

LUMBERLAND TOWN BOARD
MEETING MINUTES
JUNE 8, 2011

The Town Board of the Town of Lumberland held a regular monthly meeting on Wednesday, June 8, 2011, at 7 p.m. at the Senior Center in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 6:55 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, Chief Constable Patrick Cahill, Historian Frank Schwarz, Kathy & John Shimer, Cathy Sterling, Richard Hotzler, Herb Baxter, Mike Warne, Sophia Martynec, Susan Morley, Helga Rupnick, Linda Shafer, LEC Co-Chair Ann Danuff, Skip Schroeder, Jeff & Jennifer Clune, Wayne King, Helen & Lee Sherman, Jenny & Dave Mellan, Ann Steimle, Mike Rajsz, Assessor Judi Flieger, Don Hunt, Jr., Karen & George Turner, Rich Senkiew, Naomi & John Campbell, Pam & Fran Bucksbee, Jason Ward, Darnell Prunka, David Leamon, Susan Hunt, Don Hunt Sr., Paul Gardner, Town Attorney Danielle Jose-Decker, Charlie Fallon, Howard Thiele, Ron Thiele, Maryann & Loyd Wilson, Chris DiPalma, Susan Gregg, Kaitlin Haas from the Sullivan County Democrat, Peter Comstock, Judy & Stanley Stern, Caroline Akt, Sandy Long from the River Reporter, Dominic DiReese, Joy & Dave Ryerson, Cathy & Bill Konival, Christine & Charlie Romer, Fran & Phil Tripken, Abbey Schlosser, ZBA Chair Lewis Powell, Susan & Joe Smith, Faith & Eric Robles, 2 representatives from the Kadampa Meditation Center and an unnamed resident.

Supervisor Rajsz stated that before they begin their regular agenda she had an announcement to make. Supervisor Rajsz stated that, after careful consideration and thought, the Town Board has decided not to fill the position of Highway Superintendent and that the Deputy Highway Superintendent, George Turner, will continue to fulfill his duties under the description of his job.

MINUTES

Councilman Carr made a motion to accept the Minutes of May 9, 2011 as amended, the Minutes of May 11, 2011 and the Minutes of May 25, 2011 as written, seconded by Councilman Shafer, all in favor, so carried.

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CORRESPONDENCE

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

2. Catskill Mountaineer Newsletter
3. Upper Delaware Scenic Byways Correspondence
4. Comptroller's Newsletters
5. UDC Correspondence
6. Historian Correspondence
7. Planning Board Mtg. Minutes – April
8. Sullivan County Historical Society Newsletter
9. LEC Mtg. Minutes – March & April
10. Luzon Environmental Services report
11. Grant Writer Updates
12. ZBA Mtg. Minutes – April
13. Pattern for Progress Seminar notification
14. NYWEA Upcoming Events notification
15. Cemetery Committee letter
16. Constable Resignation – Gayler
17. Sullivan County Division of Planning/Environmental Management
MMTF Road Protection Plan
18. Sullivan County Fire Advisory Board Mtg. Minutes – March
19. NYS Court System –Justice Training Completion notification
20. DEC News Release- Crossbow Regulations
21. DEC Volunteer Fire Assistance Grants notification
22. Delaware River Sojourn schedule
23. Sullivan Renaissance Scholarships notification

Supervisor Rajsz noted that the additional correspondence item she submitted at Monday night's meeting was to be added to Item #5, UDC Correspondence. Supervisor Rajsz questioned Item #10, noting it reads "as per attached"? The Town Clerk reported this form was given to her by the Highway Superintendent and she will send the attachment on to the Town Attorney.

Supervisor Rajsz reported that Item #17 was the final draft for the DGEIS report for the MMFT.

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PRE-FILED RESOLUTIONS

- #85 - Donation to Town –Museum
- #86 - Noise Permits – Mohican Lake Resort
- #87 - Indemnification Agreement – Pythian Camp
- #88 - Advertise Public Hearing – Local Law #2, 2011 – Defense and Indemnification of Town Employees
- #89 - MMTF DGEIS Public Hearing & Approval

Supervisor Rajsz stated they needed a discussion on Resolution #86, requesting any comments on the Noise Permit request. The Town Clerk reported she had two verbal complaints regarding the Mohican Lake Resort. Councilman Shafer stated that they should approve the Resolution and have the Constables watching the events on the days requested.

The Town Attorney reported that Resolution #87 was to approve an amendment to the deed from Pythian Camp to the Town, and once this is done, they will receive the new deed under the new agreement. Councilman Carr Thanked Councilman McKerrell for all his work on getting this new deed. Supervisor Rajsz Thanked both Councilman McKerrell and the Town Attorney for all their work on getting this agreement done.

Supervisor Rajsz Thanked Councilman McKerrell for bringing it to the attention of the Town Board that the Town employees need an indemnification policy.

REPORTS OF BOARD MEMBERS

Supervisor Rajsz Thanked the Fire Dept., the Highway Dept. and the Constables for all their work on May 26th with the cleanup from the storm that came through the Town, noting it was an event in some sections of the Town. Supervisor Rajsz also noted that O&R Utilities and tree cutters also responded and they were prompt and restored power quickly.

Councilman Shafer stated that he was glad the MMTF is done with their report.

Councilman McKerrell reported they are working on the Parks, noting that at Circle Park there will be an outdoor free movie night on June 18th at dusk.

Councilman Akt had nothing to report.

Councilman Carr reported that the July 4th parade will step off at noon, with a Fun Day at Circle Park after the parade, and something new this year – a band will play for the

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teens from 4-7 p.m. at the stage across from the Town Hall. Councilman Carr reported the band's name is "Mad Carnival".

Supervisor Rajsz Thanked the Town Attorney for all her hard work.

Chief Constable Patrick Cahill reported they are starting to have an ATV problem due to it being the summertime. Cahill reported on the Constabulary monthly activity. Supervisor Rajsz questioned how the river patrol was going? Cahill reported it was good.

ZBA Chair Lewis Powell reported the Zoning Rewrite Committee is close to wrapping it up and going to a Public Hearing. Councilman Shafer noted they will have another meeting to go over everything to finalize the rewrite. Powell stated they would then get a draft to the Town Board and set up a public meeting for commentary. Frank Schwarz stated that it will have to be done by Sept. 30th to apply for the UDC grant.

LEC Co-Chair Ann Danuff reported that the Environmental Council is short by 2 members and that 2 people applied about 6 weeks ago but she has not seen the appointments. Supervisor Rajsz questioned where the applications were and the Town Clerk reported she was told they were on the Supervisor's desk.

Youth Program Director, Darnell Prunka, reported that the 2011 Summer Youth Program pamphlets are out and she has received several phone calls already. The Town Clerk reported the ad for the Assistant Director and Aide would be in this week's newspapers and is on the website. Supervisor Rajsz noted that there would be an addition to the Summer Program this year with Judy Richardson doing an architectural program.

Deputy Highway Superintendent, George Turner, reported that the Highway crew has been working well since Charlie Hallock left and noted that the new chipper will be here soon. Turner stated that he will need to appoint a Deputy to fill in for him when he is not available. Supervisor Rajsz stated the Town Board will need to discuss this request with the Town Attorney. Turner requested the appointment be made now and stated he would like it to be part of the record that he is requesting that Donald Hunt, Jr. be appointed as his Deputy. The Town Attorney stated that, in case of an emergency, the Town Board could waive the 5 day rule to appoint someone. Turner stated he wants to be sure he has coverage.

Deputy Highway Superintendent, George Turner, questioned if the Town wants the Highway Dept. to take the stumps out by the war monument across from the Town Hall?

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Supervisor Rajszt stated they will discuss that issue at a later date.

Supervisor Rajszt read a letter from the State Education Dept. congratulating Historian Frank Schwarz on his many years of service as a Historian. Schwarz reported he is pursuing a municipal Historian certification.

Grant Writer Frank Schwarz reported the Scenic Byways grant for the river corridor signage has been re-instated with an extended deadline within the year. Schwarz reported that he spoke to County Legislator Kathy LaBuda about the RECAP grant for the carpeting in the offices.

Cultural Series Director Frank Schwarz reported that they will have a Cultural Series Concert in August and hoped that the work being done for the removal of the old fuel oil tank behind the Town Hall will be done by then so the air conditioners can be up and running again.

Grant Writer, Frank Schwarz, reported that the Town of Lumberland was the only township to put in for the Scenic Byways grant for the welcome signage. Supervisor Rajszt reported they only have a couple of days to put the grant together. Schwarz reported that the signage panels that each township will put up along the river corridor will be in a welcome area. Schwarz noted that the premier spot for the signage would be at the Mongaup area.

Fire Dept. representative Ann Steimle reported they were busy during the recent storm and Thanked the Highway Dept., the Auxiliary, and the Constables for their help. Steimle reported they logged in over 30 calls during the storm. Steimle reported that she and Don "Bosco" Hunt have been named firefighters of the year for Sullivan County for their river rescue in July 2010 when they had to scale up the Hawk's Nest from the Delaware River to rescue people that had tried to climb up the mountain and had been injured.

Peter Comstock noted there were a lot of new faces present tonight, noting he is the chairman of the Advisory Committee for gas drilling issues. Comstock reported on the latest issues regarding gas drilling, noting several banks are now resisting giving out mortgages in drilling areas. Comstock reported that the Towns of Lumberland, Highland and Tusten have committees that are working with their Town Boards on this issue with trying to put in protection for the towns before gas drilling comes in.

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OPEN FLOOR TO PUBLIC

Cathy Konival questioned, why several positions in the Town have Deputies, but the Town Board did not make the Deputy Highway Superintendent the temporary Highway Superintendent when they automatically did it for the Deputy Tax Collector?

Cathy Konival stated that she felt resident Howard Thiele deserves a public apology from Councilman Akt for the incident at the Monday night Workshop Meeting. Councilman Akt stated that Town Board meetings are for Town business, not personal business, but he apologized to Howard Thiele for his actions at Monday night's Workshop Meeting.

Caroline Akt reported that the Town of Highland Highway Superintendent goes to every Town Board meeting to discuss issues while the Town of Lumberland Highway Superintendent did not. Supervisor Rajsz stated that she would like to enhance communications between the Highway Dept. and the Town Board and will be discussing this issue with George Turner, Deputy Highway Superintendent.

Richard Hotzler stated that the two Town Board meetings he has attended both had Executive Sessions, noting that the Town Board is spending too long in the Executive Sessions and it is not fair to the public that has to sit and wait. Supervisor Rajsz apologized for the length of time spent in Executive Session but stated that there were issues that needed to be discussed.

A representative from the Kadampa Meditation Center reported they will be holding a free event this weekend for everyone, noting that the Center is also open every day.

Leigh Sherman questioned why the Deputy Tax Collector was appointed as the temporary Tax Collector? Supervisor Rajsz reported that the resigning Tax Collector recommended her Deputy be appointed as the temporary Tax Collector until the end of the year. Sherman questioned if the Highway Superintendent recommended his deputy to be appointed in his place? Supervisor Rajsz reported the resigning Highway Superintendent did not make any recommendation. Jenny Mellan stated that the Supervisor has a deputy to fill in when she is not available so why wasn't the Highway Deputy Superintendent automatically considered? Supervisor Rajsz reported she had called the Deputy Tax Collector to verify that she was interested in being appointed as the temporary Tax Collector, which she was. Dave Mellan questioned if the Supervisor had called the Deputy Highway Superintendent about taking over the Highway Superintendent's position? Supervisor Rajsz reported she did not talk to George Turner until she talked to the Town Board, noting that the Town Board decided to consider all

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options. Dave Mellan questioned when the resignation letter from the Highway Superintendent was received because he has been hearing through rumors that an appointment had already been decided on before a legal meeting was held? Supervisor Rajsz stated there had been a discussion in Executive Session which was confidential. Supervisor Rajsz reported that the resigning Highway Superintendent never came to Town Board meetings so they did not have any indication he may be leaving. Dave Mellan reported that New York State Law states that the Highway Dept. runs itself, and Jenny Mellan noted the Town Board only controls the Highway Dept.'s budget. Councilman Carr stated that they need to have better communication with the Highway Dept. Supervisor Rajsz stated the Town Board needs to be kept abreast as what is going on with the Highway Dept.

Susan Gregg questioned if there can be an accounting of the condition of the Mohican Lake Road and the Mohican Lake Trails, which are a disgrace. Jenny Mellan stated all the roads in the County have suffered from the frost this winter.

Supervisor Rajsz noted the Special Announcements.

ABSTRACTS

Councilman Carr made a motion to approve Abstract #6, 2011, with General Fund Claims #299 through #376, in the amount of \$100,375.30, General Fund Prepaid Claims in the amount of \$6,496.00. and Highway Fund Claims #271 through #295, in the amount of \$36,677.37, with the total of Abstract #6, 2011 of \$143,548.67, seconded by Councilman Shafer, all in favor, so carried.

Councilman Shafer made a motion to adjourn at 8:05 p.m., seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk