

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

The Town of Forestburgh Town Board held its regular monthly meeting on **Thursday, April 1, 2010** at the Town Hall.

Supervisor Galligan called the meeting 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 Creegan, Councilman

Absent – None.

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – William D. Bavoso, Attorney for the Town
David Bavoso, Associate Attorney for the Town
Dan Hogue, Highway Superintendent

EXECUTIVE SESSION – MOTION by Councilman Sipos, seconded by Councilman Galligan to enter into executive session for the purpose of interviewing candidates for the vacancy of the Board of Assessment Review. Vote: 5 ayes- 0 nays. Motion carried.

MOTION by Councilman Raponi, seconded by Councilman Creegan to reconvene into regular session at 7:00 p.m. Vote: 5 ayes – 0 nays. Motion carried.

REPORTS –

Supervisor Galligan submitted the monthly financial report for March 2010.

Justice Carroll submitted a report of justice court fees and activities for March 2010.

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

PUBLIC COMMENT – None.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes for the special meeting held on March 2, 2010 for the purpose of interviewing candidates to review and edit the zoning and subdivision regulations and the regular Town Board meeting of March 4, 2010. MOTION by Councilman Sipos, seconded by Councilman Raponi to accept the minutes of the March 2, 2010 meeting. Vote: 5 ayes- 0 nays. Motion carried. MOTION by Councilman Creegan, seconded by Councilman Galligan to accept the minutes of the March 4, 2010 meeting after removing a sentence from the Billeci Barn paragraph that was out of context. Vote: 4 ayes – 0 nays. Councilman Sipos abstained due to his absence at that meeting. Motion carried.

GENERAL FUND VOUCHERS - # 72 – 95 in the sum of \$ 8,135.43 as set forth in abstract # 4 were audited for payment. MOTION by Councilman Galligan, seconded by Councilman Sipos to approve general fund vouchers for payment. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 44 – 60 in the sum of \$35,049.78 as set forth in abstract # 4 were reviewed. MOTION by Councilman Sipos, seconded by Councilman Raponi to accept highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 7 – 9 in the sum of \$ 9,417.83 as set forth in abstract # 4 were audited for payment. MOTION by Councilman Sipos, seconded by Councilman Galligan to approved escrow fund vouchers for payment. Vote: 5 ayes – 0 nays. Motion carried.

COMMUNICATIONS –

Joanne Nagoda received a read a letter from Sabina Toomey that was sent to the Forestburgh Fire Commissioners to establish a disaster plan for the community in light of the severe weather and storms we have suffered. She stated that the fire house should become the center of our town and community life, and have fund raisers to help defray the costs of the community center in the event of severe weather and natural disasters.

A letter was read from Mary Ryan Buchholz, District Clerk for the Monticello Central School District requesting the use of our voting machine and the Town Hall for the school district budget vote on May 18, 2010 as well as voter registration on Tuesday, May 11, 2010 from 4:00 to 8:00 p.m. MOTION by Councilman Galligan, seconded by Councilman Raponi to permit the use of the town hall and voting machine to the school district. Vote: 5 ayes – 0 nays. Motion carried.

Lastly, a letter was received from Mr. & Mrs. Sherman Kimmons of Monticello requesting the use of the Town Hall on Saturday, August 7, 2010 for a 25th wedding celebration. They will provide a certificate of insurance for the date, and are aware of the necessary deposit and no alcohol on the premises. MOTION by Councilman Sipos, seconded by Councilman Creegan to permit the Kimmons to rent the town hall on August 7, 2010. Vote: 5 ayes- 0 nays. Motion carried.

UNFINISHED BUSINESS

THE FALLS AT BLACK CREEK – Supervisor Galligan stated that he has tried to get in touch with the principals of the project, Mr. Lamm is in Israel and the project manager, Mr. Samuelson is in Florida, however they will have a representative here for next month’s meeting. They are having difficulties and have re-do the entrance into their development, Tannery Road is not working for them. They need more room than they are able acquire. They are re-designing their entrance and we’ll have more information next month.

DOUBLE DIAMOND/LOST LAKE – Supervisor Galligan informed everyone that we have received all of our information from our consultants. We need to set a meeting date for a joint meeting with the Planning Board to review the DEIS and the comments from the DEC on the project. MOTION by Councilman Galligan, seconded by Councilman Sipos to hold a joint Town Board/Planning Board meeting on Tuesday, April 6, 2010 at 7:00 p.m. to review the DEIS on the Lost Lake project. Vote: 5 ayes- 0 nays. Motion carried.

BILLECI BARN – Supervisor Galligan stated that there has been conversation with Mr. Billeci and a few Board members , they are going to work together along with Code Enforcement Officer Lorino to finish this project and bring it to a full resolution.

AG DISTRICT – RIGHT TO FARM LAW REPEAL – Supervisor Galligan stated that we will not be taking any action on this tonight. There have been several discussions with Commissioner Aragon of the Planning Department and a few of the Board members, I think by next month, we will be able to resolve this matter. Matter tabled.

TREE REMOVAL CONTRACT – On January 11, 2010 Attorney Bavoso sent modified contracts to On Time Landscaping for signing, we have not heard a word or received the signed contracts back. The contract had been modified to extend the date to remove the tree until May 31, 2010. MOTION by Councilman Sipos, seconded by Councilman Raponi to rescind the existing, unsigned contract with On Time Landscaping for removing the tree in the Forestburgh Cemetery. Vote: 5 ayes- 0 nays. Motion carried. MOTION by Councilman Galligan, seconded by Councilman Sipos to authorize Highway Superintendent Hogue to hire a tree removal company not to exceed Two Thousand Five Hundred (\$2,500.00) Dollars. Vote: 5 ayes- 0 nays. Motion carried.

FEES AND FINES – The Town of Deerpark is reviewing their fees and fines and this is a copy of their current fee/fine schedule for review by the committee. Matter tabled.

FORESTBURGH CEMETERY – Councilman Creegan stated that he has been researching the Town’s ownership of the Forestburgh Cemetery and finds nothing indicating that the Town actually owns the cemetery. Attorney Bavoso stated that by now, we, being the Town have a claim, by adverse possession. We have been maintaining it for years. To establish a chain of title, do a quit claim deed from me to the Town and that will establish the title and get it on the tax rolls, it will be exempt, but it will get it on the tax rolls. Councilman Galligan also stated that he checked as well and there is no deed to the cemetery. For years, when it was part of a thousand acres, there was always that acre exempted out for a burial ground according to the records on file in the County, and it’s been that way forever. Matter tabled.

RETIREMENT REPORTING RESOLUTION – When this resolution was adopted last month, we omitted putting a number of days worked per month for reporting purposes. We have averaged it out and came up with four days per month. We need a motion to ratify the resolution that was adopted last month. MOTION by Councilman Raponi, seconded by Councilman Sipos to ratify the retirement reporting resolution to read that the number of days worked per month by elected officials will be four (4) days per month. Vote: 5 ayes – 0 nays. Motion carried.

PLANNING BOARD & BOARD OF ASSESSMENT REVIEW VACANCIES – Tonight we interviewed two candidates for the Board of Assessment Review. There is still one more candidate who was unavailable tonight and we will interview that person next week. Matter tabled.

ZONING/SUBDIVISION REGULATION COMMITTEE – We need to put together a committee to work on the zoning and subdivision regulations. It has been suggested that the entire Town Board work on this and have a few members from the Planning Board and Zoning Board of Appeals. In fact we already have some recommendations and possibly even a person or two from the public. Matter tabled.

NEW BUSINESS

CLEAN UP WEEK – Superintendent Hogue stated that the County has established a cleanup week, they have cut the Town’s tonnage allotment in half from what it used to be. We are no allowed fifteen tons “free” of tipping fees. However, any refuse brought in must be taken to Ferndale Transfer Station for exportation. It would be impracticable and expensive for us to do curbside pickup. However, we will have cleanup from Friday, April 30 through Monday, May 9th which is a full week and two weekends where residents can bring their items to the Town Barn and we will unload and sort it. I will contract with a hauler for dumpsters. There would be the expense of overtime, especially on Sunday which is double time. MOTION by Councilman Creegan, seconded by Councilman Galligan to enter into and accept the County agreement for cleanup week. Vote: 5 ayes – 0 nays. Motion carried.

ARC CONTRACT – ARC is our cleaning contract for the Town Hall. There is no increase in the fee, the contract is the same as last year with no changes. MOTION by Councilman Sipos, seconded by Councilman Galligan to renew our contract with ARC/Sullivan Industries for cleaning of the Town Hall. Vote: 5 ayes – 0 nays. Motion carried.

PHOTOCOPIER QUOTES – Joanne Nagoda informed the Board that the photocopier upstairs is slowing dying, it was purchased in 1994 and has over 300,000 copies on it. Kristt will still give us a trade in of \$150.00 on the unit. There are quotes for three different machines, the first two are only black and white, the third unit is a color copier. The second unit is faster, unit number 3 has the option of being hooked into every computer in the building and print straight from them. While number 3 is the most expensive, it has the lowest per print price, which is where you incur your cost over time. Discussion was held with regard to how much color printing we do, cost per copy, The Board requested that Joanne and Tara go look at the machines and come back with a recommendation. Matter tabled.

TAX EXEMPT LETTER – The Monticello School District is requesting that we make this letter available to all residents via our website and that the Board support this letter with regard to tax exempt properties and their effect on the school district. The Town of Bethel has already accepted and posted this and it is expected that Mamakating will follow at their next meeting. It is not yet known if this has been to the Town of Thompson. They would like the residents to print it from the website and mail it in to the legislators, the assembly and the senators. The letter was read and the general consensus of the board was that the language was not strong enough and they would like it to reflect more from the viewpoint of the Town than the school district. MOTION by Councilman Sipos, seconded by

Councilman Raponi to have Supervisor Galligan re-write the letter with stronger language and make available on the website to the public. Vote: 5 ayes- 0 nays. Motion carried.

TRAFFIC TICKET ATTORNEY – Judge Olesnycky had a discussion with Supervisor Galligan where last week he had ten speeding tickets, four of which were issued and prosecuted by the Sheriff’s Department, the balance were issued by the State Police and the troopers, due to cut backs are not permitted to prosecute them, nor will the District Attorney’s office. The remaining tickets were all dismissed. The Judge is concerned because some of these people had driving records that possibly should have lost their license. It is his suggestion that we hire an attorney solely for the purpose of prosecuting traffic tickets. The board discussed the number of tickets being dismissed, the cost of an attorney to the loss of funds by dismissed tickets. The board does not want the Town to have the reputation that it is just fine to speed through Forestburgh because the tickets are all dismissed. Attorney Bavoso will send us the name of the attorney hired by the City of Port Jervis and the Town of Wawayanda for the sole purpose of prosecuting traffic tickets. The Supervisor will review the number of tickets dismissed and do a cost analysis and report back to the board. Matter tabled.

BALANCE 2009 BUDGET TRANSFER OF FUNDS – In order for the Town to close its books for 2009, we have to bring the account lines to a zero balance for both the General Fund and Highway Fund.

General Fund Transfers for 2009

Transfer From:	Transfer To:	Amount
A1620.40 Contractual Town Hall	A1110.102 Justice Court Equipment	\$1,627.32
A1430.10 Personnel P/S	A1320.40 Independent Accountant	\$2,062.50
A1470.40 Records Mgt. Contractual	A1340.10 Personnel Budget Officer	\$0.12
A1470.40 Records Mgt. Contractual	A1355.10 Personnel Town Assessor	\$144.00
A1470.40 Records Mgt. Contractual	A1356.10 Personnel Assessor Clerk	\$0.04
A1470.40 Records Mgt. Contractual	A1410.10 Personnel Town Clerk	\$0.02
A7510.20 Equipment Historian	A1410.40 Contractual Town Clerk	\$473.41
A1620.40 Contractual Town Hall	A1420.40 Town Attorney	\$1,408.38
A1680.20 Data Processing Equipment	A1430.40 Personnel Contractual	\$944.70
A1650.40 Central Communications	A1431.11 Office Clerk	\$4,357.73
A1620.40 Contractual Town Hall	A1989.40 Office Expense	\$4,706.34
A8160.40 Cleanup Contractual	A3310.40 Traffic Control Contractual	\$769.45
A1470.40 Records Mgt. Contractual	A3510.10 Personnel Dog Control Officer	\$0.04
A1470.40 Records Mgt. Contractual	A3620.10 Personnel Code Enforcement	\$0.04
A1110.11 Justice Court Clerk	A3620.40 Contractual Safety/CEO	\$1,605.95
A1220.40 Contractual Supervisor	A5010.40 Contractual Highway Admin.	\$251.46
A1470.40 Records Mgt. Contractual	A6772.10 Senior Nutrition	\$225.25
A7510.40 Contractual Historian	A7510.10 Personnel Historian	\$163.00
A8160.40 Cleanup Contractual	A7620.40 Adult Recreation	\$625.45
A1620.20 Equipment Town Hall	A9030.80 Social Security Medicare	\$850.53

MOTION by Councilman Galligan, seconded by Councilman Sipos to authorize the transfer of funds within the General Fund for 2009. Vote: 5 ayes- 0 nays. Motion carried.

Highway Fund Transfers for 2009

Transfer From:	Transfer To:	Amount
DA5142.40 Total Snow Removal	DA5110.10 Maintenance of Roads	\$6,712.89
DA5140.40 Miscellaneous Brush & Weeds	DA5120.40 Bridges Contractual	\$4,113.01
DA5142.40 Total Snow Removal	DA5130.10 Personnel Services	\$1,909.97
DA5130.40 Machinery Contractual	DA5142.10 Snow Removal P/S	\$7,483.48
	DA5148.10 Serv.to other Gov't.	
DA5112.20 Perm. Improv. Equipment	Personnel	\$3,357.08

DA5142.40 Total Snow Removal	DA9030.80 Social Security	\$1,799.73
	**DA5130.20 Machinery Equipment	\$82,541.00

**purchase paid off and closed 2010 by BAN

MOTION by Councilman Sipos, seconded by Councilman Galligan to authorize the transfer of funds within the Highway Fund for the year 2009. Vote: 5 ayes – 0 nays. Motion carried.

DERRICK FRENCH RESOLUTION –Supervisor Galligan stated that today in the paper listed the unfortunate and untimely passing of Derrick French who was employed by the Town in its summer program for the past two years. The Board wishes to express its sympathy and condolences to the French family and offers the following resolution:

RESOLUTION OF THE TOWN BOARD
TOWN OF FORESTBURGH
SULLIVAN COUNTY, NEW YORK

BE IT RESOLVED, that the Town Board of the Town of Forestburgh wishes to note the passing of Derrick French, a young man of sixteen years of age who was employed by the Town of Forestburgh in its summer program. Derrick was a counselor in training for the Town of Forestburgh and was an excellent employee and a young man of high character and integrity. The Town Board wishes to express its sympathy and regret to Derrick’s parents and to express their concern for the French family.

BE IT SO RESOLVED, that this resolution be read into the minutes of the Town Board meeting held on April, 1, 2010 and a copy of said resolution be sent to the family of Derrick French.

MOTION by Councilman Galligan, seconded by Councilman Raponi to adopt said resolution and present a copy to the family of Derrick French. Vote: 5 ayes – 0 nays. Motion carried.

COMMITTEE REPORTS

- Planning Board – I think everyone knows what the Planning Board has been busy working on, we’ll have more information next month.
- Historian – Report filed.
- Building Inspector – Report filed.
- Seniors – Meet this month.
- Recreation – Starting to prepare for the summer program.
- Green Committee – No report.
- Forestburgh Day – No report.

PUBLIC COMMENT –

Vince Mancuso – The last two planning board meetings the issue of the sewer reading for Lake Joseph have been discussed. Joanne Nagoda informed Mr. Mancuso that Mr. Chin provided the Town with correct full reports for January and February yesterday. She further explained that the letter that was sent also requested a copy of the SPEDEs permit and was told you have it, check your files. Mr. Mancuso provided a copy of the current spedes permit, which is about to expire. Mr. Mancuso asked who exactly is supposed to get these reports, his information is that the DEC doesn’t want them. This matter needs to be reviewed and clarified by Attorney Plotsky.

George Billeci – When you were discussing the traffic tickets, it occurred to me that we don’t even have a police officer in town. Is that a volunteer position or do you have to raise the budget. I don’t know what it would take, but I have been robbed several times and an officer would stop your problem with the speeding tickets. I know it would cost a billion dollars, but I am just putting it out there for discussion. Supervisor Galligan stated that the Town Board is confident that we do not need a police department or constabulary, with that comes a lot of expenses, liability, training and the Sheriff’s Department and State Police do an excellent job.

EXECUTIVE SESSION – MOTION by Councilman Sipos, seconded by Councilman Creegan to enter into executive session for the purpose of the collective bargaining agreement between the Town and the Highway employees and how it relates to a specific employee with regard to leave and benefits, and further invite Attorney Bavoso, Highway Superintendent Hogue and Shop Steward, George Baran into executive session. Vote: 5 ayes- 0 nays. Motion carried.

MOTION by Councilman Sipos, seconded by Councilman Creegan to reconvene into regular session. Vote: 5 ayes - 0 nays. Motion carried.

MOTION by Councilman Sipos, seconded by Councilman Creegan to authorize Attorney Bavoso to write to Mr. Hummel, an employee of the Town of Forestburgh Highway Department, setting forth his rights and obligations under the existing collective bargaining agreement with regard to this medical and other benefits. Vote: 5 ayes- 0 nays. Motion carried.

ADJOURNMENT –MOTION by Councilman Sipos to adjourn at 8:13 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk