to review.

A motion was made by Connie Chase, seconded by Edward Lentz and carried 4/0 to: 1. hold a special workshop meeting on Tuesday, August 23, 2011 at 7:30 PM to review the draft law from Attorney Tillapaugh, along with other towns' laws on banning heavy industry, 2. change the September monthly meeting to Tuesday, September 6th, (instead of the 13th) and to schedule the 2012 Tentative Budget meeting for Tuesday, September 27th, 2011 at 7:30 PM.

We received more statements against allowing gas drilling from residents Dominick Fumando (Parker Road), John, Margaret & Christine Banks (Sohne Road), Joan Carman (Elliott Road), Michael Worden (Gardnertown Road), Petey Brown (Rt. 51, Garrattsville) and Jonathan & Melinda Tracy (Parker Road). We received a letter from Cecelia Schleder of Meadowvale Campsites urging the Board to send letters of support to our State leaders in support of the Home Rule and Drilling Moratorium bills which are being held up at the state level. Councilman Lentz will resend copies of these proposed bills to the Board to review for discussion next month.

Bill Mason (Miller Road) sent notice of an informational meeting to be held at the Schenevus Central School on July 27th at 7:00PM. He noted that a survey done in the Town of Maryland showed 74% were opposed to gas drilling, with approximately 50% responding. Supervisor Taylor noted that he received a note from Tony Liguori (Co. Hwy. 14) apologizing for an interruption he made at the revaluation meeting.

A motion was made by Glen Noto, seconded by Connie Chase and carried 4/0 to pay General Fund bills #125 through #138. Supervisor Taylor paid bills #118 through #124, for a total of \$5,534.68 with prior Board approval. Supervisor Taylor will hold the bill for Maxwell until he speaks to them about what they have done so far. The Supervisor's monthly report was submitted to the Board.

Supervisor Taylor noted that there was an article about municipal cell towers in the last issue of the Talk of the Towns. Councilman Lentz noted that he has not received the contact numbers from JNS towers so he has not yet contacted Verizon or AT&T about getting cell service in the Town.

The Otsego County Board is abolishing the Otsego County Planning Board. Any subdivision or site plan applications which need County review must be submitted to the Otsego County Planning Department.

The Town of Middlefield's Land Analysis, prepared by Greenplan, Inc, can be viewed on their website, Middlefieldny.com. Tavis Austin advised that we should be sure of what we will be getting if we contracted with them. He advised that he felt utilizing DELTA's road analysis for \$8500.00 would be money better spent. Fourteen towns have signed on with the County though no work has been done yet. Councilman Lentz noted that he would like to review DELTA's agreement next month.

The person who was going to do our dog census has backed out. The Board approved the Clerk advertising for the position.

With no further business, a motion was made by Glen Noto, seconded by Connie Chase and carried 4/0 to adjourn at 9:25 PM.

Charlene R. Wells, New Lisbon Town Clerk