

# **LUMBERLAND TOWN BOARD MEETING MINUTES**

**July 13, 2016**

The Lumberland Town Board held a Regular Monthly Meeting on Wednesday, July 13, 2016, 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 Sullivan County Legislature Chairman, Luiz Alvarez leading the Pledge of Allegiance. The Town Board members met at 6:45 p.m. and reviewed and initialed vouchers.

Supervisor Mellan reported that Sullivan County Legislative Chairman Luiz Alvarez was here tonight to present a Certificate of Recognition. Chairman Alvarez presented a Certificate of Recognition to Don Hunt, Jr, for rescuing two lives in the Delaware River on May 8<sup>th</sup>. Alvarez also noted that Legislator Nadia Rajsz sent her apologies that she could not attend tonight because she was somewhere else. Supervisor Mellan thanked Alvarez for coming tonight.

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, Sullivan County Legislature Chairman Luiz Alvarez, Constable Robert Maas, Historian Frank Schwarz, Supervisor's Bookkeeper Jeanne Mulcahey, Supervisor's Clerk Heidi Spannos, Code Enforcement Officer David Sparling, Highway Superintendent Don Hunt, Jr., Cheryl Hunt, John Osterhout, Fire Dept. President Ann Steimle, Cathy & Bill Konival, Attorney for the Town Danielle Jose-Decker, Linda Hazen, Cathy Sterling, Dave Hulse from the River Reporter, Deputy Town Clerk Michele Myslinski, Bohdan Kandiuk, Zangmo and Amy Schwartz from the Kadampa Meditation Center, Bohdan Zakamarok, Allyson Wagner, George Speel, Darnell Prunka and Christine Smetanuik.

Supervisor Mellan reported that Aileen Sullivan from O&R Utilities was present to present a donation to the Lumberland Summer Youth Program. Sullivan stated that O&R looks to sponsor non-profit organizations, noting that they have previously donated to the free Thanksgiving dinner that is held in the Town. Sullivan presented the donation to Supervisor Mellan and the Youth Program Director Darnell Prunka.

## **MINUTES**

Councilman Carr made a motion to accept the Workshop Meeting Minutes of June 1, 2016, and the Regular Meeting of June 8, 2016 as written, seconded by Councilman Sherman, all in favor, so carried.

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## **CORRESPONDENCE**

1. Monthly Reports:
  - a. Supervisor
  - b. Town Clerk
  - c. Buildings
  - d. Highway Superintendent
  - e. Constables
2. O&R Utilities Notification = coordinating paving schedules
3. ZBA Mtg. Minutes- April
4. Planning Board Mtg. Agenda – July
5. Resignation letters – Burrow – ZBA & Bldgs. Maintenance
6. Parks Committee Mtg. Minutes –May
7. SC DPW Revised Paving Notice – Ct. Rt. 31
8. TWC name change notification = Spectrum
9. NYS Ag & Markets – Municipal Shelter Inspection Report
10. NYS DEC Discharge Permit – Young Life Lake Champion
11. UDC 2017 TAG Grant availability
12. SC Household Hazardous Waste Collection Event notification
13. Cemetery Committee Mtg. Minutes- June
14. Pond Eddy Bridge Project construction schedule
15. Thank You letter- Summer Youth Program
16. Plans & Progress Grants Application (late file)

Supervisor Mellan reported that Item #5 was resignation letters from John Burrow as the part time buildings maintenance personnel and as a ZBA member, that the paving project on Ct. Rt. 31 is complete, that Time Warner Cable has merged with Spectrum, that a Thank You was received for the Summer Youth Program, and noted that Item #16 was a late file that was discussed at the Workshop Meeting but we did not have the actual grants application paperwork.

Councilman Carr made a motion to accept Correspondence #1 through #16, seconded by Councilwoman Gingold, all in favor, so carried.

## **PRE-FILED RESOLUTIONS**

- #101 - Bid Award- Replacement Doors for Bldgs.
- #102 - Advertise Bid for Monumenting Glen Spey Cemetery New Section
- #103 - Upgrade Purchase for Pontem Software – GIS Mapping of Cemetery
- #104 - Mandate Policy- Weapons in the Workplace
- #105 - Court Clerk Conference
- #106 - Cemetery Deed Ownership Transfer Approval
- #107 - Bus Garage Contract Renewal
- #108 - Schedule Public Hearing – Local Law #4, 2016 –“Zombie Law”
- #109 - Part Time Maintenance Personnel Appt. – Baran (Late File)

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The Board discussed Resolution #101. Councilman Sherman made a motion to discuss this resolution, seconded by Councilman Carr. Supervisor Mellan reported they only received one bid which was a higher amount than was expected, noting the Town Board can go back out to bid for the project. Councilman Sherman made a motion to go out to rebid the project and include advertising in the Times Herald Record, seconded by Councilman Carr, all in favor, so carried.

Councilman Sherman made a motion to table Resolution #104 until next month when more information becomes available on the Weapons in the Workplace, seconded by Councilman Carr, all in favor, so carried.

The Town Attorney read Resolution #108 for the scheduling of a Public Hearing for Local Law #4, 2016 entitled a proposed "Zombie Law" to address abandoned buildings.

Supervisor Mellan reported that copies of the proposed Comprehensive Plan are available in the Town Clerk's office. The Town Clerk noted she had copies here at the meeting along with the proposed "Zombie Law".

Supervisor Mellan reported that Resolution #109 was a late file, noting that with the resignation of the maintenance personnel they advertised for a new person. Supervisor Mellan stated that they got 5 letters of interest and that she, along with Councilman Sherman, interviewed the 3 applicants that were available for the hours needed.

### **ABSTRACTS**

Supervisor Mellan reported that there were 2 bills received late and the original totals to the General Fund and the total of Abstracts have been adjusted.

Councilman Carr made a motion to approve Audit and Approval of General Fund & Highway #7, 2016, General Fund Prepaid Claims in the amount of \$87,643.00, General Fund Claims G16-#338 through #397, in the amount of \$ 35,241.01, Highway Prepaid Claims in the amount of \$ 11,944.77, Highway Fund Claims #H16 -#272 through #302 in the amount of \$ 41,221.39, with a total of Abstract #7, 2016 of \$ 176,050.17, seconded by Councilwoman Gingold, all in favor, so carried.

New Business

### **REPORTS OF BOARD MEMBER**

Supervisor Mellan reported there has been an issue with the use of the Park and the Town Pavilion, noting the condition of the areas after use is the problem. Supervisor Mellan reported that buses have been coming in and Constable Maas did talk to them about picking up their garbage. Supervisor Mellan stated that the last time a litter ordinance was addressed was in 1972 and recommended it be revisited. The Attorney for the Town stated that when there is a violation issued the amount of the fine should be set to give to the Court. Supervisor Mellan noted that the existing fine does not list a minimum only a

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maximum of \$100.00 Supervisor Mellan stated that there should be no bus parking in any of the lots, noting that the area on the other side of the Town Hall can be coned off to keep the buses from parking there. Supervisor Mellan also noted the No Buses sign needs to be put down at the entrance to the Senior parking lot. The Highway Superintendent verified he can block off the area by the pavilion near the generator. The Code Enforcement Officer suggested making that area a fire lane. Christine Smetanuik questioned about buses idling? The Code Enforcement Officer stated it is a law that they cannot be idling and stated that the Town should consider requiring a permit to come here like other parks do. Supervisor Mellan agreed they should look into the permit requirement. Heidi Spannos questioned if it would interfere if the school was using the area? Supervisor Mellan noted that we have a contract with the school which covers them. The Town Clerk verified that the rules of use are posted outside at the pavilion. Cathy Konival questioned if the bus loads are coming from an area camp? Supervisor Mellan stated they were from outside the area.

Supervisor Mellan reported the Code Enforcement Officer got a camp ground law from another town which they have been considering. The Attorney for the Town reported that she, along with her partner, Jacki Riccianni, are reviewing the proposed law. The Attorney for the Town recommended the Zoning Review Committee look at it to implement it into the zoning. Supervisor Mellan agreed to have them look at it because it was not addressed in the original zoning rewrite. The Code Enforcement Officer stated it was a good proposed law to consider which addresses camping on private property but stops it from being done permanently. Supervisor Mellan recommended that the hours spent by the Zoning Rewrite Committee to review the camping law be used towards their training requirements.

Councilman Sherman reported that at the UDC meeting recently Governor Cuomo did a river rafting trip. Councilman Sherman reported that the river is low, the water is warm and you should wear your life vests.

The Attorney for the Town reported that, barring any other complications, she should be finally wrapping up the issue of ownership of the Knight Cemetery which the Town should be able to take over. The Attorney for the Town stated there was difficulty getting in touch with the existing relatives but it has been decided that the executor of the estate's signature is sufficient.

Grant Writer Frank Schwarz reported the SC Plans & Progress grant has been submitted. Schwarz reported that he, along with Christine Smetanuik, have completed the TAG grant for the historical markers which notes all the historical markers in town.

Schwarz noted that the bids for the replacement doors could be done in September. The Board members discussed having a bid opening for the replacement doors on August 5<sup>th</sup> with a bid award on August 10<sup>th</sup>.

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Linda Hazen from the Parks Committee reported things are going smoothly and working on the Maintenance Grant, noting that there will be movie nights in July and August. Supervisor Mellan thanked Hazen for all the plantings around the buildings.

Grant Writer Frank Schwarz reported there is a 3<sup>rd</sup> round of the Sullivan County grant available and he would like to put in for it for working on the welcome signs to the town.

Chief Constable Patrick Cahill reported on the monthly Constabulary activity.

Councilman Carr Thanked the Constabulary for their work for the July 4<sup>th</sup> parade and Thanked the Fire Dept. for participating in the parade.

The Code Enforcement Officer, Dave Sparling, reported they had a generator issue which was an overflow from when it gets too hot. Sparling noted that the original abandoned buildings law came from Poughkeepsie. Sparling reported that there is an issue with the docks in Mohican Lake, noting that most of the docks do not meet DEC standards which calls for no permanent contact with the lake bottom. Sparling noted that the land under the lake is owned by the Mohican Lake Taxpayers Association who pays the taxes and the insurance on that land. John Osterhout reported that 2/3<sup>rd</sup>'s of the docks have supports at the bottom of the lake. Sparling reported it became an issue when someone was building a new dock and Sparling recommended reviewing the regulations and removing them from our code. The Attorney for the Town stated they could change the law to state it would be at the discretion of the Code Enforcement Officer.

### **OPEN FLOOR TO PUBLIC**

Bohdan Zakamorka reported he has a problem with weekend warriors who are throwing garbage alongside the road near his house and the bears are getting into it. Supervisor Mellan noted that they are looking into the litter ordinance. The Attorney for the Town stated the problem with this issue is that unless there is ID in the garbage it would be hard to track.

The Highway Superintendent reported they are busy with finishing up paving VanTuyl Road which still needs to be sealed. The Highway Superintendent reported they will start soon on Caskey Road. Supervisor Mellan questioned if the Highway Dept. was renting a lift again? The Highway Superintendent reported they would like permission to rent another lift. Supervisor Mellan stated the if they do rent one she would like to coordinate the rental with Frank Schwarz who is looking to do work on the shutters on the Town Hall which will need a lift.

Fire Dept. President Ann Steimle reported they have been extremely busy, noting that the recent accident with a local teacher coincided with a house fire in Smallwood and the radio communications became a real issue. Steimle reported the teacher is being released from rehab this Friday to come home, noting her children, who were also in the accident, are

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doing well. Steimle reported that the Fire Dept. Chicken BBQ is July 30<sup>th</sup> and asked everyone to please purchase tickets to show their support.

Ann Steimle stated that she is very proud of her community, noting that people like Linda Hazen who has been watering all the plants and flowers around town and for the resident who is picking up garbage alongside the road are all part of our town. Steimle Thanked everyone for being part of our community.

Supervisor Mellan noted the Special Announcements.

Councilman Carr made a motion to adjourn at 8:04 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn, Town Clerk