

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

The Town of Forestburgh Town Board held their **Year End Meeting** on **Wednesday, December 28, 2011** 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 Creggan, Councilman

Absent – None

Recording
Secretary – Joanne K. Nagoda, Town Clerk

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

REPORTS –

Supervisor Galligan submitted monthly financial reports for the month of December 2011.

PUBLIC COMMENT –

Mary Ann Toomey – On the vouchers, Angela Martinek – what kind of field work? Supervisor Galligan replied data collection for the assessor’s office.

GENERAL FUND VOUCHERS - # 280 – 308 in the sum of \$8,785.26 as set forth in abstract # 13 were audited for payment. MOTION by Councilman Sipos, seconded by Councilman Raponi to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 209 -228 in the sum of \$13,656.37 as set forth in abstract # 13 were reviewed. MOTION by Councilman Galligan, seconded by Councilman Sipos to pay highway fund vouchers. Vote: 5 ayes- 0 nays. Motion carried.

COMMUNICATIONS

Town Clerk, Joanne Nagoda read a letter that was received this afternoon, from John W. Galligan, Jr. stating his resignation from the Town of Forestburgh Planning Board, and thanking the Board for the opportunity to serve. He asks that the Town review their policies and procedures for smaller subdivisions and boundary concerns. Councilman Sipos stated that he would like to address this matter further later in the meeting. Supervisor Galligan stated that he did receive a letter, at his home, from Kathrine Barnhart expressing her interest in becoming a planning board member.

PAYMENT OF VOUCHERS THROUGH DECEMBER 31, 2011 – Supervisor Galligan stated there may be a few more bills that come in during the next few days that will have to be paid. MOTION by Councilman Galligan, seconded by Councilman Sipos to pay all bills through December 31, 2011 not to exceed Five Hundred (\$500.00) Dollars. Vote: 5 ayes – 0 nays. Motion carried.

TRANSFER OF FUNDS – Supervisor Galligan stated that every year we review the accounts that have been over drawn and transfer funds between the various accounts. It has no effect on the budget, it just keeps accounts from being overdrawn and keeps the auditors satisfied. The following accounts need to have funds transferred:

GENERAL FUND TRANSFERS

| FROM ACCOUNT – | TO ACCOUNT - | AMOUNT |
|--|--|-------------|
| A1110.2 Justice Court Equip. | A1110.4 Justice Contractual | \$1,728.88 |
| A1355.12 Assessor Data Collection | A1355.11 Assessor Clerk | \$0.04 |
| A1355.12 Assessor Data Collection | A1355.13 Bd. Of Assessment Review | \$63.50 |
| A1460.20 Records Mgmt. Equipment | A1420.40 Town Attorney | \$3,261.20 |
| A1430.11 Personnel Clerk | A1430.1 Personnel | \$0.06 |
| A1460.4 Records Mgmt. Contractual | A1460.1 Records Mgmt. Personal Svcs. | \$0.08 |
| A8020.4 Planning Contingency | A1620.1 Personnel Town Hall | \$5,820.00 |
| A1410.11 Deputy Town Clerk | A1460.1 Registrar Vital Personal Svcs. | \$0.02 |
| A1190.4 Contingency | A1950.4 Judgments & Claims* | \$20,000.00 |
| A8020.4 Planning Contingency | A1950.4 Judgments & Claims* | \$12,701.00 |
| A1410.11 Deputy Town Clerk | A1950.4 Judgments & Claims* | \$2,600.00 |
| A8510.4 Community Beautification Cont. | A1950.4 Judgments & Claims* | \$2,500.00 |
| A1410.2 Town Clerk Equipment | A1950.4 Judgments & Claims* | \$1,500.00 |
| A8020.1 Planning Personnel | A1950.4 Judgments & Claims* | \$5,146.93 |
| *Total Transfer Amount \$44,447.93 | | |
| A1330.1 Tax Collector Personnel | A9010.8 NYS Retirement | \$21.00 |
| A1330.1 Tax Collector Personnel | A9060.8 Health Insurance | \$630.45 |

Total Transfer for General Fund - \$55,973.16

HIGHWAY FUND TRANSFERS

| FROM ACCOUNT - | TO ACCOUNT - | AMOUNT |
|------------------------------|------------------------------------|-------------|
| DA5142.4 Snow Removal | DA5110.1 Maintenance of Streets | \$5,996.40 |
| DA5140.1 Misc. Brush & Weeds | DA5130.1 Machinery Person. Svcs. | \$1,764.36 |
| DA5130.2 Machinery Equipment | DA5142.28 Snow Removal Pers. Svcs. | \$12,484.28 |
| DA5142.4 Snow Removal | DA5148.1 Svcs. To Other Gov. Pers. | \$3,820.51 |
| DA9030.8 Social Security | DA9010.8 NYS Retirement | \$512.00 |
| DA5142.4 Snow Removal | DA9060.8 Health Insurance | \$5,877.70 |

Total Highway Fund Transfers - \$30,455.25

MOTION by Councilman Galligan, seconded by Councilman Raponi to authorize the transfer of stated funds for both highway and general to balance the accounts. Vote: 5 ayes – 0 nays. Motion carried.

FIRE ADVISORY BOARD – Supervisor Galligan stated that Arthur Salomon was the representative for Forestburgh on the Fire Advisory Board, he can no longer serve in this capacity. Chris Cavello has agreed to fill his vacancy on the board. MOTION by Councilman Sipos, seconded by Councilman Creegan to appoint Chris Cavello to represent the Town of Forestburgh on the Sullivan County Fire Advisory Board. Vote: 5 ayes – 0 nays. Motion carried.

RE-ORGANIZATIONAL MEETING – The re-organizational meeting will be the first Thursday in January, meeting at 6:00 p.m. for voucher review and regular meeting to start at 7:00 p.m. MOTION by Councilman Sipos, seconded by Councilman Galligan to schedule the re-organizational meeting for Thursday, January 5, 2012. Vote: 5 ayes – 0 nays. Motion carried.

SMOKE FREE PLAYGROUND – Supervisor Galligan stated that we have received a request from Rural Health Network requesting that the town declare their playgrounds to be smoke free zones. The board has requested this be held over for January. Matter tabled.

Supervisor-elect Sipos requested that we return to the topic of the planning board, as he has further information to share. In light of John Galligan's resignation, I contacted Art Eggleton who is up for re-appointment. Mr. Eggleton expressed his interest in NOT being re-appointed, his term ends 12/31/11. Susan Hawvermale, whose term ends 12/31/11 has not yet called me back. Right now are at a crossroad and dilemma, with John's resignation, Art not wishing to be re-appointed, Susan is up in the air that leaves two members left on the planning board. I would like to take a serious look at the planning board – we do not have a quorum. Attorney Bavoso is it safe to assume that the Town Board must now assume the duties of the planning board for the next January meeting? Attorney Bavoso replied that it would be, unless they can make a quorum. Councilman Sipos continued that this gives the board an opportune time to take a close look at the planning board and its members. I think we need to re-visit terms, and how many sit on the board.

MOTION by Councilman Sipos, seconded by Councilman Galligan to disband the planning board as it currently sits.

Attorney Bavoso stated that under New York State Law, the town is authorized to pass a local law or resolution to disband the planning board. You have the power to create one and you have the power to dissolve one, if you choose to do so. The planning board for the Town of Forestburgh was actually created by a local law back in 1978. In my opinion the best way to dissolve the planning board would be to put together a local law to either repeal or modify the local law this is in existence that creates the planning board. Councilman Galligan stated that this would require a public hearing. Attorney Bavoso responded yes it would and the reason why there isn't one here today is that we couldn't meet the publication requirements for next week. It will have to be voted on in the February meeting if it's introduced in January.

MOTION by Councilman Sipos, seconded by Councilman Galligan to direct Attorney Bavoso to draft a local law to present to the town board at the January meeting to either repeal or modify the local law of 1978 that creates the planning board.

Vote:

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

3 ayes – 2 nays. Motion carried.

Supervisor-elect Sipos stated he has a few other things to discuss tonight. We had a public meeting in reference to Lost Lake, in reference to phase one, I think it's important that people have the right to bear arms. However, we had an individual in the audience, who had a hand gun in his pocket and it fell out on to the ground and unattended. It sent some people into shock. I think we should put something into place that handguns and firearms, with the exception of law enforcement officials, are permitted on town property. Attorney Bavoso stated that it wouldn't necessarily be a local law, basically our research shows that town's have two rules – they are governmental and proprietary. The governmental is passing laws etc., the proprietary is protecting town property and making rules and protecting the safety of those using that property. Under the proprietary side, the town can create a rule to that effect as long as it is not in contrast to state law. With regard to state law, the law focuses more on licensing and not prohibitive places. Towns are free to make a policy stating that town property is no place for firearms. You can make it all town property or specific to certain pieces of town property. Councilman Sipos stated that when that hand gun hit the ground, it was unnerving. I would like to look into some type of security, cameras or something. We have a judge down here – I have walked in the door and they never knew I was here. They never heard me coming – maybe cameras or some sort of a card system so we can be accountable for whoever comes in and out of this building. I've been down here at different hours and seen the door wide open and the heat just blowing out the door. Attorney Bavoso stated that policy would fall under the same as the firearms. You are certainly free to consult with security companies.

Last but not least, I have had some conversation with some people and I am possibly going to look into a department of purchasing or something along those lines. We have no law on the books for that and if we do, we would first have to put the law into place. Supervisor Galligan asked didn't we already vote once not to do that? To wit, all replied, yes. Attorney Bavoso replied that information has already been sent to you previously.

PUBLIC COMMENT

Dan Hogue, Sr. – With the purchasing agent, does that mean you are going to hire another person? I'm addressing this to Bill. Supervisor-elect Sipos replied at this time, I'm not going to say yes, but I'm not going to say no. Mr. Hogue continued that the County went into this and they had to hire somebody else and it cost them more money than it did before. You don't have a zillion dollar industry here, your budget is only a million something, that is a very small budget. Right away your talking about hiring more people and we've heard is there are no raises and there is no money. As for the doing away with the planning board, that worries me. That means the town board is taking on more work, you're over worked as it is, and I don't know if you have the knowledge or experience or the training that the planning board people have had. You people on the town board have a field day making your own living and now you'll have to go for training on the planning board. I don't think it's a good idea, I think it should remain the way it is. The planning board has been in existence since 1978, just because there are a couple of personality things going on right now, I don't think you should get rid of it. For some reason these people are resigning and I don't know why, but there is some sort of friction going on and it all started with that Double Diamond.

Dan Hogue, Jr. – I'm a gun advocate and banning guns on all town properties, we have a judge that carries a hand gun, so, I mean she's not a law enforcement agent, she doesn't carry a badge, she carries for her own safety, so when you safety, hand guns work both ways. They are just as much protection as they are..whatever. I don't agree with it and that is my own personal opinion. Security devices and stuff, I'm all for it – we don't even have a fire alarm over at the barn. I'm all for it, however, we just went through three or four months of budget, that was the time to bring this up. You're talking a couple of thousand dollars in the budget and we're spending the reserves, year after year after year for five years in a row. I don't know where the money from that is coming from. I agree with them, I embrace them and I would love to, however, you have to look at the budget. We just went through it, it should have been brought up at that time, not now. As for the purchasing agent, I've had this discussion when your father was Supervisor, we had it six, eight months ago, it's another layer of government in a town of seven hundred and something residents, it's absurd, ridiculous to do so, I'm not even sure you even know what a purchasing agents position is, they are to be in charge of all purchases in the town. They don't dictate what can and cannot be purchased. I make a call I need a twenty four foot, half inch O/D hydraulic line with a street "L" on one side and a male pipe thread on the other, it's their job to find it. I don't know how you would fund that position. We work five days a week, sometimes seven days a week year round. That person wouldn't even be on vacation and without that person being here, parts wouldn't be bought and possible services could be jeopardized to the residents. I think you are putting the cart before the horse. There is no need to re-invent the wheel here. You seem pretty head strong on getting it done. I just ask that you do your research before you act. Some of your ideas are great, just do your homework. We've spent hundreds of thousands of dollars of reserves over the last five years and now with the 2% tax levy cap that the state has enacted, I've got three years left on the books, before the town gets hit with a substantial double or even triple or higher rate increase of taxes. David (Sager) is here, and he spoke up against spending all of the reserves at the county too. They are going to get hammered too. You can't just keep spending down, you gotta' have the budget for it.

David Sager – Congratulations to Supervisor Galligan that he will get to retire a bit, thank you for your services to both the town and the county. I made four copies, I figured that since you are retiring, you wouldn't want a copy. On September 18th of this year, there was an article in the Times Herald Record with the title that the State Attorney General presses towns on ethics. I gave you a copy of that, as well as your own town ethics. It seems that his intent is to start to make town and county officials more accountable for their actions with regards to conflicts of interest and gifts and improprieties. I just hope that you will read over that, there are issues that have come to light and they are going to be addressed further in the New Year.

Dan Hogue, Sr. – I remembered what the last thing was – just a minor thing about the playground and smoking – I would like to see all of the areas down here and in the town smoke free, that includes the parking lot, outside the buildings. I used to be a two pack a day smoker, and I know people here in the building smoke, but some days by the

entrance way it's really strong. Supervisor Galligan replied that the county is all smoke free – if you are an employee you can go sit in your car and smoke.

Stuart Salenger – I'm bringing it up again. We have our local newspaper, and we have our own Father Csete, who was a chaplain in the Navy representing our government. It seems there was an article in the Sullivan County Democrat where Judge LaBuda has consulted with several gentlemen from the Islamic group, the South Fallsburg Hebrew Association and Father Csete – he (Judge LaBuda) is going over to Hungary to lecture to high ranking officials and judges on New York State's Law and how they apply to religious practices and hate crimes. So, how are we going to address this issue? I'm not through with this one – this was a hate crime, committed in your town. Have we come up with anything? I have brought this up at other meetings and this is serious business, and now I have Judge LaBuda, a respected gentleman in our community, his wife is the legislator for this district, was this brought up with her? Bill, you are taking over – he's giving the lecture and he goes to Father Csete, of our town, to get his ideas. Is there any comment on this? Supervisor Galligan replied that he had no comment. Supervisor-elect Sipos replied that he has no comment on this at this point. I'm not aware of anything that has been brought up at this current time. Mr. Salenger continued that you realize, this is now going to become a federal hate crime. I've given the board and the town, and I've put it on notice, enough time to react and then I see this in Tuesday's newspaper. I'm hoping we could handle this within our own town, but it seems that everybody – well it's a very serious issue, especially in today's times.

ADJOURNMENT – MOTION by Councilman Galligan to adjourn at 7:27 p.m.

Respectfully submitted,

Joanne K. Nagoda, RMC
Town Clerk