

LUMBERLAND TOWN BOARD MEETING MINUTES
AUGUST 28, 2013

The Lumberland Town Board held a regular monthly meeting, with a Workshop Session from 7:00 p.m. to 7:30 p.m. on Wednesday, August 28, 2013, at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz reported the Town Board would opened the Workshop Session at 7:00 p.m., followed by the Regular Meeting at 7:30 p.m. and a Public Hearing at 7:35 p.m.

WORKSHOP SESSION

Supervisor Rajsz gave the Board members a listing of the new parks maintenance personnel's hours and a listing of the hours used for the river corridor trash pickup. Supervisor Rajsz noted that the part time parks maintenance term expires the end of September and they may need to do an additional resolution should the services have to be extended. Supervisor Rajsz stated that the river corridor trash pickup should be done by the end of September.

The Board reviewed the Agenda. The Board reviewed the Minutes and the Correspondence. The Code Enforcement Officer reported he has done the inspection on the generator and everything is working well. Supervisor Rajsz reported a member of the UDC from Fremont passed away recently and will be missed. Supervisor Rajsz reported the Grant Writer has presented a grant to update the map for the Glen Spey Cemetery, noting that once the map is complete it will include the plot owners' names and plot locations. Supervisor Rajsz noted that the Grant Writer had provided a listing of all the grants that have been received or approved so far this year.

Supervisor Rajsz noted that the letter from NYMIR, our state insurance carrier, was notification that the Town will receive, over each of the next two years, an interest distribution of \$1,481.00. Supervisor Rajsz reported she has asked the Assessor to attend the 50th Anniversary of the Sullivan County Assessor's Association celebration dinner.

The Town Clerk reported she gave the Town Board members two additional letters she received, one being a letter of interest from Alex Grech to be a member of the Planning Board and the other letter a request for reappointment for Assessor Judi Fliieger.

The Board reviewed the Pre-filed Resolutions. Supervisor Rajsz requested they again table Resolution #109, which is the approval for the Comprehensive Emergency Plan update, until Councilman Leamon is present. Supervisor Rajsz noted she has requested they discuss Resolution #123 which is the request for reappointment for the full time Assessor.

The Town Attorney reported she has an additional Resolution for the approval for the Supervisor to sign an agreement for first refusal of the purchasing of property on Rt. 97 the Town is interested in buying. Supervisor Rajsz reported she has received letters of support from Senator Bonacic and Assemblywoman Gunther for the project and we are waiting to

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hear if get grant approval for the purchase. Supervisor Rajsz reported the Scenic Byways has \$250,000 set aside for such a project.

Supervisor Rajsz reported she received a new Delta Road Protection Program, along with a form they are requesting the Town signs and return on Town letterhead.

Supervisor Rajsz reported they have been discussing the use of the Town Pavilion and setting regulations on the use. Supervisor Rajsz noted they have condensed down the proposed Rules & Regulations so that they can be put on a sign that will be posted at the Pavilion. The Highway Superintendent reported the County or the Town of Thompson can make up the signs. The Town Attorney suggested requesting a contact phone number for anyone that would like to reserve the Pavilion. Supervisor Rajsz noted they would do a separate sign for the use of the barbeque pit. Supervisor Rajsz stated they will also need a sign in the parking area of Circle Park noting "Cars Only" parking. The Town Attorney suggested it stating "No Bus Parking". Councilman Thiele questioned if there is a maximum amount of children that would need to be accompanied by an adult, noting there are several large groups using the park but few adults with them. The Highway Superintendent questioned who would police that? Supervisor Rajsz noted they could use the part time summer help but stated we should start with the "No Bus Parking" first.

Supervisor Rajsz questioned the bumpers and the stripping in the parking lots? The Highway Superintendent reported they just did the stripping in front of the firehouse and it went well. The Highway Superintendent stated he is waiting for the parking lots to be mapped out and he will look into getting the bumpers. Susan Morley reported the Seniors are having a hard time walking on the uneven new pavement in the parking lot. The Highway Superintendent stated it will take some time for the traffic to smooth the surface out.

Supervisor Rajsz read the preliminary Fire Dept. contract, noting this is just a proposed contract and they would not be approving this at tonight's meeting. Supervisor Rajsz stated they will have a Public Hearing tonight to hear what the public has to say, noting it is a proposed 5 year contract but that is not written in stone. Supervisor Rajsz reported the Town Clerk has verification that the Public Hearing was advertised. The Town Attorney reported that the Town Board had previously put aside a total of \$40,000 for the Fire Dept. new radios. Supervisor Rajsz reported the Town Board is proposing to put another \$10,000 aside next year.

A motion to close the Workshop Session was made by Councilman Akt at 7:30 p.m., seconded by Councilman Carr, all in favor, so carried.

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REGULAR TOWN BOARD MEETING – 7:30 p.m.

Councilman Carr made a motion to open the Regular Monthly Meeting at 7:32 p.m., seconded by Councilman Thiele, all in favor, so carried. Supervisor Rajsz opened the meeting, 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 was Absent

Also present were Town Clerk Virginia Horn, Code Enforcement Officer David Sparling, Dave Hulse from the River Reporter, Town Attorney Danielle Jose-Decker, Natalia Kramarchuk, Lenon Kramarchuk, Sr., Lenon Kramarchuk, Jr., Susan Morley, Jenny Mellan, Mike Rajsz, Natalie Rajsz-Steimle, Sophia Martynec, Highway Superintendent Don Hunt, Jr., Bohdan Kandiuk, Fire Dept. President Ann Steimle, Mr. & Mrs. Aaron Fidler, Chief Constable Patrick Cahill, Caroline Akt and Kaitlin Haas from the Sullivan County Democrat.

MINUTES

The Town Attorney requested a couple of corrections be made to the Minutes of August 14, 2013, noting on page 1, 3rd paragraph, requesting the word “change” be corrected to read “extend”. The Town Attorney requested corrections be made on page 5, noting again the word “amend” be changed to “extend” and the date of December 31st be changed to August 20th. Councilman Carr made a motion to accept the Minutes of August 14, 2013 as amended, per request by the Town Attorney, seconded by Councilman Thiele, all in favor, so carried.

Councilman Thiele made a motion to recess the Regular Meeting at 7:35 p.m., seconded by Councilman Akt, all in favor, so carried.

PUBLIC HEARING – PROPOSED FIRE DEPT. CONTRACT- 7:35 P.M.

Councilman Thiele made a motion to open the Public Hearing at 7:35 p.m., seconded by Councilman Akt, all in favor, so carried. Supervisor Rajsz reported she has already read the proposed Fire Dept. contract.

OPEN FLOOR FOR 1ST TIME

Susan Morley questioned what would the contract amount cost the property owners? Supervisor Rajsz noted they will not know until the budget is approved, however, the amount proposed for next year is the same as what the town paid last year. Supervisor Rajsz noted the Town is now paying for the LOSAP program for the Fire Dept. and the

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Town Board approved monies for the repair of the Fire Dept. siren. Supervisor Rajsz noted that if the Fire Dept. were to come to the town because they need more money for equipment they would definitely consider it. Caroline Akt requested that the Fire Dept. show the taxpayers what the Fire Dept. pays out for expenses. Fire Dept. President Ann Steimle stated she never received a copy of the proposed contract. Councilman Carr, as liaison to the Fire Dept., verified he forgot to give the Fire Dept. a copy of the contract. Steimle reported the Fire Dept. is not looking for more money. The Town Clerk verified that nobody came into her office to request a copy of the contract. Supervisor Rajsz stated that she appreciates the response the Fire Dept. has for all calls. Steimle stated her concern is the 5 year contract, noting she would be more comfortable with a 3 year plan. Councilman Akt stated that the Fire Dept., like the Highway Dept., can always come to the Town Board in an emergency. Councilman Akt also noted that if there were any problems with the contract the Fire Dept. can come to the Board to hash them out. Councilman Thiele stated that he has recommended going to even number of years for contract talks so they do not all come at once, noting one year should be the Highway Dept. contract and one year for the Fire Dept. contract. Supervisor Rajsz stated she is comfortable with the \$190,000 amount for next year. Supervisor Rajsz reported that the audit that was done this last year has recommended that the Fire Dept., if they have revenues are in excess of \$200,000 should provide financial statements. Steimle noted she could provide that in her spare time. Jenny Mellan stated that she thinks that the amount was updated recently to \$250,000 that needed to be reached before the Fire Dept. has to disclose anything to the municipality. The Town Attorney will look up the law to see if and when it was updated.

OPEN FLOOR FOR 2ND TIME

Jenny Mellan questioned if the Town created a Capital Reserve Fund for the monies set aside to the new Fire Dept. radios? Supervisor Rajsz verified there is a Capital Reserve Fund for that specific reason.

Councilman Akt reported the budget for the Fire Dept. was \$185,000 in 2012, and the Town Board raised it to \$190,000 in 2013. Councilman Carr reported he has seen the listing of expenses the Fire Dept. has and the mandates they have to adhere to.

OPEN FLOOR FOR 3RD TIME

Jenny Mellan questioned if the verbage has changed from the last contract? The Town Attorney reported it has not.

The Town Attorney reported the new contract would need to be signed by the end of the year, noting she has a few minor changes to make.

Councilman Carr made a motion to close the Public Hearing at 7:49 p.m., seconded by Councilman Thiele, all in favor, so carried. Councilman Thiele made a motion to reopen the Regular Meeting at 7:49 p.m., seconded by Councilman Carr, all in favor, so carried.

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COMMUNICATIONS

1. Code Enforcement Generator Monthly Inspection Report
2. NYS Ag & Markets Dog Control Officer Inspection Report
3. Pattern for Progress Update
4. SC Historical Society Meeting & Awards Dinner notification
5. Grant Writer Updates
6. DEC Press Release
7. ZBA Mtg. Minutes –June & July
8. NYMIR letter
9. NYS Assessors's Assoc. 50th Anniversary notification
10. Gregg Letter – appointment request

Supervisor Rajsz Thanked the Grant Writer for all his work. Supervisor Rajsz reported Item #6 was a DEC press release regarding a draft sauger conservation management plan. Supervisor Rajsz reported Item #8 was a notification from NYMIR that the Town of Lumberland will be receiving an interest distribution of \$1,481.00 for each year for the next 2 years. Supervisor Rajsz reported they received two additional letters, one from Alex Grech for his interest in being appointed to the Planning Board and one from Assessor Judi Flieger for her request for reappointment.

PRE-FILED RESOLUTIONS

- #109 – Comprehensive Emergency Plan Update (carried over)
- #123 - Sole Assessor Re-Appt. – (with discussion)
- #124 - Highway Surplus Equipment Advertisement (Late File)

Supervisor Rajsz presented the Resolution to reappoint the Assessor, with discussion. Councilman Carr made a motion to approve, with discussion, seconded by Councilman Thiele. Supervisor Rajsz noted they have discussed this appointment at the previous meeting, noting they have the decision to make 2 part time positions in the office or just have 1 full time position with no clerk? Councilman Akt stated that everyone knows the Assessor but all the towns around us have part time Assessors. Councilman Akt noted they have eliminated the elected Tax Collector starting the first of the new year and she could help out in the Assessor's office part time, if needed. Councilman Akt stated this discussion is open to the public, that it is up to the people and the Board will make their decision based on what the people want. Don Hunt, Jr. questioned how many other towns are at 100% valuation? Supervisor Rajsz reported there are not many but we have to get a grip on expenses and a lot of the other towns are similar in size to ours and they have part time Assessors. Jenny Mellan stated that years ago we used to have a part time Assessor who took additional monies in her salary because she did not need the benefits, and when the current Assessor took over she is full time for the same amount of money. Supervisor Rajsz noted the medical benefits costs have increased. Mellan stated that projects in the town that have been done didn't need to be done but you are talking about cutting help to

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cut down on expenses. The Highway Superintendent verified that the parking lots needed to be resealed some time ago and that was just recently done. Councilman Akt stated that the generator was needed and should have been done some time ago and now we are able to provide a place for people if the power goes out. Supervisor Rajsz reported that much of the work that has been done has been recouped through grant monies. Supervisor Rajsz noted the posts on the pavilion were rotted and a danger and much of the work that has been done should have been done before. Mellan stated that you are talking about eliminating someone's livelihood and get rid of a full time salary. Aaron Fidler questioned if we really need a full time Assessor, noting money is not the point. Supervisor Rajsz agreed that it has to do with the efficiency of the office. Sophia Martynec questioned if the other towns were happy with a part time Assessor, noting a study should be done to see what is effective. Don Hunt, Jr. stated the Assessor should come to the Town Board and explain what she does. Supervisor Rajsz agreed that all offices should be represented at the Town Board meetings to answer any questions that arise. Councilman Akt stated the one choice is taking away the part time clerk in the Assessor's office and leaving the Assessor as full time, noting the present Tax Collector could help out in the office, if needed. Councilman Akt also noted that when they cut the Grant Writer's salary they gave him a percentage of all grants he brings in, which is an incentive to do more. Sophia Martynec noted that some full time offices are not always busy and sometimes not necessarily productive. Supervisor Rajsz noted that the office originally had 3 people, noting Karen Speranza resigned and the question is also can the Assessor function as full time without any other help? Caroline Akt questioned if the towns that have part time Assessors are similar in size to our town? Supervisor Rajsz reported they are similar in size. Supervisor Rajsz stated that they could have a part time Assessor with a part time clerk, or eliminate the part time clerk and leave the Assessor full time. Aaron Fidler questioned why the other towns went to part time? Supervisor Rajsz stated she was not sure of why they did. Jenny Mellan stated that the Assessor needs to be educated and certified. Councilman Thiele noted a second person would be paid less. Supervisor Rajsz reported the Town of Highland has a part time Assessor 2 days and a Clerk for 3 days. Ann Steimle stated she likes everything this Town Board has been doing and stated the town would be better off with a full time Assessor. Supervisor Rajsz noted if we need to do a reval then additional help would be needed in that office. Councilman Akt stated he is opening the floor to the people. Aaron Fidler questioned why everyone is worried about losing the Assessor when they are eliminating the position of Tax Collector? Dave Sparling noted the Assessor should be full time because when appraisers call the other towns with part time Assessors they cannot be reached. The Board members agreed they should vote on the Resolution for the reappointment. Supervisor Rajsz reported that she has included in the Resolution that the Assessor will attend Town Board meetings when requested, she should attend County Assessors meetings and keep up her training. Councilman Akt thanked the Highway Superintendent for coming to the meetings. The Board members voted to approve the re-appointment of Judith Flieger as the full time Assessor.

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Councilman Thiele made a motion to approve Resolution #124 for surplus highway equipment, with discussion, seconded by Councilman Carr. The Highway Superintendent verified that he is using an online auction company for his surplus equipment, noting he will make more money. The Town Clerk noted that at her conference this year there are more towns using the online auction option because they make more money doing it that way.

Supervisor Rajsz reported that she has a late file Resolution to authorize the Supervisor to sign an offer to purchase agreement/right of first refusal with respect to real estate located at 2971 NYS Route 97 in the Town of Lumberland. Supervisor Rajsz reported that the Grant Writer has submitted a grant for the monies to purchase this land, however, if we do not get the grant we would not be buying it. Councilman Thiele questioned if the grant work could be on any place on the water? Supervisor Rajsz noted that this property is located on the water and is accessible to the river. Supervisor Rajsz also noted that the NPS has agreed to co-manage the property. Councilman Thiele noted that if the Town purchases the land it will be taken off the tax rolls. Supervisor Rajsz noted the impact would be about \$8,000 off the Assessment Roll. Supervisor Rajsz stated that, if purchased, she is hoping that this project will attract more people to the town. The Town Attorney recommended getting an appraisal and doing a title search. Supervisor Rajsz reported she has the support of Senator Bonacic and Assemblywoman Gunther on the project, noting it is a great project with 2.3 acres of land, a building already there and access to the river. Supervisor Rajsz also reported that Senator Bonacic has \$250,000 in grant monies available to use to retrofit the property for a Welcome Center. Supervisor Rajsz noted we should know by October or November if we get the grant for the purchase.

REPORTS OF BOARD MEMBERS

Councilman Carr apologized to the Fire Dept. for not giving them a copy of the proposed contract with the town.

Councilman Akt reported the parking lots are ready for stripping, which he will get quotes for. The Highway Superintendent reported the school district has a stripping machine and we may be able to get them to do the work? Councilman Akt noted that the seniors have asked that a strip in front of the Senior Center be available for wheel chairs to get into the building. Councilman Akt reported that Alan Shock has parking lot bumpers if we need to purchase new ones. Susan Morley requested more handicap signs for the Seniors parking lot. Councilman Carr reported the Senior Advisory Board is offering \$1,000 towards the purchase of bumpers. Supervisor Rajsz noted they have worked up signs for the pavilion and the barbeque pit area. The Town Clerk will give the Highway Superintendent the wording so he can order the signs.

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Supervisor Rajszyk reported there will be a meeting in Shohola regarding the Pond Eddy Bridge project, noting PENN DOT has approved the more acceptable design. Supervisor Rajszyk noted that tomorrow they will disclose their intent on what they are going to do.

The Town Clerk reported her office has been busy.

The Town Attorney reported she has been very busy. The Town Attorney reported they have received the recommendations for the codification of the town laws but they are waiting for the suggestions for the zoning. Supervisor Rajszyk questioned if there are significant changes to the zoning will there be another Local Law to approve? The Town Attorney stated they will have to go through the entire process again because it would be a new Local Law.

The Highway Superintendent reported they have been busy and in the next couple of weeks they will be sealing the roads they have worked on. The Highway Superintendent requested that if anyone needs to talk about concerns he requested that instead of talking to his workers please contact him.

Fire Dept. President Ann Steimle reported they have been busy, with a huge fire at Camp Simcha and having a five hour technical rescue on the Mongaup involving an injured man. Steimle stated she is glad to report that man is doing well. Supervisor Rajszyk stated that this would be another reason to push for cell tower service in the area the man was injured since they could not call out for help. Supervisor Rajszyk noted the UDC is putting a conference together to try to get experts in the field to construct cell towers and have cell phone coverage. The Highway Superintendent questioned what happened a few years ago when Verizon came into town? Supervisor Rajszyk reported JSL couldn't get a service carrier. Steimle noted we are getting towers but it is not a priority issue for us.

The Chief Constable reported on his department's activity.

The Code Enforcement Officer reported the Fire Dept. did a wonderful job at the fire at Camp Simcha by saving the building next to the burning one. The Code Enforcement Officer noted that the building that was saved was a new one with a state of the art sprinkler system. Aaron Fidler reported the report of the fire was on the front page of one paper.

OPEN TO THE PUBLIC

Natalia Kramarchuk stated that the population of the area has changed and questioned what the township was doing to protect the residents from people moving in next door to you that are offensive? Supervisor Rajszyk stated there is a Noise Ordinance that should be adhered to. The Chief Constable stated that you should call 911 if there is a problem. Kramarchuk stated they should be educating realtors about the zoning before they sell to

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anyone? Supervisor Rajszyk stated the zoning regulations are on the website. Kramarchuk stated she called to complain and had to call the Sheriff's Dept. The Chief Constable noted that he had a copy of one incident report and that she would need to call 911 because the Constables are not on full time.

Lenon Kramarchuk, Jr. stated that recently he saw two cars at the municipal offices later at night and questioned why there was an illegal meeting going on in the Supervisor's Office? Supervisor Rajszyk reported she works at night sometimes and feels more secure with the window blinds closed. The Town Clerk also verified that she also works some nights late and feels more secure with the doors locked and the window blinds shut. Supervisor Rajszyk also noted that she sometimes will meet with someone after hours and there were no secretive meetings because, if she knows the person, she lets them in and she felt highly insulted that Kramarchuk would even insinuate that she was holding an illegal meeting. Caroline Akt stated she felt Kramarchuk may have been concerned about seeing cars that late at night. Aaron Fidler questioned why Kramarchuk felt the need to insult the Supervisor at a public meeting and asked why he did not approach the Supervisor personally to question it?

Supervisor Rajszyk read the Special Announcements.

Councilman Carr made a motion to recess the regular meeting at 8:57 p.m., seconded by Councilman Akt all in favor, so carried.

EXECUTIVE SESSION

Councilman Carr made a motion to go into Executive Session at 8:57 p.m., with the Town Attorney, to discuss a particular personnel issue, seconded by Councilman Thiele, all in favor, so carried.

Councilman Thiele made a motion to adjourn at 9:57 p.m., seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn, Town Clerk