

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, August 7, 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
Vincent Galligan, Councilperson

Recording Secretary Teresa Collins, Town Clerk

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

PUBLIC COMMENT- Mr. Miller and Mr. Mendelowitz had comments on irrelevant items on the agenda. Mr. Vassallo would like it to be known that he here for clarification of the noise ordinances in the town.

MINUTES – June 5, 2025, regular town board meeting minutes are acknowledged receipt.

MOTION by Councilperson Landis, seconded by Councilperson Budofsky.

Vote: 5 ayes – 0 nay. Motion carried.

MINUTES – June 24, 2025, special town board meeting minutes are acknowledged receipt.

MOTION by Councilperson Budofsky, seconded by Councilperson Ellsweig.

Councilperson Landis – abstain. Vote: 4 ayes – 1 nay. Motion carried.

GENERAL FUND VOUCHERS - #111-143 in the sum of \$22,925.50 as set forth in abstract #7 of 2025 were audited for payment. **MOTION** by Councilperson Landis, seconded by Councilperson Galligan to pay for the General Fund Vouchers 2025. Councilperson Budofsky abstains.

Vote: 4 ayes – 1 nay. Motion carried.

HIGHWAY FUND VOUCHERS - #80-101 in the sum of \$159,044.10 as set forth in abstract #7 of 2025 were reviewed. **MOTION** by Councilperson Budofsky, seconded by Councilperson Ellsweig, to accept the Highway Fund Vouchers 2025. Vote: 5 ayes - 0 nays. Motion carried.

ESCROW FUND VOUCHERS - #2 in the sum of \$110 as set forth in abstract #2 of 2025 were reviewed. **MOTION** by Councilperson Landis, seconded by Councilperson Budofsky, to accept the Escrow Fund Vouchers.

Vote: 5 ayes - 0 nays. Motion carried.

CORRESPONDENCE –

Hello Town Board

In advance of the Thursday town meeting, I am requesting we add an item to the agenda.

Given the various noise complaints last month from the property on Hardwood Road, I am proposing we add a discussion item related to further defining the decibel levels that are acceptable to the town laws. Given this is not a level that is clearly outlined, it has become clear this law needs to be further refined and updated.

Other Hartwood Road residents are also interested in this discussion and we will be attending the meeting on Thursday.

Kind regards,
Elizabeth Grund
Joan Toomey Grund

Supervisor Dan Hogue and Town Board members,

This is a letter of complaint for noise decibel level. On July 11 - 13th, 2025 Prophet Archer held a Revival at the property located at Lot 20 Hartwood Road owned by Eliab Danticat. On Instagram he posted he hosted 200 guests. We have no problem with that or what they were hosting. BUT on Friday, July 11, the first day of the event - they used megaphones blasting music and yelling to scare the devil away we were told. The noise level was as if we were sitting in the audience attending the event extremely loud. I called the State Police at 1:00PM and they sent over Officer Rodriguez who agreed, the noise level was totally unnecessary, they did not need to be screaming into a megaphone. Officer Rodriguez stopped by the event and kindly asked them if they could please turn down the megaphone and music as they were disturbing all the neighbors. They did . . . for about 30 minutes and then slowly brought the noise level right back up after he left. I then called Supervisor Dan Hogue who stopped by my house and he heard for himself how loud and disturbing they were. He also stopped by and asked them kindly if they would turn down the megaphone and music. Again, they did it for 30 minutes and then raised it right back up. This went on all weekend.

I understand because they were on their own property having a meeting, they have rights - but we also should have the right to live in our homes and have the right to peaceful and quiet enjoyment!! The horrific noise carried on for three full days!! The Sheriff's Office said unless there is a Town ordinance for a number of decibels they could not do anything.

We request the Town please take action and set a Town ordinance for a noise decibel under 60 and time of use.

Kind regards to all,

Fran & Brian Gager

Dear Supervisor Hogue- I am writing to request that the question of a town noise ordinance be added to/discussed at this week's monthly Town Meeting. As you know, on the weekend of July 11-13, residents on Hartwood Road from #189 up through #229 and further up to the Galligan's house experienced hours and hours of excessive noise coming from one of the lots purchased when the Partrick property was subdivided a few years ago.

Residents on Hartwood Road are grateful to you for coming over that weekend to take decibel readings at the end of the entrance to the driveway leading to the weekend gathering. You were also kind to visit with Fran Gager to discuss the issue and you were very responsive to my texts as the noise progressed during the weekend. It pointed to a need to clarify what constitutes an acceptable level of amplification such that gatherings may happen peaceably, with an eye toward everyone being "good neighbors."

In addition to the question of neighborhood noise levels, I would like to clarify the town's guidance with regard to people and transportation vehicles parking illegally on Hartwood Road. The speed limit at the entrance to the subdivided lot is currently 45 mph, due to a curve just around #185-189. It has happened that cars and the occasional tour bus that seats 45-55 passengers have pulled over and blocked the road at the entrance to the lot. It should be noted that this road is heavily traveled; it is also County Rte 48/49, which you know well from your service to the town as the Highway Supervisor.

Residents of the neighborhood plan to attend this Thursday's meeting in hopes of moving forward with a dialogue about next steps for noise abatement and driving safety. We hope these questions can be part of the meeting's agenda.

Thank you as always for your leadership and concern for the town and its beautiful rural character. We treasure living here part-time as we transition to a more full-time residence.

Sincerely,

Chuck Vassallo

Gifford Booth

Correspondence

Regarding Unpermitted Commercial Uses and Related Zoning Determinations

To: Councilpersons for the Town of Forestburgh **Date:** August 6, 2025 **Subject:** Concerns Regarding Unpermitted Commercial Use of 985 Cold Spring Road and Related Zoning Determinations

Dear Councilpersons,

Having received no response from the Building, Planning, and Zoning Departments, I write to you to publicly address ongoing concerns regarding unpermitted commercial use and activities at the property located at 985 Cold Spring Road, known as Organics World Farm, situated within the RR residential District of the Town of Forestburgh.

I have sent multiple communications to the Town's Planning, Zoning, and Building Department regarding the property's use for event hosting, short-term rentals, farming, and other commercial for profit uses. These activities constitute commercial uses requiring special use permits under the applicable zoning regulations. These inquiries have not received responses, prompting me to submit Freedom of Information Law requests to obtain relevant records. The documents provided pursuant to these requests revealed a notice of violation issued to the property. However, I was surprised to learn that the Code Enforcement Officer classified the operation as a "home-based business" within approximately thirty minutes of a phone call, without any documentation or supporting evidence. This classification raises serious questions about compliance with the Town's zoning code. The operation at 985 Cold Spring Road does not meet the legal criteria for a home-based business, as it is commercial in nature, and not incidental to residential use. The property features visible signage, structures, equipment, and extensive parking areas, all of which contravene the zoning code's restrictions for home-based businesses.

If the Town maintains that a highly visible commercial operation qualifies for a home-based business exemption and is not subject to special use permit requirements or area restrictions, this interpretation appears inconsistent with the Town's zoning code as a whole. For example, it seems inconsistent to impose stricter requirements, such as special use permits or area standards, on daycares or places of worship while granting exemptions to commercial enterprises under similar circumstances. Another example, a bed and breakfast is subject to multiple regulatory requirements. Given that the code mandates owner residency within the structure, why does such a use not qualify as a home-based business?

Accordingly, I request clarification as to whether **bed and breakfast**, places of worship or similar uses are similarly permitted under the home-based business exemption in all zoning districts, consistent with the Town's apparent position regarding the subject property.

Kindly clarify the town's position on these important issues.

Sincerely,

Stanley Green

08/07/2025

Town Board

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

Dear Members of the Town Board,

I am writing to address the Town Supervisor's recent public letter, which was disseminated to residents and the press. The letter falsely claims that a federal court ruling "confirms the Town's long-standing position" regarding Lost Lake and asserts a continuing commitment to "transparency." As someone who typically avoids engaging with misleading public statements made by the Town or the Supervisor I am making an exception, to set the record straight, as these claims misrepresent the truth and undermine public trust.

The Supervisor's portrayal of the federal court's ruling is inaccurate. The court's decision was based solely on procedural grounds, specifically, a lack of Subject Matter Jurisdiction due to "ripeness", and did not evaluate the merits of the Town's actions. Far from validating the Town's conduct, the court noted the allegations included "discriminatory public comments" and discriminatory remarks by several named defendants expressing concerns about a "religious takeover" (Doc. #177-12).

As widely reported the allegations of the complaint reveal a deeply troubling pattern of discrimination, which the court did not address due to its holding on ripeness and its jurisdictional constraints. To present this ruling as an endorsement of the Town's actions is misleading. To spin this as validation of the Town's conduct or statements contained in its emails is both disingenuous and shameful.

The Supervisor's claim of "transparency" is equally hollow. For those who have closely followed the Town's conduct over recent years, the notion of transparency would be laughable, had it not been so sad. The Town has already been found in violation of the Freedom of Information Law (FOIL) in two separate appellate court decisionsⁱ; rulings it has still not complied with. Since then, further Town violations of FOIL, a law designed to ensure governmental transparency, have only compounded this unlawful conduct. If transparency were truly a priority, the Town would not repeatedly flout the very mechanisms and laws that are in place to uphold it.

Recently, the Supervisor stated publicly at a meeting that the Town is conducting an investigationⁱⁱ into allegations regarding the planning board chair, yet in response to FOIL, not a single record was produced, claiming none exist. How is that that transparent?

The Supervisor's lack of transparency extends to financial matters. Did the Town disclose to the public or its taxpayers the millions of tax chargebacks and future taxes that the Town and County taxpayers will ultimately be liable for, after the Town spent legal fees in the state supreme court, the state appellate division, and the court of appeals to litigate its indefensible positionⁱⁱⁱ, with the Town and County taxpayer left to foot the bill? How is that transparent?

Additionally, recently disclosed records reveal attempts to improperly influence media coverage. In one instance, the official town newspaper declined to publish a portion of the Supervisor's quote due to apparent libel concerns.^{iv} More recently, the Supervisor proposed a resolution to remove the Town's official newspaper, withdrawing it only after securing a "handshake" agreement for "fair" coverage^v. These actions undermine any claim of transparent governance.

The pattern of misrepresentation, obfuscation, and violations of FOIL and the Open Meetings Law, as detailed here and in previous correspondence to the Board. Withholding of information from the public, is inconsistent with the principles of public service. I urge the Board to confront these issues directly and take immediate steps to restore integrity and genuine transparency to our town's operations. The public deserves leadership that prioritizes integrity, accountability, and true transparency, free of discriminatory or ulterior motives.

Sincerely,

Jehuda Miller

ⁱ MATTER OF LOST LAKE HOLDINGS LLC v. Hogue, 231 AD 3d 1413 - NY: Appellate Div., 3rd Dept. 2024, and MATTER OF LOST LAKE HOLDINGS LLC v. Hogue, 231 AD 3d 1406 - NY: Appellate Div., 3rd Dept. 2024.

ⁱⁱ At the March 2025 public meeting the Town supervisor stated that the town board has an ongoing investigation into that.

ⁱⁱⁱ In MATTER OF LOST LAKE RESORT, INC. v. Board of Assessors for the Town of Forestburgh, 222 AD 3d 1091 - NY: Appellate Div., 3rd Dept. 2023, the court held: Moreover, the approach urged by respondents is particularly inappropriate in this case, where respondent Town of Forestburgh is refusing to grant permits to build on any of the lots until roads, a centralized water supply system, and other utilities and improvements are installed.

^{iv} Stating: Just ran your response past our Libel Attorney in Syracuse. He made the following recommendation based on the Sullivan County Democrat's legal exposure.

^v The minutes of the April 2025 meeting contain the following entry: Resolution Naming "official newspaper"-Supervisor Hogue – based on the comments I have a request from Fred that some sort of handshake agreement or thumbs up that the paper will tries its best to be unbiased and report all stories equally. So that being said the town board reconsidered keeping the democrat as the official newspaper.

June 19th, 2025

Dear Town Board members,

I write this letter and formally submit it to be read as unanimously voted on by the club to do so at the August, 2025 Town Board Meeting on behalf of myself and the Forestburgh Senior Citizens Club as a response to the continued attempts to defund the club.

Although I no longer attend board meetings due to the fact that I cannot stomach the tension as it makes me physically ill because of the continued attacks on the Senior Club by Susan Hawvermale and Gifford Shriver but I am fully aware of what's going on. I choose not to attend as I'd rather not argue in public or be subjected to the lies and abuse and at 85 years old I shouldn't have to. Why the Town Board allows this to continue is beyond me.

I have devoted decades to preserving the Senior Club and promoting a sense of community only to have my efforts trashed by these two individuals. Now it's my, and the club members turn to be heard. We've been quiet but we've had enough and insist that we be heard publicly as the board has allowed Ms. Hawvermale and Ms. Shriver to be heard for years. The board must insure that their childish and spiteful behavior be put to an end. Everyone knows that their mission for years has been to destroy the senior club and they disguise that behind lies which create problems that don't exist.

Lie #1 is that the club is closed or that it's a private dining club. Because of Susan Hawvermale and Gifford Shriver the club's funding was cut in half to \$2,500 per year yet the club remains appreciative. We have all put in our own money to keep the club going. The club was never closed permanently and even remained open to new members during Covid. We simply had our membership drive annually in July and stopped taking applications until we restructured the club due to the reduced funding. The

only issues we had were when Susan Hawvermale and Gifford Shriver amended the club meeting minutes to suit their agenda, spent club funds without a vote to do so by the membership and Ms. Shriver failed to file the club tax returns as required and did not inform the club thereby costing the club hundreds of dollars which were paid not out of town tax dollars but out of donated funds. The club had every right to demand that they pay those funds back but we did not and covered the fines and expenses ourselves. The club structure was amended because of their actions in order to prevent this kind of thing from happening again. In fact the application and dues were put in place from suggestions by others and not initiated by the club membership so again the complaints and ridiculous remarks are misplaced. The fact is that when dues were \$10 for many years we rarely had anyone new interested in joining so anything the club amended has had no impact at all. Even when Ms. Hawvermale and Ms. Shriver were the administrators of the club for a short time they had a big membership drive at the \$10 rate which only brought 2 new interested members who were brought in by them personally and they never came back.

Lie #2 is that the club is administrated inappropriately. The truth is that our town attorney reviewed the senior club administration a couple of years ago and reported to the town board that there were no issues of concern and that the town simply funds the club yet does not oversee it's function or administration. However, the lies and complaints continue because the truth never mattered to them. It's their life's mission to defund the club. What kind of people do such a thing? That is truly sad and pathetic.

Mr. Hogue stated at the June meeting, as did our town attorney as mentioned, that the town merely provides a small stipend to the club but does NOT oversee the club's function or administration. So the question is WHY does the town board allow the continued harassment and lies to be repeated dozens of times at board meetings? This must end and the club will not tolerate it anymore.

The truth is that the Senior Club meets and discusses topics which pertain to senior life. We present and discuss senior health topics, financial

planning for seniors, concerns unique to senior life, cooking, gardening, pet care etc. We have gone on river cruises, museum tours, visited historical sites and other activities appropriate to what the membership is capable of attending. We have also donated personal funds as a club to women's shelters and to needy children in the Sullivan County community. It's much more than just going out to enjoy a meal and fellowship. Because many of us are older we have lost loved ones and we have faced significant health challenges. As a club we have been there to support one another through these difficult times. It's so important, as Mr. Hogue pointed out, for older residents to have others to share time with and have a reason to get out of the house however limited our capability.

The fabricated complaints and attacks on us are unwarranted and only serve to demonstrate that Susan Hawvermale and Gifford Shriver use any tactic they can to attack the club out of spite. We absolutely will not tolerate this anymore and we are under no obligation to justify anything about the club or to provide any information which will only be used to further their nasty attacks. We hope this puts an end to this and we can move forward free of the spiteful remarks and harassment from this point on. We're counting on the town board to make sure that happens.

Sincerely,

Sabina Toomey

Sabina Toomey, Lead Core Member of the Forestburgh Senior Club

UNFINISHED BUSINESS

911 Numbering – Jim Steinberg – in process

Forestburgh Day – Councilperson Ellsweig- will be held on September 20th from 12 noon to 4pm. Firehouse is going to supply food and drinks. There will be a yard sale and craft booths. Firehouse and fire engine tours, local vendors, a star Dome (which is a portable planetarium) and a bounce house. Next meeting with the executive group for this project will be on August 27th.

Town Line Solar Update -Supervisor Hogue – There a huge 200 MW solar project RWE is the company doing it on the town line. 1300 acres of 3000 acre parcel the bulk of it is in the Town of Thompson. 3 or 400 acres are in the Town of Forestburgh, that is why it's called town line. Which is by Melody Lake, Rose Valley Rd. The town has very little input on this, and New York State Office of Renewable Energy (ORES) handles it. They are expected to file their final application to the state to ORES sometime in November. Once that application is filed there is a 60 day clock where the municipalities, including Sullivan, Thompson and Forestburgh, can apply for ORES funds. There is \$200,000 available in a pot to split between everybody. Supervisor Hogue met with Sullivan County and Thompson supervisor to discuss a firm that would represent us jointly. The monies will be spent reviewing the documents so that they are compliant with some of the zoning laws and setback from the line sight distances. Supervisor Hogue recommended that the firm Harris beach be used, and Thompson and Sullivan County were on board with it. The firm will be paid for by the fund and there will be no cost to the town. A memorandum of agreement will be drafted between the three municipalities that will state Harris Beach will represent all three in this instance solely for ORES funds. Supervisor Hogue would like to ask the board for approval to enter into the memorandum agreement to retain Harris Beach to represent us as part of this agreement.

MOTION by Councilperson Ellsweig, seconded by Councilperson Budofsky to have Harris Beach represent the Town of Forestburgh for the memorandum agreement.

Vote: 5 ayes - 0 nays. Motion carried.

2026 Budget Process- Supervisor Hogue-town departments will be receiving budget packets by September 1st. Budget packets are due back to the supervisor no later than September 20th. Budget workshop will probably start in October after the October meeting.

Generators Bids – Supervisor Hogue – we have a grant for DASNY from the state of New York. Part of the grant is for generators, one for town hall and one for the highway dept in event of a power outage. I have some specs that I would like to put out for bid and pick a bid opening date. Bid opening date was agreed by the town board to be September 2nd at 2:45 p.m.

Historian - As town historian I have been contacted by Kristen Olsen project historian for Environmental Design & Research, Landscape Architecture Engineering, & Environmental Services (EDR) who inquired if there were any historical sites in the land encompassed by the project.

Since I had no knowledge, I contacted Gordon McAdam who is well known in the county for his vast historical knowledge. Also, his ancestral home is adjacent to the project. He reported as a child he and his brother roamed the woods in the area.

I arranged a meeting and Gordon reported finding a cone shaped mound unlike the usual local farmers made with stone in the way of his crop planting. I gave Gordon all the info to allow contact with Ms. Olson.

Then I contacted Ms. Olsen to inform her of the issue. The company also has an archeologist who will be the expert in the field. She was provided all the above information and will be in contact with Mr. McAdam. She will also provide me under separate cover any further information to submit to our town's historical website.

On further contact, Mr. McAdam will provide coordinates to help in the search.

I am very happy personally to have a project like this in our town that uses our sun in such a positive way and keeps the pristine nature of our special place.

Yours Truly,

Sabina Toomey

Town Historian

Noise Ordinance- Supervisor Hogue – we several people in attendance that send letters regarding noise ordinance, and I would like to have a motion to open the floor to those people that sent letters to speak on the issue. Councilperson Budofsky second.

Vote: 5 ayes - 0 nays. Motion carried.

Elizabeth Grund -for the past 3 summers there had been a three day festival of sorts where music was played at an extremely high volume with amplifiers. The issue that we are having is nobody can tell them that they are breaking the law or to quiet it down when they been making noise for eight straight hours. There is no rule in the noise ordinance that says that it has to be at a certain decibel level. So, what we are asking is, can we resolve this by updating the law to say during hours or during certain periods of time? What is considered an acceptable noise level, especially when you are using amplification, drums, microphones etc. That part 1. Part 2 is this property zoned for this kind of event. These are residential properties. We are a little disturbed by the amount of traffic and also there is no septic or well for water. So, what is the right usage of this land. **Supervisor Hogue** – I did call the code enforcement and the town attorney and advised them. The town will look into it. We do have to do some research.

REPORTS – BOARD MEMBER COMMENTS

Supervisor Hogue – I do want to say that the press release statement on the federal lawsuit, the judge ruled in the favor of the town's request to dismiss the charges. The dismiss charges against the town was because the applicant was found not to follow procedure and come before the town to change, amend his plan and went straight for lawsuits. There are however a trespassing and 4th amendment violation still pending and will be reviewed by the judge.

Note: No planning board report or Fire Department report was issued.

Supervisor Hogue stopped the meeting due to numerous interruptions and motion to go into executive session.

ADJOURNMENT INTO EXECUTIVE SESSION – MOTION by Supervisor Hogue to enter into executive session for the purpose to discuss litigation and personnel, pertaining to the assessor office at 6:45 p.m. Attorney Johnstone and Richard Robbins were invited into executive session.

Enter into executive session at 6:50 p.m.

Motion out of executive session at 7:34 p.m.

MOTION by Councilperson Landis to appoint Judy Flieger as Sole Assessor for the Town of Forestburgh commencing 10/1/2025, second by Councilperson Galligan.

Vote: 5 ayes - 0 nays. Motion carried.

ADJOURNMENT – MOTION by councilperson Budofsky to adjourn at 7:35 p.m.

Respectfully submitted,

Teresa Collins,
Town Clerk