

The Town of Forestburgh Town Board held a **Special Meeting** on **August 17, 2011** in the Town Hall.

Supervisor Galligan called the meeting to order at 6:00 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
Richard Lorino, Code Enforcement Officer

Supervisor Galligan stated that the main thing on the agenda for tonight is the property located at 198 Dill Road. The owners are supposed to come in with a plan and some quotes, the board is ready to hear what you have done. Mary Dollard spoke on behalf of her sister, Janet Smith Price. They met with Bob Osborn the construction manager for ServPro. After meeting with him, they have decided to go into contract with ServPro for the first phase. Which is the initial, demolition of the interior and the second phase would be the reconstruction/rebuild. However, our attorney, Henri Shawn has been working on the business of the banking. That is what is holding us up, the bank. Janet entered into a government program, affordable homes or something like that, to reestablish the interest rate. What happened with her was she had a payment of \$700 or \$750 a month. Then in 2008, it tripled to \$2,100, so she was unable to make those payments. It has been in foreclosure since 2008 or 2009. But with this new government program, trying to stop foreclosure, they would grant a fixed rate which would bring the payments down to something that is livable. All of the work is complete and should be in the hands of the attorney. Maybe Attorney Bavoso is familiar with the name Stephen Baum, he handles the foreclosures in this area and he is the man that we are unable to reach. Henri Shawn has been trying to find out what's going on. There is no point in going into contract for that amount of money to repair the house, if they are still going to go forward with the foreclosure. Supervisor Galligan asked if they had any written agreement with ServPro at this time. Mrs. Dollard replied that they have not signed the contract, Mr. Osborn said he would present a contract for tonight, but I told him there is no sense in writing a contract unless we know we can do the work, talk to the bank. Councilman Sipos asked if there were any indication how soon work could commence. Mrs. Dollard replied yes, kind of immediately. Like as soon as I can sign the contract, give them the deposit, they can start work. Possibly a week or two. Councilman Sipos further asked where do you stand with the foreclosure process, how long will that take to settle? Mrs. Dollard replied, well, as late as two o'clock today, I spoke with Henri Shawn's office, and she told me to tell the board that they are trying to get in touch with Attorney Baum. Every department, nobody answers their phone, they say leave a message and all of the message centers are full. So for a month or more, steady, we have been calling on a daily basis, sometimes two or three times. I don't know if Henri is up against the same thing or not, but Tina in his office was going to speak with him today, but they weren't able to. So now the ball is back in your court. That is where we are.

Supervisor Galligan reiterated that the board had requested something in writing, in place and you have nothing. Mrs. Dollard stated that we would have had a contract with ServPro, except there is no point in dumping that chunk of money, Councilman Sipos added "if they are going to take the home". Mrs. Dollard stated, correct, if the bank is just going to say "thank you". It's back to you again, it's your decision. Supervisor Galligan stated that I know you are working on it, but there is nothing in writing. Mrs. Dollard continued that Mr. Osborn only lives over in Bloomingburg, it shouldn't be that hard to get a contract. He set a price, he wants half down and half when the work is completed. That would be to clean and gut the house. Discussion was then held by the board to the date of our next meeting and reviewing the calendar. Councilman Galligan then asked what about the pool. Supervisor Galligan stated that there is also the pool. Mrs. Price stated what's wrong with the pool? It needs a liner. Supervisor Galligan

replied that it's up to Code Enforcement Officer Lorino – Richard, is it a hazard? Mr. Lorino replied that the pool is in violation, it has to be repaired, there is a long list of things that need to be done to it. When it's left in the condition that it's in, it is a violation. Mrs. Price stated that it only needs a liner, I am trying to rip it out, but it's hard. Mr. Lorino stated that pools have to be maintained to a certain condition. Councilman Sipos stated that on the radio at this particular time, based upon still water, there is potential for mosquitoes which do breed the West Nile Virus, and it has been located very close to us. It's an environmental hazard, there was a child who recently passed away from it, which was mentioned on the radio today. The board requested that the water be removed from the pool. Councilman Sipos stated that you must get rid of the standing water. Mrs. Price stated that we can't get on the property to do anything, I'm not allowed. It doesn't make sense. Mrs. Dollard stated that to chlorinate standing water, it's usually safe to drain. Supervisor Galligan stated we still have another whole issue, moving ahead with the house. That's the major issue. Mr. Lorino stated that he thinks that somebody from like, Royal Pools could take a look at the pool and determine what it needs, and render whether or not it's usable or fixable or...well, it looked really bad to me. I can't say what it needs, I am not an expert on pools, but if it's something that is going to be kept, it should be evaluated. Supervisor Galligan stated we need to determine what we are doing with the house, the pool is a lesser issue right now.

JoAnn Monroe – If there is standing water, we live right next door and if I have to worry about mosquitoes. Supervisor Galligan stated there ought to be a way to get the standing water out of the pool. Mrs. Dollard stated that I have a pool and have for twenty five years, in dealing with Royal Pools, the same company, for all of those years, there are years, in winter, when we would accumulate water when they would come in the spring and we had to have the water off of the cover, once you chlorinate that standing water, it's safe to drain. Standing water, you're concerned about the West Nile, first the water has to be purified or cleaned. Then it's safe to drain it, if she has an improper liner and the pump or the filter...Supervisor Galligan interjected that if the liner is bad, why deal with water, just drain it. Mrs. Dollard stated then you may be draining contaminated water into the soil. All you have to do is chlorinate it, it's not that hard to do. Mrs. Monroe asked if anybody has chlorinated it. Mrs. Dollard replied no, no one can be on the property. Supervisor Galligan stated that you had approval to go on the property – Mrs. Price stated we had no approvals from anybody. Attorney Bavoso stated that you had approval to go and remove personal property – Mrs. Price stated she was harassed by somebody and it made her sick – Attorney Bavoso continued and also to get in and get the estimates done. Mrs. Price continued yeah, but we didn't go in. Supervisor Galligan stated that you had a right to. Mrs. Price stated no we weren't. Supervisor Galligan said that the question was about getting estimates and personal items, I know our attorney and the Town Board all agree go get what you want, obviously you have to go in and get things fixed, and I think the Board would agree, go and chlorinate the water. Mrs. Price asked so now we are allowed to on the property or are we not allowed? Because ServPro told us what's contaminated and what is not, they said glass, plastic, metal, steel stuff like that we could come and get it because it's not contaminated. I told him I can't do anything because they won't let me in my house. Supervisor Galligan stated that was a misunderstanding. Mrs. Dollard stated that the misunderstanding, on our part are they allowed to go on the exterior and are they allowed to enter? Supervisor Galligan replied yes, sure, get your personal items. Supervisor Galligan continued that we know you are working on it, but we have no documentation, the board has to make a decision how we are going to move ahead. Mrs. Dollard stated that he offered me a contract for tonight, but I told him it won't matter. Councilman Raponi stated that if it's not signed, it's not a contract. Supervisor Galligan stated it has to be a signed contract. Mrs. Dollard again reiterated that there is no point in writing up a contract, and I am not signing it until I know what the bank says or is doing.

Supervisor Galligan stated that the board has two roads it can go down, we've been patient and we are trying to work with you, but we also have to move ahead and we can do two things at the same time. I think we should begin to seek proposals or bids for the demolition of the house, we don't have to accept them. You can move ahead and if you come in with the necessary documentation, we don't have to accept the bids. Mrs. Price asked why there were two houses that weren't knocked down, that were supposed to be knocked down and they were condemned. One is a barn that hangs over a road and then the cat house. That house was bad. Supervisor Galligan replied those are different issues. Mrs. Price continued that house was bad, it's on Sackett Lake Road and as a fireman you should know, you've been there for medical calls. Supervisor Galligan stated that house has been cleaned up and rehabilitated, and we are giving you the opportunity to do it. But I think we need to move ahead, and Mary understands what we are doing. We have to move ahead and we won't be waiting until winter to do it, by getting contractors, if you come in with the necessary signed contract and whatever, that you are moving forward, hopefully with an answer from the bank. If the bank says they are going to take it, you could care less what's going to happen. Our next meeting is September 1, 2011, I don't know if we can get proposals and bids by that time. Councilman

Galligan stated it's really not fair to the contractors to spin their wheels. They will spend time writing a proposal that might not get accepted. I will wait until the next meeting, but I'm in favor of going ahead with the demolition at the next meeting. Councilman Sipos stated that would put us out as far as October. Councilman Galligan continued that the neighbors are awfully close. Supervisor Galligan asked what is the pleasure of the board? Do you want to wait until September? Councilman Creegan stated that he agreed with Councilman Galligan, rather than have others spin their wheels, give them another two weeks until September and then we will need a signed contract showing that you are making progress here one way or another. Supervisor Galligan added if you get to start work before that, that would be great, but you have to get an answer from the bank. Councilman Raponi stated that he too agreed with Councilman Galligan and that if you are going to look for bids to tear it down, explain the situation that is going on and that it might not be torn down. Supervisor Galligan stated one of the things we have to do is ask our Town Engineer, Joe Gottlieb, who will have to write the specs, because isn't there something about making sure it's done environmentally correct. Attorney Bavoso stated that a contractor who does that kind of work knows what they have to do. They perhaps first have to get a permit from the building department with regard to asbestos removal and a demolition permit to do it correctly. Attorney Bavoso continued that a call was received and referred to our office from an individual who was contacted to look into the demolition of the house from the bank. So, obviously the bank is pretty close to that foreclosure action being completed if they are looking for someone to do the demolition. I can contact Mr. Shawn's office tomorrow and give them the name of the attorney I spoke with in Amherst that's representing the bank. Mrs. Price stated that Mr. Baum is handling it. Attorney Bavoso stated there is a specific woman in the office who is handling it, Mr. Baum is not. Her name is Heather Johnson.

Spencer Monroe – I understand that all of these things take time, whether its Janet or the Town, but a simple thing like picking up the garbage, can't that be done now? There are bags of garbage sitting at the end of the driveway that have been there for two months now. It's starting to blow around. Supervisor Galligan said why don't we do this, you are allowed to go on the property and get things cleaned up. You won't get arrested. Councilman Sipos added let's let them clean up the outside and chlorinate the pool. Mrs. Price asked what if the cops come by, can we still get arrested? Attorney Bavoso replied not from us, the question is in the prosecution by the District Attorney's office. Is there anything that is prohibition with regard to that? Mrs. Price replied that she has no idea. Attorney Bavoso stated that Mr. Shawn should know that. Mrs. Dollard stated that at the arraignment, Judge Carroll told Janet not to go anywhere near that property, you cannot go on your property. I don't know what that had to do with the arraignment. Supervisor Galligan directed Mrs. Dollard and Mrs. Price to check this out with Mr. Shawn. Attorney Bavoso added that he would include that information when he contact's Mr. Shawn. Attorney Bavoso also stated he had spoken with another woman from the bank named Landa, and I will also give this information to Mr. Shawn. Mrs. Dollard stated that now the yard can be cleaned and the pool chlorinated. Supervisor Galligan replied yes, and there are a couple of things that have to happen before September 1st, when we meet at 7:00 p.m. – get the garbage, mess and pool issue cleaned up. Have a written agreement to start, if you haven't started already – you can start sooner – that they are going in to start cleaning the house. If you don't have that, we will have no choice but to go ahead and demolish the house. Mrs. Dollard stated remember when we had the public hearing, Mr. Beamer stated that he was concerned about the movement of even the stuff on the ground. Supervisor Galligan replied he was more concerned about the dust when they start working on the house, not the garbage in the yard.

Councilman Sipos asked Attorney Bavoso if it was possible to have the bank issue resolved by the first of the month. Councilman Galligan added he thought it was highly improbable. Attorney Bavoso stated that if the action was started in 2008, they may have a judgment of foreclosure and sale. That may be why they are contacting contractors. Councilman Galligan stated that for the bank to make an agreement with the Price's in two weeks, that is very unlikely. Attorney Bavoso added that if they have a judgment of foreclosure and sale, to reverse that, well, banks don't work that quickly. I will contact Henri Shawn and tell him what we'd like to see and give him any information that we have as far as contacts with the bank. Councilman Sipos stated that at the next board meeting, if we have to, we will take the steps to have it demolished. Supervisor Galligan agreed and continued that there will have to be a signed contract and something on the banking issue.

Code Enforcement Officer Lorino asked Mrs. Dollard if she would like a written list of the things that the board wants within the next two weeks. Mrs. Dollard replied that would be helpful. The board stated the following:

1. Clean up the outside.
2. Have written agreement/signed contract.

3. Chlorinate pool water and drained.
4. Remove pool liner.

Supervisor Galligan stated get that garbage out of there. I am sure everyone will be happier once the garbage is removed.

Supervisor Galligan invited those that attended to stay for the rest of the meeting; it would only be beginning discussion for the 2012 budget. He then explained that we now have to deal with this 2% tax cap, but we have to have worker's comp insurance, which we get through the County's Self-Insurance program, with the increase in workers' comp that we received, it eats the 2%. It went from \$24,000 to \$41,000. Last year we raised about \$370,000, if you take 2% of that it comes out to \$19 something – so that is one of the problems we have to deal with.

Councilman Galligan stated that we would be taking action on the Dill Road matter next month, he has run out of patience, and he doesn't see how they could possibly deal with the bank and have an agreement in two weeks. Attorney Bavoso believes that the judgment of foreclosure and sale has been signed. It was submitted to the court in March of 2010. Councilman Galligan further commented that the place is an absolute disgrace outside and he doesn't understand how anybody could let that happen. Mr. Monroe stated that he questions if they get the money and fix the house, what will it be like next year? Will it start all over again? The board agreed that it was a legitimate concern. Mr. Lorino was happy that the plan by ServPro was to gut the house, which is exactly what would have to happen.

Attorney Bavoso asked if the charge backs are included in the 2%. Supervisor Galligan replied they are and our 2% is eaten up, on one item. Councilman Galligan asked why there was such an increase in the workers comp insurance. Supervisor Galligan replied we had a claim and it is all prorated and don't forget, our workers comp covers the firemen. That is just how it works; the workers comp covers all of the volunteer firefighters, as well as the guys on the highway department.

We can't come up with a bottom line of what we can raise really, until we get information from the board of assessment review offices, they come up with a figure that we can use on the increased valuation of the property. According to the Association of Towns today, the amount of money towards our retirement, they will give us the figure we can use because it will be above the 2%. It is a percentage of your payroll. Health insurance isn't affected by the cap. These are things we just have to wait for. If we choose to over ride the 2% cap, we can do it, because we have more than 60% of the vote on everything we vote on. If three of us decide that it should be a ten percent increase, it could happen, BUT, before you do that you have to submit, because it's a local law to go over the cap, you have to go to audit and control and tell them what you are going to do. You don't really get their "blessing" but you have to inform them before you do it. I don't think we are going to go over the cap, we are waiting on some figures. Discussion was held on holding a public hearing and adopting or not adopting the local law and other procedural issues. Supervisor Galligan informed the board that we just received the application for site plan from Lost Lake with their fee of twenty thousand dollars and that can be part of our unexpended balance, it certainly won't be spent by the end of the year. We also have twenty thousand dollars in the budget that we had placed there for a consultant for the planning board which wasn't used, there is money in the contingency fund, there was money that at my insistence was placed for a new program for the seniors which was never used and there are other little things that are in the budget that haven't been used. I think we can do this without getting to deep in our reserve fund. I strongly recommend that you go for a two percent increase in taxes, because if you don't, you will be in trouble next year, and I think that is what John Q. Public expects. Attorney Bavoso asked how long that increase on the workers comp will be, is it permanent? Supervisor Galligan replied that he did not believe it was permanent, it's based upon claims. Attorney Bavoso asked if it was just for one year? That is a question that needs to be asked. Councilman Creegan stated that our insurance will probably go up because of this as well. Discussion was held by the board with regard to legal fees incurred due to the discrimination suit that has been filed, the town's deductible rate and the payment of the legal fees incurred by this as part of the deductible. Discussion was then held to determine if budget workshops should be scheduled or wait until more solid numbers are available.

Supervisor Galligan then asked the board if they were all in agreement on the fact that if the Price's do not have a written agreement on the house and final answers, the board unanimously voiced their sentiments for move forward

with the demolition. Discussion was then held with regard to the banks seeking contractors for demolition and who would get it done first.

ADJOURNMENT – MOTION by Councilman Galligan to adjourn at 7:00 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk