

*****DRAFT*****

The Town of Forestburgh Town Board held its regular monthly meeting on **Thursday, December 2, 2010** at the Town Hall.

Supervisor Galligan called the meeting to order at 7:30 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 – Dan Hogue, Highway Superintendent
Susan Hawvermale, Planning Board Chair
William D. Bavoso, Attorney for the Town

REPORTS –

Supervisor Galligan submitted the monthly financial report for November, 2010.

Justice Olesnycky submitted a report of monthly justice court activity and fees for November, 2010.

Town Clerk, Joanne Nagoda submitted a monthly report of fees and activity for the month of November, 2010.

PUBLIC COMMENT –

Bob Stewart – A couple of comments, I am representing the Forestburgh Fire District. I would like everyone to know, and some people who attended the Planning Board meeting already know, A.T. & T. has made an application, since we have agreed to lease to them property to put up a cell tower. They have been to the Planning Board and they have contacted me and said they should be on the property with a balloon on December 13, with the 14as an alternate date. They will be taking photos of the balloon from different areas, as requested by the town Planning Board. I would also like everyone to know that since the fire district has entered into an agreement with A.T. & T., be advised that there may be some people on the property from time to time because they have been given and granted access by the fire district to do that. The other matter is that we were given copies of the Emergency Services Review and the Commissioners have looked at them and passed on some comments, it is your decision. In all fairness, I will give the pluses and minuses. The first one listed here is Morkaut & Associates from Gilboa, New York. On the plus side, they were the most detailed in both the scope of the study and the final work product. The final work product also includes two workshops with constituent groups to review the final report and recommendations. On the negative, they were the most expensive at \$37,800. The second proposal is All Shields Consultants from Wurtsboro, the pluses were that the individual who is All Shields Consultants is locally involved firematically with the district and 911 and has an overall familiarity with fire issues and the area and the lowest cost. However, on the negative side, his was the least detailed. He sent basically a one page letter saying I will do it for you and here is the cost. He gives no specifics as to the study to be performed or the work product to be produced. The third one is Fusco Engineering out of Middletown, they are the second highest, but they gave a fairly detailed report of who they are, which was the bulk of their submission. The fourth group is Emergency Vehicle Response out of Otisville. They are also of course, local and have area familiarity. On the positive side, they also outline the scope of study to be performed. However, they did not elaborate on the final work product. In my experience, you are asking what are you going to do for us. You are looking for details of what is going to be studied and how is that going to be performed and then what is the nature of the final product that you present. I hope I have been able to

give you an overview of what you received and this provides you with some information to aid you in your decision. Emergency Vehicle Response did outline what was going to be studied but not necessarily how they would report back. Morkaut specifically said this was going to be studied and a detailed report and workshops would be held. Councilman Galligan asked if the commissioners have a recommendation. Mr. Stewart replied we are just giving you feedback. Our feeling is that it would be outside of our purview to make a recommendation.

Nick Kass – If you are paying for a report, did anyone submit an example of what they have given to another community? Supervisor Galligan replied no, that is a good question.

Dan Hogue, Sr. – I am going to change the subject. It's about the tax collector appointment, I would like for that to remain an elected position. I would like to see the board make an appointment for the remainder of the term and have an election next November. I would like to see it remain an elected position.

Stuart Salenger – The Bear Hill resolution – what is that? Supervisor Galligan responded that is a group out of Helen Hayes Hospital that offers rehabilitation, mainly for paralyzed veterans, they are looking into an agreement with Mr. Wallach and the DEC to use the old hatchery, for rehabilitation and environmental studies. Assemblywoman Aileen Gunther has written a letter of support and they have asked us for support.

MINUTES – Town Clerk, Joanne Nagoda presented the minutes of the three public hearings, the public hearing on the dog law, the public hearing on the flood plain law, both of which were recessed, and the public hearing on the budget. MOTION by Councilman Sipos, seconded by Councilman Creegan to accept the minutes of the public hearing on Local Law # 1 – Dog Licensing. Vote: 5 ayes – 0 nays. Motion carried. MOTION by Councilman Sipos, seconded by Councilman Galligan to accept the minutes of the public hearing on Local Law # 2 – Flood Plain. Vote: 5 ayes – 0 nays. Motion carried. MOTION by Councilman Sipos, seconded by Councilman Raponi to accept the minutes of the public hearing on the 2011 budget. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 313 – 335 in the sum of \$14,474.95 as set forth in abstract # 12 were audited for payment. Councilman Galligan requested more discussion on the invoice from Barton & Loguidice for the zoning review. The invoice reads the project is 95% complete, and we have been billed for the entire project, less \$1,250. Discussion was held on the completeness of the project and an estimated finish time. MOTION by Councilman Sipos, seconded by Councilman Galligan to pay all bills with the exception of Barton & Loguidice. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - #192 – 207 in the sum of \$18,952.64 as set forth in abstract # 12 were reviewed. MOTION by Councilman Galligan, seconded by Councilman Creegan to accept highway vouchers. Vote: 5 ayes- 0 nays. Motion carried.

ESCROW FUND VOUCHERS – No escrow vouchers were received for this month.

COMMUNICATIONS –

Joanne Nagoda read a letter from the New York State Department of Environmental Conservation, division of water. The letter stated that the town must adopt the flood plain regulations to continue participation in the national flood insurance program. If the maps and regulations are not adopted, FEMA will suspend your participation in the flood insurance program. There are no exceptions.

UNFINISHED BUSINESS

DOUBLE DIAMOND/LOST LAKE – Supervisor Galligan announced that the Final Environmental Impact Statement (FEIS) has just been received today. It has been sent directly to our consultants and engineers and a copy is on file here at the Town Hall if anyone wants to see it.

FORESTBURGH CEMETERY – Supervisor Galligan asked Attorney Bavoso to update everyone on the status of this. Attorney Bavoso stated that while he had previously reported that he had received no response to any of his communications from the Benzien's. Mr. Benzien has contacted Attorney Bavoso and made some corrections to the

paperwork and all of the documents have been forwarded to his sister for execution and she will then forward them to Mr. Benzien for him to execute. We should have everything by January. Matter tabled.

FARMING GRANT – Supervisor Galligan stated he saw Commissioner Aragon today, and there is still no decision from the State, so we are still waiting.

OLD TOWN HALL CONSTRUCTION – We have a revised contract and a discussion over funding. MOTION by Councilman Sipos, seconded by Councilman Galligan to hold this project until spring 2011, and authorize Attorney Bavoso to send the revised contract to the contractor. Vote: 5 ayes – 0 nays. Motion carried.

EMERGENCY SERVICES REVIEW – RFP – We have the feelings of the fire commissioners after their review of the proposals. What does the board wish to do with this? Councilman Galligan stated he wasn't sure if this was the time to spend \$18,000. Councilman Raponi stated that he agreed with Mr. Stewart, that not all of the proposals gave information, and the comment of Mr. Kass, is a good one, that we should ask for samples and details. The board will request further information, references and sample reports from all firms that submitted proposals. Matter tabled.

LOCAL LAW # 1 OF 2010 – DOG LICENSING – Town Clerk Joanne Nagoda asked the Board their wishes with regard to the exemption of seniors from dog licensing fees. In the new law, we left our fees as they always were, \$5.50 and \$13.50. Some towns went as high as \$10.00 and \$20.00, and some exempted seniors from the fees and others did not. Currently, seniors (65 and older) are not exempt and everyone pays. The board discussed having everyone pay, we have lower income young people as well. MOTION by Councilman Sipos, seconded by Councilman Creegan to adopt Local Law # 1 of 2010 without the exemption of senior citizens. Vote: 5 ayes – 0 nays. Motion carried.

LOCAL LAW # 2 OF 2010 – FLOOD PLAIN – Mr. Nechaman answered all of the questions that the board had with regard to the flood plain regulations and insurance. MOTION by Councilman Galligan, seconded by Councilman Raponi to adopt the Local Law # 2 of 2010 – Flood Plain Regulations. Vote: 5 ayes – 0 nays. Motion carried.

BILLECI BARN- Supervisor Galligan stated we have no news on this situation. Councilman Creegan has reached out for Mr. Billeci and requested that he get in touch with someone on the Board and/or address Attorney Bavoso's letter. There has been no response yet. Matter tabled.

TAX COLLECTOR – Councilman Sipos asked if this should be discussed in executive session. Attorney Bavoso stated it would depend what you wish to discuss, it may not be subject matter. If you are seeking my advice on your options, the board replied yes, then it is an executive session matter.

NEW BUSINESS

PARTNERS IN SAFETY – They do our mandatory DOT tests, they do the tests for the County and most every other town. MOTION by Councilman Sipos, seconded by Councilman Galligan to renew our contract with Partners In Safety. Vote: 5 ayes – 0 nays. Motion carried.

YEAR END MEETING – Supervisor Galligan has suggested Wednesday, December 29, 2010 for the year end meeting. Discussion ensued over meeting time. MOTION by Councilman Sipos, seconded by Councilman Raponi to hold the year end meeting on Wednesday, December 29, 2010 at 5:00 p.m. in the Town Hall. Vote: 5 ayes – 0 nays. Motion carried.

BEAR HILL – Supervisor Galligan asked Councilman Raponi to explain this matter. I was approached by (inaudible), who in conjunction with Helen Hayes Hospital and Assemblywoman Aileen Gunther, that Bear Hill would like to lease the hatchery and make it a working hatchery, for work and rehabilitation for paralyzed veterans. Also, I am on the board for ATI (Action Towards Independence), and I brought this up to them and they are endorsing it. Councilman Galligan asked how far along are they in this process, is it just talk? Councilman Raponi stated that if we send the letter of support that Aileen sent in, they are waiting for the DEC to make a determination. It's in the talking stage, because it's up to the DEC. It would be a benefit to the handicapped veterans. Councilman

Creagan asked if we needed a full resolution. Attorney Bavoso stated that they are looking for a letter of support for the proposed project. At this time, the Board opened the meeting to the public.

Nick Kass – First of all, the terrain. I feel that good can be done for paralyzed people and veterans, but to put them down in that area, you could have a disaster. First of all the roads there are terrible, you will never get emergency vehicles in, and if you are going to support and commend this, then I think something should be done to ensure the safety of those that will be there. Plus there are neighboring residents, and we have a right to go into that hatchery, but who else will be allowed in? Are we bringing in people who have been screened or are we bringing in a bunch of people who may put the town in danger.

Stuart Salenger – I met with the DEC several weeks ago, I called for a meeting. I also met with the DEC two years ago, Willie Janeway and I was there with Theodore Gordon, fly fishing. We discussed the hatchery being used and if they don't use it, they lose it. I don't like that idea and now Theodore Gordon is partnered with Trout Unlimited, so that we can make a difference. Our meeting a few weeks ago was before Pete Grannis, who is friends with Theodore Gordon, we talked about a dumping situation in there. I think before our town gets itself involved in there, they have to address that there is a dump site that has been looked over, we know it's on State land. I think you recently know what has occurred there, with Mr. Wallach, who has not paid the state one dime since January of this last year. Who in turn leased the property to Mr. Herbert, his vehicles, he still has some boats that are left there, on DEC property, two trucks. It needs to be cleaned up before you can discuss any future use.

Councilman Galligan requested that the letter be read into the minutes. This letter is from Assemblywoman Aileen Gunther to the New York State DEC.

“As Assemblywoman representing the 98th district, I am writing to you to support the assignment of the Eden Brook Aquaculture lease to the charitable organization Bear Hill.

Bear Hill, Inc. was founded in 1997 as an independent, not-for-profit vocational rehabilitation and training center for people with physical disabilities. I believe this will be a great use of the facility and this transfer will be positive and beneficial for all involved. I am confident that Mr. Wallach, Bear Hill and the DEC will be served in the best interest if this assignment is permitted.

In moving forward and in the spirit of doing something positive in the lives of people with special needs, I wholeheartedly support the assignment of the lease to Bear Hill, Inc. This is a wonderful organization that works with individuals with disabilities and assists them therapeutically through their involvement in various outdoor activities. This venue would be ideal.

Please give this matter time and consideration in granting Bear Hill, Inc. the assignment of the Eden Brook Aquaculture lease. I further request that this decision by the DEC be looked upon favorably and seriously due to the charitable nature of the organization and the benefit to all involved.

Thank you in advance for your consideration. If you have further questions, or concerns, please do not hesitate to contact me at my district office.

Regards, Aileen M. Gunther”

Councilman Raponi stated that he has spoken with Assemblywoman Gunther and if they take it over, they will go in and make it all handicapped accessible. Supervisor Galligan stated this is out of Helen Hayes which is tops in rehabilitation, and if it wasn't viable, they wouldn't take it. Councilman Sipos asked Councilman Raponi if the town could get a letter addressing the accessibility issues and the emergency services, we have nothing in front of us saying anyone is going to do anything. Supervisor Galligan said that Helen Hayes will be supporting this. Councilman Raponi stated they are, right now, just looking for a letter of support, it is a long way off before anything actually happens. We just need a letter that mirror's Aileens and send a copy to the Attorney General as well.

Nick Kass – Before you give your support, the fire department of this town could be stuck with going down there six times a day to bring people out, at an expense that we can't afford. This is ridiculous – if people go down that road, there is no way to get people out. Councilman Sipos stated he is very aware of that.

Bob Stewart – I don't know the specifics of the site, but Aileen must have looked at it, and I respect Gene's opinion. So if it gets the ball rolling. From the firematic point, several years ago we received a grant from Senator Bonacic, which we have an off road vehicle. It has been used for brush fires, search and rescue and on several occasions, it has been the only vehicle used in mutual aid calls, because it's been able to get in to some pretty rough areas. I feel confident that our fire company could provide the services. I also feel confident that if any organization is in support of paralyzed individuals and handicapped persons, that they would bend over backwards to make an example of how freely accessible all our facilities will be. And that would benefit the Town to have such a facility and to provide such a service. I think at some point we have to express our need to help these people and the organizations that advocate for them.

Susan Hawvermale – For them to construct a facility, it would have to be ADA compliant, and they would have to come before the Planning Board for everything they do. And I don't believe that if we were to pass anything, it would be acceptable to the Town.

Councilman Galligan asked what exactly are they looking for? Supervisor Galligan replied they are just looking for a letter, similar to the one from Aileen Gunther supporting their application to lease the property from the DEC.

Councilman Creegan stated that it all sounds wonderful, but perhaps we should hold off for a month and really look into this. I am very unfamiliar with this. Councilman Raponi stated they need the support pretty quick and a month's time would be too late for the DEC. Councilman Sipos stated what is a little shocking to him, is that this letter is dated September 16 and this is the first we are hearing about it. Supervisor Galligan stated that is when she (Assemblywoman Gunther) sent it. Councilman Creegan stated again, what's the urgency on this? Councilman Raponi stated the letter of support is needed so the DEC can make a determination to okay it or not. That is the only reason why we are doing this. We are not making any commitment at all.

Legislator Leni Binder – Just the wording, if you are addressing paralyzed vets and they want to bring anyone else who is paralyzed, who might be able to partake in a program, would you not be better off saying paralyzed persons. Attorney Bavoso stated he did not hear the word "veterans" in Ms. Gunther's letter. Ms. Binder continued you would not want to have someone apply and then be told they could not participate because they are not a veteran. It could also help the funding to just use handicapped, because ATI does not just deal with veterans. Councilman Raponi stated this was just brought up by them and we have to address it at our meetings.

MOTION by Councilman Raponi, seconded by Councilman Galligan to authorize Supervisor Galligan to write a letter of support to do something with the hatchery for paralyzed veterans and handicapped persons, with a copy of the letter to be sent to the DEC and the Attorney General. Vote: 5 ayes – 0 nays. Motion carried.

UNFUNDED MANDATE RESOLUTION – Again, Supervisor Galligan stated that the County requests, as does the Association of Counties, and the Association of Towns have been petitioning the State to pass unfunded mandates, like Medicaid. There are a lot of rules and regulations that are passed, but there is no money to support these programs and things that are being mandated. Our County Manager has been saying that is one of the largest reasons for the deficit in the County budget. There is a second resolution, they are also seeking support for to reduce the underfunded mandates that cause county property tax increases in conjunction with imposing a cap on county property taxes. Councilman Sipos asked Supervisor Galligan if he saw the date on this letter, it is August 12th. Supervisor Galligan stated this is when they sent it to the Governor. It was just sent out from the county. Councilman Sipos stated that it is not that he doesn't want to do this, he just doesn't want to "rubber stamp" things regardless. Supervisor Galligan asked Legislator Binder if she was aware when the board wanted this sent to the Towns. Ms. Binder replied that she did not know, the first resolution came down from another County, but NYSAC was already discussing it. It sounds like the dates from the fall convention of the Association of Counties. But I don't know why it's so late getting out to the towns. It was passed at the convention at the end of the summer. It may have gone to the Association of Towns after the Association of Counties and they agreed to do it and maybe that's why it's so late getting out.

Motion by Councilman Galligan, seconded by Councilman Raponi to write a letter of support to stop further unfunded mandates and underfunded mandates in conjunction with imposing a cap on county property taxes. Vote: 5 ayes – 0 nays. Motion carried.

COMMITTEE REPORTS –

Planning Board – Chair Hawvermale stated that since we will have a quorum, there WILL be a December planning board meeting, on Tuesday, December 28, 2010 at 7:00 in the Town Hall. At our January 26, 2011 meeting, there will be a public hearing on the proposed cell tower. Just an additional note, the new application for the planning board does require that all materials, including letters of support or opposition has to be in fourteen days in advance of the meeting.

Historian – Report filed.

Building Inspector – Report filed.

Seniors – Holiday Party at Mr. Willy's on Thursday, December 16.

Green Committee – NYSEERDA is offering free or reduced cost comprehensive whole-house energy assessment or “energy audits” and low cost financing through Home Performance with Energy Star and Green Jobs-Green New York. Most people will qualify, and applications can be downloaded from NYSEERDA's website. Also, as of today's date (this was November 30th) there were still appliance rebates available through NYSEERDA for the purchase of a refrigerator, freezer or washing machine. All information will be posted on the board upstairs.

Forestburgh Day – No report.

PUBLIC COMMENT –

Dan Hogue, Sr. – I am opposed to your going into executive session because of the reason that the employee resigned and this is the appointment of a person to take their place. If they are not an employee, then yes, go into executive session. Attorney Bavoso asked if he were talking about the tax collector position, to which Mr. Hogue replied yes. Attorney Bavoso continued that the purpose of the executive session, the motion will be to seek the advice of counsel with regard to the three alternatives as to how they want to handle that particular situation. I am assuming that the three alternatives will be, and the legal questions on how to do this, one, do we want to terminate the position, or two do we want to fill the vacancy or three, do we, I don't know the answer to this, is there a deputy that could continue the position. Those are your three alternatives and I am assuming that the discussion will be, what do we have to do, if we take option one, two or three. Mr. Hogue asked how can you have an option over an elected term. Attorney Bavoso replied they can do that under state law. Mr. Hogue stated that he wanted this noted, it is his feeling that the Attorney General has a different opinion.

Mary Ann Toomey – I spoke with four of the board members, and I am in favor of appointing someone and keeping it as an elected office. And I think it has to go to public referendum if you want to abolish the position.

Dan Hogue, Jr. – While you are talking about the tax collector, a year or two ago, we had an issue talking about home rule. Forestburgh is very pro home rule and so am I. I am also pro people's choice and I am in favor of leaving it as an elected position. Let the people decide who they want there. I am very staunch about this, that if you take away elected positions, there was a thing where the state wanted to go to appointed highway superintendents and town clerks, about a year or so ago. I was very vocal against that across the state on that matter through our association, and this is just another place where I don't think it's right for people to lose their voice.

Roger O'Dell – I agree whole heartedly with Dan.

Bob Stewart – I am not sure I understand the need for the executive session. I understand that an executive session can be asked for with counsel for pending litigation, but I believe this is an interpretation of existing municipal law, which should be a matter of public record. As a matter of fact, your counsel just outlined the three options to you and what is privileged about that. It is not pending litigation, I believe that is what the executive session demands.

Attorney Bavoso stated that with regard to executive session, there are twelve different categories that you can go into, litigation is one of them. Another category that you can go into executive session for is to seek the advice of counsel with regard to legal questions, related to a specific issue. Mr. Stewart replied but you don't have to, and I don't see the need for privilege there, in my own opinion.

Dick Gibney – Are you going to decide tonight who is going to be tax collector and/or if it's going to be an elected job or appointed job. What else is going to be discussed?

Supervisor Galligan stated that in public we have to decide are we going to eliminate the position, where it would then go to the Town Clerk or are we going to appoint someone. We have to do that in public. We want to get the legality of our options before we make a decision. Mr. Gibney asked if an appointment would be made tonight? Supervisor Galligan replied we aren't sure what we are going to go, we would have to interview. We will either have to abolish the position or appoint someone. Councilman Galligan asked if you abolish the position, part of that resolution would be that the Town Clerk would take over the duties. Attorney Bavoso stated that is correct. If you abolish the position, the state law says the Town Clerk takes over the duties. Councilman Galligan continued that if we abolish the position tonight, then we would be appointing someone. Supervisor Galligan replied that would be correct and we must do something tonight. We can't wait, work has to be done this month to get the bills out in January. Councilman Galligan asked if there was another issue that we needed to go into executive session for? We have personnel, but it doesn't say what that is. Supervisor Galligan replied it is a highway personnel issue and we will invite Dan in for that.

Mary Ann Toomey – I object to you going into executive session. I think it's wrong and secondly, since you have two matters, in the interest of the people who are here and are interested in what you people are going to do, that you vote on this first and invite us back in and then take the second matter.

EXECUTIVE SESSION – MOTION by Councilman Sipos, seconded by Councilman Creegan to enter into executive session for the alternatives to tax collector position/resignation. The second issue is involving an issue within the highway department and an employee. The board further invites into executive session Attorney Bavoso and Highway Superintendent, Dan Hogue. Vote: 5 ayes – 0 nays. Motion carried.

MOTION by Councilman Sipos, seconded by Councilman Creegan to reconvene at 9:25 p.m. Vote: 5 ayes – 0 nays. Motion carried.

RESOLUTION OF THE TOWN BOARD

WHEREAS, the elected tax collector of the town has resigned her position effective December 2, 2010, and

WHEREAS, pursuant to Section 36 of the town law of the State of New York, the town board may abolish the office of tax collector within the calendar year during which the vacancy has occurred, and

WHEREAS, once the position has been abolished, it shall become the duty of the Town Clerk to collect and receive all State, County and Town taxes and have all powers and duties of the tax collector .as provided in the town law.

NOW, THEREFORE BE IT RESOLVED, that the town board does abolish the office of tax collector in the town, thereby transfers said duties to the Town Clerk at an annual salary of \$4,000.00 and that the town board will re-evaluate the possibility of reinstating the elected position of Tax Collector in 2011.

Moved by Councilman Creegan, seconded by Councilman Galligan.

Discussion:

Councilman Raponi – I am absolutely furious with this board to give up a position that has been in this town since the beginning of time. I think if you are going to do that, it should go to a referendum. My personal opinion is that someone should be appointed to that position and in the fall, that individual would go on and run as a newly appointed person. To do it this way is ridiculous. A lame duck congress, this is a lame duck board to do it this way, in my opinion.

Councilman Creegan – I disagree with Gene. I think we are in fact appointing someone here. The whole point is to appoint somebody to fill the position, get the tax bills out the door, and to have the tax collector just up for election in November. That is what that resolution is saying.

Councilman Galligan – I think that Joanne is qualified, I think we need someone who is qualified to do it and we need the savings of a few thousand dollars, which everybody has to look at some consolidation, even though it doesn't sound very nice. It will also free up a desk and work space in the Town Hall, which we certainly need.

Councilman Raponi – My other question is this, you are under the assumption that with this resolution that it will be an elected position in the fall.

Attorney Bavoso – This resolution doesn't provide that, that will be the case.

Councilman Creegan – I just want to say here, publically, that the goal here is to fill the position right now and to have that position back on the ballot for the November election.

Various people stated that is not what the resolution says – the resolution says it is abolished.

Councilman Raponi – Mike, you are talking out of both sides of your mouth.

Councilman Creegan – What I am saying is that the goal here is, in my opinion, to have the position re-instated so that it is back on the ballot for the November election next year.

Attorney Bavoso – Let me just be clear, it is not part of the resolution, except that the board has said it is a possibility of re-instating that after consideration next year, in 2011.

Councilman Galligan stated we can do this at any time.

Vote:

Councilman Raponi voting nay;
Councilman Galligan voting aye;
Councilman Sipos voting nay;
Councilman Creegan voting aye, and
Supervisor Galligan voting aye.

Motion carried.

Councilman Raponi stated that he still wished to discuss this issue. Supervisor Galligan stated that we have already voted on it. Discussion was held to continue discussing this matter.

Councilman Raponi – Now that this position has been taken over by Joanne, it will continue that way, unless somewhere along the line, we decide to make it elected. We can abolish elected positions. We checked this out with the election office and the attorneys for the election office. Are we sure we can just do away with this position? Attorney Bavoso responded yes, specifically Section 36 of the Town Law says you can do it by resolution.

Supervisor Galligan – That is one of the reasons why we were in executive session, to have that discussion.

Councilman Creegan – Since we are discussing this again, I would just like to make it clear that the idea, in my opinion, is to have this go back to being an elected position come November. And the plan in my mind is to make another resolution, or a public hearing or a referendum. Attorney Bavoso stated there would have to be a local law to re-establish the position.

Dan Hogue, Sr. – Does that have to go on a referendum? Attorney Bavoso stated he didn't believe so. There would be a public hearing and then a determination by the Town Board.

Councilman Raponi – So, in other words, you make a motion, like you stated right now and we discussed it, so and then it was passed , Councilman Creegan interjected that it would be on the ballot in November. Councilman Raponi stated he would make that motion, I will do it right now. Councilman Creegan asked if we can do it right now. Attorney Bavoso asked what is the resolution?

Attorney Bavoso stated that Councilman Sipos has already requested that I prepare a local law to re-introduce the position and have it for the Town Board in January 2011. The matter will be placed on the table, the board will make a determination and set a public hearing.

Councilman Sipos – I believe, and I have to say this strongly, whatever the position is, I believe that our forefathers had a little bit of insight probably greater than some of our own at this current time. However, for me to remove something that has been in this town, as a tax collector, that has been here probably since 1837, I just cannot do it. I am sorry. I am all for condensing government, I am all for saving dollars and cents, however how many hats do you want to place on one individual.

Councilman Creegan – Just to make this clear, and I don't know if it is or not, that is why we went into the executive session. Is that in order for Joanne to take on these duties, we did have to eliminate or abolish this position. And in my opinion, it's a temporary fashion. Just so that she can fulfill the term.

Dan Hogue, Sr. – Were there any other candidates? Supervisor Galligan replied we had four letters. There was Laura Gunderson, Gina Gunther, Mrs. Orisek and Joanne. My feeling was that we are in December, and we have to get things moving, plus you hear about smaller government and saving money. It is a hard decision, and I spoke to a lot of people. The majority of the people I spoke with thought it made the most sense to make smaller government and go with the savings. There are other opinions. This way we took care of an immediate problem. It was a hard decision.

Roger O'Dell – So you just assumed that these other people who put their names in, couldn't do this job? The board collectively replied no. Supervisor Galligan responded that we are under the gun. The tax collectors responsibilities start about the middle of December. You all know that you go to your mailbox the day after New Year's and there is your tax bill. That has to start happening now. You have to get the information from the County, send it all down to Newburgh, and it was my thought that it needs to be done quickly. Joanne is very familiar with the system as she has been helping out.

Councilman Sipos – While we have been discussing this, I told the board that if we wanted to interview before they abolished it, the interview could be December 7, giving each and every candidate a chance to be heard and interviewed for this position. And it was to no avail, I'm sorry. Councilman Raponi added that he agreed. Councilman Sipos requested that the Supervisor please call those who applied so that when I go to the store, I don't have to say I'm sorry.

Dan Hogue, Sr. – Then why did you even bother to advertise for it.

ADJOURNMENT – Motion by Councilman Sipos to adjourn at 9:40 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk