

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

The Town of Forestburgh Town Board held its regular monthly meeting on **Thursday, June 3, 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 & David Bavoso, Attorneys for the Town
Susan Hawvermale, Planning Board Chair

REPORTS –

Supervisor Galligan submitted the monthly financial report for May, 2010.

Justice Olesnycky submitted a report of justice court fees and activity for May, 2010.

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

PUBLIC COMMENT – None.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes of the May 6, 2010 regular Town Board meeting and the May 19, 2010 joint Town Board/Planning Board minutes. **MOTION** by Councilman Sipos, seconded by Councilman Creegan to accept both sets of minutes. Vote: 5 ayes – 0 nays.

GENERAL FUND VOUCHERS - # 130 – 165 in the sum of \$19,190.03 as set forth in abstract #6 were audited for payment. **MOTION** by Councilman Sipos, seconded by Councilman Raponi to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 93 – 110 in the sum of \$20,912.70 as set forth in abstract # 6 were reviewed. **MOTION** by Councilman Sipos, seconded by Councilman Galligan to accept the highway vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 13 – 14 in the sum of \$1,125.00 as set forth in abstract # 6 were audited for payment. **MOTION** by Councilman Galligan, seconded by Councilman Raponi to pay the escrow fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

COMMUNICATIONS –

Joanne Nagoda read a letter from Mary Ann Toomey stating that the handyman for the town is not fulfilling his job duties and obligations and the that Board needs to review his performance and act accordingly. Supervisor Galligan stated that he would speak with him with regard to his performance.

UNFINISHED BUSINESS

THE FALLS AT BLACK CREEK – Joanne Nagoda informed the Board that we received a phone call from Scott Samuelson of Black Creek today, that since they sent the communication last month, they have nothing further at this time. They are working on the new entrance and they will stay in touch.

DOUBLE DIAMOND/LOST LAKE – Supervisor Galligan informed everyone that the Public Hearing on the Draft Environmental Impact Statement (DEIS) will be held on June 16, 2010 at 7:00 p.m. at the Forestburgh Fire House. Supervisor Galligan further stated that there was no May newsletter, but the Town did mail everyone a postcard informing them of the public hearing on the 16th.

AG DISTRICT/ REPEAL RIGHT TO FARM LAW – Supervisor Galligan stated that next month Commissioner Luis Aragon will be here to discuss this issue and perhaps finally get it resolved. Matter tabled.

CEMETERY TREE REMOVAL – Superintendent Hogue has been looking for someone, to my knowledge, he still hasn't found anyone. Matter tabled.

FORESTBURGH CEMETERY – Councilmen Galligan and Creegan have been working on the deed to the cemetery. Supervisor Galligan stated that he had been contacted by the President of the Hartwood Club Cemetery, located on McCormick Road, and he read about our plight in the newsletter, and spoke with a few of his members, he thinks they would be willing to open up some plots in their cemetery to town residents, if that would help the situation. Supervisor Galligan will get more information and bring it to the Board. Matter tabled.

PLANNING BOARD VACANCY – Supervisor Galligan and the Board opened the floor for Planning Board Chair Hawvermale to join in their discussion about the vacancy. Chairwoman Hawvermale stated that at the last meeting of the Planning Board they had a vote come down to nearly a tie vote and she foresees several other scenarios coming very soon. This does not do anything for any of the applicants before the Planning Board. We need that seventh person, and I believe that we have six really good resumes from people. She feels why would you solicit resumes from the town and not fill the position. Discussion was held amongst the board members, some felt the board is fine the way it is, some want to see it reduced to a five member board and some want to see the board at a full seating of seven. Discussion was held with regard to soliciting resumes again, interviewing the current resumes that have been submitted. Discussion then turned to reducing the board to five members and what the necessary steps are to do so. Attorney Bavoso directed that board that should they reduce the number from seven to five, they cannot remove a member, they must await that term's expiration. Chair Hawvermale stated greatest concerns are impasses at voting and failure to move projects forward with an even number board. Discussion was held to review the existing resumes on file prior to making any decision. Joanne will mail copies of all resumes to the board this week for consideration and review. Matter tabled.

ZONING/SUBDIVISION REVIEW COMMITTEE – The committee will hold their first meeting next week on June 9, 2010 at 7:00 p.m. in the Town Hall.

TRAFFIC TICKET ATTORNEY – Supervisor Galligan has met with both Justices and they insist that we need an attorney to prosecute the traffic tickets that the State Police will not. They have agreed to hold one night a month, this month would be Judge A, next month would be Judge B and all tickets would be prosecuted that night. They would negotiate any and all tickets. Councilman Creegan stated that he spoke with the justices as well and he agrees with them also. Discussion then turned to soliciting Attorney's to hire, Attorney Bavoso stated that it is a professional service, the board can just hire, or put it out for bid, whatever is the pleasure of the board. MOTION by Councilman Sipos, seconded by Councilman Creegan authorizing Councilman Galligan to contact attorneys for their interest in hearing the traffic cases at approximately One Hundred and Fifty Dollars and hour, Vote: 5 ayes – 0 nays. Motion carried.

FARMING GRANT – FARM PRESERVATION ACT – The application has been filed and we are waiting to hear from the County Planning Department. Matter tabled.

OLD TOWN HALL – ANIMAL DAMAGE – Supervisor Galligan stated that we do have a quote. Joanne Nagoda stated that two quotes were received from Liberty Pest Control. The first will only remove the animals, seal the building and minimal repairs to the building for two thousand (\$2,000.00) dollars. Option two, is to repair the building, install one way doors, seal entire building, clean up, remove animals and monitor the activity for five

thousand (\$5,000.00) dollars. Discussion was held on other options to repair the building. The committee of Councilman Galligan, Mr. Gibney and Mary Ann Toomey will explore other options and report back. Matter tabled.

NEW BUSINESS

RESOLUTION – WALTER J. EHRETS – As you are all aware, Walter passed away a few weeks ago, and he worked for the Town for quite awhile.

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

WHEREAS, Walter J. Ehrets, a lifelong resident of the Town of Forestburgh, passed away on May 13, 2010; and

WHEREAS, Walter J. Ehrets was first employed by the Town of Forestburgh Highway Department in 1977; and

WHEREAS, Walter was appointed as the Highway Superintendent of the Town on June 10, 1992; and

WHEREAS, Walter continued as the Highway Superintendent through May of 1996 when he resigned his appointment; and

WHEREAS, Walter provided excellent service to the Town as an employee and as an appointed Town Official; and

WHEREAS, Walter was known by many residents of the Town as well as residents of the Sullivan County community; and

WHEREAS, the Town Board wishes to acknowledge the passing of Walter J. Ehrets and his service to the citizens of the Town of Forestburgh and Sullivan County.

NOW, IT IS RESOLVED that the Town Board of the Town of Forestburgh, Sullivan County, New York, does this day go on record acknowledging the contributions of the late Walter J. Ehrets to the Town of Forestburgh and its citizens and conveying their deepest sympathy and condolences to the family and friends of Walter.

A copy of this Resolution, as adopted, shall be forwarded to the family of Walter J. Ehrets on behalf of the Supervisor and Town Board by the Town Clerk

MOTION by Councilman Galligan, seconded by Councilman Sipos to adopt said resolution, publish said resolution in the Sullivan County Democrat and send copy of the resolution to the family of Walter J. Ehrets. Vote: 5 ayes – 0 nays. Motion carried.

OFFICAL ROAD NAME – WILDERNESS TRAIL – We received a letter from Mr. Wechsler, down in the gorge there is a road that on the map is identified as Wilderness Trail, but it has never been officially named by the Town.

MOTION by Councilman Raponi, seconded by Councilman Sipos to name “officially” Wilderness Trail a not official highway (NOH), being a private road. Vote: 5 ayes – 0 nays. Motion carried.

COMMITTEE REPORTS –

Planning Board – Chair Hawvermale stated there will be a special meeting, following the Zoning Board of Appeals meeting, on June 15th, to vote on a public hearing for the Sipos subdivision to move that along as quickly as possible.

Historian – Report filed.

Building Inspector – Report filed.

Green Committee – No report.

Forestburgh Day – 5K run on the 14th of August and the chicken barbecue at the firehouse on the 7th of August.

Seniors – Meeting on Monday, June 14 and lunch at Frankie & Johnnies in Hurleyville on Tuesday, the 15th of June.

PUBLIC COMMENT –

Mary Ann Toomey – Yesterday afternoon Mr. Hummel mowed around some of the log cabin.

Mary King – I think it was a very good idea to have the chairs at the Memorial Day Services. It was a very good idea.

Councilman Galligan – I think the reading of the letter under communications was improper.

EXECUTIVE SESSION – MOTION by Councilman Galligan, seconded by Councilman Creegan to enter into Executive Session for the purpose of discussing the termination of employment and invite Attorney Bavoso and Clerk Joanne Nagoda. Vote: 5 ayes – 0 nays. Motion carried.

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

ADJOURNMENT – MOTION by Councilman Sipos to adjourn at 7:45 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk