

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, December 2, 2021**, at the town hall.

Supervisor Hogue called the meeting to order at 6:00 p.m.

Roll Call: Present – Daniel S. Hogue, Jr., Supervisor
Karen Ellsweig, Councilwoman
Susan Parks Landis, Councilwoman
Steve Budofsky, Councilman

Absent – None

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Troy Johnstone, Esq. Attorney for the Town

PUBLIC COMMENT –

Katherine Barnhart – The IDA has been discussed on several occasions. We can hardly afford their incentives. It will impose costs on the town that will not, for many, many years be compensated back to the town. Another fact that was brought out was all the years that the IDA has been in existence the only application in the IDA has been Another Sky Campground. That project stated that they did not exactly require the money to carry out its development. Input from the town completely opposing the application was completely ignored. It struck us that the IDA does not recognize or respect the towns perspective of its own interest. Why would we want to yield tax revenues when our interest or input is not respected? Accordingly, we request that the town withdraw from programs offered by the IDA. Should the IDA change its approach to the towns and modify its program with more financial respect we would always that option to opt back in.

MINUTES – None submitted.

GENERAL FUND VOUCHERS – #243 – 277 in the sum of \$24,366.58 as set forth in abstract # 12 of 2021 were audited for payment. MOTION by Councilwoman Landis, seconded by Councilwoman Ellsweig to pay general fund vouchers. Vote: 4 ayes – 0 nays, Motion carried.

HIGHWAY FUND VOUCHERS - # 126 -137 in the sum of \$12,867.43 as set forth in abstract # 11 were reviewed. MOTION by Councilman Budofsky, seconded by Councilwoman Landis to accept the highway fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - # 11 in the sum of \$240.00 were audited for payment as set forth in abstract # 5. MOTION by Councilwoman Landis, seconded by Councilman Budofsky to pay Escrow Fund Vouchers. Vote: 4 ayes – 0 nays. Motion carried.

CORRESPONDENCE –

A letter was received from James Steinberg, Chairman of the Board of Fire Commissioners. He spoke with Supervisor Hogue and Councilman Budofsky the possibility of entering into a shared agreement allowing the fire district to construct a radio communication tower on the site of the Ole Town Hall. It Would improve radio communication in the Cold Spring Road/Oakland Valley Corridor.

Next is a letter addressed to Richard Robbins, as Planning Board Chair, cc'd to the town board. Effective after the November 20, 2021, planning board meeting, I am resigning my tenure as a Planning Board member, to begin my tenure as a town council member. It has been his pleasure to work with such a cohesive, caring, and professional group over the least few years. Your dedication and work to the Planning Board is evident with each meeting and the results of your review, denials, and approvals. The Town of forestburgh should be proud of the performed by this group. I will miss these engaging and productive meetings. Respectfully submitted, Vincent C. Galligan, Jr.

Next is a letter addressed to the Chairman of the Zoning Board of Appeals, Carl Amaditz. Please accept this letter as my resignation from the Town of Forestburgh Zoning Board of Appeals. It has been a pleasure working with you, the ZBA and the residents of Forestburgh. Sincerely, Michael Landis

UNFINISHED BUSINESS

BOARD OF ASSESSMENT REVIEW VACANCY – We have a had a vacancy on this position for quite some time now. If anyone knows anyone or thinks they may be interested in the position.

CHARTER COMMUNICATIONS (SPECTRUM) FRANCHISE AGREEMENT - Councilwoman Ellsweig met with the President of Governmental Affairs today over zoom. The purposed of the meeting was to peruse the franchise agreement, which right now, is in limbo. There are only two areas that we have considerable say in. Most of the agreement is controlled by the state or the federal government. The two areas we have any decision on is the term of the agreement and the franchise tax. They stated many towns are doing 15 years. I told them that the Board would do ten rather than 15 more than likely. On the franchise tax we can go anywhere from 3% to 5%. In reviewing other towns, there are very few at zero and very few at five. In reality these are the only two items we have a voice on. They put the infrastructure into the ground which is what the franchise tax is – it allows them to place the infrastructure. Any house that is more than 150 feet or more from the infrastructure is not covered by spectrum and that is nonnegotiable. You can pay for it be there are many variables that will affect the cost. They want everyone to understand that. We discussed the lack of service in the town and the survey that was done. They have a proprietary map of infrastructure in Forestburgh. They are willing to meet with two town officials, I suggested myself and the supervisor and will show us who in town has service and we can suggest area's where we would like them to focus. I suggested that happen in January. They do have two programs available to consumers who are having difficulty paying their bill and or children in school and I would certainly encourage everyone to look into these programs. MOTION by Supervisor Hogue, seconded by Councilwoman Landis to leave the franchise agreement at 10 years for 3% and hold a public hearing on February 3, 2022, at 6:00 p.m. Vote: 4 ayes – 0 nays. Motion carried.

NEW BUSINESS

PLANNING BOARD VACANCY – We have a planning board vacancy and now a zoning board of appeals vacancy. We will post it on the website and hopefully get some candidates that we can schedule some interviews for these positions. They would be to fill the unexpired term of Vinny Galligan, Councilman elect and the very new vacancy created by Mike Landis on the ZBA.

SULLIVAN COUNTY IDA – The IDA requested a meeting with two board members, because three or more would be a quorum. On November 10 or 11 Councilman Budofsky and I met with them. The town of Highway also showed up, Lumberland did not. We had good questions and conversation with the Board members and other members of the IDA. They do provide a good service, not so much for Forestburgh. However, they angered me when they stated that Forestburgh is insignificant, and it wouldn't matter. Councilman Budofsky stated when the CEO came to speak to us he gave us vague examples and incorrect facts. He stated the tax breaks are usually for ten years, well the majority goes way beyond that to 15 -20 years. That is a matter of public record and easily verified. Forestburgh's only IDA applicant has failed to meet the goals and requirements and the IDA is pulling the plug on that PILOT (Payment in Lieu of Taxes) on December 31 of this year, which they announced at the meeting that we attended. With a 35 years break, the project failed to meet the deadline, do any hiring and no way got off the ground plus they never informed the town of a two-year extension that was given to the project. Based to meet the requirements, they were grantee a two-year extension. It is a matter of public record however they never communicated that to us. We asked for a cap of ten years on their tax abatements like other counties do. Their response was that banks would be reluctant to give loans for a ten-year pilot. Which is contrary by what we told by the CEO. We have the option to opt out of the idea or on certain projects, and that Thompson had even opted out which I don't think we ever knew. Here is the quote that the Supervisor is referring to: regarding Forestburgh's participation with the IDA pilots – quote "either way it won't move the needle". So, we won't have any impact on the IDA one way or another. So, it's now time for us to move the needle in our direction, we are working on the zoning code which allows for the expansion of commercial area, and this is another key, before another PILOT that will not benefit our town with tax ratings. Small business is welcome in Forestburgh, it must be a business that it financeable and without tax abatements. Forestburgh can't afford abatements or loss of revenue. Supervisor Hogue asked Attorney Johnstone what steps had to be taken to opt out of the IDA. Attorney Johnstone stated that he did not believe so, just a resolution. Motion BY Supervisor Hogue, seconded by Councilman Budofsky to pursue opting out of the IDA. Councilman Budofsky stated that the IDA is a good organization for certain areas of the county just not for smaller municipalities. This is not a division, just looking out what is best for us and our bottom line. If they change their UTEP guidelines, we may want back in. Councilwoman Ellsweig stated she is afraid this could close business potential because a business has an option of coming here with no tax abatement at all or going to say, Lumberland and getting an abatement. They aren't going to come to Forestburgh. I've heard all about taxes from being on the board and the only way we are going to mitigate our taxes at all. The way the motion is worded, I'm not sure I could say yes. As a representative of the town, I don't feel that it's in the town's best interest to opt out of the IDA. They have cost us nothing to far and to opt out on the idea that it may cost us something in the future. What it may cost us is a tax abatement on improved property only, just in proof but if the abatement is for twenty years we're getting money on years tow, three, four, etc. We have to look to the future of Forestburgh because people ask me what you are getting for your taxes. Supervisor Hogue stated that his motion wasn't to opt out of the IDA, it was to explore the option. Councilwoman Ellsweig stated before we opt out, if that is decided, that we have either a public hearing or public comment. Discussion was had over opting out sooner than later, the project that was here could have been fully funded without the IDA. We did lose with the IDA on this and now we don't know where we stand with this project. The IDA has been around since 1970 and it's not like people are banging on the door to come here, so we haven't lost out. Supervisor Hogue stated we will receive written comment up until January 6. So to reiterate – MOTION by Supervisor Hogue, seconded by Councilman Budofsky pursue opting out of the Sullivan County IDA and receive written comment until January 6, 2022. Vote: 4 ayes – 0 nays. Motion carried.

BARTON & LOGUIDICE – Our chosen consultant, Bergman has discovered a conflict of interest and therefore has to recuse themselves from representing the Town of Forestburgh. We never formally got to sign a contract with Bergman, but we do still have our contract with Barton & Loguidice, so I just wanted to confirm this with the board. MOTION by Supervisor Hogue, seconded by Councilwoman Ellsweig to retain our contract with Barton & Loguidice under the same clauses as contract was written. Vote: 4 ayes – 0 nays. Motion carried.

YEAR END MEETING – We have our year end meeting basically to just transfer funds from one account to another to balance the books and have newly elected persons sign the oath of office book. MOTION by Supervisor Hogue, seconded by Councilwoman Ellsweig to hold the year end meeting on December 20, 2021, at 4:30 p.m. at the town hall. Vote: 4 ayes – 0 nays. Motion carried.

FIRE DEPARTMENT TOWER REQUEST – This is actually new, Councilman Budofsky and I met with Commissioner Steinberg about putting a radio repeater tower, which is 90 – 110 feet tall. Commissioner Steinberg stated that the old town hall is the fourth highest point in town. When the county did their county wide radio system, there are four dead spots in the county and three of them are in Forestburgh. Once you drop down McCormick Road and get to Antler Road where our district ends, you lose all radio connectivity for the entire Cold Spring Road corridor up to Melody Lake and partially back to St. Joseph's. We have been negotiating with AT&T for the last 9 years and they have not been negotiable friendly. This is our last chance, every other high place in town either the residents don't want to look at it, or it's cost prohibitive to run electric to it. It is a single monopole, with no lights, no nothing. The fire district would add the Town of Forestburgh as additionally insured and we would install a generator because we all know how great the electric service is here. Supervisor Hogue stated obviously this is in the interest of public safety. The fire district attorney would draft an agreement and any and all expenses would be borne by the fire district. Councilwoman Ellsweig asked who decides where it gets situated. Commissioner Steinberg stated that whatever you see mowed at the old town hall is what the town owns. MOTION by Supervisor Hogue, seconded by Councilman Budofsky to move forward on this matter in the issue of public safety. Vote: 4 ayes – 0 nays. Motion carried.

DENTAL/OPTICAL INSURANCE – We currently offer through the contract and open it to all employees, dental and optical insurance. Currently our dental insurance is with Shelter Point which is getting out of the dental insurance business. Wendy has been checking with new companies and new employees do contribute 15%. This is the one proposal, others are coming. The Board needs to be aware we must review and discuss this and that this is a contract renewal year as well. Matter tabled.

TAX COLLECTION Just a heads up that the County is looking into new software for tax collection for next year. A new system with the current company is being installed next week for tax collection 2022. This is every town in the county. There has been online trainings and conferences for the new software preparation. This is just "in house" that it is a whole new ball game – you will still be able to pay by credit card, check or cash just like always. These changes are all in house.

BRIGHTHOUSE STOCK – When a former Supervisor passed away, he left funds to the town to be used for recreation. Over the years the policy has become Bright house Stock of which we own one share. We need a resolution or a motion stating that Dan is the Supervisor as well as the Chief Fiscal Officer for the town in order to be able to sell this stock. It's now to the point that it is almost unclaimed for the state to take it, so we must do something. MOTION by Councilwoman Landis, seconded by Councilwoman Ellsweig to recognize Daniel S, Hogue., Jr. as Supervisor and Chief Fiscal Officer of the Town of Forestburgh. Vote: 4 ayes – 0 nays. Motion carried.

PUBLIC COMMENT – None

COMMITTEE REPORTS –

Planning Board – There were two items on our Agenda for the November meeting. The first was a lot line improvement that was approved and granted. The second item was a minor subdivision for Birchwood Estates who is looking to put a house on their 250-acre parcel using a pre-existing septic system.

ZONING COMMITTEE – Our next meeting is December 14 from 7-9 p.m. via zoom.

FIRE DEPARTMENT – December 12 is the Christmas Run.

Supervisor Hogue and the Board wished everyone a Happy Hanukkah and Merry Christmas.

EXECUTIVE SESSION – Motion by Supervisor Hogue, seconded by Councilwoman Ellsweig to enter in executive session for the purpose of litigation and invite Councilman-elect Galligan and Attorney Johnston into said session. Vote: 4 yes – 0 nays. Motion carried.

Motion by Supervisor Hogue, seconded by Councilman Budofsky to reconvene at 7:28 p.m. Vote; 4 ayes – 0 nays. Motion carried.

MOTION by Supervisor Hogue, seconded by Councilman Ellsweig to direct Attorney Johnstone to come to an agreement on the technical search based on the appraisals for the Antler Club that it may be settled. Vote: 4 ayes – 0 nays. Motion carried.

ADJOURNMENT – MOTION to adjourn by Councilwoman Landis at 7:29 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk