

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, June 2, 2011** in the Town Hall.

Supervisor Galligan called the meeting to order at 7:40 p.m.

Roll Call: Present – James P. Galligan, Supervisor
Eugene D. Raponi, Councilman
John W. Galligan, Councilman
William B. Sipos, Councilman
Michael Cregan, Councilman

Absent – None.

Recording
Secretary – Joanne K. Nagoda, Town Clerk

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

REPORTS –

Supervisor Galligan submitted the monthly financial report for May, 2011.

Justice Carroll submitted the monthly report of justice court fines and activity for April 2011.

Town Clerk, Joanne Nagoda submitted a monthly report of clerk fees and activity for May 2011.

PUBLIC COMMENT –

Liz O'Dell – On your expenditures you just list an invoice number and that doesn't tell me what was purchased. Can you put an explanation on paper or do I have to come to the six o'clock meeting to find out what was purchased? Supervisor Galligan replied that we meet a six and spend an hour reviewing the bills; they are all right here if you want to see them. I will see if they can add that information.

Dan Hogue, Sr. – For the Town Justice, I would just like to say again that I think we have a sufficient number of justices with one.

Spencer Cutler – Do you have a set on the cell tower construction? Supervisor Galligan replied no, that is a matter between the cell tower company and the fire district. We have nothing to do with that other than they were issued their building permit. The fire commissioners meet the second Tuesday of the month at the fire house and you are welcome to attend their meetings.

Roger O'Dell – Has anybody mentioned the radio frequency on the cell towers? Supervisor Galligan stated that we have no idea, he is sure it is in their plans, but we have nothing. Mr. O'Dell then questioned if the pods at the top of the tower are square or triangular? The response was that it is a monopole construction and we believe that the pods at the top are triangular.

Richard Feller – With regard to Lost Lake, this is more of a follow up from the last meeting on the water supply sand the affluent discharge into the Bushkill Creek. I was unaware that the speaker at the last meeting was the consultant for the Town, I was shocked by the response that I got to my concerns about the wells of the residents on Cold Spring Road, I had requested that in some way there be some guarantees that the developer would mitigate any potential problems that homeowners on Cold Spring Road might have, particularly those of us who have had our wells monitored. The answer was that it is mitigated in this section and the word referenced was "will". I looked into

this and the answer is “will” dependent upon some nexus or connection between an issue with our wells and Lost Lake being the cause of it. We don’t have maps of water like we have maps of roads and being a homeowner for me to hire a hydrologist, an engineer and possibly an attorney, to fight Lost Lake and prove to them any degradation of my water supply was caused by them. It would be so cost prohibitive that it causes the mitigation to be rendered moot. At that point, I would be wiser to spend my money to just drill another well, because if I sued Lost Lake and lost, I would still have to drill a well myself, and if I won, I would still be out the money and perhaps they would have to do that, as far as drilling the wells. What I would request, at a minimum, and it’s some of the language in the PDD law, and it has to do with protecting the Town from PDDs and developments, and specifically, the issue is this: is the tests that were done, done during a high water time of year, as well as the monitoring of all wells as well as low water time of year. Sometime in August, when we are in a dry spell, they need to do another pumping at the same flow rate that they did before or whatever the DEC mandates, and monitor the wells at the same time. We are talking two months or so before we get to that period, and then you will have comparative data that you can make decisions on and protect the Town. Without that information, you are leaving the residents on Cold Spring Road to suffer themselves on the water supply. So I would like to ask the Town Board to consider that when they are dealing with Lost Lake and the water supply. My main concern right now is my water supply.

Bill Mullery – Hartwood Club is downstream from this development and you have the power with the money from the developer, to hire a tester and have them start testing the water that leaves that property, and the quality of that water, right now. It can be somebody local, somebody that can get to the spot where it can be tested, and take it to a local testing laboratory. It should be tested now to get a” before” reading, but it should be tested through all of the construction and the fertilization of the golf course, which really surrounds the stream and the swamp, and all of the fertilizer that is put on that golf course to grow the grass. All of which is not only detrimental to you and me, but including everybody downstream, including the fishing pond, through the dammed lake, through the Bushkill and on into the Neversink. It could poison the Neversink if somebody isn’t watching out for it. In a situation like this, where the developer is planning such an intense development on a small piece of ground, with lots of buildings and golf courses and lots going on, it’s imperative to start testing now while it’s pure and then carry it through.

Roger O’Dell – I don’t have any problems with the water, but I want to speak to the two gentlemen who just spoke of their water, being with the gas companies that want to come in here and drill. They come in and drill and test and the test that they do is only ten or fifteen dollars, but the good test that you need is over a thousand dollars.

Dana Scott – I was just wondering, one question is Double Diamond going to own that sewage treatment plant? Will they be liable for anything that goes wrong? Supervisor Galligan replied yes. Mr. Scott continued that he does not think that this is a good idea at all. The density is way out of kilter. If I said I wanted to build on a third of an acre, everyone would be yelling but they want to do it and everyone is yelling “yippee”, he doesn’t have two thousand acres, after wetlands, he’s only got about fifteen hundred, and he’s building to the max. It’s not a green development; it’s green only where the grass is green. I don’t want to say I am a tree hugger, everybody has a right to build on their property, I just think he should have gone by the law and we shouldn’t be changing our laws to suit him. I don’t see any benefit to Forestburgh. It is forever going to damage the Bushkill stream. The jobs they produce are minimum wage, at best. That might benefit some high school kids, there is going to be light pollution from all of their lights. This project could be ten or fifteen years out, and our children’s children may still be dealing with this. These poor people live right there, they are going to live with construction noise all the time. They are going to warm up the Bushkill so no trout will live or spawn there. This big lodge they are planning on building, I hear that is five years out, if this Mecca they are building fails, we are going to end up with a big development and residential housing drains the economy. Residential housing is not a tax base, only commercial is. You make money on forested land and agricultural land. At best we will break even, we’re polluting the streams, and we’re not getting any jobs, everything that makes you say it’s a good deal, is not there. I would just like them to hear “no” one time and see if that “good old boy” attitude goes out the window.

Ivan Orisek – I would like to say for the record, what this gentleman so nicely summarized, is that these are all comments that were made by the Planning Board at one time or another.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes of the special meeting held on April 20, 2011 for review. **MOTION** by Councilman Sipos, seconded by Councilman Creegan to accept the minutes of the April 20, 2011 meeting. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - #118 – 140 in the sum of \$6,254.03 as set forth in abstract # 6 were audited for payment. MOTION by Councilman Galligan, seconded by Councilman Raponi to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 85 – 103 in the sum of \$ 15,726.81 as set forth in abstract # 6 were reviewed. MOTION by Councilman Sipos, seconded by Councilman Creegan to accept highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 17 in the sum of \$1,725.00 as set forth in abstract # 6 were reviewed. MOTION by Councilman Creegan, seconded by Councilman Galligan to pay escrow fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

COMMUNICATIONS –

Town Clerk, Joanne Nagoda read a letter from the Town of Forestburgh Democratic Club requesting that the Town Board eliminate the vacant justice position. They cite low case load, expense, layoffs within the State of New York court personnel, and the merger of justice court between the Village of Liberty and the Town of Liberty. They urge the Town Board to eliminate the position as was done with Tax Collector to save money.

Additionally, Joanne received two letters of resignation, one from Richard Katzman as a member of the Planning Board and Scott Russell as traffic prosecutor.

UNFINISHED BUSINESS

DOUBLE DIAMOND/LOST LAKE – No discussion or comment.

ZONING REVIEW – CONTRACT RENEWAL – Supervisor Galligan reminded the Board that last month Chuck Voss of Barton & Loguidice who worked on our zoning review submitted a contract renewal to finish the updates to the zoning law. Supervisor Galligan asked the board if they had made a decision or recommendation on this matter. MOTION by Councilman Galligan, seconded by Councilman Sipos to not extend or renew the zoning review contract with Barton & Loguidice. Vote: 4 ayes – 1 nay. Motion carried.

TOWN JUSTICE VACANCY – Supervisor Galligan stated that the question is, are we going to keep two justices or eliminate the vacant justice position. We have run out of time and must make a decision tonight because if we leave it vacant and someone wants to run for the position in November, the parties need time to field candidates. Discussion was held on the current justice’s feelings on the vacancy, the case load and matters of recusal. MOTION by Councilman Galligan, seconded by Councilman Raponi to leave the justice position vacant and continue with two Town Justices. Vote: 5 ayes – 0 nays. Motion carried.

OLD TOWN HALL REPAIRS – Supervisor Galligan stated there is good news for the old Town Hall. Mary Ann Toomey, Historian requested that the Town Clerk read the letter from the New York State Office of Parks, Recreation and Historic Preservation, they are please to inform us that the above reference property (Old Town Hall located on County Route 48/Hartwood Road) on May 11, 2011 was listed on the National Registry of Historic Places. The listing of these properties recognizes the importance of history to this country and provides them with a measure of protection. Properties owned by municipalities and not for profit organizations are eligible to apply for State Historic Preservation matching grants. Supervisor Galligan stated that this is the first building in Forestburgh deemed historic. Mary Ann stated that we have to purchase a plaque, they do not supply one, also she has the name of a person to assist her with writing a grant for the repairs, but she needs a dollar amount.

JUSTICE COURT GRANT – AIR CONDITIONING – We received a \$7,000 grant from the Office of Court Administration for air conditioning and we asked for quotes of which we received one from the three that were requested. The quote received from Heckman Refrigeration in Port Jervis in the amount of \$7,430.00. MOTION by Councilman Raponi, seconded by Councilman Sipos to authorize the Supervisor to sign a contract awarding the job to Heckman Refrigeration for the installation of two air conditioning units for the justice court and the judge’s chambers. Vote: 5 ayes – 0 nays. Motion carried.

SENIOR OF THE YEAR – DON ELLIOTT – Supervisor Galligan stated that this award is given in May, however Mr. Elliott was not available at that time. Tonight we congratulate and present the Town of Forestburgh Senior Citizen of the Year award to Mr. Donald Elliott. Mr. Elliott thanked the Town Board.

BUILDING DEPARTMENT – CELL TOWER FEES – Code Enforcement Office Rich Lorino sent the Board a letter requesting the review of our fees for cell towers in May. Supervisor Galligan asked the board if they had any thoughts on this matter. Matter tabled.

AGRICULTURAL DISTRICT – Supervisor Galligan announced that the County will hold a public hearing for property being considered for agricultural district designation on Thursday, June 16, 2011 at 1:30 p.m. in the Government Center in Monticello for any interested parties.

LOCAL LAW # 3 – AMENDING THE PDD LAW – Supervisor Galligan reiterated that the Board cannot take any action on this tonight, as we are awaiting the 239 review from the County Planning Department. Matter tabled.

NEW BUSINESS

BOARD OF ASSESSMENT REVIEW SALARIES – Supervisor Galligan stated that last year when we set everyone’s salary, we missed this one, and we have two options. People who work on an hourly basis receive \$11.00 per hour now and we pay the Planning Board \$50.00 per meeting and the Zoning Board \$40.00 per meeting. MOTION by Councilman Galligan, seconded by Councilman Sipos to pay all boards, Planning, Zoning and Board of Assessment Review \$50.00 per meeting. Vote: 5 ayes – 0 nays. Motion carried.

JUSTICE COURT PROSECUTOR – Earlier tonight we received the resignation of Scott Russell, Esq. as prosecutor for vehicle and traffic matters. We have received a letter of interest from Nicole Rieber, Esq. who expressed an interest in the position. MOTION by Councilman Galligan, seconded by Councilman Creegan to authorize Attorney Bavoso to enter into an agreement with Ms. Nicole Rieber for vehicle and traffic prosecution matters. Vote: 5 ayes – 0 nays. Motion carried.

POOL SHED – CHLORINE CROCKS – Superintendent Hogue stated that Wechsler was here and opened the pool. A few years ago, we moved the chlorine crocks outside into a plastic garbage shed because the chlorine ruined the floor in the pool shed. We currently have two fifty gallon crocks. Wechsler would like to do away with the two smaller crocks and replace it with a larger, 160 gallon crock in place to cut down on delivery. The larger crock will not fit in the shed that we have and a new shed is estimated at three to six hundred dollars. Discussion was held on the number of deliveries received, the cost and board decided to take no action and utilize what we have.

LAWN MAINTENANCE SALARY – Supervisor Galligan stated that we have two people who mow everything now with their own equipment we need to set a salary for them to do that. MOTION by Councilman Galligan, seconded by Councilman Sipos to pay all mowing employees \$15.00 per hour. Vote: 5 ayes – 0 nays. Motion carried.

REPORTS –

Planning Board – We read their letter during the public hearing.

Historian – Report filed.

Building Inspector – Report filed.

Seniors – Going to Woodloch Pines on Sunday, the 12th.

Green Committee – No report.

Forestburgh Day – August 20th – next committee meeting on June 20th at 7:00 p.m.

PUBLIC COMMENT –

Kathrine Barnhart – The agenda says Codification of Code pending zoning and subdivision, what is that? Supervisor Galligan replied that we are trying to get the zoning review completed to finish that. Ms. Barnhart asked if we could get something online. Joanne explained that the entire code was overhauled approximately ten to fifteen years ago,

except the zoning and subdivision, there were changes that needed to be done then, but the project has never come to fruition, which is why the entire code except zoning and subdivision are online.

Mary Ann Toomey – A few months ago Danny had said he spoke to Charlie Hallock the Highway Superintendent in Lumberland and when they built their new garage Orange & Rockland came in and did a survey and they paid for 80% of the new light fixtures, you said you were going to pursue it – have you? Supervisor Galligan replied no, he had not and thanked her for reminding him. Ms. Toomey continued that for years she has been asking the Town to get quotes and hire a professional landscaper, this year at the triangle, she only had two volunteers along with herself and Shirley Blabey and she can't maintain it. Something has to be done. Lastly, next year is our 175th Anniversary, I advertised in the newsletter and had one volunteer. I don't know if the board is going to want to do anything, but we will need help for that also.

Roger O'Dell – I have been asking for this for the last three years. Can we get a yearly report on the cost of the pool, so the taxpayers know exactly how much this pool costs us. I think we should charge a fee for using it, I know of no town that gets that for free. Supervisor Galligan stated he would get that information, and that this year the Town Board is asking for donations for the summer program/pool and that next year the Board will more than likely begin charging for pool/camp. Mr. O'Dell also stated that everyone here tonight commented against the proposed Local Law # 3 is the Board going to take that into consideration? Supervisor Galligan replied that we always take what is said into consideration.

Councilman Raponi - I want to go on record with how I feel for Local Law # 3. I can't say it any better than the audience did here tonight. I want to go on record right here, right now and say no.

EXECUTIVE SESSION – MOTION by Councilman Sipos, seconded by Councilman Creegan to enter into executive session for the purpose of possible litigation and invite Attorney Bavoso, Code Enforcement Officer Lorino and Dog Control Officer Burger into the session. Vote: 5 ayes – 0 nays. Motion carried.

MOTION by Councilman Galligan, seconded by Councilman Creegan to reconvene into regular session at 9:15 p.m. Vote: 5 ayes – 0 nays. Motion carried.

The Town Board heard reports from Richard Lorino, the Building Inspector/Code Enforcement Officer of the Town, and Arnold Burger, the Dog Control Officer, for the Town. The reports dealt with the situation at 198 Dill Road. The Dog Control Officer advised that he received a call from the Sullivan County Sheriff's Department regarding 198 Dill Road on Thursday, June 2nd, 2011. There was apparently a situation at the property dealing with a dog that was loose and other apparent issues at the property. The Dog Control Officer went to the property and met a Deputy Sheriff at the property. Upon arriving at the property, the Dog Control Officer found that the Deputy Sheriff had discovered that there was an open door at the property and when the Dog Control Officer accompanied the Deputy Sheriff into the property they found that there were conditions that created a public health hazard along with conditions dangerous to animals that were or had resided at the property. They also discovered that there was a dog partially buried at the property; several puppies running around the property; a dead cat at the property and feces and a horrendous odor emanating from the property. The Building Inspector was contacted and did an inspection of the property. The Building Inspector took photographs of the interior and exterior of the premises. The odor, dead animals and deplorable condition of the property was noted. The Building Inspector reported that the property was in such condition that the only way to remediate the issues at the property would be to demolish the property and remove all of the debris that was in and around the premises. The Building Inspector, after consultation with the Town Attorney, went to the property using his enforcement powers under the State Property Maintenance Code and placed placards on the property advising that it was not fit for human habitation or occupancy. The property is essentially at this point condemned. The Building Inspector and the Sheriff's Department will be working on the Sheriff Department's criminal investigation and arrest of the owners of the property on animal cruelty charges. The Building Inspector and the Dog Control Officer will also be working with the County's Animal Cruelty specialist who assists in the prosecution of these types of crimes.

After hearing the reports from the Building Inspector/Code Enforcement Officer and the Dog Control Officer of the Town, Councilman Raponi made a motion, seconded by Councilman Sipos, stating that:

Pursuant to Chapter 74 of the Forestburgh Code dealing with unsafe buildings, the Town Board has heard a report and seen documents from the Code Enforcement Officer of the Town regarding the structure located at 198 Dill Road and allegedly owned by Janet Price. The Town Board, upon the recommendation of the Building Inspector/Code Enforcement Officer, hereby makes a determination that the property is deemed to be dangerous and unsafe to the public; further the Town Board orders that the structure on said property shall be demolished and removed and the remainder of the debris of the premises shall be cleaned up and further that the work on the demolition and clean up shall begin not later than thirty days from the service of a notice of this determination upon the owners of the premises and those who have a vested interest in the premises and said work shall not be completed more than sixty days thereafter. The notice to be given to the owner and anyone else having a vested interest in the property shall contain the statements set forth in Section 74-4 of the Forestburgh Town Code. The Town Board deems this to be an emergency situation.

Said motion was unanimously approved by the five members of the Town Board.

The Town Board then considered the maintenance and upkeep of Town structures and property. After discussion, upon a motion made by Councilman Raponi, seconded by Councilman Sipos, the Town Board determined to establish the job of House and Grounds Supervisor for the Town. The Supervisor would be responsible for supervising the maintenance, care and upkeep of Town structures and grounds. A more formal job description would be adopted at the next regular meeting of the Town Board. The motion to establish the position was unanimously adopted by the Town Board.

Upon motion made by Councilman Raponi, seconded by Councilman Sipos, Daniel Hogue was hired to be the Supervisor of House and Grounds for the Town of Forestburgh at an annual salary of \$1,500.00 per year. This salary shall be paid on a monthly basis with the 2011 salary to be paid over the course of the remaining months of 2011. The position would be up for re-appointment each year at the annual Reorganization Meeting of the Town. This motion was unanimously adopted by the Town Board members.

Upon motion made by Councilman Creegan, seconded by Councilman Raponi, the Town Board meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk