

**LUMBERLAND TOWN BOARD MEETING MINUTES**  
**PUBLIC HEARINGS – 7:15 p.m. FIRE DEPT. CONTRACT RENEWAL &**  
**7:30 p.m. 2017 PREMINARY BUDGET**

**October 12, 2016**

The Lumberland Town Board held a Regular Monthly Meeting with a Public Hearing on the Fire Dept. Contract Renewal & a Public Hearing on the 2017 Preliminary Budget on Wednesday, October 12, 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.

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, Rose Carr, Charlie Fallon, Historian Frank Schwarz, Lewis Powell, Chief Constable Patrick Cahill, Constable Robert Maas, Supervisor's Bookkeeper Jeanne Mulcahey, Supervisor's Clerk Heidi Spannos, Code Enforcement Officer David Sparling, Code Enforcement/Assessor Clerk Laurie Terry, Highway Superintendent Don Hunt, Jr., Fire Dept. President Ann Steimle & numerous Fire Dept. personnel, Mike Rajs, Kathy & Bill Konival, Attorney for the Town Danielle Jose-Decker, Dave Mellan, Dave Hulse from the River Reporter, Caroline Akt, Robert King, Christine Shablosky & daughter, Helga Rupnick, Jack Shafer, Bohdan Kankiuk, Griffin Major, Allyson Wagner, George Speer, Christine Smetanuik, Kaitlin Haas from the Sullivan County Democrat, Tammy Pitre, Joanna Dutcher, and a couple of unnamed attendees.

**MINUTES**

Councilman Carr made a motion to accept the Workshop Meeting Minutes of September 7, 2016, Regular Meeting Minutes of September 14, 2016, 2017 Budget Workshop Meeting Minutes of September 19, 2016 and 2017 Budget Workshop Meeting Minutes of September 21, 2016, Special Meeting Minutes of September 27, 2016 and Special Meeting Minutes of October 3, 2016 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
  - e. Constables
2. Sullivan County Local Law – Dean's Law
3. Planning Board Mtg. Minutes- August
4. Parks Committee Mtg. Minutes- August
5. Cultural Series Concert Report

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6. ZBA Mtg. Minutes- August
7. Sullivan County Resolution – Solarize Sullivan
8. UDC Proposal – Supplemental Emergency Public Notification System
9. NYS Legislative Commission on Rural Resources Newsletter
10. NYS Ag & Markets Municipal Shelter Inspection Report
11. SC Board of Elections- schedule of Election Day, Open Registration Day & Absentee Voting
12. 2016 Highway Equipment Inventory
13. Fire Dept. Activity Report
14. Shafer Bros. letter- Shafer Heights Road
15. Parks Committee Meeting Minutes- Sept. (Late File)
16. SLAC Mtg. schedule (Late File)
17. Hudson Valley Hours Exchange Mtg. (Late File)

Supervisor Mellan noted that SLAC stands for Senior Legislative Action Committee. Councilwoman Gingold made a motion to accept late file correspondence #15 through #17, seconded by Councilman Sherman, all in favor, so carried. Councilman Carr made a motion to accept Correspondence #1 through #17, seconded by Councilwoman Gingold, all in favor, so carried.

### **PRE-FILED RESOLUTIONS**

- #130 – Establishing Capital Reserve Fund – Constable Vehicle
- #131 - Award Sand Bid
- #132 - Approve Fire Dept. Contract Renewal
- #133 - Approve 2017 Preliminary/Final Budget
- #134 - Approve Eldred School District Salt Purchase Contract Renewal
- #135 - Schedule Public Hearing – Local Law #4, 2016 – Amend Zoning
- #136 - Approve Permit Fee Schedule – Pavilion & Park Group Use

Councilman Akt questioned if we had been putting money away each year for the Constables' vehicle? Supervisor Mellan verified we had in the past but it was not done correctly but now we are establishing a Capital Reserve Fund where money can be put each year to accumulate for a future purchase. Supervisor Mellan noted they will skip Resolutions #132 & #133 until after the Public Hearings. Supervisor Mellan reported the contract with the School District to purchase road salt from the town is the same as last year.

Supervisor Mellan reported we have two Public Hearings scheduled for tonight. Supervisor Mellan stated that each person would have 3 minutes to speak and their comments should be directed to the Town Board, there will be no speaking to any other person in the audience and the Deputy Town Clerk will be timing each speaker. Supervisor Mellan stated that anyone who does not abide with the rules will be escorted out of the meeting.

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**PUBLIC HEARING – 7:15 P.M. – FIRE DEPARTMENT CONTRACT RENEWAL**

Supervisor Mellan reported the existing contract with the Fire Dept. is set to expire on 12/31/2016. Councilman Carr made a motion to open the Public Hearing on the Fire Dept. Contract Renewal at 7:15 p.m., seconded by Councilman Akt, all in favor, so carried.

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

Fire Department President Ann Steimle stated she is here representing the Fire Dept. and that the proposed increase to the Fire Dept. budget shows a \$20,000 increase over the last three years. Steimle reported that in the past the monies they have gotten from fund raising should be used to replace equipment but doesn't always because of increases to operating expenses. Steimle reported that the Dept. has put in over 4,000 man hours so far this year and felt they deserve the proposed increase for the time given to the town. Steimle reported that it cost \$10,000 to outfit each fireman and the costs keep going higher and higher. Steimle stated that the Fire Dept. has always told people if they would like to see what the Fire Department does they can come to the firehouse any given Monday when drills are held. Steimle stated that they have made 100% of their calls and support surrounding towns when needed. Steimle noted that the Fire Dept. has not had an increase in the last 3 years.

Lewis Powell questioned, if during negotiations, did the Fire Dept. present a breakdown of their budget? Supervisor Mellan reported they did not, noting the Fire Dept. is a private corporation and the other Board members aside from both the Supervisor and Councilwoman Gingold who attended the negotiations did not see what the Fire Dept. originally proposed. Supervisor Mellan stated that although it looks like the Fire Dept. will get a \$20,000 increase, in fact, they are only getting an additional \$10,000 since the other \$10,000 was the amount that was being put aside for new radios in the past years. Supervisor Mellan stated that the proposed increase is for a 2 year contract, noting that this is not a question and answer session, only comments. Powell questioned why the increase was not split between both years?

Joanna Dutcher reported that while in the process of purchasing a house in town she had to call the Fire Dept. for assistance. She noted that the Fire Dept. stayed with her and her two small children to make sure they were safe before they left. She stated that she sees how much the Fire Dept. puts into their fund raising efforts and was in favor of the Town paying the increase seeing how they go above and beyond for us.

Councilman Carr stated that the Fire Dept. is the only reason he is here today since if it hadn't been for the ambulance responding to his house he would be dead.

Caroline Akt stated she appreciates what everyone is saying and respects the Fire Dept., however, she felt that there should be more financial transparency in how the Fire Dept. spends the taxpayers monies. Akt stated that the Fire Department are professionals and runs an excellent Dept.. Akt stated that what she finds hard to believe is the reluctance of Board members to be defensive and not simply request a financial monthly report as every other

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department does? Akt stated that the Board should amend the Fire Dept. contract to request it include a financial reporting of monies spent. Akt stated we have been giving the Fire Dept. \$190,000 annually. Akt noted that the Town pays for the Fire Dept. LOSAP program and is putting money aside for new radios. Akt stated that in this day and age for our elected officials to be anything but transparent with everything spent for taxpayers' money is astonishing and shouldn't be tolerated. Akt noted that for the next two years we will be giving the Fire Dept. another \$20,000 with no questions asked. Akt questioned at what point does it stop? Akt stated the Fire Dept. should let the taxpayers know what is spent and amend the contract to request it. Akt stated she understands the Supervisor is friends with the Fire Dept. and that the Fire Dept. saved Councilman Carr's life but doesn't convey to the taxpayers why you will not ask for a financial report.

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

Kathy Konival reported the Fire Dept. has opened their doors to anyone that wants to see what they do and anyone can see the paperwork of what they spend. Konival stated that her husband has a pace maker and the Fire Dept. has been to her house numerous times over the years since she moved here. Konival noted that the Fire Dept. does not charge for ambulance calls, however, you will get billed for an als unit responding to a call. Konival stated she is the President of the Auxiliary and backs the Fire Dept. 100%.

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

No Comment

Councilman Carr made a motion to close the Public Hearing at 7:29 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

### **PUBLIC HEARING -7:30 P.M. – 2017 PRELIMINARY BUDGET**

Councilman Carr made a motion to open the Public Hearing on the 2017 Preliminary Budget at 7:30 p.m., seconded by Councilman Akt, all in favor, so carried.

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

Caroline Akt stated there was an issue regarding the Summer Youth Program and the Assistant Director, Christine Smetanuik's amount she should have been paid was cut? Akt stated that Smetanuik was a valuable volunteer and stated she would appreciate the Town Board finding the monies to pay the amount that was shorted.

Ann Steimle agreed that the Summer Youth Program was valuable to the Town, noting she has seen Smetanuik do a lot of work.

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

Cultural Series Director Frank Schwarz noted he submitted a letter to the Town Board for review. Supervisor Mellan stated they would address this letter at the next Town Board meeting.

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Ann Steimle questioned if the Town recoups the monies needed for the Smallwood Mongaup Valley Fire District? Supervisor Mellan reported the taxpayers in that district pay for the amount needed.

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

No Comment

Councilman Carr made a motion to close the Public Hearing at 7:34 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

Supervisor Mellan stated they would go back to addressing the Pre-Filed Resolutions. Supervisor Mellan stated they would do a Roll Call vote for both Resolution #132 & #133. Councilman Akt was the lone vote against the renewal of the Fire Dept. contract, noting the amount was always increased by \$5,000 not \$10,000. The Board members addressed Resolution #133 for the approval of the 2017 Final Budget. Supervisor Mellan reported that almost everyone was given a 2% raise. The majority of the Board members passed the 2017 Preliminary Budget as their Final Budget with Councilman Akt voting No.

The Attorney for the Town read Resolution #135 which was to schedule a Public Hearing on proposed Local Law #4, 2016 entitled "Amend Zoning Code". Supervisor Mellan noted a Public Hearing will be held, Wednesday, November 2, 2016 at 7:15 p.m. at the Municipal Building.

Supervisor Mellan reported a copy of the application for the reserving of both the Town Pavilion and the Park was attached to the Rules and Regulations for the use of both.

**PROCLAMTION**  
**NEW BUSINESS**  
**OLD BUSINESS**

### **ABSTRACTS**

Councilman Carr made a motion to approve Audit and Approval of General Fund & Highway #10, 2016, with General Fund Prepaid Claims in the amount of \$ 29,621.25, General Fund Claims G16-#497 through #539, in the amount of \$ 22,437.63, Highway Prepaid Claims in the amount of \$ 10,701.77, and Highway Fund Claims #H16 - #357 through #397 in the amount of \$ 92,638.07, with a total of Abstract #10, 2016 of \$ 155,398.72, seconded by Councilwoman Gingold, all in favor, so carried.

### **REPORTS OF BOARD MEMBER**

Councilman Akt reported they have finished with the new doors on the municipal building. Supervisor Mellan reported some of the doors are sticking. Councilman Akt will call Martell's to have someone come out and look at them.

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Supervisor Mellan reported she is still working with the attorneys for the Time Warner Cable contract.

Councilman Carr reported the Seniors are having their pancake breakfast on this Sunday from 8 am til noon in the Senior Center.

The Town Clerk reported they are busy and waiting to see if the town tax bills may be late in January because of the rescheduling of due dates for the school tax bills.

Code Enforcement Officer, David Sparling, reported the IBC codes have been updated and if you know of any changes call the Code Enforcement Office.

The Chief Constable noted his monthly activity report.

Grant Writer, Frank Schwarz, reported they have received confirmation that they will get full funding through a grant for the highway software program. Schwarz reported he is hoping to get a grant to do the ropes in the windows of the Town Hall. Schwarz reported as of now there is not a phase 3 for the Plans and Progress grant but that they can apply next year for the replacement Town signs, noting he is looking for a lower price for the signs.

Historian Frank Schwarz reported he is calculating the electric bill for the buildings which is up from the last bill.

Highway Superintendent Don Hunt, Jr. reported they are busy, noting Caskey Road is almost done. Hunt reported they rented a lift and are working on trimming trees along the roadways.

Fire Dept. President Ann Steimle reported the Fire Dept. participated in a Fire Prevention Week activity at the Mackenzie Elementary School. Steimle noted the Fire Dept. will participate in the “Trunk & Treat” in conjunction with the Parks Committee on Saturday, October 29<sup>th</sup>.

### **OPEN FLOOR TO PUBLIC**

Kathy Konival reported that on November 8<sup>th</sup>, Election Day, the Fire Dept. Auxiliary will having takeout lunches and dinners, noting the lunches will be from 11 a.m. to 2 p.m. and the dinners will be from 4 – 7 p.m. in the Senior Center.

Supervisor Mellan noted the Special Announcements.

Councilman Sherman made a motion at 7:54 p.m. to recess the Regular Meeting and go into Executive Session to discuss a particular personnel issue, seconded by Councilman Carr, all in favor, so carried.

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**EXECUTIVE SESSION**

Councilman Akt made a motion to accept the resignation letter received from Court Justice Charles Fallon, seconded by Councilwoman Gingold, all in favor, so carried. The Town Board further agreed to advertise for the vacancy with a deadline of receiving letters of interest for October 28<sup>th</sup>.

Councilwoman Gingold made a motion to close the Executive Session 8:10 p.m., seconded by Councilman Sherman, all in favor, so carried.

Councilman Carr made a motion to reopen the Regular Meeting at 8:12 p.m., seconded by Councilwoman Gingold, all in favor, so carried. Supervisor Mellan reported that in Executive Session the Town Board voted to accept the letter of resignation submitted by Court Justice Charles Fallon which will take effect this Friday. Supervisor Mellan noted that the offices will hold a luncheon for Fallon next Wednesday at noon.

Councilman Carr made a motion to adjourn at 8:13 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn, Town Clerk