

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, December 7, 2017** at the town hall.

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

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

Absent - John W. Galligan, Councilman

Recording  
Secretary – Joanne K. Nagoda, Town Clerk

Others  
Present – E. Danielle Jose, Attorney for the town  
Richard Robbins, Planning Board Chair

**REPORTS –**

Supervisor Hogue submitted a report of monthly financial activity for November 2017.

Town Clerk, Joanne Nagoda submitted a report of clerk fees and activity for November 2017.

Justices Carroll and Gunther submitted a report of justice court fees and activity for November 2017.

**PUBLIC COMMENT – None**

**MINUTES –** Town Clerk, Joanne Nagoda submitted minutes of the November 2 public hearing on the Solar law. MOTION by Councilwoman Landis, seconded by Councilman Budofsky to accept the minutes of the solar law public hearing. Vote: 4 ayes – 0 nays. Motion carried.

Minutes were submitted of the November 2 public hearing on the 2018 budget. MOTION by Councilwoman Barnhart, seconded to Councilman Barnhart to accept the minutes of the budget public hearing. Vote: 4 ayes – 0 nays. Motion carried.

Minutes were submitted of the November 2, regular meeting. MOTION by Councilwoman Barnhart, seconded by Councilman Budofsky to accept the minutes of the November 2 regular meeting. Vote: 4 ayes – 0 nays. Motion carried.

**GENERAL FUND VOUCHERS -** #294 – 322 in the sum of \$27,611.04 s set forth in abstract # 12 were audited for payment. MOTION by Councilman Budofsky, seconded by Councilwoman Barnhart to pay general fund vouchers. Vote; 4 ayes – 0 nays. Motion carried.

**HIGHWAY FUND VOUCHERS -** #151 – 170 in the sum of \$27,392.12 as set forth in abstract # 12 were submitted for payment. Discussion on procurement was held on two invoices. MOTION by

Councilwoman Landis, seconded by Councilman Budofsky to pay all highway vouchers except Prestige and R & C until further information is received. Vote: 4 ayes – 0 nays. Motion carried.

**ESCROW FUND VOUCHERS** - #7 in the sum of \$630.00 as set forth in abstract # 5 were reviewed. MOTION BY Councilwoman Landis, seconded by Councilman Budofsky to pay the escrow fund voucher. Vote: 4 ayes – 0 nays. Motion carried.

**CORRESPONDENCE –**

Clerk Nagoda read a letter from Joule Assets who is working with Sullivan Alliance for Sustainable Development requesting to meet with the board to discuss implementing a Community Choice Aggregation for energy costs to the town.

A letter was received from Richard Katzman requesting the board create and adopt a noise ordinance due to problems he is having with a neighboring hunting club and firearms being shot off night and day.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**TAX COLLECTION OVERPAYMENTS** – Tax Collector, Joanne Nagoda attended the pre-season tax collection meeting. The county has recommended passing a resolution that any overpayments of taxes by ten dollars or less is kept by the town. MOTION by Supervisor Hogue, seconded by Councilwoman Barnhart to resolve that there will be no return of tax overpayments of ten dollars or less. Vote: 4 ayes – 0 nays. Motion carried.

**RETURNED CHECK FEE** – We had done this last year, but as we come into check and tax season any checks that are returned for insufficient funds shall be charged a fee of thirty five dollars. MOTION by Supervisor Hogue, seconded by Councilwoman Barnhart to have our fee for returned insufficient fund checks is thirty five dollars. Vote: 4 ayes – 0 nays. Motion carried.

**COLD WAR VETERAN'S EXEMPTION** – Assessor, Dennis Ketcham has brought it to our attention that the tax exemption for cold war veterans on our books has ten year expiration. If we wish to continue the exemption we must pass a local law to do so. Attorney Jose has drafted a local law which is introduced here tonight. Attorney Jose stated that it is not a significant amount of an exemption, and it will stay with the property until the veteran or their spouse pass away or no longer own the property.

Resolution # 21

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FORESTBURGH SETTING A TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW 1 OF 2018 ENTITLED “A LOCAL LAW AMENDING ARTICLE VII OF CHAPTER 153 OF THE TOWN CODE WITH RESPECT TO THE COLD WAR VETERANS’ REAL PROPERTY TAX EXEMPTION”

WHEREAS, the Town Board of the Town of Forestburgh has learned that an amendment to the enabling statute contained in Real Property Tax Law Section 458-b(2)(c)(iii) with respect to Cold War Veterans and/or the unmarried, surviving spouses of deceased Cold War veterans, permits the Town of Forestburgh to adopt a Local Law extending the Real Property Tax Exemption authorized by Real Property Tax Law Section 458-b(2)(a) to qualified owners of qualified residential real property for as long as they remain qualified owners of qualified residential real property; and

WHEREAS prior to the amendment, there had been a statutory ten-year limitation on the aforementioned exemption; and

WHEREAS proposed Local Law 1 of 2018 has been duly introduced, said proposed local law authorizing the extension of the Real Property Tax Exemption authorized by Real Property Tax Law Section 458-b(2)(a) to qualified owners of qualified residential real property for as long as they remain qualified owners of qualified residential real property; and

WHEREAS, pursuant to 6 NYCRR 615.5(c)(27), the proposed adoption of the proposed local law is a Type II action which can be considered without further regard to SEQRA; and

WHEREAS the Town Board of the Town of Forestburgh wishes to set a time and place for a public hearing with respect to proposed Local Law 1 of 2018, said public hearing to be held on January 4, 2018 at 7:05 p.m.;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Town Board of the Town of Forestburgh with respect to the aforesaid proposed Local Law at 7:05 p.m. on January 4, 2018, at Town Hall, 332 King Rd., Forestburgh, New York 12777; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Motion by Councilman Budofsky, seconded by Councilwoman Landis to adopt the cold war veteran resolution. Vote: 4 ayes – 0 nays. Motion carried.

**SNOW AND ICE CONTRACT 2018** – Once again, we have to adopt the annual resolution for our snow and ice contract with the county.

Resolution # 22

**AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF FORESTBURGH HELD AT THE TOWN HALL ON DECEMBER 7, 2017.**

The following resolution was duly moved, seconded and adopted:

WHEREAS, the County of Sullivan and the Town of Forestburgh entered into contract for Snow and Ice control on County Roads from July 1, 2015 through June 30, 2018;

WHEREAS, the contract stated the Town will be paid the same amount Sullivan County received from the State of New York for snow and ice control on state highways the previous snow and ice season; and

WHEREAS, the County of Sullivan was paid the rate of \$5,684.32 per centerline mile for the 2016-2017 contract year; and

WHEREAS, said section of the Highway Law of the State of New York requires the approval by resolution of each of the legislative bodies of such County, Towns;

NOW, THEREFORE BE IS RESOLVED, that the County of Sullivan pay the amount of \$5,684.32 per centerline mile for two lane highways and \$8,526.48 for three lane highways to the Town for contract year July 1, 2017 – June 30, 2018.

MOTION by Supervisor Hogue, seconded by Councilman Budofsky to adopt the resolution for the county snow and ice contract.

Supervisor Hogue voting aye;

Councilwoman Barnhart voting aye;

Councilman Galligan - absent;

Councilwoman Landis voting aye;

Councilman Budofsky voting aye.

**SOLAR LOCAL LAW #2 OF 2018** – We extended the solar moratorium for an additional three months at the November meeting. We have recommendations from our attorney and there have been changes to the state regulations and we will regard the comments made during the public hearing. We will be very close or not meet the timeline of the moratorium. We may actually have to create a new moratorium. We may not need to do this, this is just in case.

#### Resolution # 23

#### RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FORESTBURGH REFERRING THE ADOPTION OF PROPOSED LOCAL LAW 2 OF 2018 TO THE PLANNING BOARD AND SULLIVAN COUNTY DIVISION OF PLANNING AND ENVIRONMENTAL MANAGEMENT

WHEREAS, the Town Board continues to be concerned that if development of Solar Farms and Solar Power Plants in the Town proceeds under the current Zoning Law it will lessen the ability of the Town to plan for its orderly development and protect the public health, safety and general welfare of the Town's citizens, since the Town Code is silent with respect to Solar Farms and Solar Power Plants; and

WHEREAS, the Town Board finds and determines that it needs a period of time covered by a moratorium in order to continue to carefully review and complete the amendment of the Zoning Law to adopt regulations for Solar Farms and Solar Power Plants, schedule and hold the required public hearing(s), perform the appropriate environmental reviews, comply with applicable provisions of law, potentially adopt the local law(s), and file the same with the Secretary of State of the State of New York.; and

WHEREAS PURSUANT TO 6 NYCRR 617.5(c)(30), the proposed action constitutes a “Type II” action and can be considered by the Town without further environmental review; and

WHEREAS, a 239-m review by Sullivan County Division of Planning and Environmental Management is required along with a referral to the Town Planning Board for its report; and

NOW, THEREFORE, it is hereby

RESOLVED, that adoption of said proposed Local Law 2 of 2018 is hereby referred to the Town of Forestburgh Planning Board for its report; and it is further

RESOLVED, that the Town Board of the Town of Forestburgh hereby refers the adoption of the proposed Local Law 2 of 2018 , to the Sullivan County Division of Planning and Environmental Management for 30-day review pursuant to General Municipal Law 239-m.

MOTION: Councilwoman Barnhart

Second: Councilman Budofsky

Councilwoman Barnhart voting aye;  
Councilman Galligan absent;  
Councilwoman Landis voting aye;  
Councilman Budofsky voting aye.

Motion carried.

NEW BUSINESS

**CORNELL COOPERATIVE EXTENTION** – Wanda Cruz was introduced. She explained that she is in charge of the program “Creating Healthy Schools and Communities” in an effort to reduce major risk factors of obesity, diabetes and other chronic diseases. She further explained how they target the schools and communities to work together to promote healthier foods and activities. She also explained the “Complete Streets” program to enable safe use of all streets and roads for motorists, bikers and pedestrians for transportation and health. She encouraged the Town Board to join with them, the Towns of Thompson, Fallsburg, Bethel and Mamakating in creating healthier schools and communities. The board thanked Ms. Cruz for her time and information.

**LOST LAKE UPDATE** – It has come to our attention that Lost Lake has petitioned the Public Service Commission to be able to install above ground electric lines. New York State requires all subdivisions to have electric underground. Planning Board Chair Robbins stated that our PDD laws states that all utilities

have to be underground. For some reason when the final map was signed, it was never changed to mandate electric being underground. The Public Service Commission has reached out to us to ask what is going on. Chair Robbins asked the board for direction on this matter. Discussion was held with the attorney on proceeding with this and being consistent with the law.

MOTION by Supervisor Hogue, seconded by Councilman Budofsky to have Chair Robbins respond to the Public Service Commission that the town be consistent with our own local laws and New York State laws and that the electric lines be installed underground. Vote: 4 ayes – 0 nays. Motion carried.

**YEAR END MEETING** – We have to schedule our year end meeting to transfer funds, if necessary to balance the books for the year end and to pay any outstanding bills for the year.

MOTION by Councilwoman Landis, seconded by Councilwoman Barnhart to hold the year end meeting on Thursday, December 21 at 2:00 at the town hall. Vote: 4 ayes – 0 nays. Motion carried.

**MONTICELLO SCHOOL DISTRICT VOTE** – Monticello Central School is having a special election on Tuesday, December 19 from 8:00 a.m. to 8:00 p.m. for their capital improvement proposal.

**ELECTRICIAL CCA** – Under communications we had a letter regarding the Community Choice Aggregation for electric service. Bruce Ferguson has been calling and is requesting to appear before the board. Supervisor Hogue suggested having him at the February meeting since we have a lot on the January agenda. The board agreed. Supervisor Hogue will arrange this for February 2018.

**NOISE ORDINANCE** – While we understand Mr. Katzman’s plight, a noise ordinance is a difficult thing to enforce and the shooting of guns in the woods would surpass any noise level. Discussion was held on noise ordinances, enforcement, time constraints, limiting firearms could be an infringement of other rights. The board requested the attorney look further into this issue and ordinances.

**EXTERMINATOR** – We have received a letter from Pro-Tect Exterminators requesting to continue their service for 2018 at the same quarterly prices as 2017. MOTION by Councilwoman Barnhart, seconded by Councilwoman Landis to continue with Pro-Tect for 2018. Vote: 4 ayes – 0 nays. Motion carried.

**ASSOCIATION OF TOWNS ANNUAL MEETING** – In January we will need to choose and delegate and an alternate for the annual meeting of the Association of Towns held in Manhattan in February. Think about that and we will make that appointment at the re-organizational meeting in January.

**MTA-ADA COMPLIANCE** – Councilwoman Barnhart attended a rally in Port Jervis that the Port Jervis rail line is not handicapped accessible. There is a 44 inch ladder you have to climb to get on the train. I would like to send a letter to the MTA requesting that all of their platforms be ADA compliant and add the Otisville station as well. So many of our residents use both stations, it is unheard of that they are not ADA compliant. MOTION by Supervisor Hogue, seconded by Councilman Budofsky to send a letter to the MTA and the City of Port Jervis supporting their efforts to make the train platforms ADA compliant. Vote: 4 ayes – 0 nays. Motion carried.

#### COMMITTEE REPORTS

Planning Board – Chair Robbins stated they had two meetings this month. One was solely dedicated to the sub-division code. The first meeting included a public hearing on the proposed Another Sky campground project, to which we were able to declare a negative declaration on the project. WE are almost complete with the sub-division regulations. We are struggling with the conservation sub-divisions

and policy arguments are being made from both sides. I am confident that we will work through this and return it to you.

Recreation – Teresa Collins is putting together a holiday party for the kids here on December 16, 2017 from 2:00 – 4:00 p.m. all are invited. Santa will be making an appearance.

Historian – Asking all of you to say a prayer and remember the lives of all the men who were killed in the attack on Pearl Harbor on this day. Also, I am working on the horrible hurricane that we had here in 1955 that devastated Oakland Valley – if anyone has any pictures or articles, I would love to get copies.

Seniors – Holiday Party on the 14<sup>th</sup> at Soliaia. We are changing our meeting date to the first Monday of the month and there will be no meeting in January.

Zoning Review – Next meeting will be January 9<sup>th</sup>. We are still working on definitions.

Solar Committee – Next meeting is Monday, December 11 at 7:00 to follow up with the changes to the regulations and comments made at the public hearing.

Fire Department – We met with the county regarding County Route 108. They have assured us that something will be done in 2018 and that there will be some sort of a macadam surface. Election for commissioner and a change to the LOSAP program will be on December 12 from 6 -9 p.m. The commissioners sent a letter to the Lake Joseph Homeowners Association as the hydrants in Lake Joseph are inoperable. Our annual Santa run is December 10 from noon until whenever.

#### **PUBLIC COMMENT**

Gillian Kaiser – Regarding the proposed Indoor Recreational Use and Indoor shooting range, my husband and I started this process over two years ago. We were hoping our project would be successful and help reduce the tax burden on the residents. Due to excessive business operation restrictions and impossible standards in the most recent draft and the extensive delays in the creation of the draft, we are forced to proceed with the project development in another Sullivan County township. I am formally withdrawing our request to change the current zoning to include the definition of and site requirements for an indoor recreational use with and indoor shooting sports training facility and respectfully request that the town board abandon any further efforts to develop this law.

Sabina Toomey – I want to wish everyone peace and prosperity in the New Year.

Supervisor Hogue – This is Councilwoman Barnhart’s last full board meeting, I’d like to thank her for her time and service and welcome to Councilwoman Ellsweig.

Katherine Barnhart – It’s been a good board and I’ve enjoyed it and I’d like to thank everyone for their support and I’ve made a lot of really good friends. So thank you.

**COUNTY ACTIVITIES** – They one more work session on their budget and then they will hopefully adopt the budget.

**ADJOURNMENT** – MOTION by Councilwoman Landis to adjourn at 8:37 p.m.

Respectfully submitted,

Joanne K. Nagoda,  
Town Clerk