

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, July 7, 2022**, 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, Councilperson
Susan Parks-Landis, Councilperson
Steve Budofsky, Councilperson

Absent – Vincent C. Galligan, Jr., Councilperson

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Troy Johnstone, Attorney for the Town
Richard Robbins, Planning Board Chair

PUBLIC COMMENT –

Jack Gold – Why are there no invoices from Harris Beach in the budget? Supervisor Hogue replied we haven't received any. If they aren't in the pile, we haven't received one.

Jack Gold – Councilperson Budofsky, when is the next Zoning Review meeting and setting us up with the link last time. Councilperson Budofsky replied that the next meeting will be the 12th, next Tuesday from 7-9 p.m. and the link will be posted on the website.

MINUTES – Clerk Nagoda submitted minutes of the June 2, 2022, regular meeting for review. MOTION by Councilperson Landis, seconded by Councilperson Budofsky to accept the minutes of June 2, 2022. Vote: 4 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 133 – 151 in the sum of \$13,490.98 as set forth in abstract # 7 were reviewed for payment. MOTION by Councilperson Landis, seconded by Councilperson Ellsweig to pay the general fund vouchers. Vote: 3 ayes – 0 nays. Councilperson Budofsky abstained.

HIGHWAY FUND VOUCHERS - # 72 - 85 in the sum of \$73,004.21 as set forth in abstract # 7 were reviewed. MOTION by Councilwoman Landis, seconded by Councilperson Ellsweig to accept the highway fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

CORRESPONDENCE – I put the Highway Department under correspondence. We have tow letters of resignation, one from Billie Jane McGinnis as planning board/ZBA secretary and from Justice Hugel. Both claim time restraints and conflicts with family/business time. A notice from the county about them paving Hartwood Road/County Road 48 from Route 42 to the intersection of County Roads 101 and 49 (Cold Spring Road). Lastly, I got this late today from Town Historian, Sabina Toomey. Asking us to consider the front of the town hall which needs a full paint job, and the bushes trimmed. The guard rail looks old and rusted. Please consider these issues for "Operation Face Lift" to brighten up the town hall.

UNFINISHED BUSINESS

HAZARDOUS MITIGATION PLAN – SULLIVAN COUNTY – Supervisor Hogue asked for any input and/or questions. Councilman Budofsky, I wrote some stuff down from my end, it's mostly administrative stuff. Councilperson Landis stated that section one is cut and dry. Councilperson Budofsky stated that the mitigation is the Supervisor. Then there is formal adoption resolution signed by the clerk, attorney, or highest elected position. The county adopted the plan 3/18/2021 and each jurisdiction is committed to completing a plan within one year of the county adoption. Supervisor Hogue stated there is formal resolution, we'll have to get a copy of that. Councilperson Ellsweig stated it might be in the plan but she has a few questions on the risk. They want us to list every building in the town and its value. Perhaps that is something we want the Assessor to look at. I looked at it and did some research and it appears to be undervalued. It is old and I believe way under value after looking at a few houses online. Supervisor Hogue agreed that the assessor should review that. Councilwoman Ellsweig continued that it was interesting to see everything that Forestburgh has been through and how we fixed it. Mostly it deals with floods, but we do not have a designated evacuation plan. Supervisor Hogue stated we should work on that. Matter tabled pending resolution.

TOWN HALL ROOF – Supervisor Hogue spoke with Engineer Gottlieb; he has specs that just need to be tweaked a bit. Clerk Nagoda stated that Engineer Gottlieb called and said the specs are almost done we should advertise starting Friday, July 15. Discussion was held on when to hold a bid opening. MOTION by Supervisor Hogue, seconded by Councilperson Ellsweig to hold a bid opening on Tuesday, April 2, 2022, at 11:00 a.m. Vote: 4 ayes – 0 nays. Motion carried. We'll use the Federal money for repairs to the Log Cabin.

ROLL CALL – COUNCILPERSON GALLIGAN HAS ARRIVED.

NEW YORK STATE GRANT – Councilperson Ellsweig has been working closely with Assemblywoman Gunther's office and she was successful in obtaining a grant. Those funds will be used for the new town hall roof, a generator for town hall and a generator for the highway department. We have to put some information together to submit to the state, but once they review it, we can enter into agreement between us and the state. It's \$125,000 that we have to pay first and we will be reimbursed by the state. We have to get written proposals from the vendors for our projects and once they are approved, we can start.

POOL HOURS OF OPERATION – After much discussion, and taking our limited lifeguards into account, the board has determined to open the pool on the following days: Thursday, Friday, Saturday, and Sunday from 1:00 to 7:00 p.m.

There were also three quotes and a verbal from Wechsler for Robotic Pool cleaner. Matter was discussed and has been temporarily put on hold.

NEWBUSINESS

SHORT TERM RENTALS – The assessor only has an incidental list of short-term rentals; it is by no means complete. The Zoning Committee incused this in the new zoning. It comes down to adopting something separately or waiting for the zoning to be released. It was determined to wait for new zoning to be distributed.

TOUR DE SIMCHA – This is an organized bike tour for woman the begins on July 19. They are waiting for their permits, I had to contact the state to tell them they drive through out town and have done this for years. We have received their Certificate of Insurance list the town as additionally insured. They will be doing a second event later this fall.

RESIGNATION LETTERS – We received letters of resignation from Justice Hugel and Planning/Zoning Secretary Billie Jean McGinnis.

REPORTS, COMMENTS FROM BOARD MEMBERS – None

PLANNING BOARD – Chair Robbins stated no applications were received in June, hence no meeting. The July cut off is next week, so it looks there will be no July meeting.

FIRE DEPARTMENT - On August 27, 2022, at 11:00 a.m. we will dedicate Billy's, my son, memorial. I'd like to request that notice be put in the newsletter for that, we are inviting all town residents. On September 10, 2022, we will host our Annual Roast Beef Dinner. More information will be coming on that. Also, I'd like to thank the group that put the Memorial Stone for Bill at the Dove.

EXECUTIVE SESSION – MOTION by Supervisor Hogue, seconded by Councilperson Budofsky to enter into executive session for the purpose of litigation. Vote: 5 ayes – 0 nays. Motion carried.

MOTION by Supervisor Hogue, seconded by Councilperson Landis to reconvene into regular session. Vote: 5 ayes- 0 nays. Motion carried.

MOTION by Supervisor Hogue, seconded by Councilperson Budofsky to settle the Rieber & Garigliano, Weirsdma and Collista certiaries. Vote: 5 ayes – 0 nays. Motion carried.

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 E2020-1025, E2021-1154; 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 The Residuary Trust of the Feliciano Colista, Jr. Rev. Living Trust Dated July 26, 1978, as restated July 20, 1989, Under the Second Amendment to the Trust Agreement and any Amendments thereof; 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>
2020		
4.-1-10.5	\$144,800.00	\$84,000.00
2021		
4.-1-10.5	\$144,800.00	\$84,000.00

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.

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 Number E2021-1164; 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 Charles and Patricia Wierdsma ; 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>
2021		
38.-1-15.21	\$415,000	\$225,000

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.

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 E2019-1499, E2020-1007, E2021-1157; 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 Point at Forest Pond, LLC, William J. Reiber, Jr. and Walter F. Garigliano; 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		
3.-1-2.23	\$26,700	Discontinued
3.-1-2.24	\$46,500	\$23,300
2020		
3.-1-2.23	\$26,700	Discontinued
3.-1-2.24	\$46,500	\$23,300
2021		
3.-1-2.23	\$26,700	Discontinued
3.-1-2.24	\$46,500	\$23,300

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, seconded by Councilperson Budofsky to have Attorney Johnstone send letter to County Treasurer, Nancy Buck with regard to the Lost Lake appeal. Vote: 5 ayes 0 nays. Motion carried.

MOTION by Supervisor Hogue, Seconded by Councilperson Landis to re-appoint Billie Jean McGinnis as Secretary to the Planning Board. Vote: 5 ayes- 0 nays, Motion carried

ADJOURNMENT – MOTION by Councilperson Landis to adjourn at 7:32 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk