

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

The Town of Forestburgh Town Board held its regular monthly meeting on **Thursday, May 6, 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
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, Highway Superintendent

REPORTS –

Supervisor Galligan submitted the monthly financial report for April 2010.

Justices Carroll & Olesnycky submitted a report of justice court fees and activity for April 2010.

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

PUBLIC COMMENT – None.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes for the April 1, 2010 and the joint Town Board Planning Board meeting on April 6, 2010. **MOTION** by Councilman Galligan, seconded by Councilman Sipos to accept both sets of minutes. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 96 – 129 in the sum of \$7,011.45 as set forth in abstract # 5 were audited for payment. **MOTION** by Councilman Sipos, seconded by Councilman Galligan to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 61 – 92 in the sum of \$16,853.19 as set forth in abstract # 5 were reviewed. **MOTION** by Councilman Galligan, seconded by Councilman Raponi to accept the highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 10 – 12 in the sum of \$9,044.86 as set forth in abstract # 5 were audited for payment. **MOTION** by Councilman Sipos, seconded by Councilman Creegan to pay escrow fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

COMMUNICATIONS –

Joanne Nagoda read a note of thanks from Ron & Eileen Geysen thanking the Town for nominating them for the Pride of Sullivan Award. They were honored to be the recipient of the award.

A letter was read from the Sullivan County Farm Bureau. They have been following the recent controversy over the possible repeal of your Right To Farm law with great interest. It is very disheartening to say the least, that you are even considering this because of a few folks displeasure with the issue. Agricultural enterprises make up a very large

portion of our County's economy, and a potential repeal of the right to farm law sends a very strong signal that agriculture is not an important issue, to you, as part of that economy. Over the past several years, we have been experiencing an influx of people who wish to start small scale agricultural operations. They range from fruits and vegetables, to grass fed beef and poultry, to u-pick berry farm's. For you to repeal this law would send a very strong message to these people and others considering the same, that they are not welcome here. For these reasons, we would ask that you not repeal the right to farm law in your Town, Thank you for your time and consideration on this matter. Sincerely, Wilfred Hughson, Chairman of the Sullivan County Farm Bureau.

A letter was also received from Mr. & Mrs. Carl Amaditz of Black Brook Drive: A short note of appreciation to Highway Superintendent Dan Hogue and the men in his department for the excellent job they did in cleaning up our road after the winter season. In front of our house, large areas of turf had been turned over along the shoulder by the snow plow, since the ground was still soft at the time of the first snowfall of the season. A few weeks ago, the Highway Department removed all of this stripped turf from our lawn and put it back along the shoulder, thus saving us a lot of back breaking work. We just wanted to make you aware, since this was quite a pleasant surprise. Our thanks to the Highway Department for a job well done.

Lastly, two years ago when John Cassidy, Jr. left for Antarctica we gave him a Town of Forestburgh flag to fly over their base. Not only did John go and come back, but returned to Antarctic with his sister, Danielle as firefighters, Danielle has presented to the Town a certificate stating that our flag has flown at the base in McMurdo Station Antarctica with a photo of Danielle with the flag being flown. With the board's approval, I would like to have this framed and hung in the Town Hall. The board unanimously agreed to display this certificate and photo.

UNFINISHED BUSINESS

THE FALLS AT BLACK CREEK – Supervisor Galligan stated that we have received a letter from Scott Samuelson the project coordinator for Black Creek. Mr. Samuelson states that their plans to use Tannery Road as the primary entrance for this project cannot be realized. As many times as they have tried to negotiate the purchase of approximately ten feet of roadway, they have been unsuccessful in coming to an agreement with their neighbors. As a result, they need to redesign the entrance to the development along their alternate Route 42 entrance. Given the historic weakness in the second home market, they have focused primarily on prime market assets for the time being. However, they have scheduled the redesign of the entrance to be given to their planners, engineers and architects starting in June. They have every intention of proceeding with the Falls at Black Creek project and appreciate the patience of the Town as they watch market conditions and their inability to strike a deal with their neighbors at virtually any price. They are pleased with the relationship that they have enjoyed with the Town Board and Planning Board in the past few years and look forward to continuing that relationship as they move ahead with this project. They believe that they will create a community of which we will all be proud and one that is a superb addition to the already spectacular landscape that is the Town of Forestburgh. Mr. Samuelson goes on to offer any questions or concerns, please do not hesitate to contact him. Copies of this correspondence will be forwarded to the Planning Board.

DOUBLE DIAMOND/LOST LAKE – As everyone knows, we have received the second draft of the Draft Environmental Impact Statement (DEIS) and held a meeting to review it. At that time the document was not deemed to be complete. Additional information has since been provided to our consultant for their review and consideration. This material will be reviewed and comments to us by the 13th of the month. We must schedule a joint meeting with the Town Board and the Planning Board and our consultants to review the additional information. Discussion was held with regard to Town Hall availability and scheduling conflicts. MOTION by Councilman Galligan, seconded by Councilman Raponi to hold a joint Town Board/Planning Board meeting to review additional information on the Lost Lake project for Wednesday, May 19, 2010 at 7:00 p.m. in the Town Hall. Vote: 5 ayes – 0 nays. Motion carried.

AG DISTRICT/REPEAL RIGHT TO FARM LAW – Supervisor Galligan stated that there have been a few meetings and discussions with Commissioner Aragon and myself and our attorneys, we are still moving forward on this and are not ready to take any action at this time. Matter tabled.

CEMETERY TREE REMOVAL – Highway Superintendent Dan Hogue is still trying to find someone to remove the tree. Matter tabled.

FEES AND FINES – Councilmen Galligan and Sipos have been reviewing our fees and fines and it is recommended that we leave well enough alone, our fees are adequate and in this economy, we see no reason to change the fees.

FORESTBURGH CEMETERY – Historian Mary Ann Toomey has been researching this and the name of William Hartwell keeps coming up, he was here in 1820 – meaning that his family was here before that, he owned 978 acres at the four corners and he had a mill there. There are six Hartwell’s buried in the cemetery, there are three revolutionary soldiers that I don’t know if we are aware of . Before Forestburgh was created, we got several hundred acres from Mamakating, which I would assume to be Oakland Valley and that area. The rest came out of the Town of Thompson – Forestburgh was formed in 1837 – the first grave in this cemetery is 1812, the second is March 1, 1815 and there are two in 1833. There are unmarked graves, there are fieldstones, some are down. Being that the Hartwell family was here before 1820 and the Town was formed in 1837, I have to assume that if there are any records on the cemetery would be in Thompson. Councilman Galligan stated in his research, he kept coming across paperwork stating the Hartwell’s were “excepting” an acre or two for a burial ground but he could never find deeds. Attorney Bavoso has done some research on a quit claim deed to the property, Councilman Galligan stated that it should come from those who own the property surrounding the cemetery, being the Benzien’s. Attorney Bavoso and the historian will do some further research. Matter tabled.

PLANNING BOARD VACANCY – Supervisor Galligan recommends that interviews be scheduled before the next meeting. Councilman Galligan stated that he felt things are ok and to leave it be. Matter tabled.

ZONING & SUBDIVISION COMMITTEE – We have hired Chuck Voss of Barton & Loguidice to address our zoning and subdivision regulation. We need to put a committee into place. You should have all received a letter from him with regard to this. Discussion was held on who should be on the committee, having the entire Town Board on the committee, the open meetings law, the Town Board having the final decision and public hearings. Discussion was held about exactly who should make up the committee. Matter tabled until May 19th.

PHOTOCOPIER QUOTES – Joanne went and researched the three copiers in contention. We can remove the first one from the selection, because it just cannot handle the amount of work produced in this building. The other two machines are identical, except for one is color and one is not. This is up to the Board to decide, however, I will tell you that the Assessor’s office has just received quotes for a separate color printer for that department in the amount of \$500.00 – should the Board opt to spend the money on the color machine, you would be able to save money from each department purchasing their own unit since the new one will be networked to all computers in the building. Discussion was held on cost per print, length of warranty and networking the system. MOTION by Councilman Galligan, seconded by Councilman Sipos to purchase the color copier/scanner, from Kristt Company, provided the warranty will be extended to six months. Vote: 5 ayes – 0 nays. Motion carried.

TAX EXEMPT LETTER – MONTICELLO CENTRAL SCHOOL DISTRICT – Supervisor Galligan provided the board with a copy of the letter that was presented by the school district for tax exempt properties that he had re-written for placement on the website. All board members reviewed the letter and agreed to place it on the website for the public to access.

TRAFFIC TICKET ATTORNEY/PROSECUTION - The judges are researching how many tickets we process and the bookkeeper is gathering the amount of income generated from the tickets for us to see how much is generated and if we can/should hire a prosecutor. Matter tabled.

FARM PRESERVATION GRANT – Previously we had passed a resolution authorizing the Supervisor to research and apply for a grant for Farm Preservation which may also help us pay for our zoning regulations. The application specifies that we fund \$1,667.00 dollars toward the project and adopt the following resolution to submit the application.

RESOLUTION AUTHOURIZING THE TOWN OF FORESTBURGH TOWN BOARD TO SUPPORT AND SUBMIT A GRANT APPLICATION TO THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR THE DEVELOPMENT OF A MUNICIPAL AGRICULTURAL AND FARMLAND PROTECTION PLAN

WHEREAS, the NYS Department of Agriculture and Markets has recently announced a funding opportunity for municipalities to create local Agricultural and Farmland Protection plans; and

WHEREAS, interested and contiguous municipalities may be eligible for and apply jointly for funding of up to \$25,000 for the cost of the plan development; and

WHEREAS, the Town of Forestburgh realizes the importance of protecting the local farmland in Sullivan County, and the importance of a protection plan across Town boundaries; and

WHEREAS, the lead applicant for this grant submission and administration will be the Town of Forestburgh; and

WHEREAS, the Town of Forestburgh commits up to \$1,667 as cash match from the general fund for the development of a municipal Agricultural and Farmland Protection Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Forestburgh does hereby authorize the submission of a grant request through the NYS Department of Agriculture and Markets for funding to develop a Municipal Agricultural and Farmland Protection Plan by the Town of Forestburgh.

MOTION by Councilman Galligan, seconded by Councilman Sipos to adopt the Farm Preservation Grant resolution to apply for the grant. Vote: 5 ayes- 0 nays. Motion carried.

NEW BUSINESS

JUSTICE COURT – CHANGE OF HOURS – Effective May 1, 2010, Monday night Justice Court with Judge Carroll has been changed from 6:00 p.m. to 5:30 p.m.

OLD TOWN HALL – INFESTATION – Recently our exterminator was at the old Town Hall and has discovered that the building is infested with squirrels and mice. They have chewed through the soffit above the door, chewed through the walls and are making a mess and destroying the building. Supervisor Galligan outlined our options, one is to tear it down, which nobody wants to do. Two is to fix it – the exterminator estimates \$2,000 just to patch it and not really fix anything. To fix everything, including the foundation they estimate \$6,000 – we are awaiting their proposals in writing. The third option, and this was discussed many years ago, which is moving the old Town Hall here to this site. Supervisor Galligan appointed Mary Ann Toomey, Councilman Galligan, Councilman Raponi and Mr. Richard Gibney to explore the options of the old Town Hall and report back to the board in June. Matter tabled.

SENIOR CITIZEN OF THE YEAR 2010 – Supervisor Galligan announced that Elaine Alenky is the Senior of the Year for Forestburgh 2010, unfortunately she could not be here this evening but we have prepared a resolution:

FORESTBURGH RSVP SENIOR CITIZEN OF THE YEAR 2010

WHEREAS, Elaine Alenky is a longtime resident of the Town of Forestburgh; and

WHEREAS, Elaine Alenky is the mother of two sons and the grandmother of three grandchildren; and

WHEREAS, Elaine Alenky served the community by serving countless hours with the Forestburgh Community Club, the Forestburgh Fire Company Ladies Auxiliary and the Forestburgh Nutrition Site; and

WHEREAS, Elaine Alenky is an active member of the Forestburgh Senior Citizens Club; and,

BE IT RESOLVED, that on the 6th day of May, 2010, Elaine Alenky be, and is hereby presented the Senior Citizen of the Year Award by the Town Board of the Town of Forestburgh; and

BE IT FURTHER RESOLVED, that a copy of this resolution be officially entered and become part of the minutes of the Town of Forestburgh.

MOTION by Councilman Galligan, seconded by Councilman Sipos to award the senior citizen of the year award to Elaine Alenky. Vote: 5 ayes – 0 nays. Motion carried.

LAKE JOSEPH DAM – Councilman Sipos stated that before there was an adjournment, he would like to bring up the issue of the Lake Joseph Dam. Based upon the dam report that we received from the DEC, there is seepage, undesirable growth, deterioration, cracking, movement and misalignment. According to these wonderful pictures, what are we going to do about this? The minutes of the Planning Board from March 23, 2010 make mention to the dam for two things, the first is who is responsible for it and two, what happens if it does break? What do we tell the residents downstream? What are we going to do about this? Supervisor Galligan replied that right now, it is a DEC issue, the Town has no enforcement. Discussion was held about dam reports for other bodies of water in town, Councilman Galligan stated that this report reads plans must be received by the DEC before August 19, 2014 – so obviously they are not too concerned. Attorney Bavoso stated that right now it sits on private property and it's in the DEC's jurisdiction. Councilman Sipos asked who is responsible for it if the dam breaks. Attorney Bavoso replied the property owner.

COMMITTEE REPORTS –

Planning Board – No report.

Historian – Written report filed and more research is being done on the Hartwell's and the cemetery.

Building Inspector – Report filed.

Seniors – RSVP Luncheon at the Villa Roma on Monday, May 10 at 12:00 noon. Club meeting on the 17th at 1:00.

Recreation – They are starting to work on the summer program and the pool.

Green Committee – No report

Forestburgh Day – No report.

PUBLIC COMMENT –

Nick Kass – I just want to call everyone's attention to an article that appeared in the River Reporter for the week of March 11 – 17, 2010. Under the heading of crazy coyote's - "Now hear this, all you coyote-hating people. It's been reported that the neighbor's dog, who was off its own property and caught "red handed" on the alpaca farm, was not responsible for the attack on the herd. I haven't heard anything else lately, so I'll assume that the remainder of Stuart Salenger's alpaca herd is alive and well since that determination was made. Not once in any article I have read on this subject did it state who the wildlife biologist was who made a determination that the coyotes in New York State now kill for fun. There was a wildlife biologist called in, right? Must be those coyotes are keeping themselves on a short leash now. Or could it be that someone has finally tied them up: Maybe they watched from the tree line when the neighbor's innocent dog got shot, and are now staying away so they won't be further blamed for the unfortunate alpaca massacre. We can't call it the great coyote feast because apparently that day they weren't hungry, just killing for fun. Last I knew, coyotes kill for food. Unless, of course, they all had rabies at the same time (unlikely) or were attacked trained coyotes. Then I would be wrong. Otherwise, I ain't believein' all of this coyote killing stuff. Or maybe, just maybe, that pack of coyotes isn't around anymore, because they all did die from rabies" Fawn Schneider, Nuisance Wildlife Control Operator, Eldred, NY – Ms. Schneider is the animal control officer for the Town of Lumberland, now, our Town's animal control officer, Mr. Burger issued a report that was erroneous, now was this a mistake or was this an error or was it Mr. Burger's negligence or was it an attempt to distort the facts? The truth is the distortion was deliberate and felony prosecution could be instituted against Mr. Burger or anyone who improperly tried to influence him or his report. The person who enabled these dogs to be brought into New York State and Forestburgh, has admitted during pre-trial proceedings that was the dogs, one of which was shot that attacked the alpaca's. These court proceedings will continue, in the meantime, I believe the Town of Forestburgh better look carefully at its animal control position, because this erroneous report could have resulted in these dogs killing other people.

Mary Ann Toomey – Going back to the dam, I went to the property auction at the Lodge and someone showed me a letter, I don't remember, that was signed by one of the upper echelons at the DEC, stating that whoever bought Lake Joseph, bought the dam. And the auctioneer had to explain everything, now at the Planning Board meeting Susan talked to some woman, I don't remember her name, but they do have \$150,000 in an escrow account that was set up by Phil Barry's attorney, they think. They are not sure, and they think there may be another \$250,000 in escrow but they are not sure. You're not going to find much of an engineer for \$100,000 and I don't know how far \$250,000 will go, but I do know that when I belonged to the boating club in Fallsburg, we had a couple of hundred thousand

dollars put away and they had one hundred members, and when the DEC made them replace the dam with a spillway it cost every member another \$50,000. Lake Joseph doesn't have 100 members and in comparison, the lakes are similar.

Carol Travis – This gentlemen that was here from Double Diamond and talking about drilling the extra wells, and I just wondered is there someone to oversee or watches to see if this will effect adjoining properties, it's the same water table, how will it affect those people who are adjacent to your property?

John Grohol (Lost Lake Project) – Everybody was notified and there is a certain regulation that you have to pump test people's wells in a certain mile radius. Letters were sent out and there was only one well that was very close and it was close to a low producing well which wasn't worth testing. The DEC sets the protocol for the testing. The only well in the radius was Mr. Salengers.

Stuart Salenger - I had a meeting earlier today with Tim McCausland, who is the head of the Sullivan Partnership for Economic Development, and I was very concerned about something I heard, and hear me out, as a property owner and taxpayer in this town and county, in regard to the Eden Brook Hatchery , it is now closed and they had a life tenancy from the DEC, they now get trout from other sources. This is from the partnership because they had applied for some loans. I am very concerned about the clean up down there being a lifetime membership of (inaudible) fly fishing, a very strong group that has been around for a long time, there is a very serious garbage problem, I don't think the taxpayers of this town and the county, need to be aware, especially with the condition of the State, the Wallach's have basically abandoned the situation. They should be held accountable for the cleanup. It's been on our watch, I've been here since 2004, everybody in this town has been here a long time and that garbage doesn't just go in the perimeters of that hatchery, it goes deep in the woods, this has been verified and I think our town attorney should bring it to the attention, I know it's the DEC, but I don't think we should be paying our taxes on this if they are not going to be held accountable on this. Supervisor Galligan replied that we would look into it. Mr. Salenger told him he has to look into it for the taxpayers in the Town and the County. I don't think the county should be held accountable if it was on the watch of Forestburgh. This was going on, and I think that a lot of people here in this room today have been down inside the gorge and seen it over the years. And I know that the State has information from over a year ago. Willie Janeway was here, I was present on Election Day and he made a statement of you "use it or lose it". Theodore Gordon has looked at this project to possibly restore it, if the State grants it. But we should not be responsible for the clean up that is going on of this garbage dump. Carol Travis asked where the garbage came from. Mr. Salenger replied this garbage came out of, and it has been documented already, it came out of Mr. Wallach's store, there are refrigerators, there are packing cartons, they have been turned into the ground and everyone is concerned that it will pollute the Neversink. I brought this up to the Town more than a few years ago, and now we may get stuck if we don't act while the Wallach's are (inaudible) abandon it. This was said by the head of the Partnership for Economic Development. Supervisor Galligan stated that he would call Tim McCausland. Mr. Salenger implored him to and further stated that Mr. McCausland made this statement, I'm concerned that we are not going to be helped by the DEC, and guarantee the taxpayers of this town and of the county, that because of our government watch down there and there are several people who have been involved that we will get our taxes raised because of this issue.

ADJOURNMENT – MOTION by Councilman Galligan to adjourn at 8:10 p.m.

Respectfully submitted,

Joanne K. Nagoda
Town Clerk