

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, May 1, 2025**, at the town hall.

Supervisor Hogue called the meeting to order at 6 P.M.

Roll Call: Present – Daniel S. Hogue, Jr., Supervisor  
Karen Ellsweig, Councilperson  
Steven Budofsky, Councilperson  
Susan Parks Landis, Councilperson

Absent Vincent Galligan, Councilperson

Recording Secretary Teresa Collins, Town Clerk

Other Present Troy Johnstone, Attorney for the Town  
Richard Robbins, Planning Board Chair

**PUBLIC COMMENT – Susan Hawvermale** – commented on senior club luncheon open to the public. **Supervisor Hogue** – believes the senior membership is still open to the public

**Mr. Miller** had comments on irrelevant items on the agenda.

**Mr. Miller** presented to the Town Clerk a correspondence letter.

**MINUTES** – April 2025 regular town board meeting minutes are acknowledged receipt.

**MOTION** by Councilperson Budofsky, seconded by Councilperson Ellsweig. Councilperson Landis abstains. Vote: 3 ayes – 1 nay. Motion carried.

**GENERAL FUND VOUCHERS** - #73-93 in the sum of \$18,708.62 as set forth in abstract #5 of 2025 were audited for payment. **MOTION** by Councilperson Ellsweig, seconded by Councilperson Budofsky to pay for the General Fund Vouchers 2025.

Vote: 4 ayes – 0 nay. Motion carried.

**HIGHWAY FUND VOUCHERS** - #47-59 in the sum of \$47,333.19 as set forth in abstract #5 of 2025 were reviewed. **MOTION** by Councilperson Landis, seconded by Councilperson Budofsky, to accept the Highway Fund Vouchers 2025. Vote: 4 ayes - 0 nays. Motion carried.

**CORRESPONDENCE** – **Supervisor Hogue** acknowledge receiving Mr. Miller correspondence letter and being there's legal claims it will be referred to our attorneys and if it warrants any kind of response our attorneys will respond.

04/30/2025

**Town Board** Town of Forestburgh  
322 King Rd, Forestburgh, NY 12777  
By: Electronic Mail

Dear Members of the Town Board,

The Town Supervisor's statement on the Town's website declares: **"I believe in open government and encourage the public to participate in every aspect of our town's function."** Regrettably, that belief appears to exclude me.

There is a clear and troubling double standard in how this Board conducts its meetings and curates the public record. This behavior is not only deeply inconsistent with the spirit of open government, but it also at a minimum likely violates established legal precedent of the Open Meetings Law.

The Supreme Court of the State of New York, in *Mitzner v. Gosben Central School District Board of Education and Superintendent Colistra* (Supreme Court, Orange County, April 15, 1993), held:

*"If communications with members of the public with whom the body disagreed merited less complete coverage in the public record than those with whom the body agreed, then the public record could be sanitized so as to make it appear that the body's performance was universally applauded, a degree of popularity virtually without precedent in a free society."*

The Board's actions, as detailed below, are squarely at odds with this standard. My comments during public meetings, including those at the last two Board meetings, have been consistently censored from the minutes, despite my repeated objections to the legality and propriety of such actions. Moreover, the law requires "accurate" meeting minutes. Selective exclusion of comments results in "inaccurate" minutes, thereby violating the law. Similarly, my correspondence has not been read into the record as other have been, further undermining transparent and non-discriminatory governance.

The stated rationale in the published minutes for excluding my comments—that they pertain to non-agenda items—is demonstrably pretextual. For years, the minutes have included comments from others on non-agenda items. Examples include:

- July 6, 2023: Jim Steinberg demanded Katherine Barnhart's removal from the Planning Board.
- January 6, 2022: Assemblywoman Gunther discussed grants.
- November 4, 2021: Bob Leone inquired about Lost Lake.
- October 7, 2021: Richard Robbins proposed establishing a special fund.
- September 2, 2021: Tyler Jagel discussed a wine license; Arthur Petrowski raised road issues; Zach Petrowsky addressed a dispute between the Fire and Highway Departments.
- August 5, 2021: Susan Hawvermale discussed the seniors' club; Earle White criticized the Highway Department, **with the Supervisor suggesting litigation as a remedy.**

- December 3, 2020: Grace Woodard discussed solar farms and other issues.

In many of these instances, the minutes reflect the Supervisor actively engaging with these non-agenda comments, which were then recorded. In stark contrast, my legitimate concerns are consistently excluded.

The selective exclusion of my legitimate concerns — consistently well within the bounds of the public interest — underscores a troubling pattern. Even more troubling, are the threats and intimidation, on one occasion I was outright threatened by the Supervisor with removal by a sheriff's deputy. And as recently as last month, I was once again threatened that the entire meeting would be adjourned simply because I attempted to speak.

This pattern extends to my correspondence. On March 25, 2025, I submitted a letter addressing the Town's repeated violations of the Freedom of Information Law (A law that the Town has already been found to have violated in two separate Appellate Division Court rulings). I provided a hard copy to the Town Clerk at the April meeting, yet without explanation it was not read into the record. In another instance, Councilmember Landis cited receipt "after business hours" as an excuse for exclusion of my correspondence.

Yet, at the February 2023 meeting, Mr. Evans, who likened Hasidic Jews to "locusts" in an email to the Supervisor and other Town officials, was encouraged by the Supervisor himself to submit a letter that criticized Lost Lake after the meeting began, which was promptly read into the record.

Further, the Board's purported rule limiting public comments to agenda items lacks legitimacy. For years, the agenda included a general "Public Comment" item on the Agenda, distinct and in addition to the "Public Comment on Agenda Items Only." This general comment item was unilaterally removed without any public discussion or justification, following a February 2022 public hearing on a moratorium, where Hasidic Jews and others criticized the Board's conduct toward their community. By the March 2022 meeting, the agenda reflected only comments on agenda items, while the general "public comment" was removed. A change implemented in private, without any transparency or justification.

This pattern of censorship and of implementing selective rules is deeply troubling, both legally and as a matter of fundamental open governance, and basic civil rights. It deserves immediate, transparent discussion and resolution.

Sincerely,

*Yehuda Miller*

## **UNFINISHED BUSINESS**

**911 Numbering – Councilperson Ellsweig-** will forward a copy of a draft policy to attorney Johnstone to review and create a final document (policy) for the next meeting.

# **DRAFT POLICY**

## **Town of Forestburgh**

### Enhanced 911 Emergency Numbering System

#### **A. REASON**

New York State Code Development permits discretion allowing towns to create policies which comport with unique and specific town needs to better ensure and provide for public safety under State Codes.

#### **B. PURPOSE**

This policy provides:

(1) the unique and necessary specifics required by the Town of Forestburgh to better facilitate the objectives of the New York State Uniform Fire Prevention and Building Code;

(2) enhanced protections for Town Residents providing more accurate access to residences/businesses in times of emergency; and

(3) the means for the Fire Department, Emergency Medical Services, and Law Enforcement to provide enhanced, timely and more accurate services

#### **C. APPLICATION**

This policy applies to all residential and commercial properties within the Town of Forestburgh, regardless of zoning district designation.

#### **D. SPECIFICS**

1. The 911 signs shall include:
  - a. a blue background with white reflective numbers; and
  - b. numbers printed on both sides.
2. 911 signs shall be placed:
  - a. on the same side of the road as the property;
  - b. in a conspicuous, easily seen spot
    - i. at a minimum forty-eight (48) inches in height;
    - ii. as close as practical to travelled way;
    - iii. in a position not impeding or inhibiting traffic;
    - iv. preferably within six (6) feet from edge of pavement or side of ditch; and
  - c. perpendicular to road and visible from both directions.

## **NEW BUSINESS**

**MEMORIAL DAY SERVICE – Supervisor Hogue** – Memorial Day Service will be held at the Forestburgh Fire House at 9 a.m. on May 26<sup>th</sup>, 2025. Anthony Kane will be the guest speaker. Councilperson Ellsweig and Councilperson Landis will be working with the Historian Sabina Toomey to get something together for the newsletter.

**PLAYGROUND- Supervisor Hogue** - due to weather and time (28 years) taking a toll, upon inspection the playground is unsafe. **Motion** by Supervisor Hogue second by Councilperson Budofsky to declare the plastic playground piece surplus with no value to be disposed of. Vote: 4 ayes – 0 nay. Motion carried.

**FENCING RUNNING ALONG THE EDGE OF PLAYGROUND -Supervisor Hogue** – wooden fence has deteriorated and need to be replaced. An estimate from Ketcham Fencing Inc for a chain-link fence for the cost of \$2,814 to have the fence replaced. **Motion** by Supervisor Hogue second by Councilperson Landis to have Ketcham fencing to put up a chain-link fence for \$2,814. Vote: 4 ayes – 0 nay. Motion carried.

**BEAUTIFICATION – COUNCILPERSON LANDIS** – is returning and volunteer are most welcome to make the town beautiful.

## **REPORTS – BOARD MEMBER COMMENTS**

**PLANNING BOARD – Chairperson Robbins**- No April meeting.

**FIRE DEPARTMENT**- Pancake breakfast May 18<sup>th</sup> 8 to 11 a.m.

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

**May 1st 2025**

**Trash**

**The trash in the town is real bad and residents need to pick up there trash the bear takes it across the roads into the Town of Thompson up on Dill Rd**

**Roads**

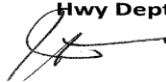
**We have started bringing in material to pave Plank Rd from Rod and Cluboad to County Rd 44 waiting for the state to pass state budget to see what we are getting for Chips,NYP,POP and EWR**

**Spring Clean Up**

**Please don't forget about spring clean up if you need information call the highway department or the town Web**

**Thank You**

**Hwy Dept**

A handwritten signature in black ink, appearing to be 'T. Collins', written over the printed text 'Hwy Dept'.

**ADJOURNMENT INTO EXECUTIVE SESSION – MOTION by Supervisor Hogue to enter into executive session for discussion pertaining to personnel, pertaining to the assessor office at 6.35 p.m.**

No action taken.

**ADJOURNMENT – MOTION by Supervisor Hogue to adjourn at 7:20 p.m.**

Respectfully submitted,

Teresa Collins,  
Town Clerk