

LUMBERLAND TOWN BOARD WORKSHOP MEETING
MAY 7, 2012

The Town Board of the Town of Lumberland held a Workshop Meeting on Monday, May 7, 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, Sophia Martynech, Tyler King, Town Attorney Danielle Jose-Decker and Highway Superintendent Don Hunt, Jr.

The Board members reviewed the Agenda. The Board members reviewed the Minutes, Monthly Reports and the Correspondence. The Town Clerk noted that she had received the Highway Superintendent's Monthly Report. Supervisor Rajsz noted a resignation from the LEC. Supervisor Rajsz questioned if anyone from P.N. Alarm Company had been in the offices working on the upgrade to their system? The Town Clerk reported she has not seen anyone working on the system. Supervisor Rajsz noted they have received a letter from the Assessor to increase the hours of her Clerk and Data Collector to review parcels affected by the recent new zoning laws approval.

The Board members reviewed the pre-filed Resolutions. The Town Attorney reported that there is a resolution to schedule a public hearing to consider repealing the Local Law for Alarms, noting that the alarm companies can better monitor their systems and the need to register with the town is no longer needed.

Supervisor Rajsz reported that there was a discussion regarding the Summer Youth Program at the Supervisors meeting last month, noting that more monies were being given to the Girls & Boys Clubs in Orange County, the Dream Bank, and the YMCA than the local Youth Programs. Supervisor Rajsz noted she brought this to the attention of the Supervisors because the County monies should be divided equally among the youth groups. Supervisor Rajsz stated she is stirring the pot with the County because our youth program runs on bare bones and we could do more if we had more money.

(2) May 7, 2012

Supervisor Rajszyk reported the Legislature passed a resolution making the groups more accountable for their monies.

Supervisor Rajszyk questioned the status of the new highway truck? Highway Superintendent, Don Hunt, Jr. reported the truck has been ordered and the cab should be done by July, with a couple of more months needed for the body. The Town Attorney reported that with the proposed resolution of taking monies out of the Highway Capital Reserve Fund to pay for the cab and chassis the withdrawal is subject to permissive referendum if anyone presents a petition, noting the petition would need signatures of a percentage of the registered voters of the town.

Supervisor Rajszyk noted there was a resolution on the agenda for the reporting of the new Highway Superintendent's hours that the Town Board will need to verify for him to qualify for retirement. The Town Clerk noted that the original form she gave the Board was an older form and she has since printed up the newer form to be used and given it to the Board members. The Town Clerk noted that once the resolution is approved it will need to be posted for 30 days before being sent to the Comptroller's Office for verification.

The Board members discussed the funding for the new highway truck. The Town Clerk verified that she did not do the resolution last month to withdraw monies from the Highway Capital Reserve because the Town Board had not approved how the truck should be paid for, noting that is why this resolution was before the Board this month. Supervisor Rajszyk stated that they should do it the right way.

Supervisor Rajszyk reported the resolution for the Amicus Curiae was to support municipal home rule, noting this is the right thing to do since they have approved the new zoning laws. The Town Attorney reported it supports strong home rule and verifies you are a friend of the court, noting that it does not adversely effect the town.

Supervisor Rajszyk questioned if the Highway Dept. could put up the sign for the Scenic Byways grant? The Highway Superintendent stated he was not sure where the sign could be put, noting Frank Schwarz has stated the sign may have to go onto County Rt. 31. Supervisor Rajszyk stated the sign needs to be put up by the end of the month to be eligible for the grant monies. Supervisor Rajszyk noted this was a Scenic Byways sign and recommended it be put along Rte. 97, noting that it can always be moved. Councilman Shafer noted that County Rt. 31 is not in the Scenic Byways. Supervisor Rajszyk reported there is a pull off area along 97 that the sign could be placed at which is known as the Brown Carr spot, noting the Highway Superintendent will have to get permission from

(3) May 7, 2012

the State DOT to place the sign on Rt. 97. The Highway Superintendent stated he will contact Schwarz and the DOT.

Supervisor Rajsz reported she, along with Councilman Carr, went to the Pride Awards this last Sunday, noting that Marsha & Peter Comstock were the recipients of the Town of Lumberland award. Supervisor Rajsz reported that Cathy Sterling will be awarded the Lumberland RSVP award on May 14th.

Supervisor Rajsz reported that Goosetown, who supplies our emergency radios, originally submitted a 5 year contract, however, after reviewing the contract Goosetown has agreed to a 24 month contract.

Supervisor Rajsz reported that, back in January or February, they had a meeting with Paul Burchard to discuss how the Assessor would handle the changes to parcels affected by the proposed new zoning laws, should they be adopted. Supervisor Rajsz noted that since these zoning laws are now approved the Assessor has requested reinstating the hours for the Data Collector and her Clerk that were taken away at budget time for the increase in the work load to review all the parcels affected by the zoning changes. Supervisor Rajsz read the letter from the Assessor that stated she was not sure how many months it would involve but requested the Data Collector go from 12 to 18 hours per week and the Clerk from 6 to 12 hours per week. The Board members agreed to ask the Assessor how long it would take before agreeing to the increase in hours. The Town Clerk noted they will need to know where the additional monies are coming from for the increase in the salary line to put into the resolution for approval. Supervisor Rajsz stated she will check with the Assessor to see how long the process will take and check with the bookkeeper to see where the monies would come from.

Supervisor Rajsz reported they received a bill from Paul Brennan for a survey that was done at the corner of County Rt. 31 and Rt. 97, however, nobody has seen the survey and recommended holding the bill until the survey was located.

Supervisor Rajsz reported that they had decided to put the generator by the Town Hall, however, Billy McKerrell from the Parks Committee is recommending moving it to the corner of the parking lot to eliminate any noise or fume issue that may arise being so close to the buildings. Supervisor Rajsz questioned if there was a drainage issue also? Councilman Akt reported that the drainage pipe that was put in was installed wrong and if we change the placement of the generator the drainage pipe would not be adequate. Councilman Shafer questioned if the handicap ramp should be installed the same time the pipe is installed? Councilman Akt stated they need to establish where the generator

(4) May 7, 2012

is going before Sauschuck starts on the concrete pad. Supervisor Rajsz noted she was just relaying info that was given to her, noting that it was a suggestion to place the generator elsewhere. Code Enforcement Officer, Dave Sparling, stated that the power feed has already been established and is in the works with O&R for the electrical hookup. Sparling noted the engineering for the project has already been done to the specs that the generator is being placed by the building and did not think the noise and fumes were an issue. Councilman Akt reported that Sauschuck will be raising the grade on the pad. The Town Clerk questioned if a change work order needed to be done, however, Councilman Thiele reported that a change work order is only needed if the dollar amount increased, which it was not. Councilman Akt stated he would be meeting with Sauschuck to go over the established grade, noting Sauschuck will be doing a bench mark for the pad.

Supervisor Rajsz reported they received a letter from the Town Engineer stating that a building that is being built in town has significant deficiencies and has recommended corrective work with new plans be submitted by the owner. Code Enforcement Officer, Dave Sparling, reported the owner's engineer will need to submit new plans and fix the problem because they did not follow the guidelines when they started to build and the building is unsafe. Sparling stated that if they do not comply within 30 days the building will need to come down and he will issue a demolition order. Sparling noted that he is letting the Town Board know that the Town Engineer has deemed the building unsafe. Councilman Akt questioned if safety tape would need to be put up around the building? The Town Attorney stated that they could use the unsafe buildings law and follow due process to protect the town.

Supervisor Rajsz questioned if they had boarded up the other unsafe building in town that was approved at last month's meeting? The Code Enforcement Officer reported he still has not heard from the contractor that was awarded the bid. Supervisor Rajsz questioned how long should they wait and what would the next step be if we do not hear from him? The Town Attorney stated they would have to go back out to bid.

Supervisor Rajsz reported there has been question if the Town has to pay someone who has to serve on jury duty? The Town Attorney stated that you do if you employ over 40 full time employees. Supervisor Rajsz noted that this particular person is part time and they do not employ over 40 fulltime people.

Supervisor Rajsz reported that the Board of Assessment Review met and has submitted a request for the appointments of a Chair and Secretary, however, there was a resolution

(5) May 7, 2012

passed in September, 2011 appointing a Chair and Secretary until September, 2012. It was the Town Board's decision to stay with last year's appointments.

Supervisor Rajsz reported she had the bookkeeper investigate the costs of the highway garage. Councilman Shafer noted that the former Town Board had approved the bids for the highway garage project. Supervisor Rajsz reported she is looking into the billing of the project. Councilman Akt stated that someone had to sign off on the bills. The Town Clerk noted that the Town Engineer signed off on the billing submitted by the contractors.

Councilman Carr reported that the band they were looking to get for the concert after the July 4th parade was too costly so he hired the band they had last year. Councilman Carr reported the letters have been sent out to those who participated in the parade and the Youth Program has already responded along with the Broome Street Band that they will be coming. Councilman Carr noted the concert after the parade will be from 2-4 p.m.

Supervisor Rajsz reported that the Time Warner franchise pays a fee to the town for providing service within the town and questioned if Dish & Direct TV should be also paying a fee since they provide service within the town? Councilman Thiele stated that those franchises do not run lines and the satellite dishes are on private property. The Town Attorney stated she will look into this matter.

Councilman Carr made a motion to recess the meeting at 8:18 p.m., seconded by Councilman Akt, all in favor, so carried. Councilman Carr made a motion at 8:18 p.m., to go into Executive Session to discuss a Constable personnel issue and litigation, seconded by Councilman Akt, all in favor, so carried.

EXECUTIVE SESSION

The Town Board met with the Town Attorney to discuss a Constable personnel issue, part time maintenance personnel and litigation. The Town Attorney reported that there was a settlement in the case of re-assessment and the Board agreed to approve the settlement.

Councilman Carr made a motion at 8:39 p.m. to close the Executive Session, seconded by Councilman Shafer, all in favor, so carried. Councilman Shafer made a motion at 8:39 p.m. to reopen the Workshop Meeting, seconded by Councilman Carr, all in favor, so carried.

The Board members reviewed and initialed the vouchers.

(6) May 7, 2012

Councilman Akt questioned the need to spend monies to have materials for the highway department trucked in when our highway trucks could haul materials for cheaper? The Board members discussed the differences with the cost of having other companies haul to us as to our highway men spending the time and wear and tear on the highway trucks with the fuel costs to haul it ourselves. Supervisor Rajsz stated they would need to do an assessment on the comparison of costs.

Councilman Shafer made a motion to adjourn at 8:59 p.m., seconded by Councilman Thiele, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk