

*******DRAFT*******

The Town of Forestburgh Town Board held its regular monthly meeting on **Thursday, January 6, 2011** in the Town Hall.

Supervisor Galligan called the meeting to order at 7:45 p.m.

Roll Call: Present – James P. Galligan, Supervisor
Eugene D. Raponi, Councilman
John W. Galligan, Councilman
William B. Sipos, Councilman
Michael Cregan, Councilman

Absent – None.

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Dan Hogue, Jr. – Highway Superintendent
William D. Bavoso, Attorney for the Town

REPORTS

Supervisor Galligan submitted the monthly financial report for December 2010.

Town Clerk Joanne Nagoda submitted a report of monthly fees and activities for December 2010 and an annual report of all fees and activities for 2010.

Justice Carroll submitted a monthly report of justice court fees for November and December 2010. Justice Olesnycky submitted a report of justice court fees for December 2010.

PUBLIC COMMENT – None.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes of the November 2010 and December 2010 regular meetings and the Public Hearings on Local Law # 1 of 2010 (dog law) and Local Law # 2 of 2010 (flood plain law) for review. MOTION by Councilman Sipos, seconded by Councilman Cregan to accept all minutes. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - #361 – 369 in the sum of \$3,502.31 as set forth in abstract # 13 (2010 bills) and # 1 – 4 in the sum of \$1,366.24 as set forth in abstract # 1 of 2011 were audited for payment. MOTION by Councilman Sipos, seconded by Councilman Cregan to pay the general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - #227 – 229 in the sum of \$1,912.89 as set forth in abstract # 13 (2010 bills) were reviewed. MOTION by Councilman Sipos, seconded by Councilman Galligan to accept the highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 1 – 2 in the sum of \$1,022.50 as set forth in abstract # 1 were reviewed. MOTION by Councilman Sipos, seconded by Councilman Cregan to pay the escrow fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

COMMUNICATIONS – Town Clerk, Joanne Nagoda read the outline from the Association of Towns for their Annual Conference/Business Meeting which will be held in New York City on February 20 – 23, 2011.

UNFINISHED BUSINESS

DOUBLE DIAMOND/LOST LAKE – Supervisor Galligan introduced Randy Gracy for his comments. Mr. Gracy stated that they have submitted the preliminary Final Environmental Impact Statement (FEIS) on the Lost Lake project in either late November or early December. We were told that we would have the comments from C.T. Male by tonight's meeting, and unfortunately that hasn't happened, and I was informed last week, when the Planning Board met that a number of them had only seen the document for the first time that night. I am curious why they didn't get their copies at the same time the Town Board did. With that being said, I have been assured that I will have comments from C.T. Male by early next week. I don't have a clue what the comments are going to be, but what I would like to request a special meeting, probably the week after next with the Town Board to discuss those comments and at the same time invite the Planning Board. I think that the comments will be numerous about various things, because we all know how much information is in that document. For us to wait to get written comments from the Planning Board and C.T. Male and the Town Board, I think if we were all in the same room and had an opportunity to discuss the concerns, it would make it easier for us to respond further and make it easier for us to understand the concerns of the Town. We purchased the property three and half years ago and we have been working on this that long and I feel like we are getting closer to closure. We have an awful lot invested and we have bankers that are associated with this and they are asking a lot of questions about where we are and what the time tables are and I have been at a loss to tell them what the time frames are. I don't know how long it's going to take us to get to the next step, and the next step and the step after that. I know that you are interested to hear what the comments are from your Planning Board and C.T. Male, and I'm hoping that the Town Board had a chance to review the preliminary FEIS, I think it would help move the project along, and the project will benefit the Town as well as Double Diamond. Supervisor Galligan stated that your request is a special meeting on either the 19th or 20th. Mr. Gracy replied yes and invite the Planning Board and C.T. Male. MOTION by Councilman Sipos, seconded by Councilman Creegan to hold a special meeting for the purpose of reviewing the comments of C.T. Male on the Double Diamond/Lost Lake proposal and invite the Planning Board to attend. Vote: 5 ayes- 0 nays. Motion carried. Councilman Raponi asked if the DEC should be invited. Attorney Bavoso stated that is an interesting question, as we have delayed sending a copy of this document to them and do you want to have their comments in advance of this meeting? Dominic Cordisco, attorney for Double Diamond stated that he felt that would be premature, as we don't yet know what the comments from C.T. Male are going to be. Attorney Bavoso asked if the applicant is willing to waive any time frames within SEQRA at this point and time. Discussion was held if there are or are not any time frames associated with SEQRA and the FEIS at this point.

FORESTBURGH CEMETERY – Supervisor Galligan asked Attorney Bavoso if he had a deed for the board. Attorney Bavoso stated that yes, he did in fact have a deed and it is all signed and requires the signature of the Supervisor. MOTION by Councilman Sipos, seconded by Councilman Creegan authorizing Supervisor Galligan to sign and file the quit claim deed for the Forestburgh Cemetery. Vote: 5 ayes – 0 nays. Motion carried.

EMERGENCY SERVICES REVIEW – Councilman Sipos requested that this matter be tabled and the board not take any action at this time. Supervisor Galligan stated that he received an e-mail from John Munsey of C.T. Male asking what the status is on this because it will affect their comments on the Double Diamond FEIS review. We will address this at the meeting on the 20th. Matter tabled.

TAX COLLECTOR – LOCAL LAW # 1 OF 2011 – Supervisor Galligan asked Attorney Bavoso to review the two options. Attorney Bavoso stated that the board has two local laws that are identical in their content for their purpose, and their purpose is too re-instate the elected position of Tax Collector for the Town, which was previously abolished pursuant to Section 36 of the Town Law at the December meeting. The content is the same in both laws and the position is the same, that of Tax Collector. There is a mandatory referendum to reestablish the position. The difference between the local laws is that one sets the mandatory referendum for the general election in November. The other sets, or you will need to set a date for a special election if you choose. What this means is, if you let the mandatory referendum go until November, then unless you set a special election at some point the first time there will be an election, assuming that the mandatory referendum passes, the first time you would have candidates for the position would be in 2012. If you decide to have a special election for the mandatory referendum, say you set it for March, and it passes then you could have candidates on this November's ballot. Town Clerk, Joanne Nagoda asked since we have never done a special election, what is the cost and what is the protocol to do one. Attorney Bavoso stated that he did not know, you would have to get the answers from the County Board of Elections. You would have to get the cost and procedures from the County because they run the election. Superintendent Hogue asked what the term would be for the election, if it was two years and you waited to put it on the November ballot, the Tax

Collector would always run on an “off” year of the other local offices. Supervisor Galligan asked if there was a way to make it so the first term would be one year and then go to two years. Attorney Bavoso stated that you would have to ask the County. Councilman Galligan asked if we have to vote on this. Attorney Bavoso replied yes, you have to have a referendum to return the position, it’s mandatory. If you adopt the local law to reestablish the position, the local law in itself says that it is subject to a mandatory referendum. If the referendum passes then the local law is validated. If the referendum does not pass then the local law becomes null and you continue the procedure you currently have with the Town Clerk also being the Tax Collector. MOTION by Councilman Sipos, seconded by Councilman Creegan to hold a special election on May 3, 2011 for the purpose of a mandatory public referendum to reinstate the elected position of Tax Collector. Vote: 5 ayes – 0 nays. Motion carried. MOTION by Councilman Sipos, seconded by Councilman Creegan to hold a public hearing on proposed Local Law # 1 of 2011 on February 3, 2011 at 7:00 p.m. in the Town Hall. Vote: 5 ayes- 0 nays. Motion carried.

BARTON & LOGUIDICE CONTRACT REVIEW – Supervisor Galligan stated that Mr. Voss stated that he would send us a letter with an outline of what is left to be completed. Attorney Bavoso stated that he has spoken with Mr. Voss and after reading the minutes of the December 30 meeting, he was going to send us a supplemental outline and a cost estimate, which I have not seen. Matter tabled.

PUCHASE ORDERS – Councilman Galligan asked Attorney Bavoso for help, he believes that the first thing we have to do is establish a resolution establishing a director of purchasing, correct. We can discuss this tonight, but I certainly don’t want to drop this. I would like to see a director of purchasing and I would like to see it tonight. Councilman Galligan asked Attorney Bavoso if he had the resolution. Attorney Bavoso replied no, but it is as simple as that, that the Town Board establish the position of director of purchasing. Once you create the position, you will have to make an appointment and set the salary at that time. Superintendent Hogue stated that he has been through this before and there is no town in Sullivan County and he is not aware of any town in Orange County that has a director of purchasing or a purchasing agent. They may use purchase orders. There are towns that have comptrollers, the job of the comptroller and the purchase order is if you are going to buy something to make sure that you don’t over extend your budget. That is the purpose of it. In the 23 years that I have been with the Town, I don’t believe any department has grossly over spent their budget. You talk about saving money and yet you want to create more positions. A director of purchasing has great responsibility, it’s not somebody who just looks up five things and you pay fifteen hundred dollars a year. It’s huge. It is a full time position and they have to be knowledgeable with purchasing and budgets and a lot of things, procurement policy, state law, there is a lot to it. I would think that Forestburgh, the smallest town in the County, to have a director of purchasing is absurd in my opinion. It would be hard to be a part time position, anything that is bought through or for the town would have to go through the director of purchasing. I purchase daily, different items. You can put stuff out to bid, like your stone and stuff, which we already do. Everything according to State Law is already on a bid, you are going to pay somebody to do something that we are already doing. If you create it, it will affect the Town and the way the Town operates. We are a small town and we just came out of an audit that was outstanding, I just don’t understand the need for it. Discussion continued that highway does the most amount of purchasing, purchasing locally. MOTION by Councilman Galligan, seconded by Councilman Sipos to establish the position of director of purchasing. Vote: 2 ayes – 3 nays. Motion not carried.

NEW BUSINESS

BAN – CATSKILL-HUDSON BANK – Supervisor Galligan stated that last year when we bought a new truck, we took out a Bond Anticipation Note (BAN), the note is now due for \$130,000.00 – we have budgeted the \$30,000 plus the interest to pay off on it. I have had discussions with Mr. Frunzi of Catskill Hudson Bank, he suggests that rather than spend money to sell bonds, that we just take out a statutory five year installment loan and pay off \$20,000.00 a year or sooner if we want to. This will also save us from having to hire bonding attorneys. I have called around for rates, Key Bank is not interested, Jeff Bank is 2.58 and Catskill Hudson is 2.25. I recommend that we take the loan with Catskill Hudson bank. Discussion was held to either take another BAN for one year or take the statutory installment loan, interest rates. MOTION by Councilman Sipos, seconded by Councilman Galligan to take out a statutory installment loan with Catskill Hudson Bank for five years at 2.25% interest. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW ACCOUNT REFUNDS – We have escrow funds for projects that have been completed, one is a subdivision by Ben Wechsler and the other was a subdivision for Ben Wechsler to Devine. There are funds that were

not used and need to be returned to the owners. There are no outstanding invoices for either attorneys or engineers, everything has been paid. MOTION by Councilman Galligan, seconded by Councilman Sipos to refund unused escrow funds to the owners. Vote: 5 ayes – 0 nays. Motion carried.

INSURANCE RENEWAL - As was requested by Councilman Sipos, we received a quote to increase our umbrella policy from six million dollars to ten million dollars, the quote is for \$500.00 per million, so it would be a \$2,000 increase. Discussion was held to increase the umbrella. MOTION by Councilman Galligan, seconded by Councilman Raponi to renew the current insurance with Gersten-Hillman Agency and Selective Insurance and increase the umbrella policy from six million to ten million dollars for an additional two thousand dollars. Vote: 5 ayes- 0 nays. Motion carried.

COMMITTEE REPORTS

Planning Board – No report
Seniors – Meet again in April.
Building Inspector – Report filed.
Green Committee – No report
Forestburgh Day – August 20, 2011

PUBLIC COMMENT

Peggy Abdoo – On the re-organizational meeting, I see the Planning Board Chairman gets a larger salary, is there a Chairman for the ZBA as well. It was explained that there is a ZBA Chairman as well, he is paid the same amount as the other ZBA members, unlike the Planning Board.

EXECUTIVE SESSION – MOTION by Councilman Sipos, seconded by Councilman Creegan to enter into executive session for the purpose of personnel and invite Superintendent Hogue and Attorney Bavoso into the session. Vote: 5 ayes – 0 nays. Motion carried.

MOTION by Councilman Sipos, seconded by Councilman Creegan to reconvene into regular session. Vote: 5 ayes- 0 nays. Motion carried.

MOTION by Councilman Galligan, seconded by Councilman Sipos to appoint William D. Bavoso as attorney for the Town. Vote 5 ayes- 0 nays. Motion carried.

MOTION by Councilman Galligan, seconded by Councilman Creegan to create the position of Temporary Highway Employee, subject to the union contract as per a probationary employee. Vote 4 ayes – 1 abstention. Councilman Sipos abstains pending the outcome of existing personnel within the Highway Department.

ADJOURNMENT – MOTION by Councilman Sipos to adjourn at 9:30 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk