

LUMBERLAND TOWN BOARD SPECIAL MEETING MINUTES
JANUARY 31, 2012

The Town Board of the Town of Lumberland held a Special Meeting on Tuesday, January 31, 2012, at 6:30 p.m., at the Town Hall for the purpose of discussing the possibility of purchasing and approving the purchase of a generator for the town buildings and any other town business deemed necessary. Supervisor Rajsz opened the meeting at 6:30 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 Hedwig Brush, Herb Baxter, Building Inspector Dave Sparling, Sophia Martynec, Town Attorney Danielle Jose-Decker, Fire Dept. President Ann Steimle and Highway Superintendent Don Hunt, Jr.

PRE-FILED RESOLUTIONS

- #40 - Town Generator Purchase
- #41 - Site Survey – Rte 31 & Rt. 97 Corner Property

Supervisor Rajsz stated that she has the specs for the proposed generator, noting she had offered \$35,000 for the unit, however, she was told that they would have to hire a crane to lift the unit onto a truck for transport so the price agreed upon was \$40,000. Supervisor Rajsz reported she has pictures of the generator, noting that it has 199 hours run time and it is 15 years old. Councilman Carr questioned if the unit could be set up on the blacktop? Councilman Shafer stated that a slab would be needed. Supervisor Rajsz reported the engineer has suggested finding a place for it and then put a pad in. Councilman Carr questioned where they were going to put it and how are we going to get it off the truck when it gets here? The Town Attorney questioned if there was a warranty on the unit? Supervisor Rajsz reported there was no warranty but they will have a maintenance company come to check it over once it is in place. Councilman Akt noted that the Liberty Iron Company could come and take it off the truck. Councilman Shafer stated we weren't even sure where we were putting the unit. Supervisor Rajsz reported the engineer has suggested putting the unit at the corner of the senior parking lot as

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you come into the lot. Building Inspector Dave Sparling stated that if you put the unit on the blacktop it will tear up the parking lot. Highway Superintendent Don Hunt, Jr. reported the Highway Department has forks that can be used to lift the unit. Supervisor Rajsz stated they could put the unit in the corner of the parking lot until they decide where it should go. Supervisor Rajsz also noted that she talked to a representative of O&R who confirmed that it was cheaper to run on the four meters we have instead of condensing them down to 2 meters. Supervisor Rajsz reported she felt the engineer would be the best one to determine where the unit should go. Councilman Carr recommended putting the unit at the far end of the parking lot away from the doors to the Senior Center. Supervisor Rajsz reported she will look at the options tomorrow.

Supervisor Rajsz reported she talked to Bob Gates from Eagle Creek regarding the leasing of the property on the corner of County Route 31 & Route 97. Supervisor Rajsz noted that they would need to map out what they can do, that the property is deed restricted. Supervisor Rajsz reported that surveyor Paul Brennan will map out any historical areas on the site. Councilman Shafer questioned if we would need more than one quote? The Town Attorney reported that they would not because it is for professional services. Highway Superintendent Don Hunt, Jr. questioned if the town was looking to buy the property? Supervisor Rajsz reported that the town can't buy it but can lease it, noting that they need to be careful on the wording on the lease. Supervisor Rajsz noted that the wells on the property have been tested but there will be no drinking fountains on the lot, noting they only want to clean up the area. Supervisor Rajsz reported that they would be leaving the cement pad for emergency landings.

Supervisor Rajsz reported it has been recommended that they look into a possible town hall rental fee because the custodian is spending a lot of time cleaning the stove after anyone has used the kitchen. Councilman Carr suggested making it a refundable deposit for the cleanup. Councilman Shafer reported they have also discussed doing a deposit for the use of the pavilion. The Town Clerk reported that Sue Morley, who is in charge of the rentals for the Senior Center, has said she could give the Town Board a copy of the contract agreement the Seniors use for the rental of their hall. Supervisor Rajsz stated that the Town Attorney should be given a copy of the rules & regulations that have been drawn up for the pavilion use and a copy of the rental agreement for the senior center.

Supervisor Rajsz reported it has also been recommended by the Cemetery Committee that a grave opening fee be established to keep better track of who is

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buried in the cemetery. Councilman Carr reported that it was brought up because there is no notification of the burials other than the ones that are local, noting that in the city they have such a fee. The Town Clerk reported that if someone has a cemetery deed and is from out of town she is not necessarily notified of the burial. Supervisor Rajsz noted that in some places it could be a fee from \$800 to \$1,000. Councilman Carr noted that a specific amount was not discussed. Supervisor Rajsz requested the Town Attorney look into it.

Supervisor Rajsz reported that the final DGEIS report will be finished by February 17th. Supervisor Rajsz reported that we will need a resolution to adopt it once it has been reviewed, and hopefully adopt the document in March. Supervisor Rajsz stated they would like to adopt the findings resolution in April which the attorney group will give us after their Public Hearing and we will have a Public Hearing in May on the document to inform all the citizens about the road use agreement. Supervisor Rajsz stated tht they are hoping that the Local Law for the road use agreement can be adopted by the end of May. Supervisor Rajsz reported there will be a 5 hour training session for everyone involved before adopting the law, with the date scheduled for March 2nd with a snow date of March 9th to be held in Tusten, noting that those suggested to attend include the Supervisors, the Highway Superintendents, the Town Attorneys, the Town Clerks, Planning Board members and anyone else that wants to partake.

Supervisor Rajsz reported she got correspondence that the NYS Association of Towns Superintendents of Highways want to insure all departments give the proper education and funding to keep our highway and bridge programs moving forward.

Supervisor Rajsz reported that she had a discussion with the bookkeeper regarding the payoff of some of the debts, noting the highway truck we are paying 3.5% on, with a principal left of \$100,800, and that the funds are available for the payoff, with no penalties. Supervisor Rajsz also reported that on the Mirant debt we are paying 4.78%, with a principal left of \$421,200 to pay off, noting there are monies available for this payoff too. Supervisor Rajsz noted that with these two debts paid off we would have the Hollow Road and Highway Garage bond to still pay off, noting we would be penalized for paying that one off too soon. Councilman Akt questioned why there is a penalty for paying off the Hollow Road and Highway Garage debt? Supervisor Rajsz reported that those two bonds were rolled into one, with \$1,000,085 left to pay on. Councilman Shafer stated that the money to pay off the highway truck would come out of

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highway monies, noting they should talk to the Highway Superintendent before spending highway monies. The Highway Superintendent reported he just had some of the left over monies rolled over into savings for equipment.

Fire Dept. President Ann Steimle reported they are still having trouble with their ambulance, noting that they are still working on trying to keep the unit running. Don Hunt, Jr. reported there seems to be an electrical interference. Steimle reported that the 3 defibrators got recently fried with the problem with the rig, noting that to replace all 3 units will cost \$5,600. Steimle reported they are having 2 flag cars respond on all ambulance calls instead of having a second rig. Supervisor Rajsz reported she asked the Town Attorney as to what can they legally do to help the Fire Dept.? Steimle reported that they still owe \$51,000 on the one rig that is still running. Supervisor Rajsz reported that they would have to contract out for an ambulance service if they cannot have it available through the Fire Dept. The Town Attorney questioned if the town is thinking of purchasing an ambulance and contracting the service for the town? Steimle stated their goal is to have a better ambulance. Supervisor Rajsz questioned what the Fire Dept. would do with the existing ambulance if they got a new one? Steimle reported they would sell the existing one. Councilman Shafer stated the question is can you sell the old one if the town buys you a new one? Steimle reported the cost of a new rig would run from \$136,000 to \$150,000. Steimle reported they are looking at one in Liberty that is for sale that is worth looking at. Councilman Carr questioned if there would be a warranty on that rig since it is not brand new? Councilman Shafer stated that they should see what the price is and firm up the warranty before making any decisions. Supervisor Rajsz requested the Fire Dept. look into this rig and get back to the Town Board.

Sophia Martynec reported there was an article in the Times Herald Record about tax free land squeezing government. Supervisor Rajsz verified that the article was pertaining to the Pipeline properties, noting the Millenium Pipeline does give a PILOT (payment in lieu of taxes) to the town , noting that the IDA should never have given the Pipeline the exemption.

The Town Attorney requested the Town Board go into Executive Session to discuss litigation.

Councilman Carr made a motion to recess the Special Meeting at 7:15 p.m., seconded by Councilman Thiele, all in favor, so carried.

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EXECUTIVE SESSION

Councilman Carr made a motion to go into Executive Session to discuss litigation at 7:15 p.m., seconded by Councilman Shafer, all in favor, so carried.

Councilman Shafer made a motion to close the Executive Session at 7:29 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman Shafer made a motion to reopen the Special Meeting at 7:29 p.m., seconded by Councilman Thiele, all in favor, so carried.

Councilman Carr made a motion to adjourn at 7:29 p.m., seconded by Councilman Thiele, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk