

The Town of Forestburgh Town Board held its regular monthly meeting on **Thursday, June 4, 2020** 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, Councilwoman
John W. Galligan, Councilman
Susan Parks Landis, Councilwoman
Steve Budofsky, Councilman

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Danielle Jose-Decker, Attorney for the Town
Richard Robbins, Planning Board Chair

PUBLIC COMMENT – None

MINUTES – Clerk Nagoda submitted minutes of the regular March 5 meeting. MOTION by Councilman Budofsky, seconded by Councilwoman Ellsweig to accept the minutes of the March meeting. Councilwoman Landis abstained as she was absent for that meeting. Vote: 4 ayes – 0 nays. Motion carried.

Clerk Nagoda submitted minutes of the special meeting held on May 26, 2020. MOTION by Councilwoman Landis, seconded by Councilman Budofsky to accept the minutes of the May 26, meeting. Vote: 5 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - #99 – 122 in the sum of \$11,519.31 as set forth in abstract # 6 were audited for payment. MOTION by Councilman Galligan, seconded by Councilwoman Ellsweig to pay general fund vouchers. Councilman Budofsky abstained as one voucher is his. Vote: 4 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - #59 – 78 in the sum of \$14,135.03 as set forth in abstract # 6 were reviewed. MOTION by Councilman Budofsky, seconded by Councilwoman Landis to accept the highway fund vouchers. Supervisor Hogue abstained as there are vouchers from his employer. Vote: 4 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - #4-5 in the sum of \$3,186.25 as set forth in abstract #4 were audited for payment. MOTION by Councilwoman Landis, seconded Councilman Budofsky to pay escrow fund vouchers. Vote: 5 ayes – 0 nays. Motion carried.

APRIL AND MAY 2020 VOUCHERS – Supervisor Hogue requested a motion approving and paying all vouchers for the months of April and May. Abstracts were sent to the board for review and approval since no meetings were held due to mandatory lockdown caused by the Covid-19 Pandemic. April General fund vouchers were # 69-87 in the sum of \$13,769.11 as set forth in abstract #4. April highway fund vouchers # 34 – 44 in the sum of \$8,394.93 as set forth in abstract #4. April Escrow fund Vouchers # 2 in the sum of \$720.00 as set forth in abstract #2. May General Fund vouchers # 88-98 in the sum of

\$6,729.90 as set forth in abstract # 5. May highway fund vouchers #45-58 in the sum of \$22,715.06 as set forth in abstract # 5. May escrow fund vouchers # 3 in the sum of \$485.00 as set forth in abstract # 3. All abstracts are available in the town clerk's office for review. MOTION by Councilman Galligan, seconded by Councilwoman Landis to acknowledge and ratify all vouchers for general fund, highway fund and escrow for the months of April and May. Vote: 5 ayes – 0 nays. Motion carried.

REPORTS –

Supervisor Hogue submitted a report of financial activity for the month of June 2020. He stated he has closely following the financial troubles and great concerns about state funding since the pandemic. He has been in contact with all of our state representatives to save state funding.

Highway Superintendent – Superintendent Ruggeri stated that we are waiting for our CHIPS money to arrive – we are still in fairly good shape. We are currently on our summer hours – Monday through Thursday from 6:00 a.m. to 4:30p.m. We are preparing North Road for paving and replacing culverts. Burns Road is now open for the summer. We did not do spring clean up this year due to the pandemic, we are going to try for the fall.

Town Clerk, Joanne Nagoda submitted a monthly report for March, April and May of 2020.

Building Department – No report

Justice Court – No report as all courts are closed.

CORRESPONDENCE –

Clerk Nagoda read a notice from the Board of Elections that there will be NO voting for the June 23 primary at the town hall. You may vote by absentee ballot or you may take advantage of early voting at the Board of Elections office or if you want to vote on Primary Day you may vote in person at the Board of Elections. Forestburgh District 1 and Thompson District 1 -10 all must vote at the Board of Elections. There will be no other polling sites for Thompson and Forestburgh.

A letter was read from Franklin Trapp of the Forestburgh Playhouse asking the board to create a task force to brainstorm and consider how to generate interest and business for our businesses that have suffered during the pandemic. The Playhouse has cancelled its 2020 production season due to the pandemic.

Lastly, a letter was read from Tammy Vezzose of the New York State Town Clerk's Association congratulating Clerk Nagoda on the successful renewal of her Registered Municipal Clerk certification.

UNFINISHED BUSINESS

SPECTRUM FRANCHISE AGREEMENT – Before this virus hit, we had scheduled a public hearing, as required for the franchise agreement between the town and Time Warner Cable/Spectrum. Due to shut down, we were not able to meet nor have the public hearing. MOTION by Councilman Budofsky, seconded by Councilwoman Ellsweig to schedule a public hearing on Thursday, July 2, 2020 at 7:00 p.m. in the town hall. Vote: 5 ayes – 0 nays. Motion carried.

2020 CENSUS – Even though the state is shut down, Sullivan County is one of the lowest counties in the state for response to the U.S. Census. Please urge everyone you can to complete the census. We will also place a reminder in the newsletter.

NEW BUSINESS

BOARD MEMBER COMMENTS –

Councilwoman Ellsweig wants to public thank the wonderful citizen who anonymously placed Thanks You signs at the town entrances for the health care workers during this pandemic. It was very thoughtful and a nice thing to do. I would also like this in the newsletter.

Councilwoman Landis – I was not at the March Town Board meeting and I apologize for that, but I was very disappointed by how the summer camp was handled and cancelled without any knowledge of it. I was not even on the chain of emails that went back and forth. I found out that evening, while I was in Florida from a parent that camp had been cancelled. I would just like it on record that I did not vote on this matter and I would not have supported cancelling camp.

COVID-19 IMPACTS ON THE TOWN – The healthcare workers are doing more than their part in dealing with this virus. We are doing what we can by social distancing and having our meeting outside. The real impact that has us concerned is revenue and income. People are out of work, businesses are shut down, the county is losing revenue, the school budgets are going to lose state funding potentially. As well as the county and the town. Our portion of the state funding that we stand to lose is approximately \$230,000. With our 1.6-million-dollar budget, is a significant amount. We really need to address budget concerns going forward. We do not have a lot of fat in our budget. Can we continue for the rest of the year? Yes, we can with the budget that is adopted and our reserves, which are not so significant. That would leave us no wiggle room for the foreseeable future. I don't want to present a budget for next year that is the same as this year with possibly no state funding. We are hoping and waiting for guidance on this. The Association of Town's has been pressuring Albany. I will not put my name on an 18% percent tax increase to the residents of this town. I will present a budget in September or October, but it is up to the board to make adjustments and amendments. I did speak with our Highway Superintendent – the CHIPS funding – that \$90,550 – the Governor has not released that paperwork that says the funding is available. Every town in New York State is in the same boat we are. We at least contribute to our road fund – many towns rely solely on the CHIPS funding for their roadwork. We are in better shape than 40% of the towns in the state who rely on that. Originally, I wasn't that concerned about CHIPS funding, but we are now into June and there is movement to release the funds, I am concerned. From all of our lobbyists and associations in Albany – they think the Governor can cut between 20-50% of CHIPS and AIM funding, and school funding. That is pretty significant. In January we approved a 284 agreement for the expenditure of highway funds. We can amend that agreement and remove the CHIPS funds from the agreement and just leave the \$100,000. If the state does release CHIPS funding, we can immediately amend it again to add the CHIPS funds. I had asked all of you to review your budgets and see where we can make some savings. We can't save \$136,000 but maybe we can save \$25,000 or 30,000.

MOTION by Supervisor Hogue, seconded by Councilman Budofsky to amend that 284 agreement for expenditure to spend the \$100,000 on the 33.63 miles of road in Forestburgh. Should the town receive notification from New York State Department of Transportation that CHIPS funds are available, the available funds will be added to the agreement. Vote: 5 ayes – 0 nays. Motion carried.

After further discussion and review the board reviewed the budget for places to not spend funds mainly in the contractual and equipment lines. The following budgets lines have been suggested for cuts:

<u>Budget Line</u>		<u>Amount reduced</u>
1220.2 and 1220.4	Supervisor	\$450
1355.4	Assessor	\$2,000
1460.4	Records Mgmt.	\$500
1620.1	Buildings	\$2,000
5010.2	Highway Supt.	\$1,200
7230.1 and 7030.4	Pool	\$13,500
7310.1 and 7310.4	Youth	\$3,500
7510.4	Historian	\$1,000
7550.4	Cultural	\$1,000
7620.4	Adult Recreation	\$3,000
Total reduction		\$28,150

Motion by Councilwoman Ellsweig, seconded by Councilman Budofsky to approve cuts and should the Governor restore funding, the affected budget lines will be restored. Vote: 5 ayes – 0 nays. Motion carried.

Supervisor Hogue asked Dr. Bruce Ellsweig for his opinion on the future regarding the virus. Dr. Ellsweig stated that we should plan for the worst and hope for the best. Flu season will be here, and the healthcare community is anticipating a resurgence of the Covid-19 virus and you should take no chances especially with citizens who are already compromised by age or health issues.

BIDS FOR GASOLINE, DIESEL AND FUEL OIL – We are currently past due on putting this out for bid. Supervisor Hogue asked if we have a rollover clause in the contract. Clerk Nagoda replied yes and that we rolled it over last year but is sure the vendors will not have issue to rollover again. MOTION by Councilman Galligan, seconded by Supervisor Hogue to rollover the bids for the remainder of year and bid it next spring. Vote: 5 ayes – 0 nays. Motion carried.

TOWN OWNED FACILITIES – We have at times, rented our facilities out for parties, and events, at this time I feel we should limit usage of all town owned facilities. MOTION by Supervisor Hogue, seconded by Councilman Budofsky to suspend all rentals or gatherings on town facilities according to State and CDC guidelines. Vote: 5 ayes – 0 nays. Motion carried.

TOWN HALL REOPENING – After discussing re-opening the town hall with Wendy and Joanne, on Monday, June 16 we will do a “soft” opening. Wendy will work Monday, Wednesday and Friday and Joanne will work Tuesday and Thursday. The following week they will swap. That will always have Wendy in on payroll weeks.

DISINFECTING AND CLEANING POLICY – I don’t think we really need a formal policy. Basically, Joanne and Wendy do the cleaning at the town hall. Wipe everything down after someone leaves and before you leave for the day.

COMMITTEE REPORTS

Planning Board – Chair Robbins stated they had their meeting using the online format of Zoom. The meeting was well attended and the planning board has declared lead agency status for the Forestburgh

Pond project. Our next meeting will be on June 30 due to the time needed for anyone to challenge our lead agency status.

Youth – No report

Historian – No report

Seniors – No report

Zoning Review – Hoping to meet perhaps the end of June or July.

Grateful Deadheaders – Work has been done on the Eagle Garden and at the Dove. We had our intern, Forestburgh’s own Roland Zanger with a crew from Renaissance who mulched and weeded the gardens.

Highway has placed the rest of the stones at the dove and they have been fantastic. and the trees will be planted when we get a notice from Manza Nursery.

Forestburgh Friends for Health – No report – nothing planned.

Fire Department – They are responding to calls in set groups to avoid the possibility of contamination.

PUBLIC COMMENT –

Joe Ruggeri – If you see anyone throwing out trash – call someone. Last week I had to call the Sheriff’s Department on a resident for throwing a couch on the side of the road. If you see something, say something. Councilwoman Landis added that someone also vandalized the Playhouse and the gardens with a four-wheeler and sustained some other damage, so yes, if you see something, say something.

Barbara Leone – I just want to mention that long time resident Mary King passed away last week. Supervisor Hogue added that former highway department employee Ed Hough also passed away and Clerk Nagoda added that Connie Nehwadowich passed at the age of 101.

Susan Hawvermale – Has the Fire Department been checking on any of our seniors who are alone or compromised. Supervisor Hogue replied that yes, they have checked on seniors and picked up groceries for some. If you know of someone who needs anything, you can always call either myself or Joanne.

EXECUTIVE SESSION – MOTION by Supervisor Hogue, seconded by Councilwoman Landis to enter into executive session for the purpose of litigation and invite Attorney Jose into said session. Vote: 5 ayes – 0 nays. Motion carried.

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

RESOLUTION # 7

RESOLUTION CONFIRMING PARTIAL SETTLEMENT OF PROCEEDINGS INSTITUTED UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW 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 E2019-1509; and

WHEREAS, the parties herein have appeared through counsel, to wit, E. Danielle Jose-Decker, Esq., on behalf of the Town of Forestburgh, Ingerman Smith, LLP, on behalf of the Port Jervis School District, and Walter Garigliano, Esq., on behalf of petitioner; and

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

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

	Assessed Value	Amended Value
6 Echo Road – 38-1-15.25	\$500,000	\$445,000

WHEREAS, refunds are to be made within 60 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 as follows:

- 1) That the partial settlement of the above reference proceedings be and hereby is all respects approved and confirmed.
- 2) That the attorney for the Town of Forestburgh be and is authorized, empowered and directed to enter into and execute a formal written stipulation settlement and to bind the town thereto, such stipulation to be in the form approved by the said attorney.

MOTION BY: Councilwoman Landis

SECOND BY: Councilman Budofsky

VOTE: 5 Yea - 0 Nay

ADOPTED BY THE TOWN BOARD OF THE TOWN OF FORESTBURGH

RESOLUTION # 8

RESOLUTION CONFIRMING PARTIAL SETTLEMENT OF PROCEEDINGS INSTITUTED UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW 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 2018-1517, and E2019-1518; and

WHEREAS, the parties herein have appeared through counsel, to wit, E. Danielle Jose-Decker, Esq., on behalf of the Town of Forestburgh and Walter Garigliano, Esq., on behalf of petitioner; and

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

WHEREAS, refunds are to be made within 60 days of service of a demand for a refund, and the assessments shall be subject to the statutory moratorium for future assessment rolls, as set forth in RPTL §727(1), absent a statutory exception.

Now, therefore, be it resolved, by the Town Board of the Town of Forestburgh as follows:

3) That the attached settlement of the above reference proceedings be and hereby is all respects approved and confirmed.

4) That the attorney for the Town of Forestburgh be and is authorized, empowered and directed to enter into and execute a formal written stipulation settlement and to bind the town thereto, such stipulation to be in the form approved by the said attorney.

MOTION BY: Councilman Galligan

SECOND BY: Supervisor Hogue

VOTE: 5 Ayes - 0 Nays

ADOPTED BY THE TOWN BOARD OF THE TOWN OF FORESTBURGH

ADJOURNMENT – MOTION by Councilman Galligan to adjourn at 7:35 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk