

**LUMBERLAND TOWN BOARD WORKSHOP MEETING MINUTES**  
**JULY 8, 2013**

The Town Board of the Town of Lumberland held a Workshop Meeting on Monday, July 8, 2013, 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.

Those members present:

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

Also present were Town Clerk Virginia Horn, Code Enforcement Officer Dave Sparling, Highway Superintendent Don Hunt, Jr., Sophia Martynec, Caroline Akt and Town Attorney Danielle Jose-Decker .

The Board members reviewed the Agenda. Supervisor Rajsz questioned why there was a new agenda? The Town Clerk verified that a piece of correspondence was added and a couple of Resolutions were added as late files. Supervisor Rajsz reported that there will be a meeting this Wednesday at 4 p.m. for the Emergency Plan update committee. Supervisor Rajsz questioned the status of the 1<sup>st</sup> phase of the codification of the Town Laws? The Town Clerk verified that the Town Attorney will be coming tonight to discuss it. The Town Clerk reported she discussed with the Town Attorney that the one open question on page 36, Section 250 and the Town Attorney's recommendation was to leave it as recommended by General Code. The Town Board reviewed the codification paperwork and the review of the zoning law. The Code Enforcement Officer reported that the NYS Code is more stringent than the FEMA requirements.

The Supervisor noted that there were only Minutes of June 12<sup>th</sup> since they did not have a Workshop Meeting last month. The Board reviewed the Monthly Reports and the Correspondence. Supervisor Rajsz noted that they finally got notification from the State that they will approve the speed reduction on a portion of Forestburgh Road to 45 miles per hour, noting that the original request was for 40 miles per hour.

Supervisor Rajsz reported she added Item #10 to correspondence that was a resignation letter from our two part time maintenance people, noting it was mainly due to a problem with issues regarding the park and the condition of the bathrooms at the park. Councilman Carr reported there was a large group of girls in the park last week that were using park equipment that was inappropriate for their age group. Supervisor Rajsz questioned if we could impose a fee to the camps for the use of the park? The Town Attorney noted that they could only impose a disorderly conduct charge. Councilman Leamon questioned if we could impose a capacity in

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the park? The Town Clerk reported that a couple of years ago we had problems with a particular camp requesting permission to bus in 200 girls into the park and they were told at the time they could not block the park from the rest of the residents use. The Highway Superintendent and Councilman Thiele verified that there were 3 full bus loads of kids in the park today. The Town Attorney stated she would look into the matter and send out a letter to all the camps regarding the use of the park and the procession along the sides of the roads. Councilman Thiele questioned if there was a limit to how many counselors were needed since schools and daycares have regulations? Supervisor Rajsz questioned if one particular camp has an emergency plan? The Code Enforcement Officer reported the Board of Health certifies the opening of the camps.

Councilman Leamon reported they have been working on the zoning review and questioned if they should hold off until that is done before doing the full codification of the town laws? The Town Attorney noted that they could still codify and make changes later. Supervisor Rajsz questioned if we could extend the deadline for the codification so that we can get the zoning review done? Councilman Leamon noted he will confer with the Code Enforcement Officer to review the zoning, noting they could minimize the cost of codification if they do it all at once. Supervisor Rajsz recommended holding off on the codification for one month. The Town Attorney will check with General Code to see if that is feasible.

The Board members reviewed the Resolutions. The Town Attorney verified that they previously sent a letter objecting to the proposed law on the notice of claim, however, the law has since passed which now says anyone filing a notice of claim can send it to the Secretary of State on behalf of the Town.

Supervisor Rajsz noted they received a donation to the Town for the Summer Youth Program.

Supervisor Rajsz reported she met with the Engineering Firm of Barton & Lougidice to discuss the landfill monitoring, noting the Highway Superintendent was present and went to the landfill with the firm's representative. Supervisor Rajsz noted they had been notified by the EPA that our former lab had been flagged and that the new firm will be doing the lab testing and reporting to the DEC for the Town. Supervisor Rajsz reported the new firm will be trying to get the testing done every other year instead of every year.

Supervisor Rajsz reported the Emergency Plan update needs to be done this month so that they are eligible for reimbursement by the UDC for the \$5,000 cost.

Councilman Akt reported he contacted Ketchem Fencing and they will be doing the railing on the handicap ramp within the next 2 weeks.

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Supervisor Rajszy noted the Board members received a copy of a confidential letter which the Board members reviewed.

Supervisor Rajszy noted that they had two Noise Permit requests come in today and she instructed the Town Clerk to put them on the Agenda as a late file as a courtesy to the residents. The Board members discussed the requests, noting that the request by Jerrys Three River Canoe was until 2 a.m. The Town Clerk noted the Board members should check with the Chief Constable to see if there have been any complaints. Supervisor Rajszy recommended they amend the request until 11 p.m. for both nights requested. Sophia Martynec reported there was an issue with fireworks this last week, noting they stopped for a while then started back up again. Councilman Thiele agreed they should see if the Chief Constable can verify if there have been any complaints.

Supervisor Rajszy noted the Resolutions for the repaving and striping of the parking lots, noting these were held over from last month. The Town Clerk noted that the Resolution for the repaving now includes the repaving of the Senior Center parking lot. The Highway Superintendent reported the crack sealing will be done by the County, noting it will probably be less than quoted. The Board members agreed the projects need to be done. The Highway Superintendent reported the resealing should be good for 5 -10 years. Supervisor Rajszy stated that the highway garage parking lot looks terrible. The Highway Superintendent reported it was due to the gutter issue on the building, noting that they fixed the problem that was causing the initial damage however now the gutters need to be replaced. Supervisor Rajszy stated this could be a project they can do next year. Councilman Akt reported he had Bob Ferry look at the gutters and Ferry says they should go after the building company. The Town Attorney stated they should look into what the warranty on the building is because there is a statute of limitations on it. The Town Clerk will check with her paperwork for the warrantee. The Highway Superintendent stated he would like to see the gutter issue on the garage fixed before the garage parking lot repair.

Supervisor Rajszy reported the Town Board had previously agreed to having a trial period of use of a new office copier before approving the expenditure, which in the long run, would be less expensive than continuing with the lease on the old copier. Supervisor Rajszy noted that the office staff has been using the new copier and there have been no complaints so she is requesting a Resolution be added to the agenda for Wednesday night's meeting approving the completion of a contract for the newer copier. Supervisor Rajszy noted the Resolution needs to include that the trial run has been completed with no negative feedback from the office staff.

Councilman Leamon questioned if the Town could buy back the bond for the highway garage? Councilman Leamon stated they may be able to buy the bond back on the open market, noting you would buy the bond from the owner. Councilman Leamon noted he is not sure what the laws are as to what the town can invest their monies in but suggested calling the

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Association of Towns to see if they know. The Town Attorney stated she would see if she can find an expert on bonds to confer with.

Supervisor Rajsz reported on the Eagle Creek issue. The Town Attorney reported she looked into the Road Use Law and had gotten an email on the issue, noting the Highway Superintendent will be receiving an email also. The Town Attorney also noted there are other issues with Eagle Creek which will be addressed on Wednesday. The Code Enforcement Officer reported he has not gotten any plans for Eagle Creek to build a generator.

Supervisor Rajsz reported she spoke with the Mohican Lake Resort regarding their Noise Permit request and explained why they had been denied by the Town Board, noting the issue is definitely a personality clash with the neighbors. Supervisor Rajsz reported she got a letter from Joan Rosenfelt thanking her for putting her issue with feral cats into the newsletter.

Supervisor Rajsz reported the transportation committee is saying they have a bus available in Bethel and Lumberland, noting it is scheduled to go to Monticello, if requested, on Thursdays. Sophia Martynec reported that you have to call for a reservation for the bus to come here. Supervisor Rajsz noted the problem is most of our residents go to Orange County or Pennsylvania to do their shopping, noting they have approved another needs assessment study.

Supervisor Rajsz reported she asked Charlie Fallon to go to the O&R Emergency update meeting on Tuesday. Supervisor Rajsz reported O&R Utilities has sent us a request to update our critical structure listing, noting that our Town Hall, Municipal Building and the Senior Center are not even on the listing they have.

Supervisor Rajsz reported she received a resignation letter from Martha & Paul Tully as the Part Time Maintenance workers, noting they have other jobs that are conflicting and the mess left in the park bathroom was too much to handle. Councilman Akt stated we need to advertise for the position. The Town Clerk noted that the quote they originally received from John Traver to do the river corridor trash pickup was \$1,360. Councilman Akt stated we could just advertise for the park cleanup and call Traver to see if he would still be interested in the river corridor trash pickup. Supervisor Rajsz noted we are no longer reimbursed from the NPS.

Supervisor Rajsz reported she received a letter requesting the speed limit on Berme Church Road be lowered, that speed bumps be installed and a four way stop be installed. The Highway Superintendent reported they cannot lower the speed limit to the requested speed, that speed bumps are not an option and recommended a four way stop be instituted on Swannerbury Road. The Town Attorney noted there is a sign that can be put up regarding children at play. Supervisor Rajsz stated she will call the resident and inform her the matter is being looked into.

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Supervisor Rajszyk reported that the byways signage needs to be updated and consistent with all the towns. Supervisor Rajszyk noted the signs are free and not all the signs need to be replaced, noting the State DOT could install the new ones.

Supervisor Rajszyk reported she would like to start the budget process soon, noting that three offices have a full time position in them. Supervisor Rajszyk noted that the Code Enforcement Officer needs to be full time, however, she questioned if the Assessor and the Bookkeeper should be. Supervisor Rajszyk reported the Assessor's Office has two people in daily and she has been looking at the surrounding towns whom all have a part time Assessor. Supervisor Rajszyk noted they need to make this decision soon since the reappointment for the Assessor is coming up in September. Supervisor Rajszyk noted she was told by the County it is a town issue and has to be done by Resolution either way. The Town Attorney stated that the State Real Property division has to be notified by November. Supervisor Rajszyk stated she would like to see the Assessor be 3 days and the Clerk be 2 days. Councilman Leamon questioned what happens during the peak times for the office? Councilman Akt noted that the bookkeeper was hired as full time because she also assumed the duties of the Highway Clerk. The Highway Superintendent stated he understood that was why a second person was hired to be an assistant in the Supervisor's Office because there was too much work for the bookkeeper to handle the workload. Supervisor Rajszyk noted the bookkeeper was doing the work of two people when she worked out of the Supervisor's Office so they separated the bookkeeping from the assistant's position. Councilman Akt noted the bookkeeper had to straighten out what had been previously done in the accounting. Councilman Carr stated they need to get it figured out what needs to be done for each office. Supervisor Rajszyk noted the Assessor's Office is not re-evaluating every year so there is less work. The Town Clerk noted that she has previously requested the appointment of a 2<sup>nd</sup> Deputy during tax season to handle the work load to help with the transition of taking on the Tax Collector's position. Supervisor Rajszyk reported that the part timers do not get medical benefits, however, she is looking into whether the Town could pick up the cost of ½ of the cost of the medical benefits for part timers. Supervisor Rajszyk stated she would like to go into Executive Session with the Town Attorney later on to discuss the Highway and Fire Dept. contracts. Councilman Leamon suggested getting a breakdown of the cost of the medical benefits. Councilman Carr stated they should also look into the cost of having the employee pay 100%. The Town Attorney questioned what was considered part time? Supervisor Rajszyk noted full time is 30 hours and part time is considered 20 hours. The Town Clerk reported the State told her that our part time would be anything less than 30 hours.

The Town Clerk reported they have an issue with the cemetery grave digger, notably, our existing one has resigned. The Town Clerk noted that there was a burial today and she had to reach out to a grave digger recommended by Gray/Parker Funeral Home who came down from Liberty to open the grave. Supervisor Rajszyk recommended advertising for the position, with possibly going with more than one so we have a backup. Councilman Carr reported that

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the Cemetery Committee is trying to get everything put together so that the Town Clerk gets notification that a grave opening is taking place. The Town Clerk reported that the problem is nobody knows who is suppose to notify whom. The Town Clerk stated that they would just like verification that there is a grave opening when it is happening or at least get notification after the fact that one was done. The Town Clerk reported that Knight/Auchmoody Funeral Home is trying to get cremains buried as soon as possible but we do not have a grave digger to do it. The Supervisor suggested asking the funeral home if they could wait a week or two to allow us to get an agreement with a new grave digger.

The Town Attorney reported they found the deed to the Knight Cemetery and hope to move forward with getting the deed transferred over to the town by August, noting we will need to have a Public Hearing to consider approval. The Town Attorney noted it is listed as a Historical site, noting we could do a resolution at the first meeting in August, and hold the Public Hearing at the second meeting in August.

Councilman Leamon distributed his recommendations on the Ethics Law which the Board will discuss at the August meeting.

Councilman Carr reported the Fire Dept. is having their emergency siren worked on and the estimated cost of repair is at \$4,000 and questioned if the Town could help with the cost? Councilman Carr stated he is requesting this as the liaison from the Town Board to the Fire Dept. Supervisor Rajsz noted they need to discuss the pending contract renewal with the Fire Dept. since last year we increased their budget by \$2,000 and approved the LOSAP program. Supervisor Rajsz reported she was questioned as to why the Town wrote a check for \$40,000 for the newer ambulance? Supervisor Rajsz reported she assured the resident that the Town did not pay for any part of the ambulance cost, noting that the Fire Dept. used their funds to purchase the rig. Councilman Carr verified that the Fire Dept. monies went to the vehicles. Councilman Akt questioned what happened to the siren they were looking at to purchase from the Pine Island Fire Dept.? Don Hunt, Jr. reported that while they were looking over their siren it was determined that it worked, however, they need a new service for it to be fully working, which the \$4,000 would go towards. Supervisor Rajsz requested a resolution be drawn up for Wednesday night's meeting to give the Fire Dept. \$4,000 to pay for the new service for the siren which is badly needed. Supervisor Rajsz questioned the Pond Eddy alarm? Don Hunt, Jr. reported it works but has to be manually set off.

The Highway Superintendent reported he called Footes Shed Company and was told they would call back tomorrow to set up an appointment to come and move the shed.

Councilman Akt made a motion to recess the Workshop Meeting at 8:43 p.m., seconded by Councilman Leamon, all in favor, so carried.

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**EXECUTIVE SESSION**

Councilman Leamon made a motion open the Executive Session to discuss the pending Highway Dept. and Fire Dept. contracts with the Town Attorney at 8:43 p.m., seconded by Councilman Carr, all in favor, so carried.

Councilman Akt made a motion to close the Executive Session at 9:40 p.m., seconded by Councilman Thiele, all in favor, so carried. Councilman Carr made a motion to reopen the Workshop Meeting at 9:40 p.m., seconded by Councilman Thiele, all in favor, so carried.

The Board reviewed and initialed the vouchers.

Councilman Leamon made a motion to adjourn at 9:50 p.m., seconded by Councilman Thiele, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn Town Clerk