

**\*\*\*\*DRAFT\*\*\*\***

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, July 5, 2012** at the Town Hall.

Supervisor Sipos called the meeting to order at 7:00 p.m.

Roll Call: Present – William B. Sipos, Supervisor  
Eugene D. Raponi, Councilman  
John W. Galligan, Councilman  
Susan Parks-Landis, Councilwoman  
Michael Creegan, Councilman

Absent – None

Recording  
Secretary – Joanne K. Nagoda, Town Clerk

Others  
Present – William D. Bavoso, Attorney for the Town

**PUBLIC COMMENT** – None.

**REPORTS** –

Supervisor Sipos submitted the financial report for the month of June 2012.

Justices Carroll and Gunther submitted reports of justice court fees and activity for the month of June, 2012.

Town Clerk, Joanne Nagoda submitted a report of clerk fees and activity for June 2012.

**MINUTES** – Town Clerk, Joanne Nagoda submitted minutes of the regular town board meeting of June 7 and the meeting for planning board matters of June 25 for review. MOTION by Councilman Galligan, seconded by Councilman Raponi to accept the minutes of June 7, 2012. Vote: 5 ayes – 0 nays. Motion carried. MOTION by Councilman Raponi, seconded by Councilwoman Landis to accept the minutes of the June 25, 2012 meeting. Vote: 4 ayes- 0 nays. Councilman Galligan abstained as he was absent from that meeting. Motion carried.

**GENERAL FUND VOUCHERS** - # 154 – 179 in the sum of \$9,280.89 as set forth in abstract # 7 were audited for payment. MOTION by Councilman Galligan, seconded by Councilwoman Landis to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

**HIGHWAY FUND VOUCHERS** - # 99 – 110 in the sum of \$19,003.56 as set forth in abstract # 6 were reviewed. MOTION by Councilman Galligan, seconded by Councilman Creegan to accept the highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

**ESCROW FUND VOUCHERS** - # 18 and 19 in the sum of \$2,151.14 as set forth in abstract # 7 were audited for payment. MOTION by Councilman Creegan, seconded by Councilwoman Landis to pay escrow fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

**COMMUNICATIONS** –

Town Clerk, Joanne Nagoda stated that anonymously in the mail we received an article from the Times Herald Record how town laws may factor in on DEC permits for fracking. Written across the top the sender wrote “please protect our water – make Forestburgh no fracking”.

Second is a letter from Lisa Wissman requesting use of the pool for a party on August 18 from 4:00 p.m. to 9:00 p.m., she will pay the deposit and hire the lifeguards. MOTION by Councilman Galligan, seconded by Councilman Creegan to authorize Lisa Wissman's usage of the pool for a party, providing she provides the town with a certificate of additionally insured for that date. Vote: 5 ayes – 0 nays. Motion carried.

Lastly, a letter was read from Orange & Rockland offering a program to municipalities to upgrade their street lights. Councilman Raponi will research this matter and return to the board. Matter tabled.

#### UNFINISHED BUSINESS

**WEBSITE PROPOSAL** – Town Clerk, Joanne Nagoda received a quote from our current software vendor for their website design and hosting service. It is the same content based management system that Virtual Towns and Schools uses, their cost for the same “package” that we were offered through Virtual Towns is \$4,900.00 plus and additional \$1,200 annual maintenance, hosting, support, after two years it is an annual fee of \$1,200. The initial cost of Virtual Towns was \$2,995. The survey that we did in the last newsletter, now has us up to 78 online subscriptions, 2 on satellite, 2 on dial up, 85 residents on cable and 3 on some “other” sort of internet service. Discussion was held to hold off for an additional month and do the survey again, contracting with a company now. The board was unanimous in favoring the proposal of Virtual Towns and Schools. MOTION by Councilman Galligan, seconded by Councilman Raponi to enter into contract with Virtual Towns and Schools for on-site web design. Discussion by the board to request a price reduction on the design fee by Virtual Towns and Schools. MOTION by Councilman Galligan, seconded by Councilwoman Landis to rescind the previous motion and table this matter for Attorney Bavoso to speak with Virtual Towns and Schools with regard to cost, and a viable contract and table this matter until the July 24 meeting. Vote: 5 ayes – 0 nays. Motion carried and matter tabled.

**LOST LAKE UPDATE** – Supervisor Sipos stated that Lost Lake is moving along, the comment period with the DEC has been closed, it ran from May 30 to June 30 and we have not heard anything from the DEC. We have not received anything, Lost Lake had requested copies of the comments, and there has been nothing.

**POOL/SUMMER RECREATION** – Supervisor Sipos asked Chuck Vassallo for an update on the summer program so far. Mr. Vassallo reported that came opened on Monday, the pool is open and hours for the general public are twelve to six, we have a new group of three to six year olds with about sixteen to eighteen kids in it. So we have restructured our morning sessions to accommodate them and make better use of the talents of Garrett Bunce and myself as water safety instructors. Adult swim is twelve to one daily with adult water aerobics on Tuesdays and Thursdays. Supervisor Sipos asked how many are currently enrolled. Mr. Vassallo replied that is a good question, as I don't yet have all of the kids that are registered. Right now we are at about thirty. Councilman Galligan complimented Mr. Vassallo on how good the pool looks and the amount of people using it. Mr. Vassallo stated there have been a lot of maintenance issues this year, but we have fixed them and we're moving forward.

**RETIREMENT REPORTING** – We have received another letter from the retirement system. We must have reporting calendars to submit for a three month period listing dates, times, what you did. Failure to complete and submit the calendar will result in being marked non-compliant and could result in not being able to claim/receive your retirement.

**HYDROFRACKING** - Councilman Raponi asked Attorney Bavoso about legislation for the board to consider on natural gas drilling and hydrofracking. Attorney Bavoso stated that they have already submitted proposed legislation. Supervisor Sipos stated that we did receive the proposed local law to be added to the zoning regulations. Discussion was held with regard to banning drilling and fracking and holding this matter over for the planning meeting on the 24<sup>th</sup>. Matter tabled.

#### NEW BUSINESS

**TREE DONATION – RESOLUTION** – Councilman Raponi stated that he has three Norwegian Spruce Trees, probably eleven or twelve feet tall that I have been grooming for the last two years. I would like to donate them to the town but we should pass a resolution for Highway Superintendent Dan Hogue to come on to my property and remove the trees to be brought down here and planted at the entrance to the town hall. MOTION by Councilman

Galligan, seconded by Councilwoman Landis to authorize Highway Superintendent Hogue to remove trees from the property of Councilman Raponi and transport and replant the town hall. Vote: 5 ayes – 0 nays. Motion carried.

#### COMMITTEE REPORTS –

Planning Board – Supervisor Sipos stated that we would have Chuck Voss of Barton & Loguidice at the next meeting to discuss the outstanding invoice and see if we can agree to have him help us complete the changes to the zoning and subdivision regulations.

Historian – report filed.

Building Inspector – report filed

Seniors – Attending River’s Edge in Matamoras for a “hillbilly wedding”.

Green Committee – no report

Forestburgh Day – Tying up loose ends for August 11<sup>th</sup>.

#### PUBLIC COMMENT -

Mary Ann Toomey – I have two things, first, what about the TV, it’s been sitting here for three years. Danny said if they come from Time Warner and tell him where to make the connection he will do it. Second, what about my 503C for the old town hall? Attorney Bavoso stated that we are donating our fees, but there are filing fees with the state and we had asked about getting funds to file it. Supervisor Sipos asked Attorney Bavoso to find out how much the fees are.

Katherine Barnhart – Is this board going to do anything with the DEC and the expansion of the gorge or passing a resolution for or against it. I would like to see the Town of Forestburgh come up with a resolution. Supervisor Sipos asked the board for any comments. Councilman Galligan asked Ms. Barnhart for her thoughts, she stated that the second parking lot and take the path right down to Hatchery Road, I think that should be opposed. Supervisor Sipos stated that he attended the meeting, but hadn’t given it much thought. I heard the concerns of each individual that was in this room for that meeting. Supervisor Sipos asked if Ms. Barnhart wanted a resolution against the entire expansion and she replied yes and that the comment period is over on July 13. Councilman Galligan stated that he did not feel that we should oppose the entire plan, there was a lot of opposition to access from the Griffin Road. Supervisor Sipos stated that no one has contacted him and requested anything, you are the first person to make the request. I’m not going to send a letter off for a comment period if there is no comment from the board. Ms. Barnhart asked what is the time frame for the DEC to make a decision after the comment period. Attorney Bavoso stated he didn’t know, they may not even have one. Councilman Raponi stated that he felt the town board should make a comment reflecting the residents of Forestburgh first and the DEC second. Supervisor Sipos will contact the DEC tomorrow.

Vince Mancuso – I just got my hands on the Monticello Motor Club master plan. It was given to me by Jim Culligan who also gave a copy to Councilman John Galligan. It is an interesting read for what they propose to do in the future. There are three phases over approximately ten years. Phase I includes more noise pollution than there is now. They want to build a go kart track, on the south side of Cantrell Road, which is closer to Lake Joseph and the Forestburgh area, they want to build an off road vehicle track, that would include Jeeps, SUV’s, ATV’s, anything that comes to mind. This copy that I have also includes Glen Smith’s evaluation of the noise situation. As far as I know, these people, starting with Kaplan, way back when, have NEVER done any acoustical tests, at all. This is a disgrace. The noise is getting worse and if this plan succeeds, the noise is going to be increased many fold. Let me read from phase I – “an off road course will be developed on the South side of Cantrell Road, and this will include the use of off road vehicles, such as Jeeps or SUV’s and also proposed on the South side of Cantrell Road, which is proximate to Forestburgh, a corporate office will be built there and a parking lot, which won’t contribute too much noise, but a new karting track will be constructed, replacing the existing one”. It’s just incredible, what they have been allowed to get away with to this point. They have carte blanche there. They can do anything they want. The Town of Thompson offers no resistance what so ever. Councilman Galligan stated that he understood that the Town

of Thompson was very negative to the whole application. Mr. Mancuso continued the only positive thing that I heard, and it's a big positive, was that the Town of Thompson purportedly, is not going to approve anything in this proposal until they mitigate the noise situation. Now, I'll believe that when I see it. If that's true, then I'm real happy. If they mitigate the noise situation, then they are allowed to, I guess, go through with this and start submitting plans. Councilman Galligan stated that he understood they got very poor reception when they appeared and were furious when they left, which is good. Mr. Mancuso stated that Ari Strauss, who happens to be, I think, a part time renter of the house right next to me, they rent some houses in Forestburgh, in Lake Joseph, guys that work at the motor club and stuff. He was apparently very upset with their reception by the town. The other thing, they propose a sewer treatment plant, which is potentially, well, it can affect Black Brook which is a tributary to Lake Joseph. This is something that could have the potential to pollute and decimate, I know I sound very negative, but, Lake Joseph. I do a little bit, I do water samples once a year in Black Brook and so far the tests have all been within the normal range. I test for certain chemicals that were recommended by the DEC, because I told them that the Lake Joseph residents were very concerned about possible pollution from the track. I just recently learned from Jim Culligan that there is another place where this run off has the ability to run into Black Brook, that I wasn't aware of. So I am going to look into exactly where that is – its further east than where I have been testing and I will bring this up at our annual homeowners meeting on Saturday. I don't think our board even knows what's going on here. Supervisor Sipos stated this was the first he had heard of any of this. I saw Glen not too long ago and he made no mention of these additions to me, so at this point it's all grey to me. Councilman Galligan stated he would make copies of the plan for distribution among the board. Councilman Raponi stated that one of the problems with the sewer treatment plant is that it raises the temperature elevations to a point where it's no longer cool water coming into the brook, its warmer water which will raise the temperature of the lake and you will end up with a nice green pond there. Mr. Mancuso agreed and stated that he will be contacting the DEC about this and he's sure they are aware of everything going on already. But as far as this new proposal is concerned, I, for one, just as a citizen of Forestburgh, and it's not just Lake Joseph that's complaining about the noise. People in Forestburgh, much further south than Lake Joseph who have heard these cars. Gay DiVirgilio stated that they wake her at six in the morning racing away and it sounds like it's only on the ball field near my house. Councilman Galligan stated you can hear them all over Monticello. Mr. Mancuso added that the go kart track will be even closer to Monticello and the school and everything. How are they going to get away with this noise and everything? I don't understand this and I don't understand the Town of Thompson. Mrs. DiVirgilio stated that it's consistent, it's not like an airplane flying over and leaves, it's all day long. Mr. Mancuso continued that they completely ignored their promises about when they would start in the morning and when they would end, they definitely are not supposed to be doing any racing that early – I hear them early in the morning. Something has to be done, I know we are limited – it's not our town. Supervisor Sipos stated we are very limited. We can't control what goes on, we could send a letter but...Mr. Mancuso stated that he sent a letter way back when. They just laughed at us. Councilman Galligan stated they aren't going to get a quick approval. I went to the meeting when the motor club got approved; it was done in just one meeting. Mr. Mancuso stated they never did a SEQRA review, they did a short form. Councilman Galligan stated that noise wasn't even brought up at the meeting, they wanted it so bad and nothing was discussed. Mr. Mancuso said that noise was discussed because I even mentioned it to the guy when I was on the board for Lake Joseph, the guy that we hired to investigate the noise and Cellini said "what are his credentials?" and the guy had a resume this long. Councilman Galligan said they put it through awfully fast with no public discussion.

**ADJOURNMENT - MOTION** by Councilman Galligan to adjourn at 8:00 p.m.

Respectfully submitted,

Joanne K. Nagoda, RMC  
Town Clerk