

**LUMBERLAND TOWN BOARD MEETING MINUTES**  
**JANUARY 13, 2016**

The Lumberland Town Board held a Regular Monthly Meeting on Wednesday, January 13, 2016, at 7 p.m., at the Town Hall in Glen Spey, N.Y. Supervisor Jenny Mellan opened the meeting at 7:04 p.m., followed by the Pledge of Allegiance.

The Board members reviewed and initialed the vouchers prior to the meeting opening.

Roll Call was administered to those members present:

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

Also present were Town Clerk Virginia Horn, Deputy Town Clerk Michele Myslinski, Chief Constable Patrick Cahill, Rose Carr, Historian Frank Schwarz, Code Enforcement Officer David Sparling, Highway Superintendent Don Hunt, Jr., Robert King, Christine Smetaniuk, Fire Dept. President Ann Steimle, Bill & Kathy Konival, Darnell Prunka, Jason Ward, Assessor Judi Fliieger, Billy McKerrell, Mr. & Mrs. Yaron Fidler, Attorney for the Town Danielle Jose-Decker, Mike Warne, Naomi & John Campbell, Caroline Akt, 3 representatives from the Kadampa Mediatation Center, Joan Rosenfelt, Bohdan Kandiuk, Dave Hulse from the River Reporter, Kaitlin Haas from the Sullivan County Democrat, Ryan Gillespie, Mike & Elvira Isfan and a few unnamed residents.

Supervisor Mellan reported they have 2 Public Hearings tonight, one at 7:15 p.m. and one at 7:30 p.m. Supervisor Mellan stated that because they now have 2 new Council people they would like to review the procedure at meetings policy which she has copies of. Supervisor Mellan also stated the Ethics Law will be distributed to all employees and they will need to sign the last page to verify they have read it and understand it. The Attorney for the Town read the Rules of Conduct at Board Meetings and at Public Hearings.

**MINUTES**

Councilman Carr made a motion to accept the Workshop Meeting Minutes of December 2, 2015, the Regular Meeting of December 9, 2015, the Minutes of the Year-End Meeting on December 30, 2015, seconded by Councilman Akt, with Councilman Leigh Sherman and Councilwoman Gingold Abstaining from voting, and Councilman Sherman made a motion to accept the Minutes of the Re-Organizational meeting held on January 1, 2016 as written, seconded by Councilman Carr, all in favor, so carried.

**CORRESPONDENCE**

1. Monthly Reports:
  - a. Supervisor
  - b. Town Clerk
  - c. Buildings
  - d. Highway Superintendent
  - e. Constables
2. Grant Writer Update
3. NYS Ag & Markets Shelter Inspection Report
4. County Clerk Pistol Permit Application Notification
5. Grant Writer 2015 Year End Report
6. NECO Fire & Safety Inspection Reports
7. Planning & Zoning Training certificates
8. 2015 Historian and Museum Annual Report
9. Town Clerk 2015 Annual Report
10. Pennsylvania DOT Meeting notification – Pond Eddy Bridge
11. Time Warner Cable Service Change Notification

Supervisor Mellan reported the meeting for the Pond Eddy Bridge replacement will take place on January 21<sup>st</sup> at 6 pm at the Shohola Township Building. Supervisor Mellan reported the notification from Time Warner cable was a listing of channels they may no longer offer.

**PRE-FILED RESOLUTIONS**

- #40 – Highway Shared Services Agreement Approval
- #41 - Local Law #1, 2016 Approval -
- #42 - Local Law #2, 2016 Approval
- #43 - Schedule Public Hearing – Local Law #3, 2016 - Planning
- #44 - Constable Manual Update Approval
- #45 – Planning Board Appointments
- #46 – ZBA Appointments
- #47 - State DOT Shared Services Agreement with Town
- #48 – UDC Delegates Appointments
- #49 - Eldred Little League = Use of Ball Field Request
- #50 - Eldred Little League- Ball Field Score Board Installation Approval
- #24B – Association of Towns Delegates (Tabled from Jan. 1<sup>st</sup> mtg.)
- # 51 - Partners in Safety Program Approval -Highway (Late File)
- #52 – UDC Alternate Delegate Appt. – Gingold (Late File)
- #53 - Assoc. of Towns Alternate Delegate Appt. - Sherman (Late File)
- #54 – 2015 General Fund Budget Transfers –(Late File)
- #55 - 2015 Highway Fund Budget Transfers – (Late File)

(3) January 13, 2016

Supervisor Mellan stated that Resolution #40 should read that the shared services agreement is the same that is already on file with the town. Councilman Akt stated he did not get the paperwork as to what the highway department did with the other towns to show they have received services that were the same amount of work we did with other towns. The Highway Superintendent stated they could come to the highway garage anytime and he will show them his records. Councilman Akt stated it is the taxpayers who are asking for an accounting. Councilman Akt stated the guys did a great job on the used truck to get it ready for use.

Councilman Akt made a motion to recess the Regular Meeting at 7:17 p.m., seconded by Councilman Carr, all in favor, so carried.

**PUBLIC HEARING - LOCAL LAW #1, 2016 ENTITLED "AUTHORIZING THE REAL PROPERTY TAX EXEMPTION FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER AS PROVIDED FOR IN REAL PROPERTY LAW s467"- 7:15 p.m.**

Councilman Carr made a motion to open the Public Hearing for Local Law #1, 2016 at 7:17 p.m., seconded by Councilman Sherman, all in favor, so carried. Supervisor Mellan stated this Local Law was to increase the income levels for seniors. The Assessor reported the last time this was done was in 2003, noting it affects low income seniors because with a cost of living raise it takes them over the limit for the exemption. The Assessor stated it is on a sliding scale. The Attorney for the Town stated that she did not have all the information needed to draft the law, noting they could amend the law to read that it is compliance with the sliding scale. The Attorney for the Town stated they could do a new Public Hearing next month to address this law. Councilman Sherman made a motion to close the Public Hearing at 7:25 p.m., seconded by Councilman Carr, all in favor, so carried.

The Attorney for the Town stated they can amend the Local Law #2, 2016 to be Local Law #1, 2016 and now Local Law #1 will become Local Law #2, 2016 and be addressed in February. Councilman Sherman made a motion to amend Local Law #1 to become Local Law #2 and schedule a Public Hearing for the Workshop Meeting to be held on February 3, 2016, seconded by Councilman Akt, all in favor, so carried. Councilman Carr made a motion to reopen the Regular Meeting at 7:26 p.m., seconded by Councilman Akt, all in favor, so carried.

Councilman Akt made a motion to recess the Regular Meeting at 7:27 p.m., seconded by Councilman Carr, all in favor, so carried.

**PUBLIC HEARING – LOCAL LAW #1, 2016 ENTITLED AUTHORIZING THE PROVISIONS OF REAL PROPERTY TAX LAW SECTION 458-a (7) ALLOWING FOR THE GOLD STAR PARENT EXEMPTION.**

(4) January 13, 2016

Councilman Akt made a motion to open the Public Hearing for Local Law #1, 2016 at 7:27 p.m., seconded by Councilman Carr, all in favor, so carried. Supervisor Mellan stated that this is for a Gold Star Parent exemption for parents with a primary residence.

**OPEN FLOOR FOR 1<sup>ST</sup> TIME**

No Comment

**OPEN FLOOR FOR 2<sup>ND</sup> TIME**

Joan Rosenfelt questioned what the law is? Supervisor Mellan explained it was a tax exemption for anyone that lost a child who died while serving their country. The Attorney for the Town stated it is a reduction in their taxes.

**OPEN FLOOR FOR 3<sup>RD</sup> TIME**

Elvira Isfan stated it was a great idea.

Councilman Akt made a motion to close the Public Hearing and reopen the Regular Meeting at 7:30 p.m., seconded by Councilman Carr, all in favor, so carried.

The Board continued with addressing the Pre-Filed Resolutions. The Attorney for the Town read the Local Law #1, 2016.

Councilman Akt stated we need to advertise for 2 Alternate members on the Planning Board. Councilman Akt stated they did not discuss the UDC Delegates and voted against the appointments. Supervisor Mellan stated she did not want to make the appointments previously and wanted to wait until they had a full Town Board. Councilman Akt stated they should have gone into Executive Session to discuss the appointments. Supervisor Mellan stated they do not have to go into Executive Session. Councilman Akt voted against Resolutions #48, 24B, #52 and #53 because they were not previously discussed.

The Town Clerk reported she received the Certificate of Insurance from the Little League. Councilman Carr questioned who was installing the score board the Little League is putting in at the ballfield? Ryan Gillespie reported they have an electrician installing it and they will check with the Code Enforcement Officer.

Supervisor Mellan noted the last two Resolutions were late files because they were for year-end budget transfers that could not be done until the final Abstract was finished.

Proclamations

- New Business

(5) January 13, 2016

## **REPORTS OF BOARD MEMBERS**

Councilman Sherman reported that he and Supervisor Mellan attended the Association of Supervisors meeting where the discussion was on the shared tax issue once the casino comes in. Supervisor Mellan reported there will be different options on how the monies will be divided up. Councilman Sherman noted that this will not take place until 2018, with the 1<sup>st</sup> amount to be given February 2019 and that they can't plan on the amount and can not put it into the Town's budget.

Supervisor Mellan welcomed Councilwoman Gingold to the Board. Supervisor Mellan stated she had a rough listing of the 2016 Town Board Liaison listing, noting she waited until they had a full Board. Supervisor Mellan reviewed her listing which was the following: Offices – Supervisor Mellan- Bldgs. & Grounds- Councilman Ak, Seniors- Councilman Carr, Highway – Councilman Sherman, Constables- Supervisor Mellan, Landfill – Supervisor Mellan & Highway Superintendent, Cemetery –Councilwoman Gingold, Planning Board- Councilman Akt, ZBA – Councilwoman Gingold, Youth Program – Supervisor Mellan and Fire Dept. – Councilman Carr.

Supervisor Mellan reported several people are wondering about the website, noting they are working on the website to get it up and running with Doreen Warner and our IT Tech Jeff Chorba. Supervisor Mellan noted they have a backup PC that is not being used and Jeff will clean it out and it will be used entirely for the website.

Supervisor Mellan reported that she has received several calls from Dr. Saj who owns property adjacent to the town property behind the senior center and the park. Supervisor Mellan reported Dr. Saj is interested in selling the land to the Town. Councilman Sherman reported that it was considered a few years ago and according to the Town Engineer the property is not buildable. Supervisor Mellan stated she will tell Dr. Saj that the Town is not interested in purchasing the lot.

Supervisor Mellan stated she will get together with Ann Steimle to finish the LOSAP paperwork to file.

Councilman Sherman reported the Board had talked about the Zombie Law that deals with abandoned buildings and stated he would like to get this law going for the Town. The Attorney for the Town reported she has a copy of the law Port Jervis did, noting that law is more sophisticated than our town needs. Councilman Sherman stated he would like to see if any other towns have such a law. The Attorney for the Town stated she will research it and bring the information back to the Board. The Attorney for the Town noted this would be a Local Law to amend the Zoning.

The Town Clerk stated they have been busy, noting they have taken in over \$500,000 in tax money so far.

(6) January 13, 2016

Grant Writer Frank Schwarz reported that the Renaissance grant is coming up but they do not have an actual party to work on the Heritage Trail.

The Chief Constable noted his monthly Constabulary Report.

Assessor Judi Flieger reported they are busy with STARR exemptions. Flieger noted they are seeking anyone that would be interested in being a Board of Assessment Review member.

Code Enforcement Officer Dave Sparling reported that he originally brought the Zombie Law to the attention of the Town Board a year ago, noting Port Jervis took parts of their law from other municipalities. Sparling stated there may be 10 – 15 houses within town that would fit under this Law. Sparling reported his office has taken in 87.9% in revenues of what it cost to run his department over the last few years.

Highway Superintendent Don Hunt, Jr. requested everyone take their time when leaving the meeting because there may be icy spots out there. Hunt Thanked the Board for approving the Shared Services agreement with the other towns, noting they would not get reimbursed with FEMA monies if the agreement is not in place.

Fire Dept. President Ann Steimle reported they had 411 calls with 352 of them being true calls last year. Steimle reported they already have had 8 calls this year, noting they have 5 EMTs and they are doing neighboring calls as well. Steimle reported the Fire Dept. Auxiliary donated \$4,500 for a carbon monoxide monitor and the Homestead School collected \$3,000 which was given in lieu of gifts during the holiday season.

### **OPEN FLOOR TO PUBLIC**

Darnell Prunka reported that she, along with Youth Program Assistant Director Christine Smetaniuk, will start working on this summer's program in March.

Billy McKerrell from the Parks Committee reported he went to the Renaissance about the grant that is available and due February 1<sup>st</sup>. McKerrell stated that as soon as they know if the Town is not applying for that grant the Parks can submit for a grant that is due by March 1<sup>st</sup>. Grant Writer Frank Schwarz stated it is very doubtful the Town will be submitting for that grant. McKerrell reported Circle Park has been accepted as a finalist for an Orange County award. McKerrell noted they are getting the park ready for spring.

Caroline Akt asked the Highway Superintendent has submitted a listing of equipment usage and the wear and tear cost when using shared services with other towns? Supervisor Mellan stated that it is not the Town Board's responsibility and that they can confer with the Highway Superintendent. The Highway Superintendent stated he is not paying a trucking company to do the work that his department can do.

(7) January 13, 2016

Caroline Akt questioned why the former Supervisor's assistant was fired on January 4<sup>th</sup> and a Constable stood over her while she cleaned out her desk? Supervisor Mellan stated that she was not terminated, that it is an appointed position and as the new Supervisor Mellan stated she hired Councilman Sherman's daughter because it is her appointment. Akt stated it was nepotism to hire a relative of someone who already works for the town. Supervisor Mellan stated that if you read the Ethics Law you are absolutely right but Akt's husband did not abstain from her reappointment on the ZBA the last two years. Caroline Akt stated she doesn't get paid a lot to be a member of the ZBA and she attended the Review Committee meetings for no pay. Supervisor Mellan stated that her clerk is not related to her. Ann Steimle stated that the nepotism issue started when her son was hired on the Highway Dept. and his mother-in-law was Supervisor. Steimle stated that the Supervisor has the right to appoint whom she wants to work with. Yaron Fidler questioned why at a recent Town Board meeting there were Constables in uniform? Supervisor Mellan stated that she felt threatened and it was for her safety along with the fact that they needed to discuss a personnel matter with the Constables.

Joan Rosenfelt questioned if the Supervisor can be reached by email. Supervisor Mellan stated she can be reached at [supervisor@townoflumberland.org](mailto:supervisor@townoflumberland.org).

Joan Rosenfelt requested the Town Board revise the TARA Law and eliminate the \$2 charge. Supervisor Mellan reported the Board is contemplating revisiting the Law in April, noting the intention of the law was not to address feral cats. Rosenfelt stated she has a friend that has a cat in her basement that is hard to catch so it can be fixed. Supervisor Mellan stated that if there is a problem with feral cats you should call the Constables who will let the DCO handle it since she has permission to capture the cats and take them to the Humane Society. A resident reported the Humane Society is not taking cats, however, Supervisor Mellan noted that there was a recent article in the newspaper that said they were. Rosenfelt stated the breeding season starts in March. Supervisor Mellan stated they will have the Attorney for the Town email Steve from TARA to see when we can readdress this issue, Rosenfelt stated they should change the law before approaching TARA again. Councilman Sherman questioned if Rosenfelt could step back and let the Supervisor and the Attorney for the Town handle it? Rosenfelt stated she wants to make sure it is handled right.

Caroline Akt reported there is a house in Black Forest that is boarded up and has garbage all around it. The Code Enforcement Officer reported that the house has been boarded up and he has already notified the owner who has 30 days to clean it up. The Attorney for the Town reported there is an unsafe buildings law in Town and there is a procedure to follow before the town considers demolishing the building. The Attorney for the Town stated that the Town can attach the cost of the demolition to the property tax bill which can only be done if the home owner is responsible and pays their taxes. The Code Enforcement Office reported that one of the buildings in question is tax exempt but he would not release that information.

(8) January 13, 2016

Joan Rosenfelt questioned if there was going to be a monthly newsletter? Supervisor Mellan reported they will be working on it.

Supervisor Mellan noted the Special Announcements.

**ABSTRACTS**

Councilman Carr made a motion to approve 2016 #1 Abstract General Fund & Highway , with 2015 General Fund Claims #824 through #863, in the amount of \$10,922.83 , and Highway Fund Claims H15-# 547 through #548, in the amount of \$ 56,225.67, General Fund A16- #001 -# 21 in the amount of \$ 4,845.30 , with a total of Abstract #01, 2016 of \$ 68,688.36, seconded by Councilwoman Gingold, all in favor so carried. Councilman Akt did not participate in the vote or signing the Abstracts.

Councilman Carr made a motion to adjourn at 8:54 p.m., seconded by Councilwoman Gingold, all in favor, so carried.

Respectfully Submitted,

  
Virginia V. Horn, Town Clerk