

**\*\*\*\*\*DRAFT\*\*\*\*\***

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, June 3, 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  
Susan Parks Landis, Councilwoman  
Steve Budofsky, Councilman

Absent – None

Recording  
Secretary – Joanne K. Nagoda, Town Clerk

Others  
Present – Richard Robbin, Planning Board Chair  
Joe Ruggeri, Highway Superintendent

**PUBLIC COMMENT** – None

**MINUTES** – Clerk Nagoda submitted minutes of the May 6, 2021, regular meeting for review. MOTION by Councilwoman Ellsweig, seconded by Councilman Budofsky to accept the minutes of the May 6, meeting. Vote: 4 ayes – 0 nays. Motion carried.

**GENERAL FUND VOUCHERS** - #107 – 122 in the sum of \$4,473.30 as set forth in abstract # 6 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** - # 69 – 79 in the sum of \$16,437.56 as set forth in abstract # 6 were reviewed. MOTION by Councilman Budofsky, seconded by Councilwoman Landis to accept the highway fund vouchers. Vote: 3 ayes – 0 nays. Supervisor Hogue abstained. Motion carried.

**ESCROW FUND VOUCHERS** - # 1 – 2 as set forth in abstract # 1 were reviewed for payment. MOTION by Councilwoman Landis, seconded by Councilwoman Ellsweig to accept the escrow fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

**MONTHLY REPORTS –**

Supervisor Hogue submitted a report of monthly financial activity for the month of May 2021.

Clerk Nagoda submitted a report of monthly clerk fees and activity for May 2021.

Code Officer Gabbard submitted at report of building department fees and activity for May 2021.

Justice Gunther submitted a report of justice court fees and activity for May 2021.

Highway Superintendent – Superintendent Ruggeri informed the board that our backhoe, which is 26 years old, the extender arm has broken. Parts are now obsolete, and you can't get them. Supervisor Hogue helped us out, while we were up getting the new truck in Cazenovia, he went and looked at a 2021 New Holland Backhoe from Westchester Tractor. It has the extender arm and the dual bucket and the price for this, off of Sourcewell/OGS bid is \$113,044.50. This is a great price for this, and I present this to you because our current backhoe is shot. Councilwoman Landis asked if they would take ours like a trade in but they will not. She asked if we could sell ours and what would it be worth? Superintendent Ruggeri stated he would put it on Auctions International and who knows, it could bring \$30,000. Supervisor Hogue stated that he spoke with Westchester Tractor, and they have one on order – they would have to put a change order in if we wanted the clam shell – it would be available around October. We just spent \$140,000 of which we bonded \$110,000 on the tandem truck from Cazenovia, we will be discussing the pickup truck that we approved \$42,000 for that – so that's \$180,000 this year. This is \$113,000 however; they had an incident this year with the tandem. Which prompted us to get the truck from Cazenovia and the insurance company sent us a check around \$387,000 thereabout, for full replacement cost. I spoke with Superintendent Ruggeri about getting a single axle with that money. Now we have the issue with the backhoe, there is money in the budget – that would leave us around \$175,000 – a single axle truck is around \$225,000. So, there will not be enough money to purchase a single axle this year.

MOTION by Supervisor Hogue, seconded by Councilwoman Landis to purchase a 2021 New Holland B95C as presented, from Westchester Tractor, not to exceed \$113,544.50. Vote: 4 ayes – 0 nays. Motion carried.

The pickup truck that we approved back in January or around there, Robert Green in Monticello is the purchasing agent for OGS/Onondaga County bid specifications, informed the Superintendent Ruggeri today that the truck won't be available until 2023. Robert Green spec'd out a truck that is very similar, which has a few things less, like fender liners – it appears to be a one step down package/trim level from the original bid. So, instead of the truck being \$42,056.30 comes in at \$41,464.30 – so it's about \$500 less. There are a few things we can knock off, such as a back up alarm, a fire extinguisher and emergency triangle – we have extras of those.

MOTION by Supervisor Hogue, seconded by Councilwoman Landis to amend our resolution approving the original pickup truck to reflect the purchase of this newly presented truck, which is approximately \$500 less. Vote: 4 ayes – 0 nays. Motion carried.

Superintendent Ruggeri reminded all that the department goes to four days a week starting the week of the 7 and to be careful in the area of Plank Road as they will be prepping for paving and the county will be working on the County Road to the Lumberland line. We did receive some of our CHIP's money back for a total of \$167,036.27 – most of which will be used for Plank Road. We have been busy ditching and starting to replace culverts. Since our CHIPS's funding has change, we must amend our 284 agreement – which is the expenditure of highway monies that I file every January.

MOTION by Councilwoman Ellsweig, seconded by Councilwoman Landis to amend the 284 agreement for the expenditure of highway moneys to reflect the changed CHIP's funding. Vote: 4 ayes – 0 nays. Motion carried.

**CORRESPONDENCE** – Clerk Nagoda read a letter from Robert LaSperence of New York Land & Lakes; they are interested in leasing a portion of the town park to meet potential clients who are interested in purchasing lots at the new Forestburgh Pond subdivision at an open house event on June 26. They are expecting 40-50 people throughout the day from 9:00 a.m. to 3:00 p.m., they only wish to use the park (outdoor) area and will supply porta potties. Supervisor Hogue stated that they wish to use town

property to market their property. The board discussed the liabilities, the use of public property for private sales/promotional use.

MOTION by Supervisor Hogue, seconded by Councilwoman Landis to deny the request of New York Land & Lakes to use town property for their promotional use. Vote: 4 ayes – 0 nays. Motion carried.

## **UNFINISHED BUSINESS**

**POOL** - We've advertised for lifeguards with no responses, the Kartrite water park is also advertising for all positions – if we don't have lifeguards, we can't open the pool. Discussion was held in ways to attempt to find lifeguards. MOTION by Supervisor Hogue, seconded by Councilwoman Landis to advertise again for lifeguards in the Sullivan County Democrat and the River Report with letters of intent to be received by June 18. Vote: 4 ayes – 0 nays. Motion carried.

**SALT SHED REPAIRS** – Supervisor Hogue stated he reached out to 3 different companies, and they are all busy right now. I will continue to try and find a company to repair the salt shed, our engineer recommends repairing it before winter.

**ZONING REWRITE** – Our next meeting is June 8 from 7-9 p.m. We are trying to make finishing touches and prepare the document for the submission to the editor for a preliminary cost estimate. Councilman Budofsky will report back to the board once he receives that number from the editor.

## **NEW BUSINESS**

**GRANT FUNDING – ASSEMBLYWOMAN GUNTHER** – Councilwoman Ellsweig thought she had really good news for us tonight. She has been working with Assemblywoman Gunther's office and last week I was told we were getting a \$25,000 grant for a generator for the town barn. Everything was submitted on Monday and Gunther's Office heard from the state that the requirements to obtain a grant have changed this year, due to COVID. You can only get a grant for four different categories: education, police, theater work and one other thing. Since we were unable to change our grant to any of the other categories, we are out for this year. After the session ends in Albany, we will be meeting again, and I will be doing what I can to obtain plenty of grant money for Forestburgh. Supervisor Hogue asked that when she's looking at funding – to please keep the roof to the town hall on her mind. Absolutely – we are working well together and now they know I follow through.

**ATTORNEY FOR THE TOWN** – Current Attorney, Karen Mannino has agreed to stay on as long as we need her, however she has asked that we move forward. We will review the candidates – we did interview one tonight and we will continue to keep interviewing.

**PARK & PLAYGROUND FEES – SUBDIVISION UPDATE** – Chair Robbins brought to the boards attention that when there is a large subdivision, there is a parks & playground fee. Chair Robbins stated that the state allows towns to impose this fee on subdivisions that have no parkland. It basically allows them to buy out of that requirement from our subdivision regulations. This fee is only \$200 per lot and was imposed when the subdivision law was created. Chair Robbins surveyed other towns, some who do not avail themselves to this opportunity that town code allows. The Town of Thompson has a fee of \$2,500, there is a provision that the developer could get it lowered as low as \$1,250. Bethel has a fee of \$250, Mamakating has a fee of \$5,000 per lot, Cohecton is \$350, and Neversink is \$100. I raised this issue because we just went through this with Forestburgh Pond – they had 21 lots and we got the check the day before yesterday in the amount of \$4,200. I don't really think \$200, when you are developing

property, is onerous at all. It certainly is not discouraging to a developer to develop property. I think for the town, especially Forestburgh, who is restricted on how we can raise funds. Between the 480A program and the tax-exempt properties in town, we have a high per capita tax rate. When we were in financial distress a few years ago, one of the first things looked at to cut, was recreation. This money is devoted to recreation. Frankly, to me, it seems to be a win-win for us to have a source of income. It's not an annual thing, but it seems to me there will be more subdivisions in Forestburgh. There are a lot of large land holdings for sale. This is something that will recur. I recommend to the board that we raise the fee and if I were to be asked what I thought would be fair, I think \$1,500 is a reasonable amount. The other thing I would like to recommend to the board, is that the formal name of this fee is "Parks & Recreation", town law refers to it as "Parkland Fee" and our recently re-written subdivision law refers to it as "Parkland Fee". This only applies to major subdivisions, not simple subdivisions. Councilwoman Landis stated she felt \$1,500 was very generous. I was thinking more along the lines of \$2,500. This is a beautiful, pristine town. Chair Robbins stated when the planning board discussed this, it looked at what services were offered. Thompson has a more developed park system which requires more money, for both capital and maintenance. I think we can increase the number and services we provide for recreation. Supervisor Hogue stated the one thing he would like to do is increase the size of the playground and expand on it. Part of our thought was to increase and improve the pool area to entice more families to come down and use it. We could add to the playground, walking paths, maybe a small pavilion – this would be a good avenue to get there. It could be a once-a-year thing, or five years or even ten years on the subdivisions. Discussion was held on Lost Lake, who paid the lower amount for phase one, but there are several more phases to come. We are looking at other possible subdivisions, such as Another Sky Campground – they are thinking about creating a subdivision to compliment and expand their general concept by subdividing their property and building houses on it. So, there are two major subdivisions that we are facing right there. It would be a source of income for the town, and we don't do a whole lot for our citizens, other than ask them for money. Expanding recreation seems like a worthwhile plan. Discussion was held on the changing the name from Parks and Recreation Fee to Parkland Fee and what that would entail.

MOTION by Councilwoman Landis, seconded by Councilman Budofsky to increase the park fee to \$2,500 per lot for major subdivisions. Discussion was held by the board on a lower amount, on how we are right next to towns with much higher park fees justifying the \$2,500. The recurrence of the fee and fee justification. Would the \$2,500 turn potential subdivisions away and is the \$2,500 appropriate for the town to charge? Vote: 1 aye – 3 nays. Motion NOT carried.

MOTION by Supervisor Hogue, seconded by Councilman Budofsky to increase the Park and Recreation fee to \$2,000 per lot. Discussion was held on enticing development and that Forestburgh Pond is the perfect subdivision for the town with lower density and larger lots. Discussion also focused on the current real estate boom we and the county are experiencing and when the boom collapses. Vote: 3 ayes – 1 nay. Motion carried. Supervisor Hogue will check with our attorney about the change to verbiage in the subdivision law.

**MUNICIPAL ROADSIDE CLEAN UP** – Once again the county is offering another way for us to clean up roadside. One of the things brought to my attention is that they want municipal trucks to bring the trash in, on the weekends – which would create overtime. Today we got an email saying they will take on the Monday after. I'm not sure, because I haven't read the entire packet, but it sounds like they want highway to do roadside clean up. I'm not speaking for Superintendent Ruggeri, but he's a man short, prepping to pave and doing highway work – does highway really need to do roadside clean up? We do adopt a road in town, and you can take it to the landfill for free anyway.

MOTION by Supervisor Hogue, seconded by Councilwoman Ellsweig to not participate in the county roadside clean up program. Vote: 4 ayes – 0 nays. Motion carried.

**GADSOLINE, DIESEL & FUEL OIL** – Clerk Nagoda stated that we really need to get these items out for bid. We had rolled them over in agreement with the vendors and then did it again for the pandemic. This is even late.

MOTION by Supervisor Hogue, seconded by Councilwoman Landis to put out to bid specifications for gasoline, diesel, and heating (#2) fuel oil with a bid opening to be held on June 24, 2021, at 2:00 p.m.

Vote: 4 ayes – 0 nays. Motion carried.

#### **BOARD MEMBER ANNOUNCEMENTS/COMMENTS –**

Councilwoman Landis – We have a young gentleman in town who is a High School Senior, his name is Evan Waterton. He won, number one in the country for the 3,000-meter steeplechase. Supervisor Hogue noted they are new in town, Evan's brother was one of his scouts when he was a scout master, who obtained his Eagle Scout Award and he just got out of the Marines this week I believe. Alan Kesten added that today he got an email from Billie, who is Evan's mother, that they are trying to raise enough money to cover the expenses of him going to National's in Eugene, Oregon. The school doesn't cover the expenses. I didn't hesitate, I wrote out a check and put it in the mail. Evan is also an Eagle Scout and a great kid – all the Waterton kids are. They are looking for donations to get him out there.

#### **COMMITTEE REPORTS –**

Planning Board – Chair Robbins stated that we had our meeting, Forestburgh Pond was the agenda. We had a public hearing; we processed the application. Their application for a major subdivision imposed financial obligations that they repair the dam, they have already applied for the permit. Money has been put in escrow with us to make sure that this repair gets done. The application was approved, the resolution and the maps were signed. Supervisor Hogue asked how much the money in escrow for the dam was. Chair Robbins replied \$25,000. We had to have our engineer, in this case, it was Glenn Smith come up with an estimate to do this work.

For our next meeting, we just received an application for a lot line change. That is typically a one meeting operation.

Historian – No report

Seniors – No report but plan to meet in July. Susan Hawvermale stated there will be a meeting on Monday at the pool pavilion.

Zoning Review – Our next meeting is via Zoom on June 8 from 7 -9 p.m.

Grateful Deadheaders – We are gearing up for planting and on Sunday the Boy Scouts will be helping us here at town hall to do some weeding and general maintenance. I just want to mention that the Christmas lights we put out at the dove last year, appear to have been cut and I'm not sure if they are usable. It looks like they have been snipped in multiple places.

Friends for Fitness – No report

Fire Department – We will be holding our Roast Beef Dinner, tentatively on August 28.

#### **PUBLIC COMMENT -**

Superintendent Ruggeri – Todd Stacy is doing well and is home from the hospital. His doctors tell him he may be back to work on July 1 and we are hoping. Also, I got the material for the dry hydrant down in Fowlerville. I obtained a new galley list from the county and shared it with the clerk for the current 9-1-1 numbers.

**EXECUTIVE SESSION** – MOTION by Supervisor Hogue, seconded by Councilwoman Landis to enter into executive session for potential litigation and invite Chair Robbins into said session. Vote: 4 ayes – 0 nays. Motion carried.

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

**ADJOURNMENT** – MOTION by Councilwoman Landis to adjourn at 8:15 p.m.

Respectfully submitted,

Joanne K. Nagoda,  
Town Clerk