

**LUMBERLAND TOWN BOARD MEETING MINUTES**  
**DECEMBER 14, 2011**

The Town Board of the Town of Lumberland held a monthly meeting on Wednesday, December 14, 2011, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Nadia Rajsz opened the meeting at 7:10 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

Also present were Town Clerk Virginia Horn, Deputy Town Clerk Hedwig “Hattie” Brush, Chief Constable Patrick Cahill, Pam Bucksbee, Susan Morley, Joy Ryerson, Code Enforcement Officer David Keubler, Supervisor’s Assistant/Bookkeeper Susan Wade, Herb Baxter, Billy McKerrell, Sophia Martynec, Fire Dept. President Ann Steimle, Cathy Sterling, Susan Gregg, 2 representatives from Kadampa Meditation Center, Helga Rupnick, Sandy Long from the River Reporter, Bohdan Kandiuk, Don “Bosco” Hunt, Jr., Ron Thiele, Tax Collector Heather Worzel, Kaitlin Haas from the Sullivan County Democrat, Mike Rajsz, Town Attorney Danielle Jose-Decker, Peter Comstock, David Riley, Code Enforcement Clerk Donna Sus, Faith & Eric Robles and Caroline Akt.

**MINUTES**

Councilman Carr made a motion to accept the Minutes of November 7, 2011, November 9, 2011 and November 16, 2011 as written, seconded by Councilman Shafer, all in favor, so carried.

**CORRESPONDENCE**

1. Monthly Reports:
  - a. Supervisor
  - b. Town Clerk
  - c. Buildings
  - d. Highway Superintendent
  - e. Constables
  
2. Comptroller’s Newsletters
3. Catskill Newsletters
4. SASD Newsletters
5. ZBA Mtg. Minutes –Oct.
6. Sullivan County Fire Advisory Board Mtg. Min. –Sept.

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7. SC Dept. of Health Bldg. Water Testing Report
8. Upper Delaware Scenic Byways Correspondence
9. SC Historical Society Newsletter
10. Planning and Zoning Training Notification
11. Cultural Series 2011 Annual Report
12. Planning Board Mtg. Minutes

Supervisor Rajszyk reported that she had several items to add to the Correspondence:

1. Code Enforcement Office letter which she would like to hold and read.
2. Letter from Law Firm in NYC
3. SC Division of Public Works letter
4. Letter regarding Public Ethics Law
5. SC No Smoking Ban regulations

Councilman Carr made a motion to accept Items #1 through #12, seconded by Councilman Shafer, all in favor, so carried.

Councilman Shafer made a motion to recess the regular meeting at 7:14 p.m., seconded by Councilman Akt, all in favor, so carried. Councilman Carr made a motion to open the Public Hearing for Local Law #4, 2011 at 7:15 p.m., seconded by Councilman Shafer, all in favor, so carried.

**PUBLIC HEARING – LOCAL LAW #4, 2011 – TAX BILL INCLUSIONS -7:15 P.M.**

Supervisor Rajszyk reported that the first inclusion was supposed to be from the Town of Lumberland notifying residents of the local law passed mandating the uniform 911 addressing system, however, Sullivan County has requested that information they would like to put into the tax bills also be included on the same inclusion. Supervisor Rajszyk read the proposed law. The Town Attorney explained that this was originally Local Law #5, 2011, however, since the law that was proposed as Local Law #4, 2011 will not be passed until after the 1<sup>st</sup> of the year this local law will now become Local Law #4, 2011.

**OPEN FLOOR FOR 1<sup>ST</sup> TIME**

The Town Attorney reported that this was not necessary to do by Local Law but this law will comply with the regulations regarding inserts into tax bills.

**OPEN FLOOR FOR 2<sup>ND</sup> TIME**

No Comment

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**OPEN FLOOR FOR 3<sup>RD</sup> TIME**

No Comment

Councilman Shafer made a motion to close the Public Hearing at 7:17 p.m., seconded by Councilman Akt, all in favor, so carried. Councilman Shafer made a motion to reopen the regular meeting at 7:17 p.m., seconded by Councilman Carr, all in favor, so carried.

Supervisor Rajszyk reported she received a letter from a law firm in New York City that is stating that they are aware of municipalities adopting zoning regulations regarding gas drilling extraction and this firm is offering its services without charge if the town gets sued because of their zoning regulations. Supervisor Rajszyk read the letter to the public.

Supervisor Rajszyk reported she received a letter from Sullivan County Division of Public Works Commissioner Bob Meyers regarding the Snow and Ice Watch that began December 10<sup>th</sup>. Supervisor Rajszyk noted the Highway Superintendent has also received the same letter.

Supervisor Rajszyk reported that she received a letter from the 2<sup>nd</sup> Deputy Attorney General requesting we send them a copy of our Code of Ethics. Supervisor Rajszyk noted we have an antiquated Code of Ethics and we are looking into updating it.

Supervisor Rajszyk reported that they have received a copy of the tobacco ban the County has passed that prohibits all smoking on County owned property. Supervisor Rajszyk reported she will be working on updating our old no smoking policy and hopes to present it by the end of the year. Susan Morley questioned if the ban would include the Senior Center? Supervisor Rajszyk replied it would.

Supervisor Rajszyk reported she received a letter from O&R Utilities noting we weathered 8 significant storms this year so far and Thanked the Town for its assistance and patience during the storms.

Supervisor Rajszyk reported the Code Enforcement Officer has submitted a letter regarding an issue on a property in town that is a safety and health issue and the property needs to be cleaned up. The Code Enforcement Office is requesting authorization from the Town to have the property cleaned up and to attach the cost of the cleanup to the property owner's tax bill. The Town Attorney stated she would talk to the Code Enforcement Officer about this issue and have a resolution drawn up for the December 29<sup>th</sup> meeting. Code Enforcement Officer Dave Kuebler stated that this has been going on for 2 years

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and they have made numerous attempts to contact the owner with no response. The Town Attorney noted it could be tricky since you have to provide proper notification.

### **PRE-FILED RESOLUTIONS**

- #146 – Rescind Resolution #118, 2011 – Highway Budget Modification
- #147 - Donation to Town – Kresse
- #148 - Adopt Local Law #4, 2011
- #149 - Records Management – County Real Property Scan Code Enforcement Documents
- #150 - Budget Modification – Highway Funds
- #151 - Town Attorney Authorization

Supervisor Rajszyk reported that Resolution #146 was to rescind the original transfer of Highway monies from their savings account, noting the bookkeeper had since determined that there were monies within the budget and nothing needed to be taken out of the savings. The Highway Superintendent verified he is aware of this transaction.

Councilman Carr questioned if there was going to be additional postage to put the insert into the tax bills could we bill the County for putting their information in? The Tax Collector reported it will be a trial and error this year with the insert, noting she is not sure if it will cost any more for postage.

Supervisor Rajszyk reported she had talked to Chris from the County Office of Real Property who told her they could scan the building plans for the Code Enforcement Office. Code Enforcement Officer Dave Kuebler reported he was informed by the same gentleman that they can't scan the plans but could do around 50 maps. Kuebler noted that the County equipment is getting outdated. Kuebler noted he does not have room for all his plans. The Town Clerk reported that in January she would like to do a Resolution for establishing a policy to keep up with technology as far as records retention is concerned. The Town Attorney suggested looking into a program called the "Cloud". Supervisor Rajszyk stated she would talk to the computer tech about it. Kuebler reported he now has plans sent to his office by pdf.

### **REPORTS OF BOARD MEMBERS**

Councilman Shafer reported there will be a Zoning Rewrite Committee meeting this Friday night at 6 p.m. to review all the concerns that were brought up Monday night at the Public Hearing on the Zoning Rewrite. Supervisor Rajszyk reported that several comment letters on the proposed zoning laws came in today.

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Councilman Akt reported that the work has been started on replacing the roofs on the municipal building and the pavilion, that Smith Plumbing came in and cleaned the furnace, and that the new stairway is in at the highway garage. Supervisor Rajsz reported that when the shingles were being removed from the pavilion it was noticed that some of the plywood needed to be replaced.

Councilman Carr Thanked everyone for their vote in the recent election. Councilman Carr also Thanked the Town Clerk for having coffee and refreshments at the Town Board meetings each month.

Supervisor Rajsz Thanked the public for their input into the Public Hearing that was held on Monday for the proposed zoning laws, noting that the comments were appreciated and she was assured it will all result in positive feedback to the zoning rewrite committee.

Supervisor Rajsz reported they are advertising for a Part-Time Parks/Maintenance position for the town, noting they have received two applications.

Supervisor Rajsz Thanked Roger Bisland and members of the Community Club for their gift giving for the children for the last 10 years. Supervisor Rajsz noted this will be the last year the Community Club will be doing this, noting it has gotten too big to handle. Supervisor Rajsz reported that any left over monies the Community Club has will be donated.

Supervisor Rajsz reported that a swearing in ceremony will be held on December 29<sup>th</sup> at 6 p.m. for Councilman Joe Carr, Judge Bill McKerrell, Councilman Ron Thiele, Tax Collector Heather Worzel and Highway Superintendent Don "Bosco" Hunt, Jr. Supervisor Rajsz noted that Hunt has been officially sworn in and has taken over as Highway Superintendent but they would like to include him in the swearing in with the other elected officials.

Supervisor Rajsz reported there was a meeting in Shohola for the Pond Eddy Bridge Committee, noting they have discussed building a unique bridge to replace the existing bridge. Supervisor Rajsz noted that the concerns are that the new bridge is proposed to be built 40 feet upstream from the existing bridge and that it will have a weight limit of 40 tons, which questions what is being hauled that would need that kind of a weight limit.

Supervisor Rajsz reported that on November 30<sup>th</sup> the County sent us a \$36,000 charge back from the Mirant case, noting that Mirant did not pay for assessments for certain

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properties in the Town of Lumberland. Supervisor Rajsz also reported that the County has sent \$36,444 for the Snow & Ice Removal on the County roads.

Supervisor Rajsz reported a quote for a generator for the Town buildings was received in 2009 for \$74,000 to cover both the municipal building/senior center and the town hall. Supervisor Rajsz reported she has received a quote for a generator from the secondary engineering firm for \$60,000 to \$80,000 for both buildings, noting she will give the Board members and the Code Enforcement Officer copies of the quote to review. Supervisor Rajsz noted they would need a generator to run the sump pump to keep the water away from the boiler in the Town Hall.

Supervisor Rajsz reported there is a Hamlet grant available and a survey will be going out to get feedback from the community as to where anyone would go for services.

Supervisor Rajsz reported that the MMTF will be coming out with a final DGEIS report by Friday and hope to get it passed at the year-end meeting on December 29<sup>th</sup>. Supervisor Rajsz noted this agreement has been dragging out for 2 ½ years.

Supervisor Rajsz reported they need to discuss the Code Enforcement office hours, noting that it is the consensus of the Town Board that the office hours need to be expanded. Supervisor Rajsz noted she will call the County for a list of certified Code Enforcement Officers. Code Enforcement Officer Dave Kuebler reported he has worked here for 3 years and the 4 days he is here a week he has dealt with the issues within that time with no complaints. Kuebler reported he works elsewhere on Fridays and stated he would like to hear why the Town Board is looking for a change? Supervisor Rajsz stated that they would like to enhance the service to the community. Kuebler noted that his office is open on Fridays until 2 p.m. by his clerk and they have not had any problems. Kuebler stated he knows the needs of the contractors and Councilman Shafer reported he has always treated him fairly when dealing with him for his business. Councilman Akt stated he would abstain from comment. Councilman Carr stated he felt the office should be open 5 days a week, noting the Code Enforcement Officer should be available on Fridays and not have his clerk call him if he is needed. Supervisor Rajsz reported that all offices should be open Monday through Friday, noting she would like to have a Code Enforcement Officer for 30 hours a week for the same pay. Supervisor Rajsz reported she will be interviewing applicants from the certified list she receives from the County.

The Town Clerk wished everyone a Happy Holiday and reported that starting in January the Tax Collector will be working out of the Town Clerk's Office.

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The Town Attorney wished everyone a Happy Holiday.

Chief Constable Patrick Cahill reported on his department's monthly activity.

Code Enforcement Officer David Kuebler reported building permits are up 21% from last year, noting there is a big project going on at Camp Lokanda. Supervisor Rajszyk reported that Mark Dubrosky has approached the Town and the Planning Board to potentially build in the Town of Lumberland on land that borders the Town of Bethel. Kuebler reported that, at present, there is no access to the property from the Town of Lumberland.

Tax Collector Heather Worzel reported she is getting ready to stuff envelopes.

Susan Gregg reported she will be joining Kick Reising's staff and working on sustainability through energy efficiency. Gregg noted she would like to get together with the Town to do an energy audit. Supervisor Rajszyk noted the Town just had an energy audit done by O&R Utilities. Gregg thanked the Highway Superintendent for fixing the roads at Mohican Lake.

Fire Dept. President Ann Steimle reported they had 328 calls this year and that it was the busiest year ever, noting it took the ambulance an average of 8 minutes to respond to a call. Steimle reported they had a recent great save that involved a cardiac arrest and thanked her boss, Peter Comstock, for letting her respond to calls while she is at work.

Kadampa Meditation Center representative Zangmo introduced her new director LLachog, noting the Center is open 7 days a week and everyone is welcomed to stop by.

### **OPEN FLOOR TO PUBLIC**

Billy McKerrill from the Circle Parks Committee reported there will be no Parks Committee meeting tomorrow. Supervisor Rajszyk reported there is a grant available for \$15,000 to clear trees and brush if the Parks Committee is interested in it.

Sophia Martynec reported that January 7<sup>th</sup> will be the Ukrainian Christmas and wished everyone a Merry Christmas.

Susan Gregg questioned if everyone had to sign up at the 911 addressing office in the County? Councilman Shafer noted that most people know their address and get their 911 addressing signs.

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**ABSTRACTS**

Councilman Shafer made a motion to approve Abstract #12, 2011, with General Fund Claims #783 through #877, in the amount of \$45,308.61, General Fund Prepaid Claims in the amount of \$49,355.79, and Highway Fund Claims #491 through #559, in the amount of \$56,717.35, with a total of Abstract #12, 2011 of \$151,381.75, seconded by Councilman Carr, all in favor, so carried.

Councilman Shafer made a motion to recess the regular meeting at 8:16 p.m., seconded by Councilman Carr, all in favor, so carried.

**EXECUTIVE SESSION**

Councilman Shafer made a motion to go into Executive Session at 8:16 p.m. with the Town Attorney to discuss Highway contract negotiations and personnel, seconded by Councilman Carr, all in favor, so carried.

Councilman Shafer made a motion to close the Executive Session at 8:54 p.m., seconded by Councilman Akt, all in favor, so carried. Councilman Shafer made a motion to reopen the regular meeting at 8:54 p.m., seconded by Councilman Carr, all in favor, so carried.

Councilman Shafer made a motion to adjourn at 8:55 p.m., seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn  
Town Clerk