

LUMBERLAND TOWN BOARD WORKSHOP MEETING MINUTES
OCTOBER 8, 2012

The Town Board of the Town of Lumberland held a Workshop Meeting on Monday, October 8, 2012, at 7 p.m., at the Municipal Building in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7 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, Code Enforcement Officer David Sparling, Chief Constable Patrick Cahill, Orlando Perez, Sophia Martynec, Susan Morley, Historian Frank Schwarz, Town Engineer Joseph Gottlieb, Billy McKerrell, Highway Superintendent Don Hunt, Jr., Fire Dept. President Ann Steimle, ZBA Lewis Powell, and Town Attorney Danielle Jose-Decker.

The Board members reviewed the Minutes, Monthly Reports and the Correspondence. Supervisor Rajsz noted that the letter from the Comptroller's Office was regarding the alteration of the Smallwood Fire District. Supervisor Rajsz noted that there was a water testing report for the Town Hall that showed there was no e-coli present. Supervisor Rajsz reported that the grant award notification from the UDC was for \$5,000 to update the Comprehensive Emergency Management Plan.

Supervisor Rajsz reported she would turn the meeting over to the Chief Constable. The Chief Constable introduced Orlando Perez who he is hoping the Town Board will appoint to fill the temporary position on the Constabulary due to the vacancy of the leave of absence requested by Constable Tracy. The Chief Constable reported that Perez has attended the Police Academy and has retired after 20 years on the NYPD. The Chief Constable reported Perez has all his certification. Perez noted his work experience and qualifications.

The Chief Constable reported he would like to discuss purchasing a new constable vehicle, noting he has looked into prices on suvs and on sedans. Supervisor Rajsz reported the Town would be putting aside \$12,000 in the 2013 budget to add to the previous \$24,000 that has been set aside for the purchase. Supervisor Rajsz noted that the constables patrol the river corridor and get reimbursed by the NPS. The Chief Constable reported that the

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vehicle he would like to replace is 5 years old with 90,000 miles on it, noting they are now putting money into it with repairs and recommended replacing it. The Chief Constable stated he is recommending the suv, noting that Ford has one starting at \$24,000. Supervisor Rajsz also noted that sometimes the constables have to pick up an animal and an suv would be better suited for their needs. Councilman Thiele questioned what the mileage was on the other 2 vehicles? The Chief Constable reported that one is 3 years old with 50,000 miles on it and the other one is a 2005 with 80,000 miles.

Code Enforcement Officer David Sparling reported they will be having a Public Hearing on the unsafe building on Wednesday night, noting that the owner has another engineer that wants to come in and fix the building. Sparling questioned what if something happened while they were fixing it up would the Town be liable? The Town Engineer, Joseph Gottlieb, recommended it be taken down, noting it is very dangerous. Gottlieb noted anything can be fixed but if anyone goes inside that building it would be extremely dangerous. Councilman Shafer reported he read Gottlieb's report noting that if there is a heavy snow fall before the building could be fixed it could come down on anyone inside. Sparling suggested getting a release signed that would release the Town from liability. The Town Attorney reported that months ago the Code Enforcement Officer communicated with the property owner's engineer and there was a proposal drafted which needed to be signed along with a contract indemnifying the Town and they needed to obtain insurance. The Town Attorney reported that nothing they requested ever happened, noting that the owner now has a new attorney. The owner's attorney is reporting that the owner is saying the Town is prejudicial. The Town Attorney reported she would like to have the engineer comply during the Public Hearing and she will ask the Town Engineer questions during the Hearing, noting the owner will have the opportunity to present his case at that time. The Town Attorney recommended leaving the order to demolish open to allow additional requirements to be met. Councilman Carr questioned how bad were the floors in the building? Sparling reported the floors have been delaminated which weakens them, noting that the original plans were not followed. Sparling also reported that the beams are sagging and the weight is pushing the exterior walls out. Supervisor Rajsz questioned if the Black Forest Colony has any oversight to this project? Councilmen Akt and Thiele reported the Colony does not, that it is up to the Town to approve. The Town Attorney reported that if the Town Board affirms the demolition order there may be litigation. Councilman Thiele questioned if the building was secure? Sparling reported is not secure, noting the actual permit was issued in 2010 but an inspection was not done until March 2012. The Town Attorney stated that it is the owner's responsibility to request an inspection on each phase.

The Highway Superintendent reported he would like to have approved the 3 lowest bids for the anti skid sand bid. Councilman Shafer noted Callanan was one of the lowest bids,

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however, the Highway Superintendent reported he had to convert the bid into cubic yard since it was bid in tonnage. Councilman Akt questioned how close are we to getting the new truck that was ordered? The Highway Superintendent reported it should be ready in 3 days.

Supervisor Rajsz congratulated Billy McKerrell and the Parks Committee on the \$8,000 they got in Renaissance awards. Supervisor Rajsz reported she had requested McKerrell get another bid for the fencing but he was unable to get any more quotes. McKerrell reported that funds from the Renaissance awards plus other monies will cover the cost of the fencing. Supervisor Rajsz questioned if the Park Committee was looking into getting recycling bins? McKerrell reported that Cheri Bodnaruk is looking into it, and that there will be garbage cans throughout the park for composting and recycling. McKerrell noted that they are waiting to see if Santa comes through on the train again this year, noting they usually give out hot chocolate and cookies, weather permitting. Supervisor Rajsz Thanked McKerrell and the Parks Committee for all their work.

The Town Attorney reported she is having the tax assessment proceedings in court and she needs to get approval from the Town Board to get appraisals done when needed. The Board members agreed this should be done as a late file for Wednesday night's meeting.

Supervisor Rajsz reported that she attended a Supervisors meeting and the MMTF was discussed, noting that there were modifications being made to the original agreement. Supervisor Rajsz noted that they are also waiting on the final review and it was discussed to change the manager of the agreement from the Highway Superintendent to the Code Enforcement Officer. Supervisor Rajsz also noted that there were some other changes that needed to be addressed. The Town Attorney reported that they can open the Public Hearing on Wednesday night but can't approve the agreement because they do not have the findings yet. The Town Attorney noted that, with any changes to the agreement, it becomes a new local law and a new Public Hearing will have to be scheduled. The Town Attorney reported that we will lose a little time and it will cost us to republish the notice for another Public Hearing but it should be done right the first time.

Supervisor Rajsz reported we received the CHIPS money for Highway, we received money from the Gerry Foundation, and a State check for \$52,000, which goes in the General Fund.

Supervisor Rajsz reported they need to replace the air conditioners/heaters in the Senior Center. Supervisor Rajsz reported the Town Engineer recommended using Heckman to replace the units, noting they are in the process of updating the town comprehensive

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emergency plan and recommended the town invest the money to upgrade the heating/air conditioning units in the Senior Center since that will be our emergency shelter. Supervisor Rajsz noted that they have received a quote for \$13,000 for the replacement units and they will consider doing this under the 2013 budget.

Supervisor Rajsz reported that they have gotten a quote of \$5,314.00 to update the fire alarm system in the bus garage building, noting that NYMIR had recommended this as one of their requirements. Supervisor Rajsz stated that since this is a town building it is recommended we get this done.

Supervisor Rajsz reported that a Town Hall upgrade for insulation is being considered under a \$6,000 HCAP grant. Grant Writer Frank Schwarz reported the Town Hall needs insulation because they can't regulate the heat in the hall. Supervisor Rajsz also noted that the bell tower and the front of the Town Hall needs work. Supervisor Rajsz reported she had called Leigh Sherman to get an estimate on the work that needed to be done but he has not responded. Schwarz reported the bell tower is pulling apart and suggested using vinyl to preserve it, noting the spire is also pulling apart. Supervisor Rajsz noted they should be doing the bell tower, the front of the building, and the insulation at the same time. Schwarz reported he put in for a heater in his office since his is the oldest one left to replace. Schwarz noted this is a separate grant from the upgrades, noting he will be getting quotes for the insulation. Schwarz reported that he may be able to get something from NYSERTA.

Councilman Akt reported he got quotes for the handicap ramp and the structural work that needs to be done at the bus garage. Councilman Akt reported the quotes were from NGS Construction for \$5,825 for the ramp and \$4,730 for the work for the bus garage and Vicaretti & Sons put in a quote for \$4,975 for the columns for the bus garage. Councilman Akt reported he has the plans for the ramp and the columns for the bus garage, noting he had 4 quotes out but only got one for the ramp and the two for the columns came back. Supervisor Rajsz stated that they need to get the work done now. Councilman Akt recommended Vicaretti & Sons for the column work and NGS Construction for the ramp. Councilman Theile questioned whether they should exclude prevailing wage requirements? Councilman Akt stated they did not need prevailing wage but will have to have insurance.

Code Enforcement Officer Dave Sparling reported that O&R has put in the new transformers needed for the new generator but has heard nothing from the electrician about hooking up the generator. Councilman Akt stated he would contact the electrician. Supervisor Rajsz questioned if the new ramp would require railings? Councilman Akt reported that if it is on a grade then no railings are needed. Councilman Shafer verified that the railings were not required if the ramp was done at grade. The Town Attorney stated that

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they would have to use prevailing wage if it is included in the Town's procurement plan, noting she would have to review the plan to see what it states.

Supervisor Rajsz reported they are reviewing the proposed 2013 budget, noting she has received a letter from Constable Tim Tracy requesting a leave of absence and a letter of resignation letter from the Assessor's Data Collector, Karen Speranza. Supervisor Rajsz noted that they have not decided yet what to do in the Assessor's office with the pending vacancy but noted that the Board members have been given the 2013 Tentative Budget.

Supervisor Rajsz reported that the increase to the proposed 2013 Fire Dept. budget was due to the increases in everything going up with expenditures. Supervisor Rajsz reported that she and Councilman Carr went to the Fire Dept. with the suggested increase of \$5,000.00 to their proposed 2013 budget, noting our ambulance is the only one in the area that does not charge for calls. Supervisor Rajsz noted that the increase reflects a \$1.60 per residence and the LOSAP program would reflect an \$8.00 per \$100,000 increase per residence. Supervisor Rajsz reported the LOSAP program represents a \$25,000 maximum increase to the town budget, noting not all of that may be used. Supervisor Rajsz stated that the proposed 2013 Tentative Budget is the same as last year's budget with no increase.

Councilman Carr reported that the Fire Dept. will be meeting with the Seniors tomorrow to explain the LOSAP Program. Fire Dept. President Ann Steimle noted that they will be explaining what they actually do.

Supervisor Rajsz reviewed the proposed 2013 Tentative Budget with the Board members, noting this was in draft form and can be changed. Supervisor Rajsz noted that they have enough in savings to take out the additional monies needed to do various projects without burdening the taxpayers, noting they are also projecting a possible \$118,000 excess from this year's budget to help offset expenditures. Supervisor Rajsz reported that the projected 2013 budget reflects a 1% increase to personal salaries, noting they have not completed the Highway Dept. or the Fire Dept. contracts yet. The Town Board members reviewed the proposed 2013 Tentative Budget line for line. Councilmen Carr, Akt, Thiele and Shafer all agreed that there should be 0% increases to the personal salaries, therefore, all salary lines would decrease by 1%. Councilman Shafer noted that the interest and earnings line was dropped? Supervisor Rajsz reported that they do not get the amounts as in the past. Frank Schwarz reported they need to put in the \$3,000 for the HCAP grant on a separate line, noting the total line should be \$6,000. Councilman Carr noted the County gives us monies for the Youth Program and questioned if that would be increasing? Supervisor Rajsz reported she has requested the County distribute the funds more evenly among the Youth programs.

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Supervisor Rajszt stated she would like to discuss getting a Confidential Assistant in her office. Councilman Thiele requested clarification that the Supervisor is requesting to hire someone now for her office who will fill the vacancy left by the resignation of her Confidential Assistant? Councilmen Carr and Shafer noted that the draft 2013 budget shows an increase in the Supervisor's Office. Supervisor Rajszt stated she is requesting 20 hours a week for \$11 an hour for her Assistant, noting that her Assistant last year was paid \$10 an hour. Councilman Carr stated that they had just agreed to no increases in salaries but the Supervisor is requesting one? Supervisor Rajszt agreed that she could drop the hourly wage to \$10 an hour but needs the increase from 15 hours a week to 20 hours a week.

Supervisor Rajszt reported that the Bookkeeper does the annual financial report that needs to be filed with the State, noting that if they were to get an outside auditor it may cost up to \$15,000.00. Supervisor Rajszt noted that they may not need a full audit and it was suggested that the auditor could come in to review our procedures and see that they are being done right. Councilman Carr stated we need a checks and balances because nobody is checking on what the bookkeeper is doing. The Town Attorney suggested the auditor give the Town Board options on what is being done, noting that the Town Board members sign the abstracts and the Supervisor, as the fiscal officer, is overseeing everything done by the bookkeeper. The Town Attorney reported that if the LOSAP Program is approved the town will eventually need a full blown audit. Councilman Carr stated that he is not saying the bookkeeper is doing anything wrong but would just like to know that everything is being done correctly. Councilman Shafer recommended increasing the budget for the auditor by \$3,000.00

The Board members discussed the Assessor's Office. Supervisor Rajszt reported the Assessor is requesting her Clerk's position be increased to 16 hours a week because, after going for training, she will do the Data Collector's duties. Supervisor Rajszt noted that the Assessor has stated she would do the duties of the Data Collector until the end of the year. Supervisor Rajszt noted that the two positions of Data Collector and Clerk will be combined into one position. The Board members agreed to combining the two positions with 16 hours per week at \$11 an hour.

Councilman Shafer stated he would like to see what was spent so far for the Attorney's budget before agreeing to an increase next year. The Town Clerk reported she received a report for the codification of the Local Laws on what was done so far, noting she has also gotten a bill for that work which is included in this month's abstract. Supervisor Rajszt recommended paying off the remaining cost of the codification from the surplus funds at the end of this year.

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Supervisor Rajsz reported she had gotten a quote for new phones for the office, noting that it will cost \$5,325.00 and within 14 to 15 months the system will pay for itself. Supervisor Rajsz noted the new phones will be more user friendly.

Supervisor Rajsz reported that the Grant Writer will be getting 15% of the total of grants he brings in, noting the anticipated total is \$25,000.00 in grant revenues.

Highway Superintendent, Don Hunt, Jr., reported that their new radios that were swapped out this year work a lot better.

Supervisor Rajsz reported the maintenance man needs a new mower and they could purchase it out of the surplus from this year. Supervisor Rajsz noted that they are breaking down the maintenance costs for each park to keep better track of expenditures.

Supervisor Rajsz verified that the costs for benefits is mandated, noting the actual numbers for Compensation come from the County. Supervisor Rajsz noted that the County is looking at a double digit increase in their tax line.

Supervisor Rajsz reported it is unknown what the line for the Highway personnel services will be since their contract has not been approved. Supervisor Rajsz reported that the maintenance man also needs another truck, noting he has been using the Deputy Superintendent's truck. The Highway Superintendent requested that a separate line be created for the maintenance truck, noting that the maintenance man could use one of the highway pickups and the Highway Dept. could purchase a new truck. Councilman Akt reported he talked to the maintenance man who has said he will use whatever truck is available. Councilman Thiele questioned if it was possible to buy a used truck for the maintenance man, noting it could be a two wheel drive instead of a four wheel drive. Councilman Akt noted that the town could buy the truck and the highway dept. would maintain it. Councilman Shafer agreed that Councilman Thiele should look into buying a used truck and a new mower, noting they need to get prices for both to have the amount in the budget. Supervisor Rajsz reported they will take the \$15,000.00 out of the Highway Fund that was added for the expenditure of a new truck. Supervisor Rajsz stated she will work with the bookkeeper with the final Tentative Budget and file it with the Town Clerk.

Supervisor Rajsz reviewed the list of projects she would like to see paid for out of this year's surplus funds, noting that the total is \$60,000.00 but they have projected that the total surplus may be \$118,000.00. Councilman Shafer noted they have to figure in the cost of hooking up the generator.

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Sophia Martynec questioned the proposed audit and suggested that when the Board members review the vouchers they could create a quarterly balance sheet to show fund balances. The Highway Superintendent stated that he does not sign off on his bills until the numbers match.

Susan Morley suggested the Town Board look into getting security cameras for the buildings. Supervisor Rajsz reported that other towns are having issues with break ins at their town halls.

EXECUTIVE SESSION

Councilman Thiele made a motion to recess the Workshop Meeting and go into Executive Session to discuss personnel at 8:56 p.m., seconded by Councilman Shafer, all in favor, so carried.

Councilman Shafer made a motion to close the Executive Session and reopen the Workshop Meeting at 9:38 p.m., seconded by Councilman Carr, all in favor, so carried.

The Board members reviewed and initialed the vouchers.

The Board members discussed the changes to the Fire Dept. contract, noting that they were not sure if they should give them a \$5,000.00 increase. Upon discussing the increases in costs for the Fire Dept. the Board members agreed to the increase in the Fire Dept. contract.

Councilman Shafer made a motion to adjourn at 10:02 p.m., seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk