

LUMBERLAND TOWN BOARD MEETING MINUTES
& PUBLIC HEARING – RUBBISH REMOVAL
December 13, 2017

The Lumberland Town Board held a Regular Monthly Meeting on Wednesday, December 13, 2017, at 7 p.m. & a Public Hearing at 7:05 p.m. for the Rubbish Removal at a Property in Mohican Lake at the Town Hall in Glen Spey, N.Y. Supervisor Jenny Mellan opened the meeting at 7 p.m., followed by the Pledge of Allegiance.

Roll Call was administered to those members present:

Supervisor Jenny Mellan
Councilman/Deputy Supervisor Leigh Sherman
Councilman Joseph Carr
Councilman James Akt
Councilwoman Zoriana Gingold

Also present were Town Clerk Virginia Horn, Deputy Town Clerk Michele Myslinski, Chief Constable Patrick Cahill, Constable Robert Maas, Don & Tammy Laurer with grandson William, Jill & Daryl Barnes, Cheri Bodnaruik, Attorney for the Town Danielle Jose-Decker, Rose Carr, Supervisor's Bookkeeper Jeanne Mulcahey, Code Enforcement Clerk Laurie Terry, Fire Dept. President Ann Steimle, Steven Kosmacher, Dave Hulse from the River Reporter.

MINUTES

Councilman Carr made a motion to accept the Workshop Meeting Minutes & 2018 Public Hearing for the 2018 Preliminary Budget of November 1, 2017 and the Regular Meeting Minutes of November 8, 2017 as written, seconded by Councilwoman Gingold, all in favor, so carried.

CORRESPONDENCE

1. Monthly Reports:
 - a. Supervisor
 - b. Highway Superintendent
 - b. Town Clerk
 - c. Buildings
 - d. Constables
2. Grant Writer Updates
3. UDC 2017 Annual Report
4. O&R Utilities winter tips
5. Cultural Series 2017 Financial Report
6. SC Public Works – Snow & Ice Watch schedule
7. NECO Fire & Safety Inspection Reports-Town Hall & Senior Center kitchens
8. SC County Clerk Pistol Recertification notice
9. NYS Ag & Markets Shelter Report
10. Sullivan County Manager's Newsletter
11. SC Historical Society Newsletter

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12. Historian & Museum Director's 2017 Annual Report
13. Grant Writer 2017 Annual Report
14. Warden letter to NYS DOT
15. Sullivan Alliance for Sustainable Development letter
16. SC Child Care Council newsletter
17. Rosenfelt letter- Pond Eddy Firehouse
18. UDC Correspondence

Supervisor Mellan noted the inspection of the Humane Society passed.

PROCLAMATION –PHYLLIS KNAPP

Supervisor Mellan read the Proclamation. The Town Clerk informed the family members present she would make up the official copy of the Proclamation and make sure they receive it.

Councilman Carr made a motion to recess the Regular Meeting and Open the Public Hearing at 7:05 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

PUBLIC HEARING –REMOVAL OF RUBBISH AT PROPERTY IN MOHICAN LAKE – 7:05 P.M.

The Attorney for the Town presented the Town Clerk for the record copies of the Code Enforcement Officer's Report, the Resolution to schedule the Public Hearing and verification that certified letters were sent out. Cheri Bodnaruik stated she did not receive any correspondence other than the letter from the Code Enforcement Officer. The Attorney for the Town stated the order to remove the rubbish establishes that the cost to the Town would be assessed on the owner's tax bill.

OPEN FLOOR FOR 1ST TIME

Cheri Bodnaruik reported she did not receive any notification and only found out today at noon from her lawyer that there was going to be a public hearing. Bodnaruik stated the status of the ownership of the property has been in a battle for the last year, noting she was hoping it will be resolved by the beginning of next year. Bodnaruik reported that the stuff on the property is from her mother-in-law's house which her sister-in-law now owns and had it cleaned out when she rented out the house. The Attorney for the Town stated that the Town Board could approve the order to have the rubbish removed then the cost will be assessed on the tax bill or chose to adjourn the Public Hearing until the next meeting. Supervisor Mellan and Councilman Akt agreed they should consider adjourning the Public Hearing until January 10th. The Code Enforcement Officer stated a neighbor offered to clean up the lot but Bodnaruik refused the offer. Bodnaruik stated she cannot make that decision because ownership of the property is in limbo and is waiting for the judge's decision. Bodnaruik stated it is not her stuff and it is at the end of the lake where not everyone goes past it. Supervisor Mellan agreed that if Bodnaruik does get ownership than

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she could have the stuff removed. The Attorney for the Town recommended adjourning the Public Hearing until the next regular Town Board meeting. Councilman Sherman questioned if once the ownership is decided does the Town Board have to give an amount of time for the cleanup to be complete? The Attorney for the Town stated that they have a 30 day notice. Supervisor Mellan questioned if they would have to wait for the deed and title to clear or just when the decision is made? The Attorney for the Town stated the cost of the removal of the rubbish would not be levied on this year's taxes. The Code Enforcement Officer reported the transfer of ownership will not be done because there are violations on the property. The Attorney for the Town stated that if it is not decided by the next meeting the Town can do the cleanup and put the cost on the tax bill.

Councilwoman Gingold made a motion to adjourn the Public Hearing until January 10, 2018 at 7:05 p.m., seconded by Councilman Sherman, all in favor, so carried.

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

PRE-FILED RESOLUTIONS

- #131 - Municipal Employee Health Insurance Benefits Policy
- #132 - 2018 Humane Society Contract Approval
- #133 - Tax Collector Envelope Purchase Approval
- #134 - SC Fire Advisory Board 2018 Appt. – Hunt
- #135 - Winter Youth Basketball Program Funding
- #136 - Road Salt Purchase Agreement with School District
- #137 - Auditor Expenditure Approval
- #138 - County Snow & Ice Removal Contract
- #139 - Schedule PH –Local Law #1, 2018 – Cold War Veterans Tax Exemption
- #140 - Continuing Education Credit – Planning & ZBA Members
- #141 - Tax Collecting Overpayment Limit Increase
- #142 - Code Clerk/Planning Board Clerk/Zoning Board Clerk Appt. – Bury
- #143 - Cemetery Plots Ownership Transfer Request

Councilman Akt questioned if they were adding the Secretary to the Employee Medical Insurance Benefits? Supervisor Mellan reported they made a couple of minor changes, one being the Bookkeeper will now pay 5% of her cost of medical benefits and the other change was to change the wording to read whether anyone was hired or taking office which would cover elected officials and subject to continuous employment with the Town. Councilman Akt questioned if the Bookkeeper still gets family benefits? Supervisor Mellan reported the bookkeeper was hired in 2015 with full family benefits but the bookkeeper has offered to pay 5% of the cost of her benefits.

Supervisor Mellan questioned if Resolution #134 had to be changed in light of Don Hunt, Jr being appointed at a County Deputy Fire Coordinator? It was agreed that Hunt could be

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appointed to the County Fire Advisory Board and the appointment could change if needed at a later date. Supervisor Mellan noted a change to Resolution #139 that the time of the scheduled Public Hearing for Local Law #1, 2018 will change to 7:15 p.m. Dave Hulse from the River Reporter questioned if there was a set amount for the Cold War Veterans' Exemption? Supervisor Mellan reported that the amount was already set within the law, noting the original exemption had a time limit of 10 years, whereas, with this new Local Law, it extends the time frame for the exemption.

Supervisor Mellan requested the wording be changed on Resolution #140 to read that all members would be awarded 2 continuing education credits who participate on the zoning rewrite committee, not just those Planning or Zoning Board members who have not met their required hours.

The Town Clerk clarified that the bad check charge has to be established on each individual parcel regardless if you are paying for multiple parcels with one check, noting that their tax program shows the \$20 bad check charge on each parcel when putting in the payment.

ABSTRACTS

Councilwoman Gingold made a motion to approve Audit and Approval of General Fund & Highway #12, 2017, General Fund Prepaid Claims in the amount of \$ 15,321.03, General Fund Claims G17-#449 through #499, in the amount of \$ 11,770.21, Highway Fund Prepaid Claims in the amount of \$ 14,310.09, and Highway Fund Claims #H17-#490 through #539 in the amount of \$ 26,777.14, with a total of Abstract #12, 2017 of \$ 68,178.47, seconded by Councilman Carr, all in favor so carried.

New Business

REPORTS OF BOARD MEMBERS

Councilman Akt reported there was no Planning Board Meeting this month.

Councilman Carr reported that the Seniors will not meet again until March.

Supervisor Mellan wished everyone a Merry Christmas & Happy New Year.

Supervisor Mellan questioned the Attorney for the Town if she had heard anything from Eagle Creek? The Attorney for the Town reported she has heard nothing.

The Code Enforcement Officer reported they had a busy month, noting they had 5 people that applied for the Clerk position. The Code Enforcement Officer stated that all 5 were well qualified but he decided on the best fit for all three positions that are combined into the job. The Code Enforcement Officer apologized to Councilman Akt who is the Liaison to the Buildings Dept. that he did not contact Akt before going ahead with the interviews, noting the position was advertised on the website. The Code Enforcement Officer reported

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they have had 7 to 8 new houses this year but at this time of year things slow down although the department is about 20% above last year's revenues. The Code Enforcement Officer thanked the Town Board for approving the new clerk.

The Chief Constable noted his monthly activity report.

The Attorney for the Town stated that she will miss working with the retiring Town Clerk and acknowledged the new Town Clerk. The Supervisor Thanked the Deputy Town Clerk for all her research into the tax issue. The Deputy Town Clerk verified they are almost ready for the upcoming tax season. The retiring Town Clerk thanked everyone for their support and their good wishes.

Fire Dept. President, Ann Steimle, congratulated Don "Bosco" Hunt Jr on his appointment as County Deputy Fire Coordinator, noting he is on his first call instead of being at the meeting. Steimle reported the County Managers are doing something in the budget for the EMS, noting they have never gotten any money but they are now setting \$50,000 aside.

OPEN FLOOR TO PUBLIC

Steven Kosmacher questioned if the Town was going to be involved in the Alliance for Sustainable Energy program? Supervisor Mellan reported they originally looked into it but the issue was we get most of our energy from O&R which does not have an agreement with Sullivan County. Supervisor Mellan noted there are several programs out there. Kosmacher reported he heard they worked it out with O&R for a community choice aggregation and the Town would have to enter into an agreement at no cost to the Town. The Attorney for the Town stated that the Town can either opt in but can also opt out at any time. Kostmacher stated the Town would have to pass a local law to have an administrator oversee the agreement. Supervisor Mellan stated they would need to have a representative come to a regular meeting to discuss the options.

Ann Steimle stated the Town Hall decorations look fabulous and did a shout out to Christine Smetanuik for all her work. Councilman Akt stated that 30 people showed up to help decorate during the storm on Saturday.

Supervisor Mellan read the Special Announcements noting the change in the time for the Public Hearing for Local Law #1, 2018 on January 10th will be changed to 7:15 p.m.

Councilwoman Gingold made a motion to adjourn at 7:59 p.m., seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn, Town Clerk