

LUMBERLAND TOWN BOARD WORKSHOP MEETING

May 4, 2016

The Town of Lumberland Town Board held a monthly Workshop Meeting on Wednesday, May 4, 2016, at 7:00 p.m. at the Municipal Building in Glen Spey, N.Y. Supervisor Jenny Mellan opened the meeting at 7 p.m.

Roll Call was administered to: 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, Rose Carr, Attorney for the Town Danielle Jose-Decker, Highway Superintendent Don Hunt, Jr., Code Enforcement Officer David Sparling, Michele Myslinski, Historian Frank Schwarz, Brian Siegel, Allyson Wagner and friend.

PRE-FILED RESOLUTIONS

- Resolution #82 – Bid Award- Constable Radios
- Resolution #83 - Bid Award –River Corridor Trash Pickup
- Resolution #79B – Unsafe Structure & Schedule Public Hearing

Supervisor Mellan reported the first thing on the Agenda was Resolution #82 which was the bid award for the Constabulary new radios. The Town Clerk reported she received a prospectus from Goosetown Communications that came in her email yesterday. Councilman Sherman noted the 2 bids received were different. Councilman Sherman questioned if there was money in the Constabulary budget for this purchase? The Town Clerk reported that there was \$5,000 in their equipment fund and the Chief Constable has requested that another \$5,000 be transferred from his contractual budget line to his equipment line to cover the cost. Don Hunt, Jr. reported the new cell tower will be up later this year but will not be operational until next year. Supervisor Mellan reported that AC Communications has given the Chief Constable a verbal statement that they will provide for any upgrades to the radios when the new tower is operational. Councilman Sherman stated his concern that by taking money out of the contractual it may leave that fund short for the rest of the year. Don Hunt, Jr. questioned if some of these radios could be bought now with the rest to be purchased later? Councilman Akt stated that the radios are needed to protect the taxpayers, however, if the tower is not going to be operational until next year they could wait and budget for it in next year's budget. Councilman Sherman questioned if the new radios would function with the existing system? The Attorney for the Town agreed that they could use the unexpended funds from this year to carry over into next year to pay the full amount next year. Don Hunt, Jr. questioned if it was possible to lump the purchase along with the Fire Dept. radios to get a better price? Supervisor Mellan noted the Town has been putting money aside for 7 years to help the Fire Dept. purchase new radios when

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the new tower goes in. Supervisor Mellan stated it is not an extreme necessity at this time and when she talked to some of the Constables they did not feel it was an issue. The Attorney for the Town recommended putting off a decision on the resolution until next week's meeting so the Chief can give the Board any additional information. Councilman Sherman made a motion to table the resolution until next week's meeting, seconded by Councilwoman Gingold, all in favor, so carried.

The Board discussed Resolution #83 which was the bid award for the River Corridor Trash Cleanup. Councilman Sherman questioned if we needed to get a Certificate of Insurance from Ann Steimle? Councilman Akt noted that a few years ago we were paying \$1,200 for the job and getting the money back from the NPS, however, the NPS does not reimburse us anymore and Steimle is willing to do it for \$775. Supervisor Mellan noted she did apply for a grant that gave us back at least \$750 last year and has submitted it again for this year.

The Board discussed Resolution #79B which was to address an unsafe building and schedule a Public Hearing on the matter. The Attorney for the Town reported she will need time to do a judgement and lien search which should take about 3 weeks and to send out notices to all parties involved. The Board members agreed to change the date of the Public Hearing to June 8th at 7:30 p.m.

The Code Enforcement Officer, Dave Sparling, reported that he received a similar Zombie Law from another town that seems to fit our Town better than the one Port Jervis has. The Attorney for the Town reported that the Town of Guilderland will be voting on their proposed law on May 17th and that law is similar to what the Town of Lumberland needs. Councilman Sherman questioned what the next step would be to creating our own law? The Attorney for the Town stated that they would have to schedule a Public Hearing, do a SEQRA review and a County Planning Review which should all take approximately 3 months. Sparling questioned if we could do an amendment to our unsafe buildings law? The Attorney for the Town stated that it is a separate law, noting she did get permission to use the other town's law to draft ours. Sparling stated it looks good and simple and is a more common sense law, noting that in the law it is written that a bond would be posted and when it is used up would have to be replenished. Councilman Sherman thanked Sparling for sticking with this issue and getting the info on the law that we need.

Councilman Sherman noted he had questioned the maintenance contract on the bus garage doors but it was recommended not entering into a contract with the company so we wouldn't be paying for something we may not use.

The Board members reviewed the Meeting Minutes, Monthly Reports and Correspondence. Supervisor Mellan noted the Supervisor's Report and the Highway Superintendent's Monthly Report will be available at next week's meeting.

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Supervisor Mellan noted the donation to the Museum, the correspondence from O&R Utilities to insure the safety of their meter readers, the health advisory that was issued due to recent smoky conditions from a neighboring state's brush fire, the Clean Energy Standard Program that the Governor's directives address and the letter being sent by the Sullivan County Manager's Office to FERC requesting it address the concerns regarding the proposed Town of Highland compressor station. Supervisor Mellan reported we got notification of the Renaissance award for Circle Park's maintenance, noting the Park was also awarded an Orange County grant. Supervisor Mellan reported Item #12 was a notification from DEC they are holding Deer Management informational meetings. Supervisor Mellan reported she added an additional piece of Correspondence that was requesting our support of Scot Samuelson from the County Legislature who wants an independent health study done before the Millenium Pipeline puts in the compressor station.

The Board reviewed the Resolutions that will be addressed at their regular meeting next week. The Board reviewed the Noise Permits submitted by Brookwood Camp, noting that the last 3 are on Labor Day weekend and they were agreeable to all submitted. The Board reviewed Resolution #86 which was a request to extend a previous approved Noise Permit. The Town Clerk reported that the people requesting the extension also questioned using our municipal parking lots for parking the day of their event, noting she told them they would have to contact the Supervisor.

The Board members discussed the usage of the Town Pavilion. Supervisor Mellan stated that the Town should be requesting a Certificate of Insurance noting the Town of Lumberland as the additional insured from anyone reserving the Pavilion or renting the Senior Center. The Attorney for the Town agreed that it is easy to get through their homeowner's insurance. Councilman Carr reported that anyone renting the Senior Center signs an agreement and pays a deposit when they rent the hall. Supervisor Mellan recommended having a form drawn up to be signed by anyone using the pavilion along with the Certificate of Insurance. The Board requested the Town Clerk to draw up a Resolution for next week's meeting to require a Certificate of Insurance for anyone renting the Senior Center and for anyone reserving the pavilion.

Councilman Sherman questioned the one person the Planning Board was recommending for an appointment as an Alternate member, noting this same person is also an Alternate member on the ZBA? The Attorney for the Town stated that person would have to recuse himself if a matter came before one Board that involved the other Board. Dave Sparling reported the Planning Board Attorney stated that it should not be an issue for this person to be on both Boards. Councilman Sherman stated he has his reservations about the appointment. Supervisor Mellan stated she was concerned that the 3rd person that applied for the position was not recommended. Councilman Akt stated they could only have 1 Alternate member instead of 2. The Attorney for the Town stated it is ultimately the Town Board's decision. Councilman Sherman made a motion to appoint only one member.

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Supervisor Mellan reported that at last month's meeting they had discussed the 6 month probationary period for the new bookkeeper which would be coming to an end this month, noting the bookkeeper was hired at \$13 for the first 6 months and if agreed upon she could be paid more at the end of the probationary period. Councilman Akt and Sherman agreed the new bookkeeper should be paid the \$15 an hour that was originally budgeted for. All Board members agreed. Supervisor Mellan noted that the bookkeeper had recommended splitting the additional monies between her and the Supervisor's Clerk who is cross training with the bookkeeper as a backup but noted that the Clerk's salary can be addressed in the upcoming budget talks.

Councilman Sherman reported he met with the Highway Superintendent regarding a situation with his personnel, noting one of his guys is out on disability until at least July 11th and another one has given his notice that he will be retiring September 26th. Councilman Sherman noted that there are funds available for the Highway Superintendent to hire someone in June to fill the upcoming vacancy in September. The Highway Superintendent stated he will contact the union representative to see if this falls within the union guidelines and if it does will advertise for the position. Supervisor Mellan stated the person could be hired as a seasonal worker if they have to and then they could fill the full time position when it becomes vacant the end of September. Councilman Sherman noted that they still need to get someone that is trained and qualified for the job.

Councilwoman Gingold reported that the Cultural Series Concert held on Sunday was spectacular and Thanked Frank Schwarz as the Cultural Series Director.

The Town Clerk reported they need to address the appointments for the Cemetery Committee, noting she has been advertising for members and a Clerk since last December. The Town Clerk reported she talked to Lew Powell and he is willing to stay as the Chair of the Committee and Roger Bisland is willing to stay on as Vice Chair. The Town Clerk noted she has talked to Heidi Spannos who is willing to be the Clerk, Frank Schwarz is willing to be reappointed as a member and that Leigh Sherman has stated he is interested in being a member. The Board agreed to have the Town Clerk draw up a resolution for these appointments for next week's meeting.

EXECUTIVE SESSION

Councilwoman Gingold made a motion to close the Workshop Meeting and go into Executive Session to discuss particular personnel at 8:20 p.m., seconded by Councilman Carr, all in favor, so carried.

Councilman Carr made a motion to close the Executive Session at 8:31 p.m., seconded by Councilwoman Gingold, all in favor, so carried. Councilman Carr made a motion to reopen the Workshop Meeting at 8:31 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

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Councilman Sherman questioned what they were doing with the window and door replacements? Councilman Akt reported he talked to the Town Engineer who says that although the windows are not insulated inside there is nothing wrong with them and that maybe a couple of doors need to be replaced. Councilman Akt noted that the grant for the tandem truck was for \$50,000 but after you pay the grant writer the \$7,500 for his commission the actual amount of grant monies we get are \$42,500, plus we have to pay for collision on the truck. Supervisor Mellan stated that grants are for specific projects. The Attorney for the Town stated that you have to do what the application for the grant states or get a different project. Councilman Akt reported the Town Engineer looked at the windows and doors and has noted that some doors have saddles that need to be changed to handicap accessible. The Code Enforcement Officer stated the issue was the windows need more insulation. The Board members discussed the grant. Supervisor Mellan reported she had the Attorney for the Town research paying the Grant Writer a percentage. The Attorney for the Town stated she did not find anything unethical to pay a percentage, noting that the Grant Writer should be bringing a grant project to the Town Board for approval and that the Town Board should get a needs assessment done before deciding whether to apply for the grant to see if we need to do it. The Attorney for the Town stated the Town Board needs to do a resolution to mandate how the Grant Writer is paid. Supervisor Mellan stated she is against paying a percentage on top of his salary.

Councilman Carr made a motion to adjourn at 8:56 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn
Town Clerk