

LUMBERLAND TOWN BOARD MEETING
& PUBLIC HEARING- FIRE DEPT. CONTRACT MINUTES
SEPTEMBER 12, 2012

The Town Board of the Town of Lumberland held a regular monthly meeting on Wednesday, September 12, 2012, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7:09 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, Deputy Town Clerk Hattie Brush, Chief Constable Patrick Cahill, Historian Frank Schwarz, Code Enforcement Officer David Sparling, Helga Rupnick, Susan Morley, Herb Baxter, Richard Hotzler, Bill McKerrell, Sophia Martynec, Fire Dept. Pres. Ann Steimle, Highway Superintendent Don Hunt, Jr., Bohdan Kanduik, Ed Gavalla, John Godfrey, Cathy Sterling, Susan Gregg, Caroline Akt, Kaitlin Haas from the Sullivan County Democrat, LEC CoChair Cheri Bodnariuk, ZBA Chair Lewis Powell, K. Lhacheg & K. Zangmo from the Kadampa Meditation Center, Town Attorney Danielle Jose-Decker and Charlie Fallon.

Supervisor Rajsz reported they would be having a Public Hearing in 5 minutes but would go through some of the Agenda until then.

MINUTES

Supervisor Rajsz reported there was a minor correction on the Minutes of August 6, 2012, on page 3, paragraph 2, noting it should read “Eastern” instead of “Western”. Supervisor Rajsz noted a correction to the Minutes of August 8, 2012, page 3, it should read that the Supervisor gave the list to the Assessor so that her office can review the list from the county for changes and then supply residents with it. Councilman Shafer made a motion to accept the Minutes of August 6, 2012 and August 8, 2012 as amended, seconded by Councilman Thiele, all in favor, so carried. Councilman Carr made a motion to accept the Minutes of August 29, 2012 as written, seconded by Councilman Shafer, all in favor, so carried.

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CORRESPONDENCE

1. Monthly Reports:
 - a. Supervisor
 - b. Town Clerk
 - c. Buildings
 - d. Highway Superintendent
 - e. Constables
2. Comptroller's Newsletters
3. Pattern's Progress Info
4. Mid Hudson Sustainability Planning Info
5. Sullivan Renaissance Awards Notification
6. NYS Assembly Newsletter
7. Planning Board Mtg. Min. - July & Aug.
8. Upper Delaware Scenic Byways Info
9. Sullivan County Historical Society Annual Dinner notification
10. ZBA Mtg. Min. – July
11. Judicial Education Completion – Fallon
12. Grant Writer Update – Grant Application
13. Notification of Application for Liquor License= Rt. 97
14. Planning Board letter request

Supervisor Rajsz reported they would be discussing the application for a liquor license later in the meeting, noting it was for the old Nolan's Restaurant.

Supervisor Rajsz read the proposed Fire Department Contract with the Town, noting there were a couple of corrections that needed to be made. Supervisor Rajsz stated that the alteration of the acreage for the Chapin Estates needs to be addressed in the contract. Supervisor Rajsz also noted that the amount for 2013 will be \$190,000, which is a \$5,000 increase from last year. Supervisor Rajsz reported that the Town had agreed to help support the Fire Dept. by setting aside monies towards the purchase of new radios, which will be needed for the enhanced 911 system. Supervisor Rajsz noted that the Fire Dept. will need new radios due to a federal mandate. Supervisor Rajsz reported the Town put aside \$25,000 last year and will be adding an additional \$15,000 this year. Supervisor Rajsz reported she has been working on the 2013 budget with the Board members, noting that they are working on keeping the budget the same as last year's with no increase. Supervisor Rajsz reported they have enough money in the savings to take from to help with expenditures.

Councilman Akt made a motion to recess the regular meeting at 7:17 p.m., seconded by Councilman Thiele, all in favor, so carried.

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PUBLIC HEARING – FIRE DEPT. CONTRACT – 7:15 P.M.

Councilman Carr made a motion to open the Public Hearing for the Fire Department Contract at 7:17 p.m., seconded by Councilman Akt, all in favor, so carried.

OPEN FLOOR FOR 1ST TIME

The Town Attorney reported that the 2013 contract should reflect that the Town will be setting aside \$15,000 in 2013 to be used for the new radios, with a total of \$40,000 that will be set aside for the purchase of the radios, when needed.

OPEN FLOOR FOR 2ND TIME

Susan Morley stated that the numbers were confusing and it should be clarified in the contract. Supervisor Rajsz stated that the proposed total budget amount the Town will give the Fire Dept. for 2013 will be \$190,000. Supervisor Rajsz reported they are also setting aside an additional \$15,000 in 2013 toward the purchase of new radios that will be added to the \$25,000 set aside in 2012, making the total set aside for new radios at \$40,000. Susan Morley questioned how this amount would affect the taxpayers? Supervisor Rajsz reported that the amount to be set aside in 2013 is not built into the budget because there are monies available in the savings to put towards the expense. Morley questioned if the amount was only for one year? Supervisor Rajsz noted the proposed budget amount and the additional expense for the radios is only for one year. Ann Steimle reported that the Fire Dept. is attempting to get a grant for the radios, noting if the Town monies are not needed it will be returned to the general fund. Supervisor Rajsz noted that several towns are looking into grant monies. The Town Attorney noted that the Town may decline the support at any time. Supervisor Rajsz noted that this mandate is affecting all the towns.

OPEN FLOOR FOR 3RD TIME

Councilman Shafer stated that they want to make sure the monies set aside for the Fire Dept. radios stays in the General Fund and only gets paid out to the Fire Dept. Councilman Shafer questioned why there was a \$5,000 increase over last year's annual budget to the Fire Dept.? Ann Steimle reported everyone has been invited to come and see what the Fire Dept. does, noting that expenses have gone up and there are more mandates they have to go by.

Councilman Carr made a motion to close the Public Hearing at 7:24 p.m., seconded by Councilman Thiele, all in favor, so carried. Councilman Carr made a motion to reopen the regular meeting at 7:24 p.m., seconded by Councilman Akt, all in favor, so carried.

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Ann Steimle stated that the Fire Dept. has maximized out on the costs for EMS, fuel, etc., noting they have done a comparison with other towns and are on target. Steimle reported they need to have gear replaced and repairs to the ambulance, noting they have an open door policy to all that would like to see what they are doing.

Councilman Shafer stated that he felt they should alternate the years that they are working on contracts for the Fire Dept. and the Highway Dept., noting that they are trying to do both contracts for this coming year and would like to see them not be done at the same time. Supervisor Rajsz reported it was the Fire Dept.'s request for a one year contract due to the changes in the mandates. Susan Morley questioned if there could be a breakdown of the Fire Dept. expenses printed up for everyone to see? Councilman Carr stated he will bring that up at the next Fire Dept. meeting.

Councilmen Akt and Shafer agreed they should table the approval of the Fire Dept. contract, with the Town Board voting on tabling until next month any approval of the contract.

PRE-FILED RESOLUTIONS

- #121 - Private Road Sign Purchase Approval – Okeechobee (Tabled from August)
- #125 – BAR Re- Appt. –Bodnaruik
- #126 – BAR Officer Appts.
- #127 - Cemetery Deed Ownership Change Approval
- #128 - Highway Sand Bid Advertisement
- #129 - Town Donations – Summer Youth Program
- #130 – Noise Permits – Mohican Lake Resort
- #131 - Planning Board Alternate Members Appts.-Sparling & Listenik
- #132 - 2013 Fire Dept. Contract Approval
- #133 - Noise Permits – Camp Tel Yehudah –(Late File)
- #134 - Budget Modification – Highway (Late File)

Supervisor Rajsz reported they looked into Resolution #121 and, according to the Local Law that was written for 911 signing, it says that we have to purchase the private road signs if they have been taken and not put up for at least one year. The Board agreed to table this issue until more information can be obtained.

Councilman Carr questioned if Resolution #128 should include the wording that the Highway Superintendent has the right to accept or reject all bids? The Town Clerk reported that the ad for the bid states that the Town Board has the right to accept or reject any and all bids.

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Supervisor Rajsz Thanked all those that made donations to the Summer Youth Program. Supervisor Rajsz also extended her condolences to Terri Fountain, who is a ZBA member, on the recent loss of her husband.

The Chief Constable confirmed that they have had no noise complaints from the Mohican Lake Inn who has requested Noise Permits.

Supervisor Rajsz noted that they still have 2 openings for members on the Planning Board since the Planning Board was recommending that the 2 people they interviewed should be appointed as the Alternate Members until the end of the year.

Supervisor Rajsz reported that Camp Tel Yehudah has requested Noise Permits from 8 a.m. to 8 a.m. of the following day. The Board members agreed to approve the Noise Permits from 8 a.m. to 10:30 p.m. for each day requested.

Supervisor Rajsz reported the Board had previously considered approving the Community Smart Pledge but there had been some questions about it, however, since there have been no changes requested, it is now ready for approval.

REPORTS OF BOARD MEMBERS

Supervisor Rajsz stated the Town maintenance man, John Vander Mark, is doing a bang up job!

Councilman Shafer reported there has been no word on the MMFT final agreement. The Town Attorney reported they are waiting on the findings from SEQRA.

Supervisor Rajsz reported that the Town of Bethel Supervisor wrote a letter arguing that the requested additional \$200 needed from the Attorneys working on the MMFT agreement should not be paid because they have taken too much time and already been paid enough. The Town Attorney recommended this agreement should not be held up by not paying the additional monies and suggested each town pay their \$25 portion of the bill.

Councilman Akt reported he had the Town Engineer do a sketch to fix the columns on the bus garage building and to draw up specs for the handicap ramp from the Senior Center to the pavilion.

Councilman Carr reported he attended the meeting on emergency radios which included the Highway Dept., noting the County is contracted for marine frequencies if they are away from the major waterway. Councilman Carr reported they will be

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putting up new towers, one in the Town of Lumberland, noting the plan calls for them to use all the towers at once, not just one tower at a time. Councilman Carr stated that the cost of the new radios for this new system could cost from \$40,000 to \$70,000 for each agency but overall when it is done it will be beneficial to every town in Sullivan County. Councilman Carr reported that they will start to put up the new towers next year, with a projected completion date of 2014, but all other plans for the new system are up in the air. Lew Powell questioned if we are setting aside monies to help the Fire Dept. buy radios will we also have to buy the Highway Dept. & the Constables new radios? Supervisor Rajszyk reported the Town already has a contract with Goosetown for those radios but we do not know yet if we will have to buy new ones. Powell stated that he is guessing the cost may go up for the radios by the time they are needed. Councilman Shafer noted that he heard on the radio that the cost may depend on any grant monies available. Supervisor Rajszyk stated it is critical for the Fire Dept. to be able to communicate in an emergency.

Supervisor Rajszyk reported there will be a National Prescription Drug Take Back Day on Sept. 29th from 10 a.m. to 2 p.m. in the Senior Center for anyone that wishes to dispose of unused prescription drugs.

Supervisor Rajszyk reported the Upper Delaware Scenic Byways invited the people from Port Jervis to come to their meeting and explain the proposed Waterpark they have proposed on the Delaware River. Supervisor Rajszyk noted that the proposed waterpark for kayakers would be in the vicinity of the West End Beach area and has a potential of bringing in over \$10.9 million in revenues to the area.

The Town Clerk reported the Sullivan County Department of Health is tentatively putting together a listing of Flu Clinics for the area and she would let people know when it will take place here.

The Town Attorney reported she has been busy, noting she is in contact with the building department on the issue of an unsafe building.

ZBA Chair Lewis Powell reported the ZBA has been quiet.

Cultural Series Director Frank Schwarz reported they had a successful concert and that a new setup with the seating has accommodated more people.

Grant Writer Frank Schwarz reported that the Town received the grant reimbursement for the Cemetery brochure. Schwarz reported he gave a presentation to the UDC for a

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grant to update the Emergency Plan. Schwarz reported he submitted the paperwork in advance for the Scenic Byways plaque placement, noting the DOT still has to sign off on the paperwork. Schwarz questioned if the Supervisor had heard anything about issuing the check for the Scenic Byways grant? Supervisor Rajszyk reported she has not heard anything. Schwarz reported that the Constable vests grant was completed and, hopefully, we will get the reimbursement by December.

The Highway Superintendent reported they received the FEMA monies and that they will be working on the Mohican Lake Trails and White Road.

LEC CoChair Cheri Bodnaruk reported they have been quiet, noting they have been doing the regular water testing and working on the composting project. Bodnaruk reported there is a composting container at the end of the Senior Center parking lot if anyone would like to see what it looks like. Bodnaruk noted that she will have a listing of the items that can be put into the pails that will be emptied into the composting unit.

Fire Dept. President Ann Steimle reported they are struggling to keep EMTs trained, noting they are down to 5.

Circle Park representative Bill McKerrell reported they received second place for the bocce court at the Renaissance awards which gave them \$7,000, plus they got an additional \$1,000 for flower placement. McKerrell presented the Senior Club with their own bocce set. McKerrell noted that movie night will be Sept. 22nd which will be for "Mega Mind". McKerrell reported they will be picking up the Renaissance check on Monday night. Supervisor Rajszyk questioned if the Parks Committee had anything planned for next year? McKerrell reported they will just work on maintenance at the park. Supervisor Rajszyk reported the town is grateful to the Parks Committee for all their work.

Chief Constable Patrick Cahill noted his Monthly Report.

Code Enforcement Officer David Sparling reported he gave the Board members packets regarding a particular property and an unsafe building issue, noting he issued a stop work order on the premises. Supervisor Rajszyk noted that there were three pages listing what was wrong with the building. Sparling reported he had the Town Engineer do the inspection on the house, noting they have contacted the original designer of the project to fix the more dangerous items, noting the building is in a state of collapse. Sparling stated it only adds up to one thing and that is the building is unsafe and,

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according to the law, the recommendation was to talk to the Town Attorney to determine the next step to be taken. The Town Attorney reported she had requested proof of insurance but did not get it and negotiations with the agreement and the steps that should have been followed fell apart. The Town Attorney stated that the Town Board would have to, by resolution, order the destruction and removal of the unsafe building. The Town Attorney noted that this order would be subject to a notice to the owner of the property and anyone else that has an interest in the property and it would also be subject to a Public Hearing. The Town Attorney read the proposed late file resolution to issue an order that the demolition take place and to schedule a Public Hearing. Councilman Akt noted there is a lien on the house in question from the Black Forest Colony. Sparling recommended bringing the Town Engineer into the Public Hearing when it is held. The Board agreed to hold a Public Hearing on Wednesday, October 10, 2012, at 6:30 p.m., to be held before the regular Town Board meeting, which is scheduled for 7 p.m.. Councilman Shafer suggested having the Town Engineer attend the Town Board Workshop meeting on October 8th to review the issues.

OPEN FLOOR TO PUBLIC

Ed Gavalla reported that he would like it put on record that he requested the Town Board review the paperwork he submitted regarding his application for a subdivision and questioned if the Town Board has entertained consideration to revisit the waiver for the Planning Board in certain cases? Supervisor Rajsz reported they received a letter from the Planning Board requesting the Town Board revisit the Local Law that was introduced previously to grant authorization to the Planning Board to waive the new zoning laws. The Town Attorney stated that in order for the Local Law to resurface a Town Board member would have to introduce a new Local Law. Gavalla questioned if anyone had discovered anything wrong with his application? The Town Attorney reported that the Town Board cannot do a finding and that the Planning Board is the one that reviews the application. The Town Attorney stated that the Town Board has chosen to not pass the Local Law. Gavalla questioned the basis of their decision? The Town Attorney stated that the Town Board considers passage or non – passage of Local Laws and does not have to give a reason. Gavalla reported there was a misunderstanding at the Planning Board level and they sent him to the Town Board. The Town Attorney noted that the Town Board does not need to comment on their decision. Councilman Shafer noted he looked over Gavalla's application but he made his decision on the Local Law. Supervisor Rajsz reported that the Town Board was in agreement not to revisit the Local Law.

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Charlie Fallon reported he has noticed lately that there have been a lot of complaints about speeding and over weight vehicles on our town roads. Fallon suggested the Town Board have a committee look into the weight limits on our roads and decreasing speed limits. Councilman Shafer reported that the State tells us what the speed limits on the roads will be. Fallon noted that in the summer we have a large number of people walking along the roads. The Town Attorney reported that the MMFT agreement might have some of these issues included in it, noting she will look at it. Susan Morley stated that some of the roads are dark at night and some are narrow and something needs to be done to insure the safety of everyone that travels those roads.

Cathy Sterling Thanked the Fire Dept. for responding to her malfunction of her alarm system.

Supervisor Rajsz noted the Special Announcements. Supervisor Rajsz noted that the Municipal Offices will be closed for Columbus Day on October 8th but the Town Board would be having their Workshop Meeting on Monday, October 8, 2012 at 7 p.m.. Supervisor Rajsz noted the Town Board will hold a Special Meeting on October 29th with an Informational Meeting on the Fire Dept. proposed LOSAP program and on October 10th we will be having a Public Hearing at 6:30 p.m. on the demolition of an unsafe building and the regular Town Board meeting will be at 7 p.m. that night.

ABSTRACTS

Councilman Carr made a motion to accept General Fund & Highway #9, 2012 General Fund Claims -# 649 through #737, in the amount of \$182,378.34 and Highway Fund Claims - #386 through #421, in the amount of \$216,388.41 , with a total of Abstract #9, 2012 of \$398,766.75 , seconded by Councilman Akt, all in favor, so carried.

Councilman Thiele made a motion to adjourn at 8:39 p.m., seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk