

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

The Town of Forestburgh Town Board held its regular monthly meeting on **Thursday, September 2, 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 – Glen A. Plotsky, Attorney for the Town
Dan Hogue, Highway Superintendent
Richard Lorino – Building Inspector

REPORTS –

Supervisor Galligan submitted the monthly financial report for August 2010.

Justices Carroll and Olesnycky submitted monthly reports of justice court fines and activities for August 2010.

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

PUBLIC COMMENT – None.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes for the regular Town Board meeting held on August 5, 2010. MOTION by Councilman Sipos, seconded by Councilman Creegan to accept the minutes as submitted. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 235 – 260 in the sum of \$17,258.50 as set forth in abstract # 9 were audited for payment. MOTION by Councilman Raponi, seconded by Councilman Galligan to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 142 – 152 in the sum of \$32,926.86 as set forth in abstract # 9 were reviewed. MOTION by Councilman Galligan, seconded by Councilman Sipos to accept highway vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 24 in the amount of \$25.00 as set forth in abstract # 9 were audited for payment. MOTION by Councilman Creegan, seconded by Councilman Sipos to pay escrow fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

COMMUNICATIONS –

A letter was read inviting all to attend the September 11 Memorial Service for the Town of Deerpark. The Town of Deerpark has received a beam from the World Trade Center and is constructing a monument which will be unveiled at their service on Saturday, September 11, 2010 at 8:30 a.m. at the Town of Deerpark Town Hall, Route 209, Huguenot, New York.

A second letter from the State of New York Unified Court System informing the Board they are obligated to audit the records of the Justice Courts and adopt a resolution stating the audit was performed. Supervisor Galligan stated that he would inform the judges to have their records ready for audit in October.

UNFINISHED BUSINESS

THE FALLS AT BLACK CREEK – Supervisor Galligan stated that we sent them a letter requesting a status update and have received no response. Supervisor Galligan suggests sending another letter giving them thirty or sixty days to give us an update or be removed from the agenda. Supervisor Galligan directed the attorney to send a letter to the developer. Matter tabled.

DOUBLE DIAMOND/LOST LAKE – Supervisor Galligan informed everyone that we are still waiting for Double Diamond/Lost Lake to submit their Final Environmental Impact Statement (FEIS) which will have their response to the issues that were raised at the public hearing back in June. Matter tabled.

FORESTBURGH CEMETERY – Councilman Galligan stated that the Benzien's will grant the quit claim deed once the Town agrees that they would maintain the stone walls and that the family may utilize their plots within the cemetery. Of course we will maintain the stone walls and obviously they may use their burial plots. MOTION by Councilman Sipos, seconded by Councilman Galligan to have Bavoso, Plotsky & Onofry prepare and file the quit claim deed for the cemetery, from the Benzien's to the Town of Forestburgh. Vote: 5 ayes- 0 nays. Motion carried.

Supervisor Galligan continued that on the same item, we do have one tree quote for removal of the tree from the cemetery. We received a quote from Tree Innovations in the amount of \$1,400.00 to remove one tree. Discussion was held to obtain proof of insurance and see what he would charge us to trim/remove the other trees in the cemetery. MOTION by Councilman Galligan, seconded by Councilman Sipos to accept a written proposal from Tree Innovations in the amount of \$1,400 to remove one maple tree in the cemetery upon submission of proof of insurance. Highway Superintendent Dan Hogue will oversee the project. Vote: 5 ayes – 0 nays. Motion carried.

FARM PRESERVATION GRANT – Supervisor Galligan spoke with Planning Commissioner Aragon who informed him that since the State has passed their budget, and the funds are in place, the grants will be awarded in the near future. Matter tabled.

OLD TOWN HALL REPAIRS – Engineer Gottlieb has put together the specs and drawing for the repairs to the old Town Hall. MOTION by Councilman Sipos, seconded by Councilman Raponi to advertise to bids for repairs to the old Town Hall with the bids to be opened on October 1, 2010 at 11:00 a.m. Vote: 5 ayes – 0 nays. Motion carried.

EMERGENCY SERVICES REVIEW – RFP - Attorney Bavoso has written the Request for Proposals for the emergency services analysis for the proposed developments. Discussion was held with regard where to advertise this RFP. Attorney Plotsky recommends contacting our consultants for professional trade publications in which to advertise. MOTION by Councilman Sipos, seconded by Councilman Raponi authorizing Joanne Nagoda to advertise the RFP in a trade publication recommended by our consultants with a bid opening to be held on November 1, 2010 at 11:00 a.m. Vote: 5 ayes- 0 nays. Motion carried.

NEW BUSINESS

2010 JCAP GRANT – Judge Olesnycky has requested authorization from the Town Board to file a grant application for 2010 Justice Court Assistance Program grant. Judge Olesnycky was very successful with this grant last year and I believe that this year they are applying for air conditioning for the court room. MOTION by Councilman Sipos, seconded by Councilman Creegan authorizing Justice Olesnycky to make an application for the 2010 Justice Court Assistance Program. Vote: 5 ayes – 0 nays. Motion carried.

PROPOSED LOCAL LAW #1 OF 2010 – DOG LICENSING – Town Clerk, Joanne Nagoda informed the Board that the State of New York is no longer overseeing the licensing of dogs in New York State. The Town's have to adopt their own legislation for the licensing of dogs. Any funds received will now be kept solely by the Town and no monies will be sent to the State or the County. This law must be enacted prior to January 1, 2011. We have to have a public hearing on this proposed local law before we can adopt it. MOTION by Councilman Galligan,

seconded by Councilman Sipos to hold a public hearing on October 7, 2010 at 7:00 p.m. in the Town Hall for Proposed Local Law # 1 of 2010 entitled Dog Licensing. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY TRUCK REQUEST – Highway Superintendent, Dan Hogue has requested to purchase, from State Bid a new 2011 Ford 4 x4 Regular Cab F-350 with an eight foot bed at a price of \$28,487.66 which would replace a 2004 Chevy Pick Up with 97,000 miles on it. The Chevy would replace a 1988 International Flatbed S-1900 with over 150,000 miles on it. Superintendent Hogue has funds in the equipment line of his budget to purchase the truck and still have available funds leftover. Superintendent Hogue also requests that the 1988 International S-1900, Vehicle Identification Number 1HTLDTVR9JH583037 be declared surplus and sold for fair market value. MOTION by Councilman Galligan, seconded by Councilman Raponi to authorize Superintendent Hogue to purchase the 2011 Ford F350 Pick Up Truck from State Bid at a cost of \$28,487.66 and that the 1988 International S-1900, Vehicle Identification Number 1HTLDTVR9JH583037 be declared surplus and sold for fair market value. Vote: 5 ayes – 0 nays. Motion carried.

BUDGET WORKSHOPS – The tentative budget has to be to the Town Clerk by September 30, and it must be presented to the Town Board by October 5. Discussion was held as to dates for a budget workshop and time needed to review and examine vouchers. MOTION by Councilman Sipos, seconded by Councilman Cregan to meet at 6:00 p.m. from October until December 31, 2010 to review vouchers with the regular Town Board meeting to start at 7:00 p.m. and to meet on October 7, 2010 at 5:00 p.m. for a budget workshop. Vote: 5 ayes – 0 nays. Motion carried.

COMMITTEE REPORTS

Planning Board – No report.
Historian – Report filed.
Building Inspector – Report filed.
Seniors – Going to lunch at DeMatteo’s next week.
Green Committee – No report.
Forestburgh Day – Mark your calendars – August 20, 2011.

PUBLIC COMMENT –

Dan Hogue, Sr. – Is there anything new on the cell tower at the fire house? Supervisor Galligan replied that they want it, AT & T wants to build it, they want to move it along, but they will have to come before the Planning Board and there is a question if they may need a variance as well – but it is moving forward.

Mary Ann Toomey – I have spoken to Ms. LaFrank in Albany, and I am trying to get the Old Town Hall on the Historical Register, but once we get title to the cemetery, I can have that placed on the registry as well. They do have a plaque, but we would have to buy it.

David Turick – I understand that tonight there may be some discussion in reference to my place here in Forestburgh being open for business, and I would like the board members to know that I have folders that contain lots of documents that may be in my defense if the Town is considering litigation. I think the Board should look at them or invite me into executive session.

Stuart Salenger – I just want to bring attention, that the Playhouse has Loretta Swit, she is here for a show called “Equus” playing the magistrate. There will be a fundraiser/benefit show on September 10 & 11. On Sunday morning there will be a benefit in Milford. Get your tickets for this event now.

Dan Hogue, Sr. – Just a reminder that September 11 is coming up and remind all to fly their flags.

COUNTY ACTIVITIES – Supervisor Galligan informed everyone that on Tuesday, October 5, 2010, Legislator Kathy LaBuda will be here. For those of you who don’t know, last week we met with the Sheriff and the Undersheriff and Investigator Jason Gorr to discuss the recent burglaries in town. During that meeting, several people asked to have our legislator down and discuss budget and increased patrols. So, she will be here for an

informational meeting at 7:00 p.m. on the 5th of October. Dan Hogue, Sr. asked if you could have the County Manager come as well. Supervisor Galligan will extend that invitation.

EXECUTIVE SESSION – MOTION by Councilman Sipos, seconded by Councilman Raponi to enter into Executive Session for the purpose of possible litigation and further invited Attorney Plotsky and Building Inspector, Rich Lorino into the session. Vote: 5 ayes- 0 nays. Motion carried.

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

MOTION by Supervisor Galligan to have legal action taken to have Mr. Turick appear before the Planning Board for a special use permit. No second, motion not carried.

MOTION by Councilman Raponi, seconded by Councilman Galligan to accept the business of Mr. Turick based upon permits issued by the building department and permit usage. Vote: 4 ayes – 1 nay. Motion carried.

ADJOURNMENT – MOTION by Councilman Sipos to adjourn at 7:58 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk