

**LUMBERLAND TOWN BOARD MEETING,**  
**PUBLIC HEARING – UNSAFE BUILDING**  
**& PUBLIC HEARING CONTINUED- LOCAL LAW #4, 2012-“ROAD**  
**PRESERVATION” MINUTES**  
**OCTOBER 10, 2012**

The Town Board of the Town of Lumberland held a monthly meeting, a Public Hearing for an unsafe building and a continued Public Hearing for Local Law #4, 2012 entitled “Road Preservation” on Wednesday, October 10, 2012, at 7 p.m. at the Glen Spey Town Hall. Supervisor Nadia Rajsz opened the meeting at 7 p.m., followed by 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 Hedwig Brush, Code Enforcement Officer David Sparling, Engineer Joel Schachter, Chief Constable Patrick Cahill, Historian/Grant Writer Frank Schwarz, Parks Committee member Billy McKerrell, Orlando Perez, Attorney Randall Coffill, Zigniew Sarna, Tyler King, Wayne King, Town Attorney Danielle Jose-Decker, Herb Baxter, Helga Rupnick, Rose Carr, Susan Morley, Caroline Akt, John Godfrey, Deanna Rajsz, Natalie Rajsz, Sandy Long from the River Reporter, Susan Gregg, Cathy Sterling, Sophia Martynec, Kathy & Bill Konival, Highway Superintendent Don Hunt, Jr., Fire Dept. Pres. Ann Steimle, Kathy Bisland, Bohdan Kandiuk, Glenn Pontier from the Sullivan Renaissance, Faith & Eric Robles, Linda Hazen and Kaitlin Haas from the Sullivan County Democrat.

Councilman Carr made a motion to recess the regular meeting to open the Public Hearing at 7 p.m., seconded by Councilman Thiele, all in favor, so carried.

**PUBLIC HEARING – UNSAFE BUILDING – 7 P.M.**

Supervisor Rajsz reported that this Public Hearing was to determine the status of an unsafe building in the Black Forest.

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

Attorney Randall Coffill reported he is a lawyer from Port Jervis who is representing Mr. Sarna who is the owner of the unsafe building in question. Coffill acknowledged

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receipt of the notice of the Public Hearing and reported that Engineer Joel Schachter has presented detailed plans on repairing the building which include 17 problems that have been presented by the town. Coffill reported that Mr. Sarna is in attendance tonight but felt that the problem was that Mr. Sarna had the unfortunate experience with an inexperienced contractor. Coffill reported that the Town Attorney prepared an agreement and Mr. Schachter submitted the modifications to the original plans. Coffill reported that there has been a communication problem but he would like to submit to the Town Board a solution to both parties. Coffill noted the Town Engineer is not present tonight, noting that Mr. Sarna is trying to avoid demolition of the building. Coffill stated they would like to assure the Town that the work is going forward correctly, noting they are in contract with Hogan builders. Coffill reported their team is trying to solve the problems and sent a revised agreement to the Town Attorney. Coffill stated he sees no further communication problem and will see to it that everything is addressed through the new team. Coffill stated he is seeking for the Town to amend the order of demolition and allow the Hogan Company to be the contractor instead of Mr. Sarna and allowing the premises to be salvaged to the benefit of both Mr. Sarna and the Town. The Town Attorney stated that since the Town Engineer could not be here she would request the Public Hearing be adjourned until October 29<sup>th</sup>. Supervisor Rajs stated they could hold the Public Hearing at 8 p.m. after the LOSAP Informational Meeting on the 29<sup>th</sup>. The Town Attorney stated that Mr. Sarna should get cohesive plans, noting there is still a work stop order in place and the Town needs to extend the stop work order until after the next Public Hearing. Supervisor Rajs agreed they should adjourn the Public Hearing to continue on October 29<sup>th</sup> at 8 p.m. The Town Attorney stated that the demolition order needs to be extended by 30 days from the 29<sup>th</sup> of this month.

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

Engineer Joel Schachter stated that the Town Engineer reviewed the plans submitted in July and needs to come up with any recommendations. Code Enforcement Officer Dave Sparling stated that the Town Engineer saw the land but did not add anything to the plans. Sparling stated that he would work with Schachter but the stop work order stays in place until it is determined what direction they are going in. Sparling reported he did not reissue the permit because of the issues involved.

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

No Comment

Councilman Carr made a motion to adjourn the Public Hearing at 7:13 p.m., seconded by Councilman Akt, all in favor, so carried. Councilman Shafer made a motion to

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reopen the regular meeting at 7:13 p.m., seconded by Councilman Carr, all in favor, so carried.

### **MINUTES**

Councilman Akt made a motion to accept the Minutes of September 10, 2012 and September 12, 2012 as written, seconded by Councilman Carr, 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. Comptroller Letter- Alteration of Fire Protection Districts
4. Upper Delaware Scenic Byways Mtgs. Min. –Aug. & Sept.
5. ZBA Mtg. Min.-Aug
6. Delaware Highlands Conservancy newsletter
7. 2012 DVAA Final Report –Schwarz
8. Sullivan County Fire Advisory Board Mtg. Min. –May
9. Mohican Lake letter- Praise for Highway Dept.
10. CACHE Program notification
11. Rural Futures Newsletter
12. Town Hall Water Testing Results Report
13. Sullivan County Board of Elections Notification – Voter Registration
14. Sullivan County News
15. Planning Board Mtg. Min. –Sept.
16. LEC Mtg. Min. – August
17. Upper Delaware Newsletter
18. UDC Grant Awards Notification
19. 2012 Highway Dept. Equipment List

Supervisor Rajsz reported there was a Thank You from Mohican Lake for the great work done on their trails at the lake by our Highway Dept. Supervisor Rajsz reported the water testing for the Town Hall came back with no e-coli. The Town Clerk reported she received the Highway Dept. equipment inventory late but added it to the

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Correspondence. Councilman Akt made a motion to accept Correspondence #1 through #19, seconded by Councilman Thiele, all in favor, so carried.

**PRE-FILED RESOLUTIONS**

#136 – Sand Bid Award

#137 - Constable Temporary Appt.

#138 - Fencing Purchase Approval – Circle Park

#132 - Fire Dept. Contract Approval – held from Sept. (Late File)

#139 - Town Attorney request – Appraisals for Assessment Court cases  
(Late File)

#140 - Handicap Ramp Installation & Bus Garage Columns Repair (Late File)

Supervisor Rajsz noted that the temporary appointment for Constable was needed due to the request for a leave of absence from Constable Tracy.

Supervisor Rajsz reported that the \$1,800 for the Park expenditure in Resolution #138 should be listed as coming out of the General Fund surplus monies.

Supervisor Rajsz reported that the \$15,000 set aside for the radios for the Fire Dept. will not go to the Fire Dept. directly but put into a fund, noting this amount will be added to the \$25,000 already set aside for the radios, if needed. Councilman Carr noted there may be a grant available to help the Fire Dept. with the purchase of the radios.

Councilman Shafer reported that last month he had questioned the \$5,000 increase to be given to the Fire Dept. for their 2013 budget, however, after meeting with Ann Steimle and discussing the expenses and the amount of calls they respond to he is in favor of the increase in their budget. Caroline Akt questioned if Councilman Carr had asked the Fire Dept. for a spread sheet on their expenses? Councilman Carr reported they are still working on it. Councilman Shafer reported, after looking at the costs for equipment and operating expenses, it showed him why they would need the additional monies.

Supervisor Rajsz noted they are a Fire Dept., not a Fire District, and anyone that would like to know anything about them can contact them at any time.

The Town Attorney reported she looked into the prevailing wage question from the Workshop Meeting and reported there is no threshold for prevailing wages that went into effect in October. The Town Attorney reported that she would like to insure the Town Board to be looking forward, noting that even volunteer work may be subject to prevailing wage. The Town Attorney noted that if the public benefits from the project they may have to use prevailing wage, noting that if the contract has employees or is public work they would have to follow prevailing wage. Councilman Thiele stated he understood you only had to use prevailing wage if it was requested. Supervisor Rajsz

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stated they would need to amend their Procurement Policies to include prevailing wage requirements. The Town Attorney stated that prevailing wage has to be included with bid specs also, noting that if the work can be done by town employees it is not subject to prevailing wage. Supervisor Rajsz suggested going forward with the projects that were just voted on. Councilman Shafer stated these projects need to be done before the blacktop plant closes for the season. The Board members approved to go forward with the handicap ramp and column repair to the bus garage doors.

**PUBLIC HEARING CONTINUED – LOCAL LAW #4, 2012 – “ROAD PRESERVATION”**

Supervisor Rajsz reported they need to reopen the recessed Public Hearing for Local Law #4. 2012 entitled “Road Preservation”. Councilman Shafer made a motion to recess the regular meeting and open the Public Hearing at 7:34 p.m., seconded by Councilman Akt, all in favor, so carried.

Supervisor Rajsz reported that, since the previous Public Hearing, there are still no findings, noting that the Supervisors have met and had amendments to the agreement. The Town Attorney recommended that there are sufficient amendments to the agreement and once a draft is drawn up with the changes a new Public Hearing will need to be scheduled. The Town Attorney stated that this Public Hearing will need to be adjourned and a new Public Hearing set for December. Supervisor Rajsz reported that this a road preservation to protect our road from heavy industrial use, noting they need to do the law the right way. The Town Attorney stated she will put the latest draft together.

Councilman Akt made a motion to adjourn the Public Hearing and reopen the regular meeting at 7:35 p.m., seconded by Councilman Thiele, all in favor, so carried.

Supervisor Rajsz introduced Glenn Pontier from the Sullivan Renaissance, along with Billy McKerrell from the Parks Committee. Pontier congratulated the Town and it’s volunteers on the award they received for the Circle Park project. Pontier stated that of all the projects in all the towns Circle Park is one of his favorites. Pontier reported the Renaissance awarded Circle Park 2<sup>nd</sup> place in the category B class for \$7,000, plus an additional \$1,000 for flowers. Pontier presented, on behalf of the Renaissance, a framed photo of the project that was done in Circle Park. Billy McKerrell stated that the Renaissance has awarded the Town \$71,000 for projects, along with the Golden Feather Award that was for \$50,000. McKerrell noted that in kind services for all the projects amounted to \$600,000 that have been accounted for and felt that Circle Park has in

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excess of \$1,000,000 worth of time and money spent in it. McKerrell stated that he is amazed that with that amount of money being spent in the Park that it did not cost the Town a lot of money. McKerrell thanked Renaissance, noting that he has seen the other projects in the other towns and they all have improved the County. Supervisor Rajszt thanked Pontier, Renaissance and the Gerry Foundation for all their support.

### **REPORTS OF BOARD MEMBERS**

Councilman Thiele reported he discussed with the maintenance man as to what kind of new mower he would need, noting that he is requesting a 48 inch mower with zero turn which would range in cost from \$7,014.70 to \$16,725.00. Councilman Thiele reported he did not get prices from dealerships for a used truck for the maintenance man and noted that it was suggested that if the Constables are buying a new vehicle then the maintenance man could use the older constable vehicle.

Councilman Akt reported they are moving forward with the handicap ramp and fixing the columns on the bus garage doors.

Councilman Carr Thanked the Fire Dept. for coming to the Senior Center and taking time to explain what they do. Councilman Carr noted that the Fire Dept. discussed what each piece of equipment cost and what equipment they need to go into a fire. Councilman Carr reported that Fire Dept. Ann Steimle made a presentation that everyone was impressed with and the firemen came in uniform. Councilman Carr noted that the younger members outnumber the older members and Thanked Steimle and the firemen who came.

Supervisor Rajszt reported that the 2013 Tentative Budget is a decrease over last year's budget by approximately \$40,000. Supervisor Rajszt noted that she has a list of things she would like to see completed using the surplus funds from this year's budget. Supervisor Rajszt noted that the list includes updating the fire alarm system in the bus garage, the codification of our town laws, replacing the existing phones in the municipal offices, replacing the air conditioning/heating units in the Senior Center, the new handicap walkway, the new mower, a possible outside agency to look at our financial books, a risk assessment, fencing for the park and back parking lot, upgrading the front of the Town Hall, repair the bell tower and completion of the generator hookup, which is approximately \$60,000 total out of the projected \$118,000 surplus at the end of the year.

The Highway Superintendent reported they got the trails in Mohican Lake cleaned up and are getting ready for the winter.

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The Town Attorney reported she is working on the codification of the town laws, noting they got a report on what has been done so far and they will continue onto the next phase. The Town Clerk verified she gave the Town Board members copies of the report, which needs to be reviewed and must be returned with the recommendations on how we want to proceed.

Historian/Grant Writer Frank Schwarz reported the museum is going for the HCAP grant to get insulation for the attic and the walls. Schwarz reported the DVAA is offering 3 possible distinct grants, one being a decentralization grant which the Town uses for the Cultural Series, Artists in the Community and grants for Partners in Education between teachers at grade level and artists or cultural organizations. Schwarz noted the grants are due November 30<sup>th</sup> if anyone is interested.

Cultural Series Director Frank Schwarz reported the Ithaca College Choir will be having a choral review and concert this weekend at the Ithaca College at 8:30 p.m. which can be viewed online.

Fire Dept. President Ann Steimle noted their activity for the month and total of hours for the year. Steimle reported they went to the Senior Center for their presentation, noting that some of the Fire Dept. members went to the school for a presentation. Steimle reported the EMTs will be traveling to Suffern tomorrow to take a class, noting that Port Jervis ambulance will be covering the Town of Lumberland for the day.

The Chief Constable noted his monthly report and introduced our newest constable, Orlando Perez.

The Code Enforcement Officer, Dave Sparling, reported they have one new home being put in with two more coming, noting there is also a big project at Camp Champion. Sparling reported that the road usage agreement is not only for the gas drilling but for all large construction projects which will interfere with the road system.

### **OPEN FLOOR TO PUBLIC**

Susan Morley questioned if the new proposed handicap ramp was replacing the existing one? Councilman Shafer reported the new ramp will go along side of the old ramp and the old one will be eliminated.

Tyler King questioned what the hiring process was for the Constables and the minimum requirements were? The Chief Constable reported that there were a lot of things involved, noting the requirements consist of experience and certification which would

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save on training costs. The Chief Constable stated that he will only hire trained certified police officers with at least 20 years plus experience. The Chief Constable also noted that if anyone has credentials from the police academy they would be considered. King stated the government gives the town \$10,000 for hiring a veteran. The Chief Constable noted that he is not the one that hires, he makes his recommendations to the Town Board who does the final appointment. Wayne King stated that his son has been face to face with the enemy when he served his country but was given no consideration for hiring him as a constable.

Supervisor Rajsz noted the Special Announcements, noting October 14<sup>th</sup> the Democrats were holding a “Meet the Candidate” at the Town Hall from 3-5 p.m.

### **ABSTRACTS**

Councilman Carr made a motion to approve General Fund & Highway #10, 2012 General Fund Claims -# 738 through #802, in the amount of \$24,821.13, General Prepaid Fund Claims in the amount of \$3,699.12, Highway Fund Claims - #422 through #462, in the amount of \$113,369.79, and Highway Fund Prepaid Claim in the amount \$7,768.16, with a total of Abstract #10, 2012, of \$149,658.20, seconded by Councilman Shafer, all in favor, so carried.

Councilman Carr made a motion to adjourn at 8:14 p.m., seconded by Councilman Thiele, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn  
Town Clerk