

# **LUMBERLAND TOWN BOARD MEETING MINUTES**

**MAY 11, 2016**

The Lumberland Town Board held a Regular Monthly Meeting on Wednesday, May 11, 2016, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Jenny Mellan opened the meeting at 7:02 p.m., followed by the Pledge of Allegiance. The Town Board members met at 6:45 p.m. and reviewed and initialed vouchers.

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, Chief Constable Patrick Cahill Rose Carr, Historian Frank Schwarz, Supervisor's Bookkeeper Jeanne Mulcahey, Supervisor's Clerk Heidi Spannos, Code Enforcement Officer David Sparling, Highway Superintendent Don Hunt, Jr., Mike Rajs, Christine Smetanuik, Fire Dept. President Ann Steimle, Dave Hulse from the River Reporter, Allyson Wagner and guests, Deputy Town Clerk Michele Myslinski, Bohdan Kandiuk and Griffin Major.

## **MINUTES**

Councilman Carr made a motion to accept the Workshop Meeting Minutes of April 6, 2016, and the Regular Meeting of April 13, 2016 as written, seconded by Councilwoman Gingold, all in favor, so carried.

## **CORRESPONDENCE**

1. Monthly Reports:
  - a. Supervisor
  - b. Town Clerk
  - c. Buildings
  - d. Highway Superintendent
  - e. Constables
2. Planning Board Mtg. Minutes – March
3. Museum donation letter- Swietek
4. Sullivan County Division of Planning – seminars notifications
5. O&R Utilities request to residents
6. Sullivan County Public Health Services Health Advisory
7. UDC Newsletter
8. SC Historical Society Newsletter
9. NYS Dept. of Public Service – Clean Energy Standard Program
10. Sullivan County letter- FERC
11. Renaissance Award Notification= Lumberland Parks & Recreation
12. DEC Deer Management Public Meetings Notification
13. Supervisors letter to County Legislature – Health Impact Assessment Request
14. Black Forest Homeowner notification – support of “Zombie Law” (Late File)

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Supervisor Mellan noted that Item #14 was a late file letter from a Black Forest resident who was concerned about a burned out building directly across from where he is building and included his support of a proposed “Zombie Law”. Supervisor Mellan reported she has two additional late file correspondence items, noting #15 was a notice from the Auditors that our 2015 annual financial report has been finished and we are in good shape and #16 was a letter from the DEC regarding the waste water treatment plant permit at Camp Simcha. Councilman Sherman made a motion to accept late file correspondence #14, #15 & #16, seconded by Councilman Carr, all in favor, so carried. Supervisor Mellan stated she would like to hold #3, #5, #11, #14 and #15 for discussion. Councilwoman Gingold made a motion to accept Correspondence #1 through #16, seconded by Councilman Carr, all in favor, so carried.

Supervisor Mellan stated that Item #3 was a letter in support of the Museum and a donation of \$25. Supervisor Mellan stated that Item #5 was a request from O&R for residents to make sure their meters are accessible for the meter readers, noting an estimated bill will be sent if they are not. Supervisor Mellan reported Item #11 was a notification from Renaissance that a maintenance grant was awarded to the Parks for \$1,500. Supervisor Mellan reported that Item #14 was an email she received from a resident of Black Forest who questioned a neighboring house that had been burned out by a fire and that he is in support of the proposed “Zombie Law” that will address such houses. Supervisor Mellan noted that the Board members have a copy of the proposed law that better suits the Town of Lumberland. Supervisor Mellan Thanked the Code Enforcement Officer for doing the research on the law. The Code Enforcement Officer reported the proposed law was in the Association of Towns packets. Supervisor Mellan reported Item #15 was the letter from the accountants that did the annual financial report, noting everything was good and they gave some suggestions that haven’t been done in the past. Supervisor Mellan reported one of the suggestions is compiling a Personnel Manual which will keep better track of employees and their requirements.

### **PRE-FILED RESOLUTIONS**

- #82 - Bid Award –Constable Radios
- #84 - Noise Permits- Brookwood Camp
- #85 - Donation to Town Museum
- #86 - Extended Noise Permit – Massey & Miller
- #87 - Planning Board Alternate Member Appt. – King
- #79B – Unsafe Structure & Schedule Public Hearing
- #88 - Senior Center Rental & Town Hall & Town Pavilion Reservations Requirement
- #89 - Cemetery Committee Appts.

Supervisor Mellan reported Resolution #82 was held over from the Workshop Meeting to further discuss with the Chief Constable the need to purchase new radios. Supervisor Mellan noted the transfer of funds needed to cover the purchase which is within the

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Constabulary budget lines. The Chief Constable reported he communicated with the 911 center as to what radios he should be purchasing, noting if an officer is in trouble they would be able to track him with the newer radios. Councilman Sherman questioned since the new radio tower will not be operational until next year what these new radios will do now that the old radios are not already doing? The Chief Constable reported that 2 of the present radios in the cars are having problems and he did not want to spend monies to repair the old radios when they would need new ones next year anyway. Councilman Sherman questioned if it would be beneficial to ask the Fire Dept. if they also purchased their new radios now? The Fire Dept. Chief stated that the Fire Dept. has \$7,000 set aside towards the cost of new radios and the Town has been putting aside monies to help with the purchase but there is no guarantee if we bought them in bulk it would be any cheaper. Ann Steimle noted that the companies supplying the radios would not be doing any discounting. Supervisor Mellan noted that last year the Constabulary used up much of their budget by the end of the year and this year already there is only \$13,000 left of the \$16,000 originally budgeted for their contractual expenses. The Chief Constable reported they did not use all of their personnel monies last year so he is hoping any excess in that line this year will help if he falls short for expenses. Councilman Sherman questioned the difference in the two bids but the Chief Constable noted that in the one bid they are stating 3 car radios and 1 base radio whereas the other company is stating it is a total of 4 radios altogether. Councilman Sherman stated he is in favor of going with the lowest bidder. The Chief Constable recommended going with the lowest bidder. The Highway Superintendent stated that Goosetown will install the Town radios that are used by the Highway Dept. The Chief Constable noted that the Constabulary radios are different. The Highway Superintendent suggested the Chief Constable check with Goosetown to see if there would be any problem with AC Communications putting in the new Constables radios.

Supervisor Mellan noted the Noise Permits request from Brookwood Camp. Supervisor Mellan reported she received an email regarding the Noise Permit extension request from a different private party, noting the people are asking permission to use the town parking lots. Supervisor Mellan stated that anyone using the town facilities should be giving us a Certificate of Insurance prior to use and the Town Clerk was instructed to contact the people notifying them it was approved upon the condition they submit a Certificate of Insurance.

Councilman Sherman reported it was a Town Board decision at their Workshop Meeting to only appoint one applicant to the Alternate Member position on the Planning Board and leave the other Alternate position vacant. Supervisor Mellan reported she spoke with the Planning Board and they are requesting we advertise again for the open Alternate position but to only repost the ad on the Town website and not spend the money to put it in the newspapers. Supervisor Mellan noted that the previous other recommendation from the Planning Board was to appoint a person who is already on the ZBA and she stated we need to be more diversified. Councilman Sherman noted that if the applicant was on both Boards they would not be able to vote on the same topic before both Boards.

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Councilman Carr stated that if a Certificate of Insurance is needed for rentals of the Senior Center and the use of the Town pavilion it should also include the Town Hall. The Board members agreed to amend the requirement to include the Town Hall use.

### **ABSTRACTS**

Councilman Carr made a motion to approve Audit and Approval of General Fund & Highway #5, 2016, General Fund Prepaid Claims in the amount of 13,929.75, General Fund Claims G16-#225 through #280, in the amount of \$ 12,729.99, Highway Fund Prepaid Claims in the amount of \$ 9,922.63, and Highway Fund Claims #H16-#202 through #232 in the amount of \$ 52,514.34, with a total of Abstract #5, 2016 of \$ 89,099.71, seconded by Councilwoman Gingold, all in favor so carried.

### **Proclamations**

New Business

### **REPORTS OF BOARD MEMBERS**

Supervisor Mellan reported on April 29<sup>th</sup> she met with the town employees, noting she is starting the Budget process early by handing out worksheets for the department heads to put in their requests for 2017.

Supervisor Mellan reported she has her Clerk working on looking at the O&R billing, noting they realized that we were getting charged for the same street light twice. Supervisor Mellan noted that since the discovery the bill in one month dropped between \$30 to \$40. Supervisor Mellan reported that O&R will be refunding monies owed for the last couple of years.

Councilwoman Gingold reported the UDC has a new website page which is connected to the National Geographic where people can go on the site, see what is going on in the area and plan vacations along the Delaware River. Councilwoman Gingold stated she would like to have the link put on the Town website.

Councilman Carr reported he will take the matter of requiring a Certificate of Insurance for all Senior Center rentals to the Senior Advisory Board meeting.

Councilman Sherman reported that at the Board of Supervisors meeting it was discussed that hopefully by September the Sullivan County Legislators will decide the shared tax issue. Supervisor Mellan reported she got correspondence there was a discussion at the meeting regarding solar. Councilman Sherman stated he has the info on that issue. The Code Enforcement Officer reported we have regulations regarding solar in our zoning.

Councilman Sherman reported he talked to the Town Engineer about the window and door replacements. Councilman Akt stated we should give the grant money back because the

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windows are okay. Councilman Sherman stated that we still have to do some of the door replacements. Supervisor Mellan questioned if we could amend the grant? The Grant Writer stated that you can't amend but if we do not do the complete project we would only get back the monies we expend. The Grant Writer noted that the windows and doors are only a part of the whole grant and that we were almost complete on the grant, noting there were 15 different items on this grant. The Deputy Town Clerk stated that the outside door to the Records Room definitely needs to be replaced. Councilman Sherman stated the Engineer can write up the specs.

The Town Clerk/Tax Collector reported her office has wrapped up tax collecting and written the final check to the Town.

Historian Frank Schwarz reported they changed all the overhead lights in the Town Hall to LED lights which are more energy efficient. The Cultural Series Director, Frank Schwarz, thanked the Cultural Series on a wonderful concert, noting he will be picking up the Cultural Series grant.

Grant Writer, Frank Schwarz, reported the town received reimbursement on a small grant. Schwarz reported he would like to do a resolution to do a grant for the beautification for the buildings which is a 50% reimbursement. Schwarz reported he is focusing on the façade of the building, painting the doors and putting a bench on the outside of the Courtroom door. Schwarz requested all Town officials be present at the Memorial Day Observance on May 30<sup>th</sup> at 10 a.m. at the Town Hall.

The Code Enforcement Officer, Dave Sparling reported the wastewater plant at Camp Simcha was finished this month. Sparling reported that the Zombie Law used in Guilderland was a good fit for our town. Sparling reported the requirements for being a Planning or Zoning Board member does not require residency. Sparling reported the Deputy Town Clerk made copies of the updating for the Zoning books. Sparling stated that the TARA Law online is very confusing, noting it does say that we would do it only if the town was in contract with TARA which at this point we are not. Sparling thanked the Board for scheduling a Public Hearing on the unsafe building issue.

Grant Writer, Frank Schwarz, questioned when the Comp Plan Review Committee would be done? Supervisor Mellan reported the Committee has a meeting tomorrow and that everything should be on time with the grant deadline. Schwarz noted the project needs to be closed out by August.

The Chief Constable noted the Constabulary's monthly activity.

The Highway Superintendent reminded everyone that the Spring Cleanup Day was this coming Saturday from 9 – 1. The Highway Superintendent questioned if they still have to mow the area on the corner of Ct. Rt 31 & St. Rt 97? Supervisor Mellan reported that the

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land is owned by an LLC so the Town can only lease the property and cannot buy it. Supervisor Mellan reported that they should just mow the immediate area on the corner by the intersection. Frank Schwarz reported that the CFA grant that was applied for to beautify the property was not awarded.

Councilman Carr reported that a new resident who needed the ambulance praised the Fire Dept. for their response.

Fire Dept. President Ann Steimle reported that the burning ban should be lifting on May 14<sup>th</sup>, noting the Fire Dept. responded to their 123<sup>rd</sup> call so far this year and that was a brush fire. Steimle reported that on Mother's Day our Fire Chief was on a personal errand when he noticed 2 people in a canoe without life jackets that were in trouble on the river. Steimle reported the Fire Chief ran along the side of the river to provide guidance to get the people to shore while his wife drove back up the road to call 911. Steimle noted that the man in the river had a heart condition and it was important to get them help as soon as possible, noting this was a real case of saving a life.

### **OPEN FLOOR TO PUBLIC**

Allyson Wagner introduced herself and letting everyone know that she is running for a seat on the School Board, reminding everyone the vote will take place on May 17<sup>th</sup> from 11 am to 9 pm at the High School. Wagner noted there are 4 candidates running for the one open seat.

Supervisor Mellan noted the Special Announcements.

Councilman Carr made a motion to recess the Regular Meeting at 8:11 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

### **EXECUTIVE SESSION**

Councilman Carr made a motion to go into Executive Session at 8:11 p.m. to discuss a particular personnel issue, seconded by Councilwoman Gingold, all in favor, so carried. Councilman Carr made a motion to close the Executive Session at 8:30 p.m., seconded by Councilwoman Gingold, all in favor, so carried. Councilman Carr made a motion to reopen the Regular Meeting at 8:30 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

Councilman Sherman wanted it noted in the minutes that Councilman Akt became loud during the Executive Session and did not return to the Regular Meeting after making vicious remarks against him, the Supervisor and other Board members. Supervisor Mellan reported that Councilman Akt stormed out of the building when the Executive Session started. Councilwoman Gingold stated Councilman Akt was very explosive. Councilman Carr strongly stated that Councilman Akt's loud vulgarity and rants cannot continue in front of the ladies present.

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Councilman Carr made a motion to adjourn at 8:32 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn, Town Clerk