

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, September 6, 2012** in 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
Richard Harris – C.T. Male Associates
Dan Hogue, Jr., Highway Superintendent

PUBLIC COMMENT – None.

REPORTS –

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

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

MINUTES – Town Clerk, Joanne Nagoda submitted minutes for the August 2, 2012 regular town board meeting, the public hearing for Local Law # 2 of 2012 on August 28 and the planning matters meeting on August 28, 2012 for review. MOTION by Councilwoman Landis, seconded by Councilman Creegan to accept all minutes. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 214 – 244 in the sum of \$9,684.39 as set forth in abstract # 9 were audited for payment. MOTION by Councilman Creegan, seconded by Councilman Raponi to pay all general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # #127 – 138 in the sum of \$58,185.06 as set forth in abstract # 8 were reviewed. MOTION by Councilman Galligan, seconded by Councilwoman Landis to accept the highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 20 in the sum of \$300.00 as set forth in abstract # 8 were reviewed. MOTION by Councilman Creegan, seconded by Councilwoman Landis to pay the escrow fund voucher. Vote: 5 ayes – 0 nays. Motion carried.

COMMUNICATIONS

Town Clerk, Joanne Nagoda read a letter from Bill Burns, President of the Sullivan County Historical Society thanking us for allowing them to participate in Forestburgh Day and hope they can join us in the future.

Secondly, a letter of resignation was received from Danielle Mack resigning her positions as Assessor Clerk and Building Inspector Clerk effective September 30, 2012.

Lastly, a letter was read from Patrik Schumann informing the town of planned forestry projects on their property on the other side of King Road. At the request of the highway superintendent, the Attorney will contact them about signing a hold harmless agreement with the Town.

UNFINISHED BUSINESS

WEBSITE PROPOSAL - Supervisor Sipos stated that we do have two website proposals, however we have with us an individual that contacted me today to present another proposal. I turn the floor over to Steven Kurlander. Mr. Kurlander approached the board and explained that they have just moved back from Florida and I am launching a social media/website business. I am trying to have various towns in the county adopt a program where they e-mail instead of period mailings, we do a once a month e-mail blast, with a corresponding website as well as facebook and twitter. It is still a grassroots level but the next level in communication. We could have notes from members of the board and even members of the community, it would contain the minutes of past meetings, news about Forestburgh that appeared in the press and other websites and other things that would highlight the Town of Forestburgh, that it is a great place to live, work and do business. Supervisor Sipos asked if Mr. Kurlander had sent to all of the board members the prototype, which is the Town of Fallsburg, that was sent to him. Mr. Kurlander replied no. Supervisor Sipos read a summary of what is on the Fallsburg blog page. Mr. Kurlander stated that he would add links to the school districts, the Forestburgh Playhouse. You would develop an e-mail list for residents of the town and elsewhere and e-mail them a blog that is linked to your website. It's much more effective this way. Councilman Raponi stated that you have Fallsburg for a client, do you have anymore? Mr. Kurlander replied that he has some private clients, I do Legislator Alan Sorensen's blog and have for years and his website. Councilman Raponi asked Mr. Kurlander are you living in Florida or here? Mr. Kurlander replied that he now lives in Rock Hill, I'm moving back. Mr. Kurlander will send the board a proposal and examples of his other work. Matter tabled.

LOST LAKE UPDATE – Supervisor Sipos stated some people may be aware, there has been activity over on Cold Spring Road. They are working on their temporary sales office, they are still waiting on the DEC for their permits, which should be any day. We also have with us a gentlemen from C.T. Male who wanted to come down and introduce himself. Mr. Richard Harris addressed the board and introduced himself as the new Senior Planner at C.T. Male, I came on board in late April, your main contact has been John Munsey and he has brought me in and I have done some of the work and reviews on Lost Lake. In that regard he wanted me to get a sense of the project in person and introduce myself to you as part of the project team. Mr. Harris then briefly explained his history and credentials he then thanked the board for their time and for using C.T. Male.

RETIREMENT REPORTING – Supervisor Sipos stated that all board members must have their calendars for retirement reporting to the town clerk by Monday.

DOG CONTROL CONTRACT – Supervisor Sipos thanked Attorney Bavoso for drawing up the contract. Councilman Galligan asked about the Pets Alive Organization. Attorney Bavoso stated when we had the dog issue, he contacted Pets Alive in the town of Wallkill, which is a no kill animal shelter and asked if they would be interested in contracting with the town, they stated that since we only get four or five dogs a year, they would take them for nothing. If the board is interested, I will contact them and see how we should coordinate that. The board requested Attorney Bavoso make the necessary contacts. Matter tabled.

SUMMER RECREATION – PAVILLION – We have a letter from town engineer, Joe Gottlieb, to correct the flooding at the pavilion, the settled area would have to be cut out and replaced. A swale would also have to be constructed in the grass to provide positive drainage. Highway Superintendent Hogue will speak to Mr. Gottlieb and see about filling it with concrete. Matter tabled.

BARTON & LOGUIDICE CONTRACT – Everyone has a copy of the proposed contract with Barton & Loguidice to complete the zoning revisions. Councilman Galligan asked for the fee schedule that had previously been requested. No fee schedule had been received, we will contact them and request the schedule. Matter tabled.

TELEPHONE SYSTEM – Our phone system has been giving us some problems we have received three quotes to replace the system. After a review of the quotes discussion was held about the actual phone lines/wiring in the building, since the building is now thirty years old. Attorney Bavoso stated one of his secretary's husbands does

phone systems he can come and take a look at the wiring. The board agreed to have the wires and the system looked at. Matter tabled.

NEW BUSINESS

2013 BUDGET – Supervisor Sipos informed the board that in their packet they have a copy of the current 2012 budget and all of the departmental requests. We need to schedule a budget workshop. MOTION by Councilwoman Landis, seconded by Councilman Creegan to hold a budget workshop on Wednesday, September 19, 2012 at 6:30 p.m. in the town hall. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY MATTERS – Superintendent Hogue stated that he was contacted by Carol Hough on Black Brook Drive and she has overgrown white pines along the road. We researched the deeds and found a written survey of the deed, but no maps indicating a right of way. We would have to have the roads surveyed and see if the trees are in the town's right of way or if we even have a right of way at all. Councilman Galligan stated that he went a looked at it and has right of way maps. Councilman Galligan volunteered to survey it and see if the trees belong to the town.

UNION NEGOTIATIONS – Supervisor Sipos stated that he was contacted by Dick Messina of the union and wants to set a date for union negotiations. MOTION by Councilwoman Landis, seconded by Councilman Creegan to hold a special meeting for union negotiations on Wednesday, September 26, 2012 at 4:30 p.m. in the town hall. Vote: 5 ayes – 0 nays. Motion carried.

POOL – ADA COMPLIANCE – Supervisor Sipos read an article from summer program director, Chuck Vassallo. It states that all swimming pools must be ADA compliant with handicapped accessible pool lifts. Town Clerk, Joanne Nagoda stated the law went into effect last January and I have information upstairs from a company that sells the lifts.

COMMITTEE REPORTS

Planning Board – Still working on the revisions to the zoning code.

Historian – Report filed. Mary Ann Toomey stated that the highway department have taken down the two broken historical markers. Catskill Castings gave me a quote of \$300 to repair the Handy sign and \$250 for the stage coach sign. They wanted \$250.00 each to strip them and repaint them. The highway department has some stripper and they have stripped the signs. So thanks to the highway department they saved the town \$500. It will take 8 – 10 weeks to have the signs repaired and the highway department will repaint the signs when we get them back.

Seniors – Meeting on Monday.

Building Inspector – report filed.

Green Committee – no report

Forestburgh Day – For next year the focus will be on the fire department, as it is the 50th Anniversary of the fire company.

PUBLIC COMMENT

Katherine Barnhart – You sort of sailed through the website proposal, what is the status of it? We had another individual who wanted to submit a proposal, he was here this evening and we'll see what kind of numbers he gives us. He wants to include e-mails and social media as well. Ms. Barnhart asked if the other company would be appearing before the board. Attorney Bavoso stated that Virtual Towns and Schools is willing to have their first meeting here. Ms. Barnhart then asked who will be policing Lost Lake as they begin to work? Supervisor Sipos replied the building inspector. Ms. Barnhart then asked if the board had any idea when they would appoint a new planning board. Supervisor Sipos stated that in the near future we will start interviewing for the planning board. We have to interview the candidates and we have to finish Lost Lake, we'll put it back together soon. Councilman Raponi stated he would like to put back soon.

Mary Ann Toomey – It goes back a long time. When Lost Lake first started, the DEC was going to be the main person, then they had the cutbacks then they said the town could be the lead agency. They did not make so the town could be lead agency if I want to develop my one acre lot into two thousand homes.

Dan Hogue, Sr. – Does anyone know what’s going on up at the Dragonfly? Supervisor Sipos replied yes, we’ve had some discussion about that. I spoke with the building inspector and the attorney about it. At this time, it’s a code enforcement issue. Mr. Hogue continued what are they doing? I see a used car sign up there and there are people walking in and out of there every day. In fact there was a drug arrest there two weeks ago and it came right out of there. Is the sign ordinance still in effect in the Town of Forestburgh. There are signs popping up all over town. Supervisor Sipos stated that the sign ordinance is still there.

Mary Ann Toomey – I have another question – I object to my old town hall being used as a dog pound. I don’t care if the dog is in a crate I don’t want it in a historical landmark that I am trying to get funding for – so refrain from using the old town hall. And one more thing, why are some of the members of the present town board exempt from filing building permits and doing building on their private home properties. Supervisor Sipos invited her to speak up and tell who it is. Ms. Toomey continued, I am asking two of you. Supervisor Sipos asked who are those two? Ms. Toomey replied “John and you”. Councilman Galligan asked what he did? Ms. Toomey asked “aren’t you putting in a swimming pool?” Councilman Galligan replied “ I think you better check – the permit is on file up here. Before you open your mouth you ought to check those things.” Ms. Toomey replied “well, I will”. Councilman Galligan continued that the permit is filed, signed and all in order. Supervisor Sipos asked “what am I doing?” Ms. Toomey replied “did you not build an apartment over the garage on Dill Road?” Supervisor Sipos replied “Yes, I did” Ms. Toomey asked “did you have a permit?” Supervisor Sipos replied “one hundred percent, fully occupied, as well as a certificate of occupancy.” Ms. Toomey responded “ok, we’ll check on it.”

Dan Hogue, Jr. – Last meeting I wasn’t here, but one of the former employees of the town was, wondering what the status of the town and his being is. It’s my understanding, well, I have the minutes and everything – the town board acted like they had no clue what was going on, according to the minutes, they were going to check into stuff, apparently he’s been in touch with you, Mr. Supervisor, numerous times at his house. I don’t know what you’re telling him. But I have an e-mail from Attorney Bavoso dated October 28, 2011 advising the town board not to speak with this employee “because anything you say can be used to discredit the town’s position.” The fact that he was terminated pursuant to all of the town’s proper procedures and provisions in the state law. There is a file about six inches thick with this. Nobody from this town board has come to me – John drives by the town board every single day for the last two months, I see him. He can’t stop in and talk to me. Then back, December first, 2011 at the meeting in executive session, right after executive session, you came out to discuss this employee and money owed to the town, the sum of two thousand something dollars, there was a motion by you, Mr. Galligan, seconded by Councilman Creegan authorizing the attorney to send a follow up letter to this employee regarding the overpayment of wages by the town. Furthermore, if no response is received from this employee by the end of the year, the attorney for the town is authorized to initiate an action to recover the overpayment amount. Five ayes, zero nos – motion carried. What is the status of that motion that was on the table and recorded in the minutes? I have it here and I can make copies for you. I have a good memory and lots of documentation. So where’s the town board do with that? Or was that just pushed aside because the attorney was given authorization to pursue it. Mr. Hummel doesn’t know what’s going on. I don’t know what’s going on. Somebody behind that table better know what’s going on, because I’m not screwing around with you guys anymore. I’m tired of it. Three years screwing around with this crap. Are you going to answer me? Supervisor Sipos replied that he was downloading the file right now – he too has a file all of six inches himself. I would like to table this until the next meeting. We’ll clear this up the next meeting. Superintendent Hogue stated this was supposed to be cleared up 12-1-11. How come we’re not pursuing reimbursement to the town? You have a fiduciary responsibility under the oath of office that every one of us takes every two years, to pursue this. You’re negligent in your duty, that’s what it is. I’d like to know who represented the town on their own behalf and advised the attorney not to pursue this. I’m not expecting an answer either, because I expect no less from you guys. Supervisor Sipos replied I’m sorry you feel that way about it, Dan, if you want to clear it up, let’s talk about it. Superintendent Hogue replied I just did – and it’s silent back there. Supervisor Sipos replied you are very adamant about this, let’s just talk about it. You have a problem, he’s got a problem, he was here at the last meeting, you weren’t here. Superintendent Hogue stated that neither one of us seems to know where we’re going with this. But somebody behind that table does. Right? I would hope. Supervisor Sipos stated he didn’t know – he’s not the one who hired Mr. Hummel. Superintendent Hogue stated there was a motion on the table, December 1, 2011 – I read it here, just a couple of moments ago – what’s the status of that motion? Supervisor Sipos replied that he couldn’t answer that right now. Superintendent Hogue asked why? Isn’t that your job? This has been done for almost three years, yet it’s being drug on, by I believe, certain members of the town board. You are misleading this ex-employee. It’s going to end up costing the town a lot of money. I guarantee it. Supervisor Sipos responded that no one is misleading anybody. Superintendent Hogue stated I have documentation of it Billy. You guys should

know I cover my ass pretty good with everything. Supervisor Sipos asked Superintendent Hogue to relax and take it easy. Superintendent Hogue replied I'm sitting here, come up with an answer.

ADJOURNMENT – MOTION by Supervisor Sipos to adjourn at 7:59 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk