

TOWN BOARD MEETING MINUTES
MARCH 14, 2012

The Town Board of the Town of Lumberland held a regular monthly meeting on Wednesday, March 14, 2012, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7:06 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 Jay Shafer

Also present were Town Clerk Virginia Horn, Deputy Town Clerk Hattie Brush, Chief Constable Patrick Cahill, Building Inspector/Code Enforcement Officer David Sparling, Historian Frank Schwarz, Sophia Martynec, Susan Morley, Helga Rupnick, Cathy Sterling, Susan Gregg, Sandy Long from the River Reporter, Fire Dept. President Ann Steimle, Highway Superintendent Don Hunt, Jr., Town Attorney Danielle Jose/Decker, Bohdan Kanduik, LEC CoChair Cheri Bodnariuk, Gregory Bodnariuk, and 2 representatives from the Kadampa Meditation Center.

MINUTES

Councilman Shafer made a motion to accept the Minutes of February 6, 2012 and February 8, 2012 as written, seconded by Councilman Carr, all in favor, so carried.

CORRESPONDENCE

1. Monthly Report:
 - a. Supervisor
 - b. Town Clerk
 - c. Buildings
 - d. Highway Superintendent
 - e. Constables
2. Planning Board Mtg. Minutes
3. ZBA Mtg. Minutes & Letter
4. Upper Delaware Scenic Byways Mtg. Minutes & Agenda
5. Grant Writer Updates
6. Delaware Highland Conservancy Letter
7. Sullivan County Planning Training Completion Notification
8. Court Grant Approval Notification

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9. Cuddy & Feder Letter- Notification of tower in Town of Thompson
10. Cultural Series Certificates of Merit
11. Historian Letters- 2011 Annual Report & Support Letter- Pond Eddy Bridge
12. UDC Letter & NPS Letter- Training Workshop Schedule
13. Comptroller's Newsletters
14. NYS Assembly Newsletter
15. LEC Mtg. Minutes –Jan.
16. Loch Ada Taxpayers Assoc. Letter

Councilman Carr made a motion to accept Correspondence #1 through #16, holding #16 for discussion, seconded by Councilman Shafer, all in favor, so carried. Supervisor Rajsz reported that Item #16 was a letter from the Loch Ada Taxpayers Assoc. regarding the noise coming from the camps around their lake, notably Camp Lokanda. Supervisor Rajsz reported that the Assoc. is requesting that any noise permits that submitted for Camp Lokanda should end by 10 p.m., noting that most of the noise is coming from amplified sound. Supervisor Rajsz reported she talked to Mr. Picard from the Taxpayers Assoc. to assure him that the noise permits were allowed through our local law but does not allow the amplification of sound. Supervisor Rajsz noted that the requested noise permits from the Camp are all until 11:30 p.m. Supervisor Rajsz stated that if the Constables are called regarding the noise they should respond. Supervisor Rajsz reported the Noise Permits for the Camp have not been approved yet, noting she also likes to hear the sounds of children but there is a limit to the amount of noise. The Chief Constable agreed that 10 p.m. is a sufficient time limit for the Noise Permits.

PRE-FILED RESOLUTIONS

- #48 – Advertise Stone & Gravel Bid
- #49 - Cemetery Committee Member Appts.
- #50 - ZBA Appt. – VanTuyl
- #51 - Humane Society Contract Approval
- #52 - Bldg. Inspector Request- Secure Bldg.
- #53 - Prepayment of Long Term Debt
- #54 - Advertise Bid – Highway Truck
- #55 - Bid Award – Surplus Office Equipment
- #56 - Noise Permits –Camp Lokanda
- #57 - Landfill Monitoring – Contract Extension –Upstate Labs

Supervisor Rajsz reported the Town Board approved Resolution #47 to advertise a Public Hearing for Local Law #1, 2012, entitled Zoning.

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Councilman Carr questioned if the cost for the contract with the Humane Society had increased? Supervisor Rajsz reported it only went up \$50.

Code Enforcement Officer Dave Sparling reported he is requesting the Town advertise to close an unsafe building and recoup the costs of the closing through the owner's tax bill. Sparling noted that they have sent out numerous notices to the owner but have gotten no responses. The Town Attorney stated she was not sure of the actual procedure but it could be done under the Property Maintenance Code regulations. Councilman Shafer stated they would have to deem the building unsafe and the Town Attorney verified that the Code Officer has the right to deem it unsafe.

Supervisor Rajsz reported they will be paying off the Mirant bond early to eliminate some of the yearly debt.

Supervisor Rajsz reported she had questioned if the Town Clerk had heard from Upstate Labs regarding the annual landfill monitoring but when the Town Clerk verified she had not Supervisor Rajsz called them only to find out their offices had been wiped out by one of the hurricanes last year. Supervisor Rajsz reported Upstate Labs is willing to do the monitoring for the same price as last year and she has called the DEC to notify them of the situation. Supervisor Rajsz reported the DEC is requesting we send them the former reports of the monitoring which the Town Clerk verified had been sent previously. Supervisor Rajsz reported the Town will need to continue the monitoring until 2017 at which time the DEC will reassess the need to continue monitoring.

Supervisor Rajsz read the list of requested Noise Permits from Camp Lokanda, noting that they are typically for the weekends and all are requested until 11:30 p.m. Councilman Thiele made a motion for discussion, seconded by Councilman Carr, all in favor, so carried. Councilman Carr stated they should consider cutting out all requests for Sundays and lower the time ending for all the others. Supervisor Rajsz reported she will notify all the area camps that the amplification of noise is prohibited under our Local Law. The Town Clerk verified that the Local Law states that the only thing amplifiers are suppose to be used for are emergency announcements. Supervisor Rajsz recommended they suggest they decrease the days requested and the hours. Councilman Shafer stated they should vote the Resolution down for the requested Noise Permits and notify the camp that they would like to discuss changing their request. The Board members agreed to table this Resolution, noting that there is time to address it at next month's meeting.

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REPORTS OF BOARD MEMBERS

Councilman Shafer reported the MMTF Attorney is still holding up on the final report. Supervisor Rajszyk reported she went to the training for the road usage agreement. Supervisor Rajszyk stated they are still waiting for the final DGEIS report, noting then the Town Board will have a Public Hearing after reviewing their own findings. The Code Enforcement Officer reported they would have to approve the report as a Local Law.

Councilman Akt reported the town generator is here and they are getting ready to put in the pad for the unit.

Supervisor Rajszyk reported that at the end of the Newsletter there is a survey regarding the feasibility study for a business center. Supervisor Rajszyk noted when the summer people are here she will have another survey done.

The Town Clerk reported there is a state wide burning ban on from March 16th to May 14th. The Town Clerk thanked everyone that participated in the month long food drive, noting she appreciated everyone that dropped off food and that all donations were given to the Pond Eddy Church food pantry.

The Town Attorney reported she has gotten a discontinuation of a law suit that had been filed against the town, noting the suit was for \$2.5 million but the case has been resolved.

Planning Board member Gregory Bodnaruk reported that they have been working with several subdivisions, notably Chapin Estates.

Cultural Series Director Frank Schwarz reported he is excited about the concert with the Ithaca College Choir on Sunday, Thanking Kadampa Meditation Center, the Town of Lumberland and the DVAA grant for making the concert possible. Schwarz stated a correction to the Agenda, that for the concert it should read \$5 for 12 – 18 years old, noting they do not allow infants into the concerts.

Historian Frank Schwarz questioned the Town Attorney if she had gotten any more information on the Knight Cemetery? The Town Attorney reported she has had contact with the family attorney, noting the estate was settled 20 years ago and there are grandchildren that need to be notified. The Town Attorney noted this issue has been ongoing for 12 years now.

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Grant Writer Frank Schwarz reported he called Sullivan County Renaissance regarding a grant to redo the town sign out front of the municipal building but was told the town would need a partnership with someone like the boy scouts to do the project. Schwarz reported he sought out the Boy Scouts but they are not interested. Supervisor Rajsz questioned if Schwarz had contacted the Girl Scouts? Schwarz stated he had not and that wasn't his job, noting the deadline for the grant is next week.

LEC CoChair Cheri Bodnariuk reported they had no meeting in February but are now planning the annual Earth Day which will be held April 22nd. Bodnariuk stated that they have the environ kids and tech kids from the high school working on projects for Earth Day. Bodnariuk reported she talked to Carol Roig who noted that Steven Stewart will be working on a wind turbine presentation. Bodnariuk reported she is working on getting the elementary kids involved, there will be soccer registration with summer and fall programs, the 4H Club will have a presentation and there will be rock painting. Bodnariuk stated she has a letter out to the Master Gardeners and that she is not sure if Bill Cutler will be able to do a presentation this year. Bodnariuk stated that if anyone would like to participate in Earth Day to contact her.

LEC CoChair Cheri Bodnariuk reported that they have not had the date for Litter Pluck officially confirmed by the County.

Susan Gregg questioned how much space would she have to put information about sustainable energy audits into the newsletter? Supervisor Rajsz stated she could have as much space as needed. Gregg reported she will be availing herself for 2 hours a month at the Town Hall to help people fill out applications for an energy audit. Gregg noted there is a loan program available to homeowners from NYSERDA, with monthly payments that would not exceed the savings you see on your electric bill for complying with the recommendations from the energy audit. Gregg stated that most people do not realize they can save money on gasoline by having the correct tire pressure on your vehicle.

The Highway Superintendent, Don Hunt, Jr., reported everything is working very good right now.

Fire Dept. President Ann Steimle reported they have had 42 calls so far this year, noting they had a small building fire this morning which destroyed the building but nobody was hurt.

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Steimle also reported they would like to establish a public access defibulator in the municipal building, noting she would provide training for free for a low to no cost unit.

Supervisor Rajsz reported she ran into the representative for the Fire Dept. LOSAP program in NYC and requested they have another meeting with the public to discuss the retirement plan for the Fire Dept.

Chief Constable Patrick Cahill noted his department's monthly activity.

Supervisor Rajsz reported they are cleaning up the substance of the zoning rewrite draft, noting the update will be available on the website.

Code Enforcement Officer Dave Sparling reported he did a survey of building permits comparable to other town. Sparling also reported he gave the Board a copy of the proposed pad for the generator. Sparling stated that they need to approve going out to bid for the cost of the pad as soon as possible. The Town Attorney stated they could draft up the Resolution approving to go out to advertise the bid for the pad and vote on it tonight. The Town Attorney stated that the Resolution should read: WHEREAS: the Code Enforcement Officer is recommending construction of a pad for the generator, including excavation. The Town Attorney stated that the Resolution will read that bids will be opened on Thursday, April 5, 2012 at 3 p.m. in the Town Clerk's office and the bid award will be on Wednesday, April 11, 2012 at 7 p.m. at the Town Hall. Supervisor Rajsz made a motion to approve the Resolution, seconded by Councilman Shafer, all in favor, so carried. Sparling noted they will need to get the crane back to set the generator onto the pad once it is ready.

OPEN FLOOR TO PUBLIC

Ann Steimle reported that if anyone has a fire in their home please dial 911 and not try to put it out yourself.

Supervisor Rajsz read the Special Announcements, noting that the UDC will have a training session on April 24th. Planning Board member Gregory Bodnariuk reported the Planning Board will have a Special Workshop Mtg. on March 22nd at 7:30 p.m.

ABSTRACTS

Councilman Carr made a motion to accept Abstract #3, 2012, with General Fund Prepaid Claims in the amount of \$44,285.48, General Fund Claims #133 to #242, in the amount of \$78,266.89, and Highway Claims #080 to #139, in the amount of

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\$114,134.17, with a total of Abstract #3, 2012 of \$236,686.54, seconded by Councilman Shafer, all in favor, so carried.

Councilman Carr made a motion to adjourn at 8:15 p.m., seconded by Councilman Shafer, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk