

LUMBERLAND TOWN BOARD WORKSHOP MEETING

August 2, 2017

The Town of Lumberland Town Board held a monthly Workshop Meeting on Wednesday, August 2, 2017, at 7:00 p.m. at the Municipal Building 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:

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

Also present were Town Clerk Virginia Horn, Deputy Town Clerk Michele Myslinski, Constable Robert Maas, Attorney for the Town Danielle Jose-Decker, Zoning Review Committee Chair Susan Gregg, ZBA Chair Terry Fountain, Highway Superintendent Don Hunt, Jr., Caroline Akt, Linda & Bill McKerrell, Bill Kroohs, Billy McKerrell, Planning Board Chair Sharon Sparling and Code Enforcement/Assessor Clerk & Planning & Zoning Boards Clerk Laurie Terry.

Deputy Supervisor Sherman reported there were several discussions on the agenda. Deputy Supervisor Sherman reported the Cub Scouts would like to use the Town Pavilion and Circle Park for a meeting and sleepover. The Town Clerk reported they have the applications and the fee submitted but are waiting for the Certificate of Insurance.

Deputy Supervisor Sherman reported they need to discuss the dog Nose training program that is requesting use of the Town Hall in November for one training session. Bill Kroohs from the Dog Obedience Club explained that their program trains dogs to detect different scents. Kroohs reported they have done training at the firehouse and around the school buses. Terry Fountain questioned if the training was open to the public? Kroohs verified that it is and that the people that are doing the training charge for their services. Kroohs noted they do outside and vehicle searches too. Councilman Carr questioned what the purpose of this training was for? Kroohs reported that it is strictly a game and considered a sport.

The Town Clerk reported on the purposed Shared Services plan for Records Storage with the County, noting the meeting they went to with the County Manager was not productive since you could not hear anything that was being said because of the venue. The Town Clerk stated that it looks like the main objective is for the County to enter into an agreement with a laserfich company that would provide services that the cost could be shared among the county and towns and villages which will make it less expensive than if we had to pay for the services individually, noting they are also talking about buying a building to store records. The Town Clerk reported that if a building were set up and the Town stored records there two people from the town would need to go to retrieve any record needed and in the winter it would be an issue

(2) August 2, 2017

in bad weather. The Attorney for the Town reported that the County did not meet the initial time frame to come up with a plan so they have pushed back the deadlines because they were not able to meet with everyone involved. Councilman Carr verified that County Legislature Chair, Luis Alvarez, had reported that nothing is final and it is still up in the air.

Deputy Supervisor Sherman stated they need to discuss the issue of Okeechobee Road since the issue of the Town taking over the road was being requested by the County. The Attorney for the Town reported the County owns most of the road because of unpaid taxes. The Highway Superintendent reported that the condition of the road involves culvert pipes and blacktop that are failing and 200 feet of the road is part of an estate that is not settled. Councilman Akt questioned what does the County want to do? The Attorney for the Town reported the County does not want to fix it, noting that there was a lawsuit against the original owner in 2007 which the homeowners won and there is a judgement against the contractor for the road not being fixed to meet town specs. Deputy Supervisor Sherman stated it is not the Town's problem since the County took the road over due to the tax sale. Deputy Supervisor Sherman reported that the former Supervisor went to the County DPW to see if they could fix it but they will not. Deputy Supervisor Sherman stated the Attorney for the Town should write a letter that says the problem is back in the County's hands and they need to bring it up to Town specs before the Town will take it over. Deputy Supervisor Sherman stated that it would be a Town Board decision to take over the road, not a County Legislator's decision.

Deputy Supervisor Sherman reported he has a verbal quote of \$500 for labor to replace the records room roof from a local contractor, noting the town would buy the materials. The Town Clerk verified the roof is not leaking into the room at this time. Deputy Supervisor Sherman stated the issue is the roof edging is leaking down onto the heating/air conditioning unit which shuts the unit down. The Attorney for the Town noted the contractor will need to provide insurance. The Town Board requested the Town Clerk draw up a resolution for next week's meeting for approval.

Deputy Supervisor Sherman reported the maintenance man is cleaning out the constables garage and has several items that need to be disposed of. Councilman Akt noted that the old toilets will need to be taken to the County transfer station in Monticello.

The Town Clerk reported the Assessor is in need of purchasing a new computer to handle a new program that needs to be downloaded for her office. The Town Clerk noted that the Assessor received one written quote from our Computer Technician and that funds from the contractual line will need to be transferred into the equipment line to cover the full cost which can be done all on one resolution. The Attorney for the Town stated the Assessor will need to get a couple more verbal quotes for a comparison.

Deputy Supervisor Sherman reviewed the Agenda with the Town Board. Deputy Supervisor Sherman noted they received notice that the transfer stations are now taking debit/credit cards.

(3) August 2, 2017

Deputy Supervisor Sherman questioned if any of the other Board members had anything to discuss? Councilman Akt stated that at the Zoning Review Committee meeting last night there was an issue with recreational trailers, noting they are looking for answers not problems. Committee Chair, Susan Gregg, requested permission from the Town Board to have another Committee meeting because she has since come up with several different solutions to the problem to submit to the committee that will hopefully will address everyone's concerns. Gregg stated that she made the decision to let everyone voice their opinions so the Committee could hear all sides. Gregg reported she talked to the attorney and made some suggestions, noting that the town could possibly construct a referendum regarding the issue for everyone to vote on it. Gregg also noted that another option could be to conduct a survey, noting they need to get a voice on what people in Town want. Deputy Supervisor Sherman stated that if a referendum was decided on it would be a Town Board's decision to do it that way. The Attorney for the Town stated she was not sure if a referendum was warranted but liked the idea of a survey.

Deputy Supervisor Sherman stated they would open the floor to the public with everyone getting 3 minutes to speak and if anyone gets out of hand they will be escorted out by the constable.

Bill Mckerrell stated that a comment was made that at the zoning review committee meeting last night there was a ruckus, questioning what that was about? Zoning Review Committee Chair Susan Gregg stated she was probably not as precise as she should have been and that a lot of people were upset. McKerrell questioned if it was true that one of the committee members verbally attacked a citizen of this community and brought up some things that did not pertain to zoning? McKerrell also noted that the County has a survey of just what you are looking for as far as regulations are concerned. Councilman Akt stated that some of what was discussed was from a draft from the Town of Highland. McKerrell stated that we are in the Town of Lumberland, not Highland. Linda McKerrell stated she felt she was verbally attacked at the zoning review committee meeting and the Chair of the Committee did nothing to stop it, noting she was asked things that did not pertain to zoning but her personal business. Linda McKerrell stated that she was asked about having her mother's house reassessed and was asked what her mother's house sold for at a meeting about campers. Linda McKerrell stated she was embarrassed, insulted and resented that it was done in a public meeting. Susan Gregg stated she would personally like to apologize but Linda McKerrell stated it was too late for the apology. Caroline Akt stated there was no attack and that they were talking about property values that may be lowering because of trailers. Caroline Akt stated it was a thought that the McKerrells have a trailer and the surrounding property values might be lowered because of it.

ZBA Chair and a member of the Zoning Review Committee, Terry Fountain, agreed that Caroline Akt was out of place by asking Linda McKerrell about the sale of her mother's house during the committee meeting. Fountain stated that having a camper or rv in the yard was the issue. Constable Robert Maas stated only one person at a time should be speaking. The Attorney for the Town stated that the purpose of public comment was for the comments to be

(4) August 2, 2017

directed to the Town Board and not to each other. Fountain noted that if you were interested in someone's assessment the information is online at tax lookup or ask the Assessor and that they should not have been talking about sales of property. Fountain reported that what a house next door or down the street sold for does not necessarily lower or raise a value on another house.

Sharon Sparling reported that as an appraiser for 20 years in multiple counties she has never devalued a property that had a recreational trailer parked on it or that a neighbor has one parked on theirs. Sparling stated they need to go after the trashed out trailers not the well maintained ones. Sparling stated she left the committee because she felt the Town Board was not taking the committee seriously with their recommendations. Caroline Akt stated they were talking about property values and what was the assessment and what it was sold for. Caroline Akt stated that if Linda McKerrell perceived it as an attack on her personally then Akt apologized.

Billy McKerrell stated there had only been one question and that was about his grandmother's house. Billy McKerrell questioned what was the point of what the committee was doing? Billy McKerrell reported he was told they want to stop the trashy looking rvs and he agreed with that. Billy McKerrell stated they do not need to attack people who maintain their recreational trailers, noting he has had one parked in his yard for 20 years and that it is wrong to try to prohibit them. Billy McKerrell stated the Town Board needs to tell the committee what they are looking for. Deputy Supervisor Sherman stated the committee should take under advisement everything that was said tonight and the Town Board will meet with the committee again when they are ready to go over the newest recommendations.

Linda McKerrell reported that they had friends visit with their motorhome and it was immediately brought up early at the committee meeting that now they had two trailers parked in their yard, questioning why it was an issue? Bill McKerrell questioned if Caroline Akt was allowed to be filming the Town Board meeting with her phone? Caroline Akt stated she was allowed to video tape the meeting. Deputy Supervisor Sherman verified she is allowed.

Caroline Akt stated they realized last night they need to separate the two issues, one being rvs being stored in the yard and where in the yard and those that live in the rvs on vacant land. Caroline Akt stated that they can live in them if they get the proposed two 45 day period permits.. Deputy Supervisor Sherman stated that the proposed 45 day permits were recommended by the committee, not the Town Board. Caroline Akt stated the committee did not discuss the 45 day permit, however, Susan Gregg verified it was discussed at a committee meeting that Caroline was not present at. Susan Gregg verified that, especially in the Mohican Lake area, if people have company they can get a 45 day permit and are allowed a second 45 day permit to be able to live in the recreational vehicle which is what the committee has discussed. Councilman Akt noted that the original problem started in the Mohican Lake area, noting that we need an answer that will get everyone to get along. Sharon Sparling stated maybe it should be addressed in just that particular zone.

(5) August 2, 2017

Deputy Supervisor Sherman stated that this discussion has gone as far as it can go, noting the Committee will meet again to address the issues that have been discussed.

Bill Kroohs stated there is a saying "Don't buy the property for the view if you can't buy the view". Kroohs stated he did not want to be told he can't have a licensed, insured, registered motor vehicle on his property, noting if it is a Mohican Lake area issue deal with it there. Sharon Sparling stated they should address it as the overlay district and address it from that point, leaving the outlying zones alone and leave it to people to make a complaint before addressing it in another zone.

Laurie Terry noted that the Zoning Review Committee doesn't have a clerk and it is not run officially but recommended making it more official and she volunteered to take the position as the committee's clerk to make sure that the meetings are advertised and minutes are taken.

Susan Gregg again apologized to Linda McKerrell for the way she was treated at the review committee meeting. Linda McKerrell questioned how the Town Board can appoint someone to a committee that does not live in our Town? Caroline Akt stated she lives here and that her building permit will be coming in any day and she is building a house.

Sharon Sparling thanked the Town Board for letting them speak. Councilwoman Gingold stated it would be a good idea to have something separate for the Mohican Lake community as opposed to those who have 2+ acres. Councilman Gingold stated that it is also ignorant on the part of a member of the zoning review committee that thinks that an rv that probably costs more than their house is going to bring down the value of a nearby building.

Councilman Carr stated everyone should stop by the Highway Garage to see the new sign at the entrance to their shop. Councilman Carr reported that the Renaissance judging will be this weekend. The Town Clerk stated the new columns on the municipal building look great.

Councilman Carr made a motion to adjourn at 7:49 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk