

LUMBERLAND TOWN BOARD MEETING MINUTES
& PUBLIC HEARING LOCAL LAW #4, 2016 - ABANDONED BUILDINGS
& PUBLIC HEARING – COMPREHENSIVE PLAN

August 10, 2016

The Lumberland Town Board held a Regular Monthly Meeting on Wednesday, August 10, 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 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, Chief Constable Patrick Cahill Rose Carr, Historian Frank Schwarz, Sullivan County Legislator Nadia Rajs, Mike Rajs, Lewis Powell, Heather Jacksey & daughter, Oxsana Krupa, Tammy Pitre, David Riley, Darnell Prunka, Supervisor's Bookkeeper Jeanne Mulcahey, Supervisor's Clerk Heidi Spannos, Code Enforcement Officer David Sparling, Highway Superintendent Don Hunt, Jr., Fire Dept. President Ann Steimle, Pete Golod from the UDC, Kathy Konival, Sigrid & Robert King, Attorney for the Town Danielle Jose-Decker, Linda Hazen, Cathy Sterling, Dave Hulse from the River Reporter, Deputy Town Clerk Michele Myslinski, Bohdan Kandiuk, Christine Smetanuik, Susan Gregg, Ed Gavalla, Vincent Martino, Yaron Fidler, Hall Smyth, Kelsang Zangmo and Amy Schwartz from the Kadampa Meditation Center and Kaitlin Haas from the Sullivan County Democrat, John Lashely, Alyssa Scheunemann, and a few unnamed attendees

MINUTES

Councilman Carr made a motion to accept the Workshop Meeting Minutes of July 6, 2016, and the Regular Meeting of July 13, 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. NYS Assembly Newsletter
3. Planning Board Mtg. Minutes- June & Resolution –Camp Simcha
4. Peak Powers Generator Job Report
5. Web design update information
6. Hospice of Orange & Sullivan Counties – training opportunities
7. Upper Delaware Scenic Byways informational letter

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8. Grant Writer Update – Historical Marker Brochure
9. Thank You letter – Summer Youth Program
10. ZBA Mtg. Minutes- June
11. SC Historical Society Newsletter
12. Court Clerk letter- grant request
13. UDC Correspondence Letter – Support for an early Warning System for Reservoir-Related Emergencies
14. Orange & Rockland Letter of Vegetation Management
15. (LateFile) Construction Certificate Acceptance letter Camp Simcha from NYSDEC
16. (LateFile) Support Letter Tag Grant for Purchase Training and Installation of Highway Superintendent Software Program
17. (LateFile) NYS Governor’s Legislation-Vacant & Abandoned Properties
18. (Late File) Sullivan County Hazardous Waste Event notification

A motion to waive the 5 day rule for the late file correspondence was made by Councilman Carr, seconded by Councilman Sherman, all in favor, so carried. Councilman Carr made a motion to accept Correspondence #1 through #18, seconded by Councilwoman Gingold, all in favor, so carried.

Supervisor Mellan requested the Household Hazardous Waste event be posted at the town.

PRE-FILED RESOLUTIONS

- #110 - Donations to Town – O&R and Millennium Pipeling
- #111 - Bid Award – Bldgs. Replacement Doors
- #112 - Bid Award – Cemetery Survey & Monumenting
- #113 - 3rd Round Plans & Progress Grant Application
- #114 – Cemetery Committee Appt. – Marcasciano
- #115 - Justice Court Grant Application
- #116 - Updated Comprehensive Plan Approval
- #117 - Local Law #4, 2016 Approval – Establishing Chapter 220:Property Maintenance –Article 1 – Abandoned Buildings
- #118 – ZBA Member Appt. – Molony
- #119 – Planning Board Alternate Member Appt. – Smyth
- #120 - Retirement Reporting – Sherman (Late File)

Councilman Carr questioned if the grant for Resolution #113 was a matching grant? Supervisor Mellan noted the info on the grant was listed in the Correspondence. Supervisor Mellan reported they will have to wait to address both Resolutions #116 & #117 after the scheduled Public Hearings.

Proclamations - Ukrainian Independence Anniversary

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Councilman Carr made a motion to recess the regular meeting at 7:17 p.m., seconded by Councilwoman Gingold, all in favor, so carried. Councilman Carr made a motion to open the Public Hearing for “Local Law #4, 2016 entitled ABANDONED BUILDINGS at 7:17 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

**PUBLIC HEARING – 7:15 P.M. – LOCAL LAW #4, 2016 ENTITLED
“ABANDONED BUILDINGS”**

The Attorney for the Town reported that the Town of Lumberland had been considering passing a law that would deal with abandoned buildings, however, the State just passed a law regarding regulations of abandoned buildings and the Town is not authorized to supercede State law restrictions. The Attorney for the Town reported the Town Court will have the authority to impose a penalty. The Attorney for the Town recommended the Town Board withdraw the proposed law, noting it was a good thing that the State has acted on this issue. The Board members agreed to withdraw the proposed law.

OPEN FLOOR FOR 1ST TIME

Lew Powell stated he was glad the State did the law but questioned what the town is doing with the abandoned buildings, noting there are properties that have junk cars in the yards that need to be taken care of. Powell stated that he had trouble selling a former property of his because of the neighbors’ yard with all the junk in it.

OPEN FLOOR FOR 2ND TIME

No Comment

OPEN FLOOR FOR 3RD TIME

No Comment

Councilman Sherman made a motion to close the Public Hearing at 7:23 p.m., seconded by Councilman Carr, all in favor, so carried. Councilman Carr made a motion to reopen the regular meeting at 7:23 p.m., seconded by Councilwoman Gingold, all in favor, so carried. Councilman Sherman made a motion, upon the advice of Council, to abandon the proposed “Abandoned Buildings” Law seconded by Councilman Carr, all in favor, so carried.

The Board approved Resolution #120 which was for the retirement reporting for Councilman Sherman. The Town Clerk reported that once the Resolution was approved she would post it for 30 days, provide an affidavit of posting and send it up to the State for filing.

OLD BUSINESS

The Board members addressed Resolution #104 which was for the Weapons in the Workplace policy that was tabled from a previous meeting. Councilman Carr made a motion to approve the Resolution but there was no Second, therefore, the Resolution was not approved.

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Councilwoman Gingold made a motion to recess the regular meeting at 7:30 p.m., seconded by Councilman Sherman, all in favor, so carried. Councilman Carr made a motion to open the Public Hearing for the Comprehensive Plan at 7:30 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

PUBLIC HEARING = -7:30 P.M. -UPDATED COMPREHENSIVE PLAN

Supervisor Mellan stated this Public Hearing was for the Town of Lumberland Comprehensive Plan update.

OPEN FLOOR FOR 1ST TIME

Sigrid King reported that directions on pages 7 & 8 on the proposed updated Comprehensive Plan regarding the Black Forest need to be clarified, noting that they settled “in” Glen Spey and not “near” Glen Spey. King also stated on the second page the Homeowners Association sponsors A club that in turn sponsors social events. King stated the final note was that there are “approximately” 50 shareholders.

Supervisor Mellan reported she received an email from Karen Smyth noting changes that should be made. The Code Enforcement Officer reported he looked at the email regarding to verify the location of Handsome Eddy and Knight’s Eddy.

Ed Gavalla stated that, as a Planning Board member, he has looked at the proposed updated Comp Plan and read the comments that people submitted regarding the plan and felt that the town is not looking to promote tourism or entice people to come here. Gavalla stated people are leaving for that reason, noting we cannot even sustain a restaurant business in town and he is concerned that we are not creating an economic environment. Gavalla noted that a brewery had considered coming here but got turned down, they went to the Town of Highland, and it is doing well. Gavalla stated the town’s concern should be to get Glen Spey back and give people a reason to come here. Gavalla noted the school budget is high and we have low attendance in the school district. Councilman Carr stated we have no control over the school budget.

Hall Smyth reported he received a survey that was sent out regarding the proposed Comp Plan, noting he has 10 properties but only got one survey. Smyth stated that the town is not communicating with the people and questioned why the update to the Comp Plan was not better advertised so people knew what was going on? Supervisor Mellan reported there was a radio interview regarding the update. Smyth noted that he read the statements and questioned how thorough everything was? Heather Jacksey reported they took all comments into consideration but some people submitted their survey without filling out the comment area. Smyth stated that only ½ of the comments were to have less regulations, noting that they should be looking at what the people are saying.

Yaron Fidler stated that people have stuff in their yards that don’t live at the residence anymore and it should be a part of the Comp Plan to get rid of the junk. Fidler stated he is against more regulations.

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Ed Gavalla stated that he has read the camping resolution that the Town of Tusten did and felt it was a little restrictive, noting he is a property rights activist. Gavalla stated that the regulations on private property is over regulated and it should not be the Town Board's decision whether a camper/rv can be parked on private land. Gavalla stated that those campers/rvs should only be lived in at a limited amount of time.

OPEN FLOOR FOR 2ND TIME

No Comment

OPEN FLOOR FOR 3RD TIME

The Attorney for the Town stated they received no other request from any agency to take lead agency status on this issue, they had a 239m review by the Sullivan County Division of Planning and have read all the technical comments regarding this proposed update. Heather Jacksey reported a lot of the corrections have been done already. Frank Schwarz noted that he needs the final copies to submit for the grant. The Attorney for the Town recommended to the Town Board that they could approve the updated Comp Plan subject to the changes.

Councilman Carr made a motion to close the Public Hearing at 7:51 p.m., seconded by Councilwoman Gingold, all in favor, so carried. Councilman Carr made a motion to reopen the regular meeting at 7:51 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

The Attorney for the Town stated the Town Board needs to address the EAF long form before addressing the Resolution to approve the updated Comp Plan. The Attorney for the Town reviewed the questions with the Town Board and all questions were a NO. The Board members reviewed Resolution#116 and approved the updated Comprehensive Plan subject to the changes.

The Board members reviewed an initialed the vouchers.

ABSTRACTS

Councilman Carr made a motion to approve Audit and Approval of General Fund & Highway #8, 2016, General Fund Prepaid Claim in the amount of \$ 9,417.26, General Fund Claims G16-#396 through #451, in the amount of \$ 41,641.72, Highway Prepaid Claim in the amount of \$ 10,649.77 , Highway Fund Claims #H16 -#303 through #324 in the amount of \$ 138,364.65, with a total of Abstract #8, 2016 of \$200,073.40 , seconded by Councilwoman Gingold, all in favor, so carried.

Sullivan County Legislator Nadia Rajsz Thanked the Board for approving the Proclamation For the Anniversary of the Ukrainian Independence and invited everyone to the Ukrainian Celebration on August 20th.

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REPORTS OF BOARD MEMBER

Councilman Sherman reported he and the Code Enforcement Officer reviewed the proposal that O&R Utilities submitted following their energy audits of the Highway Garage and the Town Hall and their consensus is that it was not worth the expense to follow through with O&R's recommendations. The Code Enforcement Officer reported that it would be less expensive to buy the parts and do the work inhouse.

Councilman Carr noted that the Fire Dept. and the Parks Committee will give their own report.

Supervisor Mellan reported that Camp Simcha held its' men's bike-a-thon last Thursday and there were some issues. Supervisor Mellan stated she would like to meet with them to discuss the issues in anticipation of an event next year. The Chief Constable reported that the event seems to get bigger and bigger each year and with our population it is getting overwhelming.

Supervisor Mellan reported there was a discussion at the Workshop Meeting last week regarding the speed limit on the Mohican Lake trails, noting that the speed limit is 30 mph which was established in 1987. Lew Powell noted that the trails are not posted so everyone assumes it is 55 mph. The Deputy Town Clerk reported that she was told that the area was posted. The Highway Superintendent reported that the signs are no longer there but will check to see how many signs are needed.

Supervisor Mellan reported that at the Workshop Meeting they discussed doing a park rental agreement because of the issues we have been having with groups showing up and using the town pavilion and the park without any notice. Supervisor Mellan noted that we had gotten a copy of the Town of Thompson's park agreement and will put this discussion on the agenda for next month's meeting. The Attorney for the Town reported the Deputy Town Clerk has been doing the research with different towns to see what they do with their parks.

The Town Clerk thanked her Deputy for covering the office while she was away, noting that the new hunting licenses are now on sale. The Deputy Town Clerk reported that Don Reed brought to her attention that there is an application available for those handicapped hunters to hunt from their vehicles.

The Code Enforcement Officer reported the contract with Peak Powers for the maintenance of the town generators will need to be renewed next month. The Code Enforcement Officer reported that conservation subdivisions should be given an incentive to build on 1 acre lots because the regulations now do not fit into our zoning.

The Chief Constable reported on the Constabulary monthly activity.

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Grant Writer, Frank Schwarz, reported that he, along with Christine Smetanuik, have completed the official historical marker brochure which was made possible by a grant. Schwarz presented the brochure to the Town Board and the public, noting that the brochure will be available in the Museum, the Municipal Building and the Courtroom. Schwarz thanked Smetanuik for all her work on the brochure. Smetanuik reported we have a beautiful town and that we take pride in noting our historical landmarks.

Cultural Series Director, Frank Schwarz, reported there will be a concert on September 18th with a Jazz Quartet.

Parks & Rec Committee representative Linda Hazen reported that they are collaborating with the “Can’t Hurt Steel” Foundation to host a living yoga night at the park on August 19th, with a rain location in the Senior Center. Hazen reported the park bear statue is being worked on and stated she was remiss in submitting Parks Committee meeting minutes. Hazen noted the next outdoor movie night in the Park will be August 27th. Hazen reported they received a \$1,000 award for showing of flowers from Renaissance. Hazen reported they have not been trying to go for the big awards but are concentrating on maintenance of the park, noting that without the Fire Dept. spraying the flowers, the Highway Dept. for being so helpful and the community people watering flowers they would not have gotten everything done. Hazen stated it was a collaborated effort with everyone involved.

Pete Golod from the UDC reported he is a resource specialist working with the townships along the river corridor and looking forward to meeting everyone. Golod reported the NPS will be having a 100th centennial celebration at the Narrowsburg Firemen’s Field behind the Tusten Town Hall this coming Saturday.

The Highway Superintendent reported they have been busy, noting they rented an excavator to work on the Caskey Road.

Fire Dept. President Ann Steimle reported their chicken bbq was a sell out and absolutely wonderful. Steimle noted they have had two car accidents, one a serious head on yesterday and another one today on Rt. 97 and requested everyone just slow down. Steimle thanked everyone for their support and noted the Fire Dept. is working on replacing their aging tanker truck. Steimle reported that they are starting to test the new cell tower and hopefully by spring it will be up and functional. Steimle reported they had gotten a bid to paint the inside of the firehouse but it was costly so they saved a lot of money by buying the paint and LED lights and doing the work themselves.

OPEN FLOOR TO PUBLIC

Youth Summer Program Director Darnell Prunka reported they had a fantastic program this year, and thanked the Town Board, Jeanne & Heidi in the Supervisor’s office, the Mechenzie School staff, her Assistants and the aides that worked with them and volunteer Courtney Rumsey for all their help and support. Prunka thanked Faith Robles for providing medical coverage for the program and the Highway Dept. for storing and delivering her

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equipment and making a sign to assist the kids when crossing the road from the school to the park. Prunka noted all the program events and thanked everyone involved.

Ed Gavalla complimented the Fire Dept. for their response to the head on accident scene, noting they were efficient and thorough.

Lew Powell questioned if now that the updated Comp Plan is done can the Zoning Rewrite commence? Supervisor Mellan reported she talked to the Attorney for the Town to see about resurrecting the zoning review committee to finish with their rewrite now that the Comp Plan is done.

Supervisor Mellan noted the Special Announcements. Supervisor Mellan noted there will be a Yoga night in Circle Park on August 19th, with a rain location in the Senior Center and a Ukrainian Independence celebration on August 20th. Dave Hulse noted there will be a 9/11 service in the Town of Highland and the Town Clerk noted there will also be a 9/11 service in the Town of Deerpark.

Councilman Carr made a motion to adjourn at 8:49 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn, Town Clerk