

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, December 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
Steven Budofsky, Councilperson
Susan Parks Landis, Councilperson
Vincent Galligan, Councilperson

Absent – Troy Johnstone, Attorney for the Town

Recording Secretary – Teresa Collins, Town Clerk
Present - Richard Robbins, Planning Board Chair

PUBLIC COMMENT

Mr. Miller – The Minutes on the agenda should be captured better to what was exactly said. There was a conversation, that we had about the places of worship with all kinds of issues that were said, that was represented at the board for an 1/2 hour.

Note: Mr. Miller made many comments on the five acre requirement for the house of worship that was discussed at the November 7, 2024, meeting.

MINUTES – November 2024, Public Hearing and regular board meeting minutes are acknowledged receipt. **MOTION** by Councilperson Landis, seconded by Councilperson Budofsky. Councilperson Galligan Abstain. Vote: 4 ayes – 1 nay. Motion carried.

GENERAL FUND VOUCHERS - #203 –230 in the sum of \$12,673.97 as set forth in abstract #10 of 2024 were audited for payment. **MOTION** by Councilperson Landis, seconded by Councilperson Ellsweig to pay the General Fund Vouchers. Councilperson Budofsky abstained. Vote: 4 ayes –1 nay. Motion carried.

HIGHWAY FUND VOUCHERS - #75-90 in the sum of \$37,373.91 as set forth in abstract #9 of 2024 were reviewed. **MOTION** by Councilperson Budofsky, seconded by Councilperson Landis to accept the highway fund vouchers. Vote: 5 ayes - 0 nays. Motion carried.

CORRESPONDENCE

Dear Board Members,

There have been public comments regarding the Town's compliance with the Open Meetings Law. Councilman Budofsky himself has referred to this as a matter of "erroneous statements pertaining to the Open Meetings Law." After I made an effort to encourage compliance by emailing both Councilman Budofsky and the Town Clerk—providing an opportunity for response and resolution—while a supplemental response was received yesterday, the record requested has still not been provided, and this issue remains unresolved.

As a result, I am submitting this and the original email I sent to the Town clerk and Councilman Budofsky as correspondence to be read and entered into the record, at the December 5 2024 Town Board meeting.

Dear Teresa,

I am writing to you today, with Councilman Budofsky copied to provide him an opportunity to respond, to respectfully request clarification and compliance with both the Open Meetings Law (OML) and the Freedom of Information Law (FOIL) regarding the records of the statements read into the record by Councilman Budofsky at the public meeting held at Town Hall on September 5, 2024.

As you are both well aware, I have repeatedly requested these records before, during, and after the meeting. However, both of you redirected responsibility to the other. Councilman Budofsky even stated that the records contain his personal notes as a reason for not providing me a copy, but this does not absolve the Town of its legal obligations.

To be clear, the failure to provide the records as requested appears to be a direct violation of the Open Meetings Law, which mandates that records discussed at public meetings must be made available to the public “prior” to the meeting.

As the New York State Committee On Open Government explained:

The goal of Section 103(e) is to allow the public to see the records that the public body is discussing and to follow along with the discussion. Therefore, if the Board intends to discuss any document or record available under FOIL, it should be made available upon request anytime within the twenty-four hour timeframe before the meeting and posted to the agency’s webpage twenty-four hours before the meeting, to the extent

practicable. In our opinion, any document read into the record during a public meeting would be available pursuant to FOIL.

Moreover, in response to my FOIL request, I was given what was described as a "verbatim transcript," which is not what I asked for. This was accompanied by a certification that the records are not in the Town's possession. It is unclear whether the records exist and are in Councilman Budofsky's possession, and if so, whether they are being improperly withheld.

To avoid any further misunderstanding, these records are clearly agency records under the law. Whether they are in the possession of the Town or Councilman Budofsky, they must be produced upon request.

Failure to comply with this legal obligation, by willfully withholding or concealing agency records, may constitute a civil and criminal violation of the law.

Therefore, I am respectfully requesting the following clarification:

- 1. Do the records I requested at and from the September 5 meeting still exist?**
- 2. If so, are they in Councilman Budofsky's possession?**
- 3. When will these records be made available to the public in compliance with the Open Meetings Law and FOIL?**

I would also like to remind you of your duty to assist persons seeking records.

Please respond promptly with clarification on this matter. I hope you will give this issue the proper attention it deserves.

Sincerely,

Yehuda Miller

UNFINISHED BUSINESS

911 Numbering- no updates, will be table for next month.

NEW BUSINESS

Road Naming -

AMENDED RESOLUTION
E-911 Road Naming- “MYSTIC DRIVE”

WHEREAS, The Town Board of the Town of Forestburgh has received a request to name a private driveway/road effecting tax parcels 30.-2-6.18; 30.-2-1.19; and 30.-2-6.20;

RESOLVED, that the Town Board of Forestburgh hereby approves the request to name the private driveway/road located off of Hartwood Road leading to tax parcels 30.-2-6.18; 30.-2-1.19; and 30.-2-6.20 “MYSTIC DRIVE”.

Resolution motion made BY: Supervisor Hogue
Seconded BY: Councilperson Ellsweig

ROLL CALL:

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

Dated: December 5, 2024\

Set year end meeting date//time -

Motion by Supervisor Hogue to have year-end meeting, on December 19, 2024, at 5 pm.
Vote: 5 ayes - 0 nays. Motion carried.

REPORTS – BOARD MEMBER COMMENTS

PLANNING BOARD – Chairman Robbins- planning board next meeting date is December 17, 2024, due to the holiday week. There was one item on the agenda Trip 2 Win. There was a public hearing under SEQRA. The applicant did not submit any information in regard to identifying potential environmental hazards. They also required five different variances. They were referred to the ZBA. There will be two items for the next meeting, one on the site sketch plan for a house of worship on a 250 acre parcel on route 42. The second item is on solar project on route 42 for the initial site plan.

FIRE DEPARTMENT- Santa Run is on December 15, 2024

December 2024 – HIGHWAY REPORT

Regular hours

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

Roads

We will be doing more ditching around town even though its winter

Winter – we have started preparing for winter with trucks, plows and the sand shed is ready for resident use Also please keep your vehicles off the road while we are plowing just a notice or it will be towed and please leave your garbage cans in your driveway so they don't get hit please don't blow snow in the road you can be fined in accordance with Article 1219of New York State Vehicle and Traffic Law

Any question call the highway department

Merry Christmas and Happy New Year from the highway department

Thank You



Highway Superintendent

MOTION by Supervisor Hogue to adjourn, second by Councilperson Landis at 6.21 p.m.

Respectfully submitted,

Teresa Collins,
Town Clerk