

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

The Town of Forestburgh Town Board held a Work Session on **Thursday, September 5, 2024**, at the town hall.

Supervisor Hogue called the Work Session to order at 5:30 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, Town Clerk
Troy Johnstone, Esq. – Attorney for the town

No action taken.

MOTION TO CLOSE THE WORK SESSION -Motion by Supervisor Hogue, seconded by Councilperson Budofsky to end the work session at 5.33 p.m.

MOTION TO ENTER INTO EXECUTIVE SESSION – MOTION by Supervisor Hogue to enter into executive session for discussion on personnel matters pertaining to the building dept at 5.35 p.m.

No action taken

MOTION OUT OF EXECUTIVE SESSION – MOTION by Supervisor Hogue at 5.42 p.m.

Respectfully submitted,

Teresa Collins,
Town Clerk

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, September 5, 2024**, 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, Town Clerk
Troy Johnstone, Esq. – Attorney for the town
Others Present – Richard Robbins, Planning Board Chair

LL#2 2024 “Amending Zoning Code bulk tables – Motion by Supervisor Hogue, second Councilperson Landis to table Local Law #2 and remove it from the agenda for tonight.
Vote: 5 ayes – 0 nays.

PUBLIC COMMENT- Councilperson Budofsky

Board Comments on the Town Board’s Meeting Procedure

In light of the consistent criticism of this board’s manner of conducting meetings and the erroneous statements pertaining to the Open Meetings Law, it is prudent that the following information again be provided in order to make clear what is accurate under the law.

Section 106 of the Open Meetings Law addresses public meetings and the taking of minutes.

*Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

*It is clear that minutes need not consist of a verbatim account of what is said.

*A Town Board may determine rules of meeting procedure.

*The public does not have a right to speak at government meetings. Public comment may be authorized or not included as part of a meeting agenda at all at the

discretion of the chairperson and/or the Town Board. The Town Board may also determine the procedure governing public comment.

*If allowed, board members are not obligated to respond to public comments or questions.

*The Town Board may set time limits on public comment as well as prohibit personal attacks, insults, obscene language and slanderous remarks. Slanderous remarks are not protected speech under the First Amendment and no matter an individual's personal opinion regarding any action taken by the Town Board do they have a place during a public meeting. Slanderous and other prohibited statements include, but are not limited to, referencing any action taken by the board as being compared to or motivated by racial, religious or personal animus, bias or discrimination. Any person making such statements will immediately forfeit the privilege of continuing to speak during public comment.

Considering the numerous malicious personal attacks on Forestburgh Town Board, Planning Board and ZBA members and the continued inappropriate behavior and violations of the Forestburgh public meeting rules, it is now restated, as has been many times before, that such attacks on any board, individual board member or town employee will not be tolerated.

If similar language is contained in a letter submitted for inclusion at a meeting that letter will not be read at a public meeting.

I will again read the Forestburgh Town Board meeting rules which its chair or members may enforce without further warning or notice.

I encourage every individual who attends, or plans to attend a meeting in Forestburgh, to become familiar with them.

Without going into every single detail, video equipment, all video and audio equipment using the tripod, or other similar equipment must be set up only in the area designated in the rear of the meeting room and must be contained within that area. This rule has been violated at every meeting for almost three years. Handheld video and audio equipment may be used by those seated in the public meeting area. Provided that use of any equipment does not distract and disturb others in attendance or disrupt the deliberative process and may be restricted or prohibited as deem necessary. And last public comment, while public comment is encouraged during the public comment segment on the agenda. Please do not disrupt the meeting by speaking out of turn or making random comments during the meeting without acknowledgement from the board. There shall be no offensive language, slanderous comments were shouting primitive when addressing the board members of the public will do so in a civil and respectful manner. Disruptions by cell phone conversations chatter, clapping, cheering

or repeated exit and reentry from the room are considered disruptive as well. It is expected that any members of the public in attendance conduct themselves in a manner which is respectful of the deliberative process, those refusing to adhere to these rules may be moved by authorities.

Susan Hawvermale - questioning the senior expenditures.

Zev Tarkieltaub –

Dear Board Members.

My name is Zev Tarkieltaub. I stand before you today not only as a representative of a vibrant orthodox community of over 2000 members, but also as the village trustee-elect of our neighboring village, Ateres.

You might recall that nearly 2 years ago, in January 2023, I stood before you with a heartfelt plea. I urged you not to attack our community by blocking the development of Lost Lake, which promised an economic renaissance for our area. Something our County is in desperate need for.

At the time, I approached you with respect and optimism. However, instead of heeding our sincere appeal, I was rudely cut off by Deputy Supervisor MR. Budofsky. It was disheartening to see our genuine concerns ignored, only to have the situation worsen, by you taking actions to double down, not only was Lost Lake shut down entirely, but our community was further marginalized by the imposition of new and unreasonable requirements on places of worship which all you know are absolutely essential to our community's religious way of life.

As you now consider the possibility of reversing some of these decisions, I must express my dismay that the requirements for a minimum of 5 acres in residential neighborhoods remain in place. As you are keenly aware, this restriction continues to undermine our community's ability to establish essential places of worship, My ancestors immigrated around 150 years ago for freedom of religion so that could freely pray in synagogues and with these restriction our freedom to pray in synagogues are being attacked, furthermore this restriction will be absolutely devastating for the most vulnerable among us the elderly

people who are walking with difficulty by making them have to walk a great distance not once but 6 times every Shabbos as you know that it is forbidden for us to drive on Shabbos and most holidays.

I respectfully urge you to reconsider these policies. I implore you: Don't double down on these inequitable measures as are widely reported that Forestburgh is doubling down. Instead, I urge you to reverse course and extend the same welcome to our community that you would to any other.

Our community already faces more than its share of animosity from individuals in the county. There is no need for official government actions to add to that burden.

Mr. Miller and Mr. Memolovitz commented on items that were not on the agenda.

Supervisor Hogue has stressed numerous times that public comment is on items that are only on the agenda.

MINUTES – MINUTES – August 1, 2024, regular board meeting minutes are acknowledged receipt. **MOTION** by Councilperson Landis, seconded by Councilperson Budofsky. Vote: 5 ayes – 0 nay. Motion carried.

GENERAL FUND VOUCHERS - #151 –173 in the sum of \$14,325.46 as set forth in abstract #7 of 2024 were audited for payment. **MOTION** by Councilperson Budofsky, seconded by Councilperson Landis to pay the General Fund Vouchers. Vote: 5 ayes – 0 nay. Motion carried.

HIGHWAY FUND VOUCHERS - #52-57 in the sum of \$27,495.27 as set forth in abstract #6 of 2024 were reviewed. **MOTION** by Councilperson Ellsweig, seconded by Councilperson Budofsky to accept the highway fund vouchers. Vote: 5 ayes - 0 nays. Motion carried.

ESCROW FUND VOUCHERS – #11-15 in the sum of \$1162.50 as set forth in abstract#5 of 2024 were reviewed. **MOTION** by Councilperson Landis, seconded by Councilperson Ellsweig to accept the Escrow Fund Vouchers. Vote: 5 ayes – 0 nays. Motion Carried.

CORRESPONDENCE –

Response to Hateful Attacks of Antisemitism Against Forestburgh
Town Board Members

9/5/24

For more than two and a half years the Forestburgh Town Board members have been personally attacked with slanderous claims of antisemitism. Not only have we been verbally attacked at public board meetings but articles containing the same outrageous claims are widespread. Members who serve on other boards have also been falsely accused. Yes, we are public officials but we are people first.

Let me shed some personal light on the truth about antisemitism in regards to myself and the four board members sitting next to me. This board serves the Forestburgh community with integrity and genuine concern for every resident of our town. We serve without regard to race, culture, status or religion. We are proud that our community welcomes and supports a diverse population. Those who have verbally assaulted us don't know any one of us personally yet project their hateful views and assumptions upon us without regard for the law or our dedication to it.

I wear this United States Army cap today in honor and in memory of my father who would have turned 100 this week. As I've mentioned before, he landed on Omaha Beach and fought with his gun battalion all the way to Nazi Germany where he helped to liberate those suffering in the concentration camps. He always said it was the most difficult and the most honorable thing he ever did in his life. My fellow board members also have family who have served our country honorably, unlike those who make these hateful remarks. Three council members are second generation public servants of those who have previously served this community with honor.

Part of my family arrived in America in 1634 and settled in Massachusetts and New Hampshire colonies and fought in every major war since then from the French and Indian War, to the American Revolution, the Civil War, WWI and WWII. We're familiar with fighting for freedom and for the rights of others.

But there's another part of my family who were Jewish immigrants who after seeing dozens of family members slaughtered during the Pogroms in Warsaw Poland and in Odessa and Kiev Ukraine, narrowly escaped a violent death and made it to America.

I'm all too familiar with antisemitism, the plight of the Jewish people, Nazi Germany and the Holocaust and what's been done here in Forestburgh by those who fabricate and spread these lies is despicable. It's a "Shanda", for those who don't know that's Yiddish for a disgrace. And anyone using God's 10 Commandments to achieve a personal objective needs to remember the 9th commandment; Thou shall not bear false witness against thy neighbor.

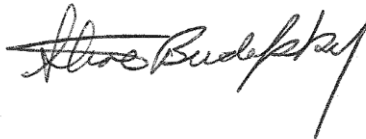
These continued hateful remarks cut like a knife and they hurt deeply. They hurt each one of us. They hurt our families. We've expressed that before publicly yet the attacks continue and are now worse than ever with vicious and cruel remarks referencing not only antisemitism but Kristallnacht and Nazi Germany.

Those who seek to disparage our reputation and tarnish our record of public service need to have their true motives exposed because every single spiteful accusation is unwarranted and without merit. To those who have perpetrated these inexcusable acts against us, you must stop! I suggest you seek forgiveness from God Almighty,

Respectfully submitted,



Councilman Steve Budofsky, Forestburgh NY



Bruce Ellsweig

31 Norris Road
Forestburgh, NY 12777

September 3, 2024

Town Board of the Town of Forestburgh
332 King Road
Forestburgh, NY 12777

Dear Supervisor Hogue and Board Members,

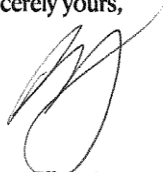
My name is Bruce Ellsweig. My wife and I moved to Forestburgh 11 years ago with a mission to serve our community. We are Jewish and keep a kosher home. We are not orthodox, but we do respect the deep faith of those who are. I understand that memory of the Holocaust was brought up at the Town Board meeting on August 1st. I come from a family of Holocaust survivors as my cousin Leni lived through Krystalnacht, and my uncle Bernhard survived concentration camp. I recall the tattoo on his arm.

Karen and I chose to live in Forestburgh because of its beauty and pristine environment. We have enjoyed the warmth and caring of the wonderful friends that we have made in our community.

The land that was purchased at Lost Lake was purchased with the full knowledge of the limitations that were designed to preserve the quality of the environment, the integrity of the water supply and the need to preserve open space. This was not designed as a restriction to those who may occupy the land, but rather as a welcome to those who share the need to preserve and respect our community.

We welcome anyone as good neighbors, regardless of faith to our community.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'Bruce Ellsweig', written in a cursive style.

Bruce Ellsweig

Dear Forestburgh Officials,

The 5-acre requirement for places of worship in residential zones is problematic for Jewish congregations that require a minyan of ten people. This regulation seems excessively restrictive and discriminatory against those who do not require large spaces. I urge the board to revisit this policy to ensure that it does not unfairly limit the ability of religious groups to worship freely in their communities. Religious worship and freedom should be supported, not constrained by zoning laws.

Regards,

A handwritten signature in black ink, appearing to read 'Yoel Rubinstein', with a stylized, cursive script.

Rabbi Yoel Rubinstein

Dear Forestburgh Council,

I am writing to express my concern over the 5-acre minimum requirement for places of worship in residential areas.

This regulation disproportionately affects religious Jewish communities, which need a minimum of ten individuals to form a minyan for prayer. By imposing such a restrictive land requirement, you are creating barriers to worship that is discriminatory. I urge you to reconsider this policy to ensure that all religious groups have equitable access to facilities that meet their needs. Religious freedom should not be bound by arbitrary land restrictions.

"The government of the United States gives to bigotry no sanction, to persecution no assistance." — George Washington, Letter to the Hebrew Congregation of Newport, 1790

Thank you


Chaim Fulop

UNFINISHED BUSINESS

911 Numbering- will be table for next month.

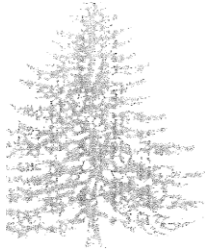
EV charging stations of Town Hall – MOTION by Councilperson Ellsweig, second by Councilperson Galligan to sign memorandum agreement. Vote: 5 ayes – 0 nays.

2025 Budget – Supervisor Hogue – Budget workshop will be scheduled for October 9, 2024, at 5 p.m. Secondary budget workshop date if needed will be October 16, 2024, at 5 p.m.

October Regular Meeting- October regular town board meeting will be rescheduled for Tuesday October 1, 2024, at 6 p.m.

NEW BUSINESS

Building Inspector –



TOWN OF FORESTBURGH
332 King Road
Forestburgh, New York 12777

Tel. (845) 794-0611
Fax (845) 794-0678

August 7th, 2024

Hon. Daniel Houge Supervisor
Hon. Forestburgh Councilpersons
332 King Rd.
Forestburgh, N.Y. 12777

Dear Dan,

It is with mixed emotion, that I must announce an opportunity to pursue employment in another Municipality. I have enjoyed my time serving the residents of Forestburgh, and hope I have been somewhat effective in enforcing the Municipal code within the Town.

I hereby submit my resignation effective August 22nd, and once again I wish to thank you all for the opportunity to serve the Township since 2016.

Sincerely and respectfully,



Glenn A. Gabbard
Code Enforcement Officer

MOTION by Supervisor Hogue, second Councilperson Budofsky to appoint Kaitlen Madison Castillo to the expired term of the building inspector for the Town of Forestburgh.
Vote: 5 ayes – 0 nays.

Appoint Jeff Bank for Town Clerk and Tax Collector accounts – Motion by Supervisor Hogue, second by Councilperson Landis to name Jeff Bank for the Town Clerk and Tax Collector Accounts. Vote: 5 ayes – 0 nays.

Resolution opposing OSHA volunteer FD Mandates –

RESOLUTION OPPOSING OSHA’S EMERGENCY RESPONSE STANDARD AS CURRENTLY PROPOSED

WHEREAS, the Federal Occupational Safety and Health Administration (OSHA) recently released its proposed Emergency Response Standard, outlining new standards for emergency response personnel and agencies, both volunteer and paid; and

WHEREAS, the Town of Forestburgh’s emergency response leaders have shared grave concerns with one another and this Board about this proposal, should it be enacted; and

WHEREAS, the Town of Forestburgh echoes the sentiment of the Sullivan County Legislature’s Resolution 396-24; and

WHEREAS, the Town of Forestburgh’s Fire Departments are completely volunteer and operate on small, taxpayer-supported budgets; and

WHEREAS, the proposal’s “one size fits all” approach makes it virtually impossible for rural fire districts to implement without significant tax hikes and costly procedural changes, including the hiring of clerical staff and as much as a 40% increase in annual budgets in order to maintain compliance; and

WHEREAS, the time given to review the proposal has not been sufficient, with comments due by July 22, 2024; and

WHEREAS, the NYS Association of Counties, Conference of Mayors, Association of Towns and other large organizations have agreed this proposal threatens to deeply harm, even shut down, struggling fire departments across New York State and beyond;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Forestburgh joins firefighters and advocacy organizations in demanding OSHA make changes to this proposed rule that would not be unduly burdensome on our volunteer first-responders serving rural areas such as ours; and

BE IT FURTHER RESOLVED that the Town of Forestburgh requests the comment and review period be extended at least to September 21, 2024, as requested by the Sullivan County Legislature, to permit a thorough understanding of the impacts of this proposal; and

BE IT FURTHER RESOLVED that the Town of Forestburgh asks our Federal representatives to join it in advocating for an OSHA proposal that is technically and economically feasible for small-sized emergency response agencies such as those that serve the Town of Forestburgh and Sullivan County.

Motion by Councilperson Ellsweig, second by Councilperson Landis to accept the resolution.
Vote: 5 ayes – 0 nays.

Resolution on Tax Certiorari -

RESOLUTION CONFIRMING SETTLEMENT OF TAX CERTIORARI PROCEEDINGS
AGAINST THE TOWN OF FORESTBURGH

WHEREAS, Petitioners have instituted proceedings under article 7 of the Real Property Tax Law to review the assessments of certain parcels, and which proceedings are pending in the Supreme Court of the State of New York, County of Sullivan, under Index Number E2021-1247, E2022-1325, E2023-1146, E2023-1145, E2022-1324, E2021-1252; and

WHEREAS, the parties herein have appeared through counsel, to wit, Troy J. Johnstone, Esq., for Board of Assessors for the Town of Forestburgh and Town of Forestburgh and Kara J. Cavallo Esq., on behalf of petitioners Lost Lake Funding LLC, Yehuda Miller, Lost Lake Funding Corp. Lost Lake Holdings LLC; and

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

WHEREAS, the proposed Consent Orders will also result in a fair and equitable resolution of the petitions, as set forth on the schedules attached hereto as Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E, and Exhibit F:

WHEREAS, refunds, if any, are to be made within 30 days of service of a demand for a refund, and the assessments shall be subject to the statutory moratorium (RPTL 727(1)) for future assessment rolls as per the statute, absent a statutory exception.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Forestburgh that the settlement of the above reference proceedings be and hereby is all respects approved and confirmed, and the attorney for the Town of Forestburgh is authorized, empowered and directed to enter into and execute a formal written Consent Judgments and to bind the town thereto, such Consent Judgments to be in the form approved by the said attorney.

Motion by Councilperson Ellsweig, second by Councilperson Budofsky to accept the resolution.
Vote: 5 ayes – 0 nays.

REPORTS – BOARD MEMBER COMMENTS

PLANNING BOARD REPORT- Richard Robbins, there was no meeting.

FIRE DEPARTMENT – Jim Steinberg, September 28, 2024, Roast beef dinner 4 p.m. to 7 p.m. at the firehouse, September 10, 2024, fire commissioner budget workshop and October 15, 2024, Public Hearing.

Town of Forestburgh
Highway Department
1401 Sackett Lake Road, Forestburgh, NY 12777
Phone (845) 794-8069 – Fax (845) 794-0360
Email: forestburghhighwaydepartment@gmail.com

September 2024 – HIGHWAY REPORT

Regular hours

We are back on regular hours Monday thru Friday 7:00am – 3:30pm

Roads

We will be doing more Asphalt work ,ditching roads and checking street signs to see who need to be replaced /painted

Mowing

We are still mowing around town for at least another month

Thank You



Highway Superintendent

ADJOURNMENT – MOTION by Supervisor Hogue, second by Councilperson Landis to adjourn at 6.47 p.m.

Respectfully submitted,

Teresa Collins,
Town Clerk