

LUMBERLAND TOWN BOARD MEETING MINUTES
& PUBLIC HEARINGS FOR LOCAL LAWS #2 & #3, 2016
FEBRUARY 10, 2016

The Lumberland Town Board held a Regular Monthly Meeting on Wednesday, February 10, 2016, at 7 p.m., at the Town Hall 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 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, Code Enforcement Officer David Sparling, Highway Superintendent Don Hunt, Jr., Fire Dept. President Ann Steimle, Yaron Fidler, Attorney for the Town Danielle Jose-Decker, Caroline Akt, 2 representatives from the Kadampa Mediatation Center, Bohdan Kandiuk, Dave Hulse from the River Reporter, Mike Rajs, Peter Comstock, Jeanne Mulcahey, Heidi Spannos, Kathy & Bill Konival, Faith Robles and David Riley.

MINUTES

Councilman Sherman made a motion to accept the Workshop Meeting Minutes of January 6, 2016, the Regular Meeting of January 13, 2016 and the Minutes of the Special Meeting of January 18, 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. Cultural Series 2016 Schedule
3. Planning Board Mtg. Minutes – Dec. 2015
4. Lumberland Museum Room
5. Sullivan County Historical Society Newsletter
6. Letter request – against Millennium Pipeline
7. O&R letter – coordinating Road work schedules
8. Kadampa Meditation Center invitation – Fun Fair
9. SLAC Medicare Updates – NY Health Act
10. Zika Virus Health Info

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Supervisor Mellan reported that she received several additional letters regarding the Town of Highland proposed compressor station which will be attached to Item #6. Supervisor Mellan noted that Item #8 was notification from the Kadampa Meditation Center regarding their Fun Fair. Supervisor Mellan reported Items #9 & #10 were late files that she received after the Workshop Meeting, noting #8 was info on the single payer medical benefits plan and #10 was information on the new Zika virus that is affecting the country.

Supervisor Mellan reported she and the Board members received a letter with a proposed resolution requesting the Town of Lumberland pass a resolution in support of the Town of Highland's opposition to the proposed compression station in their town. Supervisor Mellan stated she would have the Attorney for the Town review the information, noting that the attorney for the Town of Highland is suppose to be drafting up a resolution of their own.

PUBLIC HEARING - LOCAL LAW #2, 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"- 7:05 p.m.

Supervisor Mellan opened the Public Hearing at 7:05 p.m. to discuss the proposed Local Law #2, 2016, noting this was a holdover from last month so they could verify they had all the information in the law that was needed. Supervisor Mellan reported she talked to the Assessor who reported the income levels for seniors exemption have not been changed since 2004.

OPEN FLOOR FOR 1ST TIME

Ann Steimle questioned what the impact would be on the Town? The Attorney for the Town reported in the past few years some seniors were missing out on the exemption due to cost of living raises, noting this law will help those on fixed incomes and the elderly. Yaron Fidler questioned why it is only being increased by \$2,000 since it has been some years since it was last changed? Supervisor Mellan reported that they are following what the County and the Real Property from the State are requiring. The Attorney for the Town noted that the actual increase is \$3,000.00.

OPEN FLOOR FOR 2ND TIME

Dave Hulse reported he was at the County and it was reported the increase is on a sliding scale with the top level being at a 5% increase.

OPEN FLOOR FOR 3RD TIME

No Comment

Supervisor Mellan closed the Public Hearing at 7:11 p.m.

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The Town Board addressed the Pre-filed Resolution #56 for the approval of the proposed Local Law #2, 2016 which the Board approved.

PUBLIC HEARING – LOCAL LAW #3, 2016 ENTITLED “AMENDING SECTION 250-38 OF THE TOWN CODE ENTITLED “GEOTHERMAL ENERGY (GROUND SOURCE HEAT PUMP SYSTEMS)” - 7:15 P.M.

Supervisor Mellan reported that this proposed Law will take the regulations for the Geothermal systems requirements away from the Planning Board and put in the hands of the Code Enforcement Office.

OPEN FLOOR FOR 1ST TIME

Code Enforcement Officer, David Sparling explained how the geothermal system works

OPEN FLOOR FOR 2ND TIME

No Comment

OPEN FLOOR FOR 3RD TIME

Ann Steimle questioned if there was any licensing involved in the process? Sparling reported that it is a heating and cooling system and does not need a license. Sparling stated it is considered a water furnace and works like a reverse air conditioner. The Attorney for the Town reported this was sent to the County Planning Division who has determined it is a negative impact on the Town. Supervisor Mellan closed the Public Hearing.

The Attorney for the Town reported that the Town Board has to complete parts 2 & 3 of the short form with question and answer section. The Attorney for the Town read the questions and the Board responded NO to all questions. The Attorney for the Town noted that part 3 was a negative resolution.

The Board approved Resolution #57 for Local Law #3, 2016.

PRE-FILED RESOLUTIONS

#56 - Local Law #2, 2016 Approval (approved after Public Hearing)

#57 - Local Law #3, 2016 Approval (approved after Public Hearing)

#58 - Amend TARA Law

#59 – Amend Resolutions #12 & #14, 2016 – Planning & Zoning Compensation

Supervisor Mellan requested a Roll Call Vote for Resolution #58 which was an amendment of the TARA Law that was done previously. The Board voted down approval of the Resolution by a 2 – 3 vote.

Supervisor Mellan reported she requested the amendment to the Planning and Zoning Board of Appeals Compensation resolution, noting that it should read that the 4 hours

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training certificates need to be submitted by the last meeting of the year for both the Planning Board and ZBA.

ABSTRACTS

Supervisor Mellan reported that the Board used to do the review and initialing of the Vouchers at the Workshop Meeting but several bills were being received after that meeting which were not being reviewed before approval so they decided to wait and do them all at the regular Town Board Meeting night. The Board members reviewed and initialed the vouchers before making their approval of the Abstracts. Supervisor Mellan stated that the Board members have agreed to start coming in at 6:45 p.m. on their regular meeting night of the 2nd Wednesday of each month to review and initial the vouchers which will eliminate the public from sitting around and waiting for the Board to complete the process.

Councilman Akt made a motion to approve Audit and Approval of General Fund & Highway #2, 2016, General Fund Prepaid Claim A# 001 - #0017 in the amount of \$ 252,264.11, General Fund Claims G16-#0 53 through #107, in the amount of \$36,070.51, Highway Fund Prepaid Claims #H16- #001 through #003 in the amount of \$ 80,237.11, and Highway Fund Claims #H16-#01 through #079 in the amount of \$81,268.56, with a total of Abstract #2, 2016 of \$449,840.29, seconded by Councilman Carr, all in favor so carried.

Proclamations – Susan Morley

New Business

REPORTS OF BOARD MEMBERS

Supervisor Mellan reported she talked to the Sullivan County Emergency Management Director Dick Martinkovic regarding the cell tower that is suppose to go up on Decker Road in Glen Spey. Supervisor Mellan reported that the tower is in the process of going out to bid and they may have it up by May. Supervisor Mellan also reported they discussed emergency training classes that all town personnel involved in responding in emergency situations should participate in. Supervisor Mellan stated they also discussed the new radios that will need to be purchased but was told to wait until they can get the high band frequencies, noting if the radios are purchase now they may not be compatible with what is needed. The Chief Constable confirmed they will wait to see what they need. The Highway Superintendent/Fire Department Chief stated that they are having meetings on the tower usage.

Supervisor Mellan reported she had an email from Historian Frank Schwarz that he is having the Memorial Day Observance and as grant writer he will be going out to bid next month for new windows and doors for the buildings.

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Councilman Akt reported he is looking into putting another floor in for the Records Room and has talked to the Town Engineer. Councilman Akt noted that the present Town Clerk's office would lose both side windows in order to go up another floor for the proposed room. The Town Clerk noted that they would also have to relocate the air conditioning/heater in her office because it is on the outside wall which will be blocked by the second floor. The Town Clerk Thanked Councilman Akt for looking into it.

Councilwoman Gingold reported she attended the UDC meeting where the discussion was that the water levels on the river were above what they were last year. Councilwoman Gingold reported the UDC will be celebrating their 100th year anniversary this year, and that the signs noting the wearing of life jackets on the river will be displayed again. Councilwoman Gingold reported there was a discussion at the meeting that they are hoping the Parks Service and UDC, along with the Towns, will work on the cell tower project together.

The Town Clerk/Tax Collector reported they have been busy, noting they made the Town whole at the end of January and gave the County a \$1.5 million check already. The Tax Collector reported that up until today everything had gone fairly smoothly, however, we were notified today that we had received the payments for taxes directly from Eagle Creek who should have sent their payments to the County. The Tax Collector noted that several towns have the same issue and have to unpost those payments and send the monies directly to the County.

Highway Superintendent, Don Hunt, Jr, reported they are busy and out there plowing the roads.

Fire Dept. President, Ann Steimle reported they have been busy with an unprecedented amount of calls. Steimle reported there is ICS training for emergency response teams that can be done online and highly recommended this training to the Town Board members.

The Chief Constable, Patrick Cahill, reported on the Constabulary Monthly activity.

The Code Enforcement Officer, David Sparling, reported that in the 10 years he has been in Code Enforcement he has only seen 2 geothermal projects. Sparling reported that in April there is training for Planning and Zoning Boards in Saratoga Springs. Sparling noted that if there is a cell tower going up in the Town he has not had any permits come into Planning. The Attorney for the Town will look into it.

Councilman Akt reported he talked to the Town Engineer regarding the Cemetery and the Engineer has the maps for it.

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OPEN FLOOR TO PUBLIC

Yaron Fidler reported that a beloved teacher from Minisink Valley who was a resident of the Town of Lumberland was tragically killed in a car accident.

Yaron Fidler questioned if the Town was going to show support against the compressor station that is proposed for the Town of Highland? Supervisor Mellan reported they will put in a resolution for discussion for next month's meeting and it will be discussed at the Workshop Meeting. Supervisor Mellan requested the Attorney for the Town draw up a resolution. Councilman Akt reported that the Lumberland Concerned Citizens have submitted information on the compression station, noting a lot of people attended the Town of Highland meeting last night. Councilman Akt reported that it has been discussed at the Town of Highland Workshop Meeting that they will hold several meetings on the issue. Supervisor Mellan stated they are not prepared to go ahead with a resolution in support of Highland until they get all the facts. Peter Comstock reported there will be a meeting on Saturday, February 20th in the Town of Highland.

Yaron Fidler noted that with the discussion of the Zombie Law the building that is presently designated as a church seems abandoned and should come down. The Code Enforcement Officer stated the problem is that the church is deemed tax exempt and the Town could not recoup the cost of demolition which could be attached to a tax bill. Caroline Akt questioned how the church could function in a condemned building? The Attorney for the Town reported that as long as they file the status each year as a church we cannot deny them tax exemption status. The Attorney for the Town noted she is still working on the Zombie Law.

Yaron Fidler questioned why the Town Board members were wearing identical shirts? Supervisor Mellan reported it was a show of unity and it is unfortunate that one member of the Board chose not to wear his. Supervisor Mellan noted the shirts were only to be worn at meetings.

The Town Clerk reported that County Legislator Nadia Rajsz called and requested that she be on record as asking the Lumberland Town Board to consider doing a resolution in support of the Town of Highland being opposed to the installation of a compression station in their town.

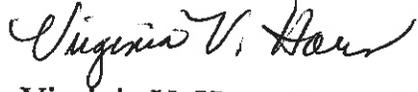
Peter Comstock reported on the workings of a compression station, noting they run 24/7 and are very loud. Comstock stated it will be located near a school. Comstock reported that there have been reports of people living near compression stations that suffer from various complaints. Comstock thanked the Town Board for their consideration in the matter. Councilman Akt reported the session on the compression station will be on the Town of Highland website.

Supervisor Mellan noted the Special Announcements.

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Councilman Carr made a motion to adjourn at 8:22 p.m., seconded by Councilman Akt, all in favor, so carried.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Virginia V. Horn".

Virginia V. Horn, Town Clerk