

LUMBERLAND TOWN BOARD MEETING MINUTES
FEBRUARY 13, 2013

The Lumberland Town Board held a regular monthly meeting on Wednesday, February 13, 2013, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7 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 James Akt
Councilman Ron Thiele
Councilman David Leamon

Also present were Town Clerk Virginia Horn, Deputy Town Clerk Hedwig Brush, Chief Constable Patrick Cahill, Code Enforcement/Building Inspector David Sparling, Susan Morley, Cathy Sterling, Susan Gregg, Herb Baxter, Kevin Kearney from the River Reporter, Sophia Martynec, Caroline Akt. Clinton Newkirk, Emil Decker, ZBA Chair Lewis Powell, Fire Dept. President Ann Steimle, Richard Hotzler, Tax Collector Heather Worzel, Tim Worzel, John Campbell, 2 representatives from the Kadampa Meditation Center, Darnell Prunka, Jason Ward, Helga Rupnick, Rick Diles, Kaitlin Haas from the Sullivan County Democrat, Bohdan Kandiuk and Joan Rosenfelt.

MINUTES

Councilman Carr made a motion to accept Minutes of January 9, 2013, and February 23, 2013 as written, seconded by Councilman Thiele, all in favor, so carried.

CORRESPONDENCE

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

2. Grant Writer Updates
3. Bonacic letter- Highway CHIPS budget proposal
4. Pattern's Progress newsletters
5. Smart Management Conference notification
6. Comptroller's Newsletter

(2) February 13, 2013

7. ZBA Mtg. Min. –Dec.
8. Sullivan County E-Newsletter
9. Planning Board Mtg. Min. – Dec
10. Sullivan County Division of Public Works= Lumberland Town Roads Inventory
- 11 .Upper Delaware Scenic Byways letter

Supervisor Rajsz reported that item #3 was in regards to the CHIPS monies the town gets for maintenance of the roads, noting that this year we are getting \$2 more than last year. Councilman Thiele made a motion to accept Correspondence #1 through #11, seconded by Councilman Carr, all in favor, so carried.

PRE-FILED RESOLUTIONS

- #38 – Multijurisdictional Hazard Mitigation Plan Approval
- #39 – Assessor’s Envelope Purchase Request
- #40 - Tax Collector’s Envelope Purchase Request
- #41 - Tax Collector Annual Book Audit
- #42 - Support Restoration of Board of Supervisors
- #43 - Support 2nd Amendment
- #44 - Support Purchase of Radio Communications Upgrades
- #45 - Support Prevention of Traffic Ticket Plea Bargaining
- #46 - Support Contact Info for Vacant Structures
- #47 - Code Enforcement Backup Coverage
- #48 - Approve MMTF Findings
- #49 - Schedule Public Hearing – Local Law #2, 2013 = Road Preservation

Supervisor Rajsz reported that Resolution #38 was to approve the County Mitigation Plan that was started in 2010 and is ready now for approval by the towns. Supervisor Rajsz reported that Resolutions #39 & #40 were to approve the purchase of envelopes needed for the Assessor’s office and the Tax Collector’s office. The Tax Collector noted that these envelopes are pre-posted and are needed to send out second notices and receipts. The Tax Collector reported there is also a \$2 charge on the notices for paying late. Supervisor Rajsz reported that Resolution #41 was to approve to change the date the Town Board holds the annual departmental book audit for the Tax Collector so it can be done after her busy season.

Supervisor Rajsz reported that Resolutions #42, #43, #44, & #45 came about after the Association of Supervisors meeting. Supervisor Rajsz reported that #42 has been discussed for about a year now with the financial difficulties and layoffs at the County, noting there

(3) February 13, 2013

is no cohesenion between the Legislature and the towns. Supervisor Rajsz stated that it is not a Supervisors decision because this decision has to be put in front of the County residents on a referendum vote. Supervisor Rajsz noted that this is the first step.

Supervisor Rajsz reported that Resolution #43 was in support of the second amendment and opened the floor to anyone that would have any comments. Supervisor Rajsz stated that she does not agree with what happened in Connecticut, Colorado and other places but felt that assault weapons do not belong in the general public's hands. Supervisor Rajsz stated that the new gun law was hastily written and not put out to the public, noting that the government should not infringe on the people's rights and the right to protect their homes and families. Ann Steimle stated she was glad the Town Board took the first step in supporting the right to bear arms. Supervisor Rajsz noted they received a letter from the Sheriff's Office that they have sent a letter to the Governor requesting this law be amended. Councilman Carr stated that there are some things law enforcement likes in the new law however the new law states that assault weapons are also not available to law enforcement and agreed the law was hastily written. Supervisor Rajsz reported that there are more prisons and physiatic centers within the State that are being closed and the law needs to be rewritten. Susan Gregg stated she agrees with the mental health administration that there are those that should not be put out in the environment. Gregg stated that as a community we need to address the issue of mental health and we need to identify anyone that needs help. Supervisor Rajsz stated that by the State addresses the issue by just imprisoning those with mental health issues, noting there are modern ways of dealing with the issue. Supervisor Rajsz stated that guns do not kill, it's the people behind the guns that kill. Susan Gregg stated that the other issue is the drug usage. Jason Ward agreed that we need to have meaningful gun control, noting that anyone applying for a gun permit should show proof that they have a gun safe for storage. Ward stated they should need a permit for that storage unit before applying for a handgun. Ward stated that assault weapons should not be available to the public, noting there are other forms of guns available. Supervisor Rajsz reported they only had one resident against the second amendment resolution.

Supervisor Rajsz reported Resolution #44 has already been passed by the Association of Superivisors, noting the need for upgrade communications is essential to the emergency personnel responders. Supervisor Rajsz reported the cost of the upgrade is 8-9 million dollars but they need to move forward on this. Supervisor Rajsz stated that, hopefully, all the towns will pass this resolution and forward it on to the County so they can act on it. Ann Steimle reported the high bands are on hold right now due to the lack of funding. Supervisor Rajsz stated that if they drag their feet on this issue they may loose the opportunity for the upgrade.

(4) February 13, 2013

Supervisor Rajsz reported that Resolution #45 was another resolution passed by the Supervisors, which is opposing the Governor's proposal to prevent plea bargaining of traffic infractions, notably speeding tickets. Supervisor Rajsz stated that the Towns make money on the tickets and by passing this the State would be taking the power away from the towns and getting all the monies. Supervisor Rajsz noted that if there is no plea bargaining it would mean you automatically would get points against your license.

Supervisor Rajsz reported Resolution #46 was to approve support for bills that would require lending institutions to provide information regarding vacant structures to the towns. Supervisor Rajsz reported that Resolution #49 was to approve holding a Public Hearing on Local Law #2, 2013, which is to approve the MMFT Road Preservation agreement that was previously presented and reviewed and since significant changes were made a new Public Hearing was needed.

PROCLAMATIONS

Supervisor Rajsz reported that there is a Proclamation for the celebration of resident Walter Balaban who will be celebrating his 100th birthday, noting that last year we celebrated a resident's 105th birthday. Sophia Martynec reported a celebration of Walter's birthday will be held at Twin Cedars Assisted Living facility in Shohola, Pa. on February 27th.

REPORTS OF BOARD MEMBERS

Councilman Thiele reported the new maintenance mower will be coming next month.

Councilman Akt reported they have filled the fuel tank on the generator and are waiting for O&R Utilities to hook the grid up on Tuesday. Councilman Akt reported that they put in new sensor lights on the front of the Town Hall for better lighting at night.

Councilman Carr reported the seniors will be coming out of hibernation next month and that the Fire Dept. is getting a break from all the recent calls.

Supervisor Rajsz reported she has appointed Charlie Fallon to look into the safety requirements needed for the town employees. Supervisor Rajsz noted Fallon will be working with the employees and looking into a security system for both the municipal buildings and the highway shop. Supervisor Rajsz reported they are looking into security cameras and will, hopefully, have a report for next month's meeting.

Supervisor Rajsz reported she has received many emails recently, one against the second amendment, support for holding off on the fracking regulations, on open government and

(5) February 13, 2013

requesting public comment at public hearings and an email from the Girl Scouts to attend their ceremony.

Supervisor Rajsz reported she received an update from the Assessor on the upcoming tentative assessments and reviewing the analysis. Supervisor Rajsz noted that values are down and land values have decreased and the Assessor is talking to the State about a possible re-evaluation.

Supervisor Rajsz reported she gave the Town Board members a packet of resolutions that will be addressed at the Association of Towns conference in New York City, noting that some of the resolutions have already been pulled.

The Town Clerk reported her office has been busy but quiet on the most part. The Town Clerk also noted that there will be the annual upcoming state wide burning ban from March 15th to May 15th, recommending anyone that needs to burn that brush pile should do it now before the ban takes effect.

The Chief Constable noted his monthly activity. Supervisor Rajsz questioned if the DCO had reported any calls on feral cats this last month? The Chief Constable reported there has been no reported activity.

ZBA Chair & Cemetery Committee Chair Lewis Powell reported that both the ZBA and the Cemetery Committee have been quiet. Powell reported he is working on the proposal for the moving of the shed at the cemetery.

The Tax Collector reported they have received 2,438 tax payments and made the warrant and the Town whole by the end of January. The Tax Collector noted that 75% of taxpayers have paid their taxes so far which is 6% ahead of last year.

The Code Enforcement Officer, David Sparling, reported he discussed with Councilman Akt and the Highway Superintendent to have the maintenance on the town generator and the highway generator done at the same time. Councilman Akt questioned if anyone has serviced the highway generator yet? Jason Ward reported that they maintain the generator themselves, however, it has not had an overall maintenance done on it yet. Councilman Akt agreed that both generators should be serviced at the same time. Sparling Thanked the Town Board for the appointment of Bob Emerson as his backup when needed, noting he has worked with him before and he is fully certified.

(6) February 13, 2013

Supervisor Rajsz questioned what is happening with the structure in Black Forest. Sparling reported they are still working on it and have gotten the major work done, however, it is at a standstill right now due to a monetary issue.

Fire Dept. President Ann Steimle reported it is a slow time for them but it has been a steady flow of calls. Steimle reported they have a boat load of people in training classes. Steimle reported that recently \$800,000 had been approved towards the cost of the upgrades needed for the emergency radios system. Steimle stated this is a serious condition and the upgrade is badly needed.

OPEN FLOOR TO PUBLIC

Ann Steimle stated that Resolution #42 was very important because it gives the power back to the Towns. Supervisor Rajsz reported that the County Planning Commissioner has resigned, noting there has been no focus on the western end of the County. Supervisor Rajsz reported that there is a total disconnect with the County and that they need to understand our needs. Sophia Martynec questioned if they were to form another Board of Supervisors would it be like the former Board of Supervisors? Supervisor Rajsz reported that they are not there yet with the decision as to how it would be done. Richard Hotzler stated that since the Legislators were created the bigger towns have been sucking up the smaller towns monies and the smaller towns have been forgotten. Supervisor Rajsz stated that we are considered on the western part of the County and that we are usually overlooked.

Joan Rosenfelt stated there are still problems with the feral cats in town, especially with the ones that are being dumped in Pond Eddy. Rosenfelt questioned if there was any way for the town to discourage people from dumping the cats and reminding them it is against the law to do so? Supervisor Rajsz reported the DCO will now pick up feral cats and transport them to the Humane Society. Supervisor Rajsz stated she will put a notice in the newsletter about the feral cats.

Joan Rosenfelt stated that she was against the Resolution to support the 2nd amendment. Supervisor Rajsz suggested Rosenfelt read the Resolution, noting that Rosenfelt had arrived to the meeting after the Town Board had already approved the resolution. The Town Clerk noted the resolution was on the Town website. Supervisor Rajsz read parts of the approved resolution. Rosenfelt questioned if there was any proposal to do away with the second amendment? Supervisor Rajsz reported that the Governor's law did not have the public input it should have. The Chief Constable reported that, as the law now reads, it limits law enforcement in what it can do to protect the people. Supervisor Rajsz reported

(7) February 13, 2013

the new law is tying the hands of law enforcement, noting there is no distinction in the law for law enforcement and they are asking that they go back and amend the law.

Supervisor Rajsz read the Special Announcements, noting that on March 9th the Ukrainian Women's League will have their bazaar in the Town Hall all day.

Supervisor Rajsz noted that they did not look at the vouchers on Monday night so they need to review and initial them before they approve the Abstract.

ABSTRACTS

Councilman Carr made a motion to approve Audit and General Fund & Highway #2, 2013, with General Fund Pre-Paid Claims #1 through #13 in the amount of \$48,211.85, General Fund Claims, G2-#12 through #101, in the amount of \$247,038.08, Highway Fund Pre-Paid Claims #1 in the amount of \$87,480.00, Highway Fund Claims #H2- #2 through #92, in the amount of \$73,907.56, with a total of Abstract #2, 2013 of \$456,637.49, seconded by Councilman Akt, all in favor, so carried.

Councilman Carr made a motion to adjourn at 8:26 p.m., seconded by Councilman Leamon, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk