

# **LUMBERLAND TOWN BOARD MEETING MINUTES**

**JUNE 12, 2013**

The Lumberland Town Board held a regular monthly meeting on Wednesday, June 14, 2013, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7:05 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, Herb Baxter, Code Enforcement Officer David Sparling, Sophia Martynec, Rose Carr, Highway Superintendent Don Hunt, Jr., Fire Dept. President Ann Steimle, Cathy Sterling, Susan Gregg, Richard Hotzler, Kathy & Roger Bisland, Martha Tully, Jerry & Oxsana Krupka, John Geba, Jenny Kriedka, Jerry Gawur, ZBA Chair Lewis Powell, Helga Rupnick, Sophia, Jenny Mellan, Bohdan Kandiuk, Rosemarie Varagnolo, Zangmo & Lhachog from the Kadampa Meditation Center, David Hulse from the River Reporter, Kaitlin Haas from the Sullivan County Democrat and Caroline Akt.

## **MINUTES**

Councilman Carr made a motion to accept Minutes of May 6, 2013, and May 8, 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. Planning Board Mtg. Minutes – April & May
3. Pattern for Progress Newsletters
4. Eldred School District Newsletter & Budget Vote Results
5. ZBA Mtg. Minutes- April
6. Barryville Chamber of Commerce News
7. Sullivan County Historical Society Newsletter
8. NYS Office of Real Property – Appointed Assessor Information

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## **PRE-FILED RESOLUTIONS**

- #81 - Real Property Assessment Settlement Approval = Mohaph Lake, LLC
- #82 - Fire Works Permit Application Approval – Camp Lokanda
- #83 - Town Hall Bell Tower Additional Repair Approval
- #84 - EZ Pass Program Application Approval
- #85 - Town Board Meetings Schedule Change
- #86- Parking Lots Resurfacing Project Approval
- #87 - Senior Parking Lot Line Striping Project Approval
- #88 - Air Conditioning Unit Purchase- Museum
- #89 - Noise Permits- Mohican Lake Resort
- #90 - Noise Permit – Malzahn
- #91 - Noise Permits – Camp Simcha
- #92 - Highway Budget Modification (Late File)
- #93 - Noise Permit – T&L Ventures, d/b/a Mohican Inn (Late File)

Supervisor Rajsz reported they received all the certification for Resolution #82 for the Fireworks Permit. The Code Enforcement Officer verified everything was in order, noting they will usually list a rain date on the paperwork.

Councilman Carr questioned what the original quote was to fix the bell tower on the Town Hall. Supervisor Rajsz stated she would have to look back on the paperwork that was done before the first of the year.

Supervisor Rajsz reported that she has asked the Town Board members to consider having two regular monthly meetings a month instead of a Workshop Meeting and a regular meeting, noting that at the workshop meeting you really can't conduct regular town business. Supervisor Rajsz also noted that not a lot of people attend the Workshop Meeting for that reason and with so much business happening lately she has proposed the two regular meetings be held on the 2<sup>nd</sup> and the 4<sup>th</sup> Wednesdays, with the meetings to start at 7 p.m. and using the first ½ hour to review the agenda and at 7:30 p.m. commencing with regular Town Board business. Supervisor Rajsz requested any public input into this request. Sophia Martynec agreed with the suggestion. Supervisor Rajsz stated they would like to try this schedule out until the end of the year. Councilman Carr recommended starting the new schedule beginning in August. The Board members agreed to start holding the two regular Town Board meetings, beginning in August.

Councilman Akt questioned if the Senior Center parking lot was also going to be repaved? The Highway Superintendent reported they were only suppose to do the Municipal Building parking lot, around the Town Hall out to the pavilion and the parking lot at the School Bus Garage. Supervisor Rajsz questioned why the General Fund was listed as to where the funds were coming from for this project? The Town Clerk reported that it is a General Fund project, the Highway Funds can only be used to maintain the roads. The

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Highway Superintendent stated you could not use the CHIPS monies for a General Fund expense. Councilman Akt questioned if we should just be striping the Senior parking lot when in a couple of years it may need to be repaved, recommending including the Senior parking lot in the project. The Highway Superintendent noted that they will be going by State contract and using Suit Kote for the paving. The Town Attorney questioned if the project would be subject to prevailing wage? The Highway Superintendent reported the project would be on state bid which includes prevailing wage. Supervisor Rajsz recommended getting a quote to repave the Senior parking lot before striping the lot. The Highway Superintendent reported they will be starting from the road into the school bus garage, noting they will include all of the parking areas that need to meet DOT requirements. The Board members agreed to table Resolutions #86 & #87 until next month.

Councilman Carr questioned why the air conditioning unit was billed to the Buildings Fund and not the Museum Fund? The Town Clerk reported it is part of the building, therefore, it is billed to the Buildings Fund.

Supervisor Rajsz stated they need to discuss the request for Noise Permits for the Mohican Lake Resort, noting she has received a written complaint regarding the Resort. Supervisor Rajsz read the letter which requested that all Noise Permit requests for the Resort be denied. The Chief Constable reported that they had some incident reports recently regarding the Resort, notably a problem with jet skis on the lake. Supervisor Rajsz reported she was told the noise coming from the Resort was coming from inside and could be heard by the neighbors every time the door was opened. Supervisor Rajsz stated that in light of these complaints she is not in favor of approving the request. Councilman Leamon noted that the request was for 11:30 p.m. which they have deemed to be late and questioned if they could grant the request conditionally and if the privilege is taken granted of they could deny future requests? Councilman Carr agreed that if there has been a problem then the request should be denied. Councilman Leamon questioned if the Town Attorney could send the Resort a letter notifying them of the issue. Cathy Sterling reported the requests from the Resort have been turned down in the past. Susan Gregg reported that they have had people from the Resort causing several boating accidents over the years. Supervisor Rajsz requested the Town Attorney send the Resort a letter notifying them the request for Noise Permits has been denied and a request that they come in to meet with the Supervisor and a Town Board member to discuss this issue. Roger Bisland questioned if the Resort had any jet skis since they have their insurance through the Bisland Agency, noting he was on one ambulance call for a jet ski accident but someone had brought their own jet ski, it was not from the Resort. John Geba stated the Town Board should send someone out to investigate the situation in the area of the Resort, noting that they are running a business in a residential area. The Town Attorney stated she would send a letter to the Resort requesting they meet with the Supervisor and a Town Board member and that they have been denied their recent request for Noise Permits.

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Supervisor Rajsz noted that the only complaint about noise she has ever received was for the helicopter from Camp Simcha.

Supervisor Rajsz reported she received a letter notifying the Town of the increase in CHIPS monies the town would be receiving, noting when they did the budget for this year they used the same amount as last year. The Highway Superintendent noted that the amount had not changed for some time.

Supervisor Rajsz questioned the bbq that is being listed on the Noise Permit for the Mohican Inn? Councilman Leamon, as an owner of the Inn, reported that they would have the function on the outside area of the Inn.

Supervisor Rajsz reported there is an additional Resolution that needs to be added to the Agenda, noting this Resolution was for the approval of the contract with the School District for the rental of the bus garage building, noting this will be a late file resolution. Supervisor Rajsz reported she met with school officials and they amended the previous contract, noting they eliminate the clause for the boiler that was previously taken care of and the payment schedule which will now be made quarterly. Supervisor Rajsz stated that she is recommending the rent stay at \$3,600 per month since increasing the rent would result in an increase in taxes to pay for it. Supervisor Rajsz noted that the previous contract was a 3 year contract. Supervisor Rajsz noted that last year they replaced the boiler and upgraded the fire alarm system on the building. Supervisor Rajsz reported, that thanks to the Highway Superintendent, the old fuel tanks were removed and taken off the DEC listing. The Town Attorney recommended the Town keep the 3 year contract with an option to renew upon written notification from the School District. The Town Attorney will modify the proposed contract to add the clause that they will have the option to renew after 3 years upon written notification from the School District. Supervisor Rajsz read the Resolution to approve the contract with the School District, noting that the contract will commence on July 1, 2013 and expire on June 30, 2016. The Town Attorney requested an additional clause be added to the Resolution to read that the “final form of which to be approved by the Town Attorney”.

**PROCLAMATION** – SOPHIA MARTYNEC

Supervisor Rajsz read the Proclamation in honor of resident Sophia Marty nec who has received the RSVP District #2 Award and the RSVP Sullivan County Award this year, noting that Sophia was not able to attend the Awards ceremony held at the Villa Roma last month where she would have also been presented with many certificates, from various officials, along with her awards. Supervisor Rajsz reported that the last resident from the Town of Lumberland to receive the County award was done in 1985. Councilman Carr read the plaque given to Sophia Marty nec from the County.

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## **REPORTS OF BOARD MEMBERS**

Councilman Leamon reported they are in the process of reviewing the zoning and requested a copy of the codification paperwork so he may review it. Councilman Leamon stated he hopes to have a meeting of the zoning review next week.

Councilman Akt reported they are working on the new air conditioner for the Museum Director.

Councilman Carr reported on July 4<sup>th</sup> there will be the annual parade and Fun Day at the Park afterwards.

Supervisor Rajsz reported she signed a contract with a new investment firm, RVC, that will work with Penn Flex on the LOSAP funds.

Supervisor Rajsz reported she has received some letters and emails, one from Joan Rosenfelt regarding gun shots in her neighborhood and requesting a notice be put in the newsletter that is against the law to shoot egrets.

Supervisor Rajsz reported she also received a note about someone knocking on someone's door late at night on Rt. 97 requesting to use the phone because there was no cell service in the area. Supervisor Rajsz stated that the resident has offered her property to use for a cell tower. Supervisor Rajsz noted that years ago the town offered to use town property to put up a cell tower but they could not get a carrier in the area. Dave Sparling reported that the cell towers only work in a straight line and if there is a mountain in the way it will block the signal.

Supervisor Rajsz reported that the front of the Town Hall building is a mess but has been told that any building pre 1978 has to have a lead certified specialist do the work to remove the paint which will be costly.

Supervisor Rajsz reported she is on a sub committee looking into a transportation plan for the area, noting they are looking for a grant that will pay for the needs assessment of such a plan. Supervisor Rajsz reported the Association of Supervisors has submitted a letter to the County in approval of moving forward with the transportation needs of the area.

Supervisor Rajsz reported the Summer Basketball Camp is moving along with a list of kids already signing up, noting the town has done a partial funding already and the Town Board has approved up to \$1,500 in funding.

Supervisor Rajsz reported the Summer Youth Program has their signups available, noting they have several trips and programs scheduled.

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Supervisor Rajszyk reported O&R Utilities has an informational session planned for Thurs. July 11<sup>th</sup> in Goshen entitled "The New Normal" regarding the recent weather issues.

Supervisor Rajszyk reported they are looking for a design proposal for the access site on the river by July. Supervisor Rajszyk noted the project will need to be done by 2014 and they are looking for people to be on a committee to design the access site. Supervisor Rajszyk reported the Pond Eddy Bridge will be coming down and is being replaced, with work to start in 2014.

Supervisor Rajszyk reported that there is a consolidating funding grant available from the State for community development, which can be used for the purchase of land. Supervisor Rajszyk reported that the property on Rt. 97 the NPS originally used and is known as the "Coop" could be a perfect place for a park and an access site to the river. Supervisor Rajszyk stated she could seek grant funds for the purchase of this land should the Town Board deem it feasible, noting Deerpark got grant monies to purchase their access site and the County Legislators are looking into using grant monies to have a Welcome Center at Fort Delaware in Narrowsburg. Supervisor Rajszyk requested the Board members consider looking into this grant to purchase the land for the Town.

Supervisor Rajszyk reported the landfill monitoring is ongoing and the EPA called to inform her that Upstate Labs has been found to have done fraudulent testing but the Town will not be penalized for using that Lab for previous landfill monitoring. Supervisor Rajszyk requested the Town Board contract with Barton & Loguidice Engineering Firm to have them do the landfill monitoring and testing. Councilman Akt questioned how much longer do we have to do the testing? The Town Clerk noted the DEC is saying it needs to be done until they tell us we do not have to. Supervisor Rajszyk reported she will have the Engineering Firm look into the previous paperwork and look at the landfill to see what is needed.

Supervisor Rajszyk reported Peter Camechi from the VFW notified her that there will be flag burning this Friday night at 6 p.m. at the American Legion building in Eldred. Councilman Carr noted they also have a depository for old flags at the building if anyone needs to get rid of an old or damaged flag.

Supervisor Rajszyk Thanked Linda Hazen for all the planting and watering of the plants that she does around the buildings and parks. Supervisor Rajszyk also Thanked all the others that take care of the plants throughout the Town.

Supervisor Rajszyk reported that the main copier for the offices has been creating tax dollars overages and we still have another year on the lease for the unit. Supervisor Rajszyk reported she has met with representatives from the copier company who came and talked to the office staff to see what we would need for a better and more efficient unit. Supervisor

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Rajsz noted that a newer copier should save us about \$200 a month in costs. Supervisor Rajsz requested the representatives draft up a contract and she will then forward to the Town Attorney for review, along with the existing contract, before making the final decision. Supervisor Rajsz stated we need to move forward and the Board members agreed to go ahead with the newer machine if it will save the Town money.

Supervisor Rajsz reported that Eagle Creek is grieving their tax assessment on their property even though they are building a new generator. The Highway Superintendent verified that Eagle Creek is planning on bringing in over 700 hundred heavy trucks for their project and they are saying FERC oversees them and they do not have to abide by our road preservation regulations. The Highway Superintendent reported that the trucks are now suppose to be going through the Town of Deerpark instead of the Town of Lumberland.

The Town Clerk Thanked the Town Board for approving that she and her Deputy attend the NYS Records Management schooling held in Corning, N.Y. The Town Clerk reported it was very beneficial and she has gotten information on a newer version of the microfilm reader that we need which she will bring to the Town Board at budget time for next year.

The Town Attorney reported they have made substantial headway on the status of the Knight Cemetery, noting she has tracked down the heirs and they are happy to turn the cemetery over to the Town. The Town Attorney noted this should be resolved within the next three months. Supervisor Rajsz Thanked the Town Attorney for all her work on this issue.

ZBA Chair & Cemetery Committee Chair, Lew Powell, reported the ZBA has been quiet. Powell reported the Cemetery Committee had gotten a verbal quote for the cost of moving the cemetery shed of \$750, but noted that has also gotten a written quote of \$425 from a company in New Hampton. The Board members agreed to have the company in New Hampton move the shed.

The Chief Constable reported on his department's monthly activity. The Chief Constable reported his computers in his office are outdated and requested the Town Board approve to use the monies that were donated from the Kadampa Center to help offset the cost of the their new computers. The Chief Constable reported that his computers must be compatible with the State system. The Board members agreed that the updated computers were needed. The Chief Constable reported that he, along with Constable Crum, were out on the river doing training when they came across people floating that needed to be rescued, noting they brought them back to the DEC landing. The Chief Constable reported that everything with the DCO was status quo.

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Fire Dept. President, Ann Steimle, reported that she has become the EMS Coordinator in Sullivan County. Steimle reported the new radio system is a \$10.2 million project with putting up 8 to 10 new towers, noting they may possibly put a tower in Pennsylvania which is our line of communication to get high band. Steimle reported they are purchasing a 2004 ambulance which is newer than one of their existing ones. Steimle reported the price was well within the price range and it is a bigger ambulance with a fully extended warranty. Steimle noted they will keep one of their existing rigs as a backup and look for bids for the other one. Steimle reported they have one member that graduated from Firefighter #1 class and that the DCO does a wonderful job.

The Highway Superintendent reported they are working on Knight Road and the 1<sup>st</sup> Trail at Mohican Lake and noted that they have an issue on Mapes Road.

Martha Tully reported they are having a Community Market every Sunday, noting they are looking for sponsors. Susan Gregg reported the LEC will be setting up a table at the Community Markey to recruit members.

The Code Enforcement Officer Thanked the Town Board for their help during his extended leave of absence, Thanked his Clerk, Donna Sus, for maintaining the office during his absence and Thanked Bob Emerson for filling in for him. The Code Enforcement Officer reported they met with Eagle Creek who has ignored every question they were asked, noting they have been told that FERC oversees their project. The Code Enforcement Officer reported that Local Law requires permits as discussed in the Road Use Agreement. The Highway Superintendent reported that Eagle Creek is saying they will be having 720 heavy trucks coming into town for their project, although they are now saying they will be coming through the Town of Deerpark. Supervisor Rajsiz stated that the towns were not notified of this project and Thanked the Code Enforcement Officer for notifying the town of the project. The Code Enforcement Officer reported he put a stop work order on the building and they ignored it.

The Code Enforcement Officer updated the unsafe building issue, noting he will be meeting next week regarding the issue, noting he has a report from the Engineer stating the structure is safe but the building has other issues.

### **OPEN TO THE FLOOR**

The representatives from Kadampa Meditation Center reported they will have a fair this Saturday which is open to the public.

Helga Rupnick questioned the walkway between the Senior Center and the Pavilion, noting it is too dangerous when it is wet and needs a railing on it? Rupnick suggested putting a railing on at least one side of the ramp.

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Helga Rupnick questioned if the Town is doing anything about fireworks on July 4<sup>th</sup>? The Code Enforcement Officer reported that fireworks are covered under the penal law, noting that anyone setting off fireworks has to have a license and a \$1 million insurance policy. The Chief Constable stated it is against the law to set off fireworks without proper licensing. Don Hunt, Jr. stated the Fire Dept. used to have to stand by if a fireworks permit was issued. Rupnick stated that a notice should be put in the newsletter that it is a violation of the penal law to set off fireworks.

Sophia Martynec reported the Library will be holding a book sale at the Eldred Town Hall from 10 a.m. to 4 p.m. on Saturday & Sunday, June 15<sup>th</sup> & 16<sup>th</sup>.

Supervisor Rajsz noted the Special Announcements.

Supervisor Rajsz stated that the Town Board needs to review and initial the vouchers because they did not have a Workshop Meeting on Monday night.

### **ABSTRACTS**

The Board members reviewed and initialed the vouchers. Councilman Thiele made a motion to approve General Fund & Highway #6, 2013, with General Fund Prepaid Claims in the amount of \$2,012.96, General Fund Claims G13-#349 through #448, in the amount of \$61,080.19, Highway Fund Claims #H13- #289 through #357, in the amount of \$86,738.81, with a total of Abstract #6, 2013 of \$149,831.96, seconded by Councilman Leamon, all in favor, so carried.

Councilman Leamon made a motion to adjourn at 9:13 p.m., seconded by Councilman Thiele, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn  
Town Clerk