

LUMBERLAND TOWN BOARD MEETING MINUTES
& PUBLIC HEARING – LOCAL LAW #2, 2013 –“ROAD PRESERVATION
APRIL 10, 2013

The Lumberland Town Board held a regular monthly meeting on Wednesday, April 10, 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, Town Attorney Danielle Jose-Decker, Deanna & Natalie Rajsz, Guy Harriton from the River Reporter, Susan Morley, ZBA Chair Lewis Powell, Cathy Sterling, Susan Gregg, Helga Rupnick, Sophia Martynec, Jenny Mellan, Highway Superintendent Don Hunt, Jr., Fire Dept. President Ann Steimle, Kaitlin Haas from the Sullivan County Democrat, Bohdan Kandiuk, David Riley, Cherish Galvin-Bliefernich and Joan Rosenfelt.

MINUTES

Councilman Carr made a motion to accept Minutes of March 11, 2013, and March 13, 2013 as written, seconded by Councilman Leamon, all in favor, so carried.

CORRESPONDENCE

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

Supervisor Rajsz reported that our Code Enforcement Officer, Dave Sparling, is out of surgery and doing well.

2. Pattern for Progress Information
3. ZBA Mtg. Minutes- Feb.
4. NYS Ag & Markets Municipal Shelter Inspection Report
5. Cultural Series Concert Information
6. SC Legislature Resolution – Repeal NYS Safe Act (Firearms Law)
7. Planning Board Mtg. Minutes- March
8. SC Historical Society Newsletter

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9. Risk Assessment –Knack, Pavloff & Company
10. SC Annual Litter Pluck Day Notification
11. Sunshine Library Correspondence
12. SC Planning Training Notification
13. SC DPW Notification

Supervisor Rajsz requested Item #9 be held for discussion. Councilman Carr made a motion to accept Correspondence #1 through #13, seconded by Councilman Thiele, all in favor, so carried. Supervisor Rajsz noted that Sullivan County has set their Litter Pluck schedule but the LEC has not decided on the Town Litter Pluck day. Supervisor Rajsz noted that the Sunshine Library sent a letter Thanking us for our donation and a copy of their budget. Supervisor Rajsz reported there will be an Ash Boar seminar in April and that the County has sent notification of their annual end of Snow & Ice Watch. Supervisor Rajsz noted that Cornell Cooperative is looking for donations.

Supervisor Rajsz reported that Item #9 was the Risk Assessment recently done for the Town, noting this was a review of our processes and their recommendations. Supervisor Rajsz reported that the following recommendations are being made: #1 –cross training of personnel, especially in payroll, #2 – disaster recovery policy if the building should burn down we would need a backup facility to use, #3 – with the recent LOSAP program implemented the Town will need to do an annual financial auditing and will need to review the Fire Dept. documents, #4 – we need to have a credit card policy and are still looking into if one was implemented a few years ago, #5 – the payroll summary should be separate from personnel and #6 – the Town needs to have a safety system in place, which the Highway Superintendent noted he has not met with Charlie Fallon to discuss a plan for the highway garage. Supervisor Rajsz noted she will go over a proposed system with P&N Alarms.

PRE-FILED RESOLUTIONS

- #59 - Noise Permits- Camp Lokanda
- #60 - 2013 Highway Funds Transfer to Savings
- #61 - Approve Local Law #2, 2013 – “Road Preservation”
- #62 - Stone & Gravel Bid Award
- #63 - Surplus Office Equipment Bid Award
- #64 - Spring Cleanup Day (Tentative Date)
- #65 - Constable Re-Appt. – Tracy
- #66 - Town Clerk’s Records Management School Approval
- #67 - Parks Purchases Approval
- #68 - Eldred School Softball Teams = Request Ball field Use
- #69 - Summer Youth Basketball Camp Approval (Late File)
- #70 - DCO Seminar Attendance Approval (Late File)
- #71 - Cemetery Shed Relocation Approval (Late File)
- #72 - Highway Dept. Petroleum Spill Prevention Plan (Late File)

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Supervisor Rajsz reported that Camp Lokanda has submitted Noise Permits for various activities, noting she received an email from a resident who borders Camps Lokanda and Brookwood who is concerned about the use of amplified sound and the time limits requested. Supervisor Rajsz reported the resident requested that the time be limited to no later than 10:30 p.m. which is the same as last year. The Board members agreed that all requested noise permits that are past 10 p.m. be limited to 10:30 p.m.

Supervisor Rajsz reported that they have a Public Hearing scheduled and the regular meeting will have to be closed to open the Public Hearing. Councilman Leamon made a motion to close the regular meeting at 7:15 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman Thiele made a motion to open the Public Hearing at 7:15 p.m., seconded by Councilman Leamon, all in favor, so carried.

PUBLIC HEARING – 7:15 P.M. –LOCAL LAW #2, 2013 ENTITLED “ROAD PRESERVATION”.

Supervisor Rajsz reported they have been working on the Road Preservation for about 4 years now and they are finally having a Public Hearing to hear any comments to consider final approval. Supervisor Rajsz noted that this is to protect the Town roads from heavy trucks used in the fracking process if they would be going through our town.

OPEN FLOOR FOR 1ST TIME

Ann Steimle and Susan Morley reported they both care about the protection of our roads. Steimle questioned if this will impact anyone that already has a business here and uses heavy equipment? Supervisor Rajsz reported that the businesses here do not have the heavier equipment that is stated in the law. The Town Attorney noted that they held a joint town public hearing in 2011 to address any concerns. Supervisor Rajsz reported that the Town of Lumberland has already adopted the findings.

OPEN FLOOR FOR 2ND TIME

Sophia Martynec stated that all those who worked on the law deserve our Thanks. Supervisor Rajsz stated that the other Towns also worked on it, noting they had gotten TAG grant monies and the Towns put in the rest of the monies that were needed to finish the road preservation law.

OPEN FLOOR FOR 3RD TIME

Lew Powell noted there were comments written to the side of the document that was printed out and noted a correction in spelling on the Local Law. The Town Attorney reported that she will make the correction and that the side comments will be omitted from the official document. Supervisor Rajsz reported they had a few people review this document to make it fit for the Town of Lumberland.

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Jenny Mellan noted that this was not just for the operations in the Town of Lumberland but in all the towns involved in the MMFT. Supervisor Rajszyk reported there was a 239 review by the County and that as each town adopts their local law they will notify the other towns of its passing. Supervisor Rajszyk noted that each individual town modified the local law to fit their town, noting that each Town's law protects them from trucks coming through from another town. David Riley questioned what kind of trucks were involved? Supervisor Rajszyk reported they are directed at the fracking equipment that are used during their process and this measure will protect our roads. Supervisor Rajszyk Thanked everyone that worked on the Road Preservation law and all those in attendance for their comments.

Councilman Carr made a motion to close the Public Hearing at 7:23 p.m., seconded by Councilman Thiele, all in favor, so carried. Councilman Leamon made a motion to reopen the regular Town Board meeting at 7:23 p.m., seconded by Councilman Thiele, all in favor, so carried.

The Town Attorney requested that they hold Resolution #61 for last so she could draft up a correct version.

The Board members continued with their Pre-Filed Resolutions. Supervisor Rajszyk reported that any surplus office equipment not bid on will be disposed of. Ann Steimle stated she would take the old fax machine.

Councilman Carr questioned if there was a listing of what you can and can not take to the Spring Cleanup Day? The Town Clerk reported the listing will be in the advertisement and attached to each Spring Cleanup Day pass.

Supervisor Rajszyk reported that Josh Santoro came to the Monday night Workshop Meeting to request the Town of Lumberland join with the Town of Highland to help fund a Summer Youth Basketball program for teens to keep them out of trouble. Supervisor Rajszyk noted this program is for both boys and girls.

Supervisor Rajszyk reported there is a seminar for ACO/DCO officers and the Town of Lumberland and the Town of Highland will be splitting the bill for Fawn Schneider to go because she works for both towns.

Supervisor Rajszyk reported they received a drawing for the re-location of the cemetery shed, noting that when Billy McKerrill was a councilman he worked with the Town Attorney to have the old salt shed property deeded over to the town which is where the shed will be placed. Supervisor Rajszyk reported there are still Renaissance monies available to beautify around the shed. Supervisor Rajszyk Thanked the Cemetery Committee and the Highway Dept. for all their work on the cemetery. Supervisor Rajszyk noted there is a company in New Hampton that has the equipment to move the shed.

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The Town Attorney read the proposed Resolution #61, noting this was to be considered a late file. Supervisor Rajsz noted this resolution was to approve Local Law #2, 2013 entitled “ Road Preservation” which was a long time coming.

REPORTS OF BOARD MEMBERS

Councilman Thiele reported the parks are starting up for the season and the new tractor is here. Councilman Thiele reported the Highway Dept. did a good job fixing up the trailer for the tractor.

Councilman Leamon reported they are planning a workshop meeting for the committee that will be reviewing the zoning law. Supervisor Rajsz noted Councilman Leamon will be taking the lead on the committee and they will meet once the Code Enforcement Officer is back to work. Supervisor Rajsz stated that this is not to rewrite the zoning law but to clean up certain parts of the zoning. Supervisor Rajsz noted that the Town Attorney’s partner will be working with the committee and all ZBA members are welcome to work with the committee.

Councilman Leamon reported that the Town Attorney, Town Clerk and himself will be meeting next Monday to go over the codification of local laws.

Councilman Akt reported they are putting steps on the generator.

Supervisor Rajsz reported they are working on the Emergency Management Plan update, noting they have had 2 meetings already and that those participating are Ann Steimle, the Highway Superintendent, Councilman Thiele, the Fire Dept. Chief and the Chief Constable. Supervisor Rajsz noted the next meeting is on the 14th at 6:30 p.m. Supervisor Rajsz reported they have received some funds from FEMA, noting that the Highway has received their monies and the Town is waiting to receive their portion of monies..

Supervisor Rajsz reported she is on a subcommittee to study transportation in the County, noting that they are looking at the census and looking at the assessments of what each town needs. Supervisor Rajsz reported that the planning dept. is reviewing their ancient plan and looking for monies to update. Supervisor Rajsz noted that a lot of senior citizens can’t get to Drs.’s appointments or to go shopping and there is no transportation for those youths that have parents that both work. Supervisor Rajsz stated that transportation is needed in the rural areas.

Supervisor Rajsz reported that they have been talking about a welcoming center for several years, noting she is the Chair of the Upper Delaware Byways and she is working with Congressman Gibson to see what monies are available. Supervisor Rajsz reported that \$550,000 was appropriated for the welcome center which is needed along the byway.

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Supervisor Rajszyk reported it has been determined that Narrowsburg is a better site for the center because of Fort Delaware. Supervisor Rajszyk stated that the towns need to send a letter in support of the welcome center to get the monies available, noting that Senator Bonacic has also appropriated \$250,000 towards the project.

Supervisor Rajszyk reported that, as a prior Chair to the UDC, she will be receiving an award on the 28th.

The Town Clerk noted that her office will be closed on April 29th, 30th, and May 1st to attend a New York State Town Clerks Conference. The Town Clerk reported that the Spring Cleanup passes will be available after notification from the County that the County Legislature has approved the monies for the cleanup.

The Town Attorney reported that the deadline for the codification of laws review is in July but she would like to see us get done with it before that deadline. The Town Attorney reported that the owner of the unsafe building in the Black Forest has filed for bankruptcy and the work to the structure will probably not be done in the time frame of the extended permit.

The Chief Constable noted his monthly activity, noting that they will not be patrolling the river corridor as much this year because the funding has been cut.

Susan Morley reported the Planning Board is working hard on the project before them, noting the new Planning Board Attorney is great on the Board.

The Highway Superintendent reported they are working in the cemetery and starting to grade the roads soon and do their road projects.

Fire Dept. President Ann Steimle reported they did not get a grant for the new radios and does not know why. Steimle reported that they are working on getting a grant for a newer ambulance and working on cleaning out the Pond Eddy Firehouse. Steimle reported the siren on the main firehouse is not working and they are looking into getting someone else's old siren to work with. Steimle noted they are looking into updating, or possibly, going with solar as an energy source, noting the Pine Island firehouse has gone solar and they are looking as to what they have done and what it has saved them. Supervisor Rajszyk reported that another town recently got \$80,000 for turnout gear. Bosco Hunt reported Yulan just got \$36,000. Steimle noted that their fire dept. and ambulance are combined, whereas, some of the other towns run their's separately. Supervisor Rajszyk questioned why some other towns are getting money and we aren't? Steimle noted that Charlie Fallon is looking into grants for our fire dept. Steimle reported she has been appointed as the Dept. EMS coordinator in the County.

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Supervisor Rajsz reported the town is looking into an alarm system along the river because there is no alarm system in that area. Supervisor Rajsz stated that tests should be done on a weekly or monthly basis, noting there is also no cell service in that area. Supervisor Rajsz noted it would be beneficial to the residents and visitors to the area. Steimle noted that the alarm on the Pond Eddy Firehouse will sound minimally. Joan Rosenfelt stated that she felt the importance of the alarm system but noted the problem was that it doesn't reach the people that respond to the emergency. Rosenfelt noted that the recent test was much more acceptable than in the past. Supervisor Rajsz reported that the alarm is not there to intrude on the peace of life of the residents in the area.

Susan Gregg from the LEC reported the annual Earth Day will be held on Sunday, April 21st from 11 a.m. to 4 p.m. with an animal show and the NPS putting on a new program, noting everyone is welcomed to come. Ann Steimle reported the Fire Dept. can't attend the Earth Day celebration this year due to a training class.

OPEN FLOOR TO PUBLIC

Joan Rosenfelt reported that the stray cat issue in Pond Eddy is still a problem, noting she has been taking them in and trying to find them homes. Rosenfelt stated that they need to publicize and educate people to have the cats spayed and neutered. Rosenfelt presented a cutout of a cat that she suggested be placed in various spots in town to advertise what needs to be done. Supervisor Rajsz suggested Rosenfelt talk to the Code Enforcement Officer about the signs before placing them anywhere. Rosenfelt stated they would only be placed on private property. Supervisor Rajsz apologized for omitting the info about the cats in the latest newsletter, noting that the Town Board has authorized the DCO to transport any feral cats to the Humane Society. Rosenfelt stated she did not want the cats to go to the Humane Society because they euthanized them. Councilman Leamon noted that Rosenfelt would have to check with the Town sign regulations.

Cherish Bliefernich, a teacher at the Mackenzie Elementary School reported that there will be an Eldred Pride Day scheduled on May 18th, noting this is a community event and she has information if anyone is interested. Bliefernich reported they will have a carnival, an alumni basketball game in the High School gym in the afternoon and the chorus will be singing "Won't Give Up" because there has been talk of closing the smaller schools in a lot of the communities.

Joan Rosenfelt reported there are trees leaning over Hollow Road that she felt were dangerous. The Highway Superintendent reported they have trees leaning over the roads all over town.

Supervisor Rajsz noted the Special Announcements.

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ABSTRACTS

Councilman Carr made a motion to approve Audit and General Fund & Highway #3, 2013, with General Fund Claims G3-#102 through #182, in the amount of \$ 54,208.33, General Fund Prepaid Claims in the amount of \$ 70.00, Highway Fund Claims #H3- # 93 through #177, in the amount of \$80,527.57, with a total of Abstract #3, 2013 of \$134,805.90.

Councilman Carr made a motion to adjourn at 8:52 p.m., seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk