

**LUMBERLAND TOWN BOARD WORKSHOP**  
**MEETING MINUTES**  
**FEBRUARY 7, 2011**

The Town of Lumberland Town Board held a Workshop Meeting on Monday, February 7, 2011, at 7 p.m., at the Municipal Building in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7:05 p.m.

Also present were 2<sup>nd</sup> Town Clerk Deputy Nicole Bury, Sophia Martyneec, Historian Frank Schwarz, ZBA Chair Lewis Powell and Richard Hotzler.

The Board members reviewed the Agenda. Supervisor Rajsz stated that corrections needed to be made to the Minutes of the Book Audit held on January 11, 2011, noting on page 2, paragraph 4, requesting a change to read that they should look into a County Executive, not another form of government, and the word “stated” changed to “suggested” . Supervisor Rajsz stated that there was a correction to the minutes of January 11, 2011, that Peter Comstock noted there was a member of the Town of Highland’s Concerned Citizens Committee present at the meeting. Supervisor Rajsz noted on the second paragraph from the end of the same page should also read legislation not legislature. Supervisor Rajsz requested a change to the minutes of January 11, 2011, on page 3, it should read “vertical” fracking, not horizontal fracking. Supervisor Rajsz requested a change to the Minutes of January 12<sup>th</sup>, page 2, last paragraph, cross out the word need in Lew Powell’s statement.

Supervisor Rajsz stated she would like to apologize for 2 mistakes she made during the last month’s meeting, noting she neglected to have a moment of silence for the shooting in Arizona, and that she neglected to thank Eleanor Hill and her family for their years of service to the Town.

Supervisor Rajsz reported that the Town Grant Writer, Frank Schwarz, has spoken to Carol Roig, grant writer, regarding grants for the Town. Supervisor Rajsz read the agreement letter from Roig, noting the Town Attorney has not seen it yet and the Board could hold off on approving the Resolution appointing Roig as a grant writer until the Attorney has time to look over the agreement. Supervisor Rajsz recommended the Resolution be adjusted to read “additional” grants. Councilman Carr questioned if we were allowed to use the position of grant writer for the new appointment since we have already appointed one? Supervisor Rajsz and Councilman Shafer confirmed that they can appoint Roig as a 1099 contractor, which is not a problem with the County. Councilman Shafer suggested adjusting

(2) February 7, 2011

the dates that the appointment would be made for. Frank Schwarz stated it was a risk of duplicating services. Supervisor Rajsz emphasized that Schwarz and Roig would be working closely together. Schwarz reported he has networked with Hinchey's office and came back with suggestions for a records management grant and a grant for the museum. Schwarz also reported he has information on other upcoming opportunities which he will pass onto the Board members. Supervisor Rajsz questioned if Roig was pursuing any of the grants Schwarz had mentioned? Schwarz replied that he has not spoken to her about them.

Supervisor Rajsz reported that the deferred compensation plan available was prudent and would not cost the Town anything. Supervisor Rajsz noted the Highway employees have expressed interest in the plan but the Town Board has to pass the Resolution approving it before they can move forward.

Supervisor Rajsz reported she attended the Parks Service meeting to discuss the trash removal along the river corridor, noting they are requesting additional information and that the NPS has extended the contract period. Councilman Akt questioned how the same person gets the contract every year? Supervisor Rajsz noted that the same person has been doing it for many years but agreed if someone else was interested in the contract they could go out to bid. Supervisor Rajsz stated that the NPS is looking for greater accountability. Councilman Shafer suggested tabling the Resolution until the position could be advertised for. Supervisor Rajsz agreed the NPS could be notified that the Town of Lumberland will participate but the Resolution could be put on hold. Supervisor Rajsz stated she would call the NPS. Councilman Akt stated it would be nice to give the job to a Town resident. Councilman Carr noted that when another applicant bid in the past that applicant was not recommended.

Supervisor Rajsz discussed the Energy Audit and read the letter from the Town Engineer noting the recommendations for the Highway garage lighting. Supervisor Rajsz reported the Highway Superintendent has suggested an electrician be contracted to switch the lights to improve efficiency. Supervisor Rajsz noted the energy audit did not include the bus garage. Councilman McKerrell reported he has spoken to the school board about the energy audit and will continue to talk to them regarding an energy audit at the school buildings in conjunction with the bus garage.

Supervisor Rajsz reported that the maintenance man, John Vandemark is doing an excellent job in the museum and there is a resolution to approve the purchase of

(3) February 7, 2011

new carpet for the museum. Frank Schwarz gave an update on the repair work currently being done in the museum, noting this is a good time to replace the carpet. Schwarz reported he called in 2 companies for bids, noting the differences between the two bids. Councilman Shafer stated the heavier quality is only a relatively small increase in price. Supervisor Rajsz stated that more durable the carpet the longer it may last. Supervisor Rajsz reported that the Town Clerk's office is scheduled to be redone next. Schwarz stated he will need assistance moving one cabinet out of the museum after Wednesday night's meeting. Schwarz reported the contractor has measured all the offices for new carpeting.

Supervisor Rajsz discussed the building that the Code Enforcement Officer has reported should be condemned. Councilman Akt noted that the property was trying to be sold for \$20,000 which includes the land. Supervisor Rajsz questioned if the Town Board has to move on this immediately, noting she is waiting to hear from the Town Attorney. Councilman Shafer reported when the owner is contacted they should wait a month to hear from them before moving on. Councilman Akt questioned if caution tape or rope should be put up around the residence? Councilman McKerrell questioned if they could legally go onto the property? Richard Hotzler stated it should be the property owner's responsibility to put up the tape or rope.

Supervisor Rajsz discussed the letter she received from the Assessor regarding property evaluations. Councilman McKerrell questioned the bottom line figure? Supervisor Rajsz reported that the figure could not be changed at this time and a full re-evaluation has been recommended. Councilman Shafer stated it should matter where the Town is in relation to the County.

Supervisor Rajsz reported the Lumberland Fire Chief dropped off a list of items the Fire Dept. could possibly get through grants. Councilman Akt questioned if this was a full list that they would need for the year? Councilman Carr will ask them at their next meeting if there are any other items needed. Councilman Akt noted that Charlie Fallon has been writing grants for the Fire Dept. Supervisor Rajsz requested Frank Schwarz look into that. Schwarz stated that the Fire Dept. grants are not in his job description. Councilman Shafer questioned if Carol Roig could work on the Fire Dept. grants? Supervisor Rajsz stated she envisions the Town Grant Writer, Frank Schwarz as the central communicator, working with Carol Roig and Charlie Fallon on grant writing.

(4) February 7, 2011

Supervisor Rajszy noted the Board members have copies of the Damage Assessment letter and the letter from Peter Comstock. Supervisor Rajszy reported there will be a EPA Source Water Protection Plan Program at SCCC which she plans to attend on March 10<sup>th</sup> and invited the other Board members to attend.

Supervisor Rajszy reported that, last Friday, she went to Narrowsburg for a meeting on the local waterfront revitalization plan so that we can redevelop and look at historic resources, scenic resources, flooding issues and water quality. Supervisor Rajszy reported that a new committee is being formed which will include a member of this Town Board, and an alternate, noting she will be the representative for the time being. Supervisor Rajszy stated she would like to form a committee to encourage businesses along the river as well as in the center of town. Councilman McKerrell questioned why we don't work with the Chamber of Commerce instead of starting another committee? Supervisor Rajszy stated she would like to involve the Town residents, such as Roger Bisland, Susan Webber, and others. Councilman Akt questioned the commercial zoning along the river? Councilman Shafer stated it is allowable within the hamlet areas.

Supervisor Rajszy reported she received an email from Eagle Creek who are the new owners of the Mongaup and Rio systems. Supervisor Rajszy stated that it looks more promising for the possibility of the town leasing the property at the corner of Rt. 97 & Ct. Rt. 31. Councilman Shafer pointed out that the draw back is that there was suppose to be a warning system placed in that area in case of flooding. Councilman Akt reported that a warning system was installed at Rio but not the Mongaup. Supervisor Rajszy reported she received a letter from the Upper Delaware Scenic Byways that grant money is available to beautify the scenic byway. Councilman Akt questioned if they could use that grant money for the Pond Eddy area? Supervisor Rajszy stated she would ask Susan Webber, a resident of Pond Eddy, about it.

Supervisor Rajszy reported that work needs to be started on plans for the Summer Youth Program. Councilman Akt questioned if we accept Town of Highland students? Supervisor Rajszy noted the program is state funded and we cannot turn down anyone. Supervisor Rajszy reported that some of the cuts in the County were in the Youth Bureau. Councilman Akt stated the Town of Highland should be encouraged to create a program. Supervisor Rajszy reported she will talk to the Highland Supervisor about the possibility of combining services for the Summer Youth Program. Supervisor Rajszy will check with the County about reciprocity regulations.

(5) February 7, 2011

Supervisor Rajszyk reported that there will be an additional program to our Summer Youth Program this year which will be an architectural building of a city, which will be done through a grant.

Supervisor Rajszyk reported Camp Lokanda contacted her regarding community service training for counselors in training from June to mid August. Supervisor Rajszyk noted this will be a free program with teens that will volunteer with the Summer Youth Program or work in the park.

Supervisor Rajszyk reported that Sullivan First has \$3,300 in their bank account, and questioned what they should do with the money? Supervisor Rajszyk noted that her husband may be able to arrange for free plants for the Town from the Warwick/Mid Orange prison. Councilman Carr reported that Sullivan First used to get their plants from the prison in Woodbourne but that was stopped a few years ago.

Supervisor Rajszyk mentioned the forum on gas drilling that will be held on Feb. 19<sup>th</sup>, noting this is very important.

Supervisor Rajszyk reported she contacted the Association of Towns regarding the tax exempt issue, noting that all the schools were cut aid except for Kiras Joel. Councilman McKerrell reported that less than 100 students attend school in Kiras Joel because they bus the other kids to various counties and they get new buses every 3 years. Supervisor Rajszyk reported she left a message for Jeff Haber from the Assoc. of Towns and he wrote back to let her know that the Assoc. has long been an advocate of the tax exemption issue. Supervisor Rajszyk reported she was sent sample resolutions regarding tax exemptions and hoped to have wording for a resolution for Wednesday night's meeting. Supervisor Rajszyk stated she hopes the new governor takes note of these resolutions, noting she is not going to let this go.

Supervisor Rajszyk reported that during a recent snow storm a resident's car was hit by one of our Highway vehicles and that our insurance carrier, NYMIR has denied the claim because they feel the town is not liable. Councilman McKerrell noted that the damage was minimal and the law allows that the Town is not at fault during these activities under Section 1103. Supervisor Rajszyk read another letter from the Town Attorney to the same effect, that the town is not liable. Supervisor Rajszyk noted she also received a letter from John Kelly stating that all certiorari cases for the Assessor's office have been settled.

(6) February 7, 2011

Supervisor Rajszt stated, due to the growth of retired employees, she would like a committee of 2 on the negotiating team for the upcoming Highway contract.

Councilman McKerrell reported the DEC got a report and is now requiring a water analysis be done at the Highway garage for the site of the old fuel tank.

Councilman McKerrell noted that the Highway Superintendent does not want to use Luzon for the testing, noting they will need to look for a new contact.

Councilman Akt recommended Miller which is who O&R uses. Councilman McKerrell stated the Highway Superintendent will research other options, and noted that the deadline for the testing is Feb. 28<sup>th</sup>.

Supervisor Rajszt reported she instructed the Constables to have a car parked in the municipal parking lot during the day and to increase their daytime presence during the tax season.

Supervisor Rajszt reported she received a letter from the Town Engineer regarding Camp Simcha, noting they are not required to submit reports to the DEC, however, the Code Enforcement Officer can request the reports. Councilman Akt noted that Camp Simcha and Pythian Camp have the same open sand pits. Supervisor Rajszt noted that she requested a meter be installed at Camp Simcha. Lew Powell stated that the meter should be on the in-flow, noting he was surprised their system was open and not covered and they were not required to provide reports to the DEC. Supervisor Rajszt stated they should have the engineering firm to look into this problem. Councilman McKerrell stated they need to find out if the camp is on a yearly basis, not just seasonal, and questioned why does the Town have to pay for an engineering firm to get the information? Supervisor Rajszt questioned why the road use agreement couldn't be extended to buses? Councilman Shafer stated you can't because it is only a one or two year deal, it is limited, that is a yearly use. Councilman Carr questioned if Camp Simcha is year round, noting the numbers would not be the same on a weekend as it would be in the summer but will they tell us if they are year round? Supervisor Rajszt noted the neighbor of the camp is documenting the activity. Lew Powell questioned if there was a site plan and if there is it should include seasonal and occupancy numbers. Councilman Shafer stated the meter would verify the numbers from the site plan, noting that the Town Attorney should be consulted. Supervisor Rajszt reported she will contact the Town Attorney.

Councilman McKerrell questioned if the Town has a local law protecting volunteers from lawsuits, noting Orange County has adopted a law to protect the

(7) February 7, 2011

town volunteers from lawsuits? Supervisor Rajszyk reported employees are protected by insurance. Councilman McKerrell recommended the Town Attorney be questioned about this.

Councilman McKerrell reported the Knights of Pythian will be having a meeting tonight to approve the deed change to the town for the property at the cemetery previously used by the highway department.

Supervisor Rajszyk reported she has instructed the new Town Attorney to collect paperwork from the previous Town Attorney.

Frank Schwarz questioned if the interim report had been received from Keystone Associates for the feasibility study? Supervisor Rajszyk stated she will follow up on that.

Lew Powell stated he doesn't understand why the Town would be writing grants for the Fire Dept. Powell reported that the Zoning rewrite committee is aiming for the end of March to have a draft done.

The Board members reviewed and initialed the vouchers.

Councilman Shafer made a motion to recess the meeting at 8:40 p.m., seconded by Councilman McKerrell, all in favor, so carried.

### **EXECUTIVE SESSION**

Councilman Shafer made a motion to open the Executive Session to discuss personnel at 8:40 p.m., seconded by Councilman McKerrell, all in favor, so carried. Councilman McKerrell made a motion to close the Executive Session and reopen the Workshop Meeting at 9:00 p.m., seconded by Councilman Shafer, all in favor, so carried.

Councilman Shafer made a motion to adjourn at 9:00 p.m., seconded by Councilman Carr, all in favor, so carried.

Respectfully Submitted,

Nicole Bury  
2<sup>nd</sup> Town Clerk Deputy