

LUMBERLAND TOWN BOARD WORKSHOP MEETING
& PUBLIC HEARING – LOCAL LAW #4, 2016
ENTITLED “AMENDING ZONING CODE”
NOVEMBER 2, 2016

The Town of Lumberland Town Board held a monthly Workshop Meeting on Wednesday, November 2, 2016, at 7:00 p.m. at the Municipal Building in Glen Spey, N.Y. Supervisor Jenny Mellan opened the meeting at 7:01 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 James Akt
Councilman Joseph Carr
Councilwoman Zoriana Gingold

Also present were Town Clerk Virginia Horn, Deputy Town Clerk Michele Myslinski, Constable Bob Maas, Rose Carr, Lewis Powell, Highway Superintendent Don Hunt, Jr., Heidi Spannos, Kathy Konival Dave Mellan, Cathy Sterling, Anita Hunt, Laurie Terry, Lauren Terry, Faith Robles, Allyson Wagner, George Speer, Attorney for the Town Danielle Jose-Decker, Jack Shafer, Chief Constable Patrick Cahill and Jeanne Mulcahey.

Supervisor Mellan stated there will be a Public Hearing at 7:15 p.m. for the Mohican Lake overlay district, noting the Town Board will review the agenda until that time.

The Town Board reviewed the Meeting Minutes, Monthly Reports and Correspondence. Supervisor Mellan reported the Supervisor's, Highway Superintendent's and Fire Dept. monthly reports will be available for next week's meeting.

Supervisor Mellan reported there was a comparison done of the O&R utility bills which is showing a savings of over \$2,000 in the first 6 months of this year with all the energy savings that have been implemented.

Supervisor Mellan reported they received a Thank You from the Little League for letting them use the town ball field.

Supervisor Mellan reported they would wait until after the Public Hearing to address the Resolution to approve Local Law #4 and that the Resolution for the Humane Society contract will be done at next week's meeting.

The Attorney for the Town reported that the issue with the town taking over the Shafer Heights road has been going back and forth, noting they still have to have a new deed drawn up at no expense to the town.

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Councilman Sherman reported he talked to the Code Enforcement Officer who wrote the UDC a letter to acknowledge receipt of a letter the UDC sent out to all the towns regarding Camp Simcha.

Councilman Carr reported that the Parks & Rec Committee wants to know what the Town decided to do with replacing the town sign on the corner of Ct. Rt. 31 & Rt. 97, noting that Parks & Rec has \$750 towards the purchase of a new sign. Councilman Carr questioned if this money can be carried over into next year? Supervisor Mellan stated she thought only the donations could be carried over but maybe because it was grant monies that were received they could also be carried over. Supervisor Mellan stated she would like to sit down with the Parks and Rec Committee to discuss what they want to do.

Councilman Carr reported he received a quote for the purchase of signs for the July 4th parade.

Supervisor Mellan reported she met with Anthony Eagen from Barton & Loguidice Engineering Firm to discuss the feasibility study that was being done for a sewer system district. Supervisor Mellan noted they are doing a draft of the study and Eagen will come to the Town Board meeting to see if this is something the town wants to do?

Supervisor Mellan reported that about a month ago they had gotten a quote from an outside refuse removal company but since then she has contacted the present company and they will match the other price with a savings of \$600.

Supervisor Mellan reported that she received an email regarding the Time Warner Cable contract about the monies due to the town of not getting paid the full percentage. Supervisor Mellan noted that Time Warner Cable is now Spectrum and the new company is reviewing the document and promising to have language in the contract changed by the end of the week.

Supervisor Mellan reported the "Trunk & Treat" held by the Parks & Rec along with the Fire Dept. was wonderful, noting there were fewer cars but seemed like a lot more people. The Fire Chief confirmed there were a lot of people there.

Supervisor Mellan reported that the updated Constables' manual should be completed by Dec.

Supervisor Mellan reported there was a change to the amount in the budget for the Smallwood/Mongaup Fire District budget, noting it was an increase of \$130 from the original amount but does not affect the final budget figures since this amount is paid through those people living in Chapin Estates who are covered by that fire district.

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PUBLIC HEARING – LOCAL LAW #4, 2016 Entitled “AMENDMENT TO ZONING CODE” – 7:15 P.M.

Councilwoman Gingold made a motion to open the Public Hearing at 7:15 p.m., seconded by Councilman Carr, all in favor, so carried. Supervisor Mellan reported his Local Law was to amend the zoning on a small piece of property opposite the property known as the Mohican Inn.

OPEN FLOOR FOR 1ST TIME

The Attorney for the Town reported we received the 239 review by the County and a letter from New York State Ag & Markets stating they have no objections to the proposed Law and requested it be part of the record. The Attorney for the Town also stated she would like to add to the record a color map showing the overlay district, noting that the map is not changing much and the piece of property will be added is adjacent to the lake access.

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 7:17 p.m., seconded by Councilman Carr, all in favor, so carried.

The Attorney for the Town stated the Town Board needs to address part 2 & 3 of the EAF. The Attorney for the Town read the questions and the Supervisor answered yes or no to all questions. The Attorney for the Town stated, that based on the answers to all questions, there is no negative impact to the Town to approve this Local Law.

Supervisor Mellan reported they received 5 letters of interest and resumes for the position of Court Justice, noting none of the letters was from her husband as has been suggested. Supervisor Mellan distributed packets of all letters and resumes to each Town Board member noting this is regarding personnel and not to be shared with anyone. The Board members agreed to hold Special Meetings on Monday, November 14th and Thursday, November 17th at 6 p.m. to hold interviews with the applicants. The Board members also agreed to hold a Special Meeting on Monday, November 21st at 6 p.m. to approve the appointment to fill the vacant position for Court Justice. The Board requested that the Town Clerk advertise all 3 meetings and include “to discuss any other Town Business deemed necessary” to the ad.

Lewis Powell thanked the Town Board for approving Local Law #4.

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Supervisor Mellan stated she would like to respond to a couple of the statements that have been going around on social media. Supervisor Mellan read the following statement:

It has recently come to my attention that my qualifications to be Town of Lumberland Supervisor have come into question because I was appointed and not elected. In addition there are also questions about my work ethic, honesty, integrity and transparency.

At this time I am going to share some information with you about myself.

I have a degree in Business Administration.

In general, this degree covers management principles and practices such as: Communication, Organizational leadership, Resource management including people, money & time, Strategic planning, Business-oriented computer applications, financial management & Business ethics.

This degree also covers core business subjects such as: Accounting, finance, information technology and marketing.

I am currently the Director of Compliance at the Irwin Siegel Agency, Inc. a National Insurance and Risk Management Firm in Rock Hill NY. In the fall of this year I celebrated my 18 year work anniversary. I began my career there in the fall of 1998 when I was hired for an entry level position in the Policy Administration Department. In 2000 I moved to the Compliance Department and was promoted to Compliance Associate. That year I also earned my New York State Property and Casualty Broker License, which I still maintain today. My hard work and commitment to the company first earned me a promotion to Compliance Officer in March of 2005, and then Director of Compliance in September of 2007.

The agency writes insurance in all 50 states including Alaska and Hawaii.

As Director of Compliance my responsibilities include but are not limited to:

- Countrywide Corporate licensing for the agency with the Secretaries of State, Countrywide Surplus, Property & Casualty, Life & Health and Personal Lines Agency and Individual licensing with the Departments of Insurance of each of the 50 states
- It is my responsibility to maintain the forms and rules in our proprietary Policy Issuance system in compliance with each individual states laws, the Insurance Services Office Inc. (ISO) and Insurance Company guidelines for all policies issued through this system.
- As Administrator for the Surplus Lines, I am responsible for tracking and recording all taxable, policies written through our agency countrywide. I prepare and submit all policy and endorsement tax filings as well as Affidavit, Monthly, Quarterly, Semi-Annual and Annual Tax Reports and payments.
- In addition to my personal responsibilities I supervise three other people in the Compliance Department.
- All Compliance Department files for which I am responsible are subject to Financial and Compliance Audit by Federal, State and Corporate regulatory Agencies.

In 1998 I worked for a short time, before going to the Irwin Siegel Agency, as the Town of Lumberland part-time Supervisor's confidential secretary / bookkeeper. In 1999 I ran for the remaining 2 years that were left on the term for which Lou Daniels had resigned. In 2001 I was re-elected to a 4 year term that began 2002. At the end of that 4 year term, I chose not to run for re-election so that I could spend more time with my husband and children. In 2013 I ran and was re-elected to a 4 year term councilman position.

My education, professional experience, dedication to the town as well as the quality of my work should speak for themselves as to the value the Town of Lumberland is getting for their tax payer dollars.

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The River Reporter Article in the January 21-27 2016 edition has reappeared in discussion with regards to the shirts the Town Board members are wearing and the Constables attending the Town of Lumberland meetings. First, very early in January, I was approached by a board member with the idea of getting official shirts for the board members. At that time, all board members were in agreement that this was a good idea and 3 Men's long sleeve shirts and 1 Women's long sleeve shirt were ordered.

On January 6th the Town Board conducted Executive Session interviews of the individuals interested in filling the vacant councilman position. Councilman Akt's candidate was not the candidate that was selected and in that Executive Session he became verbally abusive and threatening to myself and the other board members. While I am not intellectually threatened by him, he is probably close to 6 ft 4 and I am 5 ft 2, thus you now do and will continue to see constables at every meeting. In addition, there will now be a constable present in every executive session as it has recently been shown that this unacceptable behavior continues if there is not.

Councilman Akt then refused to wear his shirt and it still sits in his office drawer. As for the summer shirts, all members of the TOL town board were asked if they would like a summer shirt and he declined. These shirts were paid for by each individual board member.

Councilman Akt has voiced several times that he is for the tax payers. Yet, he rarely verbally votes on any item before the board and has not for a long time. We had to contact the Association of Towns to find out how to record a no response when it came to entering the votes on the resolutions. They advised that absent a No vote or abstention the vote should be counted as an approval. The last time he reviewed and initialed a Town of Lumberland bill/voucher was April of 2015 which is 18 months. The last time he signed a Town of Lumberland Abstract was June of 2015 which is 16 months.

This year a new buildings maintenance person was hired for the town and his first day was July 14th.

Councilman Akt is the building's liason and has yet to contact the building maintenance person. At the August meeting he had no report on the buildings, at the September meeting he reported that "the new doors on the building were finished and everything else was quiet". While the October minutes have not yet been approved, he had nothing to report. The Buildings Maintenance person provided me 13 pages of things at the Town that have been done and/or still need to be done including the leaking roof at the Bus Garage.

It has also been insinuated by Christine Smetaniuk that she personally invited me to the Summer Youth Program several times. This is certainly not the case. If I had been invited, I would have gone to visit on July 14th as I was in the office that day and met with Millenium Pipeline representatives to accept a donation for the Summer Youth Program. In the same social media post she stated that the Summer Youth Program Contractual Budget has been cut for the 2017 budget. This is correct but does not tell the whole story. In comparing the contractual budget vs the actual expenses over the last several years this cut made fiscal sense.

2013 Budget	\$6,000	Actual Expenses	\$5,792.60	
2014 Budget	\$6,000	Actual Expenses	\$6,106.40	\$106.40 over
2015 Budget	\$6,000	Actual Expenses	\$6,649.98	\$649.98 over
2016 Budget	\$13,500*	Actual Expenses	\$4,945.93	Before the \$1,000 donation

*So the 2016 Budget went up \$7,500 for this line.

2017 Budget \$7,000 So, while this amount has gone down from 2016 it is \$1,000 more than the prior years. The budget amount was discussed with the Program Director back in April and I was advised the program expenses never went that high.

A recent article in The River Reporter incorrectly reported that a position in the Summer Youth Program was eliminated stating there was "one concern about the loss of one employee in the summer youth program". This is not the case, no positions within the Summer Youth Program were eliminated.

Contrary to information being disseminated in town, The Summer Youth Program Personnel Services (salaries) has an increase for the 2017 budget of \$504.

Christine also mentioned that the Cultural Series Contractual line was cut. This is correct also, as it was reduced by \$317 after review of the previous budgeted amounts versus the actual expenses and discussion with the Cultural Series Director at a budget workshop that it was acceptable.

Budget 2013	\$3,317	Actual expense	\$2,971.58
Budget 2014	\$3,317	Actual expense	\$3,746.54

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Budget 2015	\$3,317	Actual expense	\$2,914.91
Budget 2016	\$3,317	Actual expense	\$2,860.74
Budget 2017	\$3,000		

As you can see 3 out of the last four years the Cultural Series Contractual expense was under the \$3,000 mark. It was also stated in the previously mentioned River Reporter article that “there had been no negotiations.” with the Fire Department. This is not accurate. Representatives from the town board met with representatives from the Fire Department and neither side had begun the negotiations at the \$210,000 mark that was finally agreed upon.

Which brings me to my next point. It has been noted by Councilman Akt that previous boards had always increased the Fire Department Contract by \$5,000 per year. I want to make everyone aware of the other pieces of the Fire Department Contract negotiations that were done in previous years.

2012 Budget \$185,000 up \$5,000 from the 2011 Budget

PLUS \$25,000 that was put away for the future purchase of radios. This brings the
TOTAL **\$210,000** of taxpayer dollars that was given to the Fire Department in the 2012 budget

2013 Budget \$190,000 up \$5,000 from the 2012 Budget

PLUS \$15,000 that was put away for the future purchase of radios. This brings the
TOTAL **\$205,000** of taxpayer dollars that was given to the Fire Department in the 2013 budget

2014 Budget \$190,000 the same as the 2013 Budget

PLUS \$10,000 that was put away for the future purchase of radios. This brings the
TOTAL **\$200,000** of taxpayer dollars that was given to the Fire Department in the 2014 budget

As for the question that was raised with regards to the \$25,000 per year that is paid to the LOSAP – Length of Service Award Program the

2013	budget was	\$25,000	the actual expense was	\$25,000
2014	budget was	\$25,000	the actual expense was	\$25,000
2015	budget was	\$25,000	the actual expense was	\$14,260.40
2016	budget was	\$25,000	the actual expense was	\$11,253.04
2017	budget is	\$25,000	as the actual expense can fluctuate but this is something that the board can	

consider reducing in the 2018 budget after reviewing the 2017 actual expense.

During budget workshop meetings and the budget hearing it was brought up that possibly the Highway Superintendent was paid too much for a part time position and that his pay raise could be used to increase the pay of some of the other municipal employees.

The Highway Superintendent has been gracious enough to provide me with his time sheets for 2012, 2013, 2014 & 2015. This position is salaried so time sheets are not required but he keeps them for his own information. I did some calculations and comparisons and would like to share this information with you. First a work year at 40 hours per week at 52 weeks per year comes out to 2,080 hours. In:

2012 he worked 2,424 hours - his salary was \$47,630 *2 of the 8 highway employees made more money than the Superintendent.

2013 he worked 2,440 hours - his salary was \$47,630 *4 of the 8 highway employees made more money than the Superintendent.

2014 he worked 2,445 hours - his salary was \$49,059 *4 of the 8 highway employees made more money than the Superintendent.

2015 he worked 2,358 hours - his salary was \$50,059 *3 of the 8 highway employees made more money than the Superintendent.

I was appointed to this position after our last Supervisor was elected to the County Legislature in November 2015. I accepted the position and with much thought considered the appointment of my Supervisor’s clerk, as this would be the person I would rely on. As with any transition, there are often changes that are made. One of the first things was tackling the disorganization of the office; stacks of papers, files, boxes, etc. That leads me to the following...

In one of the piles of paper, we discovered the contract for the MVP Health Insurance Coverage for all of the municipal employees. This was received in the middle of December 2015 and specifically stated in bold “We

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must have the signed contract on file no later than 30 days after your group's effective date." Making the date due December 30, 2015. I found the contract on January 9th, a Saturday, immediately reviewed and signed it. First thing Monday we contacted the Health Insurance Carrier to confirm with them to NOT cancel the contract/policy and we emailed a copy of the signed contract and then mailed an original.

On February 3, 2016 we discovered the New York State Local Retirement Bill that was due by February 1, 2016 in yet another pile of papers. The bill was dated 08/10/15. We were past the deadline by 2 days. When we contacted the Retirement System they advised us we would be responsible for a penalty of \$60 if we issued the check immediately, emailed them a copy of the check and sent it certified mail to the state no later than the next day. We got this done and were able to save the town potential fines in the thousands of dollars.

In the beginning of February, we received notice from the Social Security Administration that the Town of Lumberland's **2014** W2 forms had never been filed. This is a mandatory filing and the repercussions of not filing could have affected people's future social security benefits. Prior to filing, all the town's employees' wages for 2014 were listed as zero.

I take the fiscal responsibility of our Town seriously and therefore, review every bill. I met with Orange & Rockland's representatives in April & noticed on the Street Lights bill that we were being charged twice for the same street light. After researching, our office found this double bill went back to January of 2014, resulting in a \$650 credit back to the Town.

Another discrepancy found, when cleaning up the office, was in regards to the Security Camera System. Extra equipment was stored in our server room & after questioning & much back and forth, it was determined that additional supplies were ordered for the Basketball Courts in the Park. The supplies were purchased prior to getting an estimate from Orange & Rockland. The estimate turned out to be too costly. However, the extra equipment was never returned. Since much time had passed, we were only able to recoup \$660.72 of the original \$912.26, due to restocking fees & Graybar return policy.

In all this research, we also found that in November 2015, the invoice was paid which included charges of labor for the Basketball cameras installation, which was never done. We did receive credit back for this in the amount of \$897 in April.

In February 2016, we received an invoice from Barton & Loguidice which showed 2 open invoices from October and December 2015. When researching this we found, in a stack of papers on the Supervisor's table, the October Invoice which was, Signed and dated 10/28/15 by the previous supervisor. We confirmed these were still open invoices and paid them out of the 2016 budget even though they were 2015 expenses.

As previously mentioned at the October Board Meeting, we discovered that Time Warner was only paying 3% Franchise Fees, instead of the contracted 5% amount. Unfortunately, we can only go back to recoup 6 years of the difference which Cohen Law Group is diligently working on. The projection amount due to the Town is \$43,748.10.

In closing I would like to say I am very disappointed in the attempts being made by a few people to undermine the good work that is being done by the current municipal employees. I feel quite lucky to work with such a competent group of men and women. The Municipal Office Staff has received an abundance of positive feedback from local residents regarding, not only, their professionalism but also the welcoming atmosphere they project.

Everything I have said in my statement this evening is factual and can be corroborated with documentation.

Councilman Akt stated that he wears his own clothes to meetings. Councilman Akt stated when he started as a Councilman 7 years ago he had to work on the furnace in the Town Hall, noting the whole place has been rebuilt and whenever there was a problem with the buildings the Town Clerk or Deputy Town Clerk called him. Councilman Akt reported he is here for the people and has worked with the maintenance man and there is not anything here that he is not worked on. Dave Mellan questioned Councilman Akt as to how much he gets paid a month, stating that Akt

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is ripping off the Town taxpayers for not doing his job since it has been months since Akt has signed a voucher or Abstract. Councilman Akt stated he worked in Circle Park for 5 years and brought in his machine at his own expense to make the sleigh riding hill to grade it off at his own expense. Councilman Akt stated if something drastically happens in Town he would back the Fire Dept. and the Highway Dept. 100 percent.

Councilwoman Gingold made a motion to adjourn at 7:55 p.m., seconded by Councilman Sherman, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk