

LUMBERLAND TOWN BOARD SPECIAL MEETING
JULY 24, 2013

The Town Board of the Town of Lumberland held a Special Meeting on Wednesday, July 24, 2013, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7:08 p.m., followed by the Pledge of Allegiance.

Roll Call was administered to those members present:

Supervisor Nadia Rajsz
Councilman Ron Thiele
Councilman David Leamon
Councilman James Akt arrived late
Councilman/Deputy Supervisor Joseph Carr arrived late

Also present were Town Clerk Virginia Horn, Deputy Town Clerk Hedwig Brush, Code Enforcement Officer David Sparling, Sophia Martynek, Town Attorney Danielle Jose-Decker, Eugene Sz wajka, W. Kwousch, Fire Dept. President Ann Steimle and Dave Hulse from the River Reporter.

Supervisor Rajsz reported the first thing on the agenda was to discuss the Comprehensive Emergency Plan update, noting she had limited copies available. Ann Steimle reported the committee for the update met with the Highway Superintendent Don Hunt, Jr., Charlie Fallon and Code Enforcement Officer Dave Sparling to go over paperwork. Supervisor Rajsz reported appendix D was related to input from Steimle and appendix G is a list of key service providers. Supervisor Rajsz noted there were minimal corrections and phone numbers have been added. Steimle reported she visited all the camps in the area and most provided evacuation plans. Steimle noted that these camp evacuations could impact the Town if they did not have their own plan. Supervisor Rajsz reported Councilman Leamon had some recommended changes. Councilman Leamon reported on page 15, Section 3, the leadership positions lists 3. Councilman Leamon noted that in this line of succession it reads there can be a non-elected person in charge which he did not agree with, noting he felt it should be a chain of elected personnel. Councilman Leamon reported on page 16 it lists the Supervisor and the Deputy Supervisor. Ann Steimle questioned why couldn't it be a non-elected person? Councilman Leamon suggested it should be clarified that it be only elected officials of the Town. Supervisor Rajsz recommended changing it to read #A –Supervisor, and instead of #B being the Highway Superintendent it should read “any other Town Board member to chose who would be in charge. Councilman Leamon questioned what the emergency manger’s job was? Ann Steimle reported they are the advising person who tells the Supervisor what needs to be done. Supervisor Rajsz noted that the worst scenario would be for all of the Town Board members to be out of town at the same time and deciding who should step in to run the town or just shut down the town. Supervisor Rajsz stated that they would still have to clear it with the County Manager to declare a disaster who needs to have a beginning date

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and an ending date for the disaster. Supervisor Rajsz noted a form needs to be filled out declaring the disaster and sent up to the County immediately. Councilman Leamon stated that the other issue is if the town issues an emergency can a local law be suspended and questioned if the Town Board could ratify an extension of any suspension of a local law? Supervisor Rajsz stated she would check with the Town of Deerpark Supervisor to see how they handled their emergency situations. The Town Attorney stated that if the Town Board or the citizens of the town felt the Supervisor was acting beyond their scope they could file a Chapter 78. Supervisor Rajsz reported that they cannot suspend a local law unless the circumstances warrant it. Supervisor Rajsz stated the emergency board would have to make the determination and have a reasoning behind what they are doing. Supervisor Rajsz noted she would print off the Deerpark emergency plan. The Town Attorney reported that if any public official acts above his capacities it can be acted upon. Councilman Leamon stated that there should be a local provision under home rule to establish what procedures need to be followed. Supervisor Rajsz reported she will deliver the plan to the UDC and they could table the resolution for approval until all the Board members had a chance to read through it and ponder any additions for another 2 weeks until the next meeting.

The Town Clerk reported that the cemetery grave digger had resigned and we have had to advertise for a designated grave digger for the town. The Town Clerk noted that they did have a burial this last month and had to contact a grave digger from Liberty to come down to do the grave opening. The Town Clerk reported that she is not notified in advance of a grave opening and everyone is saying it was someone else's place to notify the Town Clerk's office. The Town Clerk noted that she has been getting the burial transit permits from the funeral homes after the burial has taken place but in the case of an out of town funeral home it takes time for them to send the permits if they do. The Town Clerk noted that she received two applications for the grave digger position, noting that the town does not pay the grave digger, that they are paid through the funeral homes. Supervisor Rajsz stated that she is recommending they approve one designated grave digger, and one back up in case the main grave digger was not available. Councilman Akt noted that the one applicant is a town taxpayer and an area resident, whereas, the second applicant is from Liberty. Supervisor Rajsz requested the Town Attorney draw up an agreement to be signed by the grave diggers. The Board agreed that they should designate one main grave digger, with the secondary for backup.

Supervisor Rajsz reported she would like to discuss the lack of air conditioning in the highway garage, noting she contacted Heckman's to get proposals. Supervisor Rajsz reported they received two proposals from Heckman's, one for \$2,800 for the break room, and the other was for the Highway Superintendent's office, the front office and the break room for \$6,900. Supervisor Rajsz recommended doing just the break room where

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the highway guys sit to eat their lunches, noting that one day it was so hot in there the guys were sitting in their trucks to stay cool.

Supervisor Rajsz reported she received a letter from the Eldred School District requesting they have an inter municipal agreement with the Town for the school to purchase salt from the town. Supervisor Rajsz noted she would have the Highway Superintendent look into it and give his recommendation.

Supervisor Rajsz reported that the former part time maintenance personnel had originally sent in a resignation letter and it was assumed that they were resigning from also doing the river corridor trash pickup, however, the Tully's have notified the Town that they will still continue to do the river corridor trash pickup even though the Town has already sent out notification to someone else to have them do it. The Board agreed a letter should be sent out to John Traver notifying him there was a misunderstanding and we would no longer need his services for the river corridor trash pickup, noting that we will pay him for any service he has already provided.

PRE-FILED RESOLUTIONS

- #109 - Emergency Management Plan Update
- #110 - Part-Time Parks Maintenance Appt.
- #111 - Cemetery Grave Digger Approval
- #112 - Highway Garage Air Conditioning Approval

Supervisor Rajsz reported they have advertised for the position for part time maintenance personnel and received two applications for the job. Supervisor Rajsz noted she met with both applicants and both are fully qualified for the job and that Linda Hazen met with each one and walked them through what would need to be done. Supervisor Rajsz noted that they usually do the parks maintenance until the end of September but there may need to be some maintenance into October. Supervisor Rajsz reported the part time maintenance would be maintaining the bathrooms at the parks, watering and weeding the plants. Supervisor Rajsz stated she is recommending hiring both applicants since there is enough money in the budget and there is enough work for both. Supervisor Rajsz stated the workers will be under the guidance of the Parks Committee. Councilman Akt questioned what Linda Hazen recommended? Supervisor Rajsz reported Hazen initially recommended Christine Dennison, however, did note there would be enough other work to hire Gene Buelow. The Board members agreed to hire both applicants. The Town Attorney noted that if they need to extend the duration of the term of either of the applicants they could do an additional resolution at the second Town Board meeting in September.

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Supervisor Rajsz reported they have looked into the warrantee on the highway garage roof, noting the building was built with no specifications.

Councilman Thiele suggested putting in the air conditioning in the highway Superintendent's office for the computers in the office but didn't feel they should be spending \$2,800 for one air conditioner. The Code Enforcement Officer recommended putting in a window unit. Councilman Akt noted that the proposed air conditioners are Mitsubishis which are a better quality and would last longer. Supervisor Rajsz suggested doing it right the first time. Councilman Thiele recommended putting the air conditioning in the Superintendent's office and the conference room. Councilman Akt questioned if the Highway Dept. could pay for ½ of the cost. The Town Clerk noted that the units would be part of the building therefore it would be a General Fund Highway Garage expense and was not sure if you could use highway funds for a building expense?

PROCLAMATION

Supervisor Rajsz reported they were doing a Proclamation in Memory of Ann Danuff who passed away recently and was a member of many organizations for the town. Supervisor Rajsz reported there will be a Memorial Service for Ann on Sunday, July 25th from 2 – 5 p.m. in the Senior Center. Supervisor Rajsz read the Proclamation, noting Ann was very active and instrumental in the community and will be truly missed.

Supervisor Rajsz stated she would like to discuss the Assessor's position since the reappointment is due in September. Supervisor Rajsz reported she has checked with other towns and found that most towns have part time Assessors and part time clerks or no clerks at all. Supervisor Rajsz stated the Assessor appointment is a 6 year appointment and the Board will need to make the decision to keep the Assessor at full time, which pays \$30,000 a year plus benefits, or to make the Assessor part time. Supervisor Rajsz noted that only one town so far has a full time Assessor working 8 a.m. to 4:00 p.m. with no clerk. Supervisor Rajsz asked the Board members to give her direction on what they want to do with the appointment. Councilman Thiele recommended having one person in the office do the work, and Councilman Carr agreed. Supervisor Rajsz noted that the existing clerk has been in training to do the data collecting. Councilman Leamon questioned if there are any duties that the clerk does that the Assessor can't do? Supervisor Rajsz reported the Assessor can do all the duties. Supervisor Rajsz noted that the Supervisor's clerk could also be used to assist the Assessor's office. Councilman Akt questioned what was saved by making the Assessor part time. Supervisor Rajsz noted it would cut the salary in ½ and would cut out the benefits which cost more than \$6,000 a year. Councilman Leamon questioned if there was enough work to keep one person busy on a full time basis? Councilman Carr stated he felt there was enough work to keep it full time. Supervisor Rajsz requested the Board members think about what they want to do and discuss at the next couple of meetings. The Code Enforcement Officer stated they

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would eventually have to do a reval in the Assessor's office and will need someone on board that knows what they are doing. The Town Attorney noted they have cert cases, noting that previous cases do not have significant input but the newer cases will need more input.

Ann Steimle noted she has found a couple of mistakes on the emergency plan. Supervisor Rajsz noted they have 2 weeks to make changes to the plan.

OPEN FLOOR TO PUBLIC

Ann Steimle reported she attended a meeting today regarding river access sites, noting there is a lot more to planning an access site such as parking, number of people, toilets, and swimming that would impact the town. Steimle noted this was part of the County waterfront restoration project.

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

Respectfully Submitted,

Virginia V. Horn
Town Clerk
July 24, 2013