

**LUMBERLAND TOWN BOARD 2012 YEAR-END**  
**MEETING MINUTES**  
**DECEMBER 27, 2012**

The Town Board of the Town of Lumberland held a 2012 Year-End Meeting on Thursday, December 27, 2012, at 6 p.m., at the Municipal Building in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 6:00 p.m., followed by the Pledge of Allegiance.

Supervisor Rajsz stated that this meeting was to do Year-End budget modifications that needed to be done.

Supervisor Rajsz reported that Ed Gavalla was present to discuss his proposed Glen View subdivision. Gavalla's attorney, Jacob Billig, reported he was here representing Gavalla and his partner, Andy Mead. Billig stated that they were here to discuss the Glen View subdivision and the merits of the project. Billig reported he has talked to the Town Attorney and the Planning Board Attorney to see what had transpired with the previous local law that was presented to allow a waiver from the new approved zoning laws but the law was not approved. Billig noted that a Public Hearing was held and nobody spoke negatively regarding the proposed waiver. Billig reported that it was previously reported that the Planning Board had the jurisdiction over the decision but it has since been found that the Town Board would have to make the decision to approve the local law for the waiver. Billig noted the project is in midstream, noting there may have been mistakes and misunderstandings during the process but there were no major objections to the project. Billig stated they would like the Town Board to reconsider the waiver law in January and requested they be put on the agenda for the January 9<sup>th</sup> Town Board meeting. Billig stated that the new zoning law presents hardships to the owner of the proposed subdivision who has worked diligently to present his plans.

Supervisor Rajsz reported that Fallsburg just recently did a waiver. Billig reported he has worked on a previous waiver and noted that usually the waiver would cover projects that have been in the works for 1 year, but could go back to a 3 year period. Supervisor Rajsz recommended only allowing a 6 month period before our zoning was approved for any projects that may have been affected by the new zoning regulations. Gavalla confirmed his project is the only one before the Planning Board. Gavalla confirmed that he is attempting to create a business along the river corridor. Billig noted that there are no environmental impacts and no opposition to the project. Supervisor Rajsz verified that during the public hearing an individual said the Planning Board had the authority to grant a waiver for the new zoning laws.

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Supervisor Rajsz stated they could re-introduce the local law at the Re-Organizational Meeting scheduled for January 2, 2013. Councilman Akt noted there is nothing pressing before the Town Board at this time. The Town Attorney stated she noticed a few things in the local law that needs to be looked at, and she will compare it to the Fallsburg law. Billig stated he will work with the Town Attorney on this matter. The Town Attorney stated it will be up to the Town Board if they want to approve the Local Law. Councilman Shafer stated that this law was brought up before and voted down and questioned re-introducing it? Supervisor Rajsz noted she voted in favor of it the first time. The Town Attorney noted there is no restriction to re-introducing a local law. Councilman Akt questioned why this issue got away from the Planning Board in the first place? The Town Attorney reported that the Town Board spoke when they passed the zoning law and they are the only ones that can over ride that law, noting that the Planning Board cannot over ride what the Town Board approves. Billig noted we would not be the only town that has passed a waiver after they approved new zoning. Billig stated he will plan on attending the Town Board meeting on January 9<sup>th</sup> and appreciated the Town Board for their reconsideration in this matter. The Town Attorney stated she would review the previous law. The Town Attorney noted that if the Town Board was to consider having a Public Hearing on February 13<sup>th</sup> she would not be available, noting that she would need to be present at the Public Hearing.

Roll Call was administered to those members present:

Supervisor Nadia Rajsz  
Councilman/Deputy Supervisor Joseph Carr  
Councilman James Akt  
Councilman Jay Shafer  
Councilman Ron Thiele was Absent

Also present were Town Clerk Virginia Horn, Code Enforcement Officer David Sparling, Ed Gavalla, Attorney Jacob Billig, Andy Mead, Town Attorney Danielle Jose-Decker.

### **PRE-FILED RESOLUTIONS**

- #153 - Budget Modifications
- #154 - Encumber 2012 General Fund Budget Monies
- #155 - Tax Collector Petty Cash Replenishment
- #156 - Amend 2013 Budget
- #157 - Amend Resolution #98, 2012 –Retirement Reporting – LiGreci
- #158 - Approve Contract w/Humane Society

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Supervisor Rajszyk reported that Resolution #153 were 2012 Budget modifications that were needed to make some budget lines whole. Councilman Carr questioned the Cultural Series overage? Supervisor Rajszyk noted it was only a \$50 overage. Councilman Carr stated they should not vote on the budget modifications until they see the listing of the grants verifying that the Grant Writer was requesting his 15% commission on. Supervisor Rajszyk gave the Board members the listing of grants that were applied for. Councilman Carr stated he was against paying anything that was over the budgeted amount. Supervisor Rajszyk stated the Board had agreed to pay 15% on the total of the grants received. Councilman Shafer stated they should look back at what was being paid out with the commission as compared to paying the Grant Writer just an additional percentage over his salary. Councilman Akt stated there may have been grants applied for that we didn't get but the Grant Writer still did the work on them. Supervisor Rajszyk noted that the Grant Writer submitted all the grants he applied for. The Town Clerk noted that all the Grant Writer updates have been included in the monthly Correspondence for the meetings.

Supervisor Rajszyk reported the amounts that needed to be encumbered from 2012 Funds into 2013. The Town Clerk noted that the Tax Collector had turned over all her remaining funds at the end of her season and needed Petty Cash to start her new season. Supervisor Rajszyk reported she had gotten a letter from the Comptroller's Office verifying that our 2013 budget would need to be amended by eliminating the amount for the Smallwood/Mongaup Fire District which the Chapin Estates subdivision owner would be directly billed for this year. Supervisor Rajszyk reported the Town of Lumberland was the only town that had a decrease in their 2013 budget. Councilman Shafer questioned if the direct billing from the Smallwood/Mongaup Fire District would be every year? Supervisor Rajszyk noted that starting next year the amount would be placed on the owners of the properties involved billing and would be added to our budget.

Supervisor Rajszyk reported Resolution #157 was to amend the retirement reporting for former Supervisor LiGreci. The Town Clerk reported that the Comptroller's Office is requiring the amount of hours be posted differently than all others we have done. The Town Attorney noted that LiGreci has signed a sworn statement that these were the hours he worked.

Supervisor Rajszyk reported Resolution #158 was for the approval of the contract with the Humane Society. Councilman Carr questioned if we had to make two payments or

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could we do it all in one payment? Supervisor Rajsz confirmed we could make one payment, and Councilman Shafer noted this would be paid out of the 2013 Budget. Supervisor Rajsz reported she talked to the DCO about being an Animal Control Officer instead of the DCO but the DCO stated she would like to stay the DCO and be compensated for picking up cats at a cost of \$50 an event plus mileage. Councilman Shafer stated the monies would come out of the Constables contractual. Councilman Akt stated the DCO had done a good job for the Town. Supervisor Rajsz recommended approving the additional cost and approve the DCO pick up the cats which are an issue in the town. Supervisor Rajsz noted she will put this on a Resolution for the Re-Organizational meeting.

Supervisor Rajsz reported that when the auditors were here it was suggested paying off our debt as soon as possible, noting that the last bond that was paid off early saved the Town \$144,000 in interest. Supervisor Rajsz noted that by paying the highway truck bond off early we would be saving \$5,000 in interest. Councilman Akt noted that the highway equipment listing is stating that these newer trucks are listed in fair condition. Supervisor Rajsz reported the Comptroller's Office questioned what our long term goals are, noting that the Constables vehicles should be replaced every 3 years and we need to consider what we need to maintain our departments. Councilman Akt noted we are still in debt over the highway garage and Hollow Road projects. Councilman Akt stated that we need to establish our policies now because we will not know what will happen with a new Town Board down the road.

Supervisor Rajsz reported that the Comptroller's Office has stated we need a policy for mileage reimbursement. Supervisor Rajsz also reported that the Comptroller's Office is stating that we need a written format to define our future goals for equipment purchases for future boards to follow. Councilman Shafer reported that the Fire Dept. has a 10 year roll over plan for the ambulance. Councilman Carr noted that the Fire Dept. is putting away monies for new radios and equipment. Supervisor Rajsz noted that it was questioned if the municipal building were to be destroyed where would we work out of? Councilman Akt reported the insurance company could supply mobile offices.

Supervisor Rajsz reported the Highway bond is at \$1,000,085 and has asked the bookkeeper to look into paying it off, however, the bond was written in such a way that there is not way we could pay it off early. The Town Clerk noted that at one point the separate bonds for the Highway Garage and the Hollow Road project were rolled into one by the former Town Attorney. The Town Attorney stated it may have been in

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the best interest to consolidate those bonds into one at the time. Supervisor Rajsz questioned if they could re-negotiate the bond? The Town Attorney reported we would need to hire bond counsel which is expensive. The Town Attorney stated she would look into the matter. Supervisor Rajsz stated she is grateful to the Town Board for reducing the debt and putting the town in better shape financially.

Supervisor Rajsz reported she received the check for the County Snow & Ice Removal contract today for \$36,889, noting we also got a check for \$125 from the Seniors which is a percentage from their rentals \$9,184 from the mortgage tax and the rental money for the bus garage.

Supervisor Rajsz reported the Board members need to review the 2013 Holidays and employee sick and vacation time listing. Councilman Akt made a motion to approve the listed days off, seconded by Councilman Carr, all in favor, so carried.

Code Enforcement Officer Dave Sparling reported that the work being done at the unsafe building in Black Forest is being done as the owner gets the money, noting that the new roof supports have been done. Sparling noted they are making progress and the owner has been given a 6 month renewal on his permit. Sparling reported they are only allowed 2 renewals. The Town Attorney reported a title search was done and it was determined that the permit could not be issued unless the work was paid for in advance. Supervisor Rajsz questioned if there had been any more on the house that had been boarded up for safety reasons? Sparling reported the taxes are being paid on the property but he has had no response from the owner. Sparling noted that the only way it could be torn down is if it was an eyesore or a threat to the safety of the community, noting the building is still structurally sound. Sparling reported that since 2005 his computer BAS system is showing that they have taken in \$368,216 for building permits.

Supervisor Rajsz requested Councilman Shafer take the lead on the Committee formed to review the road usage agreement for the MMFT.

Supervisor Rajsz suggested closing the offices on December 31<sup>st</sup> since they are only going to be open for half a day. Councilman Shafer disagreed, noting that the offices should be available for at least ½ day and recommended leaving the schedule as is.

Councilman Shafer made a motion to close the Year-End Meeting at 7:32 p.m. to go into Executive Session, seconded by Councilman Carr, all in favor, so carried.

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**EXECUTIVE SESSION**

Councilman Shafer made a motion to close the Year-End Meeting at 7:32 to go into Executive Session with the Town Attorney to discuss personnel relating to a particular person, seconded by Councilman Carr, all in favor, so carried.

Councilman Carr made a motion to close the Executive Session at 7:58 p.m., seconded by Supervisor Rajs, all in favor, so carried. Councilman Shafer made a motion to reopen the Year-End Meeting at 7:58 p.m., seconded by Councilman Carr, all in favor, so carried.

**ABSTRACTS**

The Board members reviewed and initialed the vouchers. Councilman Shafer made a motion to approve General Fund & Highway #12, 2012 EOY, General Fund Claims G12 #973 through # 1014, in the amount of \$ 30,126.13, General Fund Prepaid Claims in the amount of \$ 3,027.50 , with the total of Abstract #12 EOY, 2012 of \$ 33,153.63 , seconded by Councilman Akt, all in favor, so carried.

Supervisor Rajs made a motion to adjourn at 8:07 p.m., seconded by Councilman Carr, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn  
Town Clerk