

LUMBERLAND TOWN BOARD MEETING MINUTES
SEPTEMBER 14, 2011

The Town Board of the Town of Lumberland held a monthly meeting on Wednesday, September 14, 2011, at 7 p.m., at the Town Hall in Glen Spey, N.Y.

Supervisor Rajsz opened the meeting at 7:06 p.m., followed by the Pledge of Allegiance.

Roll Call was administered to those members present:

Supervisor Nadia Rajsz
Councilman James Akt
Councilman William J. McKerrell
Councilmen Joseph Carr and Jay Shafer were Absent

Also present were Town Clerk Virginia Horn, Deputy Town Clerk Hattie Brush, Jenny Mellan, Joy Ryerson, Helga Rupnick, Chief Constable Patrick Cahill, Susan Morley, Historian Frank Schwarz, Wayne King, Keith Gilmour, Dawn & Rick Dilles, Helen & Leigh Sherman, ZBA Chair Lewis Powell, Tyler King, Tony VanZanten, Sue Gregg, Abbey Schlosser, Fire Dept. President Ann Steimle, Faith Robles, Fire Chief Eric Robles, Ron Thiele, Sullivan County Democrat reporter Kaitlin Haas, James Karpowicz, Charles Petersheim, Karen Turner, Deputy Highway Superintendent George Turner, River Reporter reporter Sandy Long, LEC CoChair Cheri Bodnaruik and Town Attorney Danielle Jose-Decker.

It is noted that James Karpowicz video taped tonight's Town Board Meeting.

MINUTES

Supervisor Rajsz stated a correction needed to be made to the Minutes of August 8,

2011, page 4, 1st paragraph, noting that the Supervisor was speaking to Chris White from Congressman Hinchey's office requesting possible help from the Army Corp of Engineers for the repair of the Hollow Road from damage from the recent storm. Supervisor Rajsz stated there was a typo error on the Minutes of August 10, 2011, page 2, in the paragraph regarding minutes, it should read Tax Cap. Councilman Akt made a motion to accept the Minutes of August 8, 2011 as corrected, seconded by Councilman McKerrell, all in favor, so carried. Councilman McKerrell

looking at it.

Deputy Highway Superintendent George Turner reported that the estimates on storm damages for the roads was a preliminary listing, noting that the amounts could go higher.

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PRE-FILED RESOLUTIONS

- #125 - Circle Park Basketball Court Lining Approval
- #126 - Advertise Anti Skid Sand Bid
- #127 - Highway Bid – 2011-Gasoline & Diesel Fuel
- #128 - Kean's Moving Expense Approval
- #129 - BAR Re-Appointment –Clarkin-DeAnni
- #130 - BAR Appts. – Chair & Secretary
- #131 - Municipal Bldg. Roof Replacement Approval
- #132 - Town Pavilion Roof Replacement Shingles Purchase

Supervisor Rajszyk reported they had Kean's Moving come several times to move the heavy items from the offices during the installation of the new carpet and tile.

Ron Thiele stated that it was the general consensus that the funds being used to put a new roof on the municipal building should be used to purchase a generator for the buildings. Supervisor Rajszyk reported they had budgeted for the replacement of the roof, noting the Town Engineer has deemed it necessary and that they are looking into getting a generator. Leigh Sherman stated that the Town Engineer told him that the roof didn't need to be done. Supervisor Rajszyk stated that the floor was not open to discussion at this time but reported that the Town Engineer admitted he misread the specs for the roof which were only a 20 year roof which makes the existing roof beyond its life expectancy.

REPORTS OF BOARD MEMBERS

Councilman McKerrell reported he went to a Renaissance meeting and presented their new magazine to the Town Board which features an article about the Town of Lumberland Circle Park. Councilman McKerrell reported they are picking up a grant for \$1,000.00, which monies are being spent tonight on the basketball court. Councilman McKerrell reported there will be an outdoor movie this coming Saturday night at Circle Park at dusk

and the movie is the “Lion King”.

Councilman Akt questioned Rick Dilles, who was awarded the bid for the municipal building roof replacement, when the work would be started? Dilles noted that the existing roof is in pretty decent shape but put his bid in because the work is available. Supervisor Rajsz stated that it was the opinion of the Town Engineer that the roof needs replacement and she has it in writing, noting that they feel the roof should be done before it starts leaking onto all the work that has been done in the offices.

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Supervisor Rajsz Thanked all the agencies for their work during the recent storms, noting that we need to enhance communications during the storms. Supervisor Rajsz reported that the Association of Supervisors is discussing ways to make communications better.

Supervisor Rajsz reported that the feasibility study group has sent an email as to their concept plan for the town, noting they had to reschedule their meeting with the Town Board. Supervisor Rajsz reported there are different phases to the plan and the Town will conduct a survey of the residents. Supervisor Rajsz noted that the feasibility study was done through a grant.

Supervisor Rajsz reported there will be a meeting next week at the County for Public Assistance with FEMA. Supervisor Rajsz Thanked Susan Morley for the picture of the celebration held in the Senior Center for town resident Carl Henschel’s 104th birthday which Assemblywoman Aileen Gunther and Legislator Kathy LaBuda attended.

Deputy Highway Superintendent George Turner reported the Highway Dept. is still working on the damage from Hurricane Irene. Supervisor Rajsz Thanked the highway department for all their work, noting that compared to other areas we were lucky to have so little damage.

The Town Clerk reported she received notification that the Town should be having their annual Flu Clinic on October 11th in the Senior Center, noting she has not had confirmation of the time but will get the information out when she gets it.

Zoning Rewrite Committee Chair Lewis Powell reported that they are waiting for the final draft of the zoning rewrite, noting they will have

another meeting to review the final draft.

The Town Attorney stated that most of what she needs to discuss with the Town Board would need to be done in Executive Session. The Town Attorney reported that the deed with the Pythian Camp should be finalized soon and she is looking into declaring the Knight Cemetery abandoned. The Town Attorney noted they have tried to contact any heirs to the Knight family but have not received any replies. Lew Powell reported that part of the process is to put notification into the newspaper that they are trying to contact any of the heirs. Frank Schwarz stated the cemetery is in very bad condition and has been for the last 20 years. The Town Attorney will try to contact the heirs' attorney.

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Grant Writer Frank Schwarz reported Cultural Series Director Frank Schwarz reported there will be a Cultural Series Concert on October 2, 2011 and it is posted on the website.

Schwarz reported he presented a grant application last night for doing a brochure for the town cemeteries, noting he is hopeful some parts of the brochure will be able to be put on the town website. Schwarz reported the final paperwork has been completed for the HCAP grant for the partial reimbursement for the cost of the new flooring in the municipal building.

Susan Morley reported that the school superintendent is looking into getting information out to the public of what can be done for programming for the next year because of the cost to the taxpayers.

LEC Co-Chair Cheri Bodnaruik reported that they are slow right now, but are continuing their regular water testing, which so far, has remained clear. Bodnaruik noted that the water was churned up in Mohican Lake recently due to the harvesting of the lily pads. Bodnaruik reported a few of the LEC members attended a meeting with the Sullivan County Alliance Sustainable Water Development committee. Bodnaruik reported the Alliance's goal is to reduce the carbon footprint in the personal and community activity by 20% by 2020. Bodnaruik reported that the Town of Lumberland is the only town that has an Environmental Council. Bodnaruik stated that they are looking into different plans to get the kids involved to make them aware of energy issues for the future. Bodnaruik reported they will be meeting again next week in Monticello, and the LEC would like to sit down to discuss this

issue with the Town Board. Bodnaurik reported that they are considering purchasing books with information in them for those that do not have computers.

LEC Co-Chair Cheri reported the Lumberland LEC was instrumental in putting a brochure together about the Japanese Knotweed, noting that there are Japanese Knotweed bushes across from the Jeff bank in Eldred. Supervisor Rajsiz noted that stores sell them as ornamental bushes. Bodnaruik reported that these bushes also grow near the river. Bodnaruik noted that the brochures are in the municipal building.

Chief Constable Patrick Cahill reported on his department's monthly activity. Cahill stated that the Highway Dept. and the Fire Dept. did a great job during the recent storm.

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Lumberland Fire Dept. President Ann Steimle reported on the department's monthly activity, noting how well the Highway Dept., the Fire Dept., and the Constabulary worked together during the recent storm. Steimle reported the Town Supervisor was in constant contact with the Fire Dept. during the storm. Steimle reported that the Fire Chief, Eric Robles & his wife rescued a man down on Australia Road. Steimle stated that what happened during Hurricane Irene was a good indication of what needs to be addressed, noting that they gave out what ice they had and got some from the Office of the Aging. Supervisor Rajsiz reported that O&R Utilities came in with ice on that Thursday after the storm but by then most of the people already had their power back on. Steimle strongly urged the Town Board to look into getting a generator for the town buildings, noting that the Fire Dept. isn't equipped to support the growing community.

OPEN FLOOR TO PUBLIC

Supervisor Rajsiz noted that resident Tyler King was present and Thanked him for serving his country.

Charles Petersheim stated he had questions about the zoning rewrite, asking if the Town was aware that an upstate town is being sued because of their gas drilling regulations? Supervisor Rajsiz stated that if Petersheim has a specific issue with the zoning rewrite he should be addressing that issue with the zoning rewrite committee. Cheri Bodnaruik stated that the zoning rewrite started before the gas drilling issue came into play, noting that the zoning rewrite began to be in line with the Comprehensive Plan. Petersheim

questioned if the Town Attorney was aware of the lawsuit in the upstate town? The Town Attorney stated that the town has the right to prohibit use and anyone can seek a variance from the ZBA. The Town Attorney stated that she is not aware of the lawsuit that Petersheim was referring to, but that the process that is being followed is correct. The Town Attorney noted she, in her perspective, felt the process that is being taken is appropriate and legal and that the Town of Lumberland code should stand the test of time. Petersheim questioned what the process would be if the town was sued? The Town Attorney reported it would be up to the Town Board to determine the course of action. Wayne King stated his concern is the language being used in the rewrite, questioning if the future is forever? Supervisor Rajsz stated that an amendment could be made in the future, noting they are addressing the technology of today. The Town Attorney noted that Local Law #1 of this year superseded several previous laws that needed to be updated.

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Leigh Sherman questioned if the Town has gotten the deed for the land by the cemetery from the Pythian Camp? Councilman McKerrell reported that the previous owner of the property sold all the land except that particular parcel, noting they have contacted the original owner and they have agreed to eliminate the deed restriction on the property and deed it to the town. Sherman questioned if the former Supervisor had given that parcel back to the owners? The Town Attorney stated that it doesn't automatically revert back to the owners and that there was a procedure to follow to determine ownership of the property. The Town Attorney stated that, once they get the final signature, the parcel will be deeded to the town.

George Turner questioned if the new zoning rewrite would stop gas drilling? The Supervisor stated that the regulations are protecting the town from heavy industrial use. Resident Dawn Dilles questioned if that means you are prohibiting taxpayers from gas drilling on their property? Supervisor Rajsz stated that to understand the proposed regulations you should get a draft of the proposed zoning regulations and make your own assessment. Susan Morley stated there is a lot more to the zoning regulations and we should be looking at all the aspects, not just one thing. Supervisor Rajsz reported that they do not know where the gas is but there are many studies out there and not sure which one is correct. Supervisor Rajsz stated that still do not want the trucks using our roads which we have to maintain. Petersheim questioned how many years do the consultants the

town is using for the zoning rewrite have on the issue of gas drilling? Susan Morley questioned how many years does Petersheim have on the same issue?

Supervisor Rajsz noted the Special Announcements. Frank Schwarz noted there will be a Cultural Series Concert on October 2nd. Supervisor Rajsz noted Eagle Creek will be here to have a public forum on October 17th to meet with federal agencies from 3- 4 p.m. and to meet with the public from 7 – 9 p.m. to discuss their proposed expansion project.

ABSTRACTS

Councilman Akt made a motion to approve Abstract #9, 2011, with General Fund Claims A11 -#556 through #642, in the amount of \$189,337.62, General Fund Prepaid Claims in the amount of \$35.00, and Highway Fund Claims H-11 #377 through #417, in the amount of \$91,240.58, with a total of Abstract #9, 2011 of \$9280,613.20, seconded by Councilman McKerrell, all in favor, so carried.

(8) September 14, 2011

Councilman McKerrell made a motion to adjourn at 8:11 p.m., seconded by Councilman Akt, all in favor, so carried. The Town Attorney noted that she needed to go into Executive Session to discuss litigation and personnel. Councilman McKerrell made a motion to reopen the adjourned meeting at 8:29 p.m., seconded by Councilman Akt, all in favor, so carried.

EXECUTIVE SESSION

Councilman McKerrell made a motion to go into Executive Session at 8:29 p.m., to discuss litigation and personnel with the Town Attorney, seconded by Councilman Akt, all in favor, so carried.

Councilman McKerrell made a motion to close the Executive Session, reopen the regular meeting, and adjourn at 9:16 p.m., seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk