

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, August 2, 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
Michael Creegan, Councilman

Absent – Susan Parks-Landis, Councilwoman

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – William D. Bavoso, Attorney for the Town
Arnold Burger, Dog Control Officer

PUBLIC COMMENT –

Mary Ann Toomey – Are we doing “fracking” tonight? I think you should just ban it and forget about it. Supervisor Sipos stated that it would be discussed tonight.

Ed Mack – Hydrofracking – what’s the proposal? Supervisor Sipos stated that we will discuss this tonight and copies of the proposed local law are here on the table.

Chuck Vassallo – There was something in the paper this week about state law superseding local law....Supervisor Sipos stated we are going to get into that, I have the article here.

REPORTS –

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

Town Clerk, Joanne Nagoda submitted a report of clerk fees and activities for July 2012.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes for the July 5, 2012 regular town board meeting and the July 24, 2012 meeting for planning matters.

MOTION by Councilman Creegan, seconded by Councilman Raponi to accept the minutes of the July 5, 2012 meeting. Vote: 4 ayes – 0 nays. Motion carried.

MOTION by Councilman Galligan, seconded by Councilman Raponi to accept the minutes of the July 24, 2012 planning meeting. Vote: 3 ayes – 0 nays. Councilman Creegan abstained as he was not in attendance at that meeting.

GENERAL FUND VOUCHERS - # 180 – 214 in the sum of \$23,310.69 as set forth in abstract # 8 were audited for payment. MOTION by Councilman Galligan, seconded by Councilman Raponi to pay general fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 120 – 215 in the sum of \$49,280.90 as set forth in abstract # 7 were reviewed. MOTION by Councilman Raponi, seconded by Councilman Creegan to accept highway vouchers. Vote: 4 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS – No vouchers for escrow fund.

COMMUNICATIONS – Town Clerk, Joanne Nagoda read a letter from Orange & Rockland asking for the town’s participation in a survey program to monitor the electric savings since the light fixtures have been retro fitted. Discussion was held about the lighting program and trying to get new lights for the town barn. We will contact O & R and see if we can get a program to help get new lights for the barn, if we participate in this program.

UNFINISHED BUSINESS

WEBSITE PROPOSAL – We had asked for a lower price from Virtual Towns & Schools and for Attorney Bavoso to negotiate with them. Attorney Bavoso stated that he had requested a lower quote and they submitted a three year plan and lowered the annual maintenance fee from \$1,200 to \$1,100 which is better than the \$1,500 from Business Automation Services quote. Virtual Towns and Schools is offering a three year contract for a total cost of \$5,995.00. It’s \$2,995 the first year and \$1,500 years two and three. All meetings will be held remotely by internet. Councilman Galligan stated that I thought we wanted them to come here. Attorney Bavoso continued that instead of a custom home page they would give us a choice of layouts to choose from and they would offer us their “Drupal” content management system which is usually offered to larger towns. This proposal does not mention coming here for the initial set up, but it seems to me, that is what they would have to do. Discussion was held to review the original proposals the first of which was \$9,000 for three years as opposed to \$5,000. Councilman Galligan stated he just wanted to see something done, he doesn’t get any other complaints other than the website and we have to do something. The board was unanimous in that they want them to come here and that the packages are not that clear and it’s worth a phone call to get them to come here. **MOTION** by Councilman Raponi, seconded by Councilman Creegan to authorize Attorney Bavoso to contact and negotiate with Virtual Towns and Schools and obtain a contract for review. Vote: 4 ayes – 0 nays. Motion carried.

LOST LAKE – Supervisor Sipos stated that he has received an e-mail with a status report for Lost Lake. They are on track with the DEC and expect to have their permits by the end of August. The DEC comment period has ended with no comments received, the notice of completed application has been published in the Democrat and the Environmental Notice Bulletin (ENB) and permits are scheduled to be issued by August 24, the deadline for issuance. Attorney Bavoso stated if this is not on Double Diamond’s website, then it must be posted on the ENB website. Also, Orange & Rockland will be placing electric lines at the site, as they are in the process of constructing their temporary sales office.

CELL TOWER – Supervisor Sipos announced that yesterday a power walk was performed at the fire house with Orange & Rockland, Mark Kotlarich, representing the fire commissioners, the monopole has been ordered. There are a few minor changes to the plan that need to be made and they have to re-apply for a building permit, as the previous one expired in April. The building inspector is missing a set of plans for the slab under the tower. These few minor details will be taken care of and they estimate construction to begin in two to three weeks and construction should take about a month.

RETIREMENT REPORTING – Town Clerk, Joanne Nagoda reminded the board that they must submit their calendars for retirement reporting as soon as practicable.

DOG CONTROL – Dog Control Officer, Arnie Burger submitted a preliminary contract with the Town of Bethel for review for them to shelter our dogs. Hennie, the Dog Control Officer in Bethel is on board to accept any animals that we pick up. The urgency on this is pretty high. Attorney Bavoso stated there are a few paragraphs that need to be added to this. Supervisor Sipos stated that he went with Mr. Burger to get this dog and not having a contract with a kennel or a place for a kennel, this dog has been living in the old town hall, as an emergency shelter. Attorney Bavoso will review and rewrite the contract with the Town of Bethel. Matter tabled.

HYDROFRACKING PROPOSED LOCAL LAW – Local Law # 2 of 2012 has been introduced banning drilling and exploration of natural gas and petroleum activities. Councilman Galligan had contacted Attorney Bavoso and requested a local law that is not as stringent for discussion. After review of the introduced proposed Local Law # 2 and discussing options and other laws adopted by other municipalities the board has decided to keep the originally introduced Local Law. A public hearing has been scheduled for this Local Law on Tuesday, August 28, 2012 at 7:00 p.m. in the Town Hall. Matter tabled.

SUMMER RECREATION – Summer Director, Chuck Vassallo stated we have an issue with the pavilion. Every time it rains, it floods the pool deck. There are two solutions, one would be to re-grade the pool and pavilion area or put gutters around the pavilion. Discussion was held to patch the area with blacktop, install gutters. The board wishes to have Engineer Gottlieb come take a look at the pavilion and make a recommendation to the board. Matter tabled.

NEW BUSINESS

BARTON & LOGUIDICE PROPOSAL – Attorney Bavoso stated that the proposal has been reviewed and turned into a contract. Since all of you have just received it, I would suggest taking a look at it and take action at the end of the month planning meeting. Matter tabled.

TELEPHONE SYSTEM REPAIR/REPLACE – Town Clerk, Joanne Nagoda explained that our current telephone system is having “issues” it either won’t put you through to the extension you have requested, it sends you where ever it wants or it does nothing and you have hang up and call again. We are receiving an awful lot of complaints about it and after some research, this phone system was installed back in 1992. I don’t know if we need to either update the system or replace it. The entire board was in agreement, as they have all had it happen to them and agreed with the frustration and that we need to do something. MOTION by Councilman Galligan, seconded by Councilman Creegan to obtain quotes for repair or replacement of the telephone system. Vote: 4 ayes – 0 nays. Motion carried.

COMMITTEE REPORTS

Planning Board – We are still reviewing the zoning and moving forward on that. There are no new applications for the planning board.

Historian – report filed. Mary Ann Toomey stated that two of our historical markers are damaged, one has a broken corner and one has a bullet hole in the middle of it. She contacted Catskill Castings where we purchase our markers from, he quoted a price of \$250.00 to repair the broken corner and it will be an additional \$250.00 to strip it and repaint it. It will be \$300.00 to repair the bullet hole and again an additional \$250.00 to strip and repair it. If I can get the highway department to take them down, I have \$250.00 left in my budget for mileage, its 180 miles round trip to Bloomville where Catskill Castings is, the mileage would be \$91.90. If the highway department can take them down, and then repaint them after they are repaired, that would save us \$500.00. I do have \$750.00 left in my budget to repair these. The board requested that Mary Ann get a price just for stripping and repairing the signs. It will be an 8 to 10 week job to get these repaired due to his schedule. The board was unanimous in agreeing to have these repaired. Councilman Galligan asked who is responsible for the signs coming into town – the Welcome to Forestburgh sign on Plank Road is a disgrace. Mary Ann Toomey continued that there is a website dedicated to historical markers and by Forestburgh Day, all of our historical markers will be on the website. Supervisor Sipos stated that the signs coming into Forestburgh from Lumberland are also worn out – the bottom is half gone. The signs are in bad shape. Supervisor Sipos said he would go look at all of them and inspect them. They have been up a long time already.

Building Inspector – no report filed.

Seniors – Woodloch Pines on Sunday.

Green Committee – No report.

Forestburgh Day – August 11 with the 5K starting at 8:30.

PUBLIC COMMENT –

Mary Ann Toomey – What about the TV and the 501c(3)? On the tv, cable was here and the box was installed, the tv will be hooked up tomorrow. Attorney Bavoso stated that they have done all of the legal work so far, there is three to four hundred dollars in filing fees to the state that we need some way to pay for. The issue is that a 501c(3) is an IRS designation and that is an application that has to be filed by an accountant. The last time we paid for that

application it was about seven hundred dollars. We've already asked one accountant who turned us down, we will have to ask and try to find an accountant.

Chuck Vassallo – In answer to your question last month about how many children do we have on roster, there are fifty different kids on and off the roster for the summer. We had a health inspection last week that we passed with flying colors. Family swim and barbecue tomorrow night from seven to nine. Just one other thing, the support that I have gotten from the kids parents has just been incredible, the generosity has been great. We had the State Troopers here last week with the K-9 unit, today we had then entire fire department from Forestburgh here, Sabina Toomey came and read to the little ones, I am very grateful.

Lee Hummel – I'm still waiting for my meeting, Bill, you know why I'm here. After four and a half years, I still can't get a meeting with anyone from the town. For six months, I've been hearing two weeks. Supervisor Sipos asked Attorney Bavoso if we could bring this into executive session and he replied he didn't see how, as Mr. Hummel is not an employee. It is not personnel. Mr. Hummel stated that dog got better treatment than I have. That dog will find a home before I can even get a meeting. Supervisor Sipos stated that he didn't put this on the agenda, as he did not know if Mr. Hummel would be here. Mr. Hummel replied that he said he would be here. Supervisor Sipos stated that the board has no idea, would you please give them a brief overview as to what you are looking for. Mr. Hummel stated: My name is Lee Hummel. I moved to Forestburgh when I was ten, in 1980. I've called it my home ever since, I worked for the Town of Forestburgh for twelve years when I received a work related injury. It changed my life. I'm not the same now and I don't ever think I will be the same. Besides the run around, with holding all papers, documents and stuff to help me, the town had obligations also and a contract, we never spoke about it, nothing has been satisfied from the town to me. That is why I am here today. Councilman Galligan questioned, isn't he deserving of a discussion with the Town Board and the Town Attorney? Mr. Hummel continued that the union rep keeps calling for a meeting and no one returns his calls. We're waiting. Supervisor Sipos stated that what he believes, if he is clear from what Mr. Hummel indicated to him is that you wanted a meeting with me, the bookkeeper..Mr. Hummel stated no, it's the money is it owed to me or do I owe the Town? I want to get paid if I'm owed. That is exactly the issue replied Supervisor Sipos. He continued that Mr. Hummel claims there was a change in his pay grade. Mr. Hummel replied yes, I was demoted while I was out with my injury. I wasn't given my raise. From the day I got hurt, even until now, I was cast aside. That dog was treated better than I was. Attorney Bavoso stated that if the Supervisor and Mr. Hummel wish to meet with Attorney Bavoso, he has no objection to that. I don't know if you ever got a call from the union rep, I know that I haven't. Supervisor Sipos stated that he did get a letter from Dick Messina (union rep) addressing this and it had asked that Highway Superintendent Dan Hogue, Jr. be there and Mr. Hogue indicated that he did not wish to be there. I'm not Mr. Hummel's boss, I wasn't his boss at the time. I don't know all of the parameters and particulars of demoting him. I wasn't there, so Mr. Hogue was the boss and without his input how could I have a meeting? I don't have all parties at the table in order to address his concerns and the monies owed and our concerns. Attorney Bavoso suggested meeting with Supervisor Sipos to understand where and what the town's position is and then if you want to meet with Mr. Hummel, that is fine with me. Supervisor Sipos asked if we could include the union rep as well, as I need to get to the bottom of this. The bottom line is, that he indicates he's owed money and we indicate that he owes us money as our past documentation has provided us, it's another issue that needs to be resolved. I want to find an amicable solution. Attorney Bavoso will look at his calendar and meet with Supervisor Sipos to review everything that we have – Mr. Hummel interjected four years I've been waiting, thanks guys. Councilman Galligan stated that he felt the entire town board, if they want to be, should be at this meeting. Supervisor Sipos asked if the entire board could do that. Attorney Bavoso replied if the board wanted to hold an executive session meeting to seek the advice of counsel, then yes, you can do that. You always have the right to enter into executive session to seek the advice of counsel. Mr. Hummel stated that he is waiting for a meeting, that is all. I don't think I am asking for too much after all this time. Attorney Bavoso stated what he would prefer we do is meet with the town board first to go over everything we have. Supervisor Sipos suggested meeting on the 28th and going over everything you have first, and then we'll set a meeting date, say after the September meeting or we'll go into executive session with Mr. Hummel then and clear this up once and for all. All were in agreement.

COUNTY ACTIVITIES – Supervisor Sipos stated that he attended the Supervisor's Association meeting with the County Legislators and there appears to a crisis on the county budget level. They are thirteen and a half million dollars short and they are looking to find the money somewhere. If they don't find the money and it stays status quo it could result in a 27% increase in your county taxes. Other options that had been discussed were trimming more out of the Sheriff's Dept., the college, they are going to have a discussion with family services because it has grown

so much that it is now epidemic proportions. There are the state mandates and there is a nine hundred million dollar budget for the county. They are short thirteen million five hundred thousand dollars and they don't know where they are going to get the money. Some of the costs have been attributed to health insurance and they say the estimate for the upcoming year could go up as high as twelve percent. Due to union contracts with the workers for DPW, we addressed a field of items with them. There is only seventy five to one hundred million dollars the county has control over, the rest of the eight hundred million are state mandates. There was a discussion to put a cap on it or turn people away or send them to another county. They discussed pushing back on the state and taking some of the property that is tax exempt and pushing back on the state all of the tax exemptions they granted. Then the county is looking to put together a committee to oversee the Sheriff's Dept. – one of the Supervisor's commented that is why we have a board of legislators and why do we need another layer of government. The Supervisor's Association passed a resolution to go to the legislature against the committee and that meeting was today at 4:30, and I don't know how that went. The short end is the county is out of money, they are broke and the state mandates are too many. They are also looking to overrule the cap, the max will be 27%, it could be 2% or 5% or who knows. That is what is going on with the county. They are really in dire straits.

EXECUTIVE SESSION – MOTION by Councilman Galligan, seconded by Councilman Creegan to enter into executive session for the purpose of tax certioraris and invite Attorney Bavoso, Assessor Dave Griffin and Assessor Clerk, Danielle Mack into the executive session. Vote: 4 ayes – 0 nays. Motion carried.

MOTION by Councilman Raponi, seconded by Councilman Creegan to reconvene into regular session at 9:35 p.m. Vote: 4 ayes – 0 nays. Motion carried.

MOTION by Councilman Raponi, seconded by Councilman Creegan to authorize the Town Assessor, Dave Griffin and the town attorney to obtain appraisals on the five tax certiorari matters which were reviewed by the town board during the executive session. Councilman Galligan recused himself and abstained for any discussion or vote regarding the tax certiorari by Republic Lake Joseph as he has previously done survey work for the company. Vote: 3 ayes – 0 nays. Motion carried.

ADJOURNMENT – MOTION by Councilman Creegan to adjourn at 9:45 p.m.

Respectfully submitted,

Joanne K. Nagoda, RMC
Town Clerk