

**LUMBERLAND TOWN BOARD**  
**MEETING MINUTES**  
**FEBRUARY 9, 2011**

The Town Board of the Town of Lumberland held a regular monthly meeting on Wednesday, February 9, 2011, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7:04 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 Jay Shafer  
Councilman James Akt  
Councilman William J. McKerrell

Also present were Town Clerk Virginia Horn, Code Enforcement Officer/Building Inspector David Kuebler, Historian Frank Schwarz, Joy Ryerson, Ann Steimle, Chief Constable Patrick Cahill, Fire Dept. Chief Eric Robles, Mike Rajsz, Sophia Martyneec, Anna Colon, Michael Cortright, Bohdan Kandiuk, Donald Hunt, Jr. Peter Comstock, Sandy Long from the River Reporter, Deanna & Natalie Rajsz, 2 representatives from Kadampa Meditation Center, Lewis Powell and Susan Webber.

**MINUTES**

Supervisor Rajsz reported that corrections have been made previously to the Minutes. Councilman Carr made a motion to accept the Minutes of January 11, 2011 (2010 Departmental Book Auditing), January 11, 2011 (Open Meeting on Gas Drilling issues), and January 12, 2011 (regular Town Board Meeting), as corrected, seconded by Councilman Shafer, all in favor, so carried.

**CORRESPONDENCE**

1. Monthly Reports:
  - a. Supervisor
  - b. Town Clerk
  - c. Buildings
  - d. Highway Superintendent
  - e. Constables

Supervisor Rajsz noted that the Supervisor's Report was not available.

2. Town Engineer letter- Okeechobee Road
3. UDC Correspondence

(2) February 9, 2011

4. Cornell Cooperative Forum notification
5. Comptroller's Newsletters
6. Sullivan county Legislative Meetings Schedule
7. Pattern for Progress Breakfast with Governmental Officials Notification
8. Town Engineer letter – Newman Road
9. Upper Delaware Scenic Byways Meeting Agenda
- 10.P.N. Fire & Burglar Alarm Job Report
- 11.Grant Writer Correspondence
- 12.SC Fire Advisory Board mtg. Minutes
- 13.SC Legislature Resolution – Correction of Errors – 2011 Tax Rolls
- 14.9/11 National Flag Tour schedule
- 15.LEC Meetings Minutes

Councilman Carr made a motion to accept Correspondence #2 through #15, seconded by Councilman McKerrell, all in favor, so carried.

Supervisor Rajsz reported that she talked to the owner of Okeechobee Road regarding the paperwork needed before the Town could agree to take over the road. Supervisor Rajsz noted that one of the residents on that road was out of the country so they are waiting for that signature before being able to complete the necessary paperwork.

Supervisor Rajsz noted that Item #7 listed all the Counties meeting for a joint breakfast, and noted that all the counties except Sullivan have a County Executive. Supervisor Rajsz reported that Item #13 was a list of corrections to the 2011 tax rolls, noting that all those in the Town of Lumberland were due to the omission of granting enhanced tax exemption.

#### **PRE-FILED RESOLUTIONS**

- #39 – Contracted Town Grant Writer
- #40 - Deferred Compensation
- #41 - NPS Trash Removal – River Corridor
- #42 - Energy Audit Cost Projections Approval
- #43 - Museum Carpet Purchase Approval
- #44 - Municipal Credit Card Machine Use
- #45 - Town Representation Authorization
- #46 - Property Tax Exemptions
- #47 - Code Enforcement 2010 AutoBook Codes Purchase
- #48 - Joint Natural Gas Drilling Forum Costs
- #49 - Joint Town Gas Drilling Consultant Approval

(3) February 3, 2011

Supervisor Rajszyk reported that Resolution #41 regarding the NPS River Corridor Trash Removal contract was discussed at the Workshop Meeting, noting it was too late to advertise for this work, and after conferring with the Town Clerk, recommended this be approved due to the time frame for approval. The Town Clerk reported that the Town Board can look into this next year, noting that A. Schields has been doing the work for many years and there has never been a complaint and he did not raise his quote from last year even though the time has been extended this year. Supervisor Rajszyk requested the time frame from April 1<sup>st</sup> to October 31<sup>st</sup> be added to the Resolution. Supervisor Rajszyk reported that the discussion was to advertise for this position to see if we could get an individual to do the trash pickup, however, we did not have the time to do so.

Supervisor Rajszyk reported that Resolution #42 was for approval for the costs of the recommended upgrades to the town buildings from an energy audit done by O&R Utilities. Councilman McKerrill reported he has talked to the school district about paying for any upgrades to the bus garage since they pay for the electric. Supervisor Rajszyk reported that it would be a considerable savings for the nominal amount that needs to be paid out.

Supervisor Rajszyk stated that the maintenance man, John Vandemark, was doing a phenomenal job in the museum, and to complete the work the carpet will be replaced.

Supervisor Rajszyk reported there will be a DRBC meeting on Feb. 22<sup>nd</sup> on gas drilling regulations, and they will be holding four sessions after the main meeting, two in Honesdale and two in Liberty. Supervisor Rajszyk noted that Peter Comstock, Chair of the Advisory Committee on gas drilling issues, will be representing the Town. Supervisor Rajszyk noted she has a copy of the draft regulations if anyone would like to see them.

Supervisor Rajszyk reported that Paul Burckard helped put together Resolution #46 for property tax exemptions. Supervisor Rajszyk reported she contacted the Assoc. of Towns and she will be sending her letter, along with this resolution and the County resolution, to the Governor.

Supervisor Rajszyk reported there will be a joint gas drilling forum with the Town of Highland and the Town of Lumberland on Feb. 19<sup>th</sup> and the Highland Supervisor has requested the Town of Lumberland split the cost of the forum. Councilman Carr reported he has always fought against late file resolutions but a lot of things have to be done by a certain date and we didn't get the information until late, noting it is important that they get these resolutions approved.

(4) February 9, 2011

Supervisor Rajszyk reported there is a special UDC meeting tomorrow night and the Town of Highland Supervisor is hiring a geologist to be a consultant for the Towns to review the DRBC draft regulations. Supervisor Rajszyk noted the Town of Highland Supervisor is requesting the Town of Lumberland share the cost of hiring the consultant, noting that the consultant, Paul Rubin, has an impressive resume. Lewis Powell questioned that the Towns' portion of the cost is \$350 for the consultant because the total cost of the consultant was \$1,000? Supervisor Rajszyk reported the Town of Tusten is also paying a portion. Supervisor Rajszyk reported she, along with Councilman Shafer will be going to the meeting.

### **REPORTS OF BOARD MEMBERS**

Councilman Shafer reported they had to reschedule the MMTF meeting until next Thursday. Supervisor Rajszyk reported she emailed the phase 2 to the Town Attorney. Supervisor Rajszyk stated if it wasn't for the MMTF they would not have contracted with engineering firm and attorney to oversee the regulations, who want to take over the permitting process. Supervisor Rajszyk stated that the engineering firm and attorney want to sell the finished product that they made for our need. Councilman Shafer reported they may have already signed with the County. The Town Attorney stated she would look into it but it sounded more of a contest between the task force and the engineer firm and the attorney rather than the individual towns. Dave Kuebler stated they did not make it just for the towns but as a project that would fit New York State.

Councilman McKerrell reported there was nothing to report with the parks other than the sleigh riding hill is being well used this year. Councilman McKerrell also reported the Highway Dept. has been out there plowing the roads.

Councilman Akt reported the museum is being painted.

Councilman Carr reported they have asked the Grant Writer to write grants for the Fire Dept. and the Fire Dept. has given them a list of priorities as to what they need. Councilman Carr stated that if grants help the Fire Dept. then it will help the taxpayers. Councilman Carr Thanked the Fire Dept. for their service.

Supervisor Rajszyk reported that there is a Delaware River Forum on March 10<sup>th</sup> at SCCC all day to address local and regional issues affecting the current and future drinking water supply in the Delaware River basin.

(5) February 9, 2011

Supervisor Rajszyk reported that she has talked to Jeff Haber from the Assoc. of Towns regarding the tax exemption issue, noting that the Assoc. has introduced legislation that reduces the amount of tax exempt parcels. Supervisor Rajszyk has a County Resolution, our Town Resolution and a letter in support of this legislation.

Supervisor Rajszyk read a letter regarding the DRBC regulations, noting with the blessing of the Town Board to send the letter to the DRBC.

Supervisor Rajszyk reported she would like it put into the Minutes that she has discussed with the Town Board, the Code Enforcement Office, and the Town Engineer the situation with Camp Simcha and the odor coming from the camp in the summertime , noting this has been an ongoing problem.

Supervisor Rajszyk reported that, at last month's meeting, she overlooked Thanking Eleanor Hill, retiring Deputy Tax Collector, for her many years of service to the Town. Supervisor Rajszyk also stated she would like to Thank the entire Hill family for their many years of service.

Supervisor Rajszyk reported she received correspondence from Eagle Creek that now owns the Rio and Mongaup systems and is in contact with them regarding the parcel at the corner of Rt. 97 & Ct. Rt. 31. Supervisor Rajszyk noted the Town would like to lease this parcel and clean it up since it is an entryway to the Town of Lumberland.

The Town Clerk reported the Tax Collector, Phyllis Knapp, is in the hospital with pneumonia.

The Town Attorney, Danielle Jose-Decker, reported she is in transition with the former Town Attorney, John Kelly.

Code Enforcement Officer/Building Inspector David Kuebler reported there is an unsafe building on Rt. 97 that could collapse any second, noting the roof has fallen in and he has sent a letter to the owners. Supervisor Rajszyk noted the Town Board discussed this issue at their Workshop Meeting on Monday night and someone should be taping off the area. Kuebler noted he can put a sticker on the door. The Town Attorney stated she would look into the matter.

Chief Constable Patrick Cahill noted his monthly activity. Councilman Carr Thanked Chief Cahill and his staff for the house checks they did while he was away and patrolling the road he lives on.

(6) February 9, 2011

ZBA Chair Lewis Powell reported the ZBA has been quiet and noted the Grant Writer has written an extension for the zoning rewrite.

Grant Writer Frank Schwarz reported there is a deadline of March 23<sup>rd</sup> for the Renaissance Grant application. Schwarz Thanked the Town Board for the restoration for the museum. Schwarz reported he called the Assoc. of Towns and was told that the Town can't do grants for the Fire Dept., unless it has been included at contract time. Schwarz noted the Fire Dept. can contract out to have grants written but the Town can not do them the way it is set up right now. Supervisor Rajszt stated they will have to amend the Fire Dept. contract to include grant writing by the Town. Schwarz stated he can prepare the listing of what grants are out there for the Fire Dept. and give the list to them but he will not write the grants. Schwarz reported that the grant have to be matching fund grants which the Fire Dept. would have to show they have the matching funds to qualify for the grant. The Town Attorney will call the Assoc. of Towns to see what information she will need to include in the Fire Dept. contract.

Fire Dept. Ambulance Capt. Ann Steimle reported the Fire Dept. monthly activity, noting they have one new EMT and she has gotten her NYS certification for the 5<sup>th</sup> time. Steimle noted they have a new young member, David Busch, and they have 7 members scheduled to become certified as firefighters. Steimle noted several of their training classes have been canceled due to funding. Steimle Thanked the Highway Dept. for helping during the recent storms and calls.

Peter Comstock, Chair of the Advisory Committee for gas drilling issues, reported they met with the Town of Highland Advisory Committee to become acquainted with the other committee and discuss the upcoming forum. Supervisor Rajszt reported that all the Town Board members are going to the forum on gas drilling. Supervisor Rajszt reported that the Highland Supervisor has briefed the geologist that has been hired as a consultant. Comstock stated there are many groups that are pro drilling and those against it but the important issue is that it be done right. Supervisor Rajszt stated that they need to discuss what should be in the letter being sent to the DRBC, noting that there will be a committee work session tomorrow that the public can attend but there will be no input from the public.

### **OPEN FLOOR TO PUBLIC**

Joy Ryerson questioned if anyone in the Town of Lumberland has leased their land for gas drilling, noting she has heard that a hunting camp on Kalin Weber Road has already done so. Supervisor Rajszt reported she has been told by the County that no permits have been filed in the County for any leasing here, but she will call again to follow up.

(7) February 9, 2011

Code Enforcement Officer David Kuebler stated that the proposed change in the energy audit for the lighting of the Highway Dept. garage will not produce more light. Councilman Shafer reported that they changed to T5's that should give better light than the original proposal. Supervisor Rajszyk noted that with the change it will take a little longer to offset the cost.

Lewis Powell questioned if the Fire Dept.'s request the Town Grant Writer write grants for them means they have to re-negotiate their contract? The Town Attorney stated that they should have a Public Hearing for the Fire Dept. contract.

One of the representatives from the Kadampka Meditation Center stated they support the resolution for changing tax exemptions. Supervisor Rajszyk noted it is not just for religious exemptions.

Anna Colon questioned if the Highway Dept. has changed their plowing rules, noting that lately she has not her road plowed until later. Supervisor Rajszyk stated she will call the Highway Superintendent to ask.

Supervisor Rajszyk noted the Special Announcements.

### **ABSTRACTS**

Councilman Carr made a motion to approve Abstract #2, 2011, with General Fund Claims A11 -#35 through #92, in the amount of \$25,526.33, and General Fund Pre-paid Claims in the amount of \$9,533.78, and Highway Fund Claims H11- #24 through #68, in the amount of \$75,915.83, and Highway Prepaid Claims in the amount of \$8,473.71, with the total of Abstract #2, 2011 of \$119,449.65, seconded by Councilman McKerrell, all in favor, so carried.

A motion to adjourn at 8:17 p.m. was made by Councilman Carr, seconded by Councilman McKerrell, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn  
Town Clerk