

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

The Town of Forestburgh Town Board held its regular monthly meeting on **Thursday, February 4, 2010** at the Town Hall.

Supervisor Galligan called the meeting to order at 7:30 p.m.

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

Absent – John W. Galligan, Councilman

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – William Bavoso, Attorney for the Town
Dan Hogue, Highway Superintendent
Susan Hawvermale, Planning Board Chair

REPORTS –

Supervisor Galligan submitted the monthly financial report for January 2010.

Town Clerk, Joanne Nagoda submitted a monthly report of clerk fees and activities for January 2010.

Justices Carroll and Olesnycky submitted justice court activity reports for January 2010.

PUBLIC COMMENT – None.

MINUTES – Town Clerk Joanne Nagoda submitted minutes for re-organizational meeting and regular meeting of January 7 and the special meeting of January 13, 2010. MOTION by Councilman Creegan, seconded by Councilman Raponi to accept the minutes of January 7, 2010. Vote: 3 ayes- 1 abstention by Councilman Sipos. MOTION by Councilman Sipos, seconded by Councilman Raponi to accept the minutes of the January 13, 2010 meeting. Vote: 4 ayes- 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 7 –39 in the sum of \$11,166.12 as set forth in abstract # 2 were audited for payment. MOTION by Councilman Creegan, seconded by Councilman Raponi to pay general fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - #5 –26 in the sum of \$53,374.52 as set forth in abstract # 2 were reviewed. MOTION by Councilman Sipos, seconded by Councilman Raponi to accept highway fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - #4 –5 in the sum of \$1,014.85 as set forth in abstract # 2 were audited for payment. MOTION by Councilman Sipos, seconded by Councilman Creegan to pay escrow fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

COMMUNICATIONS -

Town Clerk, Joanne Nagoda read a letter from Carl W. Amaditz, Chairman of the Town of Forestburgh Zoning Board of Appeals.

This past summer the Zoning Board Appeals (ZBA) was required to hear a case requesting a height variance for Mr. & Mrs. Colson. The ZBA heard the case, performed a site visit and rendered a decision to deny the request of the

applicant, Mr. & Mrs. Colson. At a later date, the Code Enforcement Officer issued a Certificate of Occupancy to the Colson's based upon an interpretation of the Building Code. This decision made the actions and the decision of the ZBA a moot point. In the future, if decisions rendered by the Zoning Board of Appeals are overturned by the Code Enforcement Officer, we request that the Zoning Board of Appeals be promptly notified. In the case of the Colson's the Zoning Board of Appeals feels that they should have been fined at a minimum, and questions the effectiveness of the Zoning Board of Appeals if their determinations are going to be disregarded. We look forward to your anticipated cooperation and attention in this matter. Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your time and attention in this matter.

Next is a letter from George Cuff to the Supervisor resigning from his position on the Board of Assessment Review. Mr. Cuff states that he has enjoyed his time on the board, but it has come time for him to step aside. He wishes the board and those who serve continued success.

Last is a letter from Mark Tayrien, Director of Planning Services of Stuart I. Brown Associates thanking the Town of Forestburgh for the opportunity to provide a proposal for the updating of the zoning and subdivision regulations. Based on a review of their current workload they are unable to provide an acceptable level of service to the Town of Forestburgh. They regret having to decline the submission of a proposal but hope that we will consider them for future projects.

UNFINISHED BUSINESS

THE FALLS AT BLACK CREEK – Supervisor Galligan stated that we have had little or no communication from the Falls at Black Creek. It is my understanding they are revising some of their plans, but we have no information.

DOUBLE DIAMOND/LOST LAKE – We are still awaiting the arrival of their revised Draft Environmental Impact Statement (DEIS). Until that is received, there is nothing further.

BILLECI BARN – Mr. Billeci appeared before the board and once again submitted revised plans for his barn. Attorney Bavoso made the point that this began last April and the Board has passed a resolution last month that by January 31st stamped engineered plans had to be delivered. We have been doing this for almost a year. Supervisor Galligan asked Mr. Billeci if these plans are by an engineer. Mr. Billeci replied yes, he has been sick all through the winter, so this is what I got. Supervisor Galligan stated he would give Mr. Billeci until March for a plan. MOTION by Councilman Sipos, seconded by Councilman Creegan to extend the time for an additional 30 days to allow Mr. Billeci to have the submitted plans signed by the engineer. Vote: 4 ayes- 0 nays. Motion carried.

TOWN GARAGE ENERGY AUDIT – Dan Hogue spoke with Engineer Gottlieb who has reviewed the audit. The estimate in the audit is about \$13,000.00 to replace the furnace, which seemed crazy. After speaking with Engineer Gottlieb a rough estimate to redo a building like ours is forty to fifty thousand dollars. Superintendent Hogue suggested researching any grants that may be available for this sort of project. Matter tabled.

AG DISTRICTS/RIGHT TO FARM LAW – As stated earlier in our public hearing the board will take any action on this matter tonight and comments will be received in writing until February 18, 2010.

TREE REMOVAL CONTRACT – We still have not received the signed contract for the tree removal in the cemetery, once they are received, we will sign them and have it removed. Matter tabled.

FINES AND FEES – Councilmen Galligan and Sipos are working on this, in light of Councilman Galligan's absence, we will table this until next month. Matter tabled.

EMERGENCY SERVICES CONSULTANT – Supervisor Galligan stated that he had spoken to the consultant and we will be meeting soon. Matter tabled.

FORESTBURGH CEMETERY – At the request of the former Supervisor we have been asked to do something with the Forestburgh Cemetery. I think we should invite Mr. Kenny to the next meeting to see what our options are. Matter tabled.

SOLID WASTE USER FEE – REVISED TAX BILLS – The County has made a lot of revisions to the tax bills and there will be an appeals form if you feel you should not be charged this fee.

REQUEST FOR PROPOSALS – ZONING REGULATIONS – You have in front of you the proposals that have been received to update our zoning and subdivision regulations. There are four proposals that I would ask that you review. We should have a special meeting to interview those who have submitted proposals. Discussion was held with a date to interview the four companies. MOTION by Councilman Creegan, seconded by Councilman Sipos to hold a special meeting on Tuesday, March 2, 2010 at 7:00 p.m. in the Town Hall. Vote: 4 ayes – 0 nays. Motion carried.

RETIREMENT REPORTING RESOLUTION – According to the New York State Retirement Department, we have to establish a “work day” for reporting purposes to give credit to those who are members of the retirement system. There will be calendars that will have to be filled out by the participants in the retirement system. Matter tabled.

PLANNING BOARD AND BOARD OF ASSESSMENT REVIEW VACANCY – Supervisor Galligan stated that he had advertised the Planning Board vacancy in the last newsletter and had received no responses yet. Supervisor Galligan will advertise the positions in the newsletter. Matter tabled.

ASSOCIATION OF TOWNS – There will be no representative from the town attending the Association of Towns conference in New York City this year.

NEW BUSINESS

MOBILEMEDIC CONTRACT RENEWAL – Mobilemedic is our provider of ambulance services for the Town, there is no cost to the Town. Discussion was held as to what length of time to renew the contract for, as the last contract was four years. MOTION by Councilman Sipos, seconded by Councilman Creegan to renew our contract with Mobilemedic for a period of four (4) years. Vote: 4 ayes- 0 nays. Motion carried.

UNION CONTRACT – We have all met and reviewed the proposed union contract between the Town of Forestburgh Highway Department and Local 17. MOTION by Councilman Raponi, seconded by Councilman Creegan to enter into contract with Local 17 and the Highway Department. Vote: 4 ayes – 0 nays. Motion carried.

SPRING CLEANING/POST RENOVATION – Now that the renovations are almost complete, we need to have our cleaning crew from ARC do a good cleaning and strip the floors and shampoo the rugs. MOTION by Councilman Raponi, seconded by Councilman Sipos to hire ARC for a complete cleaning in the Town Hall. Vote: 4 ayes- 0 nays. Motion carried.

TIME WARNER CABLE – Cable has come to the Town Hall and Joanne has researched the cost of replacing our phone and internet providers.

2 Bundled- Package (Phone, Internet)

1 line @ \$66.95 each, Unlimited Calling Plan, monthly/ \$66.95

5 lines @\$34.95 each, Tristate Calling Plan, monthly/\$174.75

Internet, 7mbps/768kbps \$79.95

Total Monthly before discounts \$321.65

1-2 year agreement price less 10% off, price is \$289.48

3, 4 or 5 year agreement price less 20% off, price is \$257.32

Install Fee: \$100.00

Discussion was held with regard to services available, the ability to work from home or an offsite location, our current contract with Cornerstone Telephone company, which expires in March of this year. The savings on a one or two year agreement will result in savings of approximately \$132.00 per month compared to Cornerstone with better internet service. Further discussion was held with regard to the quality of service, making the building wireless for visitors/guests, switching the Town Barn to digital phone or leaving them with Cornerstone. It was decided to get numbers on a new package with the highway department. Matter tabled.

HAZARD MITIGATION MEETING – Superintendent Hogue and Supervisor Galligan attended the Sullivan County All Hazardous Mitigation meeting, which is an emergency action plan that all of the Towns in the County have to participate in to be eligible for FEMA funds. They are asking for a representative from each town to be on the committee, I suggest Superintendent Hogue. MOTION by Councilman Sipos, seconded by Councilman Raponi to appoint Dan Hogue, Jr., Superintendent of Highways as the representative to the Sullivan County All Hazardous Mitigation committee. Vote: 4 ayes- 0 nays. Motion carried.

COMMITTEE REPORTS

Planning Board – Supervisor Galligan asked Planning Board Chair Susan Hawvermale to give a report on the public hearing she attended in the Town of Thompson for the proposed Birchwoods Development of which the larger parcel of land is in Forestburgh. Ms. Hawvermale stated it was the first public hearing that was held and it was mostly neighbors of the development with questions about the project, most of whom were not in favor of the project. Ms. Hawvermale did state that the Town of Forestburgh requested no segmentation of the project even though there is nothing planned for the Forestburgh parcel and that if and when they make a positive declaration of the environmental impact statement that we would want the Forestburgh parcel included in that EIS. They had very extensive plans, but it's fairly dense housing that includes a school, a camp and all sorts of the amenities. They left the hearing open, there was another one the night of our Planning Board meeting, which I obviously could not attend. I don't know if they are going to make any decisions then either. Dan Hogue attended the second meeting and stated that on the 42 acres they are proposing 70 houses, two pools and a shul, there are federally designated wetlands in the center of it, however, you can build right up to the water line on Federally designated wetlands and the DEC designated wetlands, which is the stream that comes into Forestburgh to the South and the Birchwood Lake, you need a 150 foot buffer to build up to a DEC wetland. Out of that 40 acres there they lost probably ten acres of wetlands. Quite dense and the zoning there for the Town of Thompson is SR (suburban residential). The density of the dwellings is not an issue because that classification allows that. They are in Thompson right now, because Thompson offers sewer right there, the sewer plant that is there used to service the Laurel's Hotel and they feel it is capable of handling that number of dwellings. Superintendent Hogue asked if the buildings are year round or seasonal and he was told seasonal. The access would be from Rod & Gun Club Road on the Thompson side, there would be an emergency access off of Sackett Lake Road. They are going to contact emergency services because I asked what kind of impact this would have on emergency services given the proximity to the Monticello and Forestburgh Fire Houses, we are much closer. They are going to address that. My big concern is the dam, which under the cover of darkness was all of a sudden fixed. I don't know if it was permitted, and planned, all I know is it was just done. We do have three town structures, bridges and culverts below that dam, and one of my concerns is the amount of storm water runoff that would occur. Plus they just bought 20 more acres off of Gregory Road - all of that water runs off of Birchwood and runs under Rod & Gun Club Road twice. One culvert is already at capacity at storms, the other is at 90% capacity, it then goes under Plank Road – Section B, Swinging Bridge and there are concerns with the dams. They said they would address them. Attorney Bavoso asked if they had a storm water management plan? Superintendent Hogue stated they are “working on it”. Attorney Bavoso stated/questioned that they had a public hearing and no submitted storm water management plan? Glen Smith was the engineer, they had a lot of maps and renderings. Ms. Hawvermale stated that at the first meeting they said that the only piece of property they are concerned with is the piece on the Thompson side. They barely mentioned the Forestburgh side. Chair Hawvermale stated that the Planning Board has sent two letters to the Town of Thompson Planning Board one

before and one after the meetings addressing this. Chair Hawvermale also informed the Town Board that the Planning Board is working on changing their application paperwork and looking at implementing a “sunset” clause as to how long they can keep an application open. Because some of the projects have gone on for years and have not been active, but we want to deem an application abandoned if they have not appeared before our board. Simply because if it’s going to be a project, why are they not acting, where are they. We have several that we have heard nothing from and they have not been before us, since we have deadlines to meet. Attorney Bavoso stated they are working on the same thing in Wawayanda and Greenville, where they are trying to come up with a time frame to deem an application abandoned and then a new application will have to be filed in order to proceed. With regard to the economy some applications were done one or two years ago and have not been pursued. It is an issue because they are on the agenda and don’t go anywhere. Attorney Bavoso will forward language to Chairwoman Hawvermale. Attorney Bavoso further stated that with regard to the Birchwood project, since our highway superintendent has concerns with regard to infrastructure in Forestburgh that may be affected by storm water runoff from that project, I think the Town of Forestburgh should go on record and formally request, in writing, a copy of the storm water runoff plan. Either what’s there now or as soon as its produced. Then I think the Highway Superintendent and the Planning Board should access the services of our engineer to review that plan if necessary, because it may have significant impacts on the Town of Forestburgh if we have infrastructure that may be impacted. Supervisor Galligan requested Attorney Bavoso write and request the storm water plan. Councilman Raponi asked if anyone had inquired about a picture of the entire project finished, in order to see everything they are proposing. Chairwoman Hawvermale replied that there were a lot of renderings, but she did not see any really substantive documentation on where this project was going. Unless there is a positive declaration, I don’t see where they are going to put a lot into it. There was a traffic report. It was a complete plan in the Town of Thompson. Supervisor Galligan stated that Thompson Planning Board Chairman Jim Lyttle told him there are no plans for the piece in Forestburgh. Discussion was held on procedural practices with active applications on the Planning Board agenda and deeming them abandoned.

Historian – report filed. Superintendent Hogue complimented Mary Ann on her reports every month and asked that since they are short, if we could start including them in the newsletter. The Supervisor has had this discussion with Mary Ann and we are working on it.

Building Inspector – Report filed.

Seniors – No activity until April.

Recreation – Ski program will end the end of this month. Preliminary work for the health department permits for camp and the pool has started.

Forestburgh Day – No report.

Green Committee – No report.

PUBLIC COMMENT –

Mary Ann Toomey – I go to the Planning Board meetings, and I don’t think Double Diamond has any road permits or anything but there are an awful lot of Tetz Trucks going in there with gravel, if they are putting in sub-base roads I think our Highway Superintendent or Building Inspector should check on it. Supervisor Galligan replied that they have been in touch with us and have had to build some roads to drill some wells. Superintendent Hogue stated that he had brought this to the attention of the County to see if they had permits to build such accesses, we are contracted to take care of that road over the winter, and if anyone has been over it, it’s bad.

Dick Gibney – The Mobilemedic contract renewal, what does that entail? Supervisor Galligan replied that it gives them the right to provide emergency medical services to the town. Mr. Gibney inquired as to its cost. Supervisor Galligan responded there is no cost to the Town. Mr. Gibney then asked what the status of the fire company is when

they respond? The Supervisor responded that the fire company does not have an ambulance service, when an ambulance is called in Forestburgh we are notified as an automatic response, but the fire department does not transport people.

Dan Hogue, Sr. – With Time Warner cable, do they still pay the Towns? I know that they used to. Supervisor Galligan replied that we have a franchise agreement with them and they pay the town what we ask for, but it's you that pays it on your bill. They wouldn't care how much money we asked for, because it's the resident that pays it, they just collect it. Mr. Hogue asked if the automatic raises that come on our bill every January, does the town get a percentage of that? The Supervisor replied no.

Supervisor Galligan also announced to those who are here who's cars were damaged by the road paint from the county, that the checks have been sent, and I know a few of you have received them.

Roger O'Dell – We have beat Time Warner cable up a little bit here tonight, but the benefits outweigh the lapses.

Dan Hogue – The cemetery – what's going on. Supervisor Galligan stated that the former Supervisor, who worked on this when he was Supervisor. There has been some concern that there is no further room for burial, it has been recommended that the Town get involved and get it set up. Mr. Hogue stated that we went through this about ten years ago, there was a committee and they tried to get it going then. Supervisor Galligan replied that is why we will have Joe Kenny come down and tell us the procedure is and what we can do. The request now is for the Town to get involved.

Jim Culligan – Cynthia Niven may be good to help you with that. She takes care of Rock Ridge Cemetery in Monticello and knows the ins and outs.

Roger O'Dell – How are the repairs coming on the log cabin out here? Supervisor Galligan replied during the winter, not much at all. We have received the money from the Civic & Taxpayers Association and Dan is our lead person. Dan stated that he would like to start re-chinking, one wall a year.

Dick Gibney – The old Town Hall, is that going to be on the agenda for repairs? Supervisor Galligan replied yes, we have work that has to be done.

ADJOURNMENT - MOTION by Councilman Sipos to adjourn at 8:30 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk

