

**LUMBERLAND TOWN BOARD WORKSHOP MEETING**  
**September 7, 2016**

The Town of Lumberland Town Board held a monthly Workshop Meeting on Wednesday, September 7, 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., 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, Grant Writer Frank Schwarz, Rose Carr, Constable Robert Maas, Jack Shafer, Billy McKerrell, Attorney for the Town Danielle Jose-Decker and Lewis Powell.

Supervisor Mellan reported there is a proposed Park Permit Agreement to consider, questioning if the Town Clerk had gotten the additional paperwork? The Town Clerk verified she did not get the paperwork. Supervisor Mellan reported in the past we have always reserved the Town pavilion for residents only and the proposal that we have is only for the park. Supervisor Mellan noted that there is already a requirement to get a Certificate of Insurance for anyone using the pavilion. The Attorney for the Town noted it is a good thing to have contact information considering we are looking to update the Town Litter Law. Supervisor Mellan reported that there is already a Circle Park Surcharge on proposed subdivisions, noting that we should consider imposing a surcharge on larger groups that want to use the park. Supervisor Mellan stated that a deposit check can be returned if the Park is clean after use. Supervisor Mellan reported they need to get someone to be responsible if anything happens to Town property. Billy McKerrell questioned if they can use the park when reserving the pavilion, noting you can't reserve the park. The Town Clerk reported that at one time she got a request for a reservation for a group from a local camp so she gave them permission to use the pavilion, noting she was unaware that several more groups were coming to meet the original group that requested the use. Billy McKerrell stated it seems to be better than it originally was, noting there is not the mess it used to be. Supervisor Mellan reported she, along with Constable Maas, went down one time to tell a group to clean up but they did not do it. Billy McKerrell noted that the larger groups are being bused in from outside areas because word is getting out that we have a nice park. Supervisor Mellan stated they are looking for guidance on what to do. Councilman Sherman stated that we need to get enough of a deposit to cover the costs of cleaning up if it is left a mess. Supervisor Mellan agreed, noting the Town pays for the upkeep of the pavilion and the park. Supervisor Mellan suggested setting it up that only Town residents would get the whole deposit refunded, however, for out of town groups there should be a use fee. The Attorney for the Town stated there could be a \$25 use fee that could be a non-refundable fee.

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Supervisor Mellan noted it could be set up that 2 checks are required, one being for the use and the other that could be refunded if there is not a problem. Councilman Carr noted that when the Senior Center is rented out they require 2 checks, with the one check being returned if the hall is left in the condition they require. Supervisor Mellan noted it would have to be included on the application as to how the refund would be given. Constable Maas stated there is the issue of the bus parking, noting the recent group was told they could not park in the Senior Center parking lot or the Park parking lot so they went across the road and parked on the grass by the ball field which is also not permitted. The Attorney for the Town agreed that the word is out that the Park is lovely but there is no bus parking. Constable Maas stated that when the buses unload up the road the kids are now walking in the road. The Attorney for the Town recommended having the Parks Committee review the proposed park permit. Constable Maas stated the school should be exempt from requirements to use the pavilion. Supervisor Mellan also noted the Youth Program should be included in the exemption. The Attorney for the Town stated it should be listed that all local and town programs along with the Eldred School District be listed as exempt from paying for the use of the pavilion and park.

Supervisor Mellan reported that they need to renew the Peak Powers contract for the maintenance of the Highway and Town Hall generator. The Town Clerk verified that the amount Peak Powers is charging has not changed in the last couple of years.

Supervisor Mellan reported they have a proposed Litter Law. Supervisor Mellan noted the amount of a fine can be set by the Town Board. The Attorney for the Town reported that this law should be cross referenced with our zoning. Constable Maas questioned who is enforcing it? The Attorney for the Town stated it would be the Code Enforcement Office and his designee who could add the Constables. Constable Maas noted it should be any police agency available. The Attorney for the Town stated the original law was from the 70's.

Supervisor Mellan reported that the Cohen Law Group is reviewing the Time Warner Cable franchise and has found that instead of paying the town 5% in revenues they have only been paying 3% over the last few years. Supervisor Mellan reported they can only go back 6 years to recoup the difference, noting that it is being estimated at \$7,000 a year for the last 6 years that should be paid back to the Town. The Attorney for the Town stated it was great news for the Town to have caught this mistake and recouping the underpaid revenues.

Supervisor Mellan reported she will have the 2017 Tentative Budget to give to the Town Board at next week's meeting.

The Board members reviewed the Agenda. The Board members reviewed the Minutes and Monthly Reports. Supervisor Mellan reported her monthly report and the Highway Superintendent's Monthly Report will be available at next week's meeting.

The Board members reviewed the Correspondence. Supervisor Mellan noted that the information on street lighting was to consider purchasing and maintaining our own streetlights,

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however, it would not be cost effective for our town. The Town Clerk reported the Red Cross will be in the Government Center on Friday morning to give our emergency preparedness packets. Supervisor Mellan reported we received a letter from the Shafer Bros. regarding Shafer Heights Road, noting the projected completion of work to the road to bring it up to town specs is October 1<sup>st</sup>. Jack Shafer reported they have been in contact with the Highway Superintendent and the Town Engineer and working with them, noting once they are done they would like to dedicate the road over to the Town. The Attorney for the Town noted they will need a property description from a surveyor and do a title search. Jack Shafer reported they already have a full map and description of all properties.

The Board members reviewed the pre-filed Resolutions. Supervisor Mellan requested a Resolution be drawn up for the Cohen Law Group services.

Supervisor Mellan reported the buildings replacement doors are being worked on. Supervisor Mellan reported she got a quote for the website update from Doreen Warner. Supervisor Mellan reported the Grant Writer is submitting a grant to update the website. Grant Writer, Frank Schwarz, reported he will be presenting the grant proposal.

Supervisor Mellan reported they will be going into Executive Session to discuss personnel.

Supervisor Mellan reported she is finishing up the 2017 Tentative Budget, noting so far it is within the 2% cap with the leftover amount that was not used last year. Supervisor Mellan noted not everyone is going to be happy.

The Town Clerk reported they got notified today that there was an error in calculating the new school tax bills that went out, noting the Board of Education will meet tomorrow night to determine if they will be sending out all new bills or just let it go for this year and adjust next year's bills. The Town Clerk noted that the bank cannot accept payments until the Board of Education makes their decision. The Town Clerk reported that Lorry King caught the error that was made by the school district office.

Councilman Carr questioned what happens to donated monies that can't be used before the end of the year and can't be carried over? Billy McKerrell stated that sometimes the monies have been carried over and sometimes not, noting that last year the left over monies did not get rolled over. Supervisor Mellan reported you can't rollover funds unless you increase the next year's budget by that amount or set up a specific fund to designate a purchase. Billy McKerrell stated that they have donated monies and Renaissance monies coming in and should have had \$2,800 left from last year. The Town Clerk stated that you have to have a projected purchase in order to encumber any funds into the next year, noting it has to be something that was planned before the end of the existing year but would not be billed for until after the 1<sup>st</sup> of the next year. The Town Clerk noted that if the funds are put into a reserve fund the request to withdraw the funds is done by a permissive referendum that has to be posted for 30 days to give taxpayers time to

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protest the withdrawal if they wish to do so. Supervisor Mellan stated she would look into the options.

Lewis Powell reported that, back in November, he sent a request to change the map overlay in Mohican Lake and no action was taken. Powell stated that in May he sent a 2<sup>nd</sup> request with no reply and at last night's Planning Board there was a Public Hearing to have a subdivision approval for the area in question, however, there has to be an amendment to the zoning to change the overlay in that area before the subdivision can be approved. Powell showed the Board members the proposed change on the map. Powell stated he was told it could be done when they finish the zoning rewrite which got put on the back burner when the Comp Plan was being updated. Powell stated they cannot wait and this needs to be done now. The Attorney for the Town stated the first step would be to do a Resolution to declare Lead Agency, have the 239 review done which is 30 days and then have a Public Hearing to consider adopting the Local Law which was for the zoning amendment. The Attorney for the Town stated it should take around 2 months to complete.

Billy McKerrell reported the Parks Committee is looking into having the town entrance signs redone, noting there are a total of 6 signs. McKerrell reported the existing signs are coming apart and showed a prototype of a new sign. Grant Writer, Frank Schwarz, reported he is trying to get a matching grant for the project but had not gotten any quotes. McKerrell submitted a quote he received for \$1,500 per sign which would be a cost to the town of \$750 with a matching grant. McKerrell noted they would put in new posts because the old ones are rotting. McKerrell reported the Parks Committee would like to pay the \$750 for the first sign and hopefully the town will pay for the other signs in the future. McKerrell stated the sign to be done first would be the one on the corner of Ct. Rt. 31 & Rt. 97. Schwarz reported he talked to the County Planning Division and there may be a 4<sup>th</sup> round of grant monies available. Supervisor Mellan stated they need to finish the doors replacement project, noting they will be shy of using the total of the grant monies but would like to close out that grant. The Town Clerk noted that if they were to approve the purchase of the new sign now the funds could be encumbered into next year's budget so the sign could be done in the spring. Councilman Sherman reported the sign for Tammy Reiss on Ct. Rt. 31 needs fixing. Billy McKerrell noted that sign should not be taken down altogether but fixed.

Councilwoman Gingold made a motion to recess the Workshop Meeting and go into Executive Session to discuss a particular personnel issue at 8:19 p.m., seconded by Councilman Carr, all in favor, so carried.

### **EXECUTIVE SESSION**

The Town Board met in Executive Session with the Attorney for the Town, Grant Writer Frank Schwarz and Constable Maas to discuss a particular personnel issue.

Councilman Carr made a motion to close the Executive Session and reopen the Workshop Meeting at 8:44 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

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Supervisor Mellan reported the Board is proposing a Resolution to pay the Grant Writer the 15% of the total of grants received, up to the budgeted amount of \$4,500.00 for this year. Councilman Carr made a motion to approve, Seconded by Councilwoman Gingold, all in favor, so carried.

Grant Writer, Frank Schwarz, questioned what about the \$3,500 balance of the grants he is owed for work done? Supervisor Mellan stated there was only \$4,500.00 budgeted and that is the amount they can expend. Schwarz stated there was \$200,000 slated for grant expenditures this year. Supervisor Mellan stated that the Board made the decision to not expend any more than what was budgeted for.

Councilman Carr made a motion to adjourn at 8:48 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

Respectfully Submitted,

Virginia V. Horn  
Town Clerk