

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, September 4, 2025**, at the town hall.

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

Roll Call: Present – Steven Budofsky, Councilperson
Susan Parks Landis, Councilperson
Vincent Galligan, Councilperson

Absent Daniel S. Hogue, Jr., Supervisor
Karen Ellsweig, Councilperson

Recording Secretary Teresa Collins, Town Clerk

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

Councilperson Budofsky –

Forestburgh Town Board Meeting Opening Statement 9/4/25

For the past number of years various members of the public in attendance at meetings have consistently failed to comply with posted and publicly read meeting rules and procedures. There is zero respect for the meeting process or for town officials whatsoever.

The supervisor has attempted to create a sense of community and a pleasant environment for both those in attendance, for the town board and for town officials but his efforts have been disregarded completely. Despite citing rules and procedure at virtually every town board meeting, issues of disruption and interference with the deliberative process continue to be of concern. It went so far at the August meeting that the authority of the supervisor and town board members to enforce rules of procedure was challenged resulting the meeting being adjourned due to persistent disruptions and outrageous and hostile behavior. This behavior will not be tolerated by either the supervisor or town council members and the board

will exercise its authority, as a group or individually, to the fullest extent in order to conduct meetings as stipulated under NYS law.

To clarify yet again, under the Open Meetings Law the single purpose of a town board meeting is for town officials to conduct town business. Members of the public are entitled to attend regular board meetings to observe. Observe as in watch, look and listen. There is no obligation for there to be public comment nor is there any obligation to entertain questions. The town board may not include public comment at all or may limit public comment to a specific agenda item or items at any point during a meeting. No public comment is permitted at any town board workshop. When the courtesy of public comment is extended it is expected that the rules of procedure and decorum are acknowledged and adhered to.

In addressing the inappropriate behavior repeatedly displayed at meetings, it must be stated that the town board is not a whipping post to take out your frustrations on nor are it's members here to be badgered, harassed or challenged in their authority to conduct business on behalf of the town. This completely unacceptable behavior must stop and will not be tolerated. Members of the public in attendance should also not be subjected to the tense and hostile environment which has been created. This is not the first time that this issue has required attention yet these serious issues of concern remain unresolved.

No more attacks or unsubstantiated accusations against any group, individual or town official. No more speaking out of turn at any time or speaking outside of the public comment portion of the meeting unless being acknowledged by the supervisor or chairperson. No more antagonistic or slanderous remarks. No more questions or comments in an attempt to bait, intimidate or harass town officials or members of the public. No more attempts to divert the board's attention from the business at hand. If and when given the opportunity to speak, members of the public will address the board in a civil and respectful manner. Conversations between members of the public, calling out random comments or questions, constant exiting and re-

entry from the meeting room and any other violation of the posted rules of procedure are considered disruptive.

Agenda topics are listed for the purpose of discussion and possible action by the town board. They are NOT listed for the purpose of allowing anyone to expand the scope of which they are intended in order to further their own personal agenda or to voice complaints. Bills to be paid upon board authorization are NOT an invitation to address a broader issue you may have. The approval of meeting minutes by the board is only to insure that a record of all motions, proposals, resolutions and any matter formally voted on is included and is NOT for the purpose of entertaining complaints regarding content. An agenda topic such as scheduling a budget workshop does NOT allow for any questions or comments pertaining to the budget itself. Issues regarding agenda topics which have been previously addressed by the board will not be continually heard or addressed over and over simply because you are not happy with an answer or outcome. Board or committee reports are provided to impart information and they are NOT an invitation to call out random comments or questions.

Points of order may be raised by any member of the town board at any time during a meeting when meeting rules are violated and under the Open Meetings Law councilpersons may insist that the rules are enforced.

Individuals who violate the rules of meeting procedure and decorum will forfeit their allotted time to speak during public comment. Members of the public challenging the supervisor's or board member's authority to enforce meeting rules or who exhibit an unwillingness to comply with directions may be removed from the meeting by authorities and may also be charged with trespass and disorderly conduct. Board will not be hearing any public comments or entertaining any questions. Any attempts to disrupt the meeting will be met with strict enforcement of the rules

MINUTES – August 7, 2025, regular town board meeting minutes are acknowledged receipt.

MOTION by Councilperson Landis, seconded by Councilperson Galligan.

Vote: 3 ayes – 0 nay. Motion carried.

GENERAL FUND VOUCHERS - #144-154 in the sum of \$2,831.75 as set forth in abstract #8 of 2025 were audited for payment. **MOTION** by Councilperson Galligan, seconded by Councilperson Landis to pay for the General Fund Vouchers 2025. Vote: 3 ayes – 0 nay. Motion carried.

HIGHWAY FUND VOUCHERS - #102-110 in the sum of \$17,940.68 as set forth in abstract #8 of 2025 were reviewed. **MOTION** by Councilperson Landis, seconded by Councilperson Galligan, to accept the Highway Fund Vouchers 2025. Vote: 3 ayes - 0 nays. Motion carried.

CORRESPONDENCE –

09/04/2025

Town Board

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

Dear Members of the Town Board:

I write once again to respectfully request that you immediately cease the troubling discriminatory conduct during meetings. This behavior is not only inappropriate but may also violate applicable state and federal laws, including those governing open meetings and federally protected constitutional rights.

As you are aware and as detailed in my prior correspondence, the general "public comment", listed on the agenda for years, was unilaterally removed following public opposition statements at a town board meeting including Orthodox Jews regarding a proposed moratorium.

Nevertheless, the Supervisor publicly encouraged Justin Evans to read correspondence concerning Lost Lake into the record, despite the matter not being listed on the agenda.

Subsequently, and once again unilaterally, the Supervisor altered the long-standing practice after I submitted correspondence critical of the Town's conduct, by refusing to read such correspondence publicly at the meeting.

Even more egregiously, at the last meeting, the Supervisor, contrary to how he treated Justin Evans, prevented a visibly Orthodox Jewish individual from speaking by stating, and I quote, "Lost Lake is not on the agenda." Yet, the Supervisor himself proceeded to discuss Lost Lake later in the meeting. When requested to address this inconsistency, the Supervisor refused to permit the comment or provide an explanation, instead abruptly adjourning to executive session.

Similarly, at the same meeting, I had to request to speak three times during discussion of the noise ordinance, while others were granted the opportunity right away.

Sadly, at this meeting, unilaterally and apparently for the first time ever, public comment was removed from the agenda altogether in an apparent attempt to silence the Jewish voice. How

shameful.

I must also express my disappointment that, while it is nice the Board is organizing a "Forestburgh Day" event after a long absence to "unite the community," it chose to schedule it on Saturday, a day on which, as the Town is aware, Orthodox Jews cannot participate. This has already been done before, when the Town pre-scheduled and held the new zoning law workshop on Saturday despite a formal written protest.

On a separate but related matter, I have previously submitted correspondence regarding the Town's persistent violations of the Freedom of Information Law (FOIL). Yesterday, I submitted a letter correspondence to the board addressing more issues, including that it appears that the Town has submitted a false affidavit to the courts and that Deputy Supervisor Steven Budofsky has provided an untruthful sworn declaration.

Specifically, on May 13, 2025, in a decision on a FOIL appeal, the Town Supervisor certified that the Town does not maintain email addresses and possesses no list of Town officials' email addresses, stating:

Pursuant to Public Officers Law §89(3)(a), and in light of your request for formal certification, the Town hereby certifies that, following a diligent search of its records, it does not possess any records responsive to the request for work emails or work cell/desk phone numbers for individual Planning Board or Town Board members.

This certification is directly contradicted by the Town's own sworn declarations in court proceedings, wherein the Town provided a list of such email addresses, stating:

I hereby certify the Attachment A herein are email addresses for the identified Town Official.

As the court in Matter of Lost Lake Holdings LLC v. Hogue, 231 AD3d 1406 – NY Appellate Div., 3rd Dept. 2024 noted:

The FAO stated in his response to petitioner's appeal that, although the Town does not maintain its own email server, '[a]ll Town officials are encouraged to establish email accounts with a commercial email provider to be used solely for Town business' and that most officials had done so. As noted in Supreme Court's judgment, respondents have provided petitioner with a list of email addresses for the Town officials named in the category 8 request, which substantially mirrors those officials named in category 6.

These inconsistent certifications and sworn statements are very concerning, to say the least.

Furthermore, Board Member and Deputy Supervisor Budofsky averred in a sworn statement and in an email to the undersigned that the only email address he uses for Town business is stevebudofsky@yahoo.com. However, in a separate sworn statement submitted by the Town, it was affirmed that the only email address he uses for Town business is thisbuds4u4@yahoo.com, stating:

Steven Budofsky who uses thisbuds4u4@yahoo.com. The Town does not maintain records of any other email for Councilperson Budofsky.

Not only do these statements contradict one another and may amount to perjury. I believe both are false, as evidence demonstrates that Budofsky has utilized both email addresses for Town business.

This conduct is particularly troubling given Budofsky's repeated public proclamations that all Town affairs are conducted properly.

This ongoing pattern and practice is deeply concerning and deserves your immediate attention. I once again urge you to take these matters seriously, address them directly and transparently, and take all necessary corrective actions to ensure compliance with the law.

Sincerely,

Yehuda Miller

UNFINISHED BUSINESS

911 Numbering- still in process and will be table.

Forestburgh Day- is scheduled for September 20th. Flyer has been posted in the newsletter

Generators Bids – Councilperson Budofsky – townhall only received one bid. We are tabling it for next month.

Town Line Solar MOU

MOTION by Councilperson Galligan, seconded by Councilperson Landis to adopt the resolution for the Memorandum of Understanding for Coordinated Review of the Townline Solar Project.

Vote: 3 ayes – 0 nay. Motion carried

TOWN OF FORESTBURGH
TOWN BOARD RESOLUTION NO. 2

**APPROVING A MEMORANDUM OF UNDERSTANDING FOR COORDINATED REVIEW OF THE
TOWNLINER SOLAR PROJECT**

DATED SEPTEMBER 4, 2025

WHEREAS, the Townline Solar Project ("Project") is proposed to be located within the Town of Forestburgh and the Town of Forestburgh, Sullivan County, New York; and

WHEREAS, the Project will be subject to review by the New York State Office of Renewable Energy Siting ("ORES") pursuant to Executive Law § 94-c and its implementing regulations; and

WHEREAS, Sullivan County, the Town of Forestburgh, and the Town of Thompson (collectively, the "Participating Governments") each have an interest in ensuring that the Project is reviewed in a coordinated manner that protects environmental, land use, public health, safety, and community interests; and

WHEREAS, ORES regulations provide for the availability of local agency account ("intervenor") funds to assist municipalities and local parties in participating in the permitting process; and

WHEREAS, the Participating Governments desire to jointly engage legal counsel and environmental/planning consultants to assist with the coordinated review of the Project and to maximize the potential to obtain and efficiently use intervenor funds; and

WHEREAS, the Participating Governments have prepared a Memorandum of Understanding ("MOU"), annexed hereto as **Exhibit A** and made a part hereof, to memorialize the framework for such coordinated review;

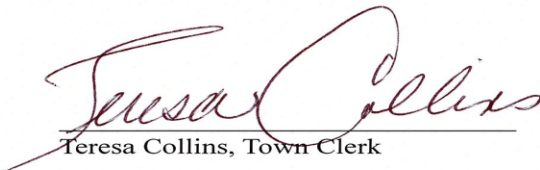
NOW, THEREFORE, BE IT RESOLVED by the Town of Forestburgh Town Board as follows:

1. The Town Board hereby approves the MOU in substantially the form annexed hereto as Exhibit A, with such non-material changes as may be approved by the Supervisor/in consultation with counsel.
2. The Supervisor is hereby authorized and directed to execute the MOU on behalf of the Town Board and to take such further actions as may be necessary to carry out the intent of this Resolution.
3. This Resolution shall take effect immediately.

TOWN CLERK CERTIFICATION

I, the undersigned Town Clerk of the Town of Forestburgh, do hereby certify that the foregoing resolution was duly adopted by the Town Board at its meeting held on the 4 day of September 2025, and that the same is a true and correct transcript therefrom.

Dated: September 4, 2025
Forestburgh, New York


Teresa Collins, Town Clerk

MEMORANDUM OF UNDERSTANDING

By and Between

**THE COUNTY OF SULLIVAN, through its Division of Planning, Community Development
and Environmental Management**

-and-

TOWN OF THOMPSON

-and-

TOWN OF FORESTBURGH

This Memorandum of Understanding (“MOU”) is entered into by and between Sullivan County, the Town of Thompson, and the Town of Forestburgh (collectively, the “Participating Governments,” and individually, a “Party”) for the purposes set forth herein.

RECITALS

WHEREAS, the Townline Solar Project (“Project”) is proposed to be located within the Town of Thompson and the Town of Forestburgh, Sullivan County, New York; and

WHEREAS, the Project will be subject to review by the New York State Office of Renewable Energy Siting (“ORES”) pursuant to Executive Law § 94-c and its implementing regulations; and

WHEREAS, the Participating Governments each have an interest in ensuring that the Project is reviewed in a coordinated manner that protects environmental, land use, public health, safety, and community interests; and

WHEREAS, ORES regulations provide for the availability of local agency account (“intervenor”) funds to assist municipalities and local parties in participating in the permitting process; and

WHEREAS, the Participating Governments desire to jointly engage legal counsel and environmental/planning consultants to assist with the coordinated review of the Project and to maximize the potential to obtain and efficiently use intervenor funds;

NOW, THEREFORE, the Participating Governments agree as follows:

1. Purpose

The purpose of this MOU is to establish a cooperative framework for the joint review of the Project, including the joint engagement of legal counsel and environmental/planning consultants, and to outline the mutual understandings regarding cost-sharing, coordination, and decision-making.

2. Coordination Committee

- a. The Participating Governments shall establish a Coordination Committee consisting of one designated representative from each Party.
- b. The Coordination Committee shall oversee the activities described in this MOU, make joint recommendations regarding consultant selection and work scope, and serve as the primary point of contact with retained professionals.

3. Engagement of Counsel and Consultants

- a. The Participating Governments shall jointly select and engage:
 - i. Legal counsel to represent their collective interests in the ORES proceeding and related matters; and
 - ii. Environmental/planning consultants to provide technical review and expert input.
- b. The contracts with such professionals shall identify the Participating Governments as joint clients.

4. Intervenor Fund Applications

- a. The Participating Governments shall jointly apply for intervenor funds made available by ORES under 19 NYCRR § 900-5.
- b. If intervenor funds are awarded, they shall be allocated to pay for the jointly retained legal counsel and consultants in accordance with the approved work plan and budget.

5. Cost-Sharing

- a. It is the intent of the Participating Governments that the joint engagement of legal counsel and consultants will be **revenue neutral**, with all such costs to be paid from local agency account intervenor funds awarded by ORES pursuant to 19 NYCRR § 900-5.
- b. To the extent that professional fees are not fully covered by intervenor funds, the Participating Governments shall confer through the Coordination Committee to determine whether to proceed with the expenditure and, if so, agree upon a written allocation of any uncovered costs.
- c. No Party shall be obligated to expend funds beyond the amount authorized by its governing body.

6. Decision-Making

Decisions regarding consultant work scope, strategic positions, and expenditures shall be made by consensus of the Coordination Committee. If consensus cannot be reached, each Party retains the right to act independently.

7. Term and Termination

This MOU shall become effective upon execution by all Parties and shall remain in effect until the conclusion of the ORES permitting process for the Project, unless terminated earlier by mutual written agreement. Any Party may withdraw upon thirty (30) days' written notice to the other Parties.

8. Non-Binding Nature

This MOU is intended to express the mutual understandings of the Parties regarding cooperation on the Project review. Except as otherwise expressly provided herein, it does not create legally binding obligations and shall not be construed as a contract for services.

9. Execution in Counterparts

This MOU may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the undersigned have executed this Memorandum of Understanding as of the dates set forth below.

Dated: September __, 2025

SULLIVAN COUNTY, NEW YORK

By: _____

Heather Brown, Commissioner, Division of
Planning, Community Development and
Environmental Management

Dated: September __, 2025

TOWN OF THOMPSON, NEW YORK

By: _____
William J. Rieber, Jr., Town Supervisor

Dated: September __, 2025

TOWN OF FORESTBURGH, NEW YORK

By: _____
Daniel S. Hogue, Jr., Town Supervisor

NEW BUSINESS

Set dates 2026 Budget workshops – Councilperson Budofsky – 1st budget workshop date 10/7/2025 at 5pm. Second budget workshop date 10/15/2025 at 5pm.

REPORTS – BOARD MEMBER COMMENTS

PLANNING BOARD – Chairperson Robbins-there are two matters on the agenda one involving a grand luxury retreat on Tannery Road and the other matter is a land subdivision/land division.

ADJOURNMENT – MOTION by Councilperson Budofsky to adjourn at 6.14 p.m.

Respectfully submitted,

Teresa Collins,
Town Clerk