

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, October 1, 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
Susan Parks-Landis, Councilwoman
Steve Budofsky, Councilman

Absent – John W. Galligan, Councilman

Recording
Secretary – Joanne K. Nagoda, Town Clerk

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

PUBLIC COMMENT – None

MINUTES – Clerk Nagoda submitted minutes of the public hearing and regular town board meeting of September 3, 2020 for review. **MOTION** by Councilman Budofsky, seconded by Councilwoman Ellsweig to accept the minutes as submitted. Vote: 4 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - #192 - 209 in the sum of \$6,835.23 as set forth in abstract # 10 were audited for payment. **MOTION** by Councilwoman Landis, seconded by Councilman Budofsky to pay general fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - #125 - 142 in the sum of \$41,883.95 as set forth in abstract # 10 were reviewed for payment. **MOTION** by Councilman Budofsky, seconded Councilwoman Ellsweig to accept highway fund vouchers. Supervisor Hogue abstained as an invoice is from his employer. Vote: 3 ayes – 0 nays.
Motion carried.

ESCROW FUND VOUCHERS -#12 -13 in the sum of \$1,136.60 as set forth in abstract # 8 were reviewed for payment. **MOTION** by Councilman Budofsky, seconded by Councilwoman Landis to pay escrow fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

REPORTS –

Supervisor Hogue submitted a monthly report of financial activity for the month of September 2020,

Clerk Nagoda submitted a report of clerk fees and activity for the month of September 2020.

Justices Carroll and Gunther submitted a report of justice court fees and activity for the month of September 2020.

CORRESPONDENCE – None

UNFINISHED BUSINESS

2021 BUDGET WORKSHOPS AND PUBLIC HEARING – Supervisor Hogue stated that all budget workshops are being held at the Forestburgh Fire House on October 15, 22, 27, 28 and 29. While we do not anticipate needing all of those dates, they have been scheduled. If you are attending the budget workshops, you must bring your own chair, you will have to sign in and have your temperature taken by the fire department as a COVID-19 precaution. First draft rough copies of the budgets were distributed to the board members – there are some errors – our funding has been reduced by 20% for AIM and CHIPS and the numbers highway have been put in exactly as requested. Please review it, note your questions so we are ready to go for the workshops.

We should hold our November meeting at the fire house as well because it will give the public a chance to speak of the budget at the public hearing before the meeting. **MOTION** by Supervisor Hogue, seconded by Councilman Budofsky to hold the public hearing and November 5, 2020 town board meeting at the Forestburgh Fire House at 6:00 p.m. Vote: 4 ayes – 0 nays. Motion carried.

TOWN HALL WIFI HOTSPOT - Supervisor Hogue explained that a resident did not have coverage with Wi-Fi to do some necessary work, so we offered the town hall password to our Wi-Fi and they were able to sit in the parking lot and get their work done. I have checked into it and the safest way to do it would be to put in a second router. I have not contacted Spectrum about pricing, and we have extra phone lines here and it would not be a secure connection but at least its taxpayers using something provided by taxpayer funding for all to use. We just need to do some pricing and it was recommended to have a separate modem. Discussion was held on a second router from Spectrum and possible cost. Clerk Nagoda suggested we call Kristt in Monticello and check with them for a correct modem which may be more cost effective than Spectrum. Matter tabled for further information.

LOST LAKE – Supervisor Hogue stated that he was sure everyone has either heard about or read about the sale of Lost Lake. There is much work that must be done before houses can built. The building department is working with them. We should probably talk about a consultant to work with us on this – the developer would bare the cost of the consultant. Planning Board Chair Robbins offered the following statement for clarification. The Area of Forestburgh occupied by the Lost Lake Resort is zoned as a **Planned Development District**. It is **not** Rural Residential (RR) which has 2.3 acre minimum lot size. It also is not Rural Conservation (RC) where there is 5 acre minimum lot size. It is not a Business district. It is a Planned Development District, where half the land is to remain “open Space” and the balance may contain single family homes – on smaller lots than would otherwise be allowed, and at a density greater than RR1 or RC zoning would otherwise allow.

The Double Diamond Resort Company of Texas created a master plan for a resort and applied for permission to develop it in 7 phases. They also applied for, and were granted “bonus units” bringing the total number of housing units to 2,674 – a significant the increase over the base number of approximately 770 homes permitted by the PDD law on a tract of that size. After years’ worth of environmental review, a Full Environmental Impact Statement (FEIS) was adopted, and the Master Plan was approved. Double Diamond then prepared a detailed site plan for phase one of this plan, and this was granted in 2013. Since then, some infrastructure was built, roughly 150 lots, of the 400 approved for development in phase one were sold. Many were foreclosed, or otherwise bought back by the developer. Work on infrastructure stopped years ago, and in 2018 the entire property was put up for sale. In July of this year it was sold.

The granting of the application for a Planned Development District created certain rights and responsibilities for the Double Diamond, and by purchasing the property from them, the new owners have “stepped into the shoes” of Double Diamond and now have those same rights and responsibilities and are required to comply with the terms of the approval. Recently, Forestburgh has repealed the Planned Development District law, but this only impacts future development in Forestburgh.

The new owners of Lost Lake have indicated to the Town that they intend to build out the property as approved. They have discovered that much of the infrastructure that was built was of inferior quality and design and will replace it. They are bound, by law to the requirements of the approvals previously granted to Double Diamond for this development.

SPECTRUM FRANCHISE AGREEMENT – Last month we had the public hearing for the renewal of the franchise agreement with Spectrum.

RESOLUTION # 13

STATE OF NEW YORK
Town of Forestburgh
County of Sullivan

In the Matter of the Renewal of the Cable Television Franchise Held by
TIME WARNER CABLE NORTHEAST LLC, locally known as Charter Communications in the Town of Forestburgh, Sullivan County.

RESOLUTION

An application has been duly made to the Board of the Town of Forestburgh, County of Sullivan, New York, by **TIME WARNER CABLE NORTHEAST LLC, locally known as Charter Communications**, a partnership

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, November 5, 2020** at the Forestburgh Fire House.

Supervisor Hogue called the meeting to order at 6:20 p.m.

Roll Call: Present – Daniel S. Hogue, Jr., Supervisor
Karen Ellsweig, 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-Decker, Attorney for the Town
Joseph Ruggeri, Highway Superintendent
Richard Robbins, Planning Board Chair

PUBLIC COMMENT – None.

MINUTES – Clerk Nagoda submitted minutes of the regular town board meeting of October 1, and the budget workshops on October 15 and 22 for review.

MOTION by Councilwoman Landis, seconded by Councilwoman Ellsweig to accept the minutes of the regular meeting on October 1, 2020. Vote: 4 ayes – 0 nays. Motion carried.

MOTION by Councilman Budofsky, seconded by Councilwoman Ellsweig to accept the minutes of the budget workshop held on October 15, 2020. Vote: 4 ayes – 0 nays. Motion carried.

MOTION by Councilwoman Landis, seconded by Councilman Budofsky to accept the minutes of the budget workshop held on October 22, 2020. Vote: 4 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 210 – 235 in the sum of \$8,142.77 as set forth in abstract # 11 were audited for payment. **MOTION** by Councilwoman Landis, seconded by Councilwoman Ellsweig to pay general fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS - #143 – 156 in the sum of \$12,785.31 as set forth in abstract # 11 were reviewed for payment. **MOTION** BY Councilwoman Ellsweig, seconded by Councilwoman Landis to accept the highway fund vouchers. Vote: 3 ayes – 0 nays. Supervisor Hogue abstained. Motion carried.

ESCROW FUND VOUCHERS - # 14 & 15 in the sum of \$1,751.00 as set forth in abstract # 9 were audited for payment. **MOTION** by Councilwoman Ellsweig, seconded by Councilwoman Landis to pay the escrow fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

REPORTS

Supervisor Hogue submitted a report a monthly financial activity for the month of October.

Superintendent Ruggeri stated that Burns Road has been closed for the season and that the salt/sand mix is available for residents in front of the highway garage.

Clerk Nagoda submitted a report of clerk fees and activity for the month of October.

Code Officer Gabbard submitted a report of building department fees and activity for the month of September & October.

Justices Carroll & Gunther submitted reports of court fees and activity for the month of October.

CORRESPONDENCE - None

UNFINISHED BUSINESS

2021 BUDGET – We just had the public hearing on the budget, does the board have any questions or comments on the budget. **MOTION** by Councilwoman Ellsweig, seconded by Councilman Budofsky to adopt the preliminary budget as the budget for the Town of forestburgh for fiscal year 2021. Vote: 4 ayes – nays. Motion carried.

NEW BUSINESS

YEAR END MEETING – As always, we will have our regular December meeting, and I'd like to change it to 6:00 p.m. but we need to schedule our year end meeting for the purpose of balancing the books. Discussion was held on various dates and conflicts with holidays. MOTION by Councilman Budofsky, seconded by Councilwoman Landis to hold the year end meeting on Monday, December 21, 2020 at 3:00 p.m. in the town hall and to have the December meeting be held at 6:00 p.m. at the firehouse. Vote: 4 ayes – 0 nays. Motion carried.

LOST LAKE CONSULTANT – I have been in contact Chairman Robbins and he and I met with Chuck Voss who is now with Barton & Loguidice. Mr. Voss worked with C.T. Male when Lost Lake was in it's beginning stages. Richard also met with C.T. Male, I was unable to attend who was our consultant that went through the approval process with us. We are not going to make any decisions tonight, but I want to get the proposal packets to the board for their review. A project of this magnitude is more than we are prepared to handle. The developer will be paying for the cost of our consultant who will oversee approvals and construction. They will also consult with the planning board to provide insight and guidance as this project moves forward. Chairman Robbins stated that both groups have excellent qualifications. Chuck Voss has committed to being our point person on this project and he understands our position well, as he is the Chairman of a small-town planning board just outside of Albany. He understands our role and what lies ahead of us. C.T. Male was our consultant for Lost Lake, there are people still at C.T. Male who worked on Lost Lake, including their most senior person, John Munsey. The Planning Board feels we may need a consultant sooner than later, as they have already found some of their infrastructure to be inadequate and they are talking about re-designs. Any deviation from the original plan have to come back to the planning board. I would urge the board to be ready to make a decision. Our deadline to be on the agenda for the November meeting is November 12, so anything could still come through the door. Copies of both proposals will be sent to all board members for their review.

Justin Evans – As important as a consultant is right now, legal advice is AS important. I think now is the time to hire a law firm with experience and expertise in land development and density. Let the developer pay for that in escrow too and be locked and ready to go. This is going to be the largest development in New York State in our little Podunk town and we need REAL litigation advice. Chair Robbins has spoken with our planning board attorney, Jacy Ricciani who has given us the names of a couple of firms and I am familiar with other firms as well. Chair Robbins urged the town to also hire land use attorneys to help the planning board.

Supervisor Hogue stated that no buildings can be built without infrastructure – water, sewer and that is a huge undertaking. The DEC will be involved if they are talking about making changes to the sewer which is one of the things I have heard. We will have to wait and see.

ROUTE 42 SIGNAGE AT TOWN HALL – In the last few months there have been several accidents and a few weeks ago, a 23 year old man lost his life at the entrance to town hall. There is currently one little sign showing the curve. I think we have to do a resolution asking the state to please do a traffic review at the intersection of Route 42 and King Road. Councilwoman Ellsweig stated we should ask for more signage and today I was walking there with Susan Hawvermale and those trucks are flying and it looks like they are on two wheels when they take that turn. Supervisor Hogue stated that he knows who he has to speak to but feels if we attach a resolution requesting their review. We can't just ask for more signage – they determine that. MOTION by Councilwoman Ellsweig, seconded by Councilman Budofsky to authorize the Supervisor to contact the State Department of Transportation to review road conditions and signage at the intersection of Route 42 and King Road. Vote: 4 ayes – 0 nays. Motion carried.

BOARD MEMBER COMMENTS –

Councilwoman Ellsweig – Franklin Trapp from the Forestburgh Playhouse contacted Susan Hawvermale and I and Susan Miller who were on the fundraising committee for the Playhouse for years. Franklin has come up with a way to do something Covid-19 friendly and I just wanted to let the board know. He is announcing a holiday event at the Playhouse – there will be a tree lighting and a menorah lighting on December 12 and basically what they are doing is a food drive. They are looking to collect food, mainly rice – they said the Federation for the Homeless has a steep demand for rice. Forestburgh General Store is a drop off point for donations. I just wanted to help promote the event. I think it is a wonderful idea and a good way for the Playhouse to give back to the community. If you wish to attend on December 12, you must make a reservation at the Playhouse. Franklin has limited space available due to social distancing and Covid-19 guidelines.

Councilwoman Landis – I would like to take this time to congratulate our attorney, E. Danielle Jose-Decker on her successful election to Sullivan County Court Judge and Surrogate.

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, December 3, 2020** at the Highway Garage.

Supervisor Hogue called the meeting to order at 6:00 p.m.

Supervisor Hogue requested a moment of silence in Memory of Councilman John W. Galligan who died Thanksgiving night.

Roll Call – Present – Daniel S. Hogue, Jr., Supervisor
Karen Ellsweig, Councilwoman
Susan Parks Landis, Councilwoman
Steve Budofsky, Councilman

Absent – None

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Joseph Ruggeri, Highway Superintendent
Richard Robbins, Planning Board Chair

MINUTES – Clerk Nagoda submitted minutes of the Budget Public Hearing and regular monthly meeting of November 5, 2020 for review. MOTION by Councilman Budofsky, seconded by Councilwoman Ellsweig to accept the minutes as presented. Vote: 4 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - # 234 – 256 in the sum of \$10,750.91 as set forth in abstract # 12 were audited for payment. MOTION by Councilwoman Landis, seconded by Supervisor Hogue to pay general fund vouchers. Councilman Budofsky abstained. Vote: 3 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS – 157 – 179 in the sum of \$35,962.67 as set forth in abstract # 12 were reviewed. MOTION by Councilman Budofsky, seconded by Councilwoman Landis to pay highway fund vouchers. Supervisor Hogue abstained. Vote: 3 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - #16 in the sum of \$180.00 as set forth in abstract # 10 were reviewed for payment. MOTION by Councilwoman Ellsweig, seconded by Councilman Budofsky to pay the escrow fund voucher. Vote: 4 ayes – 0 nays. Motion carried.

REPORTS –

Supervisor Hogue submitted a monthly report of financial activity for the month of November 2020. Clerk Nagoda submitted a report of clerk fees and activity for the month of November 2020. Highway Superintendent – no report
Code Officer Gabbard submitted a report of monthly building fees and activity for November 2020. Justices Carroll and Gunther submitted a report of justice court fees and activity for the month of November 2020.

CORRESPONDENCE – None.

UNFINISHED BUSINESS

LOST LAKE PROFESSIONAL SERVICES – Discussion was held if this should be done in open forum or executive session. Councilwoman Ellsweig stated that she has several questions on several things regarding this. Supervisor Hogue stated he would rather hold this over for executive session.

YEAR END MEETING – We previously had set the year end meeting, but we were expecting to have it at the firehouse. Since that is no longer an option, we will have to hold it at the town hall. MOTION by Councilwoman Ellsweig, seconded by Councilman Budofsky to hold the year end meeting on Monday, December 21, 2020 at 3:00 p.m. at the town hall. Vote: 4 ayes – 0 nays. Motion carried.

ROUTE 42/KING ROAD INTERSECTION – Supervisor Hogue spoke with Ed Mall and wrote a letter and emailed it to him, explaining about the numerous accidents. He is forwarded that on to the Traffic and Safety Division for review. So, the process has been started to see if we can get additional signage or something for that curve.

EMERGENCY ACTION PLAN UPDATE – Councilman Budofsky stated that Councilwoman Ellsweig had asked him to look into an emergency plan around the county. For the most part, most towns do not have an individual emergency plan, with the exception being Lumberland. They base it, for the most part on what’s available from the county and the state and they plugged in their specifics into those. Some other towns list shelters, or places where distribution could occur, such as schools, senior centers. So the bottom line answer is really no, there is no emergency plan. Councilwoman Ellsweig thanked Councilman Budofsky for his work on that. Councilwoman Ellsweig asked if the Supervisor and Clerk could write down things they do when an emergency hits town, how we could assist in that. She stated she would start writing something up based on what is received from the Supervisor and Clerk so that the board could assist and not have the entire emergency fall on the backs of two or three people. Even if it’s calling the elderly or taking food around – but the board should be available to assist. Supervisor Hogue stated there is a County Emergency Plan of which we are a part of. Usually a lot of this falls back on to the county. Discussion was held on responses based on different types of emergencies. Councilman Budofsky stated that he did find a family preparedness from FEMA that we should post on the website – which is a list of things that families should have on hand in the event of a emergency situation. We will get that list posted to the website. We do have to have a Pandemic Plan in place by April 30, 2021.

RESOLUTIONS AND PROCLAMATIONS –

RESOLUTION 14 OF 2020

A PROCLAMATION RECOGNIZING

John W. Galligan, Sr.

FOR OUTSTANDING SERVICE TO THE TOWN OF FORESTBURGH AND THE SURROUNDING SULLIVAN COUNTY COMMUNITY AND OUR COUNTRY

WHEREAS John W. Galligan, Sr., was a truly dedicated resident of the Town of Forestburgh and Sullivan County, who gave much of his time and energy to the community and encouraged public service; and

WHEREAS John enlisted in the Army, dutifully serving his country with honor and distinction, having earned numerous commendations for his meritorious service; and

WHEREAS, over the course of fifty (50) years John’s public service encompasses serving as member of the Planning Boards of the Towns of Liberty and Forestburgh, Councilman for the Town of Forestburgh (where he served alongside his brother James P. Galligan at times), Forestburgh Town Supervisor and also as a member of the Sullivan County Board of Supervisors; and

WHEREAS John was a member of the Board of Directors of the Jeff Bank for 44 years, having just retired in February 2020; and

WHEREAS, John, who became a licensed land surveyor on March 20, 1973, also operated John Galligan Land Surveying in Monticello, developing deep expertise in complex real estate and regulatory issues; and

WHEREAS John and his late, dear wife Geraldine raised five children, who blessed them with eight grandchildren and one great-grandchild, for whom John exemplified the gold standards of generosity, humanity and integrity; and

WHEREAS, John, who found spiritual wealth in acts of generosity, large and small, and had an unparalleled capacity for forgiveness, mercy and love, treasured many friendships in our community, and we are honored that he called Forestburgh, New York, his home; and

WHEREAS John passed away on November 26, 2020, at his home in Forestburgh at the age of eighty-four (84), however his legacy of peaceful contentment, dignity and grace will live on in the hearts and minds of those who knew him.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Forestburgh that John W. Galligan, Sr., is hereby recognized, for outstanding service to the Town of Forestburgh, the surrounding community and our country, to which he has shown great devotion. John will surely be missed, and we wish our very best to his family and many friends with whom we share many fond and lasting memories.

MOTION BY: Councilman Budofsky
SECOND BY: Councilwoman Ellsweig
VOTE: All in Favor

BY ORDER OF THE TOWN BOARD OF THE TOWN OF FORESTBURGH, NY.

NEW BUSINESS

CCRP – RENEWABLE ENERGY/HOME RULE LAW – Concerned Citizens for Rural Protection (CCRP) sent out a letter. Councilwoman Ellsweig stated she had a call from a resident who was quite concerned after reading about this in the newspaper by their alarming headlines of “your rights are being taken away” and didn’t really understand why. So, I thought it should be on the agenda, so we all know what it’s really about. Supervisor Hogue stated that from his understanding, New York State passed a law in support of renewable energy (wind, solar, geothermal) – part of that law is that the state has the right to site these big projects. It is my understanding that if a town has their own laws on solar, alternative energy they can’t come in and tell you. Which is why it’s a good thing we have our law on the books. Attorney Jose stated she didn’t believe that was correct, it is her belief that the state can make the siting determination but if there is a law, the town could intervene. Chair Robbins stated this passed as part of the budget bill – so there was never really an opportunity to read/review it. This takes away a major part of Home Rule when it comes to solar and wind. They can receive comment from the town, but they are free to ignore it. It gives the state a lot of power. We are pretty much safe from that because our conditions aren’t proper for that, but upstate is a whole different story. Those industrial scale projects, which are ginormous – the only area in Forestburgh where this would be feasible is along this area where there is 3 Phase electric service. You need much more robust capacity than we have to an area that is going to produce industrial amounts of solar/wind energy. If they were to do this Forestburgh, first they would have to clear cut property which is a huge capitol undertaking and then they would have to get the electric company to do this major, very expensive “upgrade” to 3 Phase, which is huge and expensive. The Neversink Unique area is a protection to the town as a whole in a case like this because the state would never allow power to run through the gorge. It is however, egregious the way they have stripped towns of the Municipal Home Rule. So basically, the CCRP wants us to help pressure the state into repealing this law by doing a letter campaign to our local representatives, and I think that is a good idea. There are areas all over the state that are ripe for industrial alternative energy, some towns could be in danger of losing all of their farmland. I think a letter writing campaign is the way to go and flood our representatives to repeal this. I think we should fully get behind this to protect our Home Rule Law. Councilman Budofsky asked how this would affect our solar law already on the books. Both Chair Robbins and Attorney Jose stated it would totally override it for a commercial facility. Attorney Jose recommended contacting the Association of Towns to see if they already have a “draft” copy for towns to submit to their representatives on this matter. Councilwoman Ellsweig will follow up on this matter.

GENERATORS – TOWN HALL AND GARAGE – Superintendent Ruggeri obtained quotes for a generator for here and the town hall. The town hall ranged from \$17,000 to \$21,000. Discussion was held on what would be needed to keep each location functioning, furnace, and lights at the town hall. At garage, lights, heat, fuel pumps – the garage would require a larger unit than the town hall. Discussion was held on requirements for each location, grant funding. This is a good starting place, and we will look into moving forward on this.

BOARD COMMENTS/ANNOUNCEMENTS –

Councilman Budofsky stated that this is Attorney Joes-Decker’s last meeting and on behalf of the board, I’d like to thank her for time and service to the board as well as the town. We wish you well in your new endeavor. Attorney Jose-Decker thanked the board and stated she has enjoyed working with all of us and prays she never sees any of us in her new position. (County Court Justice)
Supervisor Hogue thanked her for being so helpful and so good to work with and getting the town moving in the right direction again.

COMMITTEE REPORTS –

Planning Board – We did not meet, as we had no applications. There has been an application submitted for a December meeting, but there are questions between the applicant and the attorney – which could mean there may not be a December meeting.

Historian – No report

Seniors – No report

Zoning Review – Next meets on December 8 at the town hall from 7 – 9 p.m.

Grateful Deadheaders – Please stop by the Dove and enjoy the solar holiday lights there.

Friends for Fitness – On Wednesday December 9, at 4:30 p.m. there will be a walk-through Winter Light Festival at Bethel Woods.

Fire Company – The Santa run will be held on Sunday, December 13.

PUBLIC COMMENT –

Grace Woodard – I’m from a group down in Deerpark called Deerpark Rural Alliance. We’ve been a watchdog in the Town of Deerpark. We advocate for a certain type of environmental development and

cleaning up of the superfund site next to the Town Hall. There is a pressure in Deerpark for development, particularly solar. So, I came in while you were on that discussion. Right down off Route 42 on Whitehead Road, there is 160 acres and I think it's going to be clear cut, when I approached the Town Supervisor about this, his response, which is typical in Deerpark, was "We have plenty of trees". I asked him when you approve your solar farms, can you have an offset regulation? When you plant new trees, it takes a long time for them to get established, but it is a start to the beginning of the awareness of the carbon capturing and relatively easy to do. Due to all this massive clear cutting, you are also interrupting corridors – I don't know if you have any smaller solar farms, if you have any offsets that you require. In Deerpark the pressure is there and there are many five- and ten-acres projects with many more to come in the next few years, I am sure. I have been attending Deerpark meetings for the last five years, town board, planning board and ZBA and I go to some of the Mamakating meetings because they are involved with the Bashakill Area Association, and we've just gotten fiscal sponsorship by a large 501(3)C that is dedicated to land use. This is the first time I've really been out of the area, and I have attended meetings in Mount Hope. The reason I am here is to get a sense and a feel of how the other towns operate. The first thing that is clear is that you have real conversations, that is refreshing, and the quality of the minutes is incredible. Supervisor Hogue stated that we addressed solar two or three years ago and our committee came up with a comprehensive plan. This plan protects the town with setbacks and shielding and such. I believe we address some cutting in there also. Our solar law is also available from Joanne, our Town Clerk. Clerk Nagoda added that the solar code is also available on our website. Supervisor Hogue stated that we tried to be restrictive, but you can't write a law that says we just don't want it. There is place for it and we also want to protect our interest in the town. One of the biggest concerns with solar is the old panels and battery storage/disposal. Supervisor Hogue thanked Ms. Woodard for attending. Ms. Woodard stated they are also concerned about the Lost Lake project because we have started water monitoring on the Bashakill going down to the Neversink. We are really on the cusp of expanding that, we are mapping tributaries. I don't know if you are aware of the Friends of the Upper Delaware or the Delaware River Watershed – there is a tremendous amount of information and ways to interpret the science of the environmental facts that come into play.

Councilwoman Ellsweig – I was thinking that maybe instead of expanding our playground area, there is nice property that maybe we could do a walking trail behind the log cabin. Discussion was held on the safety of having a trail behind the log cabin and the fact the King Road is a seasonal highway, but you can walk the full length. Perhaps the owners of the property across from town hall would grant us slight usage of some trails for their – nothing as big as Rails to Trails, but maybe get some of the parents and kids involved from our summer program or even through Renaissance. Just something to think about.

Attorney Jose – Just to put it out there, the Monticello Elks is holding a food drive for non-perishable food, they are collecting at the lodge, but the main day will be December 12, 202 from 10:00 to 1:00.

EXECUTIVE SESSION – MOTION by Supervisor Hogue, seconded by Councilwoman Landis to enter into executive session for matters of personnel and invite Chair Robbins and Attorney Jose into said sessions. Vote: 4 ayes. – 0 nays. Motion carried.

MOTION by Supervisor Hogue, seconded by Councilman Budofsky to reconvene into regular session. Vote: 4 ayes – 0 nays. Motion carried.

MOTION by Councilman Budofsky, seconded by Councilwoman Ellsweig to higher and designate Barton & Loguidice as engineers to represent the Town of Forestburgh on the Lost Lake project. Vote: 4 ayes – 0 nays. Motion carried.

MOTION by Supervisor Hogue, seconded by Councilman Budofsky to meet with a representative of Harris Beach LLC to discuss a fee schedule and scope of work regard to the Lost Lake project. Vote: 4 ayes – 0 nays. Motion carried.

ADJOURNMENT – MOTION by Councilman Budofsky to adjourn at 8:28 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, January 7, 2021**, at the town barn.

Supervisor Hogue called the meeting to order at 6:22 p.m.

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

Absent – None

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Richard Robbins, Planning Board Chair
Karen Mannino, Attorney for the town
Joseph Ruggieri, Highway Superintendent

PUBLIC COMMENT – None

MINUTES – Clerk Nagoda submitted minutes of the December 3, 2020 regular meeting and the yearend December 21, 2020 meeting. MOTION by Councilwoman Landis, seconded by Councilman Budofsky to accept the minutes of December 3, 2020. Vote: 4 ayes – 0 nays. Motion carried. MOTION by Councilwoman Landis, seconded by Councilman Budofsky to accept the minutes of the yearend December 21 meeting. Vote: 4 ayes – 0 nays. Motion carried.

GENERAL FUND VOUCHERS - #257 – 283 in the sum of \$9,457.23 as set forth in abstract # 13 for the year 2020 were audited for payment. MOTION by Councilwoman Landis, seconded by Councilwoman Ellsweig to approve vouchers for payment. Vote: 3 ayes – 0 nays. Councilman Budofsky abstained. Vouchers # 1 -8 in the sum of \$13,031.07 as set forth in abstract # 1 for 2021 were audited for payment. MOTION by Councilwoman Landis, seconded by Councilwoman Ellsweig to accept vouchers for payment. Vote: 4 ayes – 0 nays. Motion carried.

HIGHWAY FUND VOUCHERS – #180 – 195 in the sum of \$23,834.64 as set forth in abstract # 13 for 2020 were reviewed for payment. Voucher # 1 in the sum of \$17,157.97 as set forth in abstract # 1 for 2021 was reviewed for payment. MOTION by Councilman Budofsky, seconded by Councilwoman Landis to accept highway fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

ESCROW FUND VOUCHERS - #17 in the sum of \$400 as set forth in abstract # 11 for the year 2020 has been reviewed for payment. MOTION by Councilman Budofsky, seconded by Councilwoman Landis to pay escrow fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

REPORTS –

Supervisor Hogue submitted a report of financial activity for the month of December 2020.

Highway Superintendent – There is plenty of salt and sand in the shed in the front. We have had several icy storms. I will be working on the specs and numbers for a new truck.

Town Clerk – Clerk Nagoda submitted a report of clerk fees and activities for December 2020 as well as a year-to-date report.

Building Report – No report has been filed, however, the income for this department was over \$5,000 so they have been quite busy.

Justice Court – Justices Carroll and Gunther submitted reports of court fees and activity for December 2020.

CORRESPONDENCE

ASSOCIATION OF TOWNS ANNUAL CONFERENCE – Richard Robbins was just appointed to attend the virtual conference for 2021 for the Association of Towns. All paperwork has been placed in your mailbox for registration or it can be emailed.

PARTNERS IN SAFETY – They would like to renew our contract for 2021 to perform all mandatory DOT and Drug and Alcohol Testing. MOTION by Councilwoman Landis, seconded by Councilman Budofsky to renew out contract with Partners in Safety for 2021 DOT testing. Vote: 4 ayes – 0 nays, Motion carried.

PRO-TECT PEST CONTROL – They would also like to renew their contract with us for quarterly treatment of our pest control issues for the town hall, log cabin, old town hall and playground/pool area with no price increase for 2021. MOTION by Councilwoman Landis, seconded by Councilman Budofsky to renew our contract with Pro-Tect Pest Control for 2021. Vote: 4 ayes – 0 nays. Motion carried.

UNFINISHED BUSINESS –

LOST LAKE PROFESSIONAL SERVICES – Planning chair Richard Robbins stated that we had received a proposal from Harris Beach to represent the town on the Lost Lake project. Their proposal seems reasonable to me and has been presented to all town board members for review. Matter tabled for the town attorney to prepare a resolution on this matter and for further review with a special meeting to be held in two weeks.

EMERGENCY ACTION PLAN – The emergency action plan that we have is currently being reviewed for changes. Matter tabled.

RESOLUTION TO ASSIST SENIORS WITH EXEMPTION RENEWALS DURING PANDEMIC – Supervisor Hogue state that he believed that we passed this same resolution last year. Clerk Nagoda read the resolution.

RESOLUTION # 1

GOVERNOR’S EXECUTIVE ORDER CONTINUING TEMPORARY SUSPENSION AND MODIFICATION OF LAWS RELATING TO THE DISASTER EMERGENCY (FOR THIS RESOLUTION: SENIOR AND DISABILITY EXEMPTIONS; 467 AND 459C OF THE REAL PROPERTY TAX LAW, RESPECTIVELY)

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202.83, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, on December 18, 2020 a portion of said declaration includes a local option pertaining to Senior Citizens and Persons with Disabilities partial property tax exemption, Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law (Partial Tax Exemption for Persons with Disabilities), and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law (Partial Tax Exemption for Low Income Senior Citizens), to the extent necessary to permit the governing body of an assessing unit to adopt a resolution allowing the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received either of those exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons, and

WHEREAS the Town is desirous in adopting such resolution while also allowing the assessor to require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died, and

NOW THEREFORE BE IT RESOLVED, that The Town Board of the Town of Forestburgh hereby adopts the portion of the Executive Order 202.83 of the Governor of the State of New York, that permits the Town to dispense with the need for renewal applications in regard to partial tax exemptions of persons with disabilities and limited incomes senior citizens that are already approved on the 2020 Assessment Roll as having such exemptions, for the 2021 Assessment Roll except in the case that there is a change of status that would no longer qualify the homeowner.

RESOLVED, that the Town Board is authorized to pass such resolution, and that the assessor is instructed to take any such necessary actions in the above-described directives.

MOTION by Supervisor Hogue, seconded by Councilman Budofsky to adopt said resolution extending the Governor’s order. Vote: 4 ayes – 0 nays. Motion carried.

BOARD OF ASSESSMENT REVIEW – Clerk Nagoda stated that we must go back and ratify the re-appointment to the Board of Assessment Review that fell through the cracks at the September meeting. This is the only appointment that is due in September. This would be to reappoint Ron Geysen to the Board of Assessment Review for a term of five years. MOTION by Supervisor Hogue, seconded by

The Town of Forestburgh Town Board held a special meeting on **THURSDAY, FEBRUARY 4, 2021**, 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
Steve Budofsky, Councilwoman

Absent - Susan Parks Landis, Councilwoman

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – Karen Mannino, Esq., Attorney for the Town
Richard Robbins, Planning Board Chair

EXECUTIVE SESSION - MOTION by Supervisor Hogue, seconded by Councilwoman Ellsweig to enter executive session and invite Clerk Nagoda, Attorney Mannino and Chair Robbins into said session. Vote: 3 ayes – 0 nays. Motion carried.

MOTION by Supervisor Hogue, seconded by Councilwoman Ellsweig to come out of executive session and convene into regular session. Vote: 3 ayes – 0 nays. Motion carried.

RESOLUTION # 2
**RESOLUTION TO AUTHORIZE THE TOWN OF FORESTBURGH
TO RETAIN THE SERVICES OF HARRIS, BEACH, PLLC**

WHEREAS the Town of Forestburgh (hereinafter “Town”) is in need of special counsel for legal services regarding legislative, planning and zoning matters related to the Lost Lake Resort project; and

WHEREAS, the Town has determined that the law firm of Harris, Beach, PLLC possesses the expertise necessary to best represent the Town in this matter; and

WHEREAS, Harris, Beach, PLLC has agreed to represent the Town in this endeavor and has further articulated a fee schedule of \$350 per hour for matters that are to be paid by applicant or from project escrow and \$225 per hour for matters that would be invoiced to the Town.

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Forestburgh that:

1. The Town of Forestburgh hereby retains the services of Harris, Beach, PLLC as special counsel for legal services regarding legislative, planning and zoning matters related to the Lost Lake Resort project; and
2. The Supervisor of the Town of Forestburgh is hereby authorized to execute a retainer agreement with Harris, Beach PLLC as set forth above; and
3. That the cost of such professional services invoiced to the Town under this agreement shall not exceed \$20,500.

Moved by: Councilwoman Ellsweig

Seconded by: Councilman Budofsky

Adopted on the 4th day of February 2021

ADJOURNMENT – MOTION by Councilman Budofsky to adjourn at 7:20 p.m.

Respectfully submitted,

Joanne K. Nagoda

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

The Town of Forestburgh Town Board held an **EMERGENCY MEETING** on **MONDAY, SEPTEMBER 20, 2021**, at the town hall.

Supervisor Hogue called the meeting to order at 5:00 p.m.

Roll Call: Present – Daniel S. Hogue, Jr., Supervisor
Karen Ellsweig, Councilwoman
Susan Parks-Landis, Councilwoman
Steve Budofsky, Councilman

Absent – None

Others

Present – Richard Robbins, Planning board Chair

As we are all aware, Charles Voss has left Barton & Loguidice and accepted a position with Bergmann Group in Albany. I read the proposal from Barton & Loguidice who charged us \$168 per hour, the quote from Bergmann Group is \$165 per hour. We all know the credentials of Mr. Voss and he is familiar with the Lost Lake project, which is why I recommend that once again retain the current firm of Mr. Voss. MOTION by Supervisor Hogue, seconded by Councilman Budofsky to retain the services of Bergmann Associates for the continued review of the Lost Lake project for applications going forward, site plan review and building permits as needed, as well as all other services offered in their proposal. Vote: 4 ayes – 0 nays. Motion carried.

That being done, I will send a letter to B & L stating that we no longer need their services, and I will ask them to forward all material of ours to Bergmann Associates.

The invoice that we were holding off on, has been paid. Today we received a very detailed statement today in the mail with much more information, so the invoice has been paid.

Chair Robbins stated that there will be another invoice coming from B&L from Mr. Voss' site visit etc. Clerk Nagoda stated that invoice we received today.

It was asked if we received the further breakdown from Harris Beach on their invoice to which Clerk Nagoda replied not yet.

EXECUTIVE SESSION – Supervisor Hogue, seconded by Councilwoman Ellsweig to enter into executive session for the purpose of legal strategy and invite clerk and planning chair into said session. Vote: 4 ayes – 0 nays. Motion carried.

MOTION by Councilwoman Landis, seconded by Councilwoman Ellsweig to reconvene into regular session. Vote: 4 ayes – 0 nays. Motion carried.

ADJOURNEMENT – MOTION by Councilwoman Landis to adjourn at 5:42 p.m.

Respectfully submitted,

Joanne K. Nagoda,
Town Clerk