

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, December 6, 2012** at the Town Hall.

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 Creegan, Councilman

Absent – None

Recording  
Secretary – Joanne K. Nagoda, Town Clerk

Others  
Present – David Bavoso, Attorney for the Town

**PUBLIC COMMENT –**

Dick Heydenburg – I just want to thank the town for what it did over the hurricane and the floods that we had. Everyone appreciates it and again, thank you for the work that you did and the help that you gave the citizens of the town.

**MINUTES** – Town Clerk, Joanne Nagoda submitted minutes of October 10 budget workshop, the planning meeting on October 23 and the budget workshop on October 24, 2012 for review. **MOTION** by Councilman Galligan, seconded by Councilman Creegan to accept all three sets of minutes as submitted. Vote: 5 ayes – 0 nays. Motion carried.

**GENERAL FUND VOUCHERS** - # 295 – 320 in the sum of \$37,749.43 as set forth in abstract # 12 were audited for payment. **MOTION** by Councilman Creegan, seconded by Councilman Raponi to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

**HIGHWAY FUND VOUCHERS** - # 171 – 190 in the sum of \$69,170.95 as set forth in abstract # 11 were submitted for payment. **MOTION** by Councilman Galligan, seconded by Councilwoman Landis to accept highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

**ESCROW FUND VOUCHERS** - # 22 in the sum of \$150.00 as set forth in abstract # 10 were audited for payment. **MOTION** by Councilman Creegan, seconded by Councilwoman Landis to pay escrow fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

**COMMUNICATIONS –**

First is a card thank you for your help during the Sandy emergency, please convey my thanks to the dedicated crew starting with Bill Sipos the first to knock at my door with offers of food, water, etc. whose efforts made times so much easier for all. Sincerely, Helena Moore

Second is a letter that was received today, to the members of the board, thank you for the opportunity of working for the town during this past mowing season. I hope I met all of your expectations , as I would like to be considered for the 2013 mowing season, as I take a lot of pride in my work and the town in which you all live. Thank you. William Steinberg.

**UNFINISHED BUSINESS**

**LOST LAKE** – We just received the Army Corps of Engineer permits, we are waiting on the Department of Health. We do have a special meeting set for Lost Lake on December 17, at 7:00 p.m. in the town hall. We did receive notice from the Department of Health of additional information they will need. I believe that is the last permit we need. We should have all of the information that we need by our meeting on the 17<sup>th</sup>.

**DOG CONTROL CONTRACT** – Attorney Bavoso stated that he has still been in touch with Goshen Humane Society, their attorney wanted some revisions to the contract , but I have not heard back from them. Matter tabled.

**SUMMER RECREATION – PAVILION** – Joe Gottlieb came and looked at the pavilion, it is his recommendation that we dig out the sunken area of the blacktop, fill it back in with stone and replace the blacktop that was removed. He said it should be about \$300.00 to repair the pavilion – concrete is just too expensive and too much work.

**SCHUMANN PROPERTY** – Attorney Bavoso stated that we have received no response from the Schumann’s on the hold harmless agreement for their logging of the property adjacent to the town hall.

**BOARD OF ASSESSMENT REVIEW & ZBA VACANCY** – Supervisor Sipos stated that we have a vacancy on the board of assessment review and a vacancy on the ZBA – we will again advertise this in the newsletter.

**CELL TOWER UPDATE** – Supervisor Sipos turned the floor over to Jim Steinberg, Sr., Chairman of the Fire Commissioners for an update. Mr. Steinberg stated they are waiting for Orange & Rockland to hook up the electric, they have all of their work done, for now. I have no other information. We have a commissioners meeting next Tuesday, I e-mailed Tim Soder the construction supervisor for A.T. & T and have not heard back from him yet. Katherine Barnhart asked when the tower will be functional. Supervisor Sipos replied we don’t know yet as we are also waiting for the optic fiber lines to be brought down along Route 42 as well to make it 4G accessible. Mr. Steinberg added that it will work with Verizon with what’s down there now, it just won’t be 4G. Councilwoman Landis stated that she called Verizon two days ago and spoke with someone in their “network repair bureau” and explained to her that it is a public safety issue, there is no cell service here and that we are paying the same amount as people that have service. She was going to submit a network repair ticket to send a representative out to assess the situation. She said it would help if the residents would call – so I have a number that if you are interested in calling will be in the newsletter. I also informed them that we have a tower in the construction phase and if Verizon doesn’t get on that tower, they will lose customers. Maybe if we all call, we will get somewhere and get service. Councilman Raponi stated that he too spoke with Verizon and they told him the same thing, so it’s to everyone’s benefit to call Verizon.

**LIGHTS – HIGHWAY DEPARTMENT** – We have been diligently been working trying to find some solution in order to help us with the cost with repairing/replacing the lighting at the highway department for the last nine months. We were finally successfully in obtaining a small business energy audit from Orange & Rockland. They went over, they inspected it, the cost of the work to be performed is approximately \$2,500.00 – the program incentives will save the town \$1,799.00 our net cost will be \$702.00. From what I understand the funds should be available next month in January. We do need a resolution authorizing us to enter into that agreement. MOTION by Councilman Galligan, seconded by Councilman Creegan authorizing the Supervisor to enter into said agreement with Orange & Rockland to replace the lighting at the highway department. Vote: 5 ayes – 0 nays. Motion carried.

## NEW BUSINESS

**INSURANCE RENEWAL** – In front of you, you have the renewal rates for the renewal of our insurance. Supervisor Sipos stated that he did not see the renewal showing the increase in the umbrella policy he had requested. Clerk Nagoda replied that she was unable to get a quote on the increase due to time, but she would have one for the January meeting. Supervisor Sipos stated that Marshall and Sterling is currently our insurance agent and they have been very good to us, however I do want to see us increase our umbrella policy for the town, from ten million to fifteen million. Our renewal is due on February 1, 2013. As soon as she has a firm quote, she will get back to me and I will bring it to the board. Councilman Galligan stated how good they have been to the town and good they are to work with. Supervisor Sipos stated that he believed last year the increase was about \$1,200. Clerk Nagoda stated that they are giving us an estimate of around 4% - historically we have been with Selective Insurance for over ten

years and on a few occasions we've had a decrease in the policy cost. Councilman Galligan asked for the bottom line of the cost of the policy. Supervisor Sipos replied that the total cost of the policy is \$25,286, the new one will be another nine hundred dollars or so more. Discussion was held by the board to put it all out for bid, even though the board as a whole is pleased with Marshall Sterling/Selective. Matter tabled.

**YEAR END MEETING** – We need to schedule our year end meeting to pay the bills and transfer any funds that need to be transferred. The board has indicated that they would like to do this meeting at 1:00 in the afternoon. Councilman Galligan stated that we should not make a practice of afternoon meetings, but this one is so short, I guess it would be ok. MOTION by Councilman Raponi, seconded by Councilwoman Landis to hold the year end meeting on December 27, 2012 at 1:00 p.m. in the town hall. Vote: 5 ayes – 0 nays. Motion carried.

**PEST CONTROL BIDS** – Clerk, Joanne Nagoda informed the board that we have used/contracted with Liberty Pest Control since this building was built. A few years ago, Liberty Pest Control moved all of their operations to Middletown and grew quickly. They now do home management, home renovations, contracting and a host of other things. After they moved everything to Middletown, their service has gone downhill. We used to be serviced monthly like clockwork and a bill monthly. Now they want everything pre-paid in January in the sum of \$375.00 per account (we have 4) in addition to the \$400.00 twice a year to treat the log cabin for powder post beetles. They come when they feel like it, there is glue trap in the upstairs ladies room that is over a year old and has never been changed, we never get the same technician twice and we have to show him everything. Last year their billing was such a disaster, we ended up with a massive credit with them. I think we should put this out for bid, as we are paying almost \$2,000 annually, plus and I think the town would be better served by requesting proposals. Discussion was held amongst the board for reliability, bids and quotes, who will write the specs. MOTION by Councilwoman Landis, seconded by Councilman Galligan to send out request for proposals for all pest control for the four locations now being served by Liberty Pest Control. Vote: 5 ayes – 0 nays. Motion carried.

**RE-ORGANIZATIONAL MEETING** – We need to schedule our re-organizational meeting for the first Thursday in January. MOTION by Councilman Galligan, seconded by Councilman Creegan to hold the re-organizational meeting on Thursday, January 3, 2013 at 7:00 p.m. in the Town Hall. Vote: 5 ayes – 0 nays. Motion carried.

**MILLKOV – ST. JOSEPHS HILL ROAD** – Supervisor Sipos stated that received a phone call from Mr. Viktor Millikov with regard to his property on St. Josephs Hill Road. He is here to discuss his property. Mr. Millkov stated that five years ago he and his wife purchased this property and it was in bad shape and had awful people living there. I chased them out and changed the property. I wanted to change the property and rent it out and then my wife and I can move to Forestburgh. We love this town, it is our opinion that it is the best town in Sullivan County. People were living there and there was some kind of spark in the main electrical panel and the inspector came and chased everybody out. I called the best electrician, Ross Electric and they fixed the electric and I passed the state inspection. Then I hired Mr. Al Adler and engineer, and he came and walked around and one of the septic systems is in poor condition. When I bought the property the taxes were cheap – now they are \$9,000 – I would have no problem paying them if I had income. I want the engineer to come and see that everything is ok and that it is possible for me to rent these houses so that I can have income and pay the taxes. I am here to cooperate. Supervisor Sipos stated that we have a town board/planning board meeting and you said you hired Jim Carnell, is that correct? Mr. Millikov replied yes. Supervisor Sipos requested that Mr. Millikov bring Mr. Carnell to the meeting on the 17<sup>th</sup> of December and at that meeting with Mr. Carnell or whoever else you want to bring and we will see where we stand and what we can or cannot do for you. I will also make sure that Mr. Lorino, the building inspector is here also. Mr. Millikov will return on December 17 and thanked the board for their time. Matter tabled.

**BIRCHWOOD ESTATES** – We received a letter from Glen Smith, P.E., that during construction of the Birchwood Estates in the town of Thompson a contractor utilized an area measuring approximately 200 by 200 for burying stumps and debris in the area behind swimming pool # 1 in the storm water basin. This happens to be on the Forestburgh portion of their property. I advised the owners to seed and mulch the area which they did this fall. They would now like to clear some more trees and level off the property for a large field for general recreation use by the children. The town's RR-1 zoning does regulate "outdoor recreational facilities". Your recommendations on our next step would be appreciated. I can make a formal submission and attend one of your meetings to review and discuss this matter. Supervisor Sipos asked if Rich Lorino, building inspector had reached our for Attorney Bavoso Sr., to which David Bavoso replied that he had. David will review this matter. The board determined that Mr. Smith needs to appear before the board with a formal application and discuss this matter with the board. MOTION by

Councilman Galligan, seconded by Councilman Creegan to send an application to Glen Smith, P.E. for the Birchwood Estates project and place him on the agenda for the meeting on December 17, 2012. Vote: 5 ayes – 0 nays. Motion carried.

#### COMMITTEE REPORTS

Planning Board – Zoning – we have been working on the codes and Chuck Voss is in receipt of our notes for the zoning and we are moving forward.

Historian – report filed.

Building Inspector – no report. We are still looking for a clerk for this department and the assessor's office as well.

Seniors – Holiday party today at Mr. Willy's

Green Committee – No report.

Forestburgh Day – 50<sup>th</sup> Anniversary of the fire company. I will be in touch with the fire company to start working on this after the first of the year.

#### PUBLIC COMMENT

Mark Kotlarich – I live at 44 Wildwood Way and I don't attend many of your meetings, but I do keep an eye on things. I really just came here tonight to compliment the board, considering what our county is doing to us in taxes, and the state and the federal government. I want to compliment the board for holding on to our budget and keeping it in line, keeping our taxes down and to say thank you for a job well done.

Jim Steinberg – Instead of going out for bid for pest control, why don't you send out a "request for proposal". It is a special service, you don't need a bid, save the advertising costs and request proposals from three different companies.

Councilwoman Landis – For those of you who are serviced by Time Warner Cable, if your service was out during the storm, contact them, they will credit your account for the time service was out.

Dan Hogue, Sr. – Just a question, when did you get the water back on in the Black Brook Drive development? Supervisor Sipos stated he purchased a generator and it ran almost fifty hours. Mr. Hogue asked if Mrs. DeGraw purchased the generator or if Supervisor Sipos did. Supervisor Sipos replied he purchased the generator personally. To inform the guests in the audience, where the Supervisor and Mr. Hogue and Mrs. Onorato live, they are served by a community well. During the storm we were without water and Supervisor Sipos was fortunate enough to get in touch with some people he works with at Home Depot and at ten o'clock at night purchased a generator, hired an electrician, all with the approval of Mrs. DeGraw who owns the well. We got that well up and running to serve the residents of that development. Mrs. DeGraw contacted William Culligan of the Town of Thompson water department and she did state she would pay for the generator and the electrician. There are some repairs that are needed to the well system, I do have an estimate that I have to forward to Bill Culligan. I told Mrs. DeGraw that I prefer to hold on to the generator. Mr. Hogue continued that he thinks it's very noble of you to do that. I know what that generator cost, it's not cheap and also if it ran fifty hours that's probably what, fifteen or twenty gallons of gas. Supervisor Sipos stated it burns 8 gallons on gas for every 12 hours of use. That was about 35-36 gallons of gas at \$3.89 a gallon. Mr. Hogue continued that she hires this guy, Mr. Culligan and she pays him, and again, what you did is very noble, but since he's getting paid, why did you have to lay out all of that money. We got the water bill, with season's greetings on it, but nothing else, like nothing ever happened. I just don't want to see you get stuck for the whole thing because we're paying her pretty good bucks and I think she needs to do the right thing. Supervisor Sipos stated that he is keeping the generator and if something happens, he can hook it up and people are a whole lot happier when they have water. Mr. Hogue continued that we should have a community meeting and reimburse you for the generator and let you be the keeper of it and then if something happens, but it's not right for one guy in the neighborhood to lay out that much. Supervisor Sipos thanked Mr. Hogue and said it was a great idea. Mr. Hogue continued let everyone take that amount off of their bill. Supervisor Sipos stated the generator cost him \$725.38 – he stated this was his money, NOT the town's money. This has nothing to do with the town, but where ever we can help, we can. If I ever sell my house, I have no problem turning the generator over, but it's something we can discuss.

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

MOTION by Councilman Galligan, seconded by Councilman Creegan to reconvene into regular session at 8:21 p.m. Vote: 5 yes -0 nays. Motion carried.

**AJOURNMENT** – MOTION by Councilman Creegan to adjourn at 8:22 p.m.

Respectfully submitted,

Joanne K. Nagoda,  
Town Clerk