

*****DRAFT*****

PUBLIC HEARING UPON

ADOPTING LOCAL LAW # 3 OF 2022 REGARDING
Amendments of Chapter 56-12 of Animals (Elimination of Subsections E)

November 3, 2022

Supervisor Hogue called the public hearing to order at 6 p.m.

Roll Call: Present – Daniel S. Hogue, Jr., Supervisor
Karen Ellsweig, Councilwoman
Steven Budofsky, Councilman

Absent – Susan Parks Landis, Councilwoman
Vincent Galligan, Councilman

Recording
Secretary – Teresa Collins, Deputy Town Clerk

Others
Present – Troy Johnstone, Attorney for the Town

No one spoke in favor or against the proposed local law.

MOTION by Councilwoman Ellsweig, seconded by Councilman Budofsky to close the public hearing at 6:05 p.m.

Respectfully submitted,

Teresa Collins
Deputy Town Clerk

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

PUBLIC HEARING UPON

2023 Budget

November 3, 2022

Supervisor Hogue called the public hearing to order at 6 p.m.

Roll Call: Present – Daniel S. Hogue, Jr., Supervisor
Karen Ellsweig, Councilwoman
Steven Budofsky, Councilman

Absent – Susan Parks Landis, Councilwoman
Vincent Galligan, Councilman

Recording
Secretary – Teresa Collins, Deputy Town Clerk

Others
Present – Troy Johnstone, Attorney for the Town

2023 BUDGET – Public hearing held for the 2023 Budget, questions and comments on the budget were answered with regard to the budget.

MOTION by Councilman Budofsky, seconded by Councilwoman Ellsweig to adopt the preliminary budget as presented as the budget for the Town of Forestburgh for fiscal year 2023. Vote: 3 ayes – nays. Motion carried.

MOTION by Councilwoman Budofsky, seconded by Councilman Ellsweig to close the public hearing at 6:15 p.m.

Respectfully submitted,

Teresa Collins
Deputy Town Clerk

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, November 3, 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
Steve Budofsky, Councilperson

Absent – Susan Parks-Landis, Councilperson
Vincent C. Galligan, Jr., Councilperson

Recording
Secretary – Teresa Collins, Deputy Town Clerk

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

PUBLIC COMMENT – None

MINUTES –October 2022 Minutes are acknowledged receipt.
MOTION by Councilperson Budofsky, seconded by Councilperson Ellsweig
Vote: 3 ayes – 0 nays. Motion carried.

MINUTES 2021 – Motion to correct the date on the December 7, 2021, minutes to the correct date of November 17, 2021, contents are correct.
MOTION By Councilperson Ellsweig, seconded by Councilperson Budofsky

GENERAL FUND VOUCHERS - # 212 – 232 in the sum of \$61,266.60 (which include \$26000 plus for the repairs on the roof) as set forth in abstract #11 were audited for payment. MOTION by Councilperson Ellsweig, seconded by Councilperson Budofsky to pay the General Fund Vouchers. Vote: 3 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - #125 – 133 in the sum of \$12,770.36 as set forth in abstract # 11 were reviewed. MOTION by Councilperson Ellsweig, seconded by Councilperson Budofsky to accept the highway fund vouchers. Vote: 3 ayes 0 nays. Motion carried.

CORRESPONDENCE – None

UNFINISHED BUSINESS

DASNY GRANT - Councilperson Ellsweig states, that Dan Hogue and herself have sign all of the documents required and are waiting for the state to sign their part to fully execute the contract. Once that is done then the town can submit their expenses to be reimbursed by the state. Grant will cover the cost for a new roof for town hall, a generator for town hall, propane tank, a standby generator and propane tank for the highway department. Which would leave about \$27,000 left to spend. As per councilperson Ellsweig research was done to look into purchasing three pieces of playground equipment and install a horseshoe pit. There will also be a \$8000 contingency. For installation issues and to looking into a lighting system for the highway department.

2023 BUDGET – Motion to move to approve and adopt 2023 Budget.

MOTION by Councilperson Budofsky, seconded by Councilperson Ellsweig.

Vote: 3 ayes 0 nays. Motion carried.

LOCAL LAW # 3 OF 2022 – AMENDING CHAPTER 56-12 OF THE TOWN CODE ANIMALS

Motion to move to approve and adopt local law #3 in the town.

MOTION by Councilperson Ellsweig, seconded by Councilperson Budofsky to adopt local law #3.

Vote: 3 ayes 0 nays. Motion carried.

Town of Forestburgh

ADOPTING LOCAL LAW 3 OF 2022 REGARDING

Amendments to Chapter 56-12 of Animals (Elimination of Subsection E)

Dated: November 3, 2022

At a meeting of the Town Board of the Town of Forestburgh, Sullivan County, New York, held at the Town Hall, 332 King Road, Forestburgh, N.Y., on the 3rd day of November 2022, there were:

Supervisor Daniel S. Hogue, Jr.	Present
Councilmember Steven Budofsky	Present
Councilmember Karen Ellsweig	Present
Councilmember Vincent Galligan	Not Present
Councilmember Susan Parks-Landis	Not Present

Councilperson Karen Ellsweig offered the following resolution and moved for its adoption:

WHEREAS, the Town Board of the Town of Forestburgh determined that the Town's local laws, code, rules and regulations related to retention of dogs for redemption was no longer practical and did not adequately provide for the proper administration and enforcement of the Town Code of the Town of Forestburgh and directed that a draft local law amending the Town Code be prepared for the Town Board's consideration;

WHEREAS, proposed local law 3 of 2022 was developed with the assistance of the Town's consultants and was distributed to and reviewed by the Town Board members.

WHEREAS, the local law was referred to the Sullivan County Planning Board, and, as necessary to the clerks of the abutting towns;

WHEREAS, the comments, if any, of the Sullivan County Planning Board were considered by the Town Board.

WHEREAS, a duly noticed public hearing was held on November 3, 2022 (attached is the newspaper notice of the public hearing) and any public comments were carefully considered by the Town Board members;

WHEREAS, the Town Board is the only involved agency for this Type II action under NYS Environmental Quality Review Act (SEQRA)—the adoption of a local law amending the Town Code;

NOW THEREFORE BE IT RESOLVED that the Town Board declares itself lead agency pursuant SEQRA for the required environmental review of this action.

BE IT RESOLVED that the Town Board has carefully considered the Environmental Assessment Form (EAF), Parts 1 to evaluate the proposed local law and hereby adopts the Short EAF Part 1 attached hereto;

BE IT RESOLVED that the Town Board, based on the Part 1 EAF has determined that the hereby declares that the adoption of proposed local law 3 of 2022 is Type II action under 6 NYCRR 617.5 (c) (33) and that no further review is required;

BE IT RESOLVED that the Town Board hereby adopts Local Law No. 3 of 2022, entitled “Amendments to Chapter 56-12 of Animals (Elimination of Subsection E) of the Town of Forestburgh.” and directs that the SEQRA documentation and the Local Law be filed as required by NYS Municipal Home Rule Law.

On a motion by Councilperson Karen Ellsweig, seconded by Steven Budofsky, the resolution was adopted on a roll call vote, the results which follow:

Supervisor Daniel S. Hogue, Jr.	Aye
Councilmember Steven Budofsky	Aye
Councilmember Karen Ellsweig	Aye
Councilmember Vincent Galligan	Absent
Councilmember Susan Parks-Landis	Absent

Adopted this 3rd day of November 2022.

By Order of the Forestburgh Town Board

Teresa Collins, Deputy Town Clerk

I, **Teresa Collins**, Deputy Town Clerk of the Town of Forestburgh, Sullivan County, New York, **DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the Town of Forestburgh on **November 3, 2022**, and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk’s office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Forestburgh this 3rd day of
November 2022.

Teresa Collins, Deputy Town Clerk

TOWN SEAL

Attachment 1

Newspaper notice of the public hearing

REPORTS –

ZBA are still looking for a ZBA secretary.

Planning Board will be having a meeting this November.

Fire Department, Jim Steinberg announced November 20 pancake breakfast.

Town of Forestburgh Highway Dept. HIGHWAY REPORT FOR November Highway Superintendent, Joseph Ruggeri

Nov,1 2022

Members of the Town Board,

Closed and Seasonal Roads

Burns Rd will be closed until April 1st 2023 and seasonal roads with limited maintenance

Winter HOURS

The winter schedule will resume on sept 6th, 2022. The hours will be the usual five 8-hour days from 7:00 am to 3:30 pm, Monday through Friday.

Pothole Repair


We will be continuing road maintenance and also ditching

Winter

Winter will be upon us before you know it , sand will be outside the town barn for the Towns residents as a reminder please don't plow your snow in the road if so clean it up, also your garbage cans keep them off the road so the plow doesn't hit them.

We are gearing up for the Winter season

Thank you


Joseph Ruggeri
Highway Superintendent

BOARD MEMBER COMMENTS

Councilperson Steve Budofsky, attended a NYS Association of Towns- Attorney Webinar for the First amendment audits – relatively new (2018/2019) more prevalent now since Covid concerns have eased.

1-Issue of concerns regarding activists or citizens who seek to exercise 1st amendment rights by recording interactions and activities between government staff and the public. The issues are concern when situations become confrontation which can result in arrest or litigation.

2-Courts have decided that while public meeting can be recorded towns can adopt rules (such as Forestburgh already has) to prevent disruption of town meetings and the obstruction of any public in attendance or town officials in the performance of their duties.

3-Definition of public official includes those elected and those appointed.

4-Recording is permitted in public areas provided no laws are broken.

5-However, areas and offices such as bookkeeper, assessor, code enforcement and supervisor can be off limits to those seeking to enter or record as well as other areas of the building. This does not extend to a

town clerk's office, however transactions between the clerk and a citizen may be conducted in private. A waiting area can also be designated for those waiting to see the clerk or other official until it's their turn.

6-Areas designated as a polling site on election day are a non-public forum and therefore 1st amendment rights do not apply and recording of any kind is prohibited.

7-Loitering is not a right nor is harassment, stalking or obstructing an employee or town official.

Recording of a specific vehicle or employee, recording them walking to their car or focusing specifically on their vehicle could be considered harassment or stalking. Also, following a public employee or official onto private property is illegal.

8-Gathering information is not an absolute right and is subject to restrictions.

EXECUTIVE SESSION – MOTION by Supervisor Hogue, to enter into executive session for purpose of litigation. and will like to further invite Richard Robinson for as a zoom technician, Attorney Johnstone, and attorney from Harris Beach.

ADJOURNMENT – MOTION By Supervisor Hogue to adjourn at 6.32 p.m.

Respectfully submitted,

Teresa Collins
Deputy Town Clerk