

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

The Town of Forestburgh Town Board held their monthly meeting for **Planning Matters** on **Tuesday, November 27, 2012**.

Supervisor Sipos called the meeting to order at 7:00 p.m.

Roll Call: Present – William B. Sipos, Supervisor  
Eugene D. Raponi, Councilman  
John W. Galligan, Councilman  
Susan Parks-Landis, Councilwoman  
Michael Cregan, Councilman

Absent - None

Recording  
Secretary – Joanne K. Nagoda, Town Clerk

Others  
Present – William D. Bavoso, Attorney for the Town  
Charles Voss, Barton & Loguidice

**PUBLIC COMMENT** – None.

**COMMUNICATIONS** –

Clerk, Joanne Nagoda read a letter from George Baran – please be aware that this form has been filled out and sitting on my desk for the last six weeks, I have not yet sent it in. In order to give those responsible an opportunity to respond. Actually since February. As per advice from counsel, this form along with the cover sheet will be faxed on Wednesday, November 28, 2012 unless notified that the repairs are scheduled or are in fact, actually taking place. Attached was a complaint form to the New York State Department of Labor stating that he had reported that a number of lights do not work in the garage and workshop area of the town barn. I first reported this verbally in February of 2012. Highway Superintendent Dan Hogue, made a written report to the Forestburgh Town Board. As of date, nothing has been done to repair the lighting, it is dark working in here and the request for repairs have been made numerous times over the last eight months and has continually been ignored.

Supervisor Sipos asked Clerk Nagoda if there was anything in writing that indicates it was signed by the highway superintendent? She replied no – it reads: Name of Establishment: Town of Forestburgh Highway Department, site address, mailing address, management official lists you, as Supervisor. Supervisor Sipos stopped her and stated that for the record, I am not the managing official for the highway department. Attorney Bavoso added that would be the superintendent of highways. Supervisor Sipos stated he wanted the record clarified and asked the clerk to continue. She continued to read the form – has this condition been brought to the attention of employers, this is checked. And other government agency – it specifies the town board. It further asks if you wish for your name to be revealed to the employer. It further reads “the undersigned believes that a violation of the occupational safety and health standard exists, which is a job safety or health hazard at the establishment named on this form was done by the employee” complainant name is George Baran – address: 6 Gardner Street, Port Jervis, New York with his telephone number. It is signed by George Baran.

Councilman Raponi asked shouldn't this be done instead of a planning board meeting a town board meeting? Supervisor Sipos replied here is the problem, I let it be read because on the cover sheet he says he's mailing it off tomorrow. That's why I let it go. Councilman Raponi replied it doesn't matter when he mails it off, he could have mailed it off today. I'll ask the town attorney, I feel that people who come to a planning board meeting are not necessarily the people who come to a town board meeting. I'm not defending anybody, I just want to make sure that we don't get this done at a planning board meeting. Supervisor Sipos responded that is fine, thank you. In light of the letter, I would like entered into the minutes that since March, based upon all of the e-mails which have been received and forwarded back and forth between Orange & Rockland and whatever else I gave you, that I am aware

of , and also, where we currently stand on that looking out for the taxpayers in the town, to get it done and repaired in a reasonable rate and along with improving the conditions at the barn. The lighting is original to the barn and I don't know what he's referring to in the letter because you don't have a letter, I don't have a letter, I know it's been mentioned at several meetings about the lights, but we've been working on it and trying to obtain funding for it like we did at the town hall. Additionally, the board granted Dan permission to contact Monitor Electric and get a quote to repair the lights. Supervisor Sipos asked Clerk Nagoda to explain what transpired in Lumberland at the town barn. She replied that Lumberland contacted Orange & Rockland, they came and did a survey, outlined the cost of replacing the fixtures at the town hall and town barn – how much O & R would pay and the balance to be paid by the town. Lumberland adopted a resolution, and we would have to also, and they replaced the lights in both facilities in Lumberland like they did here at the town hall. As of today, we have received two phone calls from O & R and they are trying to schedule the energy audit for either tomorrow or Thursday. Supervisor Sipos stated that we are working on it and it is not going unnoticed, but I still don't know what documentation he is pertaining to. If there was in fact, a report done and that could have been done before I became Supervisor. If someone could provide it for me, I will handle it personally. Councilman Raponi asked if George Baran was at the meeting when the board authorized the highway superintendent to contact Monitor Electric, everyone replied yes, he was, Councilman Raponi stated then he still didn't understand what the problem is. Supervisor Sipos stated that he sent this over yesterday, and I agree with you – this is not a town board meeting, however, since we're acting in both capacities, what, do I just let it go and ignore it? Councilman Raponi stated that he would like to see this continued at the town board meeting. This needs to be brought up, and I am not sticking up for George Baran at all, but I think he's playing hangman. Every time he does something like this, it's like he's putting a noose around his neck. He's just trying to aggravate this town board. For what reason, talking to us is better than shooting off letters. Supervisor Sipos replied that I've said it before and I'll say it again, there is no "I" in team – I know what his correspondence indicated earlier in October, at that board meeting – the switch from this team to that team – listen, there is one team – it's the team for the people of the town. There is no other team and that is why we're here. Councilman Galligan stated that we have addressed it and that should be the end of it.

## UNFINISHED BUSINESS

**LOST LAKE** – As the members of the board are all aware of today we received Lost Lake Phase I final subdivision plan. Dominic Cordisco is here tonight and I would like him to explain to the board where we are at. Dominic Cordisco – About eight months ago we received from the board preliminary approval for the subdivision for the first phase on the Lost Lake project. That allowed us to go out and get our outside agency approvals from the DEC, the Department of Health, the Army Corps of Engineers – all of those approvals. Which we have been actively pursuing. We did receive from the board an extension of that approval as well. As you know, we have been pursuing the DEC permits which are essential for this project. Last week we finally received those permits from the DEC. Obtaining those permits was a large condition of the preliminary approval. The plans have been submitted to you for final approval and it's my understanding that your consultants are already reviewing those plans and will, at some future date comment on the adequacy of those plans. At this point, we are asking for conditional final approval. Councilman Galligan asked which approvals do you not yet have? Mr. Cordisco replied the Department of Health. The Monticello office has already approved them and has sent them on to the Albany office for further review and approval. They have asked for further information and we have provided it and are awaiting an answer. We have been told by Army Corps that we have satisfied them but have not yet received confirmation in writing. There are two things, the board could approve the plans subject to the receipt of those approvals. In my opinion, those approvals are not going to substantially change the project. We can't get signatures from the town and file those plats without those approvals, but we can get approval of the plans subject to Dept. of Health, Army Corps and another condition could be paying the recreation fees. Supervisor Sipos asked if there was a time frame that was given to receive the last approvals. Mr. Cordisco replied that Randy Gracy has been pressing this issue, along with his engineers. We did receive a verbal approval from the Army Corps just yesterday, so that is in pipeline. If we will have that by the middle of December, I am not sure. With the Dept. of Health, it is my understanding that we have responded to their concerns and we are waiting to hear back. Councilman Galligan questioned the urgency of having the plans approved by the town without all of the approvals in place. Mr. Cordisco responded that Mr. Gracy was hoping to get approval in this calendar year, as he has to report back to his investors, and they have been prepping and are very eager to start selling lots. So as soon as possible, they would like approval to create the lots and file the subdivision plat. Under New York State law, they cannot enter into contract on lots that have not yet been created. Supervisor Sipos stated that CT Male is doing their technical review and hope to have their response to us by December 14. Discussion was held to have a special meeting for this as the regular planning meeting would be

Christmas night and contacting John Munsey to have him present for a meeting during the week of the 17<sup>th</sup> of December.

**MOTION** by Councilman Galligan, seconded by Councilman Raponi to hold a special/planning meeting on either December 17 or 19 at 7:00 p.m. depending upon the availability of John Munsey's attendance. Vote 5 ayes – 0 nays. Motion carried.

**ZONING REVIEW** – Supervisor Sipos welcomed the return of Chuck Voss to working on the zoning and subdivision review. At the last meeting, Supervisor Sipos had requested that all of the board members put all of their comments/recommendations together to give to you. To put something together for the new planning board early next year. Mr. Voss asked what the board's timetable for putting this together is. Supervisor Sipos replied that hopefully, February, which Councilman Galligan stated is pushing it. Attorney Bavoso stated that the board has done some of the things that had been recommended. They changed the local law on lot line changes to make it easier, they passed a local law granting waiver authority to the planning board, another local law prohibiting natural gas exploration and I have notes from our meetings that I will send to you. Supervisor Sipos stated he wants no more battles, he wants this to outline what the new board will have to do without complicating things and stretching it out endlessly. Supervisor Sipos also would like to see some of the fee schedules brought up to date, especially for cell towers. Attorney Bavoso stated we should also look at our cell tower regulation – there have been federal changes and ours may not be what it should be.

**NEW BUSINESS**

**DECEMBER MEETING** – That was just previously taken care of during the Lost Lake discussion.

**PUBLIC COMMENT** –

Mary Ann Toomey – I was just wondering, was anything done about the amount of homes they can build in phase 1? Supervisor Sipos stated that he believed it is still 400 lots.

**EXECUTIVE SESSION** – **MOTION** by Supervisor Sipos, seconded by Councilman Galligan to enter into executive session for the purpose of highway department personnel and further invite Attorney Bavoso into said session. Vote: 5 ayes – 0 nays. Motion carried. **MOTION** by Councilman Creegan, seconded by Councilman Galligan to come out of executive session at 8:27 p.m.

**ADJOURNMENT** – **MOTION** by Councilman Creegan to adjourn at 8:28 p.m.

Respectfully submitted,

Joanne K. Nagoda,  
Town Clerk