

LUMBERLAND TOWN BOARD WORKSHOP MEETING
& PUBLIC HEARING – LOCAL LAW #1, 2012 MINUTES
APRIL 9, 2012

The Town of Lumberland Town Board held a Workshop Meeting & Public Hearing for Local Law #1, 2012 entitled Zoning on Monday, April 9, 2012, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7:06 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, Constable Robert Maas, Susan Morley, Gregory Bodnaruik, Richard Hotzler, Herb Baxter, Billy McKerrell, Sophia Martynec, Code Enforcement Officer Dave Sparling, Heather Jacksey, ZBA Chair Lewis Powell, Bruce Worzel, Ann Steimle, Highway Superintendent Don Hunt, Jr., Town Attorney Danielle Jose-Decker, Renata Haduniak, David Leamon, Lillian Angelakos, Town of Highland Supervisor Andrew Boyar, Caroline Akt, Helga Rupnick, Craig Cherry, Hall & Karen Smyth, Gloria Bruno, Hanna Kaweck, Jack Pezzullo, and several residents and concerned citizens.

Supervisor Rajsz reported that there will be a Public Hearing at 7:15 p.m. for Local Law #1, 2012 regarding Zoning and the Board will review the agenda until that time.

The Board members reviewed the Minutes, Monthly Reports, and Correspondence. Supervisor Rajsz noted that Item #10 of the Correspondence was a letter from Sullivan County Health Dept. regarding free Rabies Clinics. The Town Clerk reported she requested a free Rabies Clinic for the Town of Lumberland and this was the Health Dept.'s response stating that with limited funds they have to centralize their clinics and go where there are the most rabies incidents. Supervisor Rajsz stated that, according to the response we would not be having a free Rabies Clinic.

(2) April 9, 2012

Supervisor Rajsz reported that the concert with the Ithaca College Choir was phenomenal. Supervisor Rajsz noted that they will discuss the letter from Brookwood Camp if they have time later.

Supervisor Rajs reported they have an abundance of Resolutions and 2 Proclamations for boy scouts that have achieved the status of Eagle Scouts. Supervisor Rajsz noted that the bookkeeper is requesting to go to Finance Training School and that a Planning Board member is requesting to attend training.

Supervisor Rajsz reviewed the revised Noise Permits submitted by Camp Lokanda. Supervisor Rajsz reported that the Kadampa Meditation Center has given the Town their annual donation of \$6,200, with \$1,000 slated for the Constabulary, \$2,000 for the Highway Dept. and the remaining monies for the General Fund. Supervisor Rajsz noted that Kadampa also donated their facilities for housing the Ithaca College Choir during their recent stay here to perform for the Town.

Supervisor Rajsz reported that the Noise Permits submitted from Brookwood Camp will need to be discussed, noting the times for the permits are all for 12 p.m. (midnight).

Supervisor Rajsz noted the Special Announcements, noting that the UDC Awards and Eagle Scout Awards will also be held on April 22nd. Supervisor Rajsz reported the Pride Awards will be held on May 6th at the Villa Roma, noting she has nominated Marsha & Peter Comstock.

Councilman Thiele made a motion to recess the Workshop Meeting at 7:15 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman Carr made a motion to open the Public Hearing for Local Law #1, 2012, entitled Zoning, at 7:15 p.m., seconded by Councilman Thiele, all in favor, so carried.

PUBLIC HEARING – 7:15 P.M. –LOCAL LAW #1, 2012 ENTITLED ZONING.

Supervisor Rajsz reported the Public Hearing was for the new proposed Zoning Laws, noting they have updated the draft numerous times and held several informational meetings and Public Hearings.

(3) April 9, 2012

OPEN FLOOR FOR 1ST TIME

Bruce Worzel stated that only a few of the concerns were addressed , noting the smoke issue has not changed but most of what the public wanted was not changed. Supervisor Rajszt questioned what particular item wasn't addressed? Worzel stated that the usage for the hillside area was taken away, noting that his issue is the whole zoning package, and that the new zoning was suppose to revisit the old zoning and change it.

David Leamon stated that the most recent zoning draft was not posted on the website. Supervisor Rajszt reported that it was posted 2 weeks ago. Leamon stated he still had concerns regarding the smoke regulations. Heather Jacksey stated that the changes were made in reference to the Ringleman Smoke Chart.

OPEN FLOOR FOR 2ND TIME

Karen Smyth stated that the establishment of the river district should include all parcels, noting that by looking at the proposed map it looks like a couple of parcels were left out.

David Leamon stated that the Home Based Occupation should not infringe on the neighbors, noting that anyone living in a dense area may be against a home business.

Jack Pezzullo stated the purpose of zoning from 2 to 5 acres doesn't make sense with the economy the way it is because people do not have the money to buy 5 acres.

David Leamon stated the section regarding vehicle servicing restricts anyone from servicing commercial vehicles, however, some people have their commercial vehicles on their property but wouldn't be able to fix them on the private property.

OPEN FLOOR FOR 3RD TIME

The Town Attorney stated it was part of the Public Hearing to read the Potential Negative Environmental Impact statement which she read, noting that the Town Board would need to answer all questions on the document. Supervisor Rajszt answered no to all questions.

(4) April 9, 2012

Councilman Carr made a motion to close the Public Hearing at 7:27 p.m., seconded by Councilman Thiele, all in favor, so carried. Councilman Thiele made a motion to reopen the Workshop Meeting at 7:27 p.m., seconded by Councilman Shafer, all in favor, so carried.

Supervisor Rajsz reported the smoke issue in the proposed zoning was addressed. David Leamon reported he helped draft the wording for the signing. Supervisor Rajsz reported that the signing issue was also addressed in the newer draft. The Town Attorney stated that it was a redundancy to add the specifics to the smoke issue, but that they could be added later on. Code Enforcement Officer, Dave Sparling stated that the regulations for smoke went back to the regulations used in 1998. David Leamon stated the regulations are not the same as 1998, and Dave Sparling noted that the state rules are more stringent now regarding home occupation. David Leamon noted that it states that if it bothers your neighbor you can't do it. Dave Sparling reported that home occupation rules follow state law and is different from home based businesses for which you would need a Special Use Permit and a Public Hearing.

The Town Attorney stated that cigarette smoking does not fall under the Ringleman scale. Supervisor Rajsz noted that the Town Board has recently passed a resolution banning smoking in public parks in the town. The Town Attorney noted that these laws can be amended. Susan Morley stated that if something is not working for the town it can be changed. Councilman Shafer questioned if we could do a resolution to approve the proposed zoning at Wednesday night's meeting? The Town Attorney reported that she will make up a resolution to declare a negative declaration and a resolution to pass the Local Law for Zoning. The Town Attorney noted that the town has had several public informational meetings along with the Public Hearings. Supervisor Rajsz reported the newest draft of the zoning law has been on the website. The Town Attorney questioned if the town had received the 239 review from the County? Supervisor Rajsz noted she had received it, noting there were 3 comments listed, notably one was a definition regarding water measuring, one was district regulations for each zoning district, and the last one was general supplementary regulations regarding section 5.1.2 regarding off street parking regulations. Councilman Thiele reported some people can't get the draft off the website. The Town Clerk noted they can call her office looking for a copy of the zoning. The Town Attorney noted for the record that the County is recommending approval of the proposed zoning laws.

(5) April 9, 2012

Supervisor Rajszyk reported that the Kadampa Meditation Center has given the town their annual donation and thanked them for that, noting that the Center donated their facility to house the Ithaca College Choir for the recent concert. Supervisor Rajszyk reported Kadampa is looking for parking areas for an event they will hold on April 27th, 28th, 29th, & 30th. Susan Morley stated she will check the Senior Center calendar to see if they have anything slated for that weekend, and if not they should be able to use the senior parking lot. Supervisor Rajszyk will check with the Board for more parking by the ball field across from the municipal building and Kadampa will check with the school.

Supervisor Rajszyk reported the annual Pride Awards will be held May 6th at the Villa Roma and she has nominated the Comstocks for all their work in the community at their school. Supervisor Rajszyk reported RSVP awards will be May 14th and has not sent in the nomination yet.

Supervisor Rajszyk questioned if the alarm system had been installed in the Highway Garage yet? Highway Superintendent Don Hunt, Jr reported they have been but there were still some issues that need to be worked on. Supervisor Rajszyk noted that the update to the alarm system for the municipal buildings has not been done yet.

Supervisor Rajszyk reported she talked to Upstate Labs and they will be doing the landfill testing on Thursday. Supervisor Rajszyk reported there is a drought alert issues, noting this is the driest March in some time and there is no outdoor burning.

Supervisor Rajszyk reported there will be a UDC meeting on April 22nd with Congressman Hayward as the guest speaker.

Supervisor Rajszyk reported that Councilman Carr will be representing the Town at the Eagle Scout awards ceremony on April 22nd at Young Life Camps. Supervisor Rajszyk noted that Earth Day is also the 22nd and the DEC has issued a black bear encounter alert. Supervisor Rajszyk noted she will include this information on the black bears in the newsletter and the welcome packets.

Supervisor Rajszyk reported that Sue Clark is looking for the no smoking signs that will be put up in the park which we have not gotten yet.

Supervisor Rajszyk reported there was a meeting of the design committee for the Pond Eddy Bridge, noting the federal highways wants the project to go through.

(6) April 9, 2012

Supervisor Rajszyk noted that the monies are there for a new bridge but they would like to make sure the monies are used for the project before they are no longer available. Supervisor Rajszyk reported that they want to take down the existing bridge and build a new bigger costly bridge, noting the New York partners want to keep the old bridge and make it a walking bridge. Supervisor Rajszyk stated that the consensus is to build the cheapest 2 lane bridge, noting that letters have been written requesting they stop the project. Supervisor Rajszyk reported that they have not received the final GEIS report for the MMTF.

Supervisor Rajszyk reported there is a draft from Eagle Creek of their hydroelectric project for a new generator, noting there will be a meeting June 14th at the Hampton Inn in Matamoras on the project. Supervisor Rajszyk noted there will be a SLAC meeting on April 27th in Monticello with Assemblywoman Gunther as the host to discuss issues in Albany.

Supervisor Rajszyk reported there will be a Planning training conference that Planning Board member Greg Bodnauik has requested to attend. Supervisor Rajszyk reported Sullivan County Planning will have a subdivision training session on April 30th in Liberty.

Supervisor Rajszyk reported she received a letter from the Department of the Interior regarding the consideration of a fee for land acquisition in the Town of Thompson to put in a casino. Supervisor Rajszyk noted it has been determined that gaming establishments are beneficial on newly purchased land and the Indian group is looking to get rights for the casino in Thompson.

Supervisor Rajszyk reported that Camp Lokanda has resubmitted their request for noise permits by modifying the days and time limits. Councilman Shafer noted that the original request was not excessive. Councilman Thiele stated that the camp has stated they would turn the noise away from the neighbors when, in fact, they are not suppose to be using any amplification of music at all. Supervisor Rajszyk stated she has instructed the Constables that anyone with a noise permit does not have carte blanche and the Constables need to respond to a complaint. Supervisor Rajszyk stated she will write a letter addressing the regulations stating no amplification is to be used except in emergencies. Supervisor Rajszyk reported she received a letter from Mark Picard from the La Kada Taxpayers Assoc. stating their concerns about the amplification of sound, noting that she has already talked to both Camp Lokanda and Brookwood Camp regarding their noise permits. Supervisor Rajszyk noted that Scot Fiedler from Brookwood Camp has stated they do not use

(7) April 9, 2012

amplification, noting Fiedler has sent a letter regarding his request for noise permits. Constable Maas reported they have received complaints about other camps in town. Helga Rupnick questioned if the letters to all the camps that were discussed at last month's meetings have been sent out? Supervisor Rajszyk reported she is sending out letters with the local noise law attached. Susan Morley reported that Camp Champion is a year round camp.

Supervisor Rajszyk reported that applications for part time maintenance person for parks have been received from 5 people and they need to set up interviews.

Councilman Shafer questioned the financing of the new highway truck? Supervisor Rajszyk reported the bookkeeper is recommending that, with the interest rates being low, they should pay off the existing bond and rebond the new truck at a 2.4% rate for 5 years with Jeff Bank. Supervisor Rajszyk noted we are paying 3.5% interest on the bond we have now. Councilman Shafer recommended paying for the truck outright so we don't have to pay the attorney to do the paperwork for a bond. The Highway Superintendent reported that if they take the money to pay for the truck out of his existing funds it takes away from monies that are there in case of emergencies. Councilman Shafer stated there was enough money sitting there to pay for the truck outright, noting there is more money sitting there in Highway funds than ever before. Councilman Shafer noted that the monies sitting in the Capitol Reserve can only be used to buy equipment and it is not easily accessible, noting there is \$232,000 in the Reserve Fund. The Town Attorney noted that to take the money out of the Reserve Fund it has to be posted for 30 days and if anyone petitions the town against it there would be a referendum vote before the public. Supervisor Rajszyk reported that the Highway has \$336,000 in cds. The Highway Superintendent stated that if, for example, Hollow Road were to give way during a storm it would be costly to fix. The Highway Superintendent stated he would like to pay off the existing bond and rebond the new truck. Councilman Shafer stated they are already in debt and questioned why should we go into debt for another 5 years when the monies are available to pay for the truck? The Highway Superintendent questioned if there was a plan to replenish the Capital Reserve Fund if we take monies out of it? Supervisor Rajszyk reported that if there is an emergency and the Highway needed monies the General Fund would have to make the Highway whole. The Highway Superintendent stated that if the General Fund has to help the Highway because it ran out of money it makes the Highway Superintendent look like he couldn't run his department. Councilman Shafer questioned why the lowest bid was not recommended for the purchase of the cab and chassis? The Highway Superintendent stated that the lowest bid did not meet

(8) April 9, 2012

specs. Councilman Carr stated that they could pay of the existing bond from the Capital Reserve Fund and when the new truck comes in pay for it out of the cds. Councilman Akt stated they should pay for the truck outright, noting there are enough liens against the highway department. Councilman Thiele stated they should pay off the old bond and bond the new truck. Supervisor Rajszyk stated that they are just discussing the options and would like the Board members to think about it and vote on it Wednesday night.

Sophia Martyniec questioned if the Board was going to discuss the proposed rules and regulations for the use of the pavilion? Supervisor Rajszyk reported the Town Attorney is working on them with the Town Clerk.

Councilman Shafer made a motion to recess the Workshop Meeting at 8:30 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman Shafer made a motion to go into Executive Session to discuss personnel at 8:30 p.m., seconded by Councilman Carr, all in favor, so carried.

EXECUTIVE SESSION

The Board members met with the Town Attorney to discuss personnel. Councilman Shafer made a motion to close the Executive Session at 9:05 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman Carr made a motion to reopen the Workshop Meeting at 9:05 p.m., seconded by Councilman Thiele, all in favor, so carried.

The Board members reviewed and initialed the vouchers.

Councilman Shafer made a motion to adjourn at 9:15 p.m., seconded by Councilman Thiele, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk