

LUMBERLAND TOWN BOARD WORKSHOP MEETING
& PUBLIC HEARING FOR LOCAL LAW #2, 2012
ENTITLED “ REPEAL ALARM LAW”

JUNE 11, 2012

The Town of Lumberland Town Board held a Workshop Meeting and Public Hearing for Local Law #2, 2012 entitled “REPEAL ALARM LAW” on Monday, June 11, 2012, at 7 p.m., at the Town Hall 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, Historian/Grant Writer Frank Schwarz, Sophia Martynec, ZBA Chair Lewis Powell, Richard Hotzler, Ed Gavalla, Town Attorney Danielle Jose-Decker and Fire Dept. President Ann Steimle.

Supervisor Rajsz reported there will be a Public Hearing at 7:15 p.m. for Local Law #2, 2012 entitled “REPEAL ALARM LAW”.

Councilman Carr made a motion to recess the Workshop Meeting at 7:01 p.m., seconded by Councilman Thiele, all in favor, so carried.

EXECUTIVE SESSION

Councilman Carr made a motion to go into Executive Session at 7:01 p.m., to discuss Town Board personnel, seconded by Councilman Thiele, all in favor, so carried.

Councilman Jay Shafer made a motion to close the Executive Session at 7:21 p.m., seconded by Councilman Akt, all in favor, so carried. Councilman Shafer made a motion to reopen the Workshop Meeting at 7:21 p.m., seconded by Councilman Akt, all in favor, so carried.

Councilman Akt made a motion to recess the Workshop Meeting and open the Public Hearing for Local Law #2, 2012 at 7:22 p.m., seconded by Councilman Thiele, all in favor, so carried.

(2) June 11, 2012

PUBLIC HEARING –LOCAL LAW #2, 2012 ENTITLED “REPEAL ALARM LAW”

Supervisor Rajsz read the brief Local Law #2, 2012 entitled “Repeal Alarm Law”.

OPEN FLOOR FOR THE 1ST TIME

The Town Attorney reported the previous Alarm Law was written to reduce the number of false alarm calls the Constables had to respond to and that a nominal fee was required for registering your home alarm with the town. The Town Attorney stated that the Alarm Law is unnecessary because the alarm companies have gotten a lot better with their monitoring and the Town is justified to repeal the Alarm Law.

OPEN FLOOR FOR 2ND TIME

No Comment

OPEN FLOOR FOR 3RD TIME

Sophia Martynec urged the Board to pass this Local Law.

Councilman Carr made a motion to close the Public Hearing at 7:24 p.m., seconded by Councilman Thiele, all in favor, so carried. Councilman Shafer made a motion to reopen the Workshop Meeting at 7:24 p.m., seconded by Councilman Akt, all in favor, so carried.

The Board members reviewed the Agenda. The Board members reviewed the Minutes, the Monthly Reports and Correspondence. Supervisor Rajsz reported there will be an additional resolution added for Wednesday night’s meeting for the MMFT.

Supervisor Rajsz reported they wanted to do a Proclamation in memory of Gregory Bodnaruk this month but they will be holding off until next month.

Supervisor Rajsz reported that several residents on Forestburgh Road have requested that the speed limit of 40 miles per hour be extended from Ogden Road to the Leers Road intersection. Councilman Shafer noted that the process is to send the request to the County and the County sends it to the State which will take time.

Supervisor Rajsz reviewed the resolution for the bid award for the generator electrical connection, noting we only received one bid and it was not received correctly because there was no bid security included with the bid. The Town Attorney recommended not accepting the bid because it was not valid. Councilman Akt stated that the bid was

(3) June 11, 2012

from a local contractor. The Town Attorney questioned if the contractor could send the security now? Councilman Thiele stated that some bids do not always include the bid security. The Town Attorney stated the bid could be awarded with the condition that the bid security was received. Councilman Akt stated he would talk to the contractor before Wednesday night.

Supervisor Rajsz reported that the cemetery brochure was complete. Grant Writer Frank Schwarz presented the brochure, noting that the final draft with all corrections has been sent in. Schwarz reported he applauded the Cemetery Committee members for all their work, noting this brochure is a model plan for the Upper Delaware cemeteries. Schwarz reported there will be an article published in the paper regarding the brochure that was made possible through a grant. Cemetery Committee Chair, Lewis Powell, reported that he has ordered 911 signs for the cemeteries. Frank Schwarz noted that the Committee members went around to see where they would place the 911 signs.

Supervisor Rajsz reported that the Board will discuss the Noise Permit requests on Wednesday night.

Supervisor Rajsz reported the former Supervisor has submitted his hours for retirement and the Town Board will need to approve the hours, then post them for 30 days before sending up to retirement.

Supervisor Rajsz reported there is a late file resolution for the MMTF which was just received today. The Town Attorney reported there are 2 more steps to the process, noting one is to pass a Local Law and the other is to do the findings based on the final DGEIS. The Town Attorney recommended doing the findings before the Public Hearing, noting they should plan on having the Hearing in August. Supervisor Rajsz questioned if another Public Hearing was needed since they had one as a group at the Sullivan West School? The Town Attorney stated they needed 2 hearings, one which would be for the proposed Local Law.

Supervisor Rajsz questioned if there were any flags regarding the Noise Permit requests? The Town Clerk noted they would have to check with the Constables to see if there had been any complaints for the previous permits issued.

Supervisor Rajsz reported that Resolution #97 was in regards to an issue with the Planning Board and the new zoning laws. Ed Gavalla reported that he has been in front of the Planning Board with a proposed subdivision but did not know the new zoning laws had taken effect May 1st. Supervisor Rajsz reported the Planning Board attorney

(4) June 11, 2012

told Gavalla to get his own attorney to represent him at the meetings. Gavalla stated that the Planning Board attorney is paid by the town and everyone who is proposing a subdivision has to put money into an escrow account for the Town Engineer to review the subdivision. Gavalla stated the Town mission statement should be a little more lax with people that are trying to better the town, noting he has put in 6 months of his time and money has been invested in his proposed subdivision plan. Gavalla stated the town is obstructing him from his subdivision. The Town Attorney questioned what Gavalla's request is? Gavalla stated he needs to be grandfathered in, noting he was denied originally because of the endangering eagles on his property issue but has since gotten a letter saying he did not have to have verification from the DEC. Gavalla stated the Planning Board needs to direct the person that is in front of them but they have lost their power. Supervisor Rajszyk questioned if Gavalla is looking for a variance? The Town Attorney stated that it sounded more like a lawsuit? Gavalla stated he is trying to avoid that. The Town Attorney questioned if Mr. Gavalla would sue if the amendment to the zoning law was not approved? Supervisor Rajszyk stated that the Local Law could be amended to grant waivers. The Town Attorney suggested putting the time frame of January 1st through a certain date for all projects that would be effected. Gavalla stated his property is in a seasonal home area and would like to be able to list his property now. Councilman Shafer questioned why Gavalla waited so long to submit his proposed subdivision when he knew the new zoning was happening, noting that Gavalla sits on the Planning Board and should know what is going on? Supervisor Rajszyk reported the Planning Board attorney told Gavalla that the ZBA could not grant him a variance. Lew Powell noted the proposed new zoning has been going on for 2 years and Gavalla decided last year to subdivide knowing the zoning was changing. Councilman Shafer stated that Gavalla was present at meetings during the zoning rewrite and that the Planning Board attorney noted that the subdivision would not be approved once the zoning was passed. Gavalla stated that Town Engineer Tim Gottlieb told him that he had to get DEC approval and their approval hinged on that approval. Gavalla stated he should have gotten a preliminary approval from the Planning Board. Supervisor Rajszyk stated that the Planning Board was in error by telling him he needed DEC approval and was denied according to the original documentation from the DEC. Gavalla reported the Planning Board attorney directed him to the Town Board. The Town Attorney stated there are many issues, noting that she would have to read the Planning Board minutes because she could not make a decision as to what needed to be done on the spot. Councilman Shafer stated the Planning Board is a board in itself and recommended sending the issue back to the Planning Board, and if they deny him send him to the ZBA for a variance. The Town Attorney reported that the previous zoning required 2 acre lots, whereas the new zoning requires 5 acre minimum lots. Lew Powell questioned if the Planning Board took too long with the process, especially for one of their

(5) June 11, 2012

members? Gavalla noted his engineer had a stroke and couldn't get the paperwork done. Gavalla stated he bought the property with the intention of subdividing and selling, noting he did not have the money previously to do the subdivision. Gavalla reported that he is proposing a simple land subdivision with no disturbance and no SEQRA. Lew Powell stated he did not know why the Planning Board did not help Gavalla out? Councilman Akt stated that the Planning Board goes back and forth without making any decisions, noting there are only 2 subdivisions before the Planning Board. Gavalla stated he has a vested interest and that should have been enough for approval. The Town Attorney agreed that vested interest involves monetary value in the process, noting that the effective date of the law was when it was filed with the State. The Town Attorney stated she will draft an amendment to the local law and the Town Board will have to vote on it. Councilman Shafer stated he would like to hear from the Planning Board Attorney before making any decision. The Town Attorney stated she will try to contact the Planning Board Attorney for information for the Town Board meeting on Wednesday night. Councilman Akt stated that if it can be proven that Gavalla was told by the Planning Board that he had to do something that he didn't have to do in the first place and caused the delay in approval something should be done. Councilman Akt stated he felt there were no guidelines being followed by the Planning Board, noting it is not up to the Town Board to be making the decisions for the Planning Board. Councilman Shafer noted that the Planning Board members are required to have 4 hours of training annually. Supervisor Rajsz stated they will discuss this issue further on Wednesday after they hear from the Planning Board Attorney.

Supervisor Rajsz reported O&R Utilities is holding a Emergency forum on Emergency Response on Friday, June 15th in Mahwah, N.J. Supervisor Rajsz reported there will be a meeting on June 20th at 4 p.m. for the waterfront revitalization plan.

Supervisor Rajsz reported she called John Travers from S&T Trash Removal who has done the river corridor cleanup the last few years to see what they did during their cleanup. Supervisor Rajsz reported the Board had previously talked about the part time maintenance personnel doing the cleanup along the river corridor if they were interested. Supervisor Rajsz noted that Travers reported he either did the cleanup on foot or by canoe along the river front within the Town of Lumberland, noting that they did not do private property. Councilman Shafer noted they would have to talk to the Tullys to see if they are interested in doing this.

Supervisor Rajsz reported she got information from the Sullivan County IDA regarding low interest loans.

(6) June 11, 2012

Supervisor Rajsz reported Senator Bonacic got the Bridge Commission to hold a meeting on June 27th at 3:30 p.m. at the County Government Center to discuss the Pond Eddy bridge. Supervisor Rajsz reported she is trying them to change the place of the meeting and suggested they meet at the bridge.

Supervisor Rajsz reported Cornell Cooperative will be holding a "Get to know us" luncheon on June 21st at 11 a.m. Supervisor Rajsz reported she got the survey of the old Tri States diesel site from Paul Brennan. Supervisor Rajsz reported she will be going to a meeting with Eagle Creek this Friday in Matamoras, Pa. to discuss their emergency Plan update.

Supervisor Rajsz reported the Youth Program Director called her this last weekend to let her know that the program aide has backed out for this year so they are in need of appointing another person. Supervisor Rajsz noted that they have requested the appointment of Tomara Bodnauik and that the monies will be available from the Health Officer line in the budget that will not be used this year.

Supervisor Rajsz reported that the LOSAP representative, Tony Hill, is here to discuss the Fire Dept. retirement plan. Supervisor Rajsz reported that P&N Alarm Company has finished up their projects for the Highway Garage and buildings. Supervisor Rajsz reported she has requested the Grant Writer look into a TAG grant for updating the town's emergency plan. Supervisor Rajsz reported on June 23rd the UDC will be working on the River Management Plan from 8:30 a.m. to 12:30 p.m., suggesting the Town Board members consider attending. Councilman Thiele noted that is the same day as the Eldred High School graduation.

Supervisor Rajsz reported they have been discussing the codification of the town laws, noting the Town Attorney is working on it. The Town Clerk noted that a representative from General Code will be speaking at her monthly Town Clerks Assoc. meeting next week. The Town Attorney stated that the company will come in to format the laws so they are easier to access, noting that some State laws conflict with the Town laws and they need to be clarified. The Town Attorney noted that if there are any new laws or amendments they will be automatically added to the book by the company. The Town Attorney reported the laws will be made available online, noting there are 4 stages to the process and the Board needs to do a late file resolution for Wednesday night so the process can be started.

Supervisor Rajsz reported she has been looking into a new phone system, noting this is only a preliminary estimate that she is looking at. Supervisor Rajsz explained the newer

(7) June 11, 2012

system and the advantages to upgrading the system we now have, noting that the initial costs for this new system will be paid for within the first 13-14 months of use by the savings we would see within those months.

Supervisor Rajsz introduced Tony Hill, representative of the LOSAP program for the Fire Dept. retirement. Hill explained the 2 different plans, noting that one was a defined benefits and one was a defined contribution. Hill went on to explain the differences of each plan and noted that the approval for the town to participate would need to be put up for vote by the public. Hill noted there is nothing in the LOSAP law that states that a public vote is required, however, they advise it. Supervisor Rajsz stated they would have to hold a Public Hearing by September to have this put to the voters on the November ballot. Hill stated the Town Board would have to pass a resolution to put this to a public vote and recommended holding a Public Hearing a couple of weeks before the election so that people will understand what they will be voting on. Hill reported that the Fire Dept. would have to keep track of their volunteers' hours so that they will be eligible for their retirement benefits. Hill recommended the Town have an outside auditor do an audit of the plan each year. Supervisor Rajsz stated the Town Board needs to discuss what direction they want to go in. Hill noted the projections he submitted were for the very best of both plans, noting that the defined cost would be \$40,000 to the Town per year, as the defined contribution plan would cost \$25,000 per year. Hill stated that the Town would first need to decide what they would like the plan to cost. Councilman Shafer questioned if the buy back has to be 5 years? Hill explained it can be whatever the Town agrees upon, not necessarily 5 years. Supervisor Rajsz Thanked Hill for coming tonight and stated the Board will discuss this matter further.

Supervisor Rajsz reported the Planning Board has given a preliminary approval for the Chapin subdivision, noting they will have to create a fire district for that specific area. The Town Attorney reported there has to be a provision to provide fire protection and the Town of Lumberland could enter into contract with the Town of Bethel to provide that service. The Town Attorney explained that the Town of Bethel could expand their Fire District to include the Town of Lumberland property subdivision, noting that monies could be raised by the residents of the Chapin subdivision to pay for their fire protection. Supervisor Rajsz reported the Town of Bethel Supervisor is on board with this subdivision and working with the Town of Lumberland. Councilman Akt questioned why the Town of Lumberland didn't annex the property to the Town of Bethel? Supervisor Rajsz reported that the Town of Lumberland would lose tax revenues with the proposed subdivision. Fire Dept. President Ann Steimle noted the Town would also have to contract with the Bethel ambulance corp. Supervisor Rajsz noted they are also working on that issue. Councilman Shafer questioned if we still had

(8) June 11, 2012

to do fire protection? Steimle reported they would enter into a mutual aid agreement as they do with Pond Eddy, Pa. Councilman Shafer questioned if our Constables would have to respond to calls? Supervisor Rajszt stated they would have to rely on the Sheriff's and State Troopers. Ed Gavalla reported that Chapin Estates also has their own patrol.

Supervisor Rajszt reported the old landfill wells have been tested by Upstate Labs and she called to verify everything was fine.

Councilman Carr questioned what the Town Board will be doing for the July 4th parade? Supervisor Rajszt reported she will be there along with Councilmen Shafer and Thiele reported he will be there with the Fire Dept.

Ed Gavalla reported he has too much invested in his proposed subdivision and would like to know where he stands with the new approved zoning laws? Councilman Thiele reported it was a gamble either way, noting that Gavalla knew the new zoning regulations were coming. The Town Attorney questioned how many subdivisions were before the Planning Board at present? Councilman Akt reported there were only 2. Supervisor Rajszt reported that none were pending, noting that 2 were approved after being before the Planning Board for months. The Town Attorney stated she will contact the Planning Board Attorney for information regarding this issue.

The Board members reviewed the vouchers and initialed them.

Councilman Thiele made a motion to adjourn at 9:25 p.m., seconded by Councilman Shafer, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk