

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, October 6, 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  
Vincent C. Galligan, Jr., Councilperson  
Susan Parks-Landis, Councilperson  
Steve Budofsky, Councilperson

Absent – None

Recording  
Secretary – Joanne K. Nagoda, Town Clerk

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

**PUBLIC COMMENT –**

Clerk Nagoda stated these two items are not agenda items but came in late this afternoon. The first we are getting a new business in town, and they are applying for a liquor license which means they must file this application with us. They are taking over the bar portion of what used to be the Dragonfly. It will be called Finn's Tavern and it will be somewhere to go for burgers, a quick dinner, and a beer on a Friday night. A real neighborhood pub.

There are also two highway reports for you to review.

Katherine Barnhart – I would like to ask the board to share more information on the tax certioraris with the public. When a matter is settled, there is a payment due, weather the county pays it, or we pay it, but it all comes back to the taxpayer. The citizens should be aware that this is going on so that it's not a big surprise. There are other lawsuits that have been filed against the town and I understand that they can't be discussed. But I do think that a report should be made so that the citizens know what's going on.

Jack Gold – Mr. Budofsky there has been no more information with regard to the Zoning Review Committee. When is there going to be another meeting? Councilperson Budofsky replied that we are done. It's in process, it hasn't come before that board yet, when it's formatted and reviewed for any errors it will then be presented to the board. I can't say exactly when, but that is where we are at. I also see that the board is looking to override the 2022 tax cap, how is the budget looking so far? Supervisor Hogue stated we have to schedule budget hearings. Mr. Gold replied I mean for 2022 how are you doing so far? Does the budget still stand? Supervisor Hogue state that is what we work off of for 2022 this is going forward for 2023. New York State passed a law about five years ago, requiring municipalities to not exceed 2%, which really isn't 2% it is 1.062% for this year. If you think you are going to exceed the 2% you must act.

**MINUTES** – You have before you minutes of the September 1, 2022, town board meeting for review. MOTION by Councilperson Budofsky, seconded by Councilperson Ellsweig to accept the minutes as presented. Vote: 5 ayes – 0 nays. Motion carried.

**GENERAL FUND VOUCHERS** - # - in the sum of \$16,872.38 as set forth in abstract # 10 were audited for payment. MOTION by Councilperson Ellsweig, seconded Councilperson Landis to pay all general fund vouchers with the exception of E Z Pass pending further information. Vote: 5 ayes – 0 nays. Motion carried.

**HIGHWAY FUND VOUCHERS**- # - in the sum of \$54,022.65 as set forth in abstract #10 were reviewed. MOTION by Councilperson Landis, seconded by Councilperson Budofsky to accept the highway fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

Supervisor Hogue stated that we received our chargeback from the County, which comes to a total of \$215,955.64, and this is in part due to tax certioraris. MOTION by Supervisor Hogue, seconded by Councilperson Ellsweig to write the county a check so it is not assessed on everyone's tax bill. Vote: 5 ayes – 0 nays. Motion carried.

**CORRESPONDENCE** – None

UNFINISHED BUSINESS

**LOG CABIN REPAIRS** - Supervisor Hogue state that he did speak with Engineer Gottlieb about this – he will stop and take a look and make a recommendation. We will prioritize that repairs and plan for it. Matter pending.

**DASNY GRANT** – Councilperson Ellsweig state that we are moving along signing all of the documents. We are now to the point where we can send out an RFP for the generators. Discussion was held on advertising the RFP, time frame and proper specs. The Highway Department will dig out the pads, trenches etc. for the other tanks to sit on once they are installed. Then we will have to bid out the propane for the generators. We will have Engineer Gottlieb draw up the specs for the generators. Councilperson Ellsweig also stated we have approximately \$30,000 left for us to spend. Which again I think we have to commit to spending it before they will release any other money. Councilperson Ellsweig also suggested opening this discussion us to the public as well for their input. Councilperson Ellsweig stated that we could fix up the log cabin, we could fix the railing on the lower parking lot/playground which is really in bad shape. Councilperson Budofsky asked if it would cover anything within the town hall and Councilperson Ellsweig stated no, probably not and no labor or anything of that degree. Discussion was held on if the town hall would be an emergency building during a storm, compared to the firehouse, perhaps there are things the town hall would need to make it an emergency shelter. A new piece of playground equipment was suggested as was a pickleball court. Or put it all into the recreation program which is even better. What about camera's you talked about them for a long time. Supervisor Hogue replied that we have cameras, they were installed. Jim Steinberg suggested putting in the RFP that we purchase our own propane tank, so we aren't subject to rental fees etc. Supervisor Hogue will definitely make sure that's part of the RFP. Marcia Raponi asked if we can get propane off of state bid. Supervisor Hogue replied that many of the state bids have minimums with a surcharge if you don't take the minimum which is why we bid our own, because we are so small.

**SULLIVAN COUNTY DPW** – The County is redoing the bridge over the Neversink River and is holding an informational meeting on October 13, 2022, here at the town hall at 6:00 p.m. DPW will be here to explain how they are detouring the bridge during the repair and other information. The meeting is from 6:00 to 8:00 p.m. on October 13.

#### NEW BUSINESS

**2023 BUDGET WORKSHOPS** – Due to posting requirements, we can't meet until after next week and we typically vote on the budget at the November meeting. Discussion was based upon the dates everyone supplied earlier with regard to scheduling this. MOTION by Councilperson Landis, seconded by Councilperson Ellsweig to hold the budget meetings on Monday, October 24, 2022, and Tuesday October 25 at 6:00 p.m. if necessary. Vote: 5 ayes – 0 nays. Motion carried.

**BUDGET PUBLIC HEARING** – MOTION BY Councilperson Landis, seconded by Councilperson Ellsweig to the Public Hearing on the 2023 Budget on November 3, 2022, at 6:00 p.m. Vote: 5 ayes – 0 nays. Motion carried.

**2023 TAX CAP OVERRIDE** – Last week we finally got the numbers from the Comptroller's office to see what our actual numbers are for the tax cap. Well, our 2% tax cap actually ends up being 1.062%. The board felt that the tax cap number is so very tight, it is better to override the tax cap just as a safety net in case we are that close. Supervisor Hogue is confident we won't exceed it but just as a precautionary measure it's better to have it. MOTION by Councilperson Budofsky, seconded by Councilperson Ellsweig to override the tax cap for the 2023 budget. Vote: 5 ayes – 0 nays. Motion carried. MOTION by Councilperson Ellsweig, seconded by Councilperson Landis to introduce Local Law # 3 of 2022 Overriding the Tax Cap and holding a public hearing on October 24, 2022, at 6:00 p.m. in the town hall. Vote: 5 ayes – 0 nays. Motion carried.

**LOCAL LAW # 4 OF 2022 – AMENDING CHAPTER 56 OF THE TOWN CODE ANIMALS** – Supervisor Hogue turned this over to Councilperson/Dog Control Office Budofsky for explanation. He stated that according to Article 7 there are already preset holding periods for dogs when they are picked up licensed or unlicensed. For some reason, several years ago, Forestburgh went to ten days. Maybe to contact an owner. The only thing this does is prevent an unidentified dog from being advertised or adopted sooner. The shelter has to be paid, although they did give the town a break and only charged us the regular hold fee. If we adopt this, it's plus on both ends the shelter can advertise it and it can get adopted soon and we'll be in compliance with state law. Discussion was held on a no kill shelter as opposed to a regular shelter and there has only been one dog that was put down due to health reasons and the dog wasn't going to survive that was the only put down in all the years, we are with CARE shelter. MOTION by Supervisor Hogue, seconded by Councilperson Ellsweig to hold a Public Hearing on Local Law # 4 Chapter 56 Dogs on November 3, 2022, at 6:05 p.m. in the town hall. Vote: 5 ayes – 0 nays. Motion carried.

#### REPORTS – BOARD MEMBER COMMENTS -

Highway – Fall clean up will be this weekend, October 7 & 8 from 7:00 a.m. to 5:00 p.m. Friday and Saturday.

We are back to five days a week and we are doing road maintenance and ditching. There is sand & salt outside the town barn. As a reminder please don't plow your snow on the road, if so, please clean it up and make sure your garbage cans don't blow into roadways. He also asked the board to consider new radios for the trucks using the \$30,000 left over for the dead zone in Oakland Valley. Marcia Raponi – I

have a request, that the sand that is left in front of the barn not be cinders. That's what they have been putting out there and it's no good. The Supervisor replied that is a request you have to take up with Joe.

We are still looking for a ZBA secretary.

Planning Board had no meeting in September. So, there is no report.

Jim Steinberg announced the following – October 12, 2022, is the library vote being held at the library.

October 18, 2022, Fire Company Public Hearing on their 2023 budget, at 7:00 in the firehouse.

October 23 our bi-annual Pancake Breakfast again, at the firehouse.

**EXECUTIVE SESSION** – MOTION by Supervisor Hogue, seconded by Councilperson Budofsky to enter into executive session and further invite Attorney Johnstone.

MOTION by Supervisor Hogue to sign engagement letter with Jones, Hocker & Murphy LLP for tax certiorari appeals. Seconded by Councilperson Budofsky. Attorney Johnstone will send three resolutions. 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 E2021-1160; 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 Arbor Knot LLC; 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>
<b>2021</b>		
1.-1-1.12	\$310,100.00	\$270,595.00
4.-1-10.18	\$160,500.00	\$37,725.00
4.-1-10.19	\$195,700.00	\$55,325.00

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 E2022-1334; 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 High Falls LLC, Brookie LLC, Donald Devine, Eden Island, Inc. and Bucktown, LLC; 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>
<b>2021</b>		
1.-1-1.12	\$402,000.00	\$283,110.00
1.-1-1.14	\$211,100.00	\$168,920.00

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 Numbers E2019-1498; E2020-1010; E2021-1159; E2022-1341; 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 Schumann Trust and Ostrud I Schumann Trust dated March 22, 2007; 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>Forest Tax Exemption</u>	<u>Taxable Value Final Roll</u>
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**2019**

34.A-1-1	\$400,000.00	\$304,189.00	\$95,811.00
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**2020**

34.A-1-1	\$400,000.00	\$304,189.00	\$95,811.00
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17.-1-3.1	\$47,600.00	N/A	\$47,600.00
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**2021**

34.A-1-1	\$400,000.00	\$304,189.00	\$95,811.00
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17.-1-3.1	\$47,600.00	N/A	\$47,600.00
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**2022**

34.A-1-1	\$400,000.00	\$304,189.00	\$95,811.00
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17.-1-3.1	\$47,600.00	N/A	\$47,600.00
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<u>Year/SBL</u>	<u>Amended/Reduced Value</u>	<u>Forest Tax Exemption</u>	<u>Amended/Reduced Taxable Value Final Roll</u>
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**2019**

34.A-1-1	\$218,592.00	\$166,130.00	\$52,462.00
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**2020**

34.A-1-1	\$218,592.00	\$166,130.00	\$52,462.00
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17.-1-3.1	\$32,500.00	N/A	\$32,500.00
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**2021**

34.A-1-1	\$218,592.00	\$166,130.00	\$52,462.00
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17.-1-3.1	\$32,500.00	N/A	\$32,500.00
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**2022**

34.A-1-1	\$218,592.00	\$166,130.00	\$52,462.00
17.-1-3.1	\$32,500.00	N/A	\$28,600.00

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.



MOTION Supervisor Hogue, seconded by Councilperson to discuss contract negotiations with union.  
Vote: 5 ayes- 0 nays . Motion carried.

**ADJOURNMENT** – MOTION By Councilperson Landis to adjourn at 8:18 p.m.

Respectfully submitted,

Joanne K. Nagoda, RMC, CMC  
Town Clerk