

LUMBERLAND TOWN BOARD
MEETING MINUTES
JULY 13, 2011

The Town Board of the Town of Lumberland held a regular monthly meeting on Wednesday, July 13, 2011, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7:02 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 Jay Shafer
Councilman James Akt
Councilman William J. McKerrell

Also present were Town Clerk Virginia Horn, Carol Roig, Chief Constable Patrick Cahill, Historian/Grant Writer Frank Schwarz, Joy Ryerson, Sophia Martyneec, Helga Rupnick, Skip Schroder, Bohdan Kandiuk, Peter Comstock, David Riley, Wayne King, Karen Turner, Deputy Highway Superintendent George Turner, Leigh Sherman, Herb Baxter, Town Attorney Danielle Jose/Decker, ZBA Chair Lewis Powell, Linda Shafer, 2 Kadampa Meditation Center representatives, David Leamon, Ron Thiele, John Campbell, Jason Ward, Fire Dept. President Ann Steimle, Abbey Schlosser, Sandy Long from the River Reporter. Charlie Fallon, Faith & Eric Robles, Cathy Sterling and Stephen Stewart.

PUBLIC HEARING – LOCAL LAW #2, 2011= DEFENSE & INDEMNIFICATION OF TOWN EMPLOYEES- 7 P.M.

Councilman McKerrell made a motion to close the regular meeting and open the Public Hearing at 7:03 p.m., seconded by Councilman Akt, all in favor, so carried.

OPEN FLOOR FOR 1ST TIME

Supervisor Rajsz read the Local Law.

OPEN FLOOR FOR 2ND TIME

No Comment

OPEN FLOOR FOR 3RD TIME

No Comment

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Councilman Shafer made a motion to close the Public Hearing and reopen the regular meeting at 7:05 p.m., seconded by Councilman Carr, all in favor, so carried.

MINUTES

Councilman Akt made a motion to accept the Minutes of June 6, 2001 and June 8, 2011 as previously corrected, seconded by Councilman Carr, all in favor, so carried.

CORRESPONDENCE

1. Monthly Reports:
 - a. Supervisor
 - b. Town Clerk
 - c. Buildings
 - d. Highway Superintendent
 - e. Constables

2. Grant Writer Updates
3. Code Enforcement Training notification
4. Sullivan County Resolution –Property Tax Cap
5. Comptroller Newsletters
6. Catskill Mountaineer Newsletters
7. Upper Scenic Byways Mtg. Minutes & Agenda
8. Planning Board Mtg. Minutes
9. NYS DEC letter- grant availability
10. Sullivan County Manager’s letter – Property Tax Cap issue
11. Sorenson letter-Dam Improvement district
12. Powell Easement Agreement – Mohican Lake Trail
13. Highway Dept. letter- Summer Part Time Laborer
14. Sullivan County Historical Society Newsletter
15. Empire Blue Cross/Blue Schield Medical Benefits Plan Notification
16. Rosenfelt letter/Petition – Kitty Spaying and Neutering Program
17. Sullivan County Emergency management request letter

Councilman Carr made a motion to accept Correspondence #1 through #17, holding #10, #12, #13, #15 & #17 for discussion, seconded by Councilman McKerrell, all in favor, so carried.

Supervisor Rajsz read Item #10 which was a letter from the Sullivan County Manager regarding the property tax cap issue sent to Senator Bonacic. Supervisor Rajsz stated that, although it sounds like a good idea, she felt it was not in our best interest.

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Supervisor Rajszyk reported that Item #12 was a letter from Lewis Powell conveying an easement to the Town at the end of Mohican Lake Trail to be used for the Highway Dept. to plow in the winter and turn their trucks around. The Town Attorney stated that it needs to be an agreement signed between Powell and the Town and she will work on that for next month's meeting. The Town Attorney noted that this agreement will need to be filed in the County.

Supervisor Rajszyk reported that Item #13 was notification that the Highway Dept. has hired a part time laborer for the summer.

Supervisor Rajszyk reported that Item #15 was notification from the health insurance company that the co-pays would be increasing and that the prism plan is being eliminated.

Supervisor Rajszyk reported Item #17 was a letter from Sullivan County Emergency Management stating that Sullivan County is requesting to be the lead agency for the 911 co-ordination.

Councilman Akt questioned if any cell towers were going to be refurbished to get better cell service? Ann Steimle reported they would be.

Supervisor Rajszyk introduced Carol Roig from Highland who was representing the Sullivan County NYS Energy Program. Roig reported that this program provides free energy audits and low interest loans to homeowners and handed out post cards for anyone interested. Roig noted that information is available on the NYSEERDA website. Roig reported that all work is done by certified contractors and loans are repaid by the energy saved from the upgrade. Roig also reported they would give no cost and low cost options. A representative from the Kadampa Meditation Center questioned if anything was available for businesses? Roig reported they have been looking into offering commercial options. Roig reported that anyone can call the Sullivan County Office of Sustainable Energy at (845) 807-0578 to set up an appointment for an energy audit, noting that the audit is done through NYSEERDA the cost is \$250.

PRE-FILED RESOLUTIONS

- #90 - Local Law #2, 2011-Defense & Indemnification of Town Employees
- #91 - Town Donation – Museum
- #92 - 2011 Summer Youth Program Appts.
- #93 - Municipal Office Time Clock
- #94 - Town Hall Old Fuel Tank Cleanup Cost Post Approval

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- #95 - New Deputy Town Clerk Appointment
- #96 - Pond Eddy Park Basketball Court Paving Approval
- #97 - Surplus Constable Boat & Trailer
- #98 - Noise Permit – Mohican Lake Resort
- #99 - Public Hearing Schedule – Local Law #3, 2011
- #100 –Noise Permit – Fountain
- #101- Extend Public Comment Time Frame – DGEIS
- #102 –Schedule Public Meeting – Zoning Rewrite
- #103 –Justice Court Clerk Request – Grant application
- #104 –Parks Committee Purchase Request Approval
- #105- Highway Dept. part Time Help Approval
- #106- Replenish HRA Employee Medical Cards

Supervisor Rajszt stated approval of Resolution #93 will need a discussion. Councilman Shafer requested that hourly be eliminated and the resolution read “ all municipal employees”. The Town Attorney stated that a motion to withdraw the first approval is needed, therefore, Councilman Shafer made a motion to withdraw the first motion to approve, seconded by Councilman Carr, all in favor, so carried. Councilman Shafer made a motion to accept the Resolution as amended, seconded by Councilman McKerrell, all in favor, so carried.

Supervisor Rajszt noted that the amount to be approved on Resolution #94 needs to be changed to \$8,061. The Town Clerk noted that she had previously made the change but forgot to print the corrected Resolution. Supervisor Rajszt explained that the amount was less than the original quote for the cleanup of the Town Hall old fuel tank removal.

Councilman Carr questioned if the Mohican Lake Resort was actually a resort? Supervisor Rajszt questioned if they pay a bed tax which is required by law? A representative from Kadampa reported that the Resort does pay the bed tax. Councilman Shafer questioned if there had been any complaints with the previous Noise Permits? Supervisor Rajszt reported no complaints had been made.

Supervisor Rajszt reported that Resolution #99 was a result of Councilman Carr’s suggestion that 911 address numbering be mandated.

Supervisor Rajszt reported that Resolution #101 was to extend the public comment period on the gas drilling issue due to the amount of responses they have already gotten and the amount of people that showed up at the recent public hearing.

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Supervisor Rajszyk reported that the zoning rewrite is available on the Town website and Thanked all those involved in the rewrite. Supervisor Rajszyk noted that the TAG grant for this project is due in September.

Supervisor Rajszyk stated that the Pond Eddy Park is coming along beautifully. Supervisor Rajszyk Thanked the Highway Dept. and the Fire Dept. for their work during the recent storms.

Supervisor Rajszyk reported that the Town would like to recognize Fire Dept. personnel Ann Steimle and Don "Bosco" Hunt, Jr. for their rescue that earned them the Sullivan County Firemen of the Year awards. Supervisor Rajszyk presented Steimle and Hunt with plaques from the Town and Thanked Councilman McKerrell for initiating the plaques.

REPORTS OF BOARD MEMBERS

Councilman Shafer reported that the MMTF will be done soon.

Councilman McKerrell reported that they are trying to spend parks grant monies, noting that the Pond Eddy Park is coming along and hope to have the work done by August 1st for the Renaissance judging. Councilman McKerrell Thanked the Highway Dept. for the chips the park used.

Councilman McKerrell reported that the stone wall project across the street from the Town Hall is an eagle scout project, which is coming along good and the flag poles that have been ordered should be here next week.

Councilman McKerrell reported that they have been putting in flowers in Circle Park, and the mini golf course is starting to take shape. Councilman McKerrell reported he talked to Leigh Sherman who has offered to put the new shingles on the pavilion roof for free as long as the town buys the shingles. Councilman McKerrell Thanked the Highway Dept. for their work on the stone wall at the memorial and Supervisor Rajszyk Thanked the Shafer Brothers and everyone else involved.

Supervisor Rajszyk Thanked Councilman Akt for getting the air conditioners in the Town Hall back up and running.

Councilman Carr Thanked the Constables and the Highway Dept. for their work for the July 4th parade. Councilman Carr noted that each year the parade gets bigger and bigger but noted we need more people to watch the parade. Councilman Carr reported that the one new thing this year was a concert for the youths that was held from 4-7 p.m., noting

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that next year they will schedule it a little earlier. Councilman Carr reported that the Fire Dept. was in the parade after working all weekend and even got calls during the parade. Supervisor Rajsz Thanked Councilman Carr for his work on the parade.

Supervisor Rajsz reported there will be a press conference in Monticello for the Sullivan County Chamber of Commerce on July 20th to announce the new trailblazing innovated initiative.

Supervisor Rajsz reported that the NYMIR Insurance Company has been reimbursing the town for their payments, noting that the last payment was for \$4,450.00.

Supervisor Rajsz reported there will be a Public Hearing on July 27th in the Legislative Chambers in the Government Building in Monticello regarding changes to Building Inspectors and Code Enforcement Officers classifications. Supervisor Rajsz reported the State wants to make these positions one person full time. Supervisor Rajsz noted that she will write a letter stating that this would be an impact on the towns.

Supervisor Rajsz reported that on June 23rd there was a meeting with the Assoc. of Supervisors and the NPS with a follow up round table discussion on the formation of subcommittees on marketing, education and hotel development.

Supervisor Rajsz reported she met with Darcy Gerhart who is working on a grant with Sullivan County Division of Planning for long distance broad band service. Supervisor Rajsz reported she has a survey for anyone that would like to fill it out, noting that better river corridor communications is badly needed.

Supervisor Rajsz reported that the Summer Youth Program has 80 students, noting they have gone to Camel Beach, and going to Splash Down and a museum trip.

Supervisor Rajsz reported she and Councilman Carr went to Binghamton back in June for a seminar on gas drilling.

The Town Clerk wished Councilman McKerrell and his daughter good luck at the National Soap Box Derby in Ohio next week.

The Town Attorney reported Pythian Camp was waiting for the indemnification agreement from the town before signing over the deed to property by the Glen Spey Cemetery. Supervisor Rajsz Thanked Councilman McKerrell for all his work in getting this

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Grant Writer Frank Schwarz reported he will present the TAG Grant for the Town Cemeteries brochure in September. Schwarz also reported he filed a grant for the Constables vests which is 50% funding and we have been awarded a grant for the Cultural Series Jazz Concert. Cultural Series Director Frank Schwarz reported that the plans for next year's first concert will be the Ithaca college choir that is nationally known. Schwarz noted that the Kadampa Meditation Center has offered to house the students for that concert. Grant Writer Frank Schwarz reported that he got a notice from Congressman Hinchey who has introduced a bill for a tax credit for firefighters and paramedics that put in 30 or more hours.

Chief Constable Patrick Cahill reported on the Constables Monthly Report.

Peter Comstock gave his report on the Lumberland Advisory Committee for gas drilling issues.

Ann Steimle gave the Fire Dept.'s monthly report of activities. Steimle noted that Eric & Faith Robles from the Lumberland Fire Dept. recently had to revive a gentleman who had collapsed at the Port Jervis Firemen's parade. Steimle reported the Fire Dept.'s annual Chicken BBQ will be July 30th and they really need the support because this is their major fund raiser. Steimle reported if anyone would like to see what the Fire Dept. is up to come to the firehouse on Monday nights.

Deputy Highway Superintendent George Turner reported they picked up the new chipper and it is working fine. Turner noted they have been working on the pot holes in Mohican lake and working on several roads due to recent washouts. Turner Thanked the Fire Dept. for their help during the recent storms.

OPEN FLOOR TO PUBLIC

Leigh Sherman reported he was contacted about replacing the roofs on the municipal building and the pavilion. Sherman stated the pavilion roof may have 2-3 but he is willing to replace it free of charge if the town buys the shingles and they get someone to take the old shingles away. Sherman noted the cost for materials should be around \$2,500. Sherman stated that the municipal roof does not need to be replaced, noting that it is not necessary to spend \$20,000 to replace since the roof should be good for another 4-5 years. Supervisor Rajsz Thanked Sherman for volunteering to do the pavilion.

A representative from the Kadampa Meditation Center reported they have a big event coming up On October 7th to the 17th, requesting anyone that has any rentals available

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Please notify the Center. The Kadampa representative reported that they will have people coming from all over the world and they hope to host an event like this every 5 years.

Sandy Long from the River Reporter stated that the River Reporter did an article on the rescue done by firemen Ann Steimle and Don "Bosco" Hunt, Jr. and the paper received more hits on their website on that particular article than any other story.

Supervisor Rajsz noted the Special Announcement.

ABSTRACTS

Councilman Shafer made a motion to approve Abstract #7, 2011, with General Fund Claims A11-#377 through #470, in the amount of \$43,594.72, and General Fund Prepaid Claims in the amount of \$2,705.34, and Highway Fund Claims H11 -#296 through #345, in the amount of \$65,833.42, with the total of Abstract #7, 2011 of \$112,133.48, seconded by Councilman Carr, all in favor, so carried.

EXECUTIVE SESSION

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

Councilman Shafer made a motion to close the Executive Session and Reopen the regular meeting at 9:25 p.m., seconded by Councilman McKerrell, all in favor, so carried.

The Board members discussed the replenishment of the HRA medical cards for all employees. The Town Attorney stated they could waive the 5 day rule and approve the resolution tonight. The Town Attorney stated the wording for the resolution. Councilman Shafer made a motion to waive the 5 day rule, seconded by Councilman Carr, all in favor, so carried. Councilman Carr made a motion to approve the resolution, seconded by Councilman McKerrell, all in favor, so carried.

The Board members discussed the new carpet and tile for the municipal offices.

Councilman Shafer made a motion to adjourn at 9:36 p.m., seconded by Councilman Carr, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn, Town Clerk

