

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, May 5, 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 Cregan, Councilman

Absent – None

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – William D. Bavoso, Attorney for the Town
Dan Hogue, Jr. – Highway Superintendent
John Munsey – C.T. Male & Associates

REPORTS – Supervisor Galligan submitted the financial report for the month of April, 2011.

Justice Carroll submitted reports of justice court activity for March and April 2011.

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

PUBLIC COMMENT –

Dan Scott – This is not meant to offend anybody on the board or the gentleman from Texas, I just want to say that I am one vote against the development that is going on, Lost Lake. There are a variety of reasons, and I am going to try not to ramble too much. One is I didn't think it was going to go as far as it did, and I only got my town newsletter two days before I had to write in disagreement on the final environmental impact statement. One is that in January, my son came back from Plattsburgh, and you folks are downright popular. They are up there discussing how this development is going to kill that stream. The Bushkill stream. They say that the stream will now be dead. When you had the first meeting up at the firehouse, and I have to say the only reason I am here is that I was reading on the website, and maybe I didn't get far enough in the reading, the State was saying 748 houses, am I correct? Supervisor Galligan replied that was a figure the State threw out. Mr. Scott continued that the developer kept coming back saying they wanted a thousand more. It sounded like a child in Wal-Mart wanting a lollipop – I want, I want, I want. It didn't look like a good correspondence between the two. My son said with that much effluent going into that stream, it will kill it. I think the development is far too large for the amount of property that is there. A development of this sort is proven to not lower taxes, I know that for sure. That is one of the things you have been saying. I would like to see slower growth than 3,000 houses in Forestburgh. Mr. Scott gave an overview of his childhood home in Westchester/Putnam County and how the sudden growth has changed those two counties drastically after World War II and forward and the high density and increased taxes in those areas today. Mr. Scott continued on to refer to an article in the newspaper showing the return of your dollar paid in taxes on different areas. For agricultural land, you get forty two cents for each dollar paid. For forested land, for every dollar paid in taxes, you get seventy three cents. But for each house built, you pay a dollar and get a dollar twenty seven back. Granted this development is self contained, but take the twenty seven cents away, are we just breaking even on our tax dollar and we are supporting this development. I know when this first came up, Mr. Griffin mentioned a better sewage treatment plant and we were told that is too costly and we are not going to do it. I don't know if that's changed. So I am concerned about the stream and what's going to go on there, the density, it just doesn't seem feasible. And I want you to know that I did take a trip down to their place in Pennsylvania, I didn't just dream this up last night as I was reading. We got a very nice tour and was showed around, but I did go around to the local area though, and speak to the real

people. I know everyone in the development would say “yay, this is just what we wanted” because they are paying the money for that, they want the pool, the development. So I went around to the locals, and a lot of them liked the jobs, but it’s really not an area like Monticello. Where down there they might be able to survive on the jobs they had to offer, here you can’t survive on nine dollars an hour and pay taxes in Forestburgh or wherever. That is not a viable solution. One person told me they (the developers) were looking to tap into other sewerage treatment plants because theirs was undersized. Am I wrong about that? Mr. Gracy replied that the water and sewer are owned by Pennsylvania, we do not own the water and sewer there. Mr. Scott apologized, stating that was hearsay and he only speaks fact, and that is what one of the locals told him. Mr. Scott continued that no one spoke of their taxes going down, they had a much more interesting piece of property. With the way the economy is going, I think this project may go through and then fail. Are these approvals on these lots permanent? Let’s say they sell it to somebody else, just a mile away from here are people who just love to pack themselves into a house like beavers, and if this failed and that happened, they had this in Thompson, they wanted to create their own village. I wouldn’t want to see them do that, where they take it away from the town and annex it and create a mess. I don’t want to drag this out, right now my main thing is the ecology that will kill the stream. Supervisor Galligan offered Mr. Scott his entire copy of the FEIS to read.

Mary Ann Toomey – Under unfinished business, I feel that the Town Justice position should be eliminated. The present Town Justice is getting \$7,500 a year and if she can’t handle fourteen or fifteen cases a month, I don’t think we’re getting our money’s worth. I also see that the Town Justice has a mileage bill for \$122.96, if you appoint someone to the position of justice for five thousand dollars; this person is going to have to go to school at “x” number of dollars more which is going to cost the taxpayers additional monies. Under new business, for years I have felt that having three men, one of whom I think is incapable; it would be much cheaper to hire a professional landscaper, with all of the needed equipment to take care of all of the properties. Last year I spent thirty four hours myself, at the Memorial Site, and with the amount of money we received from the Renaissance over the years, the Town certainly doesn’t look anything like anything that ever bloomed for the Renaissance projects and I think it’s a disgrace.

Kathrine Barnhart – I would like to speak against the proposed agricultural district. My name is Kathrine Barnhart and I own property on Gilman Pond. I suspect that you all know the history of this piece of property better than I, but initially it was a compound owned by Philwold, who hired an architect and built five homes on this pond for his children. Since that time, it has remained a residential area. If you look at the right to farm act, the purpose is very clear. It is to protect existing farmland. This is not existing farmland. The piece of property that Mr. Salenger wished to extend his agricultural zone to is immediately adjacent to Jessica and Paul Jones property which has clearly been residential forever. So, if you have the farm act, which is to protect farms, and the original reason for it was that you had farms that were there, then you had suburbs coming out and houses being built, and people complained about smells and noises and trying to claim public nuisance and stop that, which is wrong and you do want to protect that. We have residential land and to change that to farmland is really turning the purpose of the law on its head. I think it’s inappropriate and it doesn’t make sense to make farmland out of what has been a protected residential area for a long time. I am urging you to pass a resolution to oppose the inclusion to the agricultural district.

Jessica Jones – My name is Jessica Jones and my husband and I own the piece of property that Ms. Barnhart was talking about. We have been in our house for thirty three years and it’s always been home. It’s always been our home, we don’t have another home, we don’t own anything else. This is where we raised our family, this is where we put our “nesting”, this is where we put everything that matters when you build your life. To live out where we live, you really have to want to be there. I’ve talked about it freely, about the hundreds of hours back and forth into town, chauffeuring children, doing the things that you do to accommodate living so far out of town, but it has to be worth your while, and it’s always been worth our while. Having this farm has destroyed the pleasure in living there. Unpleasant is really an understatement. The peace and quiet, the solitude, the amount of noise and traffic, all of that has really changed over the years. I would just like to be on record that it’s really been devastating to us.

Nick Kass – I am going to be very brief, Miss Barnhart is a good example of refuting everything she and Miss Jones said. She just bought her house from the Schultz’s and the house has increase six times its original value. So if Mr. Salenger’s farm use of the property has done anything, it’s increased the value. The fact is that now this land is, people don’t have to worry about overcrowding, they don’t have to worry about houses being built or deserted and having the place turn into Section 8. You’ve got a situation here that’s got protection for the land. People don’t

realize that this land will be forever preserved and the homes around it will increase. Because certainly having a forested land, and certainly having agricultural land, and it's not agricultural, like the people talk about smells, the smells are minimal. The fact is the disruption of the land is minimal. And, it's increased the value of everybody's property.

Stuart Salenger – In reference to the ag district, there is a State law that states that we have to notify prospective buyers and that is the right of the buyer, so as far as Miss Barnhart, she knew exactly that there was an ag district. We have our local State Assemblywoman, I hope everybody is aware, she has just put up a bill in the Assembly, and the farmers are for this bill, but the consensus is that the realtors are really going to fight it, she wants notification within five hundred feet of an ag district. Again, all of this is in place, it was here long before we came here and if she had any objections to being in this rural area, Philwold was purchased from the Bradford's, they had a running farm. There were hen houses, stables, they did hay and other farming crops.

MINUTES – Town Clerk, Joanne Nagoda submitted minutes from the April 7, 2011 regular Town Board meeting. MOTION by Councilman Sipos, seconded by Councilman Creegan to accept the minutes of April 7, 2011. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 91 – 117 in the sum of \$6,267.63 as set forth in abstract # 5 were audited for payment. MOTION by Councilman Galligan, seconded by Councilman Raponi to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 65 – 84 in the sum of \$6,667.59 were reviewed. MOTION by Councilman Sipos, seconded by Councilman Creegan to accept highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 14 – 16 in the sum of \$8,382.50 were audited for payment. MOTION by Councilman Galligan, seconded by Councilman Raponi to pay escrow fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

COMMUNICATIONS

Town Clerk, Joanne Nagoda read a letter from Code Enforcement Officer, Rich Lorino stating that he had recently issued a building permit for the construction of the cell tower at the fire house, based upon our fee schedule their fee was \$223, while the estimated project cost is \$190,000. The Town of Bethel and Fallsburg have flat rate fees based upon the estimated cost of construction. Fallsburg's flat rate fee for a tower is \$4,000 plus \$1,000 for any shared use of the tower. He urges the Board to review the fees for projects such as these.

Secondly, Joanne read a letter from Tina Ward Shuart, President of the New York State Town Clerk's Association informing the Town Board that Town Clerk, Joanne Nagoda has been awarded the association's certification as a Registered Municipal Clerk, recognizing the professional competency in fulfilling the responsibilities of the office. Certification is only granted after an applicant has demonstrated that they have met the stringent educational and experience requirements established by the association.

UNFINISHED BUSINESS

DOUBLE DIAMOND/LOST LAKE – Just today, stated Supervisor Galligan we received the findings statement for the Lost Lake project. There are basically two major changes to the one that we had previously, which is why I have asked Mr. Munsey to join us to review those changes. While I don't believe that we will approve it tonight, we may have a special meeting for that, but we need to review these changes. Mr. Munsey stated there are two major points in the document, one was, we had written into the draft a suggested requirement that before making site plan application and subdivision application to the Planning Board that the applicant obtain copies of permits from all agencies. We met a little resistance there, we had a discussion at our last meeting and that's been modified to be consistent with the concept of a parallel review and the findings statement has now been revised throughout to say that at the time that they make application for site plan and subdivision approval that copies of the applications going into the other involved agencies for approval be part of that site plan application so that it is clear that upon coming to the Town for subdivision and site plan approval that applications have indeed, gone out to all of the other involved agencies on the project. That is the way the findings statement is written now. We are still requiring the

applicant to do more than the minimum, and in most instances, copies of the applications are not given to the Planning Board as part of the site plan/subdivision application. Since so much of this project is dependent upon permits given from DEC, the Dept. of Health, Delaware River Basin Commission, on the water and sewer aspects of the projects to ensure that the project will be designed and constructed in accordance with very strict state and local regulations, I think that is a good thing to have in there for the Town Board. It's not necessary to review that document in great detail, but it is a good check to see that everything they are proposing to do, in terms of the permit applications is consistent with the prior SEQRA record on the project, as well as the findings statement, which is basically an executive summary of the project. The other main item which was a topic of discussion was on the \$200.00 recreational fee. That language is still in the findings statement. It has been my consistent recommendation that the \$200.00 per lot recreation fee to be paid to the Town, upon making site plan approval, is in the DEIS document at a mitigation measure. That was a mitigation measure, an enticement, an enhancement for the project, to make the project more attractive to the Town. Moving forward, I recommend that it stay in the document and that you not yield to the applicant on that particular item. The applicant wanted to have that be a \$200.00 fee that would only be for those lots where a building permit was issued for, and that is greatly different in terms of the overall benefit to the Town, then what is written in the DEIS document. Keep in mind that the Draft EIS was not prepared by the Town, it was prepared by the applicant, consistent with the scoping document. Those are the two main items we discussed and I am prepared to go through, in response to one of the comments that came up, I just want to point out that on page six of the findings statement we're making a requirement that IF the Lost Lake resort IS sold to another entity that the acquiring entity will be required to take an environmental assessment of any portion of the development and significantly deviate from the approved master plan, the DEIS and the FEIS. So even if this project is sold to another entity, they still have to abide by the proposed development scenario that is embedded within these documents, subject to your approval. If you would like, I am prepared to go into more detail on the other revisions to the document. Councilman Galligan asked Mr. Munsey to comment on the comments made by Mr. Scott with regard to the Bushkill Stream. Mr. Munsey replied that if that were the case, if the stream were, at some point in time in the future, go dead, then the project would be dead as well. They would lose their permit from the DEC, their state discharge elimination permit, which has very strict control measurements on it. The point that we are making is that the project needs to be designed, constructed and operated in accordance with the permits issued by the DEC and the Delaware River Basin Commission on the discharge to that. Now is there going to be a slight impact to the water quality of the Bushkill, well, yes. There may be a slight impact, but the whole subject of water quality regulation and having controls on the discharge, there is recognition that there is going to be some minor impact on the stream, but it cannot impede the overall utilization of that stream. It would not become a dead stream, as the documents said, and what you are requiring, is that the project be designed and operated in accordance with what the applicant has laid out in this, which is a sewage treatment plant, subject to state approvals and very strict treatment requirements. Now, I am not an engineer on waste water, I can't really go into detail in terms of the types of treatment techniques that will be used but there are a combination of techniques that are used, there is a primary, a secondary, a tertiary treatment measures on water. What we are dealing with here is human waste, we are not dealing with chemistry, that would be associated with manufacturing, and I think there is a pretty good record demonstrating that human waste can be successfully treated provided that the facility is run well by the applicant. If it is not run well, they will lose their permit and they will not be able to do much. It is not in the best interest of the applicant to go forward with that. As a Town Board, where you do not regulate discharges into local water, what you have to do is rely upon the State and local/regional regulations that are out there, that DO regulate water quality. So, I would respectfully disagree with the student's synopsis in Plattsburgh in terms of the Bushkill, at some point in time, becoming a dead stream. As a scientist, that is not my belief. A I believe that a facility can be built and process waste that will be monitored on a regular basis to make sure it's meeting the SPEEDES discharge requirements, and if they don't meet those requirements, then they are subject to enforcement, and in this case it would be by at least two entities, the DEC and DRBC, and those permits will be issued, once the findings statement is adopted. Nothing can be issued prior to the findings statement being adopted by the lead agency. Supervisor Galligan stated that he had read it and didn't see any other changes. Mr. Munsey replied there are not many changes, on page fourteen there is a change that was triggered by one word, where I had a lengthy discussion with the applicants consultant, Fred Wells, where we discussed deviation from the road geometry, in the DEIS, one of the comments made by the DEC was that the proposed development may have an impact on the migration of wildlife through the area. In response to that, the applicant revised the layout of some lots. There were some corridors where wildlife could not pass, these were subtle changes that were made, but in making those changes several of the roads needed to have dead ends that were longer than eight hundred feet and one of the roads needed to have a gradient that was slightly above the ten percent Town requirement. So instead of making the general statement that all roads will be built to town standards, except those as otherwise noted, we put into the document those roads where we believe those deviations, at this

point in time, will be. There are really no other substantive ones that came up in response to the applicant's comments on the first draft of the findings statement. Supervisor Galligan stated that he felt we would have to have a special meeting to really have time to review this. At this time the board opened the floor to comments from the public.

Dan Scott – Number one, it wasn't students in Plattsburgh, it was a professor that was teaching then. Number two, you say the State is going to watch over this, the one that made the statement that told the owner to let them know if they saw any rare birds or any rare turtles and report it to the State. That is their philosophy, they took care of the unique area down there, when Barber's Eddy had the gun club down there on the river, the place was clean. Now my sons are going down there with garbage bags to clean it. The State is under manned, under staffed and can't do it in many cases. You can't count on that. If that sewage treatment plant "burps" once, it will kill the stream and yes, it will come back again, perhaps, and do you know what temperature brook trout spawn at? Well, if the temperature of that stream changes the brook trout will no longer spawn. Right now it's a brook trout hatchery, and it WILL change the temperature of the stream, and there will be nitrogen going into it and all of the fertilizer from the golf course run off, it WILL kill the trout. Granted, we'll have carp and maybe some sunfish, but it will change the ecology. The other thing is the double "e" pool, I did read about that online. They have a little area around the double e vernal pool with spotted salamanders and all, unless you cut every leg off of every kid in that development, they are going to go down there and annoy the wildlife, not that I blame them, I can remember running after frogs and stuff too when I was a kid, but to say that they are going to make this a little oasis and protect the wildlife that isn't going to happen. I don't want to say I am a tree hugger, I have built things my whole life, but this development seems a little weird to me.

Mary Ann Toomey – I have one question, and I have attended all of the meetings, I have never heard, unless I don't remember anything about the dam being mentioned on Lost Lake. I'm just wondering what the DEC says. Supervisor Galligan stated that the DEC monitors the dam and we get copies of the dam reports that they feel need attention.

Mr. Munsey stated that he had found the reference to the recreational fee, it's on page 62 and it states that the applicant will pay the Town a fee of \$200.00 per lot, in lieu of providing any additional recreational land or park land due to the recreational amenities provided in the revised master plan. Such fees shall be paid on a lot by lot basis at the time of receiving site plan approvals for such lot. This was taken right from the DEIS. Supervisor Galligan stated that he felt the board wanted to keep it to get the \$200.00 per lot. Councilman Galligan stated that the board would discuss it at a special meeting.

MOTION by Councilman Sipos, seconded by Councilman Creegan to hold a special meeting for the purpose of a final review of the findings statement, and anything else that may come before the board on Wednesday, May 18, 2011 at 7:00 p.m. in the Town Hall. Vote: 5 ayes – 0 nays. Motion carried.

TAX COLLECTOR SPECIAL ELECTION – Supervisor Galligan stated that the special election was held on Tuesday, May 3, 2011, 145 people voted in person, and the results of that were 64 votes for yes, which was to return the position to an elected position and 81 people voted no to leave the tax collection duties with the office of the Town Clerk. There are 21 absentee ballots that will be counted on Monday.

ZONING REVIEW COMMITTEE – MAPS – Supervisor Galligan stated there has been a lot of discussion on this, and I know you have all received copies of the proposed maps. You should all review them and we can deal with them either at the special meeting or in June.

TOWN JUSTICE VACANCY – Supervisor Galligan stated that the Board will take no action on this tonight. Attorney Bavoso stated that if the Board is entertaining the idea of eliminating the one justice position, and only have one judge, the June meeting is the last month you have to make that determination. The law requires that it be done at least sixty days prior to September 1. Councilman Creegan stated if we take no action at all, then there will be an open position for election in November.

RECREATION FUNDING REQUEST – Supervisor Galligan reminded everyone that a few months ago we received a request from Chuck Vassallo, Summer Program Director for an increase for one of our lifeguards and an increase for the CIT's. The increase for the lifeguard is \$1.00 per hour while he teaches and a fifty dollar increase

for each of the CIT'S. Also someone had the idea that when registration papers for camp go out, the town solicits donations for the pool to help offset the cost of the pool. MOTION by Councilman Galligan, seconded by Councilman Sipos to increase the salary for the lifeguard by \$1.00 per hour and each CIT salary by \$50.00. Vote: 5 ayes- 0 nays. Motion carried.

OLD TOWN HALL REPAIRS – Councilman Sipos stated that he received no responses with regard to the roof repair on the old Town Hall from the contractor. However, I did go to the old Town Hall with Mr. Lorino and we went through it. It is, at this point, in great disrepair, and that is an understatement. To put a foundation under it is basically a band aid. The roof is leaking, there are shingles laying on the ground, there is deflection in the floor, I'm not sure how much of the main support has any decay. To jack it up, I don't think will accomplish what the Town was looking for. If you are going to put money into it at this point, my take is to dismantle the building and bring it here. I think the space here is adequate, it could be used for arts and crafts and recreation. I think we could make it more functional here than just putting a foundation under it where it is. The Building Inspector and I both feel that putting a band aid on it now, when you do go to do something, there will be nothing left. Councilman Galligan stated that he has advocated that for quite some time. I think we should get prices to dismantle it and I have spoken to Engineer Gottlieb about putting a slab here to put it on. Discussion was held on the amount of work the building needs in addition to the foundation and the feasibility of moving the building. Matter tabled until prices are obtained for moving the building.

SPRING CLEAN UP – Superintendent Hogue stated that spring clean up will be held from May 2 through May 8. All material must be brought to the Town Barn and the regulations are the same as last year.

DOG ENUMERATION SUMMARY – Clerk Joanne Nagoda stated that we are still counting dogs. Funds for this enumeration have been budgeted since 2010. We budgeted \$1,000, the total spent on postage was \$298.08, for the month of April total money for dogs was \$360.50. The enumeration has recovered \$264.50 of the original \$298.00 that was spent. More are still coming in. We mailed out a total of 414 pieces and as of April 29, 2012 had been returned. The State was just here for their annual kennel/dog control officer inspection, and they were thrilled to see an enumeration in process and we received an excellent inspection report.

JCAP GRANT – AIR CONDITIONING – Supervisor Galligan stated that we have received the grant to put air conditioning in the justice chambers and down stairs in the Town Hall and we have received the specifications from Engineer Gottlieb. Discussion was held to put it out for bid or request quotes for the job. MOTION by Councilman Galligan, seconded by Councilman Sipos to request quotes for the project by the June 2011 meeting. Vote: 5 ayes – 0 nays. Motion carried.

NEW BUSINESS

SENIOR OF THE YEAR FOR 2011 – We have the Senior of the Year and the Pride of Sullivan recipients this year, neither of them are able to be with us tonight. James Steinberg, Sr. is the Pride of Sullivan for Forestburgh this year and we have a certificate of appreciation for him. Donald Elliott is the RSVP Senior of the Year for 2011.

FORESTBURGH SENIOR CITIZEN OF THE YEAR FOR 2011

WHEREAS, Donald E. Elliott served as Chairperson of Activities for the Forestburgh Senior Club from 1993 to 2004, and

WHEREAS, Donald E. Elliott has served as Senior Representative at the Forestburgh Town Board, and

WHEREAS, Donald E. Elliott served on the Adopt-A-Road Program from 1995 to Present, and

WHEREAS, Donald E. Elliott assisted in mailings at the Office of the Aging for Approximately 3 years, and

WHEREAS, Donald E. Elliott participated in the Litter Pluck Program since 1996, and

WHEREAS, Donald E. Elliott is a member of St. Thomas Aquinas Catholic Church Holy Name Society, and

WHEREAS, Donald E. Elliott has always been very helpful in our community, always willing to go the extra mile.

NOW, BE IT RESOLVED that on this 5th day of May, 2011, Donald E. Elliott be and is hereby presented Senior Citizen of the Year Award by the Town Board of the Town of Forestburgh, and

BE IT FURTHER RESOLVED that this resolution be officially entered and become part of the minutes of the Town of Forestburgh.

MOVED by Councilman Raponi, seconded by Councilman Galligan.

Councilman Raponi voting aye;
Councilman Galligan voting aye;
Councilman Sipos voting aye;
Councilman Creegan voting aye;
Supervisor Galligan voting aye.

Motion carried.

BUILDING DEPARTMENT – CELL TOWER FEES – Supervisor Galligan stated we received the letter from Code Enforcement Officer Lorino. Supervisor Galligan stated he was not sure how we can change this, as other towns have the fee right in their code. Attorney Bavoso stated that you are not just changing a fee number, we may have to do a local law to change the fee for a tower. If we already had a fee in the law and were just changing the amount, that could be done by resolution, but now you are introducing a new concept dealing with special types of structures. Attorney Bavoso will review other statutes and see what he can find. Matter tabled.

GAS DRILLING – This is here at the request of a Planning Board member, don't expect any action on this tonight, but it is something that we have to start discussing. To my knowledge, no one in Forestburgh has been approached or made any agreement with any gas drilling organization. New York State does have a moratorium in place, which expires, I believe in July. There is a task force from some of the river towns that are putting together a resolution/legislation about drilling, I will try to get the chair of that committee to come and talk to us about it. Attorney Bavoso added that John Munsey, our consultant at C.T. Male is a geologist and he has done some work with municipalities upstate on this issue and I believe that he heads the group at C.T. Male who work on this. Matter tabled.

TAX EXEMPTION – DEFINE PARAMETERS – We received from the Town of Delaware a resolution supporting a more strict definition of tax exempt properties, our assessor reviewed this resolution and supports it.

RESOLUTION OF THE TOWN BOARD REQUESTING LIMITING EXEMPTIONS FOR TAX EXEMPT PROPERTIES

WHEREAS, Article 16, Section 1 of the New York State Constitution requires that religious, charitable and educational institutions be exempt from property taxation, but allows that Legislature to further define the parameters what will apply to such exemptions, and

WHEREAS, definitions need to be established which limit the ability to receive unlimited exemptions on land and structures not used exclusively for religious, charitable or educational purposes on a continuous year round basis, and

WHEREAS, the Courts in New York State have rendered decisions allowing exemptions on property “not exclusively” used for exempt purposes and in some cases have allowed exemptions on property not even primarily used for the exempt purpose, and

WHEREAS, correcting these inequities can be accomplished by amendments to Section 420-a of the Real Property Tax Law;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Forestburgh requests the Governor and State Legislature to enact definitions which limit the exemptions received by exempt organizations to only that land and those structures used exclusively and continuously for the exempt purposes and to further emphasize in the law that exemptions will be limited only to those portions of the property that are exclusively used for the exempt purpose and no exemption shall be granted unless it is so used.

The foregoing Resolution was adopted on the 5th day of May, 2011 by the Town Board of the Town of Forestburgh, Sullivan County, New York.

Motion by: Councilman Raponi

Seconded by: Councilman Galligan

5 ayes – 0 nays.

Motion carried.

AGRICULTURAL DISTRICT APPLICATION – We’ve had quite a bit of discussion on this, I would entertain a motion, as we have in the past three years, that the Town Board go on record opposing the piece of property being added to the Agricultural District, as it is a way to get around the “Home Rule” and take our control away from us. MOTION by Councilman Galligan, seconded by Councilman Sipos to open the floor for public comment on this issue. Vote: 5 ayes – 0 nays. Motion carried.

Stuart Salenger – I’m sitting in this room, and I am on the Board for Economic Development in this County, which is really representing agriculture. Last week I was at my alma mater, Columbia University, and we were honoring a man by the name of John Adams. Anybody who doesn’t know who John Adams is, he was just given the Presidential Medal of Freedom, our nation’s highest civilian honor, by President Obama. He was honored for his forty one year’s tenure as an environmental leader. Mr. Adam’s resides in Roscoe, New York and he is also a member of (inaudible) fly fishing, and at his address, he gets up and says that the future of Sullivan County is in farming. I had no discussions with this man. He got up in front of the audience and discussed the Discovery Center and have either Columbia University or another institution put some type of campus or medical group in there. He brought the issue of the Center for Discovery having 2,200 employees for 900 residents, and what are they doing? Farming. Forestburgh right now has the largest forestry exemption in the State of New York. It was just announced that forestry is farming. Why would we want to hurt the economic development of this County by trying to rule for a small segment of people when we have coming in the Lost Lake project and the Apollo Mall. I am sitting on that project and one of the things they are talking with the developer about is a twenty five acre greenhouse. Not just the box stores and the other amenities that we are going to get, the greenhouse is a big part of this project – again, farming.

Supervisor Galligan closed the floor and asked the board if there was any further discussion.

MOTION by Councilman Raponi, seconded by Councilman Galligan to oppose the inclusion of a parcel of land owned by Stuart Salenger into the Agricultural District, by the Sullivan County Legislature on the basis that the Town of Forestburgh loses their ability of “Home Rule” with regard to parcels located in an agricultural district. Vote: 5 ayes – 0 nays. Motion carried.

MOWING MAINTENANCE – We have two or three different people who do the mowing between the triangle, the cemetery and the Town Hall who are all over seen by Dan Hogue. Discussion was held on supervision, putting it out for bid, creating a “punch list”, creating a house and grounds committee to oversee the employees. MOTION by Councilman Raponi, seconded by Councilman Creegan to obtain quotes for mowing/landscape maintenance for three town locations. Vote: 5 ayes – 0 nays. Motion carried.

FORESTBURGH PLAYHOUSE 65TH ANNIVERSARY – This year marks the sixty fifth anniversary of the Forestburgh Playhouse and the Town Board introduces the following resolution.

**RESOLUTION OF THE FORESTBURGH TOWN BOARD HONORING THE
FORESTBURGH PLAYHOUSE**

WHEREAS, the Forestburgh Playhouse is about to celebrate 65 years in our community; and

WHEREAS, the Forestburgh Playhouse is longest, continuous operating theatre in New York State; and

WHEREAS, the Theatre, its Directors, staff, actors, actresses and all others associated with it have brought countless hours of enjoyment to residents of Forestburgh and visitors to our Town.

NOW, THEREFORE, the Town Board of the Town of Forestburgh, on behalf of all residents of the Town and those who have enjoyed the opportunity of sitting through special evenings of wonderful performances by the Theatre, wish to congratulate all of those involved with the Forestburgh Playhouse over the years and to wish them all the best for continued success in the years to come.

The foregoing Resolution was adopted on the 5th day of May, 2011 by the Town Board of the Town of Forestburgh, Sullivan County, New York.

MOTION by Councilman Sipos
Seconded by Councilman Creegan

Vote: 5 ayes – 0 nays. Motion carried.

TOWN HALL SPRING CLEANING – We do this every year, shampoo the rugs, strip and wax the floors. MOTION by Councilman Sipos, seconded by Councilman Creegan to contract with Sullivan ARC, our regular cleaning outfit for shampooing the rugs and waxing the floors and general heavy duty cleaning. Vote: 5 ayes – 0 nays. Motion carried.

LEVER VOTING MACHINE – We have declared the old lever voting machine surplus equipment, and I have spoken to Monticello Central School, who is permitted to use these machines until 2012, they would like to have it for their elections. MOTION by Councilman Sipos, seconded by Council Creegan to donate the lever voting machine to Monticello Central School District. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY DEPARTMENT BROOM – The broom that the Highway Department uses to sweep the streets has broken and Dan is requesting a new unit that attaches to the tractor that we purchased a few years ago. Dan informed the board that he originally looked at a hydraulic front broom, they run from \$9,800 to \$12,000. Then I did some research and found a rear mounted, three point hitch broom was substantially less. I have three quotes, one from a company in Virginia for \$4,145 plus \$350 for shipping. One from York Rake themselves, which is in New York for \$4,488 plus shipping or we could possibly pick it up. The last quote is from John Bonham in Honesdale, has the same York broom for \$3,950. 25 complete. MOTION by Councilman Galligan, seconded by Councilman Raponi to purchase the broom from John Bonham Supply for \$3,950.25 complete. Vote: 5 ayes – 0 nays. Motion carried.

COMMITTEE REPORTS

Planning Board – No report.

Historian – Report filed.

Building Inspector – Report filed.

Seniors – RSVP Luncheon at the Villa Roma on Monday. A meeting on the following Monday the 16th.

Green Committee – No report.

Forestburgh Day – August 20th, Tours of the Church and the Inn, The Playhouse will perform as will the Rausch Brothers Band.

PUBLIC COMMENT –

Peggy Abdo – When you do the budgeting for the Tax Collector, the salary should be much less as it took me many years to get it up to what it was.

Supervisor Galligan – I just want to remind everyone that Memorial Day Services will be held on Monday, May 30 at 9:00 a.m. at the Memorial Triangle, and we hope to see everyone there. The fire department will have coffee and bagels afterwards.

Dick Gibney – What is the story with the lake at the intersection of Route 42 and Hartwood Road? Are they going to fix it or not? Supervisor Galligan replied that the gentleman who owns the lake started working on the dam, it appears that he did not get all of the proper permits. The DEC stopped work on it. To the best of my knowledge, he is now going through the permitting process with the DEC.

ADJOURNMENT – MOTION by Councilman Sipos to adjourn at 8:35 p.m.

Respectfully submitted,

Joanne K. Nagoda, RMC
Town Clerk