

****DRAFT****

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, March 4, 2010** 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
Michael Creegan, Councilman

Absent – William B. Sipos, Councilman

Recording
Secretary – Joanne K. Nagoda, Town Clerk

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

REPORTS –

Supervisor Galligan submitted the monthly financial report for February 2010.

Justice Carroll submitted a report justice court fees and activity for February 2010.

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

PUBLIC COMMENT –

Ben Wechsler – I just want to tell you a short story. As I remember in 1879, 1889, sorry 1789, the delegates to the continental congress, the constitutional congress passed a final vote creating the American Constitution, which still exists today, largely unchanged. The Articles of the Constitution and the ten amendments, which make up the Bill of Rights and when the vote had been taken, after two years of debate and discussion and amendments, Ben Franklin, who was one of the delegates and a leading one, left Constitution Hall and was going down the steps when he was approached by a woman who said, Dr. Franklin, what kind of a government have you given us? And Ben Franklin, who was amazingly intelligent, said a republic, Madam if you can keep it. Now I think back to those days following Valley Forge and the long war, years in which men gave their lives from the Hudson to the Delaware and the Green Mountains to keep self government actually to establish it. I can hardly think of a time in history when anybody having this hard won right to govern themselves has given it away. The rest will be up to you.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes of the February 4, 2010 Town Board meeting for review. MOTION by Councilman Raponi, seconded by Councilman Creegan to accept the minutes. Vote: 4 ayes- 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 40 – 71 in the sum of \$38,195.76 as set forth in abstract # 3 were audited for payment. MOTION by Councilman Galligan, seconded by Councilman Raponi were approved for payment. Vote: 4 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 27 – 43 in the sum of \$27,331.28 as set forth in abstract # 3 were reviewed. MOTION by Councilman Creegan, seconded by Councilman Raponi to accept highway fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 6 in the sum of \$1,083.31 as set forth in abstract # 3 were audited for payment. MOTION by Councilman Galligan, seconded by Councilman Creegan to pay escrow fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

COMMUNICATIONS – None.

UNFINISHED BUSINESS

FALLS AT BLACK CREEK – There has been no activity on this proposed project.

DOUBLE DIAMOND/LOST LAKE – We have received the second draft of the DEIS and our consultants at C.T. Male expect to have their report to us by next week. At that time, we will review it with the Planning Board and schedule a meeting for us to review the report.

BILLECI BARN – We have had some changes, and some of snow has removed part of the barn. Supervisor Galligan stated that he believed that Mr. Billeci has submitted revised plans that are signed and sealed? Mr. Billeci presented the Board preliminary plans and stated that he has never heard back from the engineer, and it was held up for a month. I will tell you what happened, the roof did fall down from the snow, but it is safer than it was before. The cables are holding, those sides are going nowhere right now. I paid \$3,500 for these plans that you have requested from me. Supervisor Galligan asked if they were signed and sealed. Mr. Billeci replied they are preliminary, this gentlemen has been very ill and has done all kinds of historic research to put my barn back the way it was originally and I think it would be a serious mistake to lose my barn. After what happened the other day, I cleaned everything up and I checked everything and those cables are holding and there is nothing that is going to let those walls fall right now. I would like to request that I will get these plans signed and I know your attorney had a cow when these plans weren't signed, but the work that has gone into this so far is immaculate and it's amazing and the historic value of that barn, I don't think we should lose things like this. Councilman Raponi asked Attorney Bavoso for his opinion, who stated that next month it will be one year since you passed a resolution to have it repaired or demolished. In that year, basically nothing has happened. We don't have plans, we have letters from our own engineer and code enforcement officer that say tear it down. I have my concern which is the liability to the Town and you individual liabilities, that is the concern I have, and for the public of course. Again, this is going to happen, that is going to happen and nothing happens, we still don't have engineered or signed plans. Mr. Billeci asked if he could meet with the Town's engineer and Rich Lorino, he hasn't been able to see either of them, they stopped me from doing the work and I could have completed something before winter. Both cables are in place and without the roof, it's much lighter now. I don't know how else to plead my case other than ask for a little more time. I will try to have these stamped, but I would really like to meet with the Town engineer. Supervisor Galligan told Mr. Billeci that if he gets those plans signed and sealed, Engineer Gottlieb will meet with him. Mr. Billeci stated that he was told to get plans and meet with Mr. Lorino and the Engineer and that never happened and that he was held up for an entire month. Supervisor Galligan stated that our concern is liability to the Town and that the engineer can't look at those plans without them being signed and sealed. Mr. Billeci stated that he will call Mr. Pfeiffer and have him stamp and sign these plans. Supervisor Galligan stated that by the next meeting you either show up with signed and sealed or plans or he will move to have the barn removed, we either have to do it or have it removed. If someone got killed, the Town is liable. Attorney Bavoso added that this past Tuesday, the Town received a letter from Engineer Gottlieb that states this morning he observed the partial collapse of the above referenced building, as per our conversations and my professional opinion, the barn is in danger of collapse and should be taken down immediately. Councilman Creegan stated that it was his opinion that no one on the board wants to see the barn come down, but we have to receive sign and sealed plans and you need to have them at least two weeks before the meeting so you can meet with the engineer and building inspector. Councilman Raponi stated that he will not support anything that hinders our ability for home rule. Councilman Galligan asked if Planning Commission Aragon could be invited to the April meeting. Matter tabled.

HIGHWAY ENERGY AUDIT/NYSERDA – Supervisor Galligan asked Superintendent Hogue if he had heard anything with regard to the audit. Superintendent Hogue stated he had not. Matter tabled.

AG DISTRICT/RIGHTTO FARM LAW – Supervisor Galligan stated that we had the public hearing last month, and the Board will be taking no action on this tonight. I met with the County several times and we may be able to just amend the right to farm law. There has been some significant movement to how towns may be involved, early

on when an application for an ag district is received. Hopefully by next month, we'll have some things worked out. Matter tabled.

TREE REMOVAL CONTRACT – We still have not received the contract for the tree removal back from the contractor. Matter tabled.

FEES AND FINES – Councilman Galligan and Councilman Sipos are working on this, since Councilman Sipos could not be here, we will take no action. Matter tabled.

FORESTBURGH CEMETERY – Supervisor Galligan introduced Joe Kenny of Van Inwegen-Kenny Funeral Home in Monticello, who has come to give us some guidance and information for the Forestburgh Cemetery. Mr. Kenny stated that he knows a little bit about cemeteries and he serves on the Board for the Sylvan Cemetery in Wurtsboro and I'm familiar with a lot of the cemeteries around. So I am familiar with records and regulations, being the secretary and treasurer down in Wurtsboro, I've been to a couple of continuing education classes, listening to Richard Fishman, who is the head of the State Division of Cemeteries. There are a lot of problems that small rural cemeteries are having with record keeping, and having funds available too. Financial stability is a big issue with the smaller cemeteries. When a cemetery would become insolvent, it would be turned over to the Township and it would become the Town's responsibility to maintain it, which usually just means, mow the grass and weed whack. It used to be that one cemetery a year would get turned over to a town, now it's like every year, twenty five cemeteries are being turned over to the Towns, which means a lot of the cemeteries are going bankrupt. It's not a good thing. I met with Bill Sipos out there, who is acting as a concerned citizen and why couldn't he and other people be buried there? Supervisor Galligan stated that we maintain it, mow the grass, cut down a dead tree, there have been the burial of some cremains there recently, my concern is what authority does the Town have to collect fees for a burial there, and I am not aware of any paperwork that pertains to that cemetery. Does anybody have any records of plots that are available or owned? Mr. Kenny replied those were his questions after meeting with Mr. Sipos, so he called the State Division of Cemeteries. The State knows nothing and has no record of a Forestburgh cemetery. This could be a good thing or a bad thing, depending upon how you look at it. It's not under the regulations of the State Division of cemeteries. There are a few options, one is that as far as the State is concerned, the Town is taking care of it and you just want to keep it that way. The Town would have to pass a resolution that the Town is going to continue to maintain it. There is a section of the cemetery that is believed to be the driveway that we could map out some graves if you wanted to make them available to the residents of the Town of Forestburgh, just set a certain price per grave and advertise it and have a sale. Any money that would be generated would be placed in an interest bearing account to be used for the maintenance of the cemetery. A lot of cemeteries, people walk in and say here is space and sell the space, which you don't want to do, because then it becomes time to dig a grave and you find something buried in it. As far as having new burials, it does open up some liability. Superintendent Hogue asked if you would have to have it surveyed and then use some sort of underground sonar/radar type of thing – they do have ground scan radar. Mr. Kenny replied he had never seen that used in a cemetery, but it could if you had access to that type of equipment. It's usually done by a metal bar probe. Of course, most cemeteries now use concrete vaults, but in those days they didn't. If there was a family member, a lot of these cemeteries, that is how it was; some family member had maps and information. Supervisor Galligan asked if the Town were interested, what would be the next thing we should do. Mr. Kenny stated that he has been reaching out to the State for guidance, based upon what they told me, if you want to keep it Town controlled, you would have to pass a resolution. Attorney Bavoso stated that we may want to see who has a deed to that property. Councilman Creegan stated he would go to the County Clerk's office and see about a copy of a deed to the property. Mr. Kenny then explained the second option, which is to pass a resolution where the Town is passing the control of the cemetery and the cemetery itself over to a new board. Which would have to be made up of three people and then it would become an incorporated cemetery. Option two does sound kind of ridiculous because the cemeteries years ago went to town control because they couldn't handle it financially and the cemetery has no money. The Division of Cemeteries is going to want to see that there are funds available for the cemetery. Just an interesting fact, there has only been one cemetery formed in the State of New York in the last fifty years and that is a green cemetery. It is costly, you want to have a nest egg and live off of the interest, which is what we are trying to do down at the Sylvan Cemetery. Supervisor Galligan opened the meeting up to those who have questions. George Billeci stated that there are stones there, but we don't know if the person buried there is that person. How would we know? Mr. Kenny stated he would not know that either, especially with older cemeteries, you have to go by the headstones, there is no map. Mr. Billeci stated that he would be interested in being on a committee if one were formed. Ben Wechsler stated that the Town Board discussed this ten years ago or so and nothing was done. But in the process, I have learned a few fragments of

information, one is that the State recognizes different classes of cemeteries. To give you an example, for profit and not for profit and has regulatory rules that are different for every one of these, and regulatory procedures. I think there must be, and I am guessing that there is a group like the New York State Cemeteries Association; you may even find two or three of those if you did a web search - I would think they may be interested in laying out the laws and the regulations for you. I had a very bad experience with the State, as you know we created a private cemetery, more recently than fifty years ago on our property at the gorge for our residents there and we wrote a letter to a New York State supervisory agency saying we want to register the cemetery how do we go about it and about a year and a half we never got an answer. We did get it done, but it is elaborate. Supervisor Galligan asked Mr. Kenny if he would research this and let us know what he finds. Supervisor Galligan thanked Mr. Kenny for coming out and sharing his time.

TAX BILL – SOLID WASTE USER FEE – Supervisor Galligan stated that he thinks the County has straightened this out finally and we have a bill for the Town Hall in the amount of \$350.00, according to the County, we are getting one bill for the Town. MOTION by Councilman Creegan, seconded by Councilman Galligan to pay the solid waste user fee in the amount of \$350.00. Vote: 4 ayes – 0 nays. Motion carried.

RETIREMENT REPORTING RESOLUTION – Supervisor Galligan explained that we have to establish a “work day” for reporting purposes into the retirement system. Then the participants and elected persons will have to complete a calendar of hours worked.

BE IT RESOLVED, that the **Town of Forestburgh Town Board** hereby establishes the following as a standard work day for elected and appointed officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work day (Hrs/day)	Term Begins/Ends	Participates in Time Keeping (Y/N)	Days/Month
Elected Officials					
Supervisor	James P. Galligan	6	1/1/09 – 12/31/11	No	22
Town Clerk	Joanne K. Nagoda	6	1/1/09 – 12/31/11	No	22
Councilman	William B. Sipos	6	1/1/09 – 12/31/13	Yes	
Councilman	Eugene D. Raponi	6	1/1/09 – 13/31/13	Yes	
Councilman	John W. Galligan	6	1/1/07 – 12/31/11	Yes	
Councilman	Michael Creegan	6	1/1/07 – 12/31/11	Yes	
Superintendent					
Of Highways	Daniel Hogue	6	1/1/09 – 12/31/11	No	22
Tax Collector	Margaret Abdo	6	1/1/09-12/31/11	No	
Town Justice	Maryjean Carroll	6	1/1/09 – 12/31/13	No	
Town Justice	Nestor Olesnycky	6	1/1/07-12/31/11	No	

MOTION by Councilman Galligan, seconded by Councilman Raponi to adopt this schedule of standard work days for elected and appointed officials for the New York State and Local Employees Retirement System. Vote: 4 ayes- 0 nays. Motion carried.

PLANNING BOARD/BOARD OF ASSESSMENT REVIEW VACANCIES – Supervisor Galligan stated that we have had a few people apply for the Board of Assessment Review position, and we should interview them before our next meeting with Assessor Griffin. Discussion was held to determine a date and time to interview the candidates. MOTION by Councilman Creegan, seconded by Councilman Raponi to meet on Thursday, April 1, 2010 at 6:00 p.m. (one hour prior to the regular board meeting) for the purpose of interviewing candidates for the Board of Assessment Review. Vote: 4 ayes- 0 nays. Motion carried.

TIME WARNER CABLE – Clerk, Joanne Nagoda explained that our contract with Cornerstone Telephone expires this month. Eric from Time Warner has spoken with Dan Hogue about changing the phones at the Town Barn to digital to go with their pre-existing cable, their cost would be the same as the cost as the Town Hall. We are unable to lump the two together. The Highway Department already has cable with Time Warner and since it is a separate location, theirs is just considered and upgrade, the Town Hall is a “new” account. Discussion was held about the fact of losing telephone when the power goes out, and with the current Town Hall system, the phones go out without electric anyway. Superintendent Hogue stated that his phone lines are of poor quality as well. Again, the cost also is affected by the length of contract you take. The total bill for each would be Three Hundred Twenty One Dollars (\$321.00), there is a 10% discount if you take one or two years, which would reduce it to \$289.00 and the discount increases to 20% if you go for 3, 4 or 5 years, which would reduce it to \$256.00. Discussion was held pertaining to length of agreement, our service with Cornerstone, and increased speed and better internet service. MOTION by Councilman Creegan, seconded by Councilman Raponi to enter into a two year agreement for services of cable, telephone and internet provided by Time Warner Cable. Vote” 4 ayes – 0 nays. Motion carried.

BARTON & LOGUIDICE CONTRACT/ZONING/SUBDIVISION REVIEW – Supervisor Galligan informed everyone that the other night we interviewed the candidates who submitted proposals for review and amend our zoning and subdivision regulations. At that meeting, we voted to hire the firm of Barton & Loguidice. Our contact for this project will be Mr. Charles Voss, who we’ve worked with before when he was with C.T. Male Associates. Barton & Loguidice work only with municipalities and we look forward to completing this project. This project is not cheap, the contract is in the amount of \$25,000, which we have budgeted for and that amount is the maximum. There is a very good possibility that we will be able to obtain a grant to offset the cost of this project. MOTION by Councilman Galligan, seconded by Councilman Creegan to authorize Supervisor Galligan to enter into contract with the firm of Barton & Loguidice for the purpose of review and revision to the zoning and subdivision regulations pending attorney approval of the written contract. Vote: 4 ayes – 0 nays. Motion carried.

NEW BUSINESS

FARMING GRANT – Supervisor Galligan stated that one thing that we are looking into with the County is there are some grants through the Ag Land Protection Program that the Town could apply for and the County is willing to assist us in filing the paperwork. This would provide money to hire professionals to look at the whole town and the agriculture possibilities to look at tree farms and fish farms and the like. It would cost nothing to the Town and I discussed this with Chuck Voss of Barton & Loguidice our consultant for the Zoning & Subdivision overhaul who agreed this would fit very well into that project as well. MOTION by Councilman Galligan, seconded by Councilman Creegan to authorize the Supervisor, in conjunction with the County Division of Planning to apply for the farming grant. Vote: 4 ayes – 0 nays. Motion carried.

RESOLUTION TO PAY CUDEBACKVILLE FIRE DISTRICT – Supervisor Galligan explained that for some reason, the Cuddebackville Fire District was never paid last year, and they never asked for their funds, so we have to pay them now. When we contacted them, they didn’t realize they hadn’t been paid last year either. We have already paid them this year’s funds, but we need a resolution to pay the funds due. MOTION by Councilman Galligan, seconded by Councilman Creegan to pay to the Cuddebackville Fire District the funds due them from 2009 tax collection. Vote: 4 ayes – 0 nays. Motion carried.

DIESEL/GASOLINE/BULK PROPANE BIDS – Superintendent Hogue stated that when he wrote the specifications last year he added a clause that the bids could be extended for up to five years if all parties agree on the price as quoted. Joanne & I called all of the vendors, which are County Petroleum and Fallsburg Gas and all are in favor of extending the agreement for one year. If the Board does not wish to put this out for bid, we can extend it for another year. MOTION by Councilman Raponi, seconded by Councilman Creegan to accept the extension of all gasoline, diesel, fuel oil and propane bids with County Petroleum and Fallsburg Gas for one year. Vote: 4 ayes – 0 nays. Motion carried.

HUMANE SOCIETY CONTRACT – This is our contract with the Port Jervis Humane Society for any dogs that our Dog Control Officer picks up. We have dealt with them for several years, we pay them \$1,500 per year. We are obligated by the Ag & Markets Law to have a contract with a humane society to take the dogs we capture. MOTION

by Councilman Galligan, seconded by Councilman Creegan to enter into contract with the Port Jervis Humane Society to kennel any dogs seized by the Dog Control Officer and pay them the annual fee of \$1,500. Vote: 4 ayes-0 nays. Motion carried.

TOWN CLERK CONFERENCE – Town Clerk, Joanne Nagoda has requested permission to attend the New York State Conference of Town Clerks at Saratoga Springs, April 25 -28, 2010. This request has already been approved and authorized by Deputy Supervisor Galligan.

SURPLUS EQUIPMENT – Again, due to our renovations and items received from the Justice Court Assistance Grant, we once again have a list of surplus equipment that needs to be declared: one small two drawer student sized desk, two ac/dc powered cassette tape recorders and one five drawer file cabinet with no lock. MOTION by Councilman Galligan, seconded by Councilman Raponi to deem the above mentioned four items surplus equipment. Vote: 4 ayes – 0 nays. Motion carried.

ORANGE & ROCKLAND – PREVAILING WAGE – Attorney Bavoso stated that Orange & Rockland Utilities is asking the municipality to support their stand on eliminating legislation to pay prevailing wages, and it is his recommendation that the board take no action on this matter. Discussion was held to determine if Orange & Rockland does or does not have to currently pay prevailing wage, our lack of information with regard to this matter. The Board decided to take no action on this matter.

COMMITTEE REPORTS

Planning Board – Next meeting on March 23 as the February meeting was snowed out.

Historian – report filed.

Building Inspector – report filed.

Seniors – Will have their first meeting in April.

Recreation – Ski program is finished for the season, thank you to Chris Cavello for overseeing that again this year.

Green Committee – No report.

Forestburgh Day – There may be a change in the date. More to follow.

COUNTY ACTIVITIES

Clean Up – Supervisor Galligan informed everyone that he attended the Supervisor's Association meeting yesterday and it appears that there will be spring clean up this year. However, there are many discrepancies between what he was told and what Superintendent Hogue was told. More information will be made available when it is received and confirmed.

Storm Information – In light of the severe storms that we just experienced, we need to make all residents aware of the fact that they MUST have their driveways plowed. Especially those who are not here full time. With the amount of downed power lines, the utilities could not access many driveways to repair downed lines because driveways were not plowed, the same goes for emergency services. Several years ago we did have a case where a cabin was destroyed by fire because the equipment could not get into fight the fire due to the driveway not being plowed.

PUBLIC COMMENT –

George Billeci – Since I am the one who found the tree removal company, I will get in touch with them to get the contracts signed and returned.

Mary Ann Toomey – I have been in touch with Peter Osborn to help get information on re-inking the log cabin.

Ed Kaufman – Has there been any information or activity on the Falls at Black Creek project? They have not been before the Planning Board in quite some time. Supervisor Galligan replied that the Town Board, like the Planning Board has heard nothing from the developer. Rumor has it that they are looking for a new entrance on Route 42.

AJOURNMENT – Motion by Councilman Galligan to adjourn at 8:15 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk