

LUMBERLAND TOWN BOARD SPECIAL MEETING MINUTES

November 21, 2016

The Town Board of the Town of Lumberland held a Special Meeting on Monday, November 21, 2016, at 6:00 p.m., at the Municipal Building in Glen Spey, N.Y. to approve the appointment of Court Justice and any other Town business deemed necessary. Supervisor Jenny Mellan opened the meeting at 6 p.m.

Those members present were:

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

Also present were Town Clerk Virginia Horn and Constable Robert Maas.

Supervisor Mellan stated they need to go into Executive Session to discuss the applicants for Court Justice.

EXECUTIVE SESSION

Councilwoman Gingold made a motion to go into Executive Session at 6 p.m. to discuss the applicants for Court Justice, seconded by Councilman Akt, all in favor, so carried.

Councilman Sherman made a motion to close Executive Session and reopen the Special Meeting at 6:05 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

PRE-FILED RESOLUTION

#139 - Court Justice Appointment

Supervisor Mellan requested a Roll Call vote. Councilman Akt voted against the appointment of Lorry King, with Supervisor Mellan, Councilman Sherman and Councilwoman Gingold voted for Lorry King. The Town Clerk reported that Councilman Carr voted in favor of Lorry King in Absentia.

Supervisor Mellan stated they will need to advertise for a Court Clerk, noting she would like the present Court Clerk to have input as to what the duties, the time spent and the responsibilities of the position are. Councilman Akt questioned if they had anyone else lined up for the clerk position? Supervisor Mellan stated they did not. Supervisor Mellan reported King was paid according to the 23 years of service, whereas, the new clerk should not be paid the same hourly amount. Supervisor Mellan state she would like to set up the salary for the new Court Clerk the same as they did for the bookkeeper, with a 6 month probationary period. Councilman

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Sherman noted the average between court night and being in the office on Wednesdays is 12 hours a week. Constable Maas noted that the hours may change with a new judge. The Board members compared the other clerks' hourly which are not all the same. Supervisor Mellan averaged out the hours and the court clerk was being paid roughly \$20.04 an hour which reflects the experience of working many years. Councilman Sherman noted the highest paid clerk is being paid \$15 an hour. Councilman Akt stated he thought every clerk was brought up to \$15 an hour? Supervisor Mellan stated that the other clerks get paid less than \$15 an hour. The Town Clerk noted that by 2019 the minimum wage will be at \$15 per hour. The Town Clerk questioned if the new court judge would be getting medical benefits? Supervisor Mellan stated that it was agreed that no new incoming personnel would be eligible for benefits.

Councilman Akt questioned if the new hire had to be local? Supervisor Mellan stated they could advertise that they state residency preferred. Councilman Akt stated that in the past they have asked around locally before going to outside help. Councilman Sherman stated he would like to check into whether it has to be a resident. Supervisor Mellan stated that the ad should read there is a 6 month probationary period with the work performance to be reviewed by the justices and their recommendation will be made to the Town Board for a final appointment.

Supervisor Mellan noted she will be in the office on Wednesday to have a conference call with the Grant Writer about the status of the highway truck grant..

Constable Robert Maas recommended checking with the Court Administration to see what the requirements will be for hiring a new court clerk, noting the judges chose the clerk with the final appointment approved by the Town Board. Councilman Akt stated they may have to do a background check on each applicant. Councilman Sherman stated the judges should be involved in the selection of the court clerk. Supervisor Mellan stated that they need to hire someone the judges can work with. Supervisor Mellan noted that King will be sitting in until another clerk is appointed. Supervisor Mellan noted that they could pay \$15 an hour, require a time sheet with the 6 month probationary period to start. Supervisor Mellan stated we could advertise that applications must be received by December 16th. The Town Clerk noted that the Town Board will have to hold a year end meeting the last week in December and the appointment can be made at that time. Councilman Akt suggested waiting til the 1st of the year to make the appointment. The Town Clerk noted that the Town Board Re-Organization meeting has to be held by January 5th. Supervisor Mellan agreed that if a background check is needed it would be worth the extra time to wait and do the appointment after the 1st of the year. Councilman Sherman stated they would call the Judicial offices tomorrow to see what they have to do to advertise for the position. Supervisor Mellan noted that some municipalities do not have clerks. Councilman Akt stated that others knew the court clerk was going to put in her application ahead of time and the other Board members had already decided to appoint her. Councilman Akt argued that if they had appointed a lawyer then there would be no need to hire another clerk and this process would be all over. Councilman Akt stated that the Town Board runs the town and should have done something sooner regarding the judge position. Councilman Akt stated he

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is a business person and if you guys that can't handle the business then it is a different story. Councilman Akt stated he is for the people and he is tired of social media and listening to the crap posted on websites and being stopped and asked what is going on in our town. Councilman Akt stated the people vote you into the position to do the right thing and not hire your neighbors and relations and it is a small town, noting nepotism is okay with him if you do the job because it is a small town and do it. Councilman Akt stated this should have been done by election. Supervisor Mellan stated she was not sure she wanted to make the decision to fill the position of judge noting the Town Board would be responsible for the person we put in as judge. Supervisor Mellan reported she talked to the Town Attorney and was told the Town Board did not have to make an appointment.

DISCUSS TOWN BUSINESS

Councilwoman Gingold made a motion to adjourn at 6:36 p.m., seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk