

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, October 2, 2025**, at the town hall.

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

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

Absent Karen Ellsweig, Councilperson

Recording Secretary Teresa Collins, Town Clerk

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

MINUTES – September 4, 2025, regular town board meeting minutes are acknowledged receipt. **MOTION** by Councilperson Landis, seconded by Councilperson Budofsky. Supervisor Hogue abstains. Vote: 3 ayes – 1 nay. Motion carried.

GENERAL FUND VOUCHERS - #155-168 in the sum of \$17,465.84 as set forth in abstract #9 of 2025 were audited for payment. **MOTION** by Councilperson Budofsky, seconded by Councilperson Landis to pay for the General Fund Vouchers 2025. Vote: 4 ayes – 0 nay. Motion carried.

HIGHWAY FUND VOUCHERS - #111-124 in the sum of \$9,994.83 as set forth in abstract #9 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 –

10/01/2025

Town Board

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

Dear Members of the Town Board:

My correspondence last month respectfully requested in some detail that you immediately cease the troubling discriminatory conduct during meetings. And that the behavior is not only inappropriate but may also violate applicable state and federal laws, including those governing open meetings and federally protected constitutional rights.

Regrettably, this month's Board Meeting is scheduled to occur on Yom Kippur, which the Town knows is widely considered the holiest day in the Jewish calendar. While the Town has rescheduled meetings in the past for religious reasons, it has chosen not to do so now, when I and others in my community who regularly and consistently attend cannot be present, which I consider not only extremely disappointing but outright shameful.

As Yom Kippur is fast approaching and the agenda was just posted, preventing me from fully reviewing all items and addressing some of the issues, this letter will accordingly be brief and address limited issues.

First, it once again appears that the Town is engaging in conduct that is certainly not transparent, but more importantly run afoul of the statutes governing open meeting laws. For instance, the agenda includes resolutions regarding FOIL appeals, Resolution LL#1 2025 introductory resolution on Battery Storage Facilities, and a policy on public decorum. While some actual documents were uploaded, none of them was discussed publicly, let alone requested by the board publicly to prepare as a proposed resolution, local law, or policy.

Second, as you are likely aware, the New York State Committee on Open Government recently advised that, in its opinion, the Town's conduct with regard to FOIL and Open Meetings Law is inconsistent with the law. For instance, it held that:

[T]he Town's certification language makes no sense. The Town states that it declines to attach all responsive records because to do so would be burdensome but then certifies that "no records responsive to Request 8 other than those attached were found or are in the Town's possession" (emphasis added). The certification is, on its face, inaccurate, and in our opinion is inconsistent with the requirements of the Law.

The conduct described above compounds these ongoing concerns.

Third, the Committee confirmed what the Town has already been on notice of by myself for years: that the Supervisor unilaterally deciding FOIL appeals is inconsistent with the Committee's regulations (which have the force of state law) and the Town Code. The Town, after being aware and on notice for years that they are violating the law, now appears to attempt to resolve this by section 3 of the newly proposed resolution:

The Town Board hereby ratifies and confirms all prior FOIL appeal determinations rendered by the Town Supervisor, Daniel S. Hogue, Jr., on behalf of the Town.

I believe this section impermissibly sanctions illegal actions, especially where, as here, it is clear that the board does not have full knowledge of all material facts surrounding the acts to be ratified.

Finally, I respectfully ask that this resolution not be passed on Yom Kippur and that it wait for the

next monthly meeting where I can attend, so I can review the resolution and provide meaningful feedback ahead of the meeting.

Should the board choose to nevertheless go forward with the vote on the resolution, I respectfully request that the Town Board amend the resolution to excise Paragraph 3, which purports to ratify all prior FOIL appeal determinations by Supervisor Hogue, or, in the alternative, decline adopting the resolution at all in its current form.

Sincerely,

Yehuda Miller

UNFINISHED BUSINESS

911 Numbering- still in process and will be table.

Generators Bids- Supervisor Hogue – Last month the town received generator bids from Black Bear only. The proposal for each location totaling for both locations \$48,698 which includes all material, labor, electrical work and LP tanks. With ownership of all LP tanks, which gives the town the ability to buy propane at a reduced rate from a supplier. The generators will be covered by the grant money that the town receives. **Councilperson Galligan** motion that we accept the bid and start the process. **Councilperson Budofsky** seconded to accept the bid from Black Bear. Vote: 4 ayes - 0 nays. Motion carried.

NEW BUSINESS

2026 budget- Supervisor Hogue- The board confirmed tonight receiving a copy of the tentative budget. We have a budget workshop this Tuesday October 7th at 5pm. Supervisor Hogue asked the board to please review and write down any questions or concerns.

Foil appeals Resolution -

Town of Forestburgh

TOWN BOARD RESOLUTION

Designating FOIL Appeal Officer

Dated: October 2, 2025

At a meeting of the Town Board of the Town of Forestburgh, Sullivan County, New York, held at the Town Hall, 332 King Road, Forestburgh, N.Y., on the 2nd day of October 2025:

Supervisor Hogue offered the following resolution and moved for its adoption:

WHEREAS, the New York Freedom of Information Law (“FOIL”), Public Officers Law Article 6, requires that any denial of access to records be appealable to the head, chief executive, governing body, or such person or body as may be designated (§ 89[4][a]); and

WHEREAS, § 37-8(C) of the Code of the Town of Forestburgh designates the Town Board as the body to hear appeals under FOIL; and

WHEREAS, the Town Board recognizes that the Town Supervisor, as the chief executive officer of the Town, is authorized under state law to hear FOIL appeals and desires to designate the Town Supervisor to exercise such authority on behalf of the Town; and

WHEREAS, the Town Board further desires to ratify and confirm all prior FOIL appeal determinations made by the Supervisor in such capacity;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Forestburgh, Sullivan County, New York, as follows:

1. The Town Board affirms that the Town Supervisor, as chief executive officer of the Town, is already authorized under Public Officers Law § 89(4)(a) to serve as the FOIL Appeal Officer for the Town of Forestburgh, with the authority to hear and determine all administrative appeals under FOIL, and to the extent necessary, this resolution shall constitute express designation of the Supervisor as FOIL Appeal Officer.

2. To the extent that § 37-8(C) of the Town Code designates the Town Board as the appeals body, the Town Board hereby delegates that designation to the Town Supervisor, consistent with FOIL, as the Town’s FOIL Appeal Officer.

3. The Town Board hereby ratifies and confirms all prior FOIL appeal determinations rendered by the Town Supervisor, Daniel S. Hogue, Jr., on behalf of the Town.

4. This resolution shall take effect immediately.

On a motion by Councilperson Budofsky, seconded by Councilperson Landis, the resolution was adopted on a roll call vote, the results which follow:

Supervisor Daniel S. Hogue, Jr.
Councilmember Steven Budofsky

Aye
Aye

Councilmember Karen Ellsweig	Absent
Councilmember Vincent Galligan	Aye
Councilmember Susan Parks-Landis	Aye

Adopted this 2nd day of October 2025.

By Order of the Forestburgh Town Board

Teresa Collins, Town Clerk

I, **TERESA COLLINS**, Town Clerk of the Town of Forestburgh, Sullivan County, New York, **DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the Town of Forestburgh on **October 2, 2025** and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Forestburgh this 2nd day of October 2025.

Teresa Collins, Town Clerk

LL#12025 introductory resolution Battery Storage Facilities

Town of Forestburgh

RESOLUTION

Introducing A Local Law Regarding Battery Energy Storage Systems and Scheduling a Public Hearing Thereon

Dated: October 2, 2025

At a meeting of the Town Board of the Town of Forestburgh, Sullivan County, New York, held at the Town Hall, 332 King Road, Forestburgh, N.Y., on the 2nd day of October 2025, there were:

Supervisor Daniel S. Hogue, Jr.	Present
Councilmember Steven Budofsky	Present
Councilmember Karen Ellsweig	Not Present
Councilmember Vincent Galligan	Present
Councilmember Susan Parks-Landis	Present

Supervisor Hogue offered the following resolution and moved for its adoption:

WHEREAS, the Town Board of the Town of Forestburgh has determined that it is in the best interests of the Town to regulate the siting, construction, operation, and decommissioning of battery energy storage systems; and

WHEREAS, the Town Board has caused to be prepared a proposed Local Law No. 1 of 2025 entitled “Battery Energy Storage System Law of the Town of Forestburgh,” which would amend the Code of the Town of Forestburgh to add a new article establishing regulations for such systems; and

WHEREAS, pursuant to General Municipal Law § 239-m, the proposed local law must be referred to the Sullivan County Planning Department for review and recommendation;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF FORESTBURGH, SULLIVAN COUNTY, NEW YORK, AS FOLLOWS:

1. **Introduction of Local Law.** Local Law No. 1 of 2025 entitled “Battery Energy Storage System Law of the Town of Forestburgh” is hereby introduced before the Town Board of the Town of Forestburgh, in the County of Sullivan, and shall be subject to a public hearing as set forth below.
2. **Public Hearing.** A public hearing on the proposed local law shall be held at the Forestburgh Town Hall, [address], Forestburgh, New York, on **Thursday, November 6, 2025 at 6:00 p.m.**, at which time and place all persons interested shall be heard.

3. **Notice.** The Town Clerk is hereby directed to publish notice of said public hearing in the Town's official newspaper and to post the same on the Town signboard, all in accordance with applicable law.
4. **Referral to County Planning.** The proposed local law is hereby referred to the Sullivan County Planning Department for review pursuant to General Municipal Law § 239-m.

Availability of Text. The full text of said proposed local law shall be made available on the Town website and at the office of the Town Clerk for inspection by any interested person during regular business hours and shall also be posted on the Town's website.

On a motion by Councilperson Landis, seconded by Councilperson Budofsky, the resolution was adopted on a roll call vote, the results which follow:

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

Adopted this 2nd day of October 2025.

By Order of the Forestburgh Town Board
Teresa Collins, Town Clerk

I, **TERESA COLLINS**, Town Clerk of the Town of Forestburgh, Sullivan County, New York, **DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the Town of Forestburgh on **October 2nd, 2025** and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Forestburgh this 2nd day of October 2025.

Teresa Collins, Town Clerk

Justice Clerk Appointment-

JUSTICE COURT
TOWN OF FORESTBURGH
332 KING ROAD
FORESTBURGH, NEW YORK 12777
TEL. (845) 794.0611 Ext. 109
EFAX. (845) 483-8198

July 14, 2025

To: Supervisor Daniel Hogue
All Board Members
Town of Forestburgh

Dear Dan and Members of the Town Board,

After careful consideration and review I respectfully request that you approve my appointment of Ms. Florance Donlon as our Court Clerk effective immediately. Ms. Donlon brings with her over 26 years of experience in the NYS Court system working in the Village of Monticello Court as well as Village of Goshen Court. She is skilled and more than competent to take over the position in a seamless manner. She was in fact approved for the appointment prior to Regina Gunther but had to leave for personal reasons.

Thank you for your consideration with this matter.

As ever,



Hon. LeRoy C. Gunther

MOTION by Supervisor Hogue, seconded by Councilperson Landis, to accept Florance Donlon as the Court Clerk for the Justice. Vote: 4 ayes - 0 nays. Motion carried.

Deputy Building Inspector Appointment -



TOWN OF FORESTBURGH
332 King Road
Forestburgh, New York 12777

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

September 24th, 2025

Appointment of Deputy Code Enforcement Officer

Dear Supervisor and Town board members,

This letter is to inform the Town Board of Forestburgh N.Y., that the Building and Codes department is requesting to hire Peter Kunz as a part-time / per diem Deputy Code enforcement and building inspector in replacement of Glenn Gabbard.

I have attached his application, credentials and certifications to this letter.

Please feel free to contact this office with any questions you may have.

Regards

A handwritten signature in blue ink, appearing to read "Kaitlen Castillo".

Kaitlen Castillo

Code Enforcement Officer

Town of Forestburgh

MOTION by Councilperson Budofsky, seconded by Councilperson Galligan, to accept Peter Kunz as the Deputy Code enforcement and building inspector replacing Glenn Gabbard.

Vote: 4 ayes - 0 nays. Motion carried.

Surplus equipment –

SURPLUS EQUIPMENT 2025

IBM PERSONAL WHEELWRITE 2

EPSON STYLUS COLOR 640 (A681212659)

ESPON STYLUS COLLOR 777 MODEL #P230A SER#CP5E764244

HP LASER JET 1022 (WNB3H58352)

IBM SECTRIC II

NEXLINK WINDOW VISTA (SN145069) SER#00144479620919)

ACER 19 W LCD 82806529540

METAL BLACK TYPEWRITER TABLE

DELL XOP WINDOW PROFESSIONAL 45625721491

DELL CN08G157-47606-2AEBBV6

NEXLINKH81M-A 1061766

MOTION by Supervisor Hogue, to declare surplus equipment with no value seconded by Councilperson Landis. Vote: 4 ayes - 0 nays. Motion carried.

Policy on public decorum-

RULES OF CONDUCT AND DECORUM FORESTBURGH TOWN BOARD MEETINGS

WHEREAS, Article 7 of the New York State Public Officers Law (also known as the Open Meetings Law) gives members of the public the right to attend and observe Town Board Meetings and Work Sessions (Town Meetings), however it does not give the public the right to speak, or otherwise participate at those meetings, except if there is a public hearing scheduled;

WHEREAS, notwithstanding the absence of a statutory right to speak and participate at Town Meetings, the Board believes that such a right is fundamental and grounded in historical public participation in Forestburgh;

WHEREAS, due to recent events the Board does not feel that public participation is, nor should be unfettered;

WHEREAS, Section 63 of New York State Town Law authorizes the Board to determine its own rules of procedure for conducting Town Meetings;

WHEREAS, in order to prevent verbal interruptions, shouting or other outbursts, and other behavior that interferes with the deliberative process;

WHEREAS, to ensure that the public has an opportunity to participate without fear and with clear expectations;

WHEREAS, the New York State Committee on Open Government (the New York State Committee charged with overseeing and advising on the Open Meetings Law) has agreed that reasonable rules may be adopted to limit the length, general nature, and time when public comments may be heard, in order for the Board to consider various points of view and run an efficient meeting; and

WHEREAS, the New York State Committee on Open Government has stated that any such rules could serve as a basis for preventing verbal interruptions, shouting or other outbursts, as well as slanderous or obscene language or signs, and that a town board could regulate actions of the public attending meetings so as not to interfere with meetings or prevent others in attendance from observing or hearing the deliberative process; and

NOW THEREFORE IT BE RESOLVED THAT, the Town Board of Forestburgh hereby formally adopts the following rules of decorum and conduct at public hearings and public meetings:

1. Except for public hearings duly designated as such by action of the Town Board, public participation at meetings of the Town Board shall be limited to the public participation segment of the agenda of Town Board meetings and not at Town Board Work Sessions.
2. Public comment, whether during the public participation segment of the Town Board meeting or during a duly designated public hearing, shall be limited to three minutes per person. An individual's time may not be given or traded to other speakers or reserved for other portions of the meeting.
3. Any person wishing to speak at a public meeting during the public participation segment or during a public hearing must sign in upon entering the room, when such sign-in sheet is available, indicating their intention to speak, which sheet will be used by the Supervisor or the presiding officer to recognize speakers.
4. Any individual wishing to speak during the public participation segment or during a public hearing when a sign-in sheet is not available shall raise their hand. When recognized by the Supervisor or the Chair, the individual must stand and state their name and, if appropriate, group affiliation, and address within Town of Forestburgh, and must state the subject they will address.

5. Comments must relate to the purpose of the public hearing or to legitimate town business.
 - a. If, in the opinion of the Supervisor or the Chair, comments by a member of the public during the Public Comment Period, Public Hearing, or Special Public Information Meeting are not related to Town Business or in any other way violates these Rules, the Supervisor will notify the speaker to either redirect his or her comments to Town business or otherwise follow the Rules. If the individual persists to violate these Rules, he or she will be asked to stop speaking.
 - b. Matters unrelated to Town business, including purely private property disputes, issues wholly outside the jurisdiction of the Town, or discussion of matters resolved by final court judgment that no longer require Town action, may be ruled out of order.
 - c. Invoices, vouchers and/or previous minutes shall not be used as a topic of broad discussion and any comments relating thereto shall be limited to the substance of the same.
6. The Supervisor or the Chair shall act as timekeeper or shall designate another elected official as timekeeper.
7. Members of the Town Board, speakers and audience must observe proper decorum. Any statements made during a public hearing by the Supervisor, Town Board member, town officials, or employees, or members of the general public shall not involve threats of violence, obscenity, or persistent personal attacks that disrupt the orderly conduct of the meeting.
8. The Supervisor or Chair shall control the meeting. The use of obscene, threatening, or persistently disruptive language directed at the Supervisor, Members of the Town Board, town officials or employees and Members of the general public, or statements by a person attending the meeting which are not made during the public participation segment of the agenda or during a public hearing is prohibited where it disrupts the orderly conduct of the meeting.

9. It is inappropriate to utilize a public meeting for the purpose of partisan campaigning or unrelated electioneering. Comments must be limited to Town business.
10. Comments by speakers must be addressed to the Town Board. Attendees may not address the Town Board unless recognized by the Supervisor or the Chair.
11. Discussion between speakers and attendees of the public meeting or hearing are prohibited. A speaker may disagree with or support prior speakers in comments directed to the Town Board.
12. Banners, flyers or other signs are not permitted in the meeting room; distribution of flyers in the meeting room is also not permitted.
13. No member of the public shall engage in any demonstration, booing, hand clapping, or otherwise disrupt the formality of a town board meeting.
14. If the Supervisor or the Chair fails to enforce the rules set forth above, any Member of the Town Board may move to require them to do so, and an affirmative vote of a majority of the Town Board shall require them to do so. Any decision relating to enforcement of the rules set forth above may be appealed and overturned by a vote of a majority of the Town Board Members.
15. Any person who disregards the directives of the Supervisor or the Chair in enforcing the rules or who generally conducts himself or herself in a boisterous or inappropriate manner while addressing the Town Board disturbs the peace at a meeting and will be barred from further participation and forfeit any balance of time remaining for their comments.
16. A person who has been asked to stop speaking because they have violated these Rules more than twice may be removed from the remainder of that meeting. Repeated violations at subsequent meetings may result in removal on a meeting-by-meeting basis.
17. If a speaker or member of the general public who has violated these rules refuses to step down or cease their conduct in violation of these rules, the Supervisor or the Chair may ask for the individual to be removed from the meeting room. Referral to law enforcement shall be a last resort, reserved for persistent or egregious disruption constituting disorderly conduct under the Penal Law.

18. All cell phones and pagers must be turned off.

The above rules shall take effect at the next meeting of the Town Board after the adoption of these rules.

MOTION by Councilperson Budofsky, seconded by Councilperson Landis to adopt the rules of conduct and decorum for the Town of Forestburgh Town Board Meeting. Vote: 4 ayes - 0 nays. Motion carried.

REPORTS – BOARD MEMBER COMMENTS

PLANNING BOARD – Chairperson Robbins- There was no September meeting.

FIRE DEPARTMENT – Roast beef dinner this Saturday from 4 pm to 7 pm. There is a burn ban from now to October 15, 2025.

Town of Forestburgh Highway Dept. HIGHWAY REPORT Highway Superintendent,

October 2025

Roads

We will continue to ditch roads, cut back bushes along the roads

Paving

We will be doing more paving around town and pot hole repair

Winter Hours

Winter hours have started this week Monday-Friday 7:00am till 3:30pm

Chips

Chips paper work has been submitted for payment, will be receiving payment in December

Thank You

Highway Superintendent



ADJOURNMENT INTO EXECUTIVE SESSION – MOTION by Supervisor Hogue to enter into executive session for the purpose to discuss litigation at 6:35 p.m. Attorney Johnstone and Richard Robbins were invited into executive session.

Enter into executive session at 6:40 p.m.

No action taken.

ADJOURNMENT – MOTION by councilperson Galligan to adjourn at 7:25 p.m.

Respectfully submitted,

Teresa Collins,
Town Clerk