

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, March 3, 2011** at the Town Hall.

Supervisor Galligan called the workshop to order at 6:00 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 – William D. Bavoso, Attorney for the Town
John Munsey, C.T. Male Associates

Supervisor Galligan asked Mr. Munsey to give everyone an update on the Double Diamond/Lost Lake status.

Mr. Munsey stated that everyone had received the main draft of the FEIS dated February 22, 2011. There are still two sections of this document that are still in process. The water resources section (section 3.5.4) and the waste water issues. Things did not go as planned because the DEC submitted comments for the FEIS, things we had already asked the applicant, what percentage is managed open space and what is not, and the DEC does not agree with the town's definition of open space. That is irrelevant because it is the town's definition that is applicable to this project and the town is the lead agency. The DEC had a concern that at full build out of 2,700 homes, there is a concern for waste water discharge affecting the Bushkill. We have asked the applicant for a specific response to this, especially based upon this waste assimilative capacity (WAC) report. It is still a permitable activity on the project. The DEC will probably come up with a different findings statement than that of the lead agency. I recommend bolstering the wastewater information. I have requested assistance from the design professionals within C.T. Male to assist me with this, as this is their area of expertise. I anticipate comments back to the applicant by next Wednesday. With regard to water sources/water supply, I thought we addressed all of these comments in the revisions that have been done to the FEIS. I feel very comfortable moving forward on this issue of water supply. I don't see the DEC coming up with different findings than we did on that matter. There were additional comments on wetlands and impacts and they are small. The wetland impacts are all small and well within the nationwide permit program. They had some comments on wildlife ecology, which have been addressed. We are down to waste water and we are trying to bolster that, and on Tuesday, we received the first round of responses. I reviewed it quickly. Originally they proposed a form of spray irrigation or land application of sewage. I requested they take that out. It is a project modification, not a mitigation issue for the project. That would have separate environmental impacts, discreet and separate from having a wastewater impact. We are very close to the end of the FEIS, I would say just a few weeks away. There still is a bit of the unknown on the waste water and I don't know what our engineers are going to come back with, and I am confident the applicant will be responsive to this. You as the lead agency have to come to the conclusion that there will be no adverse impacts associated with the project, and what adverse impacts are out there, they have been mitigated to the maximum level possible. These are the conclusions you must make on all fronts, so from my perspective, we are most of the way there. Once the Town Board deems the FEIS complete, copies must be sent to all involved agencies. That is a town responsibility and you will want to have letters of transmittal to verify they were delivered on such and such a date. It's going to be big due to all of the appendices. The archeological report by itself is pretty big, so it will be a document of great girth. There is a requirement to put the FEIS on the web, similar to the DEIS. Currently there is a link from the Town's website to Tim Miller Associates website where the document is available. Then there is a minimum ten day waiting period, where you can't do anything with this project. During this time, I will be working on the findings statement and legal counsel will be drafting the PDD legislation. The best way to do this is to have a findings statement along with

the PDD legislation that are separate documents but are voted on at the same time and are then incorporated into one document. The trick will be making sure those documents mirror the DEIS within the FEIS. Normally, all of the permitting agencies adopt by resolution, the findings statement done by the lead agency. I'm not sure if Region 3 of the DEC will do that or adopt their own findings statement. You do not have to worry about that, that is the applicants concern when the apply for the spedes permit, the water supply permit, the wetlands permit, stream permits, in those submission to the DEC they will have to deal with any potential issues that may come up. Right now the ball is clearly in C.T. Males court representing the Town. We are being prudent, and we don't want to be hasty in this final step as we move forward. Councilman Galligan asked if we will get any sort of an approval from the DEC on this project. Mr. Munsey replied no, there will be no approval by the DEC. The applicant will need approval from the DEC once he begins the permitting process and those permits will need to be in hand before they appear before the Planning Board. Attorney Bavoso stated that the Town Board is lead agency for SEQRA purposes, once SEQRA is complete the applicant will go before the Planning Board for site plan approval, based upon what the Town Board, as lead agency has approved. Mr. Munsey added that in most towns, the Planning Board will adopt the findings that were adopted by the Town Board/Lead Agency. Each individual permitting agency, the DRBC, the Dept. of Health, the DEC that has discretionary approval on the project needs to adopt their own SEQRA findings. The lead agency only has control over the environmental impact issue and the PDD legislation, and then you are finished. Fred Wells of Tim Miller Associates brought with him copies of the information that was sent to Mr. Munsey today and distributed copies to the board members, being introduction and wildlife. Mr. Munsey stated that right now, the way the FEIS is written, the Town Board/lead agency has to make a positive findings statement, the document does not support a negative findings statement. Discussion was held for the best time to hold a special meeting allowing ample time for review of all documentation received.

At this time the board reviewed all vouchers received and submitted for payment.

At 7:00 p.m. Supervisor Galligan again called the meeting to order and requested that the minutes reflect that all Town Board members are present.

REPORTS –

Supervisor Galligan submitted the monthly financial report for the month of February, 2011.

Justice Carroll submitted monthly reports of justice court fees and activities for the months of January and February, 2011. Justice Olesnycky submitted a report of justice court fees and activity for January 2011.

Town Clerk, Joanne Nagoda submitted a report of clerk fees and activities for the month of February 2011.

PUBLIC COMMENT – None.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes of the January 20, 2011 special meeting for Double Diamond/Lost Lake. MOTION by Councilman Sipos, seconded by Councilman Galligan to accept the minutes as submitted. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 33 – 66 in the sum of \$9,374.67 as set forth in abstract # 3 were audited for payment. MOTION by Councilman Raponi, seconded by Councilman Sipos to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 22 – 38 in the sum of \$48,2666.74 as set forth in abstract # 3 were reviewed. MOTION by Councilman Galligan, seconded by Councilman Sipos to accept highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 6 – 8 in the sum of 7,276.75 as set forth in abstract # 3 were audited for payment. MOTION by Councilman Galligan, seconded by Councilman Sipos to pay escrow fund vouchers. Vote: 5 ayes- 0 nays. Motion carried.

COMMUNICATIONS –

First is a letter from Chuck Vassalo, Director of the Summer Recreation Program who was distressed to learn that the requested modest increase in the budget was not granted. The increases were for the lifeguards and the counselors and he is requesting that the Town Board grant an additional \$450.00 (\$150.00 per counselor) for counselor pay, and in addition he requests that our third year lifeguard be granted a one dollar per hour raise. Mr. Vassalo has concerns about staff continuity and retention. Mr. Vassalo thanked the board for their attention in this matter. The board will take it under consideration and take no action at this time and place it on the agenda for April.

Next the Forestburgh Democratic Club requests that the Town Board consider adopting legislation limiting the amount of time that election campaign signs may be displayed. They request thirty days prior to a primary and general election and removed within a timely manner, for example seven days. The following towns in Sullivan County have the following ordinances: Bethel – 30 days – remove within 1 week, Highland – 30 days – remove within 1 week, Lumberland – 30 days – remove within 24 hours after election. Mamakating – 2 months, remove within ten days. Tusten – 45 days and remove within two weeks. Some towns have a size limit, other towns have a bond requirement, which is returned when the signs are removed. Let's keep Forestburgh beautiful and let candidates announce their campaign in a timely manner. Thank you for your attention to the above matter, Mary Ann Toomey, President. Supervisor Galligan stated that he believes the zoning review committee has addressed this in their work on the code. We will review what they have come up with.

Lastly, a letter was received from Justice Nestor Olesnycky: It is with sadness and regret that I resign as Town Justice for the Town of Forestburgh. I have enjoyed every moment of my community service and I hope that my Participation in this endeavor has been beneficial to the town. My decision has to do with the demands of my position of Chief Operating Officer and General Counsel to the family business located in Hudson and Bergen County, New Jersey. Whereas I am finding myself needed more and more in New Jersey and living there most of the work week, other than my court day, I do not feel that I can perform my duties as justice in the manner in which I aspire to. I had hoped to serve Forestburgh for more than one term, for as long as the voters would re-elect me, but given my professional duties which have increased over the last year it has become difficult to fairly combine both responsibilities, thus I have no choice but to resign effective this date. Of course I have residual responsibilities in transferring my open cases to either Judge Carroll or an acting justice who may be appointed by Judge George B. Ceresia, Jr., District Administrative Judge of the Third Judicial District, should Judge Carroll choose not to assume my cases. I will cooperate fully in the closing and auditing of my judicial account and assisting my successor, working with Connie Kursawe, our very capable court clerk, who has been of immense assistance to our court, I thank you for your constant cooperation during my term. Respectfully, Nestor L. Olesnycky.

UNFINISHED BUSINESS

DOUBLE DIAMOND/LOST LAKE – Supervisor Galligan announced that there will be a special meeting to review and possibly approve the FEIS. MOTION by Councilman Galligan, seconded by Councilman Creegan to hold a special meeting on Wednesday, March 16, 2011 at 7:00 p.m. in the Town Hall to review and finalize the Final Environmental Impact Statement (FEIS) for the Lost Lake project. Vote: 5 ayes – 0 nays. Motion carried.

TAX COLLECTOR ELECTION – Supervisor Galligan stated that the election will be held on May 3, 2011 and in speaking with the Election Commissioners most special elections are held during the hours of Noon until 9:00 p.m. and we have to decide if we want absentee ballots or not. The town is basically responsible for the election, however, the Board of Elections, for a charge, will be willing to receive the application for the ballot, mail the absentee ballot and receive it like they do on a normal election day, we count them and then return everything to the Board of Elections for re-canvass and certification. Absentee ballots have a week to come in after the election, so the final determination won't be known for a week. There is also a charge for the enrollment book that you have to sign when you vote, which is \$50.00, for the handling of the absentee ballots, if it is \$4.00 per ballot, it would be a lot, probably less than that, but they didn't have an exact figure. If there are any challenges, there is a charge of a couple of dollars for each one of those. We are responsible for the printing of the ballot, the hiring of the election workers. MOTION by Councilman Sipos, seconded by Councilman Raponi to have absentee ballots for the special election on May 3, 2011 and hire the Sullivan County Board of Elections to oversee the handling of the ballots and mailing thereof. Vote: 5 ayes – 0 nays. Motion carried.

ZONING REVIEW COMMITTEE UPDATE – Councilmen Galligan and Sipos are on the committee and request that this matter be tabled. Matter tabled.

LOCAL LAW # 2 OF 2011 – WAIVER PROVISION – At the request of the Planning Board, Local Law # 2 of 2011 has been introduced allowing waiver provisions to be made by the Planning Board to expedite smaller one and two lot subdivisions. We will need a public hearing for this proposed local law. MOTION by Councilman Galligan, seconded by Councilman Sipos to hold a public hearing on April 7, 2011 at 7:00 p.m. on Local Law # 2 of 2011 permitting the use of waiver provisions for smaller subdivisions. Vote: 5 ayes – 0 nays. Motion carried.

NEW BUISNESS

LOCAL LAW # 3 OF 2011 – ZBA VARIANCE VALIDITY – There is a problem in the existing section of the zoning law that states unless construction is commenced and diligently prosecuted within six months of the date of a variance, the variance becomes null and void. On larger project, such as Sho-Fu-Den applicants/developers will not have all of their approvals in place to commence construction within six months. This proposed local law will not require developers/applicants to return to the ZBA for extensions on their approved variances. MOTION by Councilman Galligan, seconded by Councilman Creegan to hold a public hearing on proposed Local Law # 3 of 2011 – Variance Validity on April 7, 2011 at 7:00 p.m. or as soon thereafter permitted in the Town Hall. Vote: 5 ayes – 0 nays. Motion carried.

BUDGET TRANSFERS – We are finally in the process of closing out the books for the year 2010. The following accounts need to have funds transferred for the book to balance prior to being closed for the year.

General Fund Transfers

From:	To:	Amount:
1430.1 - Personnel	1110.1 - Town Justices	\$28.59
8510.4 - Community Beaut.	1110.11 - Justice Clerk	\$2,486.96
1110.2 - Justice Court – Equip.	1110.4 - Town Justices	\$358.06
1110.2 – Justice Court – Equip.	1355.1 – Assessor	\$876.61
1440.4 – Engineer	1420.4 – Attorney	\$3,866.72
1220.1 – Deputy Supervisor	1420.1 – Office Clerk	\$591.50
1470.4 – Records Mgmt. – Cont.	1470.1 – Records Mgmt.	\$0.08
1950.4 – Judgments & Claims	1620.2 – Town Hall – Equip.	\$5,200.00
8020.4 – Planning – Cont.	1650.4 – Central Communications	\$5,801.27
1220.2 – Supervisor – Equip.	1989.4 – Office Expense	\$1,197.15
1330.2 – Tax Collector – Equip.	3620.1 – Building Clerk	\$129.03
1330.1 – Tax Collector	5010.1 – Highway Admin.	\$124.53
1950.4 – Judgments & Claims	5010.1 – Highway Clerk	\$5,324.18
7310.4 – Youth Recreation	7310.1 – Youth Program	\$75.00
7620.4 – Adult Recreation	7620.2 – Adult Recreation – Equip.	\$450.00
3620.4 – Safety	8010.4 – Zoning	\$749.55
1620.4 – Town Hall – Cont.	8010.4 – Zoning – Cont.	\$7,692.50
1950.4 – Judgments & Claims	9060.8 – Health Insurance	\$8,496.10

Highway Fund Transfers

5120.1 – Bridges	5110.1 – Maint. Of Streets	\$79.41
5130.4 – Machinery	5110.4 – Maint. Of Streets	\$1,009.61
5140.1 Misc. Brush	5130.1 – Machinery	\$251.61

MOTION by Councilman Galligan, seconded by Councilman Sipos to authorize the above transfers to balance the books and close out the 2010 year. Vote: 5 ayes – 0 nays. Motion carried.

TOWN CLERK CONFERENCE REQUEST – Town Clerk, Joanne Nagoda requested permission to attend the New York State Town Clerk’s Conference being held from May 1, 2011 through May 4, 2011 in Buffalo, New York. MOTION by Councilman Galligan, seconded by Councilman Creegan to approve conference attendance. Vote: 5 ayes – 0 nays. Motion carried.

WORKPLACE VIOLENCE POLICY - We were visited by the Department of Labor and their pet project this year is workplace violence. We are supposed to have a policy in place, in front of you are the guidelines for the policy and its implementation and Attorney Bavoso provided us with a copy of the policy that he created for Deerpark. The board requested Attorney Bavoso write a policy for the Town of Forestburgh to comply with the Department of Labor. Matter tabled.

TOWN JUSTICE VACANCY – Attorney Bavoso has provided us with some information about this vacancy already. It is NOT a town board appointment. Discussion was held by the board with regard to Judge Carroll assuming Judge Olesnycky’s duties, adopting a local law taking the town justice position to just one justice instead of two, leaving the position vacant until the November elections. The board requested Attorney Bavoso further research this matter. Matter tabled.

BIRCHWOODS SUBDIVISION – The Planning Board and the Highway Superintendent have concerns with regard to storm water runoff from the Birchwoods Subdivision in Thompson running into Forestburgh. Councilman Galligan stated that he had contacted Glen Smith for more information on this and Mr. Smith provided him with a copy of the storm water plan and he will forward it the Planning Board.

SETBACK MEASUREMENTS – There is a continual conflict, especially on the zoning board about setbacks on roads, is it from the center of the road, the edge of the payment. The majority of our roads are roads by use, but we need to make a decision, and there were questions of legality. Superintendent Hogue stated that roads by use are based upon the amount of maintenance the town has given a road over the years, but it does include the backside of the ditch. It could be the backside of the ditch, it could be the shoulder if you are going to use the center of the road, roads are different widths. Councilman Galligan stated that he has never seen a subdivision regulation that went to the center of the road. There are established bounds for State and County Roads and it is not a simple regulation to create. Matter will be sent to the Planning Board for their opinion and input.

NEWSLETTER POLICY/REQUEST – I have received a request to put something in the newsletter, and you all have a copy of the request, you also have a copy of the policy that we have on the newsletter. The request is from the Forestburgh Playhouse, which has a fundraiser at the home of Mr. Stuart Salenger. Supervisor Galligan asked the board members if they felt it was appropriate, based upon the existing written policy to place this information in the newsletter. A question was raised from the audience what the problem was with placing this item in the newsletter. Supervisor Galligan responded that normally, businesses are omitted from the newsletter, it is kept to Town functions, meeting dates, recreation and the fire district, not business applications. Mr. Salenger requested to speak on this matter. Let’s put this on the record, not that I am board president, this is a non-profit, we took it to a 501C3 status, and this is their 65th anniversary. This is the oldest summer stock theater in the state of New York. It also honors Ron Nash and Norman Duttweiler for being at the playhouse for twenty years, they have kept it alive. This is the treasure of Forestburgh and the County. I think being in the non-profit status and being a part of Forestburgh, we have a mission to let everyone know who’s on the board and involved with this, Fred Stabbert from the Democrat, Roberta Lockwood of the Visitor’s Association, Anna Milucky of Jeff Bank, Marie Scarry, Guy Spradling and Steve Davis, the actor from Milford. We all give of ourselves, there is no compensation. The 501C3 was established recently. It is an honor that the town keeps this and being not-for-profit, we are not a “business”. By the way, this fund raiser, every single dollar that is collected, as in the past, goes directly to support the playhouse. I underwrite every single dollar for that party. Councilman Galligan stated that he is in favor of putting this in the newsletter because it is a not-for-profit, Councilmen Sipos and Creegan agreed, Councilman Galligan further stated he felt a policy is needed for the newsletter. MOTION by Supervisor Galligan, seconded by Councilman Sipos to place the fundraiser/help wanted information in the newsletter to benefit the Forestburgh Playhouse. Vote: 4 ayes – 1 abstention. Motion carried. Further in the newsletter, with the phones being out of service on Hartwood Road (County Route 48), Richard Katzman has supplied the Town with a complaint form for the Public Service Commission. Supervisor Galligan will put the website link in the newsletter for those who wish to complain.

REPORTS –

Planning Board – no report.
Historian – Report filed.
Building Inspector – Report filed.
Seniors – No meeting until April.
Green Committee – No report.
Forestburgh Day – Next meeting on March 14, at 7:00 p.m. in the Town Hall.

PUBLIC COMMENT –

Dan Hogue, Sr. – It's on the agenda, about the Town Justice vacancy. I have a question and I've asked it a few times and never got an answer, how many court cases are run through this court a year? Do we really need two justices? Supervisor Galligan stated that it appears by law we have to have two justices, we have asked the attorney to research this. We can eliminate one we would still have to have an election to finish this term. Clerk, Joanne Nagoda read the findings of Attorney Bavoso thus far "the Town being a second class town is required to have two justices. If the retiring or resigning justice has a term ending this year and the resignation or retirement is effective at the expiration of the term, the Town Board's resolution to go to one justice will have an immediate affect at the end of this year. IF the justice is retiring or resigning prior to the expiration of his term, a special election must be held to fill the unexpired term and the winner in the election will be granted a new four year term, rather than simply completing the remainder of the unexpired term. The resolution to go to one justice would then be effective at the end of the new four year term". A quick review of the justice reports that were submitted tonight reflected a total of 18 cases between two justices for Judge Olesnycky for January and February and Justice Carroll for January. Mr. Hogue stated that if the Town is trying to save money, do what you did with Tax Collector and reduce it to one justice.

Dan Hogue, Jr. – The letter about election signs, and as someone who puts them up myself, I am all in favor of a time limit. If all these other towns in the county do it, we should. You become involved in "sign wars" – I've done it, I hate it. The thirty day rule is not unreasonable. Supervisor Galligan stated that the zoning committee has reviewed this and it is in their revisions, I just don't know if it will be done by November. Attorney Bavoso stated that the Federal Courts view this as freedom of speech and it is a very difficult thing to regulate. He will research this and see if he can find legislation that the courts will accept.

Stuart Salenger – There was a meeting scheduled, and Councilman Sipos and several others, including myself, were not aware that the meeting was cancelled. Is it possible to send an e-mail notification to those of us who regularly attend meetings to be advised. Councilman Galligan stated that he questioned the legality of it. Attorney Bavoso stated that the Supervisor is not authorized by himself to cancel a meeting. However, if the Supervisor consults with the Town Board members and the majority of the board agrees to cancel the meeting, which is what happened, then it is legal. It should be put on the record in this meeting, because that is Mr. Salenger's question, it was the prerogative of the board to cancel that particular meeting. Councilman Galligan asked how would we get notice out to the public. Attorney Bavoso replied that is a difficult thing to do, you could contact the media, i.e. radio, put it on the website. Mr. Salenger asked Councilman Sipos if he had notice that the meeting was cancelled for that night. Councilman Sipos replied no, Supervisor Galligan added that he had not spoken to Councilman Sipos, who knew if was cancelled. Councilman Sipos stated that he was not personally notified and in his opinion, the radio is the best way to get this information out, and requested that the record reflect that any and all cancelled meetings shall be announced on the radio. Councilman Galligan added that from now on, we should have a policy that no meetings are cancelled, if a meeting is scheduled, then the meeting will be held. Mr. Salenger stated he had one more question, which is directed to Councilman Raponi. Supervisor Galligan stated that this was not to get personal. Mr. Salenger replied it is not personal and would like it on the record, we have the Neversink River Unique Area, which is a 5,000 acre area that the State owns and maintains in our town. It is very important to all of us. Mr. Salenger asked Councilman Raponi if he owns property in the Neversink Gorge. Councilman Raponi replied that you know I do and everybody in this room knows I do. My family owns property there. Mr. Salenger requested that it be put on record.

Ed Kaufmann – There are a couple of questions that I have, first of all, I learned at the last Planning Board meeting that the zoning committee stopped working because you don't want to spend any more money and I heard it again tonight. My question is this, is there going to be a final document that is going to come out of all of this committee work and the money that has been spent? Clerk, Joanne Nagoda stated she has the document upstairs. Supervisor Galligan stated it hasn't been adopted by the board. Mr. Kaufmann continued that we do have a document

completed by consultant before his contract is up. I am only on the Planning Board, why would I know, when I spoke with two of the committee members, they said it was far from being done. Supervisor Galligan stated that according to Mr. Voss, we have a draft of what has been completed. The other question that I have, kind of took me by surprise, why the Town Board decided to deal with the density issue on Double Diamond separate from every other issue that is in the DEIS. Why was that issue specifically dealt with and voted on? Supervisor Galligan replied that because in order for them to finalize their plans they had to know they were planning for. Councilman Sipos added, for clarification here, the reason why Mr. Gracy had asked for the direction of density was so that he can put together maps that will be forwarded to the Board and the DEC as to which way this project was going. Attorney Bavoso added that Mr. Gracy had requested that the density issue be finalized so that he could finalize the master plan for the entire project, and base some of his other calculations that will be in the FEIS on that density. That effected how some of the other impacts had to be addressed. My own personal opinion on that is I don't understand how the board could approve the density without looking at all of the other factors. That being said, the night of our Planning Board meeting, and I know that you are aware of this, and I hope the other members of the board have read the letter, the second letter that came from the DEC specifically outlined what I just said, that they particularly outlined that the idea of 2,700 plus homes is not a very good idea, and taking what Mr. Salenger said about the sensitivity of the Neversink Gorge, they go on to say in that particular excerpt, that they see that one of the plans the mention of 1,135 lots would certainly be a better plan, and would have lower impact on the Neversink Gorge. My question really is to the board members, have you really read this and I understand that there has been a special meeting scheduled for March 16, when was that done? Was that done between six and seven tonight? Supervisor Galligan stated we decided it at our workshop. Mr. Kaufmann stated that he thought that time was just for vouchers. The board unanimously stated that it was decided in the workshop but it was not voted on until the regular meeting tonight after 7:00 p.m. – Mr. Kaufmann continued that he had hoped that Mr. Gracy and the consultant, who both just left, would be here to answer some questions, but they are not here. Supervisor Galligan stated they would be here on the 16th. Mr. Kaufmann stated that unfortunately, the public is not here on the 16th, they are here right now and maybe they would have been interested in hearing some of the comments. My question I guess is, there are a lot of issues that the DEC brings up again that were discussed in July, and I don't think it was discussed by the board and I don't know how this board makes their decisions. Supervisor Galligan stated that we made the decision, Mr. Kaufmann interrupted saying that he knew they made the decision, but he still wanted an answer on why these things were not considered and you barely listened to the Planning Board. Supervisor Galligan stated again, they made the decision and all of those things were considered and when you see the final EIS you will see they have all been addressed. Mr. Kaufmann asked what has been addressed. Supervisor Galligan replied the questions of the DEC. Mr. Kaufmann further stated that he is also disturbed after reading the minutes here, that the consultant, which the Town hired, but is paid for by the applicant, made a statement that he feels that the environmental concerns will be addressed in this and that there is no need for another public hearing. Who is he representing, the applicant or the town? Supervisor Galligan told Mr. Kaufmann that the board would take his comments into consideration. Mr. Kaufmann stated that it is time for the town to get wise to what is going on. What is going on is not right, this town has a number of public meetings where the concerns of the density have been expressed, and this town board, right across the board has not even considered it or even discussed it. It is very disturbing. Gene came to our meeting, said he was against it and yet he turned around and voted for it. Which I don't understand. Councilman Raponi stated that yes, he did vote for it, Mr. Kaufmann added yes, you did, five – oh. Councilman Raponi stated that he voted for it to move it along. Mr. Kaufmann replied to move it along, well, while it's moving along, we are not considering any of the other impacts, like the sewer treatment center that Mr. Katzman brought up eight months ago, that if it's not dealt with before the final approval it's going to be a problem. And the DEC specifically makes mention of that. And once again this town will go through the same thing it went through with Saint Josephs, same thing with dealing with the dam until that issue comes up and the comment from the Town Board will be well, we'll deal with that when it happens. The DEC clearly states in this letter that you don't do business that way, and your consultant has said absolutely nothing. It is quite obvious what the consultant is, the consultant is getting paid by Double Diamond, and he's not representing the Town or the Town's interests. He has not expressed the Town's interest in one thing that I have read. But he has expressed many things that the applicant wants to hear. He didn't address the water on the golf course and how he's going to deal with that, which was pointed out in the DEC's most recent letter. He hasn't said how he's going to deal with the affluent and the wastewater, he hasn't turned in any specific water tests. Nobody on the Planning Board has seen it, the DEC hasn't seen it, has anybody on the board seen it, I don't think so. But yet your consultant said at that meeting last month that he has seen it. Why is it such a secret? Why is the Town not aware of the water? These are the kinds of things and questions that are not being answered. In this town, there are a handful of people, and I do mean a handful of people, that are not getting answers. And when people come to me and say "Ed, what happened?" I can't give them answers because this seems to be secret

information going back and forth. Why this consultant was told he can leave is beyond me and why the developer was told to leave. Did you ask any of them that maybe someone wanted to talk to them? Why are you accommodating this developer? I hope there isn't anything unethical happening here, I really don't. Because it was your board that handed the Planning Board a whole code of ethics, about a year and a half ago. That is exactly the problem, things are not being read, things are not being discussed, things are not being dealt with, they are just being pushed along. Why are we pushing things along, why are we accommodating this developer so quickly? He's had three years to work on it, now all of a sudden he wants to get going on it? What's the hurry? We have met with him anytime he has requested it, we have never put him aside, we have always met with him and now he wants to meet again, because he wants to get going. I don't understand it and the town hasn't once said anything about concessions. He wants to give us two acres of property so we can build a firehouse, where is this town going to get money to build a firehouse? We can't take care of the development in town, we still got the equipment in town that can't handle what's going on in this town. And God forbid if another development comes in across from Merriewold, or God forbid that Black Creek starts and then you have him up here telling you he's going to get you volunteers. Come on. Supervisor Galligan asked the board if they wished to let Mr. Kaufmann continue, Councilman Sipos responded that he is a member of the Planning Board and he wished to let him continue. Mr. Kaufmann replied that it didn't matter that he is a member of the Planning Board, he is a member of this community. I am not getting any answers back from the Town Board except that they will take it under advisement and that is not an answer. As far as I am concerned, we are not in the Town of Wallkill, we are in a town of 700 people. I want to hear why we are doing the things we are doing, because I don't want to hear down the road "well, you know, we should have done that before" because I heard that through Saint Joe's and now that I have been on the board for thirteen years, I hear it again. You had to change phase two, you had to do it, you had to do it, and now all of the people from St. Joe's are saying "maybe we shouldn't have done it" – that is because nobody wanted to look at it and everyone thought that the Planning Board was trying to prevent development. No, we were trying to prevent exactly what happened. He didn't have a plan, this Town Board didn't have a plan and everybody said let him do it. And basically what happened is it was about timing, he came in, people wanted to get on the Town Board, people wanted the votes from St. Joe's and bingo, they got it. Now people are saying, wait a minute, wait a minute, what's happening now, now that Mr. Barry is Mr. Ponzi guy that is what I am talking about. Is he going to start doing something in the next eight months to a year, no, he is not. And comments like well, at least he's not a non-profit guy, that is just beyond me. I don't care if he's non-profit or not, he does it the same way. That is the comment that was made at this Town Board meeting last month when we said he's non-profit. Isn't that what you said, John? Councilman Galligan responded that he felt this company has a good, substantial record and a long record and I am encouraging them. Mr. Kaufmann continued that he too encourages them, but he is not encouraging them to come in, get the approvals and then say "you know what, I am going to flip the property". Councilman Sipos stated that we can't stop anybody from doing that. Mr. Kaufman replied absolutely, so maybe we should take a look at it very carefully and make sure those things, that we made mistakes on once before, back in the 80's don't happen again. So we don't have a bunch of roads that the Town will have to take over, with a bunch of homes in there that are now throwing sewer out, and there is no sewer treatment, but, uh, we have a sand filter and we hope that it works. Supervisor Galligan asked if we could end this conversation. Mr. Kaufmann asked if he was on the clock. Supervisor Galligan stated that it has been more than ten minutes and we still have things to do. Mr. Kaufmann asked if he could use Mr. Hogue's time and why he was being stopped, if his name was Ben Wechsler, it would be ok for him to go on for forty five minutes. Mary Ann Toomey gave her time to Mr. Kaufmann as well, who then asked if he was being shut up. At this time, Supervisor Galligan made a motion to enter into executive session. Councilman Sipos requested that Supervisor relax and told Mr. Kaufmann to continue. Mr. Kaufmann stated that Mr. Wechsler has stood here and gone on for over forty five minutes about town history and Jim can sit there with a smirk, but when the facts come out, Jim can't sit there and he wants to shut me up. You know what, so be it.

EXECUTIVE SESSION – MOTION by Supervisor Galligan, seconded by Councilman Sipos to enter into executive session for the purpose of personnel and invite Attorney Bavoso and Highway Superintendent Hogue into said session. Vote: 5 ayes – 0 nays. Motion carried. MOTION by Supervisor Galligan, seconded by Councilman Creegan to reconvene into regular session at 9:00 p.m. Vote: 5 ayes – 0 nays. Motion carried.

ADJOURNMENT – MOTION by Councilman Sipos to adjourn at 9:01 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk