

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

The Town Board of the Town of Forestburgh held their regular monthly meeting on **Thursday, January 6, 2022**, at the town hall.

Supervisor Hogue called the meeting to order at 6:17 p.m.

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

Absent – None

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Assemblywoman Aileen Gunther
Richard Robbins, Planning Chair
Troy Johnstone Esq. – Attorney for the Town

PUBLIC COMMENT –

Assemblywoman Gunther stated that there is plenty of grant money that is available for the towns. Not the City of New York, but the towns. She stated to do a little work and work with Councilwoman Ellsweig to obtain grant funding. Councilwoman Ellsweig will contact Jean at the Assembly office and get some things in motion. Supervisor Hogue thanked the Assemblywoman for all she does in her district.

MINUTES – Clerk Nagoda submitted minutes of the October meeting for review. MOTION by Councilwoman Landis, seconded by Councilman Budofsky to accept the minutes as submitted. Vote 5 ayes – 0 nays. Councilman Galligan abstained.

GENERAL FUND VOUCHERS - # 1 – 7 in the sum of \$14,051.37 as set forth in abstract # 1 were audited for payment. Motion by Councilman Landis, seconded by Councilwoman Ellsweig to pay general fund vouchers. Vote: 4 ayes – 0 nays. Councilman Budofsky abstained.

HIGHWAY FUND VOUCHERS - #138 – 158 in the sum of \$32,749.88 as set forth in abstract # 13 for 2021 were reviewed for highway. # 1 in the sum of \$19,101.64 as set forth in abstract # 1 for 2022 was also reviewed. MOTION by Councilman Budofsky, seconded by Councilwoman Landis to accept the Highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS – None

CORRESPONDENCE – None

UNFINISHED BUSINESS –

BOARD OF ASSESSMENT REVIEW VACANCY – We received a letter from Gifford Shriver who is interested in the position. She is aware of what is necessary, she’s spoken to some board members and residents. **MOTION** by Supervisor Hogue, seconded by Councilman Budofsky to appoint Gifford Shriver to the Board of Assessment Review. Vote: 5 ayes – 0 nays. Motion carried.

ZONING BOARD OF APPEALS – We have also received a letter of interest for the Zoning Board of Appeals from Mr. David Griffin. **MOTION** by Supervisor Hogue, seconded by Councilwoman Landis to appoint David Griffin to the vacancy on the Zoning Board of Appeals. Vote: 5 ayes – 0 nays. Motion carried.

PLANNING BOARD VACANCY – At this time we have not received any letters/applications for this vacancy.

CHARTER COMMUNICATIONS/SPECTRUM FRANCHISE AGREEMENT – They are preparing to come up and do a site visit for sections of Route 42. Our Public Hearing is scheduled for the 3rd of February on the franchise agreement. Matter tabled.

SC IDA – After three years, Councilman Budofsky submitted a report on Forestburgh and the IDA. The zoning committee has unanimously agreed the town should opt out of the IDA. **MOTION** by Councilman Budofsky, seconded by Supervisor Hogue to submit a letter opting out of the IDA by the Town of Forestburgh. Discussion was held with countering points from Councilpersons Ellsweig and Galligan. There is a motion, we’ll vote on the matter. Vote: 3 ayes – 2 nays. Motion carried.

NEW BUSINESS

LOCAL LAW # 1 – A TEMPORARY MORATORIUM ON ISSUING BUILDING PERMITS AND LAND USE PERMITS THAT REQUIRE ESCROW FUNDS. – We are introducing a Moratorium and a Local Law to not issue Building Permits or Land Use Applications requiring Escrow Funds. We will do this quickly to not hold up any further development within the town. **MOTION** by Supervisor Hogue, seconded by Councilman Budofsky to hold a Public Hearing on the temporary moratorium on January 20, 2022, at 6:00 p.m. at the town hall. Vote: 5 ayes – 0 nays Motion carried.

EXEMPTIONS TO TAX ROLL - We received from our Assessor, Dennis Ketcham the following information.

We offer the following resolution –

WHEREAS, on November 26, 2021, Governor Kathy Hochul issued Executive Order # 11, declaring a State Disaster emergency for the entire State of New York due to the COVID-19 pandemic; and

WHEREAS, the State disaster emergency has resulted in limited hours in municipal offices in the Town of Forestburgh and rendered senior citizens and individuals with disabilities residing in Forestburgh homebound. These factors combined have made it difficult, if not impossible, for many of these populations to file their real property tax exemption applications in person and many, further, lack the ability to file such applications online; and

WHEREAS, in recognition of the above problems caused by the pandemic, Governor Hochul issued Executive Order No. 11.1 on December 26, 2021, thereby extending Executive Order 11. The extension of the Governor’s Executive order modifies subdivisions 7, 7-a and 8 of Section 459-C of the Real

Property Tax Law and subdivisions 5, 5-a,5-b, 5-c and 6 of Section 459-C of the Real Property Tax Law the effect of which permits the governing body of an assessing unit (i.e. the town board of the Town of Forestburgh) to adopt a resolution directing the assessor to grant exemptions on the 2022 assessment roll to all property owners who received such exemptions on the 2021 assessment roll (i.e., senior citizens and individuals with disabilities with limited income), thereby dispensing with the need for such persons to file renewal application to request such exemptions, and further dispensing with the requirement that assessors mail renewal applications to such persons; and

WHEREAS, Executive Order 11.1 further allows the governing body of said assessing unit, in any such Resolution, at its option, to include procedures by which it's Town Assessor may require a renewal application to be filed if he has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner or died; and

WHEREAS, pursuant to said Executive Order, the Town Board of the Town of Forestburgh wishes to adopt such Resolution directing the Town Assessor of the Town of Forestburgh to grant exemption on the 2022 assessment roll to all eligible senior citizens and individuals with disabilities with limited income and granting the Town Assessor of the Town of Forestburgh authority to require renewal applications for due cause, as discussed above, utilizing procedures outlined below.

NOW THEREFORE, BE IT RESOLED, pursuant to the authority granted by Executive Order 11.21 issued by the Governor of the State of New York, that the Town Board of the Town of Forestburgh hereby directs the Town Assessor of the Town of Forestburgh to:

1. Grant exemptions on the 2022 assessment roll to all individuals who received the senior exemption on the 2021 assessment roll because they were recognize as a person with disabilities and limited income, thereby dispensed with the need for any such individuals to file renew application of such exemptions, except that.
2. The Town Assessor may, in his sole discretion, require a renewal application to be timely filed with his office if he has reason to believe that any such individual, who qualified for the aforementioned exemption on the 2021 assessment roll, may have since changed their primary residence, added another owner³ to the deed for the relevant property, transferred such property to a new owner or died. If the Town Assessor requires such renewal application be filed, he shall notify the owner of the subject property of such requirement by regular mail, with such notice shall contain instruction on how to file the renewal application. Said renewal application may be returned by mail or by making an appointment to drop same off at the Town Assessors office, 332 King Road, forestburgh, New York 12777.

MOTION by Councilman Galligan, seconded by Councilwoman Landis to adopt said resolution for the issuance of exemption to the 2022 assessment roll. Vote: 5 ayes – 0 nays. Motion carried.

2022 Exemptions – MOTION by Supervisor Hogue, seconded by Councilman Budofsky hearing no objection the Town Board of the Town of Forestburgh, pursuant to the authority granted by Executive Order No. 11.1, issued by the Governor of the State of New York does hereby direct the Assessor of the Town of Forestburgh to grant exemptions on the 2022 assessment roll in accordance the resolution attached hereto. Vote: 5 ayes – 0 nays. Motion carried.

Additionally, Assessor Ketcham informed the Board that Grievance Day, in accordance with New York State Real Property Tax Law S.512, and town Local Law # 1 of 2015 will be held on **Thursday, May 26, 2022** in the town hall meeting room from 3 to 9:00 p.m. on that date.

COMMITTEE/ BOARD REPORTS –

Planning Board – No December meeting, however a January meeting is anticipated.

Zoning Review – Next meeting January 11, 2022, 7-9 p.m. via Zoom.

Fire Department – No report.

EXECUTIVE SESSION – MOTION by Supervisor Hogue, seconded by Councilwoman Landis to enter into executive session on the purpose of litigation and invite Attorney Johnstone into said session.
MOTION by Councilwoman Ellsweig, seconded by Councilman Budofsky to reconvene into regular session.

RESOLUTION CONFIRMING SETTLEMENT OF TAX CERTIORARI PROCEEDINGS AGAINST THE TOWN OF FORESTBURGH

WHEREAS, Petitioners have instituted proceedings under article 7 of the Real Property Tax Law to review the assessments of certain parcels, and which proceedings are pending in the Supreme Court of the State of New York, County of Sullivan, under Index Numbers E2019-1497, E2020-1005, and E2021-1158; and

WHEREAS, the parties herein have appeared through counsel, to wit, Troy J. Johnstone, Esq., for the Assessor and Town of Forestburgh and Walter Garigliano, Esq., on behalf of petitioners Antler Hunting and Fishing Club, Dana J. Scott and Maureen B. Scott; and

WHEREAS negotiations by and between the parties hereto have produced a proposed settlement of the issues and matters of dispute; and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the petition, as set forth below:

<u>Year/SBL</u>	<u>Assessed Value/Full Value</u>	<u>Reduced Value</u>
2019		
26.-1-2	\$415,000.00 (Combined Parcels)	\$178,000.00
2020		
26.-1-2	\$415,000.00 (Combined Parcels)	\$187,000.00
2021		
26.-1-2.1	\$200,000.00	\$128,690.00
26.-1-2.2	\$77,000.00	\$77,000.00 (Discontinued)

WHEREAS, refunds, if any, are to be made within 30 days of service of a demand for a refund, and the assessments shall be subject to the statutory moratorium (RPTL 727(1)) for future assessment rolls as per the statute, absent a statutory exception.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Forestburgh that the settlement of the above reference proceedings be and hereby is all respects approved and confirmed, and the attorney for the Town of Forestburgh is authorized, empowered and directed to enter into and execute a formal written stipulation of settlement and to bind the town thereto, such stipulation to be in the form approved by the said attorney.

MOTION BY: Supervisor Hogue

SECOND BY: Councilwoman Ellsweig.

VOTE: 5 ayes – 0 nays.

ADJOURNMENT – MOTION by Councilwoman Landis to adjourn at 7:34 p.m.

Respectfully submitted,

Joanne K. Nagoda, RMC,CMC
Town Clerk