

**\*\*\*\*DRAFT\*\*\*\***

The Town of Forestburgh Town Board held its regular monthly meeting on **Thursday, October, 7, 2010** at the Town Hall.

Supervisor Galligan called the meeting to order at 7:00 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 – Glen A. Plotsky, Attorney for the Town  
Dan Hogue, Highway Superintendent  
Susan Hawvermale, Planning Board Chair

**REPORTS –**

Supervisor Galligan submitted the monthly financial report for September, 2010.

Justices Carroll submitted a report for monthly justice court activity for August and September, 2010. Justice Olesnycky submitted a report of justice court activity for September, 2010.

Town Clerk, Joanne Nagoda submitted a report for clerk fees and activities for September, 2010.

**PUBLIC COMMENT –**

Mary Ann Toomey – Our tree fell down, three quarters of it, it up rooted and Dan and I went and looked at it. We don't think any of the headstones have been damaged, but we can't tell for certain. There is still a large fork that needs to be removed. Also, the old town hall, I was at the bid opening and Mr. Kelly said that Engineer Gottlieb's plans were quite right, so he is going to raise the building like 18 inches or something, and he is going to move and replant our five holly plants. But it's going to make the bid a lot less then it would have been.

**MINUTES** – Town Clerk, Joanne Nagoda submitted minutes for the regular Town Board meeting held on September 2, 2010. MOTION by Councilman Sipos, seconded by Councilman Galligan to accept the minutes as submitted. Vote: 5 ayes – 0 nays. Motion carried.

**GENERAL FUND VOUCHERS** - # 261 – 281 in the sum of \$7,483.84 as set forth in abstract # 10 were audited for payment. MOTION by Councilman Sipos, seconded by Councilman Galligan to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

**HIGHWAY FUND VOUCHERS** - # 153 – 166 in the sum of \$29,837.11 as set forth in abstract # 10 were reviewed. MOTION by Councilman Galligan, seconded by Councilman Raponi to accept the highway fund vouchers. Vote: 5 ayes- 0 nays. Motion carried.

**ESCROW FUND VOUCHERS** - # 25 – 27 in the sum of \$658.75 as set forth in abstract # 10 were audited for payment. MOTION by Councilman Galligan, seconded by Councilman Sipos to pay the escrow fund vouchers. Vote: 5 ayes- 0 nays. Motion carried.

**COMMUNICATIONS** – None.

**UNFINISHED BUSINESS**

**DOUBLE DIAMOND/LOST LAKE** – Supervisor Galligan had a long discussion with Mr. Randy Gracy of Double Diamond. Mr. Gracy stated that have finished drilling wells and are optimistic that they have enough water and will be doing the pump testing at the end of this month. We should be receiving their Final Environmental Impact Statement (FEIS) at the end of this month or the beginning of November. This should address all of the questions and concerns that were raised at the public hearing in June.

**FORESTBURGH CEMETERY** – The quit claim deed has been forwarded to the Benzien’s for signature, we still have not received the deed back from them. Matter tabled.

**FARMING GRANT/FARM PRESERVATION GRANT** – Supervisor Galligan spoke with Commissioner Aragon and they are waiting for the State to release the funds for issuance of the grants. Matter tabled.

**OLD TOWN HALL** – Everyone has in front of them the bids for the repairs on the old Town Hall as specified by Joe Gottlieb. If the Board opts to act on this tonight, we will have to take money from our contingency fund for these repairs. The first bid is from M & P Builders to install a new foundation as per the plans of J. Gottlieb. Bid price - \$33,500.00. The second bid is from Krys-Kel – LLC who bids for the plans as per J. Gottlieb. Bid price is \$18,500.00. Supervisor Galligan stated we will either have to use some reserve funds or raise some taxes, as we worked on the budget tonight. Discussion was held to hold off on this project until we finish the budget, re-bidding the project and include a new roof on it. Councilman Raponi stated that we should just do this already. We started with this eleven years ago and we need to fix this. Councilman Galligan asked how much is left in our general fund unexpended balance. Supervisor Galligan replied it is \$63,000.00. Councilman Raponi stated that he felt the \$18,000 bid is a fair bid, and he would like to see us do it. Councilman Creegan stated that he would rather we finish ironing out the budget first. MOTION by Councilman Raponi, seconded by Councilman Galligan to accept the bid of Krys-Kel, LLC in the amount of \$18,500.00 and authorize our attorney, Bavoso, Plotsky & Onofry to draw up the contract for the bidder. Vote: 5 ayes – 0 nays. Motion carried.

**EMERGENCY SERVICES REVIEW** – This matter is out for bid. The bid opening will be held on November 1, 2010 at 11:00 a.m. in the Town Clerk’s office. Matter tabled.

**JCAP GRANTS** – Supervisor Galligan met with the justices. Last month we authorized them to apply for a new grant for this upcoming year. We are still working on the grant they received last year and there is one part of the project that we did not get completed. We will be trying to get an extension to complete the project.

**LOCAL LAW # 1 OF 2010 – DOG LICENSING** – Due to some timing issues, we have to reschedule the public hearing on this proposed Local Law. MOTION by Councilman Galligan, seconded by Councilman Sipos to hold the public hearing for Local Law # 1of 2010 on Thursday, November 4, 2010 at 7:00 p.m. in the Town Hall. Vote: 5 ayes- 0 nays. Motion carried.

**NEW BUSINESS**

**JUSTICE COURT AUDIT** – Supervisor Galligan and members of the Town Board have received from, and audited all of the accounting books and records from Justices Maryjean D. Carroll and Nestor Olesnycky. An audit of all accounting, pursuant to Section 219-a of the Justice Court Act. MOTION by Councilman Galligan, seconded by Councilman Sipos to accept and approve the audit of all justice court accounting. Vote: 5 ayes – 0 nays. Motion carried.

**FLOOD DAMAGE LAW – PROPOSED LOCAL LAW #2 OF 2010** – Supervisor Galligan explained that this is for the FEMA flood insurance, we have to accept it and set a rate for a flood plain review. Attorney Plotsky added that some towns have adopted zero as the fee, other towns have set the fee at \$50 or \$100. It would be included in their building permit fee, and it would be required to get a mortgage. If we don’t pass it, you won’t be able to get the flood insurance. Discussion was held to a fee rate, and that it would include extra inspections by the building inspector. Attorney Plotsky added that there are some timing issues that the board needs to be aware of , this is a

local law, which requires a public hearing prior to adoption, then it must be sent to the DEC for their review. Right now, you must set the fee, schedule the public hearing and send it for approval. MOTION by Councilman Sipos, seconded by Councilman Galligan to set a flood plain review of zero (-0-) dollars and will hold a public hearing on the Proposed Local Law # 2 of 2010 on November 4, 2010 at 7:00 p.m. in the Town Hall. Vote: 5 ayes- 0 nays. Motion carried.

**HIGHWAY – SNOW AND ICE CONTRACTS** – Superintendent Hogue stated that our snow and ice contracts are based on what Sullivan County receives for doing their portion of State Route 97 from New York State. For 2010 – 2011, it is going up a \$174 or \$176 per mile. We have 20.96 miles that we do for the County, it’s going up to \$4,866 per mile.

At a regular meeting of the Town Board of the of Forestburgh, held on October, 7, 2010 at the Town Hall, the following resolution was duly moved, seconded and adopted:

**WHEREAS**, the County of Sullivan and the Town of Forestburgh entered into a contract for Snow and Ice control on County Roads from July 1, 2010 through June 30, 2011;

**WHEREAS**, the contract stated the Town will be paid the amount Sullivan County received from the State of New York for snow and ice control on state highways the previous snow and ice season, and

**WHEREAS**, the County of Sullivan was paid the rate of \$4,866 per centerline mile for the 2009-2010 contract year, and

**WHEREAS**, said section of the Highway Law of the State of New York required the approval by resolution of each of the legislative bodies of such County, Towns;

**NOW, THEREFORE BE IT RESOLVED**, that the County of Sullivan pay the amount of \$4,866.00 per centerline mile for two lane highways and \$7,299.00 for three land highways to the Town for the contract year July 1, 2010 through June 20, 2011.

MOTION by Councilman Galligan, seconded by Councilman Sipos.

Vote:

Supervisor Galligan voting aye;  
Councilman Raponi voting aye;  
Councilman Galligan voting aye;  
Councilman Sipos voting aye;  
Councilman Creegan voting aye.

Motion carried.

There is a second resolution that must be adopted, which is a supplemental resolution that is reliant upon the number of call outs originating from the Sullivan County DPW Livingston Manor Storm Station.

**SUPPLEMENTAL AGREEMENT # 1  
BETWEEN  
THE TOWN OF FORESTBURGH  
AND THE  
COUNTY OF SULLIVAN**

**WHEREAS**, an agreement was executed by the County of Sullivan and the Town of Forestburgh on October, 2009, pursuant to Resolution No. 232-09, for providing snow and ice control on various County Roads through June 20, 2012; and

**WHEREAS**, The Town and County have agreed that in addition to the current base rate an additional payment per centerline mile would be made if the number of call-outs of County forces from SCDPW Livingston Manor Storm Station exceeds thirty (30);

**WHEREAS**, the additional payment per centerline mile has been established at one hundred dollars (\$100.00); and

**WHEREAS**, the Sullivan County Legislature by Resolution No. 444-10 authorized this additional payment rate.

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS;**

1. The County shall pay the Town one hundred dollars (\$100.00) per centerline mile in addition to the current base rate per mile if the number of call-outs of County forces from the SCDPW Livingston Manor Storm Station exceeds thirty (30) for the contract year July 1, 2010 – June 30, 2011.
2. All terms of the original agreement dated October 2, 2009, not otherwise addressed herein, shall remain in effect.

MOTION by Councilman Galligan, seconded by Councilman Sipos.

Vote:

Supervisor Galligan voting aye;  
Councilman Raponi voting aye;  
Councilman Galligan voting aye;  
Councilman Sipos voting aye;  
Councilman Creegan voting aye.

Motion carried.

**RETIREMENT CALENDAR REPORTING** – Supervisor Galligan stated that we discussed this several months ago, and we all received a letter, that if there is isn't a letter outlining your actual time worked, if you do not submit a calendar, you will be listed as "non-compliant" and there is a chance that you will be denied your retirement funds. Supervisor Galligan will once again get the calendars to everyone and they must return them as soon as possible.

**BUDGET WORKSHOP** – Supervisor Galligan stated that we have recessed the last budget workshop, and I want you all to know that the meeting/workshop will reconvene on Wednesday, October 13, 2010 at 4:00 p.m. in the Town Hall.

**TELEPHONE SERVICE – VERIZON** – Supervisor Galligan asked how many people either had no phone or still have no phone, himself included. Supervisor Galligan will be writing a letter to Verizon, with copies to the Public Service Commission. Supervisor Galligan did learn that if you call Verizon, and you must ASK for this, they will not do it otherwise, if your line is out of order, ask them to put a recording on the line that it is out of order and that way anyone trying to call in, will not just receive an endless busy signal.

**COMMITTEE REPORTS**

Planning Board – Chair Susan Hawvermale presented the Board with a new planning board application. Chair Hawvermale explained that it is similar to what we are using now. Attorney Plotsky added that this one has been tweaked to address concerns that have risen over time, periodically, the other thing this one does, is it increases the time for the filing. It will give more time for the secretary to get the applications to the board members for them to review in advance of the meeting. There is also a provision that if an applicant doesn't show after a certain amount of time, the board basically has the authority to "dismiss" the application. Supervisor Galligan stated that he knows they have been working on this for quite awhile, and he has no problem approving this tonight. MOTION by Councilman Raponi, seconded by Councilman Galligan to adopt the new planning board application. Discussion by the board included their lack time to read the application, the fact that the new zoning and subdivision regulations will be presented shortly, and that may require another change to the application for lot line changes and the like. The addition of four days for distribution was also a concern. Councilman Raponi withdrew his motion. The board decided to address this at the budget workshop next week. Matter tabled.

Seniors – The Seniors will meet on Monday, October 11, 2010 at 1:00 at the Town Hall.

Building Inspector – report filed.

Historian – report filed.

Green Committee – no report.

Forestburgh Day – Scheduled for August 20, 2011.

#### **PUBLIC COMMENT –**

Mary Ann Toomey – I called the public service commission today. I have been without phone service since 8:00 a.m. Thursday morning until 6:00 p.m. last night. I called Verizon originally, they told me I would have service back by 8:00 p.m. Saturday night, which didn't happen. In the meantime, I had a death in my family and no one could get in touch with me. I filed a formal complaint with the PSC today, and I urge everyone else to do the same. Then I called Verizon and told them I wanted a credit on my bill. They told me after 24 hours I would get an automatic credit. When I got home tonight, I had a call from Verizon. These lines have not been improved or updated since 1970-something, when it rains there is static, she stated she is a widow, who lives alone, she has 4<sup>th</sup> stage breast cancer, without having a cell phone, even the fire company had no phone. The more complaints the PSC gets, the more action you will see from Verizon. There are those who have cable and those who do not, thank God my cell phone worked, so I was able to call some of my senior citizens with cable to see if they were all right. Call the PSC.

Mary King – Today is the library budget vote, and once again, you have to go to the library vote. Can you please write and ask them to return voting to the Town Hall. Supervisor Galligan stated that we had this problem before, and the library cited economics as the reason, and I am sure they will do the same, but I will send them a letter.

Liz O'Dell – I would follow up on the proposed cell tower at the firehouse. Supervisor Galligan stated that the fire company is still negotiating the contract with AT & T, both parties are eager, but they are still negotiating.

Dan Hogue, Sr. – One more thing about the phone service, I have Time Warner Cable, who happens to be a lot cheaper than Verizon, Forestburgh consists of a large senior citizen population, and to be without phone service for six days is ridiculous because there is no way to call an ambulance or anything. I think your letter to the PSC should be very, very strong, and copied to Verizon, even if you have to have your attorney's write it on their letterhead. It is ridiculous what could have happened here. Mary Ann Toomey added that one resident has gone to the Attorney General's office and is awaiting paperwork for her to complete. Mr. Hogue continued that they have you over a barrel because they are the only show in town. Councilman Raponi stated that being in a wheelchair, and when that phone went out, we get service, sometimes, with our cell phones, But it puts me in a terrible spot. If there was a fire, I would be a crispy critter by the time it got called out. This needs to be pointed out in strong language.

Stuart Salenger – Would you share with us the status of the situation on Cold Spring Road with the tenant on the state property. Supervisor Galligan responded that notices have been sent to the landowner (the DEC) as well as the person with the life estate. I understand quite a bit of it has been cleaned up and there is still cleaning to be done. I called the DEC today, and they said they would get back to me on Friday. There is a point, that if they don't do anything, we will move further, but I hope that the DEC will step up.

Dan Hogue, Jr. – On thing, the County is tearing up County Road 108 – St. Josephs Road all the way to Cold Spring Road. I don't agree with it, but it's a County Road, they are grinding it up, mixing it with calcium chloride and laying down again, so it will essentially be a dirt road. I just want to make the residents aware they have no intention of putting any bituminous product on that road. I am concerned what condition it will be in for the winter. If I use salt, it will mud out. If I use straight sand it will be a mess. There is no money in next year's budget to put any sort of top on it. They were going to come right out to Route 42, but I spoke with Bob Meyer the Commissioner and the road crew and I got them to start back further so at least the bottom of the hill will remain paved.

Roger O'Dell – I just want to thank who's responsible for printing the minutes on both sides of the paper – it's about time!

**EXECUTIVE SESSION** – MOTION by Councilman Sipos, seconded by Councilman Creegan to enter into executive session for the purpose of possible litigation and invite Attorney Plotsky and Assessor David Griffin into the executive session. Vote: 5 ayes – 0 nays. Motion carried.

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

**ADJOURNMENT** – MOTION by Councilman Sipos to adjourn at 8:10 p.m.

Respectfully submitted,

Joanne K. Nagoda,  
Town Clerk