

**LUMBERLAND TOWN BOARD MEETING MINUTES**  
**AUGUST 8, 2012**

The Town Board of the Town of Lumberland held a regular monthly meeting and Public Hearing on the proposed Extension of the Smallwood-Mongaup Valley Fire District & Alteration of the Lumberland Fire District on Wednesday, August 8, 2012, at 7:02 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 James Akt  
Councilman Ron Thiele  
Councilman Jay Shafer

Also present were Town Clerk Virginia Horn, Chief Constable Patrick Cahill, Historian Frank Schwarz, Sophia Martynec, Joy Ryerson, Chapin Estates developer Steve Dubrosky, Attorney Terresa Bakner, Glenn Smith, Engineer, Fire Dept. President Ann Steimle, Youth Program Director Darnell Prunka, Richard Hotzler, Town Attorney Danielle Jose-Decker, Martha Tully, ZBA Chair Lewis Powell, Helga Rupnick, Sandy Long from the River Reporter, Highway Superintendent Don Hunt, Jr., Caroline Akt, Kaitlin Haas from the Sullivan County Democrat, Code Enforcement Officer David Sparling, Planning Board Chair Jess Gluckler and a couple of unnamed residents and interested parties.

**MINUTES**

Councilman Carr made a motion to accept the Workshop Meeting Minutes of July 9, 2012 and the Regular Town Board Meeting Minutes of July 11, 2012 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. Comptroller's Newsletters
3. Cultural Series Board Agenda
4. ZBA Mtg. Min. – May

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5. Pattern for Progress info
6. Life Administration Low-Income Forum on Energy info
7. Building Inspector letter
8. Delaware Highlands Conservancy Info
9. Grant Writer Updates
10. Upper Delaware Scenic Byways Agenda
11. Rural Futures Newsletter
12. Planning Board Mtg. Minutes –June
13. Supervisor's Letter- UDC – Pond Eddy River Access Parking Study Project

Supervisor Rajsz noted there will be a free Rabies Clinic held in Liberty on August 14<sup>th</sup>. The Town Clerk reported that she has been asking for several years to have a Free Clinic held in the Town of Lumberland but was told they are consolidating the clinics to save money. Supervisor Rajsz reported that Item #6 was an approved resolution from Sullivan County supporting the constitutional rights of corporations.

Supervisor Rajsz reported that Ivan Orisek from Rally New York attended the Monday night Workshop Meeting to request a permit to hold a rally race on Lebannon and Chapin Roads on Oct. 20<sup>th</sup> & 21<sup>st</sup>. Supervisor Rajsz read Orisek's letter. The Town Clerk reported that the paperwork that came from Rally New York today was requesting permission to hold an event during the time frame of Sept. 1, 2012 and December 31, 2013 which is a big difference from the original request of 2 days this October.

Councilman Akt made a motion to accept Correspondence #1 through #13, seconded by Councilman Shafer, all in favor, so carried.

Supervisor Rajsz reported the Town of Deerpark will be holding a 911 Memorial Service on Sept. 11<sup>th</sup> at their Town Hall.

Supervisor Rajsz reported the Town Board will hold a Special Meeting on Wednesday, August 29, 2012, at 7 p.m. to discuss the Fire Dept. proposed LOSAP program and to hold a Public Hearing on Local Law #3, 2012 to amend the Zoning Law for the Code Enforcement fee schedule. Supervisor Rajsz congratulated the Code Enforcement Officer, Dave Sparling, for ranking 3<sup>rd</sup> on the Civil Service exam.

Supervisor Rajsz reported that the LOSAP program is an award program for active volunteers of the Lumberland Fire Dept., noting they are hoping this program will

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attract new members and maintain volunteers. Supervisor Rajsz reported that this issue will be on a referendum vote on the November ballot. Supervisor Rajsz reported they met with a representative from Pen Flex who is drafting the LOSAP program for our Fire Dept.

Supervisor Rajsz reported that at the Supervisors meeting they had discussed assessments and the list of things that a homeowner can do to their home without their assessment going up. Supervisor Rajsz noted she gave the list to the Assessor so that her office can supply residents with it.

Councilman Akt made a motion to close the regular meeting at 7:15 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman Carr made a motion to open the Public Hearing for the proposed Extension of the Smallwood-Mongaup Valley Fire District & Alteration of the Lumberland Fire Dept. at 7:15 p.m., seconded by Councilman Akt, all in favor, so carried.

**PUBLIC HEARING – 7:15 P.M. – PROPOSED EXTENSION OF THE SMALLWOOD-MONGAUP VALLEY FIRE DISTRICT & ALTERATION OF THE LUMBERLAND FIRE DISTRICT.**

Supervisor Rajsz explained the acreage involved in the proposed extension of the Smallwood-Mongaup Valley Fire District and the Alteration of the Lumberland Fire District.

**OPEN FLOOR TO PUBLIC FOR 1<sup>ST</sup> TIME**

Lumberland Fire Dept. President Ann Steimle reported they have nothing in writing so they were not aware of what the agreement is, noting the agreement is for the Fire Dept. and not for ambulance coverage. Steimle questioned how is the Fire tax going to be levied, noting that Bethel's fire tax levy is 3 times more than the Town of Lumberland fire tax levy. Supervisor Rajsz noted she will go out of order and let Terresa Bakner, Attorney for the Chapin Estates subdivision, explain how this will be done. Bakner reported she has a letter from the volunteer Fire Dept. that they are agreeing to cover the subdivision but the question is the ambulance service. Bakner reported the Town of Bethel ambulance service has stated they will cover the area. Bakner stated that the agreement will read that there will always be continuous ambulance service to this property, noting she will provide that agreement to the Town of Lumberland. Bakner reported that the Chapin Estates will pay taxes to the Fire District for acreage without structures and then once the structures are built the homeowners will pay the taxes. Bakner reported that the Fire Commissioners provide their budget to the Town of

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Bethel and Lumberland, noting that they will pay more for the service from the Town of Bethel. The Town of Lumberland Town Attorney reported that the amount budgeted for this service does not impact the Town of Lumberland residents other than those within the subdivision. Ann Steimle noted that the Town of Bethel volunteer ambulance is a billing company, meaning they will bill you for the use of the ambulance, whereas, the Town of Lumberland does not bill the resident for the use of the service. The Town of Lumberland Town Attorney stated that the concerns about the ambulance service are being addressed.

### **OPEN FLOOR TO PUBLIC FOR 2<sup>ND</sup> TIME**

Martha Tully questioned if the final approval is not received before the tax bills are sent out will the subdivider pay the taxes? Terresa Bakner reported the subdivider will pay the taxes. Tully questioned who is responsible for the initial payment for services after the tax bills are sent out? Bakner reported that Chapin Estates would pay for whatever needs to be paid for, noting that under New York State law they are responsible for the taxes.

### **OPEN FLOOR TO PUBLIC FOR 3<sup>RD</sup> TIME**

No Comment.

Councilman Carr made a motion to close the Public Hearing at 7:30 p.m., seconded by Councilman Thiele, all in favor, so carried. Councilman Shafer made a motion to reopen the regular meeting at 7:30 p.m., seconded by Councilman Akt, all in favor, so carried.

Supervisor Rajsz stated that all comments will be taken under consideration. Bakner noted that the Fire District sets up how they will get paid and an ambulance agreement will be set up.

### **PRE-FILED RESOLUTIONS**

- #111 – Noise Permits – Mohican Lake Resort
- #112 - LEC Appts.
- #113 – Approval – Alteration of Lumberland Fire Protection District
- #114 – Approval – Extension of Smallwood-Mongaup Fire District
- #115 – Traffic Court Additional Prosecutor Appt. –Bourne
- #116 - Noise Permit – Camp Simcha (Late File)
- #117 – Pike Area Youth Athletic League- Ball Field Use Request (Late File)
- #118 - Rally New York – Road Use request (Late File)

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Supervisor Rajsz questioned if there had been any complaints regarding the Mohican Lake Resort before they consider any more Noise Permits. Chief Constable Patrick Cahill reported the only complaints received were regarding disputes with their neighbors. Councilman Shafer reported that the Mohican Lake Resort has had previous requests and recommended they change the time for the first 3 days requested in August To 10:30 p.m., noting that all other requests that came in were limited to 10:30 p.m.

Councilman Shafer questioned why the expiration date of terms for the LEC were different? The Town Clerk explained that the term of a member is for 2 years, whereas, the terms for officers were on a yearly basis.

Supervisor Rajsz reported that Resolution #116 was not necessary but she had recommended that Camp Simcha submit a Noise Permit for their bike a thon to cover themselves because of the constant noise that may occur with people cheering on the bikers and the amount of people gathering for the event. The Chief Constable reported that there will be two Constables and the Police Chief from Lakeland present for the event.

Councilman Carr questioned if the request to use the ballfield would conflict with the Pop Warner League using it? Councilman Thiele noted that this league that is requesting the use of the field is part of the Pop Warner League.

Supervisor Rajsz reported they need to discuss the request to hold a Road Rally in the Town of Lumberland. Councilman Carr stated he felt it was not in the Town's interest to have the race held here, noting that they only use 40 cars on 2 of our roads. The Highway Superintendent stated he was not in favor of the race, noting he will be putting money into those roads and did not want to see the work destroyed. Councilman Shafer stated that his concern was that they have requested the dates of Oct. 20<sup>th</sup> & 21<sup>st</sup> and there would be no time to fix any damage to the road should we get an early winter storm. Jess Gluckler questioned if there had been any damage to the roads from the previous race? Councilman Shafer reported there was no damage but questioned what the benefits to the town would be? Supervisor Rajsz reported that it favors the County more than the town. Gluckler questioned what about the use of our fire and ambulance services? Supervisor Rajsz noted that Rally New York have their own emergency vehicles. The Town Clerk noted that the original request was for October 20<sup>th</sup> & 21<sup>st</sup>, however, the latest agreement submitted by Rally New York requested dates between Sept. 1, 2012 to December 31, 2013 to hold the event.

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Supervisor Rajszyk reported the Town Board will hold a Public Hearing on August 29<sup>th</sup> at 7:15 p.m. for Local Law #3 which is for the establishment of a fee schedule for building permits to be included in the new zoning law. The Town Attorney reported that when the zoning was drafted everyone thought the previous fee schedule would be carried over, however, with this amendment to the new local law, the town will be able to adjust the fees by doing a resolution.

### **PROCLAMATIONS**

Supervisor Rajszyk reported that the first Proclamation is for the celebration of the Ukrainian Independence Anniversary and the second Proclamation was to recognize Carl Hentschel for celebrating his 105<sup>th</sup> birthday. Supervisor Rajszyk reported there will be a birthday celebration for Carl in the Senior Center on August 15<sup>th</sup> at 1 p.m..

### **REPORTS OF BOARD MEMBERS**

Councilman Carr Thanked everyone who participated in the July 4<sup>th</sup> parade and everyone who attended the parade. Councilman Carr reported that there will be judges in Circle Park on Saturday for the Renaissance awards, noting there will also be a ribbon cutting ceremony for the new bocce ball court. Supervisor Rajszyk reported the judging will take place at 1 p.m., noting the volunteers have been working their hearts out on the park. Councilman Carr reported that there was a birthday party at the pavilion and the people having the party gave the Circle Park volunteers the left over cake. Supervisor Rajszyk Thanked the Park Committee and everyone for the July 4<sup>th</sup> parade. Supervisor Rajszyk Thanked Karl Konrad for taking the pictures of the parade which he does at his own expense. Councilman Carr reported he had asked Konrad to take pictures at the 2<sup>nd</sup> parade they held and he has been doing it ever since and won't take any money for the expense.

Supervisor Rajszyk reported they received some of the FEMA money, noting the monies will be coming in three checks which the Highway Dept., will use to work on the roads.

Supervisor Rajszyk reported that Alan Scott from the IDA came to the Monday night Workshop meeting to discuss the options they have available for businesses within the County.

Supervisor Rajszyk reported that the State Retirement mandates show payments will be increasing , noting it will be a 27.9% increase for next year.

The Town Clerk reported that the Primary Election that will be held on Thursday, September 13<sup>th</sup> is a Conservative Party Primary only.

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The Town Attorney reported they are working on the codification of the town laws, noting General Code is reviewing the laws now and it should take about 15 months to complete. The Town Attorney noted they will be getting a workbook with recommendations as to what has to be done.

The Town Attorney reported the Town Board had tabled approving the Smart Community Pledge and she has worked up a revision of the Pledge for the Town Board members to review. The Town Attorney suggested addressing this at their Special Meeting to be held on August 29<sup>th</sup>. Supervisor Rajsz reported that Carol Roig came to the Town Board Workshop meeting on Monday night to go over the Pledge with them.

Grant Writer Frank Schwarz reported he has gotten nothing but positive input about the new Cemetery Brochure, noting he will have the brochures available at the Board meetings.

Historian Frank Schwarz reported that a letter on the Correspondence was a letter of commendation for the Highway workers, Highway Superintendent Don Hunt, Jr., Jason Ward, Mike Warne and George Turner who helped put up the Scenic Byways Historical Plaque on Rt. 97, noting that without their help it wouldn't have gotten done. Supervisor Rajsz also thanked the Highway Dept. for their work on the Town entrance sign.

Cultural Series Director Frank Schwarz reported there will be a concert on Sunday, Sept. 9<sup>th</sup> at 3 p.m. by a well known pianist artist. Supervisor Rajsz Thanked Schwarz for bring the cultural concerts to the Town of Lumberland.

Supervisor Rajsz reported that the 2012 Summer Youth Program was a success with a total of 105 children in attendance. Youth Program Director Darnell Prunka Thanked Supervisor Rajsz for her support, noting the trips that the program participated in this year. Prunka reported they went to Camelback Water Park, the Forestburgh Playhouse and they went down the Delaware River, noting that weather prohibited them from having their annual bbq. Prunka noted that several families in the area are dealing with economic hardships so without this program they might not have been able to participate in these events. Supervisor Rajsz reported she has addressed with the County the need to not cut funding for this program when other groups are receiving more funding.

Planning Board Chair Jess Gluckler reported the Planning Board has been quiet.

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The Highway Superintendent reported they have been busy, noting they are working on White Road. Supervisor Rajsz reported the Town received a check from Homeland Security which they were not sure what it was for but after researching it's origin it was determined that it was the FEMA monies that they had been waiting for. The Highway Superintendent reported they will be sealing the Taras Schevenko and Rowley Roads.

Fire Dept. President Ann Steimle congratulated Councilman Thiele on his son graduating from first firefighters school. Steimle also reported that their annual chicken bbq was great and it sold out. Steimle reported their main ambulance is down and out again and being repaired, noting they are actively looking to replacing it. Steimle reported that the EMT course is going to a national standard which is increasing the required training by 26 hours every 4 years.

Chief Constable Patrick Cahill reported on the Constabulary monthly report.

Code Enforcement Officer Dave Sparling reported that he has heard nothing from the electrician that was to hook up the generator, noting O&R changed the transformer. Sparling reported the electrician was suppose to contact the Engineer but hasn't. Councilman Akt stated he understood there was a problem with the Engineer and that it would take 5-6 weeks to get the materials for the electrician.

Supervisor Rajsz reported O&R will be giving an update on emergency response on August 13<sup>th</sup> at 1 p.m. at the Hampton Inn in Matamoras.

### **OPEN FLOOR TO PUBLIC**

Lew Powell questioned if the info on the proposed LOSAP Program was available on the website? Supervisor Rajsz reported she will have it uploaded into the website, noting this is the most modest plan of the program. Ann Steimle reported that it is the most stringent plan of the program. The Town Attorney reported they are working with Pen Flex who is working up the plan and will be having a public informational meeting about the plan before going to the voters in November.

Richard Hotzler questioned if the Historical Plaque at the Pond Eddy Park had been moved for a reason, noting it is now facing in a different direction than it was originally. Frank Schwarz reported that once the plaque is set is can't be moved. Hotzler questioned if it was set facing the way it is for a specific reason? Supervisor Rajsz noted they would look into it.

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Supervisor Rajsz noted the Special Announcements. Frank Schwarz noted the Cultural Series Concert will be on Sept. 9<sup>th</sup>.

**ABSTRACTS**

Councilman Carr made a motion to accept Abstract General Fund & Highway #8, 2012 with General Fund Claims # 576 through #648, in the amount of \$23,416.35 , General Fund Prepaid Claims in the amount of \$ 748.80 , and Highway Fund Claims # 340 through # 385, in the amount of \$109,202.99 with a total of Abstract #8, 2012 of \$ 133,368.14 , seconded by Councilman Shafer, all in favor, so carried.

Councilman Carr made a motion to adjourn at 8:42 p.m., seconded by Councilman Shafer, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn  
Town Clerk