

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, April 7, 2011** at the Town Hall.

Supervisor Galligan called the meeting to order at 5:00 p.m. in the Town Hall.

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
Dan Hogue, Jr., Highway Superintendent
Tim Gottlieb, Gottlieb Engineering – Town Engineer
Susan Hawvermale, Planning Board Chair

Supervisor Galligan stated we are here early tonight to do the final review of the Final Environmental Impact Statement (FEIS) submitted by Double Diamond for the Lost Lake project. Everyone has received it and read it, does anyone have any comments?

Councilman Raponi stated that he has concerns and comments and e-mailed them to everyone. Councilman Sipos asked when they were e-mailed and Councilman Raponi responded this afternoon. All members of the board, with the exception of Councilman Creegan stated they had not read their e-mail prior to being here at five o'clock. Councilman Creegan stated that the comments that were received are basically on the findings statement, not the completeness of the FEIS. Supervisor Galligan stated we are not even discussing the findings statement tonight, only the completeness of FEIS. Attorney Bavoso stated that he has spoken with John Munsey and he has not even picked up the findings statement to look at yet. If you agree to adopt the resolution of completeness tonight, that triggers the ten day period when people can still comment and that we have to distribute the FEIS according to the regulations. At the end of that ten day period, then we will start looking at that findings statement. The preliminary one that you have is fifty two pages. That, and ultimately the PDD designation is basically going to establish what you expect the site plan to look like. And what you expect the Planning Board to look at only, to limit what the Planning Board will look at and what you have already determined. You are going to have two more documents to approve and we have to look at continuing the public hearing on the PDD. It has been awhile. Attorney Bavoso asked Tim Gottlieb if he remembered. Supervisor Galligan recommends having a meeting prior to our next Town Board meeting to review and discuss the findings statement.

Discussion was held on road inventory and asset management, like the Town Barn building and other buildings owned by the Town. Superintendent Hogue stated our insurance carrier inspects them every few years and road inventories are done and filed with both the County and the State every year.

At this time there were no further comments from any parties present and the meeting was recessed until 6:00 p.m. to review the vouchers.

Supervisor Galligan called the meeting to order at 7:10 p.m.

REPORTS –

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

Justice Olesnycky submitted a report of court fees and activity for February 2011. Justice Carroll submitted justice court reports for February and March 2011.

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

PUBLIC COMMENT –

Mary Ann Toomey – What is the \$1,200 bill from Forgatch? Superintendent Hogue answered it is an electronic door opener for the one bay at the barn. It had to be replaced.

MINUTES - Town Clerk, Joanne Nagoda submitted minutes of the February 3 Public Hearing and the regular monthly meeting of March 3 and the Special meeting on March 16. MOTION by Councilman Sipos, seconded by Councilman Galligan to accept the minutes of February 3. Vote: 5 ayes – 0 nays. Motion carried. MOTION by Councilman Sipos, seconded by Councilman Creegan to accept both sets of minutes from the March meetings. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 67 – 90 in the sum of \$11,207.62 as set forth in abstract # 4 were audited for payment. MOTION by Councilman Galligan, seconded by Councilman Creegan to pay general fund vouchers. Vote: 5 ayes- 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 39 – 64 in the sum of \$ \$47,370.57 as set forth in abstract # 4 were reviewed. MOTION by Councilman Raponi, seconded by Councilman Sipos to accept the highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 9 – 13 in the sum of \$10,873.16as set forth in abstract # 4 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 –

From Chuck Vassallo, Summer Program Director – I am just ringing the bell regarding the requested increase to the summer camp budget for this coming year’s program. I know this matter was tabled for the April meeting and I am hopeful the Town Board will grant the modest increase to the budget to increase the salary for the counselors and increase the salary for the lifeguards. I am looking to build ample staff for the upcoming season and the increases would help in the longevity. It should be noted that the request does not increase the salary for the director, this salary has remained at the same level for the last two summers and it will remain the same for the coming summer. The asked how much of an increase Mr. Vassallo is looking for. Joanne stated he is looking for \$450.00 for the Counselors in training (which is \$150.00 per counselor) and third year lifeguards to receive \$1.00 an hour more. Councilman Sipos questioned how many hours do the lifeguards average? I want a tighter dollar amount on that. Councilman Galligan asked how much are we paying them now? Joanne replied she thought we are paying them \$12.00 or \$12.50 per hour and the head lifeguard is probably at 30 -35 hours per week, since they are usually the one that teaches water safety instruction. Supervisor Galligan stated we can discuss this later, it is on the agenda.

Second, is a letter from Mary Ryan Bucholz, District Clerk for the Monticello Central School District. They are requesting the use of the Town Hall and the voting machine for the annual school budget election on May 17, 2011. Further they request the use of the Town Hall for voter registration on Tuesday, May 10, 2011 from 4:00 – 8:00 p.m., the school board election and budget vote will be held from 8:00 a.m. to 8:00 p.m. on the 17th. MOTION by Councilman Galligan, seconded by Councilman Sipos to approve the Town Hall usage by the Monticello Central School District for voter registration and election on the dates specified. Vote: 5 ayes – 0 nays. Motion carried. Supervisor Galligan stated that the schools have been granted permission to continue to use the old lever machines until 2012, it is his recommendation that the machine be donated to the school district if that is legally possible. MOTION by Councilman Galligan, seconded by Councilman Sipos to deem the voting machine surplus equipment and no longer necessary for any municipal purpose within Forestburgh. Vote: 5 ayes – 0 nays. Motion carried.

UNFINISHED BUSINESS

DOUBLE DIAMOND/LOST LAKE – Supervisor Galligan stated that we have met and had lots of discussion on this, I would accept a motion to accept the resolution, that I ask our clerk to read:

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

WHEREAS, the Town Board of the Town of Forestburgh, County of Sullivan, scheduled a meeting on the 7th day of April, 2011 at 5:00 p.m. to review the proposal of Double Diamond, Inc. for the LOST LAKE RESORT; and

WHEREAS, the Town Board has been serving as Lead Agency for the environmental review of the proposed Lost Lake Resort project, and has previously required the preparation of an environmental impact statement; and

WHEREAS, the Town Board met for the purpose of performing a completeness review of the Final Environmental Impact Statement (FEIS) for the project; and

WHEREAS, the Town Board previously met on February 3rd, March 3rd and March 16th to review the FEIS, and as a result of the Town Board's comments at those meetings and the comments of the Town's consultants the FEIS was duly revised; and

WHEREAS, the Town Board received the revised Final Environmental Impact Statement on March 16, 2011 and has since received the comment of its Planning Consultant, C.T. Male, the Town Engineer and others, that the FEIS as last revised March 21, 2011, has addressed all prior comments and is ready for acceptance;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Board accepts as complete the FEIS for the Lost Lake Resort project proposed by Double Diamond, Inc. and that the Town Board hereby authorized the filing of same in accordance with the requirements of 6 NYCRR Part 617.

Dated: April 7, 2011

MOVED: Councilman Galligan
SECONDED: Councilman Sipos
Councilman Raponi voting aye;
Councilman Galligan voting aye;
Councilman Sipos voting aye;
Councilman Creegan voting aye;
Supervisor Galligan voting aye;

Motion carried.

Supervisor Galligan then asked if our Attorney would explain what our next steps in this process are. Attorney Bavoso stated the following:

1. The notice of the Town Board's acceptance of the final FEIS will be distributed to the entities enumerated on the second page of said Notice and the FEIS will be posted on the Tim Miller website. The website link is www.timmillerassociates.com/publicreview/lostlake.

2. There is a ten day period of time for individuals or entities to send the Town Board comments regarding the accepted FEIS.

3. The Town Board will now begin considering the Findings Statement regarding the FEIS and the environmental review process which, when adopted, will close out SEQRA.

4. The Findings Statement will discuss how the applicant must address the impacts noted in the FEIS. Particularly, the document will address what remediation measures or actions the applicant must take regarding those impacts.

5. The Town Board will need to review the status of the proposed PDD designation application which requests changing of the zoning on the Lost Lake parcel from RR-1 to PDD. The public hearing on that issue needs to be reconvened and/or a new public hearing scheduled.

6. After the public hearing on the PDD issue, the Board must make a PDD determination. This determination will specify what modifications the Town Board requires in the site plan that the applicant has submitted for review. The Town Board will then delegate further review and approval of the final site plan to the Planning Board with specific instructions as to the scope of the review.

7. The Planning Board's review must be consistent with the PDD determination/approval made by the Town Board.

8. The Planning Board will make a final approval of the site plan after its review. After the applicant has received final site plan approval as well as all required federal, state and local permits and approvals, the applicant will be in a position to proceed with the development.

Supervisor Galligan stated that we now have to send this to all of the other agencies/parties and await their responses, if any. Councilman Raponi requested that these steps be outlined in the newsletter for the public to read. We have already received a draft of the findings statement and I believe we should have a special meeting to review the finding statement thus far. Supervisor Galligan stated he would entertain a motion for a special meeting. MOTION by Councilman Sipos, seconded by Councilman Creegan to hold a special meeting on Wednesday, April 20, 2011 at 6:00 p.m. in the Town Hall to review the draft findings statement on the Lost Lake project proposal, and anything else that may come before the Board. Vote: 5 ayes – 0 nays. Motion carried.

TAX COLLECTOR ELECTION – Supervisor Galligan stated that everyone should know the election will be held here at the Town Hall on Tuesday, May 3, 2011 from 12:00 noon until 9:00 p.m., the application for absentee ballots has been in the newsletter. The County Board of Elections are handling the absentee ballots for us.

ZONING COMMITTEE UPDATE – Supervisor Galligan suggests that the Board thank the committee that worked very hard on creating this, Chuck Voss created a summary of everything they did, I think we should start reviewing it and adopting it or changing it as we find it necessary. MOTION by Councilman Galligan, seconded by Councilman Raponi to have Supervisor Galligan write a letter thanking the zoning committee for their hard work and add the review of this to the agenda for the April 20, 2011 meeting. Vote: 5 ayes – 0 nays. Motion carried.

LOCAL LAW # 2 OF 2011 – Supervisor Galligan stated that we just had the public hearing on this, does anyone have any further comments? MOTION by Councilman Creegan, seconded by Councilman Sipos to adopt Local Law # 2 of 2011 granting authority to the Planning Board to grant waivers.

Councilman Raponi voting aye;
Councilman Galligan voting aye;
Councilman Sipos voting aye;
Councilman Creegan voting aye;
Supervisor Galligan voting aye.

Motion carried.

LOCAL LAW # 3 OF 2011 – MOTION by Councilman Galligan, seconded by Councilman Raponi to adopt Local Law # 3 of 2011 correcting the language with regard to the Zoning Board of Appeals variance being valid.

Councilman Raponi voting aye;
Councilman Galligan voting aye;
Councilman Sipos voting aye;

Councilman Creegan voting aye;
Supervisor Galligan voting aye.

Motion carried.

WORKPLACE VIOLENCE POLICY – The Department of Labor has informed us that we need to adopt a workplace violence policy and we are currently in violation for not having one in place. The tentative policy was distributed to you previously. MOTION by Councilman Sipos, seconded by Councilman Galligan to adopt the workplace violence policy as written. Vote: 5 ayes – 0 nays. Motion carried.

TOWN JUSTICE VACANCY – It is the feeling of the Board that we will have more discussion on this in May. We have a justice who resigned and there has been discussion about replacing him or do we want to continue with two justices or reduce it to one. Councilman Galligan stated that if we eliminate the office, we will be the only town in the County to go to one justice. Matter tabled.

NEW BUSINESS

RECREATION STAFF FUNDING REQUEST – We received the letter from Chuck Vassallo requesting the increase for his staff. Supervisor Galligan is confident that we can find the money for his request. Councilman Galligan asked how much is budget is now. Joanne responded that his payroll line for the pool is \$1,000.00 and under personnel for youth recreation the only amount listed is his salary, which is \$5,000, their contractual line, where basically everyone is paid out of is \$8,000.00 but that is for the entire youth program, including the ski program. That is a total of \$13,000 for youth recreation. Councilman Galligan asked if we used all of those funds last year. Supervisor Galligan replied that we were close, but we didn't go over budget. Councilman Creegan suggested that we find out how much was left in the budget last year and how many hours we are looking at for the lifeguards over the season and then we will know where we stand and can take it from there. Supervisor Galligan stated that he would get the numbers and have them for the next meeting. Ed Kaufmann asked if the full budget for youth recreation is \$13,000 including the ski program, how many kids participate and take advantage of that? Supervisor Galligan responded about 45 – not all 45 participated every day, I would say we average about 30 per day. Matter tabled.

OLD TOWN HALL REPAIRS - Last year we looked into repairing the old town hall and have a contract, which is not yet signed, our Town Historian has done a diligent job and is in the process of getting the old Town Hall on the historic registry. The request is on its way to Washington and we don't know when we are going to get an answer on that, probably this summer. Our current contract with the contractor is for \$18,500.00, we asked the contractor to wait until spring, and now he is back, so do we want to move forward with this? Attorney Bavoso stated that no contract has ever been signed and you would need a resolution authorizing the Supervisor to execute the contract. Councilman Sipos asked if the roof is leaking yet, Ms. Toomey replied she has not been in it yet this spring. Councilman Sipos once again reiterated his concerns about the condition of the roof. Councilman Raponi stated that we have been doing this for a long time and we need to go ahead and do this. Councilman Galligan stated if he had his way, they would disassemble it and move it down here next to the log cabin, he just can't see that we leave it there and what are we going to do with it. Councilman Raponi stated that we don't have much history in this town and what we do have, I would like to preserve it. MOTION by Councilman Raponi to move ahead and authorize the Supervisor to sign the contract for repairs to the old Town Hall. There was no second to this motion. Councilman Sipos suggests holding off until we look at the roof. Councilman Raponi stated sign the contract, let the man start and if the roof is leaking, we'll fix the roof. Mr. Kelly, the contractor stated that he can give a quote on the roof, he has to tear the chimney down anyway and do a repair there where the inside chimney goes through the roof. If I have to shingle that spot, I can do the whole thing while we are there. He further asked if he could attend the inspection and bring a ladder and see how bad it is. Councilman Raponi withdrew his motion and the matter is tabled.

SPRING CLEAN UP – Superintendent Hogue stated that the County is offering spring clean up this year, it will be same as last year, items will have to be brought to the highway department, I have scheduled it for May 2 through May 8, 2011 which is a Monday through a Sunday, the hours are until 5 or 6 o'clock during the week and about 6 hours on the weekends. I have sent all of the information in for the next newsletter. All of the regulations remain the same, no tires, no items with Freon, such as refrigerators or air conditioners, no electronic scrap or hazardous waste, no recyclables. MOTION by Councilman Sipos, seconded by Councilman Creegan to authorize Supervisor Galligan

to sign the contract with the County Division of Solid Waste and hold clean up week from May 2 through May 8, 2011. Vote: 5 ayes – 0 nays. Motion carried.

DOG ENUMERATION – Clerk, Joanne Nagoda stated that last week 414 pieces of dog census (enumeration) were mailed out to all residents of the town. \$1,000 has been budgeted for this for the past two years, letters were mailed with postage paid return post cards at a cost of \$298.00 and so far response has been very good.

JUSTICE COURT GRANT – This is actually Judge Olesnycky’s “parting gift” as he has done all of the work on obtaining this grant, we have been awarded \$7,000 to install air conditioning in the downstairs court room/meeting room. We only have 180 days to spend the funds and we have already received the funds. MOTION by Councilman Raponi, seconded by Councilman Sipos to authorize Engineer Joseph Gottlieb to draw up the specifications for the air conditioners. Vote: 5 ayes – 0 nays. Motion carried.

COMMITTEE REPORTS

Planning Board – Chair Susan Hawvermale stated that the fifty lot cut off for the PDD regulation should be lowered. The Planning Board has not discussed this, but in order for the Town to have more input on smaller projects, and fifty lots could be fifty houses, if we reduced it to twenty five or thirty, then it would have be a PDD. It would give the Town Board and the Planning Board more input on smaller projects and it would leave more open space for smaller projects. Fifty houses, if it is going to be fifty houses, is quite a number of houses and where did the fifty number come from. Supervisor Galligan replied that anything more than fifty lots, the Board of Health must get involved in, which is why the regulation is written for forty nine lots. It’s just something to think about, the Planning Board will discuss it at their meeting later this month.

Historian – Report filed, however, on the old Town Hall, Forestburgh is the only Town in the County that does not have a site on the historic registry, and now that we have a deed on the Forestburgh Cemetery, since the first grave goes back to 1811, I’d like to start working on that to have it declared a historical site. There is no cost to do this. Councilman Raponi asked if she would include the cemetery on McCormick Road.

Building Inspector – Report filed.

Seniors – First meeting of 2011 will be held on Monday.

Green Committee – They should look into solar powered street lights. Councilman Raponi stated he would like to once again look into replacing the fluorescent light fixtures in the Town Hall. Superintendent Hogue stated that the Town of Lumberland, with the construction of their new highway garage, had Orange & Rockland come in and do an energy survey, they changed their lights out and O&R picked up 75% of the cost.

Forestburgh Day – Meets on Monday, we have the Rausch Bros. Band, and the yard sale, and the chicken barbecue as well as a dunk tank and games for the kids. More details will be coming in the newsletter.

PUBLIC COMMENT

Stuart Salenger – Where are we on the cell tower? Supervisor Galligan replied they are applying for their building permit tomorrow, and they will get that and they should be working within a few weeks. Mr. Salenger further stated that one of his fellow board members for the Partnership for Economic Development, Allan Scott was here earlier, we had a meeting earlier and the Partnership had no idea about Lost Lake, they were all quite concerned. Supervisor Galligan stated that he had a discussion months ago with Mr. Scott, and I have had discussions with Lost Lake and they say they don’t want anything. This project has been in the paper and all over, and they don’t want any breaks, they don’t want any tax breaks, they just want approval. Mr. Salenger continued that the next issue comes up, we volunteer our time on the Partnership for Economic Development, we want to have broadband across the whole county, and we contacted Time Warner Cable and they have been trying to get in touch with Lost Lake, and we have people in our own town who can only use satellite, and Time Warner had no idea a project of that size was coming here, and maybe we can convince Time Warner to do the whole town. Verizon is not going to do it, they have told us this already. Lastly, what is the status with the property on Cold Spring Road? Councilman Galligan stated that he

has noticed that the vehicles have almost all been removed, there was only one or two there tonight and they have been notified. Mr. Salenger asked if we, the taxpayers will be responsible for the cleanup of that property and the hatchery. Supervisor Galligan replied that the property is owned by the State of New York, and we will do whatever we have to do to make them do their job, but it will not be the Town cleaning it up.

Nick Kass – There was a meeting today of the Veteran’s Committee of the County Legislature and at that meeting was a discussion about an item that has been discussed here, about the veterans organization coming into the gorge and having fishing rights. The discussion got pretty heated and one of the advocates of this came out and said there was a possibility of having housing for the homeless there. Now I charge every member of this Board to protect us and make sure that everything is done to make sure this doesn’t occur, because everybody in Forestburgh, their house would be worthless. Councilman Raponi stated he was at the same meeting and somebody did make that suggestion, but I don’t think it went anywhere. It was stated that there is one building on the property and there wasn’t going to be any more than one building on the property.

Ed Kaufmann – I am assuming with the approval and acceptance of the FEIS tonight, that you have accept Tim Miller’s latest report, I think it would behoove the board to put this on the website. Supervisor Galligan replied they have to put it on there and they said they would. Mr. Kaufmann added that we should update the tag on our website saying that this is the updated and approved version.

Dan Hogue, Sr. – Is that the house where Ronnie Herbert is living? Councilman Galligan replied yes. Mr. Hogue asked if you said it was owned by the State? How did he get in? Councilman Galligan stated that the property was leased out to Jon Wallach and until recently he had control of the property. Supervisor Galligan responded that the property is now fully owned by the DEC.

Ed Kaufmann – A number of years ago we had a big discussion about vehicles that were not licensed, and they had to be covered with a tarp and it seems like we have gotten very lax about that. Especially the business across from the Country Store, it has become a real eyesore. I know that the Town Board was lax about allowing that to continue, but every month there is more and more garbage and cars and it’s right across the street from the Veteran’s Triangle, and Memorial Day is coming up and it will be embarrassing to have people down here for that and have to see that. Supervisor Galligan stated that Mr. Kaufmann is right about the vehicles, we have regulations. Mr. Kaufmann continued that this has gone on all fall and winter and now we are going to have people here at the triangle for services and I don’t think this Board is making an impact on what’s going on here. If you go the other way, down towards Merriewold Park, it’s the same thing. You can ride Route 42 and there are plenty of violations and I think it’s time that this Board, to get people, like the Code Enforcement Officer, who you just gave a five thousand dollar raise to, to start doing something.

Stuart Salenger – I don’t know if anybody knows, but the Forestburgh Store is now up for sale, but I just want to let you know.

Mary Ann Toomey – Are we going to ask the Boy Scouts for \$1,000 again? Supervisor and Councilman Galligan both replied yes, we always ask. Councilman Galligan stated that the one in Oakland Valley used to give \$1,000 for years, and that he used to go up and collect it. He thinks we should pursue it again.

Attorney Bavoso – Getting back to the final environmental impact statement and Lost Lake, the regulations do require that a notice of adoption and the resolution of completeness be delivered to, and there are twenty eight different agencies listed on the notice. It also requires that the FEIS be put on a website and it will be put on [www.timmillerasociates.com/public review/LostLake](http://www.timmillerasociates.com/public%20review/LostLake) this is right in the notice that will be sent out to all twenty eight groups listed.

Ed Kaufmann – I have a question, maybe for Bill Bavoso, when the finding statements are put together, I am assuming they are put together by Tim Miller Associates in conjunction with the Town Board. Attorney Bavoso replied yes, the initial draft, which is about a fifty two page document has been sent to the Town Board and our consultant by Tim Miller. When that is all complete and accepted, will that document be attached to everything else and then sent to the Planning Board? Attorney Bavoso replied yes, and I will see that I have the draft scanned and sent to the Planning Board right now.

Dan Hogue, Sr. - I have a question on this dog thing, how many went out four hundred and something, what was the postage on that? Joanne replied that four hundred fourteen pieces were mailed, a forty four cent stamp on each envelope and a post card with twenty eight cents returned postage. Mr. Hogue continued that he sat here in meetings in December and January and everyone was crying poverty, nobody could get this or do that and I have been pretty regular about coming to the meetings and the board seems to be spending more money and more money and more money, did we hit the lottery or what happened here? In January nobody got a raise, and now I hear that somebody got a five thousand dollar raise, what's going on? Ed Kaufmann added the increase was to the Building Inspector's salary. Councilman Sipos asked Clerk Nagoda to look if we gave the Code Enforcement Officer a raise, it would be in the budget. Joanne replied I can tell you what he's getting now, but I don't have last year's budget with me to see what he received then. Councilman Sipos stated that he doesn't think he got a raise. Ed Kaufmann replied that there are lot of facts and figures that are not being told to this public.

EXECUTIVE SESSION – MOTION by Councilman Galligan, seconded by Councilman Creegan to enter into executive session to discuss personnel in the Supervisors Office and invite Attorney Bavoso to attend the executive session. Vote: 5 ayes – 0 nays. Motion carried. MOTION by Councilman Galligan, seconded by Supervisor Galligan to reconvene to regular session. Vote: 5 ayes – 0 nays. Motion carried.

ADJOURNMENT – MOTION by Councilman Galligan to adjourn at 8:22 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk