

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, August 3, 2023**, 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, Councilperson
Steve Budofsky, Councilperson
Susan Parks-Landis, Councilperson
Vincent C. Galligan, Jr., Councilperson

Recording Secretary – Teresa Collins, Deputy Town Clerk

Others Present – Troy Johnstone, Esq. – Attorney for the town
Richard Robbins, Planning Board Chair

PUBLIC COMMENT

We have property at 187 Hardwood Road. Use of a PA system on Lot 21, of the Forestburgh Pond Property, exceeded a reasonable volume on Saturday, July 8th, and Sunday, July 9th over extended hours.

This disturbance dates back to several weekends last summer. I notified the County Sheriff. What he told me was the offenders claimed "unawareness" of any noise ordinances in the Town of Forestburgh and would make efforts to lower the PA system. Subsequently, I notified the County Sheriff again as the lowering did not occur.

The County Sheriff read me the Town Noise Codes and suggested I speak with the Town Enforcement Officer and Town Board.

The Town Noise codes state the following regarding the use of a PA system: "110-1 B (10), The use of an amplifying or public-address system shall be limited to brief announcements and messages for residents of the property upon which such system is located. The use of such amplified system to reproduce any radio or television program, or for the playing of any music from any source whatsoever, is hereby prohibited, except as set forth below." and "B (11) The creation of any sound or noise from any amplifying system whereby sounds, music or words are transmitted upon the public streets or highways of the Town of Forestburgh, unless specific permission therefore is

obtained from the Town Board, which such permit, if and when issued, shall indicate the specific dates and times that the operation of such amplifying system shall be authorized. and "110-2. Permits., C. Where any person uses or plans to use a public-address system that will make sound outside of a building, such person must secure a permit pursuant to this section."

Given these Noise Codes, I am requesting consideration of the following:

- 1) The Board communicate in writing to the County Sheriff's office a directive to enforce the Town Noise Codes.
- 2) When a noise permit is requested for the use of a PA system, the Board will hold a public hearing, 30 days prior to the date in question, to allow the affected community to be heard by the Board.
- 3) The Town Board revise the current noise codes to reflect the quiet character of the town.

Thank you for your consideration.

Sincerely,

Mary Ellen Toomey

MINUTES – July 6, 2023, Regular meeting.

MOTION by Councilperson Budofsky, seconded by Councilperson Ellsweig, Councilperson Landis abstain. As per Supervisor Hogue a correction needs to be adjusted on the minutes under the planning board to reflect a lot line improvement and not a lot subdivision. Vote: 4 ayes – 1 nay. Motion carried.

July 25, 2023, Emergency meeting Minutes MOTION by Councilperson Budofsky, seconded by Councilperson Ellsweig. Vote: 5 ayes – 0 nay. Motion carried.

GENERAL FUND VOUCHERS - #147-165 in the sum of \$32,678.56 as set forth in abstract #8 were audited for payment. As per Supervisor Hogue, do not pay the invoice for Woodbourne Landscape supply Inc until we confirm the invoice to be valid. MOTION by Councilperson Landis, seconded by Councilperson Budofsky, to pay the General Fund Vouchers. Vote: 5 ayes – 0 nay. Motion carried.

HIGHWAY FUND VOUCHERS - #77-93 in the sum of \$160,195.86 as set forth in abstract #8 were audited for payment. MOTION by Councilperson Ellsweig, seconded by Councilperson Budofsky to accept the highway fund vouchers. Vote: 5 ayes - 0 nays. Motion carried.

ESCROW FUND VOUCHERS – None

CORRESPONDENCE

7/28/23 Letter to the Forestburgh Town Board submitted for the August,
2023 Town Board Meeting

Town Board members,

At the June 6th Public Hearing you heard statements from Jim Steinberg, Elizabeth Regan and Anthony Griffin representing the concerns expressed by dozens of Forestburgh residents (whose names were read at the hearing) pertaining to the proposed commercial overdevelopment of Forestburgh neighborhoods and critical environmental areas. These were not the first perspectives expressed on the subject matter nor were they the first reports presented which contain verifying and scientific information.

Although there were those who refused to acknowledge our concerns (in fact they dismissed them entirely) Town Board members looked at the big picture and considered all facts and perspectives before making a final decision.

You are to be commended for not only hearing our concerns and taking them seriously, but also for realizing that the original proposal for commercial overdevelopment and the re-zoning of so many large lots from residential to commercial/residential would not reflect what Forestburgh claims to be all about. Thank you for understanding the potential negative effects on our neighborhoods, the environment and our town in general and considering them when making your decisions. You have shown that you truly value our quality of life and the natural environment we are blessed with within the borders of our town.

Sincerely,

Peter and Katie Marchetto

Dear Board Members,

On Sunday, July 30th, there were four families that enjoyed a bar-b-cue dinner at the picnic area of the town hall. After about 2 hours they packed up to leave. Tuesday, Aug 1st, morning when arriving for work I noticed there was garbage left on the two picnic tables. I went over with a garbage bag and cleaned up the area along with the multiple plastic cups and spoons that were scattered around the yard and play area. Then while driving into work on Wednesday, August 2nd, I noticed two garbage bags full of garbage that were thrown onto Mr. Schuman's property on the other side of King Road across from the picnic area. I checked the camera recordings and found that it was this group of families that took their garbage and walked it over and threw it there. Because of this action, I am suggesting that we put up signage stating that we do not offer trash receptacles and all garbage must be taken with you when you leave and disposed of properly. Also, I think that we should have signs that state that there are cameras recording the property.

There are pictures of the suggested signage attached to this letter.

Thank you,

A handwritten signature in cursive script, appearing to read "Wendy Wells".

Wendy Wells

Town of Forestburgh Bookkeeper



UNFINISHED BUSINESS

LL#1 Zoning regulations – Motion by Supervisor Hogue second by Councilperson Landis to wait for the county to get back on our 239 form that was submitted to the county for review.

LL#2 Sec 153 town Law amendments – Motion by Councilperson Budofsky second by Councilperson Ellsweig to move forward as lead agency for LL#2. Vote: 5 ayes - 0 nays. Motion carried.

Agency Use Only [If applicable]

Project:	
Date:	

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

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SEAF 2019

Motion by Supervisor Hogue to have a negative declaration on environmental Assessment form.
MOTION by Councilperson Budofsky, seconded by Councilperson Ellsweig to accept motion.
Vote: 5 ayes - 0 nays. Motion carried.

Adoption Resolution for Amendments to Chapter 153-26 of Taxation (Elimination of Subsection D&E)

Town of Forestburgh

RESOLUTION 2023-06

ADOPTING LOCAL LAW 2 OF 2023 REGARDING Amendments to Chapter 153-26 of Taxation (Elimination of Subsection D&E)

Dated: August 3, 2023

At a meeting of the Town Board of the Town of Forestburgh, Sullivan County, New York, held at the Town Hall, 332 King Road, Forestburgh, N.Y., on the 3rd day of August 2023, there were:

Supervisor Daniel S. Hogue, Jr.	Present
Councilmember Steven Budofsky	Present
Councilmember Karen Ellsweig	Present
Councilmember Vincent Galligan	Present
Councilmember Susan Parks-Landis	Present

Councilperson Ellsweig offered the following resolution and moved for its adoption:

WHEREAS, the Town Board of the Town of Forestburgh determined that the Town's local laws, code, rules and regulations related to PILOT and Solar Panels were no longer enforceable under recent enactments by New York State and did not adequately provide for the proper administration and enforcement of the Town Code of the Town of Forestburgh and directed that a draft local law amending the Town Code be prepared for the Town Board's consideration;

WHEREAS, proposed local law 2 of 2023 was developed with the assistance of the Town's consultants and was distributed to and reviewed by the Town Board members;

WHEREAS, the local law was referred to the Sullivan County Planning Board, and, as necessary to the clerks of the abutting towns;

WHEREAS, the comments, if any, of the Sullivan County Planning Board were considered by the Town Board;

WHEREAS, a duly noticed public hearing was held on July 6th, 2023 (attached is the newspaper notice of the public hearing) and any public comments were carefully considered by the Town Board members;

WHEREAS, the Town Board is the only involved agency for this Unlisted action under NYS Environmental Quality Review Act (SEQRA)—the adoption of a local law amending the Town Code;

NOW THEREFORE BE IT RESOLVED that the Town Board declares itself lead agency pursuant SEQRA for the required environmental review of this action;

Adoption Resolution for Amendments to Chapter 153-26 of Taxation (Elimination of Subsection D&E)

BE IT RESOLVED that the Town Board has carefully considered the Environmental Assessment Form (EAF), Parts 1 to evaluate the proposed local law and hereby adopts the Short EAF Part 1 attached hereto;

BE IT RESOLVED that the Town Board, based on the Part 1 EAF has determined that that the adoption of proposed local law 2 of 2023 is an Unlisted action and that further review is required;

BE IT RESOLVED that the Town Board, based on the Part 2 EAF has determined that the adoption of proposed local law 2 of 2023 will not result in any significant adverse environmental impacts and hereby issues a negative declaration and hereby adopts the Short Form EAF Part 2 attached hereto;

BE IT RESOLVED that the Town Board hereby adopts Local Law No. 2 of 2023, entitled "Amendments to Chapter 153-26 of Taxation (Elimination of Subsections D&E) of the Town of Forestburgh." and directs that the SEQRA documentation and the Local Law be filed as required by NYS Municipal Home Rule Law.

On a motion by Councilperson Budofsky, seconded by Landis, the resolution was adopted on a roll call vote, the results which follow:

Supervisor Daniel S. Hogue, Jr.	Aye
Councilmember Steven Budofsky	Aye
Councilmember Karen Ellsweig	Aye
Councilmember Vincent Galligan	Aye
Councilmember Susan Parks-Landis	Aye

Adopted this 3rd day of August 2023.

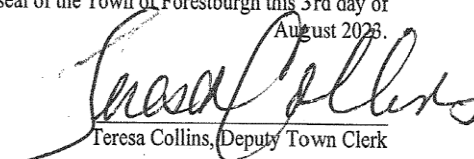
**By Order of the Forestburgh Town Board
, Town Clerk**

I, Teresa Collins, Deputy Town Clerk of the Town of Forestburgh, Sullivan County, New York, **DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the Town of Forestburgh on August 3rd, 2023 and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Forestburgh this 3rd day of August 2023.




Teresa Collins, Deputy Town Clerk

NEW BUSINESS

Town Clerk Appointment - Motion by Supervisor Hogue seconded Councilperson Budofsky to appoint Deputy Town Clerk Teresa Collins to fill in the unexpired term (until January 2024) that was recently vacated by Joanne Nagoda due to Health issues. Vote: 5 ayes - 0 nays. Motion carried.

Motion by Councilperson Landis, seconded by Councilperson Budofsky to make an additional resolution the appoint Deputy Town Clerk Teresa Collins to fill in town clerk, tax collector registrar, vital statistics, and record management Vote: 5 ayes - 0 nays. Motion carried.

Noise Ordinance – Councilperson Landis suggests that a letter should be sent to the state police and the sheriff's office. Councilperson Ellsweig also agrees there should be a 30-day notice. Supervisor Hogue motion for attorney Troy to look into the noise ordinance and the law on how it can be enforced in town.

REPORTS – BOARD MEMBER COMMENTS

VACANCIES – We are currently still looking for a ZBA Secretary and Lifeguards

Delaware Water – People representing Delaware water were at the highway department this past month presenting state and federal funds that were available to upgrade our waterways and culverts to make sure the water flows appropriately. The highway superintendent indicated that at this time there is no need for funding, all the culverts are in good condition and have been replaced not too distant in the past. The funding is available from the state and federal annually. The town will pass on it for now but will consider it for next year.

Planning Board – Chairman Richard Robbins, on our July meeting there were two matters that were addressed.

One matter was for an application for a lot line improvement on forestburgh rd and 42 that was granted.

The second matter was a request from the county on general municipal law 239 to give us the opportunity to comment on an adjustment of a subdivision that was granted in the town of Thompson. That was reviewed and no comment in regard to this application.

Fire Department –None

Signage – Councilperson Ellsweig recommends that signage should be placed around the town hall to reflect all garbage that needs to be taken or removed from the premises and also there are cameras present.

**Town of Forestburgh Highway Dept.
HIGHWAY REPORT FOR August
Highway Superintendent,**

August 1, 2023

Members of the Town Board

Pothole Repair/Chip Sealing

We will be continuing road maintenance and also ditching just finished Chip Sealing we will broom it off in about 2 weeks, thank you to the town resident for being patient while paving and chip sealing.

Thank you,



**Joseph Ruggeri
Highway Superintendent**

MOTION by Councilperson Landis to adjourn, second by Councilperson Ellsweig at 6.45 p.m.

Respectfully submitted,

Teresa Collins
Deputy Town Clerk