

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

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, September 3, 2026**, at the town hall.

Supervisor Hogue called the meeting to order at 6:00 P.M.

Roll Call: Present – Daniel S. Hogue, Jr., Supervisor
Vincent Galligan, Councilperson
Susan Parks Landis, Councilperson
Robert Sipos, Councilperson
Karen Ellsweig, Councilperson

Attorney Troy Johnstone, Attorney for the Town

Recording Teresa Collins, Town Clerk
Secretary

MINUTES – August 6, 2026, regular town board meeting minutes are acknowledged receipt. **MOTION** by Councilperson Landis, seconded by Councilperson Galligan. Councilperson Ellsweig Abstain. Vote: 4 ayes – 0 nays – 1 Abstain. Motion carried.

GENERAL FUND VOUCHERS - #169-179 in the sum of \$7,180.67 as set forth in abstract #10 of 2026 were audited for payment. **MOTION** by Councilperson Landis, seconded by Councilperson Ellsweig to pay for the General Fund Vouchers 2026. Vote: 5 ayes – 0 nay. Motion carried

HIGHWAY FUND VOUCHERS - #103-107 in the sum of \$4,929.58 as set forth in abstract #8 of 2026 were reviewed. **MOTION** by Councilperson Sipos, seconded by Councilperson Landis, to accept Highway Fund Vouchers 2026. Vote: 5 ayes - 0 nays. Motion carried.

ESCROW FUND VOUCHERS – - #12 in the sum of \$406.25 as set forth in abstract #6 of 2026 were reviewed. **MOTION** by Councilperson Landis, seconded by Councilperson Ellsweig, to accept the Escrow Fund Vouchers 2026. Vote: 5 ayes - 0 nays. Motion carried.

CORRESPONDENCE –

09/03/2026

Town Board

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

Dear Members of the Town Board:

I have previously written and spoken to the Board regarding the handling of the proposed large-scale solar development project, the relationships between certain property owners and consultants retained by the Town, and the accuracy of public statements made by the Supervisor in connection with this project. Few, if any, substantive answers have been provided thus far.

Today I wish to raise several additional specific concerns that I believe warrant clear answers on the public record.

1. The Town has identified Sterling Engineering as its engineering consultant. Sterling has previously been engaged with property owner Justin Evans on behalf of Hartwood Club. Emails evidencing that engagement were received by the Town Supervisor and the Town's special legal counsel, and conversations with Mr. Evans are known to have occurred. Given this prior relationship, how does the Town reconcile Sterling's designation as an "independent" consultant? How is this not a conflict?
2. Harris Beach has stated that "HBM bills at a discounted municipal rate of \$425.00 per hour for this engagement (standard rate \$650.00 per hour)." However, the lead attorney has been serving as special counsel to the Town at an hourly rate of \$225.00. The original retainer agreement provides, in relevant part:

"For legal services chargeable to an applicant or project escrow, we will invoice the Town separately, indicating the applicant name, and render such services at a blended rate of \$350.00 per hour. For all other legal services within the scope of this agreement not chargeable to an applicant or project escrow, we will invoice the Town at a discounted hourly rate of \$225 per hour for such services."

The proposed \$425 rate therefore appears inconsistent with both the \$225 rate regularly charged to the Town and the \$350 rate contemplated for applicant-funded services under the retainer.

Why would the Town agree to a higher rate for this engagement? Why would the Town agree to pay more than what it is regularly charged?

3. At the last meeting, the Supervisor reiterated that he was not aware of any clear-cutting in Forestburgh, stated that he would investigate, and noted that he cannot enter private property.

The Supervisor has previously had no issue entering the Lost Lake property. Why the difference in approach here? Further, given the Supervisor's public statements indicating familiarity with the site over the years, and his knowledge of the property owners, why has he not simply requested permission to visit the property in question? What is the status of that investigation?

4. At a recent meeting in the Town of Thompson, RWE acknowledged that illegal land clearing occurred, while asserting that the owners undertook the work on their own and without RWE's knowledge or consent. I asked whether RWE has any control over the property it is leasing, and whether, going forward, RWE will similarly disclaim responsibility for any other issue by attributing it to the landowners. I also asked whether any contemplated restoration would return the land to its pre-clearing condition or only to its condition after the unlawful and unauthorized clearing.

RWE did not respond to these basic questions. The Town should put these same questions to RWE on the record at tonight's meeting and obtain clear answers regarding control, ongoing responsibility, and the proper baseline for any restoration.

These are straightforward questions that go directly to transparency, consistency, and the integrity of the process. I urge the Board to address them fully on the public record and to take the steps necessary to ensure that the public can have confidence in how this project is being handled.

Sincerely,

Jehuda Miller

OLD BUSINESS

Highway Diesel Fuel Tank- Supervisor Hogue- motion to resubmit bid for Fuel tank for the highway dept, new bid date September 30, 2026, at 2pm. **MOTION** by Councilperson Landis, seconded by Councilperson Ellsweig to resubmit bid for fuel tank.

Vote: 5 ayes – 0 nay. Motion carried

NEW BUSINESS

Townline Solar Project- RWE Presentation to Town Board –Supervisor Hogue – RWE who has the Townline solar project agreed to come down and give a presentation to the town board. The town board can ask questions, but it is not going to be open to public comment.

[RWE Townline solar](#) – Presentation link

2027 Budget workshop dates in October – MOTION by Supervisor Hogue seconded by Councilperson Ellsweig to have the budget workshop on Oct 14 at 5 pm and October 28 at 5 pm if needed. Vote: 5 ayes – 0 nay. Motion carried.

Appointment of Deputy Supervisor – Supervisor Hogue – appoint Councilperson Galligan as his Deputy Supervisor.

Hazard Mitigation Plan – Supervisor Hogue- Sullivan County had hired a company to do a hazard mitigation plan which is required by New York State. They met with every single town in Sullivan County. This is something that the county does every several years. They want to pass a resolution adopting the plan in our town where the county could file it. Supervisor Hogue asks the board members to review the plan so that you're in agreement with it.

<https://sullivan2026.devmy.org/>

REPORTS – BOARD MEMBER COMMENTS

PLANNING BOARD- Chairman Robbins- we did not have an August meeting.

FIRE DEPARTMENT- Roast beef dinner on September 19, 2026, at 4-8pm. Forestburgh Fire Dept responded to 108 calls so far this year. We are always looking for new members.

ADJOURNMENT TO EXECUTIVE SESSION – MOTION by Supervisor Hogue, second by Councilperson Landis to enter into executive session for the purpose to discuss litigation. Attorney Javid Afzali from Harris Beach was invited into executive session.

Enter into executive session at 7:18 pm

No action taken.

ADJOURNMENT – MOTION by Supervisor Hogue to adjourn at 7:52 p.m.

Respectfully submitted,

Teresa Collins,
Town Clerk