

LUMBERLAND TOWN BOARD MEETING MINUTES

August 9, 2017

The Lumberland Town Board held a Regular Monthly Meeting on Wednesday, August 9, 2017, at 7 p.m., 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, Attorney for the Town Danielle Jose-Decker, Cathy Sterling, Ann & Bernard Suppa, Code Enforcement Officer David Sparling, Rose Carr, Heidi Spannos, Josh Strang, Highway Superintendent Don Hunt, Jr., Dave Mellan, Lorry & Wayne King, Tyler King, ZBA Chair Terry Fountain, Planning Board Chair Sharon Sparling, Helga Rupnick, Robert King, Steven Kosmacher, Caroline Akt, Linda & Bill McKerrell, Bill Kroohs, Oxsana & Jerry Krupka, Billy McKerrell, Sonia Frieberg, Denise & John Osterhout, Supervisor's Bookkeeper Jeanne Mulcahey, Code Enforcement/Assessor Clerk Laurie Terry, Zangmo & Amy Schwartz from the Kadampa Meditation Center, Dave Hulse from the River Reporter, Kaitlin Haas from the Sullivan County Democrat. James Hickey and Rich McGuire.

MINUTES

Councilman Sherman made a motion to accept the Workshop Meeting Minutes of July 5, 2017, the Regular Meeting Minutes of July 12, 2017 and the Special Meeting Minutes of July 24, 2017 as written, seconded by Councilman Carr, all in favor, so carried.

CORRESPONDENCE

1. Monthly Reports:
 - a. Supervisor
 - b. Highway Superintendent
 - b. Town Clerk
 - c. Buildings
 - d. Constables
 - e. Fire Dept.
2. Grant Writer Updates
3. UDC notification
4. SC Division of Public Works – Credit/Debit Cards Use at Transfer Stations
5. NYS Legislature Newsletter
6. Sullivan County DPW- Amended Paving schedule notification – SR 42(Forestburgh)
7. DEC Emergency Notification – Repairs to Lebanon Lake Dam

(2) August 9, 2017

8. Veterans Assistance Fair notification – August 17th – SUNY Sullivan
9. DEC Comprehensive Plan – Chronic Wasting Disease in Deer and Moose
10. McKerrell letter – Zoning Review Committee (Late File)
11. Resignation notification – Susan Gregg- Planning Board & Zoning Review Committee (Late File)

Supervisor Mellan reported that Item #4 is notification that the transfer stations are now accepting credit/debit cards. Supervisor Mellan noted Item #6 was notification from the Sullivan County DPW of the extended paving schedule for Forestburgh Road which is completed. Supervisor Mellan reported Item #7 was notification from the DEC that there was repair work being done at the Lebanon Lake Dam. The Code Enforcement Officer verified there was a hole in the dam. Supervisor Mellan reported there were two late file pieces of correspondence, one being a letter written by resident Linda McKerrell and the other piece of correspondence was an email from Susan Gregg submitting her resignation from both the Planning Board and the zoning review committee.

Councilman Sherman made a motion to accept Correspondence #1 through #11, seconded by Councilwoman Gingold, all in favor, so carried.

PRE-FILED RESOLUTIONS

- #103 – Court Clerk request- Attend Annual Conference
- #104 – Records Room Roof Replacement
- #105 - Assessor Computer Purchase Approval
- #106 - UD Scenic Byways Delegate Appt. – Kalina (Late File)
- #107 - SAM Grant #6499 Expenditures Approval (Late File)

Supervisor Mellan reported Resolution #107 was a list of expenditures that will be submitted for reimbursement through a grant, noting that this list is an amended listing of projects being submitted.

ABSTRACTS

Councilman Sherman made a motion to approve Audit and Approval of General Fund & Highway #8, 2017, General Fund Prepaid Claims in the amount of \$ 11,398.96, General Fund Claims G17-#268 through #323, in the amount of \$ 25,807.73, Highway Fund Prepaid Claims in the amount of \$ 10,306.58, and Highway Fund Claims #H17-#355 through #385 in the amount of \$ 83,467.56, with a total of Abstract #8, 2017 of \$ 130,980.83, seconded by Councilman Carr, all in favor so carried.

Proclamation – UKRAINIAN INDEPENDENCE ANNIVERSARY

Supervisor Mellan read the Proclamation. Councilman Sherman made a motion to approve the Proclamation, seconded by Councilwoman Gingold, all in favor, so carried.

New Business

(3) August 9, 2017

REPORTS OF BOARD MEMBERS

Councilman Akt stated they have a few projects before the Planning Board and the Code Enforcement Officer will be giving the Buildings Dept. report.

Councilman Sherman reported that the work for the replacement of the Records Room roof has been approved, that there is still work being done on the bus garage and that there is some work in the Park regarding gaps in the stones.

Councilman Carr noted that the Fire Dept. would give their report and that Parks & Recs is here to give their own report.

Councilwoman Gingold thanked the Constables for dealing with an issue of people coming into Circle Park without the proper paperwork. Supervisor Mellan noted that the same people were given an application previously to fill out and submit. The Deputy Town Clerk reported we need to have additional signs made up with the new regulations posted on them. Supervisor Mellan reported she came down to the offices one night and they were using the park without permission. The Highway Superintendent/Parks Commissioner stated that if we give him the wording for the new signs he will have them made up.

Councilwoman Gingold stated she would like to correct what was posted on Facebook that was not accurate. Councilwoman Gingold stated the true facts that she actually said at the Workshop Meeting, noting a lot is being posted on social media that is not the truth.

The Deputy Town Clerk reported the office was busy with doing the DEC licenses. The Deputy Town Clerk stated they are having problems with a group coming in that wants to use the park, noting that they brought in the proper paperwork today but did not bring in their deposit. The Town Clerk verified it is on the application that the paperwork needs to be submitted 48 hours before the requested use. The Town Clerk stated this group wants to bring in 150 girls to the park tomorrow at 3:30 pm. The Town Clerk stated she may have no other choice if they do not show up until the last minute with the fee to deny them use of the park.

The Chief Constable noted the monthly Constabulary Report.

The Code Enforcement Officer reported on his department's monthly activity. The Code Enforcement Officer clarified the question of why he put in a mileage voucher, noting he only did so when the town vehicle was being repaired. The Code Enforcement Officer reported that the repairs to the Lebbanon Lake Dam had the proper permits.

Billy McKerrell from the Parks Committee reported they had a busy summer and that the new town sign was installed at the corner of Ct. Rt. 31 and Rt. 97 and noted the entrance to the Highway Garage looks great. McKerrell noted they went through the park and identified all the plants and flowers and found 70 different species. McKerrell took note of

(4) August 9, 2017

the many people that have helped with the plants. McKerrell reported Saturday they had the Renaissance judging and on Monday they received \$1,000 for Judge's Choice Award and \$2,000 for Showing of Flowers. McKerrell thanked everyone involved especially the Highway Dept. for their work in the park.

Planning Board Chair Sharon Sparling reported they have one project before the Board last month with more info on that one in September.

The Highway Superintendent reported they are busy, noting they have been working in the park, paving White Road, will be doing T&L on some of the roads and sealing the roads. The Highway Superintendent noted then they will be getting ready for winter.

Supervisor Mellan reported they received the Sullivan County draft for the proposed Shared Services Plan, noting the Town Board members have each gotten a copy to review. Supervisor Mellan noted parts of the proposed plan involve buying paper products and the storage of records.

Supervisor Mellan reported she was on vacation last week but would like to address the issue of the zoning review committee. Supervisor Mellan reported when the initial committee was set up it was intended to have the committee review the existing zoning and go through and straighten out where it overlapped in more than one section and consolidate the sections. Supervisor Mellan stated this was not a rewrite committee but a review committee, noting that at the special meeting held on July 24th with the zoning review committee they saw a proposed draft of the changes being proposed. Supervisor Mellan stated it was partly the fault of the Town Board for not following through and monitoring the process. The Town Clerk verified that the original committee members were suppose to be the ZBA Chair, a member of the Planning Board, two Town Board members, the Town Supervisor, the Attorney, and Planning Board members. Supervisor Mellan reported that intermittently members stopped going and they were replaced by whomever wanted to sit on the committee. Supervisor Mellan stated that the committee members should be assigned by the Town Board. Councilman Akt verified that the committee should have just been reviewing the zoning. Supervisor Mellan noted that the solar issue came up which was not in the original zoning. Supervisor Mellan stated she is suggesting the zoning review committee be disbanded and that the Town Board actually set up a new committee, noting they can advertise for members and set up a structured committee that is approved by the Town Board. Supervisor Mellan noted that with the resignation of the Chair of the existing committee needs to be addressed. Councilman Akt stated they would still need the attorney to oversee the committee. Councilman Sherman made a motion to disband the Zoning Review Committee, seconded by Councilwoman Gingold, all in favor, so carried. Councilman Carr stated that too many people got involved with the committee. The Town Clerk verified that the original members did not include any ZBA members. Supervisor Mellan stated the ZBA members should be involved. Supervisor Mellan stated they can set up a new committee with the focus on what the original intent was and that was to clean up

(5) August 9, 2017

the existing Zoning Law. Supervisor Mellan stated that the issue with RVs came up, noting she is an RV owner and the initial intent was not to restrict but to determine where you have them on the property. Supervisor Mellan stated there is no setback regulations regarding RVs but since there are regulations on sheds it should also pertain to RVs. The Attorney for the Town stated they can consider at the next Town Board Workshop Meeting what they want and discuss the size of the committee and who they want on it. Councilman Akt recommended that the Code Enforcement Officer be one of the members. Caroline Akt reported that the Attorney for the committee was present at most of the meetings. The Attorney for the Town reported that the original intent of the committee had been addressed. Steve Kosmacher questioned why Susan Gregg resigned as the Chair of the review committee? Supervisor Mellan stated that Gregg did not list the reason in her resignation.

OPEN FLOOR TO PUBLIC

Supervisor Mellan stated that while considering any comments from the floor everyone should remember we are all neighbors and we need to be civil and address the Town Board, not each other. Supervisor Mellan stated that if there is anyone that doesn't wish to speak out in the open can always write a letter or send an email with their comments. There was no comment from the Floor.

Supervisor Mellan noted the Special Announcements. The Chief Constable verified he is working with Camp Simcha on the men's bike-a-thon.

Supervisor Mellan stated at this time she would like to go into Executive Session. Councilman Carr made a motion to recess the Regular meeting at 7:46 p.m., seconded by Councilman Akt, all in favor, so carried.

EXECUTIVE SESSION

The Town Board went into Executive Session to discuss a particular personnel issue with the Attorney for the Town at 7:50 p.m.

Councilman Sherman made a motion to close the Executive Session at 7:58 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman Carr made a motion at 7:59 p.m. to reopen the Regular Meeting, all in favor, so carried. Councilman Carr made a motion for the Attorney for the Town to send a letter, seconded by Councilwoman Gingold, all in favor, so carried,

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

Respectfully Submitted,

Virginia V. Horn, Town Clerk