

LUMBERLAND TOWN BOARD WORKSHOP MEETING
& PUBLIC HEARING- LOCAL LAW #4, 2012 ENTITLED "ROAD
PRESERVATION - MINUTES
SEPTEMBER 10, 2012

The Town Board of the Town of Lumberland held a Workshop Meeting & Public Hearing for the proposed Local Law #4, 2012 entitled "ROAD PRESERVATION" on Monday, September 10, 2012, 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 Jay Shafer

Also present were Town Clerk Virginia Horn, Deputy Town Clerk Hattie Brush, Code Enforcement Officer David Sparling, Highway Superintendent Don Hunt, Jr., Ed Gavalla, Sophia Martynec, ZBA Chair Lewis Powell, Fire Dept. President Ann Steimle and Richard Hotzler.

Supervisor Rajsz reported we will be having a Public Hearing at 7:15 p.m. for the MMFT Road Preservation agreement, noting we have not gotten the findings yet but can still have the Public Hearing.

Supervisor Rajsz reported they need to discuss the scheduling of Workshop Meetings for October and November, noting the October date is a holiday and the Town Clerk noted that the November Workshop meeting is scheduled for the 12th and the municipal offices will be closed that day because Veteran's Day is the day before. The Board members agreed to still have their Workshop Meetings on October 8th and November 12th.

Supervisor Rajsz reported they need to discuss scheduling the Informational Meeting for the Fire Dept. LOSAP program before the referendum vote in November. The Board members agreed to have a Special Meeting with the Informational Meeting on the LOSAP referendum vote on Monday, October 29th at 7 p.m. The Town Clerk noted she will advertise the meeting as a Special Town Board meeting, along with the Informational Meeting and that any other Town Board business may be discussed at that time.

The Board members reviewed the Agenda. Supervisor Rajsz congratulated Circle Park on their Renaissance Award. Supervisor Rajsz reported the notification for the liquor license application was for the old Nolan's Restaurant that was recently purchased.

Supervisor Rajsz reported that there was a letter from the Planning Board requesting the Town Board readdress the previous request to approve the Local Law granting the Planning Board authorization to waive the new zoning fees in certain cases. Supervisor Rajsz questioned if the Planning Board Attorney has made a recommendation in this case? Ed Gavalla reported he gave the Town Board members packets with all the information regarding his subdivision application that is at question, noting that the Planning Board has

(2) September 10, 2012

given it's recommendation to the Town Board to readdress the issue. Supervisor Rajszt stated the Town Board members will look at the information, noting she will call the Town Attorney for direction.

Councilman Carr made a motion to recess the Workshop Meeting at 7:15 p.m., seconded by Councilman Thiele, all in favor, so carried. Councilman Thiele made a motion to Open the Public Hearing for Local Law #4, 2012, entitled "ROAD PRESERVATION" at 7:15 p.m., seconded by Councilman Shafer, all in favor, so carried.

PUBLIC HEARING – LOCAL LAW #4, 2012 – ENTITLED "ROAD PRESERVATION"
7:15 P.M.

Supervisor Rajszt reported that the findings were not done yet, however, she did have the 239 review done by Sullivan County Planning which states there is no adverse affect from this proposed law. Supervisor Rajszt the Public Hearing was to review the proposed Local Law for regulating high activities on our town roads. Supervisor Rajszt noted this project has been ongoing for 3 years and that Councilman Shafer has been on the Committee for the MMFT along with the former Highway Superintendent Charlie Hallock. Supervisor Rajszt stated they are still waiting for the findings to be completed.

OPEN FLOOR FOR 1ST TIME

No Comment

OPEN FLOOR FOR 2ND TIME

Richard Hotzler questioned if the buses to the area camp were subject to this Local Law? Supervisor Rajszt reported they are not because they do not meet the limitations of the equipment.

OPEN FLOOR FOR 3RD TIME

No Comment

Councilman Carr made a motion at 7:18 p.m. to recess the Public Hearing until next month's Town Board meeting, seconded by Councilman Thiele, all in favor, so carried. Councilman Shafer made a motion to reopen the Workshop Meeting at 7:18 p.m., seconded by Councilman Thiele, all in favor, so carried.

Supervisor Rajszt reported the County Legislature sent an email rescheduling the Public Safety Meeting for the radio upgrades for tomorrow, noting she cannot attend but suggested someone from the Town should go.

Supervisor Rajszt reported she called the engineer about the generator, noting that they met with O&R about 4 weeks ago regarding the installation of the generator and there was a concern about 2 of the electrical panels. Supervisor Rajszt noted that these 2 panels are heat regulated and if removed may affect the rate charged for usage. Supervisor Rajszt reported the O&R representative reviewed our bills for the last year and it was determined it would be a wash if those panels were removed. The Code Enforcement Officer noted that the cost saved during the heating season is a wash because the rates get raised during the non-heating season.

Supervisor Rajszt reported she received the agreement with the Bethel Ambulance for coverage in the Chapin Estates subdivision, noting she will get a copy of it to Ann Steimle for the Fire Dept.

(3) September 10, 2012

Supervisor Rajsz reported she has been looking into getting new air conditioner/heating units for the Senior Center which will be needed once the generator gets hooked up and that area becomes an emergency shelter. Supervisor Rajsz noted that they received 3 proposals and she had the Town Engineer review them. Supervisor Rajsz reported the Town Engineer is recommending Heckman's proposal since he was the one that put in the original units and he is the lowest quote for the proper equipment. Councilman Akt also noted that Heckman is the closest in the area.

Supervisor Rajsz reported that NYMIR, our municipal insurance carrier, did an inspection of our facilities and most of what needs to be addressed is policy issues. Supervisor Rajsz noted that the one issue with the Highway Garage is being taken care of and that there is a recommendation that a hard wire smoke detector system be installed in the bus garage. Supervisor Rajsz reported she has a quote from P&N Alarm Company for \$5,314.00 to do the work.

Supervisor Rajsz reported she went to a meeting for the proposed White Water Park in Port Jervis which will be in the West End area. Supervisor Rajsz noted they will be placing rocks to create waves for the kyakers, noting that they have projected that this will create anywhere from \$10 million to \$30 million a year in revenue. Supervisor Rajsz stated that this is the time to start thinking about enhancing our area so that we can benefit from this project, noting that the old Nolan's Restaurant is being worked on and there is a new owner for Dips & Dogs on Rt. 97. Supervisor Rajsz noted we need to attract people to the area to help our economy.

Supervisor Rajsz reported that LWRP which is a local river restoration agency that is looking to put in an access site in Pond Eddy is requesting volunteers to help set up the access site.

Supervisor Rajsz reported she talked to the attorney from Whiteman, Osterman & Hanna about the tax exempt properties and she recommended an associate that does pro bono work. Supervisor Rajsz stated she would just like someone to look at the tax exempt properties and review their status. Supervisor Rajsz reported that Ira Cohen from Sullivan County has written a letter to the Legislature and forwarded it to Senator Bonacic and Assemblywoman Gunther for review. Supervisor Rajsz noted that we have several tax exempt camps, noting what each camp is worth and what they would be paying in taxes if they were not tax exempt.

The Town Clerk reported she has been given a couple of complaints regarding the condition of the park and pavilion after use by a particular group within the last couple of weeks. The Town Clerk noted the maintenance person has submitted a written note regarding the garbage being left and the condition of the tables under the pavilion and the park bathrooms. Councilman Thiele noted that the bathrooms should be shut down starting in October but will check to make sure of the date. The Town Clerk noted that there are no written Rules & Regulations at the park or in the pavilion but we really need to establish something for guidelines for the use of both.

Supervisor Rajsz reported she received a note from Carol at the UDC about the \$200 that was an overage Delta is charging and they wanted \$25 from each town to pay this bill. Supervisor Rajsz reported that the Town of Bethel Supervisor wrote a letter saying they should not pay this bill since Delta has already been paid, is taking too long and not doing anything.

(4) September 10, 2012

Richard Hotzler reported that the old zoning law stated that he lives in a river hamlet that does not allow horses, however, the new zoning says it is a river district and you can have 2 horses on an acre of land. Hotzler questioned if this should include a grazing area? Supervisor Rajsz stated she would call Heather Jacksy at Sullivan County Planning to clarify. Hotzler stated he felt an acre is not enough space for 2 horses. The Code Enforcement Officer reported that he has been taking pictures of the area, noting it takes 30 days to compile the info that would result in the issuance of a violation. The Code Enforcement Officer also stated that the violation would go to the landowner, not the renters on the property. Supervisor Rajsz questioned what would happen if the landowner does not respond to the violation? The Code Enforcement Officer stated the Court would then have to act, noting that this kind of violation is different from a penal violation. The Code Enforcement Officer noted that they could have gone to the Planning Board for a Special Use Permit but did not, noting that they did set up appointments twice for the Planning Board but never showed up.

Supervisor Rajsz reported there will be a National Take Back Day on September 29th from 10 a.m. to 2 p.m., in the Senior Center, for anyone wanting to get rid of old prescription drugs.

Richard Hotzler reported he has a tree on the corner of his property that has been marked twice by some company but nobody has shown up to take it down and it is now dead. The Highway Superintendent stated that it was an O&R issue but he will call about it.

Councilman Carr made a motion to recess the Workshop Meeting at 7:45 p.m. , seconded by Councilman Thiele, all in favor, so carried.

EXECUTIVE SESSION

Councilman Carr made a motion to go into Executive Session to discuss the Highway Dept. contract at 7:45 p.m., seconded by Councilman Shafer, all in favor, so carried. Councilman Carr made a motion to close the Executive Session at 8:13 p.m., seconded by Councilman Shafer, all in favor, so carried. Councilman Carr made a motion to reopen the Workshop Meeting at 8:13 p.m., seconded by Supervisor Rajsz, all in favor, so carried. Supervisor Rajsz reported they discussed the particulars of the proposed Highway Contract but couldn't discuss it in public.

The Board members reviewed and initialed the vouchers.

Sophia Martynec questioned why we could not take the tax exempt to court because it is an undue burden on the taxpayers? Supervisor Rajsz stated that the tax exemption has been going on a long time and is an accepted practice, noting that they will have to wait and see if anything can be done.

The Board members discussed putting a fence at the side of the Senior parking lot to protect the new bocce court.

Councilman Carr made a motion to adjourn at 8:25 p.m., seconded by Councilman Thiele, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn, Town Clerk