

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, September 1, 2011** 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 – William D. Bavoso, Attorney for the Town  
Daniel S. Hogue, Jr. – Highway Superintendent  
Richard Lorino – Code Enforcement Officer

#### **REPORTS –**

Supervisor Galligan submitted the financial report for the month of August, 2011.

Town Clerk, Joanne Nagoda submitted a report of clerk fees and activities for August, 2011.

#### **PUBLIC COMMENT –**

Dan Hogue, Sr. – I know that Orange & Rockland has been overwhelmed, but this afternoon when I got my mail my electric bill was there. Maybe they should stop licking stamps and start working on the power outages.

**MINUTES** – Town Clerk, Joanne Nagoda submitted minutes for the July 27, 2011 Public Hearing, the regular monthly meeting of August 4 and the special meeting on August 17, 2011. MOTION by Councilman Sipos, seconded by Councilman Creegan to accept all three sets of minutes as submitted. Vote: 5 ayes – 0 nays. Motion carried.

**GENERAL FUND VOUCHERS** - # 174 – 207 in the sum of \$14,638.34 as set forth in abstract # 9 were audited for payment. Supervisor Galligan added that we pay the band for Forestburgh Day, \$1,200 which is budgeted and to also pay the attorney bill that was withheld last month as its part of our insurance deductible. MOTION by Councilman Galligan, seconded by Councilman Sipos to pay all general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

**HIGHWAY FUND VOUCHERS** - # 144 – 173 in the sum of \$61,856.32 as set forth in abstract # 9 were reviewed. MOTION by Councilman Sipos, seconded by Councilman Raponi to accept the highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

**ESCROW FUND VOUCHERS** - # 22 in the sum of \$1,650.00 as set forth in abstract # 9 was reviewed. MOTION by Councilman Sipos, seconded by Councilman Creegan to pay the escrow fund voucher. Vote: 5 ayes – 0 nays. Motion carried.

**COMMUNICATIONS** – Town Clerk, Joanne Nagoda first read a letter from Loraine Miller of 886 Plank Road, commending the Town and Dan Hogue and the highway department for repaving Plank Road, It looks better than it has in decades and is much appreciated. Also, she is interested in helping Mrs. Toomey in her concept for Forestburgh's 175<sup>th</sup> birthday. Please let her know how to proceed. As a side note, 2011 marks the 100<sup>th</sup> anniversary of the Miller family in Forestburgh. They are calling it "Millerenium".

Next a letter from Thomas Berg, thanking the Town for allowing him to serve on the Planning Board for twenty plus years. Due to the adoption of Local Law # 3, he feels that the relationship between the Town Board and Planning Board are irreparable, therefore, I am resigning. Please let it be known that I am not against the Lost Lake project. As a person actively involved in the construction business, I am fully aware of how many families can be fed by a project of this magnitude. It is Local Law # 3 that is the issue. Thank you.

#### **UNFINISHED BUSINESS**

**ZONING REVIEW** – There is nothing on that.

**OLD TOWN HALL** – We are getting the plaque, but nothing on any repairs yet.

**BUILDING DEPARTMENT – CELL TOWER FEES** – We haven't done anything with this and we don't have a tower yet either. They have told the fire department that there is a chance it may happen by the end of the year. Councilman Creegan suggested sending a letter urging them to build it. Building Inspector Lorino again requested they review the fee schedule, as they have had their permit this long and done nothing, if they have to renew it, we should receive a respectable amount, unlike their last fee. Supervisor Galligan replied that is a good topic for review at a budget workshop.

**PRICE CONDEMNATION/198 DILL ROAD** – Supervisor Galligan asked those who were present for an update on the situation. Janet Price responded that she has done some research herself, and the Town can't demolish my home. You can't do it if there is nothing wrong with the structure of the house. So I don't know why this has been an issue. I hope people don't have to live like I have lived, no food, no oil, no water and no electric, with no help. I live on eleven hundred a month and I am doing the best I can. The feces in the house was not four foot high...ever, as people have said. My husband has done more for this community than a lot of people. My son went and helped them, we have done for the other neighbors, when I am in need, they complain that my lawn is too high. You see the mower sitting outside there for a year, don't you think something is wrong? Come over and say "hey, do you need a hand" – not one of them, ever helped me. You want to condemn my house, that's fine. I know you don't want me in Forestburgh, but you know what, I'm staying. One way or another, I'm staying. My bank is in active mitigation to keep my home. I will take care of the repairs, I have started. We have cleaned up the garbage at the end of the driveway, the side of the house and my son is there tonight getting the rest of the stuff off of the porch. It's nice to be able to stab people in the back, I have no more skin to stab. There are other places in town that should be condemned because of the structure of the house, but you are all focused on me because I had a hard time. I did what I was supposed to do. Yes, my dogs were fed sporadically like they said. I don't feed my dogs everyday because six dogs don't require a fifty pound bag of dog food a day. I go in every three days, well, I give them water. Every three days they get fifty pounds of food. If people have a problem with that, it's their problem not mine. People should look at their own skeletons in the closets, not mine. I have been without for a long time, since Wayne's been sick. My disability is not coming in, I have been fighting since January. So if you want to rip down my house, you're going to have a little fight. That is all I have to say on that, but I will fix my home. Tana Price Maxwell, daughter of Mrs. Price stated that she has something to say as well, my father wants to know why you don't call him and put him on speaker phone when you are having your meetings. He built that house. He's very upset. He wants to know why you aren't calling him. Supervisor Galligan replied that no one has requested it. Mrs. Maxwell continued, well, he is requesting it – he asked me today to find out if it's possible. He's very upset, he built that house with my grandfather. Mrs. Price stated that he probably wouldn't want to hear what was said. She continued by saying that structure is sturdy. Supervisor Galligan recognized Spencer Monroe in the audience and granted him the floor to speak. Mr. Monroe stated that it seems to him that he went over to Mrs. Price's house, took her lawn mower back to his house, fixed it and gave it to your son. It was a push mower. Mrs. Price replied that she knows nothing of a push mower. Supervisor Galligan stated that there would be no cross discussion and requested that Mr. Monroe address the board. Mr. Monroe continued that he took a mower, fixed it and returned it to them to cut the grass, I also went over there a few times with my tractor and cut the grass for her. I also gave her a living room set. Charlie Beamer went over and repaired the oil burner and got it running for them, I stood in the driveway along with Bill Sipos (Councilman) who offered to hire a dumpster for her to help her clean up for nothing. So don't say that nobody tried to help you. Supervisor Galligan stated that at the last meeting you were going to come back with a contract that was signed to do cleanup work and so forth, do you have that? Mary Dollard, sister of Mrs. Price, asked for the board to help her out, she has forgotten where we had left off. Did we talk about the possible foreclosure date? Is that what we discussed? Wasn't it agreed that we would deal with ServPro after we found out what was going on with the bank. There has been a storm of misinformation. Some of the misinformation that we received was that there was a foreclosure date at the end of August. I won't tell you where it came from, but it came from a very unlikely place. In any case, I think I spoke with you of that the last time we were here. If I did, I would have said we would let you know once we find out if that date is on the calendar or not, then we can't stop the foreclosure and I won't sign the contract with ServPro. Do you remember me saying that? Was that about right? Well, anyway, we have been on a wild goose chase. We have been trying to track down that misinformation. We had a search done by Upstate Abstract, that was expensive and extensive and it turned up no such foreclosure date is on the calendar. So that was time and money spent on misinformation. There is no word from the bank yet about the government mortgage, they have all of her information and they are processing it and the last thing we heard would be by September 7<sup>th</sup>, so we have to reach someone. I don't know if that means they will have an answer on September 7 or if they will talk to her on the 7<sup>th</sup>. In recent days, her income has shot up so it should make it more reasonable for them to approve her. I am up against a brick wall with signing an expensive contract with ServPro if they are going to take the mortgage. So the ball is back in your court. You have to do what you have to do, but I feel that I have done everything reasonably possible to follow through on this. Supervisor Galligan then asked the Board what was their pleasure. Attorney Bavoso confirmed to the Board that our statute allows the Town to remove it. Councilman Creegan asked if Mrs. Dollard had a contract with ServPro with her, not signed, just a copy of a contract. Mrs. Dollard replied "No, I think Mr. Raponi commented on that last time, what good is a contract that is not signed." But I did have two conversations with Bob Osborne of ServPro since the last time we met. I explained what was going on with the mortgage or that you were going to demolish it, to which he replied if they are going to demolish it, they better wrap it. And I heard Charlie Beamer say the same thing when he spoke at the Public Hearing. I'm not speaking for him, but I understand that it would be safer to make the corrections than demolish it. Councilman Sipos stated to Mrs. Dollard that at our last meeting on August 17, 2011, the Code Enforcement Officer, this is in the minutes, "the Code Enforcement Officer asked Mrs. Dollard if she would like a list of things that the Board wants done within the next two weeks. Mrs. Dollard replied that would be helpful. The Board stated the following: clean up the outside, have a written agreement/signed contract, chlorinate the pool water and drain it, remove pool liner." Mrs. Price stated that everything is going tomorrow. We are going to take pictures because we took pictures of them chlorinating it. Mrs. Dollard added that the water was chlorinated and its leaking/dRAINING out. Supervisor Galligan stated we don't have a signed contract. Councilman Sipos stated that we are missing the signed contract and the pool liner..... At this time Mrs. Dollard added that her son (Janet's son) was going to come with a piece of equipment and remove the stuff where the shed used to be. Mrs. Price stated that her husband put these boards or whatever down and now they are wet and heavy, so Wayne is going to come back with a backhoe and put it in my son's truck and take that away. I don't know when he can do that though, maybe Saturday. But the liner is going tomorrow, and we are going to start cleaning. Mrs. Dollard stated that the only thing on that list, is when I spoke with ServPro, but I did not sign the contract. Councilman Sipos stated you don't have a signed contract, basically the pool was chlorinated but not drained. Mrs. Price stated there isn't much left in it and we are going to cut the rest of the liner because it's hanging, and it's ripped and there is a tree coming up through it over here. So we are going to cut the side and keep draining and cutting and draining, wrap it up, put it in a plastic bag and take it with us over to the dump. Mrs. Dollard asked

Councilman Sipos to read the list again, which he did. Mrs. Price stated that we cleaned up the garbage at the end of the driveway. We cleaned up the side of the house, then he's going to get the stuff off of the porch and then start on the side and tomorrow we are going to come down and cut the liner, fold it, put it in a plastic bag and take it to the dump. Councilman Sipos stated we are missing the written agreement/contract, the pool and remove the liner. Supervisor Galligan stated that the Board is now to the point where we have to make a decision, what is the Board's recommendation? Councilman Galligan asked Attorney Scott Russell, who was present representing the bank, if he would or could comment on anything with regard to the bank's position. Attorney Russell replied that he has no comment I am only here for information on what's going on tonight. Mrs. Dollard stated that she had a question for Attorney Bavoso, at the last discussion I thought you said you did hear from the mortgage bank that they were looking to contract with someone to demolish the house. Attorney Bavoso replied that his office had heard from a contractor who said he had been contacted by the bank to give the bank an estimate on the cost of demolition. Mrs. Dollard asked if he could share that information with her. Attorney Bavoso replied we have nothing, we just received a phone call. We told him that basically, we had no information. The Board asked Councilman Creegan for his thoughts, to which he replied, he really would have liked to see you come in here with a contract, just so you could show that you are trying to make steps to clean up. I understand that you have to wait on both sides to see what is going to happen with the bank and what the costs are going to be to clean this up. But I believe that we have to start taking some steps, I believe to start the process of cleaning the house one way or another. I think we are in a position where we might have to accept some bids and see what the cost is going to be. I'm not saying we're going to do it right now, but... Mrs. Dollard stated that she understood you were going to do that after the last meeting, ask for bids. The Board replied that is correct, it is in the minutes. Mrs. Price then asked what about the other buildings? Are they going to be knocked down too? Supervisor Galligan replied that doesn't matter, we are only addressing your building. Mrs. Price asked if they thought that was fair. If their structure is not sound and mine is and you're going to destroy something, that doesn't make sense to me. That seems like it is a bias opinion and that is how I feel. Mrs. Dollard asked Mr. Lorino, since he's the man in that department, can you tell us if the building is structurally sound. Mr. Lorino replied that buildings can be condemned for several different reasons. Structural integrity is one of them, but insanitary conditions is another. Mrs. Price stated no, it's not being demolished. Mrs. Dollard continued – you do understand my question – if he's in the building department, then he can tell us, unless maybe you need your engineer, the answer to our question. Is it illegal to demolish a building if it's structurally sound? Supervisor Galligan replied he just told you there are several reasons. The Prices and Dollards replied at once saying that he said “condemned” NOT demolished. Supervisor Galligan stated that our regulations say if the violations aren't corrected, we can demolish the building. Attorney Bavoso stated that the Board made a determination on June 2, 2011 that under our statute, the building is an unsafe property and that the structure should be demolished. Supervisor Galligan asked Councilman Creegan if he was suggesting that the Board move ahead and obtain bids. Councilman Creegan stated that he felt the Board should solicit the bids, it's not saying that we're taking the building down, we are just soliciting bids and see what it would cost. Councilman Galligan added that it doesn't appear that there is much hope for a contract in the future, is there? Mrs. Dollard replied that the contract is dependent upon the banks answer. She continued by saying that the first part of making those repairs would be to hire ServPro and then he deals with you (motioning to Mr. Lorino), then I think I understood it that, you have to give him a permit to go in and do that work and that has to be completed within ninety days. Is that correct? Mr. Lorino replied that would be correct. Mrs. Dollard continued, then you would go in an inspect, then after that 90 days, if your inspection is correct and satisfactory, then is it correct that the following rebuild has up to two years? Is that correct? Mr. Lorino stated that a permit in the Town of Forestburgh is good for two years. Supervisor Galligan stated that Councilman Creegan suggests that we move forward with the solicitation of the bids to demolish the house.

**MOTION** by Councilman Creegan, seconded by Councilman Galligan to authorize and direct Attorney Bavoso, Town Clerk Nagoda and Engineer Gottlieb to create specifications for the demolition of property at 198 Dill Road and advertise for bids for said demolition to be opened on October 3, 2011 at 10:00 a.m. in the office of the Town Clerk. Vote: 5 ayes – 0 nays. Motion carried.

## NEW BUSINESS

**C.T. MALE ASSOCIATES CONTRACT** – Supervisor Galligan stated we have had this contract for a few months and now that we are ready to move forward, it is my recommendation that we enter into this agreement with C.T. Male for the Lost Lake proposal. It is a time and materials contract which is paid for by the applicant, Lost Lake for their site plan review. Attorney Bavoso has reviewed the contract and it is basically the same contract we had for the SEQRA process. **MOTION** by Councilman Galligan, seconded by Councilman Sipos to sign the contract with C.T. Male Associates for the review of the Lost Lake Site Plan. Vote: 5 ayes – 0 nays. Motion carried.

**2012 BUDGET WORKSHOPS** – Supervisor Galligan stated that he believes that we should meet on Mondays. Discussion was held on conflicts with the availability of the meeting room and other available nights. **MOTION** by Councilman Sipos, seconded by Councilman Galligan to hold budget workshops on Wednesday, September 7 and 14 at 6:00 p.m. in the Town Hall. Vote: 5 ayes – 0 nays. Motion carried.

**HURRICANE DAMAGE ASSESSMENT** – Superintendent Hogue stated that we received about seven inches of rain from Saturday into Sunday, five inches overnight and two more inches during the day with high winds. Each Board member has in their folder a list for each individual road which I have assessed. Our worst road is Plank Road Section “A” in Rio suffered about \$19,000 worth of damage. These are estimates for materials only; total town wide damage is about \$54,000. That would be to restore them to “pre-storm” condition. We have not yet received a FEMA declaration yet for Sullivan County; FEMA representatives are coming to the County tomorrow. We have been through a lot worse and this could have been a lot worse. One of the biggest problems, Dill Road, Foster Road, parts of Merriewold, part of Hartwood Club and Plank Road with Wildwood Way are still without electric. Just this afternoon did I receive authorization to remove the top of the tree that's down on Dill Road, which I did, and they told me it had been assigned to a work crew. After seeing the devastation in the surrounding counties, I don't know if Sullivan County is going to qualify. If we qualify, I will submit all of the FEMA paperwork that I can. Supervisor

Galligan complimented Superintendent Hogue and the Fire Department for all of their hard work and dedication through the hurricane.

**HIGHWAY MACHINE RENTAL REQUEST** – Superintendent Hogue stated that he has placed “caution” tape at both ends of King Road, Carpenter Road and Tannery Road since the storms. They were pretty well washed out. I would like to rent a bulldozer for a month, it may be a little more or a little less. I will obtain three price quotes, I only have one so far from Pine Bush Equipment, IF one is available, it’s about \$4,000.00 per month. An additional cost may be the moving it from job site to job site, we don’t have the availability of a trailer to move it. We may be able to borrow a trailer from another Town, but everyone is in the same boat as we are due to the storms. Discussion was held to see if there may be a benefit to waiting until FEMA makes a disaster declaration. Superintendent Hogue stated that the roads are going to have to be fixed whether FEMA pays for it or we do. **MOTION** by Councilman Galligan, seconded by Councilman Raponi to authorize Highway Superintendent Hogue to rent a bulldozer at a cost not to exceed \$5,000.00. Vote: 5 ayes – 0 nays. Motion carried.

**HYDRO-FRACKING BAN** – Supervisor Galligan stated this is on the agenda for discussion purposes at the request of Councilman Raponi. Councilman Raponi stated that several other Towns have placed bans on hydro-fracking and perhaps we should too. I would like to have it open for discussion. Supervisor Galligan stated that among the other Supervisors on this topic, there is no middle of the road, it’s either yes or no. Councilman Galligan stated that he believes that most of the residents in Forestburgh are against it. Supervisor Galligan stated that to his knowledge, no one in the Town of Forestburgh has even been approached by any of the gas companies. Discussion was held on our location on the Marcellus Shale having less gas, the amount of gas predicted, horizontal drilling and the general feeling that we don’t want it.

**HEAVY DUTY TRUCK BAN** – Councilman Raponi asked Superintendent Hogue about the regulations for restricting heavy duty trucks on town roads. Superintendent Hogue stated that the Highway Superintendent’s Association is against it. It would require a road evaluation be done by an outside company, and town roads across the state are generally substandard. They are usually tertiary roads and have no specifications. You would get a document from an engineering firm who would assess them for a price, stating that the roads are substandard. Once someone comes in, like fracking rigs, but it would also affect stone quarry trucks, loggers and every truck that uses the roads, there is usually a weight limit establishment, but by admitting that your roads are substandard, the likelihood of them repairing them to condition that is suitable for the general public, would be lessened. In the beginning everyone thought it would be a great way to ban the hydro-fracking, by banning the trucks from the roads, but they pay road tax and can use the roads like everybody else. During certain times of the year, from April through the beginning of June, New York has a provision where we can put weight restrictions on roads due to soil conditions. Discussion was held to restrictions on deliveries, local deliveries, detours. It is recommended to not put truck bans in place.

**ZBA NEW APPLICATION FORM** – Supervisor Galligan stated that the Zoning Board of Appeals has re-done their application form, the ZBA has already approved it, pending Town Board approval. **MOTION** by Councilman Raponi, seconded by Councilman Sipos to approve the use of the new ZBA application form. Vote: 5 ayes – 0 nays. Motion carried.

**AUDIT OF JUSTICE COURT DOCKETS/ACCOUNTS** – Attorney Bavoso stated that the Unified Court System gives the Town Board the right to audit the dockets and accounts of the Justice Courts and it must be entered into the minutes, a record of the Town Board’s proceedings. You will need to request the records and dockets from the Justice Court, so they may be examined next month. The Town Board will request the dockets and records for review in October. **MOTION** by Councilman Galligan, seconded by Councilman Sipos to authorize the Town Clerk to request all records and dockets from the Justice Court for audit purposes. Vote: 5 ayes – 0 nays. Motion carried. Matter tabled.

#### COMMITTEE REPORTS –

Planning Board – Supervisor Galligan stated there was a question about Eagle Creek who owns the hydro plant who appeared before the ZBA, and the ZBA had discussion if Eagle Creek had to appear before the Planning Board, they do have to appear before the Planning Board. Town Clerk Joanne Nagoda has already made Eagle Creek aware of this fact and given them the necessary paperwork to appear before the Planning Board.

Historian – Report filed.

Building Inspector – Report filed.

Seniors – Going to Hunt’s Landing on the 26<sup>th</sup>.

Green Committee – No report.

Forestburgh Day – Supervisor Galligan thanked everyone who helped out. The day was a success, the fire company served over 300 dinners and the race raised between \$13,000 and \$14,000 for Hospice.

**COUNTY ACTIVITIES** – The big thing is the flood and waiting for FEMA’s determination and damage assessment.

#### PUBLIC COMMENT –

Mary Ann Toomey – On Forestburgh Day it was suggested to me to contact Alan Garry, so I did. Alan Garry only does beautification and hospitals. They do not fund historic buildings.

Dan Hogue Sr. – Since we are talking about tearing down buildings and public eyesores, the one on Route 42, the red building that used to be the old Black Brook Hunting Club. The grass is three feet high and I saw some “road agents” coming out of it one morning, which means they must be using it as an overnight stop over while traveling between Monticello and Port Jervis. Code Enforcement Officer Lorino will inspect it.

**ADJOURNMENT** – MOTION by Councilman Sipos to adjourn at 8:05 p.m.

Respectfully submitted,

Joanne K. Nagoda, RMC  
Town Clerk