

****DRAFT****

PUBLIC HEARING UPON
THE 2017 PRELIMINARY BUDGET FOR THE
TOWN OF FORESTBURGH, SULLIVAN COUNTY, NEW YORK

November 3, 2016

Supervisor Hogue called the public hearing to order at 7:00 p.m.

Roll Call – Present – Daniel S. Hogue, Jr., Supervisor
Katherine Barnhart, Councilwoman
John W. Galligan, Councilman
Susan Parks Landis, Councilwoman
Steve Budofsky, Councilman

Absent – None

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – E. Danielle Jose, Esq., Attorney for the Town

Town Clerk, Joanne Nagoda submitted the affidavit of posting notice of public hearing.

No one spoke in favor or against the preliminary 2017 budget.

MOTION by Councilman Galligan, seconded by Councilwoman Barnhart to close the public hearing at 7:03 p.m. Vote: 5 ayes – 0 nays. Motion carried.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, November 3, 2016** at the Town Hall.

Supervisor Hogue called the meeting to order at 7:04 p.m.

Roll Call – Present – Daniel S. Hogue, Jr., Supervisor
Katherine Barnhart, Councilwoman
John W. Galligan, Councilman
Susan Parks Landis, Councilwoman
Steve Budofsky, Councilman

Absent – None

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – E. Danielle Jose, Esq., Attorney for the Town

REPORTS –

Supervisor Hogue submitted monthly financial reports for the month of October, 2016.

Town Clerk, Joanne Nagoda submitted a report of clerk fees and activity for October 2016.

Justices Carroll and Gunther submitted a report of justice court fees and activity for October 2016.

PUBLIC COMMENT - none

MINUTES – Town Clerk, Joanne Nagoda submitted four sets of minutes. September 21 budget workshop, October 6, 2016 regular meeting and the budget workshops of October 18 and 25, 2016. MOTION by Councilman Galligan, seconded by Councilwoman Barnhart to accept the minutes as submitted. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - #251 – 270 in the sum of \$9,391.99 as set forth in abstract # 11 were audited for payment. MOTION by Councilwoman Landis, seconded by Councilman Budofsky to pay general fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - # 124 – 139 in the sum of \$13,501.89 as set forth in abstract # 11 were reviewed. MOTION by Councilman Galligan, seconded by Councilwoman Landis to accept the highway fund vouchers with the exception of Sullivan County Paving. Vote: 5 ayes – 0 nays. Motion carried.

COMMUNICATIONS –

Clerk Nagoda read a letter from Jeff Traynor thanking the Sullivan County Sheriff's Department, the film commission, New York State DOT and the Town of Forestburgh for their assistance and help in filming a car commercial within the Town of Forestburgh.

A letter was read from Richard Robbins and Nancy Orr with regard to updating the zoning codes and closing "loopholes" allowing density bonuses for developers.

UNFINISHED BUSINESS

EMPLOYEE HANDBOOK – Matter tabled.

EXTERMINATOR – We put this out for bid and have received one quote from Pro-Tect Pest Control. Liberty Pest Control was here but we received nothing from them and Ehrlich's mail was returned. The quote we received was a cost of \$129.00 per quarter for the Town Hall. \$98.00 per month (May – August) for the pool and playground. The old Town Hall would be \$129.00 per quarter and the annual treatment of the Log Cabin would be \$289.00 annually. Discussion was held on the amount budgeted for the remainder of this year and next year. Matter tabled.

PLANNING BOARD VACANCIES – We have received three letters of interest for the planning board, one from Gene Raponi, Mike Creegan and Anthony Cardoso. Discussion was held to advertise it for another month. Supervisor Hogue stated he would like to see them in place for the new year. Matter tabled.

CAPITAL RESERVE FUND – HIGHWAY FUND - Supervisor Hogue stated that creating this resolution is a bit more involved that we originally thought.

RESOLUTION

ESTABLISHING A HIGHWAY CAPITAL RESERVE FUND - VEHICLES AND EQUIPMENT

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Highway Capital Reserve Fund" (hereinafter "Highway Reserve Fund"). The purpose of this Highway Reserve Fund is to accumulate moneys to finance the cost of a type of equipment. The type of equipment to be financed from the reserve fund acquisition of highway vehicles and equipment.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town of Forestburgh Supervisor may invest the moneys in the Highway Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Forestburgh. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Highway Reserve Fund. The chief fiscal officer shall account for the Highway Reserve Fund in a manner which maintains the separate identity of the Highway Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end

of each fiscal year, render to the Board a detailed report of the operation and condition of the Highway Reserve Fund.

Except as otherwise provided by law, expenditures from this Highway Reserve Fund shall be made only for the purpose for which the Highway Reserve Fund is established. No expenditure shall be made from this Highway Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum, if required, by subdivision 4 of Section 6-c and upon Order from the Town Highway Superintendent upon audit and with consent of the Town Board.

The establishment of this fund is subject further to the consent of the Town Highway Superintendent and the Sullivan County Commissioner of Public Works.

MOTION by Councilman Galligan, seconded by Councilman Budofsky to adopt the resolution creating a capital reserve fund for highway fund. Vote: 5 ayes – 0 nays. Motion carried.

MOTION by Supervisor Hogue, seconded by Councilwoman Barnhart to rescind the two previous motions establishing a capital reserve fund for highway and general fund that were adopted at our budget workshop on October 25, 2016. Vote: 5 ayes – 0 nays. Motion carried.

CAPITAL RESERVE FUND – GENERAL FUND – Moving forward we can now create a capital reserve fund for general fund.

RESOLUTION

ESTABLISHING A GENERAL BUILDINGS AND EQUIPMENT RESERVE FUND - BUILDINGS, BUILDING ALTERATIONS & EQUIPMENT

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “General Buildings and Equipment Reserve Fund” (hereinafter “Buildings and Equipment Reserve Fund”). The purpose of this Buildings and Equipment Reserve Fund is to accumulate moneys to finance the cost of a type or capital improvement and equipment. The type of capital improvements and equipments to be financed from the Buildings and Equipment Reserve Fund are buildings, building alterations and office equipment.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Buildings and Equipment Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Supervisor of the Town of Forestburgh may invest the moneys in the Buildings and Equipment Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town Board of the Town of Forestburgh. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Buildings and Equipment Reserve Fund. The chief fiscal officer shall account for the Buildings and Equipment Reserve Fund in a manner which maintains the separate identity of the Buildings and Equipment Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each

withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Buildings and Equipment Reserve Fund.

Except as otherwise provided by law, expenditures from this Buildings and Equipment Reserve Fund shall be made only for the purpose for which the Buildings and Equipment Reserve Fund is established. No expenditure shall be made from this Buildings and Equipment Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c.

MOTION by Councilwoman Barnhart, seconded by Councilwoman Landis to adopt the resolution creating a capital reserve fund for general fund. Vote: 5 ayes – 0 nays. Motion carried.

TAX STABILIZATION – Supervisor Hogue stated that at the October 25, 2016 budget workshop, we passed a motion to abolish the tax stabilization fund. This fund was created quite some time ago, no one really knows when. There is \$35,000 in the fund that has just been sitting there. It is a tax stabilization fund with no guidelines on how or why the funds can or should be used. Our attorney has directed us to rescind that motion and have it properly re-worded.

MOTION by Supervisor Hogue, seconded by Councilman Budofsky to rescind the previously adopted motion to abolish the tax stabilization fund. Vote: 5 ayes – 0 nays. Motion carried.

PANCREATIC CANCER RESOLUTION – Clerk Nagoda stated that we are asked to adopt this resolution every year.

Town of Forestburgh, Sullivan County, State of New York Proclamation

Declaring November 17 as “World Pancreatic Cancer Day” in the Town of Forestburgh, County of Sullivan of the State of New York.

WHEREAS in 2016, an estimated 53,070 people in the United States will be diagnosed with pancreatic cancer, one of the deadliest cancers, and 41,780 will die from the disease;

WHEREAS pancreatic cancer surpassed breast cancer this year to become the third leading cause of cancer death in the United States, and it is projected to become the second leading cause by 2020;

WHEREAS pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just eight percent;

WHEREAS when symptoms of pancreatic cancer present themselves, it is generally in later stages, and 71 percent of pancreatic cancer patients die within the first year of their diagnosis;

WHEREAS approximately 2660 deaths will occur in New York in 2016;

WHEREAS pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world;

WHEREAS there will be an estimated 418,451 new pancreatic cancer cases diagnosed worldwide in 2020;

WHEREAS the good health and well-being of the residents of the Town of Forestburgh, County of Sullivan in the State of New York are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments; therefore be it

RESOLVED that the Town of Forestburgh, County of Sullivan in the State of New York designate November 17 as “World Pancreatic Cancer Day” in the County of Sullivan.

MOTION by Councilwoman Barnhart, seconded by Councilwoman Landis to adopt the pancreatic cancer resolution. Vote: 5 ayes – 0 nays. Motion carried.

NEW BUSINESS

SULLIVAN RENAISSANCE – Supervisor Hogue stated that we received a letter from Sullivan Renaissance inquiring if we are interested in the community grant program. Discussion was held with regard to various projects. The board supports this and requested Supervisor Hogue return the letter of interest.

PLANNING BOARD/PDD REGULATION – Councilman Galligan stated that the Town Board approved seven phases of the Lost Lake Development. Now that there is a planning board can we transfer that authority back to the planning board? Attorney Jose stated if you wish to transfer that to the planning board you will have to adopt a local law to do that. In 2011 that town passed a law taking it from the planning board.

MOTION by Councilwoman Barnhart, seconded by Councilman Budofsky to direct Attorney Jose to draft a local law giving the planning board control of the PDD legislation. Vote: 5 ayes – 0 nays. Motion carried.

COUNTY ROAD 108 – ST. JOSEPH’S ROAD – Supervisor Hogue stated that after our meeting with the county they have honed and smoothed County Road 108/St. Joseph’s Road, they also spread several loads of crusher run. They haven’t addressed the dust yet. They did also address the issues on Plank Road and filled and smoothed those areas.

HEALTH INSURANCE – Brad Palmiter of Marshall & Sterling was supposed to give us a presentation on a health insurance plan; however he has had a family emergency and could not be here tonight.

2017 PRELIMINARY BUDGET – Before we can move on the budget, there are a few things we have to fix first. With regard to the differences in the salaries of the justices we have to adopt a resolution to keep them separate.

A RESOLUTION REGARDING TOWN JUSTICE SALARIES

WHEREAS, the Town of Forestburgh currently has two Town Justice positions; and
WHEREAS, it appears that one Town Justice has significant seniority over the other Town Justice;
and

WHEREAS, the Town Justice with more seniority currently earns a higher salary from the Town of Forestburgh.

NOW, THEREFORE BE IT

RESOLVED BY THE TOWN BOARD OF THE TOWN OF FORESTBURGH that the salaries of the Town Justices will and shall continue to be unequal with the current Town Justice having the most seniority to continue to receive a higher salary as set forth in the adopted Town Budget; and be it further

RESOLVED That the Town Board of the Town of Forestburgh retains discretion with respect to establishment of Town Justice salaries in the future.

MOTION BY: Councilman Galligan

SECOND BY: Councilwoman Landis

VOTE: 5 ayes 0 nays.

Discussion was held to increase the salary line in the town hall maintenance/mowing line by \$1,000 or leave it at the \$5,000. It was determined to leave it at the \$5,000.

MOTION by Councilwoman Barnhart, seconded by Councilman Galligan to adopt the 2017 preliminary budget as the budget for fiscal year 2017. Vote: 5 ayes – 0 nays. Motion carried.

SPEED ZONE REQUEST – We have a request to adopt a resolution to reduce the speed zone on County Route 43/Forestburgh Road. Barbara Leone presented the board with a letter and a petition and explained that there is no place to walk and a neighbor is blind and won't go to her mailbox because of the traffic, we have a 91 year old neighbor who walks down the road and four children who walk to their grandparent's house. In the summer when the theater is open when the parking lot gets full, they park on both sides of the road. With no signage, the speed limit is 55. I went to the county who referred me to you to get a resolution to reduce the speed. The curves are marked for 35 miles an hour, I would like to keep it consistent and get it posted to 35 instead of 55. Supervisor Hogue stated that he didn't know if the county would reduce it from the four corners all the way to the town line/bridge to Lumberland, but there is definitely a need for it from four corners to Fowlerville. Jim Steinberg suggested adding to the resolution no parking on the church side of the street so that when the playhouse is open you'll have more room. Discussion was then held on enforcement of the speed zone and contacting the Sheriff's Department.

MOTION by Supervisor Hogue, seconded by Councilman Budofsky to support this speed reduction on County Road 43 a/k/a Forestburgh Road from 55 mph to 35 mph and to forward the necessary documents to the Sullivan County DPW and NYSDOT. Vote: 5 ayes – 0 nays. Motion carried.

Councilman Galligan stated several months ago we received a request for a speed reduction on Cold Spring Road was anything ever done on that? Supervisor Hogue stated he made a request to the county but doesn't know if anything was done.

MOTION by Councilman Galligan, seconded by Councilwoman Landis to request a speed reduction from the town line on Cold Spring Road (County Road 101) to St. Joseph's Road (County Road 108) from 55 mph to 335 mph and forward the documents to Sullivan County DPW and NYSDOT. Vote: 5 ayes – 0 nays. Motion carried.

SALARY SCHEDULE – We don't have a copy of the salary schedule that Councilman Budofsky created. Councilman Budofsky has revised it as was discussed during the budget workshops. Councilman Galligan stated he was not in favor of it and feels it takes away from the responsibility of the board. Councilman Budofsky stated that the salary schedule is based on similar models used in NYS and local government and that it saves Forestburgh tax dollars. The budget process will also be more efficient moving forward. MOTION by Councilwoman Barnhart, seconded by Councilwoman Landis to adopt the salary schedule as revised. Vote: 4 ayes – 1 nay. Motion carried.

WELCOME COMMITTEE – Sally Heins-Jasuta requested this be put on the agenda. She stated that she spoke with the town clerk and when someone new moves into town she usually mails them a packet of information. I thought it would be nice to have a committee of two or three people, make up a basket with some goodies and information and welcome them in person. That way we get to know a new neighbor and they get to know us and with us being such a small community, I think we can do this. We could call them and if they wanted the committee to come or they could pick the basket up from the town hall. The board supports this idea and sets Sally Heins-Jasuta as the chairman of the committee.

COMMITTEE REPORTS –

Planning Board – We had our regularly scheduled meeting on Tuesday, as we had received a letter from the proposed Tent Days applicant requesting to present a sketch plan to the board. We adjourned our meeting for a week. It was a good and productive meeting. The other item on our agenda which took a long time, we began to review the proposed subdivision law which was forwarded to us for review.

Recreation – Skiing will begin in January. We may need assistance in administering the ski program.

Historian – The County Historical Society had a very successful annual dinner and honored former Forestburgh resident, Thomas Lambert and the Callicoon Band.

Seniors – Going to the racino on November 9 and had a wonderful dinner at the new restaurant Solaia.

Forestburgh Day – Committee will reconvene in January.

Forestburgh Renaissance – Last week several of us got together and planted over 100 daffodil bulbs in the eagle garden where the perennials had been. We are trying to put together a larger group for Forestburgh Renaissance anyone is welcome to join us. We have several projects for the spring.

Comprehensive Plan committee – Next meeting November 17 at 7:00 p.m. in the town hall.

Fire Company – Annual Roast Beef Dinner on November 12 and we encourage everyone to get a reflective 911 house number if you don't have one.

PUBLIC COMMENT –

George Kaiser – My wife, Gillian and I are currently working on opening an indoor firing range with training and retail. This facility will be designed to have an indoor shooting range, retail center and multiple training classrooms. We would like to build this facility at 1735 State Route 42, Forestburgh. Most of you know this property as Baran’s Sawmill. We have owned this property for several years and as you know the property has aged to the point of blight and the saw mill is no longer in operation. We are planning a facility that will be pleasing and that will make Forestburgh proud. The current zoning law does not prohibit nor permit indoor recreational use. We are respectfully petitioning the town board to change the zoning code to include this use. Indoor recreational uses are common and are in neighboring towns. We thank you for your time and we welcome and recommendations and guidance you may offer to us.

Discussion was held on defining indoor recreation and the best way to do it.

MOTION by Supervisor Hogue, seconded by Councilwoman Landis to direct the attorney to draft legislation defining and permitting indoor recreational facilities. Vote: 5 ayes – 0 nays. Motion carried.

Anthony Cardoso – If the town board is considering changing the density for future projects, its better to do it before you have a pending application. Figure out the max you want now and do it before someone comes in.

COUNTY ACTIVITIES – Supervisor Hogue stated the supervisors have met with the county again on sharing the increased sales tax revenue. We did get them to reconvene a council of governments to re-open up this discussion. If we get a portion of that money it would be direct tax relief for us here in Forestburgh.

EXECUTIVE SESSION – MOTION by Councilman Galligan, seconded by Councilwoman Barnhart to enter into executive session for the purpose of past personnel and invite Attorney Jose into said session. Vote: 5 ayes – 0 nays. Motion carried.

MOTION by Councilman Galligan, seconded by Councilwoman Landis to reconvene into regular session. Vote: 5 ayes – 0 nays. Motion carried.

ADJOURNMENT – MOTION by Councilman Galligan to adjourn at 9:15 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk