

LUMBERLAND TOWN BOARD
FEBRUARY 14, 2018

The Lumberland Town Board held a Regular Monthly Meeting on Wednesday, February 14, 2018, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Mellan opened the meeting at 7:00 p.m., followed by the Pledge of Allegiance.

THE WORKSHOP MEETING SCHEDULED FOR FEBRUARY 7, 2018 WAS CANCELLED DUE TO INCLEMENT WEATHER.

The Board members reviewed and initialed the vouchers prior to the meeting opening.

Roll Call was administered to those members present:

Supervisor Jenny Mellan
Councilman/Deputy Supervisor Leigh Sherman
Councilman Joseph Carr
Councilwoman Zoriana Gingold
Councilman James Akt

Also present were Town Clerk Laurie Terry, Deputy Town Clerk Michelle Myslinski, Code Enforcement Officer David Sparling, Chief Constable Patrick Cahill, Constable Robert Maas, Bookkeeper/Confidential Assistant Jeanne Mulchahey, Town Historian Frank Schwarz, Rose Carr, Steve Kosmacher, Ann Steimle, Cheri Bodnariuk, Town Attorney Danielle Jose, David Hulse, Kaitlyn Haas, Glen Weinberg, Bruce Fergusson, Sharon Sparling, Zangmo, Tiphonie Perrier, Dave Riley, Town Assessor Judi Fliieger

MINUTES

Councilwoman Zoriana Gingold made a **motion** to accept the Reorganization/Workshop Meeting Minutes of January 3, 2018, as written, seconded by Councilman Carr, all in favor, so carried.

Councilman Carr made a **motion** to accept the Regular meeting minutes of January 10, 2018, seconded by Councilwoman Gingold, (Councilman Akt did not attend the January 10th meeting and did not participate in the vote) all in favor, so carried.

Deputy Supervisor/Councilman Sherman made a **motion** to accept the Departmental Book Audit meeting minutes of January 17, 2018, as written, seconded by Councilwoman Gingold, (Councilman Akt and Councilman Carr did not attend the January 17th meeting and did not participate in the vote) 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. NYS Dept. of Ag. And Markets – Dog Control Officer Inspection Report
3. Upper Delaware Scenic Byway – Thank you letter
4. Sullivan County Federation for the Homeless – Thank you letter
5. Sullivan County Public Health – Flu vaccines available
6. Legislative Meeting Schedule
7. Cornell Cooperative Extension – Invasive Species instruction, Feb 7, *Snow
Feb 22
8. Summer Youth Program – Storage cabinet request
9. Times Herald Record – Circle Park WINS Best Sullivan Renaissance Project
10. ZBA – Resolution granting Hook Area Variance
11. Upper Delaware Scenic Byway – notification of funding opportunities for
reducing vegetative overgrowth on State Route 97
12. Barton & Loguidice email – Central Sewer Feasibility Study
13. Beverly A. Wagner – Thank you letter re: Town Historian, Frank Schwarz
14. O&R request (of municipal offices and Highway) – Notify of road work
15. TOL ZBA – approved minutes December 2017
16. Dept. of Transportation – Bridge NY program solicitation
17. Hospice of Orange and Sullivan Counties –Volunteer training opportunitites
18. Cultural Series – recommendation letter for appointment
19. Substance Abuse Awareness and Advocacy resource
20. Planning Board approved minutes – November 2017
21. Code Enforcement Officer report – Rubbish removal update
22. Notification from Frontier Communications re Cable Franchise Application
23. Delaware Valley Arts Alliance – Grant award (Late file)
24. NYS Dept. of Ag. And Markets – Municipal Shelter report (Late file)

Deputy Supervisor/Councilman Sherman made a **motion** to accept
Correspondence #1 through #24, Supervisor Mellan stated that items 4, 5, 8,12 21

and 22 would be discussed further, seconded by Councilwoman Gingold, all in favor, so carried.

(3)

-Supervisor Mellan stated that correspondence #4 was made possible by a donation from Chai Lifeline – Camp Simcha and the work of Bookkeeper/Confidential Assistant Jeanne Mulcahey and Supervisor’s Clerk Heidi Spannos wrapping 80-100 toys given away for Christmas.

-Supervisor Mellan stated that in addition to free flu shots being offered in Liberty (correspondence #5) , the Town Clerk’s office has been contacted regarding a clinic being set up for Lumberland, Highland and Forestburg, possibly in the Highland Town Hall. More information will be made available.

-The purchase of a storage cabinet (correspondence #8) for the Summer Youth Program needs to adhere to the procurement policy, no comparables were available. The Town Attorney was asked to review the policy and advise next step.

- (Correspondence #12) Supervisor Mellan distributed a copy of the report on the sewer feasibility study. There was discussion about a presentation being made at a special meeting. Meeting would be informational not a public hearing. Deputy Supervisor/Councilman Sherman asked if the Town was in the market for a central sewer system. Would the cost to taxpayers per household be too high to even consider? The sewer system would not be town wide. A special sewer district would be set up and the cost would be spread out among those in the district. It was decided that the Board would review the report and discuss options at the next board meeting.

-The Code Enforcement Officer’s report (correspondence #21) stated that the clean-up of rubbish on West Mohican Lake per Resolution 129, 2017 and Resolution 37, 2018 had not been performed. Cheri Bodnariuk disagreed and said much work had been done and that the remaining rubbish could not be removed as it was frozen to the ground. Ms. Bodnariuk added that a meeting with a judge was scheduled for the 20th to establish ownership of the property. Town Attorney advised that the order to remedy was already in place so putting the project out to bid could be done immediately. The bid advertisement will state Code Enforcement Officer David Sparling will accompany prospective bidders to the property for visual inspection. Advertisement will have a March 7, 2018 deadline with resolution being approved at the March 14, 2018 meeting. Advertisement should read that the Town reserves the right to rescind all bids. The property owners will have the additional time to comply with the clean-up.

- (Correspondence #22) from Jack Phillips of Frontier Communications re an application for a cable franchise means the Town may have other options for services. Supervisor Mellan stated that we must do our due diligence before scheduling a public hearing. Supervisor Mellan also stated that hiring an attorney

to review our current contract would be in our best interest.

Bookkeeper/Confidential Clerk Jeanne Mulcahey was directed to obtain a quote from Cohen Law Group for the contract review.

(4)

PRE-FILED RESOLUTIONS

#38 -18, 2018 Reserve Fund Transfer

#39 -18, Amend Mileage Reimbursement

#40 -18, Planning Board Schooling

#41 -18, Internal Audit of Judicial Books

#42 -18, Cultural Series appointment

GUEST SPEAKER – Bruce Fergusson, Sullivan Alliance for Sustainable Development and Glenn Weinberg of Joule Community Power presented an option for fixed price energy purchasing.

REPORTS OF BOARD MEMBERS

-Councilman Carr reported the Seniors would be meeting again starting in March.

-Councilwoman Gingold reported that February 23 would be the end of sign-ups for Eldred Little League. Councilwoman Gingold stated that the Zoning Review Committee would soon begin meeting.

-Councilman Akt reported that the Planning Board had one project set to go to public hearing.

-Councilman Sherman had nothing to report.

-Supervisor Mellan reported that LOSAP paperwork would be reviewed, blue page signed and returned to the Lumberland Fire Department who would then post for 30 days.

-Code Enforcement Officer/Building Dept. David Sparling stated that Frontier had not completed a transfer of wires from old to newly placed poles, that he would be in school on February 21, 2018, Peak Power replaced a battery in the generator and that the Building Department activity was picking up.

The Board discussed the Zoning Review Committee's focus. Supervisor Mellan understood the original intent was 3 phased. Phase one was tasked to clean up language and duplications. Committee was supposed to be review not rewrite. Planning Board Chair Sharon Sparling stated that the Committee was told by the previous Supervisor to focus on signage and ambiguity. Steven Kosmacher questioned if the original report submitted to the Board would be addressed.

Supervisor Mellan replied that the new Committee should present a report broken down to phase one results.

-Chief Constable Patrick Cahill read the Constabulary's report.

(5)

-Town Attorney Daniele Jose reported that she had attended training which included information on Zombie legislation and signs. She had information to pass on.

-Planning Board Chair Sharon Sparling reported there was one project before the Board and that attendance was good.

-Town Historian Frank Schwarz reported that 30 additional bulbs were replaced, 72 more to go. The first round for grant submission deadline is 4/1/18. He also reported that the guidelines had changed for the welcome sign project which was a separate grant and that both Heritage Day and Memorial Day celebrations were all set.

-Town Clerk Laurie Terry reported that tax collection was going well. The Town, the Lumberland Fire Department and the Smallwood Fire Department were made whole. The County had been paid \$1,250,000. An email from the Association of Towns questioning the cost to the town associated with accepting early tax payments was answered by the clerk saying that no costs were incurred. Deputy Clerk Michele Myslinski reported that 13 taxpayers needed to be refunded as banks made escrow payments as usual for those those that paid early. It was stated by another tax collector that the bank should have been refunded. Danielle Jose stated that ultimately the taxpayer gets the money either way.

-Deputy Town Clerk Michele Myslinski asked if any progress had been made with the replacement of street lighting to LED bulbs as she notices a huge difference. Supervisor Mellan said it was being worked on.

ABSTRACTS

Councilwoman Gingold made a **motion** to approve the Audit and Approval of General & Highway Funds Abstract #2, 2018, General Fund Prepaid Claims in the amount of \$ 17,985.37,

General Fund Claims 2018 # A18-021 through #A18-075 in the amount of \$ 262,121.23, Highway Prepaid Claim in the amount of \$14,310.09, Highway Fund Claims 2018 #H18-063 through # H18-136 in the amount of \$162,366.27, for a total of Abstract #2, 2018 of \$456,782.96, seconded by Councilman Carr, all in favor, so carried.

Supervisor Mellan noted that the General Fund payment of \$262,121.23 included payments of \$210,000 and almost \$15,000 paid to Lumberland and Smallwood Fire Departments per the 2018 tax warrant.

(6)

FLOOR OPENED TO PUBLIC COMMENT

-Zangmo of Kadampa introduced Tiphonie Perrier as the new Outreach and Marketing person. Kadampa will be having their festival on April 27 through May 1, 2018 and was hoping that they would be able to park at the school but if not would like to use the parking lot of the senior center. Last year the festival coincided with opening day of Little League. Councilperson Gingold will coordinate with Kadampa.

-Sharon Sparling asked if the Town had received any response from Eagle Creek regarding the deterioration of the wall on the Rio Dam. Danielle Jose answered that no money was available for repairs in the 2018 budget.

NEW BUSINESS - None

Supervisor Mellan read the Special Announcements.

EXECUTIVE SESSION

Councilwoman Gingold made a **motion** to adjourn the regular meeting and enter executive session to discuss pending litigation, seconded by Councilman Akt, all in favor, so carried.

When the regular meeting resumed, Councilwoman Gingold made a **motion** to have the Town Attorney approach the Eldred School District and Sullivan County with a request to join the Town of Lumberland in litigation involving Eagle Creek, seconded by Councilman Sherman, Councilman Akt abstained because he had business dealings with Eagle Creek, vote of 4-0, so carried.

Councilwoman Gingold made a motion to adjourn at 9:10 p.m., seconded by Councilman Carr, all in favor, so carried.

Respectfully Submitted,

Laurie Terry, Town Clerk