

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

The Town of Forestburgh Town Board held its regular monthly meeting on **Thursday, August 5, 2010** in 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 Cregan, Councilman

Absent – None.

Recording  
Secretary – Joanne K. Nagoda, Town Clerk

Others  
Present – Justice Maryjean Carroll and Justice Nestor Olesnycky

**REPORTS –**

Supervisor Galligan submitted the monthly financial report for July 2010.

Justices Carroll and Olesnycky submitted monthly reports of justice court activity for July, 2010.

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

**PUBLIC COMMENT –**

Liz O'Dell – I understand cell towers are on the agenda, and I understand there is a possibility they will be put at the firehouse. If that happens I would like to commend you for doing that, it will help the town and generate income.

Ivan Orisek – I would like to comment on two items on the agenda. I see on the agenda there is the lot line change/waiver, I think this is a good idea (much of Mr. Orisek's comments are inaudible). Mr. Orisek also stated that allowing the Planning Board to approve lot line changes would be a great convenience to the residents and save them time and money. He would also like to see the Planning Board be permitted to issue variances and Section 85-32 of the Town Code give the Planning Board this authority. Additionally, the Town has received comments from the DEC on the Lost Lake project DEIS, they have many concerns such as the golf course cannot be considered open space and that patchwork areas that they designate as open space is no good, these are all of the same comments made by the Planning Board over twenty four months ago.

Jake Gunther – The important thing here is basically a letter presented to the Board by the Board's attorney with respect to a local law for lot line changes. This matter between the Church and Mary King, I see they are already having the public hearing, but it really shouldn't be necessary, it's expensive doing registered mails and you are really changing nothing. Attorney Bavoso also told me he thinks it's ridiculous, they should have to go through all of this for a minor change.

**MINUTES –** Town Clerk, Joanne Nagoda submitted minutes of the regular Town Board meeting of July 1, 2010. **MOTION** by Councilman Sipos, seconded by Councilman Cregan to accept the minutes. Vote: 5 ayes- 0 nays. Motion carried.

**GENERAL FUND VOUCHERS - # 202 – 233** in the sum of \$25,492.61 as set forth in abstract # 8 were audited for payment. Councilman Galligan stated that every month we reputedly audit and approve these general fund and highway fund bills. Nobody on this Board knows what these bills are, I think we need a formal committee to audit

these vouchers and not do it in a rush. Discussion was held to have a workshop meeting to audit the bills, creating a committee to audit the bills. MOTION BY Councilman Sipos, seconded by Councilman Raponi to meet at 6:00 p.m. on September 2, 2010 to fully audit the vouchers with the regular meeting starting at 7:00 p.m. Vote: 5 ayes- 0 nays. Motion carried. MOTION by Councilman Sipos, seconded by Councilman Creegan to pay the General Fund Vouchers. Vote: 4 ayes- 0 nays. Councilman Galligan abstained.

**HIGHWAY FUND VOUCHERS** - # 123 -141 in the sum of \$53,439.34 as set forth in abstract # 8 were reviewed. MOTION by Councilman Sipos, seconded by Councilman Creegan to accept the Highway Fund Vouchers. Vote: 4 ayes- 0 nays. Councilman Galligan abstained. Motion carried.

**ESCROW FUND VOUCHERS** - # 20 – 23 in the sum of \$19,431.30 as set forth in abstract #8 were audited for payment. MOTION by Councilman Sipos, seconded by Councilman Galligan to pay Escrow Fund Vouchers. Vote: 5 ayes – 0 nays. Motion carried.

**COMMUNICATIONS** – None.

**UNFINISHED BUSINESS**

**THE FALLS AT BLACK CREEK** – Supervisor Galligan stated that a letter was sent to them asking for a status update, so far we have received no response.

**DOUBLE DIAMOND/LOST LAKE** – We had the public hearing and forwarded all of the written comments that were received, we are waiting for their Final Environmental Impact Statement (FEIS) to arrive.

**TREE REMOVAL/CEMETERY** – Councilman Galligan stated that someone spoke with the people who are trimming the trees for Orange & Rockland and they would be willing to do it, but they don't have the insurance. Councilman Galligan spoke with our insurance agent to see about coverage and since our workers comp insurance is through the County, we could never insure their employees. Discussion was held on obtaining insurance to cover these tree workers. We are still awaiting information on the quit claim deed to the cemetery. Matter tabled.

**PLANNING BOARD VACANCY** – Due to conflicts with applicants for the Planning Board vacancy, Councilman Sipos will take over on this since Councilman Galligan and I must abstain from any discussion or vote on this dependent upon the appointee. Councilman Sipos stated that interviews were held for the candidates who were still interested in the position. MOTION by Councilman Creegan, seconded by Councilman Raponi to appoint John W. Galligan, Jr. to the Planning Board to fill the vacancy created by the resignation of Anthony Griffin. Vote: 3 ayes – 2 abstention. Motion carried.

**TRAFFIC TICKET ATTORNEY** – Supervisor Galligan stated that we had a few interested candidates for this position., I think we will hold this for executive session at the end of the meeting.

**FARMING PRESERVATION GRANT** – Supervisor Galligan spoke with the Planning Department, they were very glad to hear that the State passed the budget and the funds for this grant were left in place. They have requested more information on our application, which is a good sign, but there is no decision yet. Matter tabled.

**OLD TOWN HALL REPAIRS** – Supervisor Galligan stated that Councilman Galligan and Mary Ann Toomey are part of the committee working on the old Town Hall. Mary Ann stated that she had looked into house movers and they are scarce and expensive. I have one price to jack up the entire Town Hall and then we would have to hire a mason, an excavator and carpenter. The price just to jack up the building is \$9,500.00. To move it from its present location to here, would be \$14,500.00, however, that is just the moving. I did not look into permits, I counted 56 wires, and we would need at least 18 foot of clearance, some might be able to be lifted, some would not. Councilman Galligan added that the committee, is pretty adamant that the building stay where it is. Mary Ann continued that none of these prices include any site work here at this location. Councilman Galligan stated that in his opinion, we should just concentrate on jacking it up and fixing it correctly. Mary Ann further stated that she had two bids, and there is such a big difference in the quotes, that I am going to try to get others. J. D. Brush gave a quote of \$6,700.00, the other one is Kelly and he quotes \$23,400.00. I honestly did not have a chance to compare the two, but I am going to try others. Discussion was held on getting actual specifications drawn, the differences in the two

quotes that were received. MOTION by Councilman Galligan, seconded by Councilman Raponi to have engineer Joe Gottlieb draw specifications for the repair of the old Town Hall building. Vote: 5 ayes – 0 nays. Motion carried.

**EMERGENCY SERVICES REVIEW** – Supervisor Galligan stated that the Planning Board has been requesting a review of the impact of the proposed developments on our emergency services. We have a proposal from a group who was referred to us by our consultant C.T. Male. The cost of this review will be split between the three developers. Discussion was held on the qualifications of this group, the amount of the money being spent on this review, and putting the item up for a request for proposals. MOTION by Councilman Raponi, and seconded by Councilman Galligan to put this out for a formal Request for Proposal. Vote: 5 ayes – 0 nays. Motion carried.

## NEW BUSINESS

**2010 JCAP GRANT** – Supervisor Galligan indicated that both of our Justices are here this evening and we had a discussion prior to the meeting on how to spend the grant funds. Justice Olesnycky informed the board that they must spend the balance of the 2009 grant funding by September 19, 2010 or risk having to return it, it is about \$3,500.00. Judge Olesnycky further stated that since the budget has now passed, and there is funding for 2010 JCAP grants, he will be applying for additional funding – perhaps for air conditioning for the meeting/court room.

**CELL TOWER – FIREHOUSE** – The Fire Company is in the process of reviewing a contract to place a cell tower at the firehouse. They may need variance from the ZBA based upon the size of the lot they need to place the tower. It's a good place and it's a win-win situation, good for the fire company and the residents of the district. Hopefully it will keep our fire taxes down. Councilman Sipos asked if there were any numbers available for the amount of the contract. Supervisor Galligan responded not to his knowledge, the tower will be constructed by AT & T, but they have leases available if Verizon wants to get on it or any other cellular carrier. MOTION by Councilman Galligan, seconded by Councilman Sipos to open the floor for discussion. Vote: 5 ayes- 0 nays. Motion carried.

Ivan Orisek – I worked for AT & T, if you look at the national coverage map for AT & T and Verizon, AT & T has less coverage than Verizon, and if Verizon doesn't put an antenna on that tower, it may not improve your Verizon service.

Rick Katzman – The plan shows extra space for rental space. They can't just come and do this, it too is subject to SEQRA, and if falls into the State regulations.

Discussion was held by the board with regard to Town owned properties. AT & T did look at the Town Barn and the Town Hall locations, which were deemed not suitable.

**LOT LINE CHANGE/WAIVER LOCAL LAW** – Supervisor Galligan stated that his original feeling on this was to let it go until they are done re-doing the zoning, I recommend that we direct our attorney to draft a local law to incorporate lot line changes in our codes, so that people don't have to jump through all of these hoops for something easy. Councilman Galligan suggests that Attorney Bavoso contact Chuck Voss when drafting this local law. MOTION by Councilman Creegan, seconded by Councilman Sipos to authorize Attorney Bavoso, with Chuck Voss of Barton & Loguidice and Ivan Orisek to draft a proposed local law permitting lot line changes and waivers. Vote: 5 ayes- 0 nays. Motion carried.

**CHANGES TO MONTHLY FINANCIAL REPORTS** – Supervisor Galligan informed the board members that last month they received the new changes to the monthly financial reports, we have made a few more changes. Please review them, if there is other information you would like to see in them, please let Tara know.

**SHO-FU-DEN/SARATOGA ASSOCIATES – CONTRACT EXTENSION** – Supervisor Galligan informed the Board that all of the developers have their escrow accounts up to date. The Sho-Fu-Den contract with Saratoga Associates as the third party review needs to be extended. The funds are in place, we need a resolution to extend the contract. MOTION by Councilman Sipos, seconded by Councilman Creegan to authorize the Supervisor to sign the contract extension agreement with Saratoga Associates for continued third party review. Vote: 5 ayes- 0 nays. Motion carried.

## COMMITTEE REPORTS

Planning Board – New appointee – no other report.

Historian – On Thursday, August 12 at 9:30 in the morning I will be giving a tour of the log cabin and the old town hall to the campers and have invited the public as well.

Building Inspector – report filed.

Seniors – There will be a trip to West Point on the 19<sup>th</sup>.

Green Committee – No report.

Forestburgh Day – This Saturday, John Conway at 2:00, chicken barbecue starts at 3:00, performances by the Forestburgh Playhouse Cabaret and the Swing Shift Orchestra. Next week on the 14<sup>th</sup> will be the 5K race to benefit Hospice. Tickets for the barbecue are available at the door.

## **PUBLIC COMMENT**

Dick Gibney – As a point of information, if you are going to fix the old Town Hall, and it will be about \$15,000 - \$20,000 – do you have the money or where is the money going to come from? Supervisor Galligan stated that we do have a fund balance, that is one place it may come from and we will also look for grant money to repair it.

Rick Katzman – I would like to ask the Town Board to consider setting a time limit for developers to replenish their escrow accounts – because this is going on forever and the Planning Board found themselves in the position where they were discussing one of the developments and the money wasn't in the account and I think the Town Board needs to have you have fifteen or thirty days to replenish the escrow funds. Supervisor Galligan stated that one of the biggest hammers the Planning Board has, and they have used it, is that you may not appear until your funds are replaced. Mr. Katzman asked also if the Board would purchase two more chairs for the dias to accommodate the Planning Board.

Nick Kass – At 1327 Cold Spring Road, which is State land, with a life estate to Jon Wallach, there are eleven or twelve construction vehicles in various states of disrepair. Are there any projects going on there? Supervisor Galligan replied not that he was aware of. Mr. Kass asked if someone could investigate the amount of vehicles there.

Gay DiVirgilio – I was wondering if the old Town Hall generates any income, is it space that is leased out for special occasions. Supervisor Galligan stated it is not an option, as there is no water, no bathrooms. It only has historical value.

Dan Hogue Sr. – I would like to ask the justices, now that an attorney is being hired and tickets will be plead down to parked on pavement – who will get the money the State or the Town. Justice Carroll stated that not every ticket can be reduced to parked on pavement or you will risk the State coming down. Mr. Hogue just wants to know if the State is going to get the main part of the fine or will the Town? Justice Carroll continued it would depend what the ticket is bargained down to, and you can't bargain a ticket if you can't get anybody to write them. Supervisor Galligan stated that one of the things that the Town Board is worried about, more than the revenue generated, we don't want Forestburgh to get the reputation that tickets are not enforced. Mr. Hogue continued that everybody knows "Radar Ray" in Bethel who writes a lot of tickets every year and 89% of them are reduced down and that money comes back into the Town, go through Otisville, it's the same thing. I am just saying it's better if we get to keep the funds. In my opinion only, the DA should be the one prosecuting these tickets, now we have to hire an attorney at our expense, let's make the revenue.

Mary Ann Toomey – To change the subject, we have three men doing landscaping in the Town of Forestburgh, two are doing their jobs, one is not. I think if you combine the wages of the three, it may be cheaper to put it out to bid for a professional landscaper and have everything done and done correctly.

Gene Raponi – In attending the zoning review committee meetings, I think we need to have Dan Hogue, Highway Superintendent on the committee. Also, I agree with Mary Ann, if you look at the shrubs at the edge of the playground, it has never been weeded and is being over grown by weeds.

Chuck Vassallo – I know that a few years ago Sullivan Renaissance was doing the weeding and I do want to add that we are having another family swim night at the pool this Friday.

Roger O'Dell – I was just wondering if we received our yearly donation from the Boy Scouts? Supervisor Galligan replied no. Councilman Galligan asked if we ever received anything from the other scout council, to wit, the answer was no, Councilman Galligan requested that a letter be sent to both councils.

Liz O'Dell – With the cemetery and the tree, am I correct that if Roger goes back and asks them to get their own insurance and add it on to the bill, you will have it taken down? Supervisor Galligan replied that as long as it was within reason, of a couple of hundred bucks, they would most likely go along with it.

**EXECUTIVE SESSION** – MOTION by Councilman Sipos, seconded by Councilman Creegan to enter into executive session for the purpose of personnel and invite Justice Maryjean Carroll and Scott Russell into the executive session. Vote: 5 ayes – 0 Nays. Motion carried. MOTION by Councilman Sipos, seconded by Councilman Galligan to reconvene into regular session. Vote: 5 ayes – 0 nays. Motion carried.

**PROSECUTING ATTORNEY** – MOTION by Councilman Galligan, seconded by Councilman Sipos to hire Scott Russell as the prosecuting attorney for traffic tickets for one night per month at the rate of \$150.00 per hour for a term to begin immediately and expire on December 31, 2010. Vote: 5 ayes – 0 nays. Motion carried.

**ADJOURNMENT** – MOTION by Councilman Sipos to adjourn at 8:25 p.m.

Respectfully Submitted,

Joanne K. Nagoda,  
Town Clerk