

LUMBERLAND TOWN BOARD WORKSHOP MEETING
& CONTINUED PUBLIC HEARING FOR UNSAFE BUILDING
MEETING MINUTES
NOVEMBER 12, 2012

The Town Board of the Town of Lumberland held a Workshop Meeting and continued Public Hearing for an Unsafe Building on Monday, November 12, 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, Code Enforcement Officer David Sparling, Town Attorney Danielle Jose-Decker, Caroline Akt, Sophia Martynek, Highway Superintendent Don Hunt, Jr., Deanna Rajsz, Zignew Sarna, David Leamon, Town Engineer Joseph Gottlieb and Attorney Randall Coffill.

Councilman Thiele made a motion to recess the Workshop Meeting at 7 p.m., seconded by Councilman Shafer, all in favor, so carried.

PUBLIC HEARING CONTINUED- UNSAFE BUILDING- 7 P.M.

Councilman Thiele made a motion to open the continued Public Hearing on the unsafe building at 7 p.m., seconded by Councilman Carr, all in favor, so carried.

OPEN FLOOR FOR 1ST TIME

Supervisor Rajsz reported that she is opening the Floor for the first time for the continuation of the Public Hearing for the unsafe building.

The Town Attorney reported that, keeping with the Local Law, she would like to file notification of several liens against the property owner in question. The Town Attorney listed the affidavits and filed them with the Town Clerk. Supervisor Rajsz noted that they also just received a letter from the Black Forest Colony. The Town Attorney stated that the Code Enforcement Officer and Town Engineer should explain their observations and conclusions for part of the record. Code Enforcement Officer David Sparling reported he originally went to the house in Black Forest and noted there were a

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lot of issues with the plans and framing and the work was not done the way it should have been. Sparling reported he got in touch with the designer who reported he signed off on the design. Sparling reported that they discussed the design and it was determined that the specs were not met and the layout was not according to the original plan. Sparling noted that Mr. Schactner came to the site and noticed problems with the framing. Sparling stated that he inspected the site with the Town Engineer. The Town Attorney confirmed with the Code Enforcement Officer that these issues were listed in the Code Enforcement Officer's report issued in August. The Town Attorney confirmed with the Code Enforcement Officer that the issues were at the property listed at SBL 18-2-3. The Town Engineer reported that he went to the property with the Code Enforcement Officer and he wrote a letter noting what they had to do to rectify the situation. The Town Engineer stated that the only problem with the plans was the Engineer for the project was not going to certify or inspect anything. The Town Engineer reported that the only way it can be done is that the Engineer would have to certify the framing was done according to the plans, which would be done after the inspection. The Town Engineer stated he would not do the inspection because of the liability to the town. Supervisor Rajszt questioned how would we know that their Engineer was doing the inspections? The Town Engineer stated they would have to send the town a report after each phase. Sparling noted that there were so many changes to the plans that each one needs to be addressed. Supervisor Rajszt questioned if this building could be safely reconstructed? The Town Engineer stated if you had the right people working there it could be. The Town Attorney, noting for the record, she would like to provide a letter from the Town Engineer on June 27th, 2012 detailing the issues regarding the structure. The Town Engineer stated that they would approve upon the Certification of Completion from the project Engineer.

OPEN FLOOR FOR 2ND TIME

Randall Coffill, Attorney for the property owner, reported that on October 10th he indicated to the Town Board that there had been communications difficulties with the owner and that problem has been resolved. Coffill noted that Mr. Sarna will no longer be the contractor of the project. Coffill reported that one of the requirements from the town was a Certificate of Insurance from Mr. Schactner, noting that they are working on that. Coffill reported TC Hogan Builders would be taking over the project. Coffill reported he sent the Town Attorney an agreement for review, noting that a modification was made and provided to the Town Attorney. Coffill stated that the plans that have been submitted to the town are satisfactory if they are followed. Coffill noted that Schactner Home Inspections will put their ducks in a row before the permit is issued so that they can allow the building to be reconstructed. Supervisor Rajszt read the received

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letter from the Black Forest Colony who supported the town should they decide to proceed with the demolition of the structure and noted they have a lien against Mr. Sarna. The Town Attorney reported the Town Board needs to close their Public Hearing and then discuss what options are available and then they can make their decision at their next meeting. The Town Attorney noted that the options were: #1 Affirm the order of demo, #2 Modify the order of demo, #3 Vacate the order and #4 do a Conditional Order. The Town Attorney noted she has not been to the site in question but felt there was a bit of money invested already into the structure. The Code Enforcement Officer stated that the agreement should also note that Mr. Sarna should be responsible for the professional fees owed to the town Engineer before the permit is issued.

OPEN FLOOR FOR 3RD TIME

Councilman Carr questioned if they should include dates in the new agreement as to when the work should be completed? Supervisor Rajsz agreed that deadlines and reports should be included. The Code Enforcement Officer stated it should be 4-5 weeks according to the contract. Councilman Thiele questioned if the Code Enforcement Officer would be comfortable when the work is done as to whether the structure was safe for snow on the roof? The Town Attorney stated that this issue should be included on the Town Board's agendas until the project is complete.

Councilman Thiele made a motion to close the Public Hearing at 7:22 p.m., seconded by Councilman Shafer, all in favor, so carried. Councilman Shafer made a motion to reopen the Workshop Meeting at 7:22 p.m., seconded by Councilman Carr, all in favor, so carried.

Supervisor Rajsz reported that they had gotten the Codification of the Laws organizational analysis that needs to be done by this coming Wednesday.

The Town Board reviewed the Agenda. The Board members reviewed the Minutes, the Monthly Reports and the Correspondence. Supervisor Rajsz reported that Item #15 was notification from the County that they were providing dumpsters to the town for debris from Hurricane Sandy. The Highway Superintendent reported residents can bring the debris from 7 a.m. to 3:30 p.m.. Councilman Akt reported he understood the dumpsters would be available for 7 days. The Town Clerk noted she did not get a deadline on the dumpsters. The Highway Superintendent reported only one resident has used the dumpster for storm debris so far.

Supervisor Rajsz reported Item #14 was from a group of residents from Hallock Road complaining about the noise coming from Camp Tel Yahudah from a wedding that was

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held there. Supervisor Rajsz noted that the Camp did have a Noise Permit but disregarded the time limit approved. The Town Clerk reported she told the Hallock Road resident that called regarding this issue that just because the camp had a Noise Permit does not exempt them from someone calling the Constables or 911 but noted that nobody called to complain. The Town Attorney reported it would be hard to prosecute if no formal report was filed.

Supervisor Rajsz stated that they will need to go into Executive Session to discuss the Highway Contract later in the meeting. Supervisor.

The Board members reviewed the Pre-filed Resolutions. Supervisor Rajsz reported that they were in need of updating the internet service in the municipal offices, noting the Code Enforcement Officer got dsl information from Frontier which would cost \$5 more a month than we are paying now but give ups much better service. Supervisor Rajsz noted that the newer system would give us WiFi and be capable of hooking into the Motor Vehicle system, noting Motor Vehicle has not come because they could not hook into our system. Councilman Thiele questioned if there were any installation fees? Dave Sparling stated he would look into it. Sparling explained the new proposed system and reported that the Computer Technician for the Town offices is agrees with the upgrade.

Supervisor Rajsz stated that they need to talk about the 2013 Preliminary Budget. Councilman Carr stated that they had originally discussed a 1% increase for both the General and Highway salaries, however, we do not know about Highway because they have not settled their contract. Supervisor Rajsz stated that they kept the 1% into the budget because they can always go down but cannot go up once the elected officials salaries are posted in the ad for the budget Public Hearing. Supervisor Rajsz noted that the 1% increase reflects a \$6,000 budget adjustment. Councilman Shafer reported that they had discussed at a previous meeting not to give any raises. Councilman Carr stated that since the original meeting he had changed his mind and agreed with the Supervisor to the 1% increase. Councilmen Akt and Shafer stated they were against the 1% increase. Councilman Carr questioned if they put the 1% increase in the highway could they pass the budget before the highway contract was settled? Supervisor Rajsz stated they could. Councilman Carr stated that if they are taking the 1% increase out of the General Fund salaries they should also take it out of Highway. Councilman Thiele questioned what would happen if we had a bad winter and the Highway fell short of funds? The Town Clerk reported that the General Fund has to make the Highway whole.

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Councilman Thiele reported that it was brought up about the Supervisor's Assistant increase at a prior meeting. Supervisor Rajszt stated that they agreed to drop the salary for that position to \$10 an hour from the requested \$11 an hour, however, she was insistent that there be 20 hours a week instead of the former 15 hours. Councilman Thiele stated that the Assessor's office is busy but hours were cut in there. Supervisor Rajszt reported they had increased the hours in the Assessor's office in June to work on the reassessments for the properties affected by the new zoning law and they are still working on it. Councilman Shafer noted that the bookkeeper was taken out of the Supervisor's office and put into a separate office. Supervisor Rajszt stated it is a new person that should be paid at a new rate, noting it is hard to find a qualified person for \$10 an hour. Councilman Shafer noted they can vote on that when they vote on the budget.

OPEN FLOOR TO PUBLIC

David Leamon questioned the list of expenditures that was recently approved from the budget surplus and where what line in the budget these surpluses were coming from? Supervisor Rajszt reported they are projecting an \$118,000 surplus overall from the 2012 budget and agreed to pay for these projects out of that money this year instead of adding the expenses to next year's budget. Supervisor Rajszt noted that the proposed 2013 Budget is already \$40,000 down from this year's budget and way under the 2% tax cap. The Town Clerk explained that the contractual line in the budget was for operating expenses such as training, office supplies, postage and mileage. The Town Clerk further explained that at the end of the year any line item that is over can be made whole by pulling from another line item that has excess funds left over, noting these are considered Year-End budget transfers. Supervisor Rajszt reported they paid off one of the bonds which created part of the surplus, noting she would like to see some more of the debt, like the truck bond, paid off and have a zero liability.

Supervisor Rajszt reported that the new constable car will take 2 months to get once it is ordered. Councilman Shafer stated they should wait until the Budget is passed. The Board members reviewed the proposed 2013 Preliminary Budget. Supervisor Rajszt noted that the projected figures will go down by the 1% decrease in the salary lines.

Supervisor Rajszt reported that the DCO is reported an increase in the feral cat population, noting the DCO has been trapping them and taking them to the Humane Society. Supervisor Rajszt stated that the DCO is responsible for just dogs and if she continues to trap the cats they should consider making her an Animal Control Officer which will mean they need to pay her more for that position. Supervisor Rajszt was not sure of the salary requirements for a AC instead of a DCO.

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Caroline Akt stated the Board did a good job on the 2013 Preliminary Budget. Sophia Martynec agreed that the Board did a good job by not going down to a bare bones budget. Councilman Akt stated that they have been addressing issues the last 3 years that were ignored by the previous Board. Supervisor Rajszyk stated that the handicap ramp had to be done and Councilman Akt stated the Constables needed a new car. Councilman Akt stated that the people of the town do not realize how much the Town Board actually does. Sophia Martynec stated that it is unfortunate that when the tax bills come most people will see that their taxes went up and not realize it was not due to the town's budget. Martynec questioned if there could be any public relations work done to notify the people that the increase will be on the County tax line?

Councilman Shafer questioned what they were doing with the maintenance man, whether he will be staying under the General Fund or are they putting him under the Highway Dept. as previously discussed? Supervisor Rajszyk stated she has suggested splitting the position between Highway and General. Councilman Shafer stated that the maintenance man already does maintenance to the town buildings and the mowing but was not sure if they could put that over to highway. Supervisor Rajszyk noted that the maintenance man works 32 hours a week. Councilman Shafer stated that the maintenance man knows everything about the buildings. Councilman Akt questioned who would be his boss if you split the position, noting that the Town of Highland maintenance uses his own vehicle and the town provides the gas, he works 16 hours a week to mow and makes \$15.50 an hour and is called when needed. Supervisor Rajszyk stated that John VanderMark is the best maintenance man we have ever had. The Highway Superintendent questioned if the maintenance man punches a time clock? Councilman Shafer stated they need to find out if he does punch the time clock. Councilman Carr stated they should leave well enough alone, and Councilman Thiele stated the parks look great. Councilman Akt stated they need to tell the maintenance man what he will drive. The Town Attorney stated that he should be punching a time clock. Supervisor Rajszyk noted the part time maintenance people do not have a key to punch the time clock but they do keep track of hours on a time sheet.

Supervisor Rajszyk reviewed the proposed 2013 Budget changes, noting the 1% increase to salaries will be eliminated, that the Confidential Supervisor's Assistant will be \$10 an hour and the Maintenance Man will stay under the General Fund budget. Councilman Thiele questioned the hours for the Supervisor's Assistant? Supervisor Rajszyk stated that she only has one person in her office and needs the 20 hours. Councilman Shafer questioned if we had advertised for the Data Collector's position for the Assessor's Office? The Town Clerk noted that position has been eliminated on the new budget. Supervisor Rajszyk reported the Clerk position will pick up the Data

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Collector's hours so once the Clerk is trained she will assume those duties. Supervisor Rajszt stated she is very disappointed in the Assessor's Office, noting the extra hours that were given to that office in June for work that is still not done. Supervisor Rajszt stated that the Assessor has reported verbally that the reassessments due to the new zoning will have no negative impact, however, there is no written report to confirm this. Councilman Shafer stated they could still advertise for the Clerk position. Councilman Thiele recommended evaluating what was being done in the months of October, November and December before making that decision. Supervisor Rajszt stated that she is requesting a determination by the December Town Board meeting and will request the head of the department be at the Wednesday night meeting.

The Town Attorney reported that one of the two tax certioris has been withdrawn.

Supervisor Rajszt reported she received the final findings for the MMFT on her email.

Councilman Carr made a motion to recess the Workshop Meeting at 8:27 p.m., seconded by Councilman Thiele, all in favor, so carried.

EXECUTIVE SESSION

Councilman Carr made a motion to go into Executive Session at 8:27 p.m. to discuss Highway contract negotiations with the Town Attorney , seconded by Councilman Thiele, all in favor, so carried.

Councilman Carr made a motion to close the Executive Session at 8:50 p.m., seconded by Councilman Thiele, all in favor, so carried. Councilman Shafer made a motion to reopen the Workshop Meeting at 8:50 p.m., seconded by Councilman Thiele, all in favor, so carried.

The Board members reviewed the unsafe buildings issue with the Town Attorney. Supervisor Rajszt stated the owner's engineer should be signing off on each phase and Councilman Akt stated someone should be watching over that engineer. The Town Attorney stated that they could build into the contract that the owner must pay the Town Engineer to oversee the project.

Sophia Martynec questioned if they could ask the DCO if there was any alternative than having the feral cats killed? Caroline Akt reported that Port Jervis recently put a program into effect where the cats are spayed and neutered and put back into the environment, noting they are relying on donations to pay for the program.

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The Town Clerk noted it was brought to her attention that there was still a separate line in the 2013 Preliminary Budget for the newsletter/website. Supervisor Rajsz reported that line has been eliminated because her new Assistant will be trained to take over those responsibilities.

The Board members reviewed the vouchers and initialed them.

Councilman Shafer made a motion to adjourn at 9:09 p.m., seconded by Councilman Thiele, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk