

**NEW LISBON TOWN BOARD---NOVEMBER 10, 2011---7:30 PM  
PUBLIC HEARING (CONTINUED FROM 10/25/11) ON LOCAL  
LAW #2 OF 2011---TOWN HALL, GARRATTSVILLE**

Present: Supervisor Robert Taylor, Councilmen Glen Noto, Robert Eklund, Connie Chase and Edward Lentz, Hwy. Supt. Bill Whitaker, Clerk Charlene Wells, Attorney Martin Tillapaugh, Residents: Ed George, Mike Parsons, Steven Parker, Sue Smith, Donald Smith, Joe Gregory, Jim Gregory, Ed Dawyot, Susan Kennedy, Brian Ryther, John & Carol Lernihan, Heidi Lernihan, James & Andrea Denekamp, Jon & Kathy Sammis, John Braunius, David Galley, Nancy Moen

Supervisor Robert Taylor noted that the Board would continue the public hearing on Local Law #2 of 2011, Protection of Rural Environment Local Law of the Town of New Lisbon and take any further comments from the public.

Jon Sammis of Goddards Road advised that he is against banning heavy industry including gas drilling. He feels the law takes away landowner rights and that we need the jobs gas drilling would create in the area.

James Denekamp noted that he was working with someone from PA and they advised him that most of the workers came from Texas, with few local jobs created. Since the gas companies can take gas from underneath you without your permission when drilling on adjacent properties, your right to say no to gas drilling can be taken away from you.

Kathy Sammis felt that the Town should wait until the DEC finishes drafting their regulations. She doesn't want to see the Town pay for a lawsuit.

Edward Dawyot noted that we should be staying on the sidelines like the County is to see what happens. He felt the Town can't afford a lawsuit. He felt that Supervisor Taylor and Councilman Eklund shouldn't vote on the issue as they have conflicts.

John Lernihan stated that he thinks the residents have spoken with the survey results, the public comments and the election results. We can see what happens with the other towns being sued over their laws and we can always choose to just back off from our position instead of fighting in court.

With no further comments from the floor, a motion was made by Connie Chase, seconded by Robert Eklund and carried 5/0 to close the public hearing at 7:45 PM.

**NEW LISBON TOWN BOARD---NOVEMBER 10, 2011  
REGULAR MONTHLY MEETING---TOWN HALL**

Present: same as above

Supervisor Robert Taylor opened the regular monthly meeting at 7:45 PM. He advised that Attorney Martin Tillapaugh found out that we had to complete the long form of the SEQR paperwork and it must be referred back to the County Planning Dept so we would not be able to act on the local law tonight. We should also send them a letter advising that the Town Board desires to be Lead Agency on this action, which is the adoption of a local law. Attorney Tillapaugh noted that the adoption of the law will not create an environmental impact. A motion was made by Edward Lentz, seconded by Robert Eklund and carried 5/0 to submit the SEQR paperwork to the County Planning Dept. as drafted by Attorney Tillapaugh, after reviewed by the Board and to declare the desire of the Town Board to assume Lead Agency status on this action.

A motion was made by Glen Noto, seconded by Robert Eklund and carried 5/0 to accept the minutes for the October 11, 2011 regular meeting and October 25, 2011 public hearing as written.

Steven Parker has requested a setback variance to 45 feet for the purpose of building a storage building/garage on his property. His septic system and electric lines prohibit him from placing it back further. Hwy. Supt. Bill Whitaker noted that it would not interfere with the sightline. Councilman Robert Eklund agreed that it would probably be the most reasonable spot to place the building. After further discussion, a motion was made by Robert Eklund, seconded by Connie Chase and carried 5/0 to approve a setback variance (#03-11) to 45 feet for Steven Parker for the purpose of building a storage building/garage on his property at 207 Parker Road, tax map #189.00-1-14.01.

The Board discussed changing the handling of setback variance requests. Councilman Edward Lentz questioned if we should first send them to the Planning Board. Planning Board member Dave Galley added that he thought our procedure has been working well the way it is. After further discussion, the Board agreed to leave the review of setback variances at the Town Board level while reserving the right to forward them to the Planning Board if they feel it's more complicated and they want more input.

Hwy. Supt. Whitaker advised that he finished the paving and sealing and submitted his voucher for reimbursement of \$109,307.54 under the CHIPS program. In addition to the paving and stone cost he claimed expenses for hauling the stone and machinery cost. He also claimed preliminary work done on Gardnertown Road which he plans on paving next year. They have the plows on and the trucks ready for winter. He noted that they had to make small repairs to three trucks that had problems during the first snow.

Highway bills #154 through #175 for a total of \$61,325.96 were audited and approved for payment by the Board.

Brian Ryther requested the Board reconsider having his plans to build a new sap house be subject to site plan review. He noted that Chapter 87 of 2010 laws considers the production of maple products as agri-tourism. There is a current law being proposed that would define maple product production as agricultural. The Board reviewed the definition of agriculture in our Site Plan law. Attorney Tillapaugh advised that he felt even though it doesn't specifically list sap houses as agricultural, the definition could be interpreted to include them or we could amend the law to include them specifically. After further discussion, a motion was made by Robert Eklund, seconded Glen Noto and carried 5/0 to consider a sap house as agricultural and therefore exempt from site plan review.

Ed George noted that it was National Neuroendocrine Tumor Awareness Day and submitted a fact sheet about it to the Board.

Sue Smith advised that she had a problem with dogs attacking her sheep and the Dog Control Officer never showed up when she called him. Supervisor Taylor advised that he would call him and have him meet with her.

We received notice from Timer Warner Cable that their rates would be increasing in December 2011. The Empire Energy Forum is sponsoring an informational meeting on hydraulic fracturing and its' economic impact on November 15, 2011 at the Holiday Inn in Oneonta.

Maxwell Appraisal Service has completed the data collection and will be sending out letters to land owners to verify that the data they have is correct. They will be at the Town Hall on November 28<sup>th</sup> & 29<sup>th</sup> from 12-7 PM to answer questions and make corrections to their data.

A motion was made by Edward Lentz, seconded by Glen Noto and carried 5/0 to pay General Fund bills #198 through #206 for a total of \$5,185.49. Supervisor Taylor paid bills #190 through #197 for a total of \$5,382.48 with prior Board approval. The Supervisor's monthly report was submitted to the Board.

The proposal from DELTA to do a road analysis was discussed. Supervisor Taylor noted that it would be like having an insurance policy on our roads and thought it would be helpful and help take some of the work load off of the Hwy. Supt. Councilman Eklund thought that there still will be a burden on the Hwy. Supt. as he would have to help provide information to DELTA. He doesn't feel that using DELTA will lesson the Hwy. Supt.'s responsibilities. Supervisor Taylor noted that being a part of the County & DELTA network would help with the permitting process. Councilman Eklund noted that he isn't comfortable with a County designated person being responsible for determining truck routes, etc. He wants to keep local control. Councilman Lentz felt the proposal was too high priced for what we would get. If the County does take over the permitting process, perhaps we could join in on that aspect in the future. Councilwoman Chase questioned if we could hire someone to help the Hwy. Supt. with the paperwork if the need arose instead of going with the DELTA proposal. A motion was made by Supervisor Robert Taylor to accept the contract from DELTA for a road analysis for \$8500.00. Councilman Noto stated that he was not ready to commit with DELTA yet. There was no second to the motion so the motion failed.

The first, start up meeting of the Comprehensive Plan Implementation Committee (CPIC) will be on Wednesday, December 14<sup>th</sup>, 2011 at 7:00 PM at the Town Hall. The Clerk will send notice and a copy of the goals from the Comprehensive Plan to the eleven people who have signed up to serve on the committee.

Supervisor Taylor advised that he had spoken to Tavis Austin and he is willing to serve as a Planning Consultant for \$40.00 an hour. He could provide training for the Planning Board and consult on complicated subdivision and site plan applications. OCCA has hired a new individual to serve with their Circuit Rider Program. All agreed to have this person come talk to the Board before any decision is made.

A motion was made by Edward Lentz, seconded by Glen Noto and carried 5/0 to reappoint Edward Dawyot to a new five year term on the Board of Assessment Review. His term will expire 9/30/16.

We need one more person to fill the position on the Board of Review vacated by the resignation of Joseph Caffery. Carol Lernihan volunteered to do the job. A motion was made by Edward Lentz, seconded by Glen Noto and carried 5/0 to appoint Carol Lernihan to serve on the Board of Assessment Review. Her term will expire 9/30/2014.

A motion was made by Glen Noto, seconded by Edward Lentz and carried 5/0 to authorize Supervisor Robert Taylor to attend the Association of Towns annual meeting and conference in NYC in February 2012 and to be our voting delegate.

Our CDPHP plan now has a Domestic Partner rider (at no cost) unless the Town Board decides to delete it. We presently have a 2 Tier plan with single & family. We can change to a 3 Tier plan which would have Single, Employee + One, and Family. After further discussion, a motion was made by Edward Lentz, seconded by Glen Noto and carried 5/0 to keep the Domestic Partner rider and to change to a 3 Tier plan effective 1/1/2012.

A motion was made by Glen Noto, seconded by Connie Chase and carried 5/0 to increase the highway medical insurance in the 2012 budget by \$5,000.00. With no further changes, a motion was made by Glen Noto, seconded by Edward Lentz and carried 5/0 to adopt the revised 2012 Preliminary Budget as the 2012 Final Budget. The amount of the tax increase will be below the mandated 2%.

Supervisor Taylor will see if Carolyn Lewis of the IDA will come and do a short presentation on what small towns can do to stimulate the economy at the December 13, 2011 meeting.

The playground inspection company didn't come out again this year. Councilman Noto will check and see who does the school playground.

Clerk Charlene Wells is still gathering information for a job description for a land use enforcement officer. She is waiting for a sample from the Town of Springfield which has this position.

Discussion was held on the highway barn repair/replace issue. Councilman Lentz suggested that we look for help from OCCA or Erik Miller in searching for grants. It was also discussed to have contractors perhaps look at the highway barn and give us repair estimates. Donald Smith suggested that we have many local (resident) contractors who would be qualified to do the work. Supervisor Taylor will talk with Hwy. Supt. Whitaker about what needs to be done and call local contractors to see if they would be interested in giving us repair estimates.

Councilman Edward Lentz noted that he contacted Verizon and they were not interested in leasing on a local tower. JNS will not build a tower for us unless we have someone signed on to lease a spot. Attorney Tillapaugh suggested that we contact T&K Towers from Owego. With new technology, cell coverage can reach 30 miles off of a tower instead of the average 5 miles now.

Councilwoman Connie Chase requested that we rearrange the conference room so that all Board members are facing the audience. With no further business, a motion was made by Glen Noto, seconded by Connie Chase and carried 5/0 to adjourn at 9:20 PM.

Charlene R. Wells, New Lisbon Town Clerk

