

In The Matter Of:
Town of Thompson and Town of Fallsburg
Joint Public Hearing

Petition for: Incorporation of Village of Ateres Day 2 of 2
8-22-23
August 22, 2023

Jeric Corporation
Court Reporting Services
P.O. Box 385
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STATE OF NEW YORK ; COUNTY OF SULLIVAN
TOWN OF THOMPSON and TOWN OF FALLSBURG

Petition for: DAY 2 of 2
Incorporation of Village of Ateres Pages 31 - 51
Joint Public Hearing

-----X

169 Barnes Boulevard
Kiamasha Lake, New York
August 28, 2023
5:00 P.M.

TOWN OF THOMPSON

WILLIAM RIEBER, JR., Supervisor
MICHAEL MEDNICK, ESQ., Town Attorney
MERILEE CALHOUN, Town Clerk

TOWN OF FALLSBURG

KATHERINE RAPPAPORT, Supervisor
J. BENJAMIN GAILEY, ESQ., Town Attorney
PAULA GROGAN, Deputy Town Clerk
JENNIFER EDWARDS, Confidential Secretary
to the Supervisor

JERIC CORPORATION
Court Reporting Services
Post Office Box 385
Narrowsburg, New York 12764
(845) 252-3515

Reported By: Rosemary A. Meyer

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1 - JOINT PUBLIC HEARING / VILLAGE OF ATERES -
2 SUPERVISOR RIEBER: All right. Please rise for the
3 pledge of the flag
4 (The Pledge of Allegiance was recited.)
5 SUPERVISOR RIEBER: Thank you.
6 Okay. Let the record show that this is the reconvening
7 of the meeting that was originally started on August 3rd, I
8 believe. Both town supervisors are present and accounted
9 for. We're going to open this reconvened public hearing for
10 additional comment or submission of documents.
11 So is there a list of people ready?
12 DEPUTY TOWN CLERK GROGAN: I have Paul Hoeffel.
13 SUPERVISOR RIEBER: Paul Hoeffel.
14 MR. P. HOEFFEL: Where would you like me?
15 SUPERVISOR RIEBER: Come up to the mic so the
16 stenographer can hear you.
17 MR. P. HOEFFEL: Good afternoon. My name is Paul
18 Hoeffel and I am a resident of the Town of Fallsburg,
19 specifically a home in Mountaindale for the last 40 years.
20 And I have some very specific challenges to the petition
21 which I'd like to read for the record, if I may.
22 SUPERVISOR RIEBER: Sure.
23 MR. P. HOEFFEL: These challenges to the petition as
24 being deficient in multiple ways:
25 For the purposes of making it easy to reference and see

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1 - PAUL HOEFFEL / PUBLIC COMMENT -
2 the deficiencies, Exhibit C, which I have in very specific
3 detail, was divided into two sections and the pages for each
4 section have been numbered; section 1, a list of the regular
5 inhabitants residing within the territory of the proposed
6 village; and Section 2, notarized signature pages of the
7 signatories of the petition. In order to make it easier to
8 refer to the flaws, also, signatories on each signature page
9 have been numbered.
10 We question the validity and the legality of the
11 signature pages submitted by Naftula Neiman of the Town of
12 Ramapo. We believe the submitted pages to be legally flawed
13 and fraudulent documents which include minors signing the
14 signature pages and swearing to the validity of said
15 documents demonstrates disregard and disrespect to the law,
16 the governing bodies, the officials of the two towns and the
17 residents. The petition states that all signers must be
18 qualified to vote for the town officers in the towns.
19 Challenges to the signature pages. So I'll go through
20 these one by one, if I may.
21 All the signature pages should be rejected because they
22 are not numbered and any petition with more than 10 pages
23 requires that all pages be numbered.
24 The first page of Section 2, the signature section of
25 Exhibit C, is flawed because the witness did not indicate how

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1 - PAUL HOEFFEL / PUBLIC COMMENT -
2 many signatures were on his sworn affidavit.
3 On page 4 of Section 2, the signature section of Exhibit
4 C, Signatory 2, page 6, Signatory 3, and page 10 of Section 2
5 Signatories 3, 4 and 5 show the same handwriting, thus, it
6 can be concluded that one person signed them all.
7 On page 4 of Section 2 the signature section of Exhibit
8 C, Signatory 4, the name printed does not match the signature
9 name, Mesdor or Meze.
10 On page 8 of Section 2, the signature section of Exhibit
11 C, Signatory 5, the last name and the signature are
12 illegible. Based on the way it is written, it cannot be
13 verified that such person lives at the address provided.
14 On page 10 of Section 2, the signature section of
15 Exhibit C, as pointed above in the challenge, Signatories 3,
16 4 and 5, page 10, Signatory 3 on page 6 and Signatory 2 on
17 page 4 show the same handwriting.
18 Also, on page 10 of Section 2, the signature section of
19 Exhibit C, Signatory 4, last name does not match the last
20 name on the signature which further presents the question of
21 who really signed.
22 On page 12 of Section 2, the signature section of
23 Exhibit C, Signatory 1 provided nonexistent address, 18
24 Falldman.
25 On page 12 of Section 2, the signature section of

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1 - PAUL HOFFEL / PUBLIC COMMENT -
2 Exhibit C, Signatory 4, Zev Fisch, living at 16 Silver
3 Terrace, is actually listed in the provided list of regular
4 inhabitants as a minor on page 18 of said list.
5 Page 12 of Section 2, the signature section of Exhibit
6 C, is also flawed because none of the signatories provided a
7 proper signature date. The year is missing on all five
8 signatures.
9 On page 13 of Section 2, the signature section of
10 Exhibit C, Signatory 4 is an illegible name and cannot be
11 compared to the signature.
12 On page 15 of Section 2 of the signature section of
13 Exhibit C, Signatory 2, Weisberger J does not provide a first
14 name and the provided address, 11 Gafen Lane, according to
15 the list of regular inhabitants the only person listed with a
16 last name Weisberger and a first name starting with J is a
17 minor, Joseph Weisberger.
18 Also on page 15 of Section 2, the signature section of
19 Exhibit C, Signatory 3, Katz, living at 190 Barnes Boulevard
20 does not provide a first name. And furthermore, there is no
21 one with that name at the address provided.
22 On page 16 of Section 2, the signature section of
23 Exhibit C, Signatory 3 is illegible.
24 On page 17 of Section 2, the signature section of
25 Exhibit C, Signatory Nuchem Hass does not live at the

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1 - PAUL HOFFEL / PUBLIC COMMENT -
2 provided address, 4 Feldman Circle.
3 On page 17, the signature section of Exhibit C,
4 Signatory 2, name is illegible, as well as 138 Barnes
5 Boulevard does not exist as a valid address.
6 On page 17, the signature section of Exhibit C,
7 Signatory 5 is, again, an illegible address.
8 On page 21 of Section 2, the signature section of
9 Exhibit C, Signatory, no first name provided, unclear first
10 name.
11 The below challenges are to the list with regular
12 inhabitants. Let it be clear that points 2 through 10
13 question whether the 500 person residency threshold is met.
14 Further, these occupancy numbers are considered unsafe by
15 town code enforcement standards. It could become more unsafe
16 with new village standards.
17 Challenges to the list with regular inhabitants:
18 On page 21, the list with regular inhabitants, the
19 address listed as 21 Silver Terrace, Kiamesha Lake, does not
20 exist. It is a vacant lot without a structure, therefore, no
21 one can reside there.
22 Out of an abundance of concern for the welfare of
23 residents at 210 Barnes Boulevard, we would like to draw your
24 attention to the fact that the dwelling is Class 220,
25 two-family home, with seven bedrooms. However, it appears

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1 - PAUL HOFFEL / PUBLIC COMMENT -
2 that the list provided has four families residing there for a
3 total of 29 people, possibly made into apartments as the
4 Lorincz family lives in Apartment 3. We have a list of the
5 other families that are living there. This may be a very
6 dangerous situation concerning the safety of the people in
7 case of fire, and it may be a violation. On the other hand,
8 it may also be an attempt to pad the list of residents. The
9 aforementioned requires further investigation into the
10 dwellings listed and the number of occupants provided for
11 each dwelling. Below are some more examples.
12 I'd like to list them, if I may.
13 **SUPERVISOR RIEBER:** Are you going to opine? If they're
14 not specific to the petition --
15 **MR. P. HOFFEL:** These are specific.
16 **SUPERVISOR RIEBER:** Okay.
17 **MR. P. HOFFEL:** Yes.
18 19 Gafen Lane, which is classed 210, single-family home
19 with two families listed for a total of 20 people, page 8 and
20 9, Section 1, Exhibit C.
21 24 Feldman Circle, classed 220, two-family home with 21
22 people, total.
23 And at 35 Gafmen Lane is Class 210, single-family home
24 with two families totaling 16 people.
25 18 Gold Terrace, which is classed 220, two-family home

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1 - PAUL HOFFEL / PUBLIC COMMENT -
2 made into three apartments with three families listed, two of
3 which have been the apartment --
4 **UNIDENTIFIED SPEAKER:** Why don't (inaudible).
5 **SUPERVISOR RIEBER:** Sir, sir. Do these specifically
6 apply to the petition at hand?
7 **MR. P. HOFFEL:** Yes. These are all petitioners who
8 have signed and we've just investigated the actual addresses.
9 And the addresses are --
10 **SUPERVISOR RIEBER:** We don't need a running discourse on
11 how many people live in a --
12 **UNIDENTIFIED SPEAKER:** Yeah, we do. We want to hear it.
13 **SUPERVISOR RIEBER:** Are you almost done?
14 **MR. P. HOFFEL:** Yes.
15 **SUPERVISOR RIEBER:** Everybody.
16 **MR. P. HOFFEL:** At 10 Silver Terrace, a single-family
17 home with a total number of 15 people is also being
18 challenged.
19 211 Barnes Boulevard is a Class 210, single-family home
20 with a total number of 11 people, three families. We're also
21 challenging that.
22 256 Gibber Road, South Fallsburg, single-family home
23 made into apartments with seven people listed as living in
24 Apartment 2, Levotis, seven people. These are on page 13 and
25 14 of the exhibit that I'm going to attach.

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1 - PAUL HOFFEL / PUBLIC COMMENT -
2 And finally, 18 Gibber Road in Kiamesha Lake, Class 210,
3 single-family home with two families listed, and the total
4 number of people, 15. These are also in the exhibit.
5 I'd like to conclude here. It is clear that there are
6 numerous flaws, inconsistencies, irregularities such as minor
7 signatures, nonexisting addresses, names of people that are
8 not regular inhabitants. We would like for the town
9 supervisors and the town officials to take the above
10 challenges into consideration and further investigate the
11 provided list with regular inhabitants, as well as the
12 signature pages, whether the names provided, signed, are
13 registered to vote in the Town of Thompson or the Town of
14 Fallsburg with the addresses provided on the lists submitted
15 by the petitioner.
16 Please reject this proposal to incorporate a new village
17 within our community.
18 **SUPERVISOR RIEBER:** Hold your applause until I'm
19 finished and then you can applaud.
20 Anyway, would you please deposit that?
21 **MR. P. HOFFEL:** Thank you.
22 **DEPUTY TOWN CLERK GROGAN:** It is signed, but I'm going
23 to have him sign this, as well.
24 **SUPERVISOR RIEBER:** With his address?
25 **DEPUTY TOWN CLERK GROGAN:** His address is on the first

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1 - JOINT PUBLIC HEARING / VILLAGE OF ATERES -
2 one, but I can have him put the address on all of them.
3 **SUPERVISOR RIEBER:** Okay. Is there anybody else on the
4 list who signed up to speak? Is there anybody else who has
5 specific, I need specific, not general, objections to the
6 form of the petition who would like to speak?
7 (No verbal response.)
8 **SUPERVISOR RIEBER:** Okay. So we're going to close the
9 hearing, as soon as Kathy concurs, and keep the public record
10 open for submittals until four o'clock, prevailing time
11 tomorrow. Anybody has a written objection to the petition
12 with specificity, it can be delivered to the town clerks in
13 either Fallsburg or Thompson, no later than four p.m.
14 tomorrow. Bear in mind that any objections to the petition
15 have to be specific with regard to the form of the petition
16 and why, let's say a signature might be invalid. Opinions as
17 to whether you want this to continue or not continue in any
18 direction have no bearing on the voracity of the petition.
19 Somebody raised their hand up.
20 **UNIDENTIFIED SPEAKER:** I'd like to ask a question. I
21 would like to know (inaudible) look into this (inaudible)
22 presented to us.
23 **SUPERVISOR RIEBER:** Okay. Let me explain that in a
24 second. You know, this is an emotional subject, I get it.
25 **UNIDENTIFIED SPEAKER:** It is.

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1 - JOINT PUBLIC HEARING / VILLAGE OF ATERES -
2 **SUPERVISOR RIEBER:** I get it. The responsibility, and I
3 think the lawyers can jump in and confirm what our
4 responsibilities are as town supervisors, our obligation
5 under New York State law is to rule on the petition and
6 whether the petition is a valid petition or is not a valid
7 petition. Neither of us are prejudging the petition. We are
8 going to take all the input and all the submissions that have
9 been presented at this hearing and in the past two weeks and
10 up until four o'clock tomorrow, after which Kathy and I will
11 meet, we'll review it, we'll make a decision as to whether we
12 feel the petition is valid or invalid, and it will be with
13 specificity, and we will sign it and submit the paperwork to
14 the town clerks for distribution. So that's the procedure.
15 This is not a matter of whether we like something or don't
16 like something. We have to follow the letter of the law, the
17 law as it presently exists. It's very specific in what our
18 responsibilities are.
19 And sir, I recognize you.
20 **UNIDENTIFIED SPEAKER:** Supervisor Rieber, the specific
21 question is will both town lawyers compare the signatures,
22 the addresses, the handwriting to New York State Election
23 lists? Not us, not you, but the lawyers themselves.
24 **SUPERVISOR RIEBER:** The lawyers.
25 **UNIDENTIFIED SPEAKER:** There you go.

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1 - JOINT PUBLIC HEARING / VILLAGE OF ATERES -
2 **SUPERVISOR RIEBER:** Sorry, Mike.
3 **MR. MEDNICK:** No problem.
4 The objections that have been received by both towns
5 will be reviewed. It'll be determined, they'll be discussed,
6 they'll be notated, they will be reviewed by both attorneys
7 and supervisors. Ultimately, the supervisors are charged
8 with making a determination as to the validity of the
9 petition. So it's safe to say that we're going to review
10 everything that was submitted.
11 **MR. GAILEY:** I agree with Michael.
12 **SUPERVISOR RIEBER:** Okay. All right. So that's the
13 procedure. It's four o'clock tomorrow.
14 Yes.
15 **UNIDENTIFIED SPEAKER:** Is this --
16 **SUPERVISOR RIEBER:** It's a public hearing.
17 **UNIDENTIFIED SPEAKER:** My question, why do we have
18 public hearings? Or is it just like (inaudible).
19 **SUPERVISOR RIEBER:** I would direct all of these --
20 **UNIDENTIFIED SPEAKER:** Because I think the lawyers, you
21 have a public hearing so people can speak out and we can also
22 have a (inaudible) in the decision-making.
23 **SUPERVISOR RIEBER:** If we have questions, we take them
24 individually after the hearing. The hearing is extremely
25 specific. State law describes exactly what we do and the

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1 - JOINT PUBLIC HEARING / VILLAGE OF ATERES -
2 extent of the hearing and the extent of the issues that we
3 have to discuss. We're going to follow the law, we're going
4 to carefully examine the petition, we're going to carefully
5 examine the submissions that were made over this period of
6 time and we'll render a lawful decision.
7 Please, no more questions. If you have a statement that
8 is specific to the petition I'll recognize you.
9 So we're going to -- 10 days from now we'll have a
10 decision. We'll agree or disagree.
11 **MR. GAILEY:** Ten days from tomorrow.
12 **SUPERVISOR RIEBER:** Ten days from tomorrow we'll have a
13 decision. Within 15 days after the decision we must file a
14 bunch of paperwork with the town clerk, which will be done.
15 And any party has, according to the law, the way I read
16 it, has 30 days to bring an action via an Article 78
17 proceeding to challenge the determination of the two
18 supervisors. If no challenge is brought, then the decision
19 is final and we close. At the end, the input of the public
20 doesn't end with the close of the hearing or the decision, it
21 ends with the expiration of the time to challenge in court.
22 If the decision is adverse to the petition, in other
23 words, it's rejected, a new proceeding for incorporation can
24 be commenced immediately, and that's just a little snippet of
25 what the law says.

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1 - MYRON GITTELL / PUBLIC COMMENT -
2 So with that, if you have something specific to
3 challenge the --
4 I see your hand up. If you're speaking, come to the
5 front so the stenographer can take the information. And if
6 you have something specific with an objection to the petition
7 on form, not on emotion, please.
8 **MR. GAILEY:** Not a question.
9 **MR. M. GITTELL:** I have a question.
10 **SUPERVISOR RIEBER:** Come up to the front, please. State
11 your name.
12 This gentleman --
13 **MR. M. GITTELL:** The challenge, you say the attorneys
14 are going to look at it. Are you going to have the same
15 specificity? Each one, is that going to be yeah or nay,
16 investigated?
17 **MR. UNIDENTIFIED SPEAKER:** Give his name and address.
18 **SUPERVISOR RIEBER:** In the next 11 days.
19 **MR. M. GITTELL:** What's that?
20 **SUPERVISOR RIEBER:** We'll determine that in the next 11
21 days.
22 **MR. UNIDENTIFIED SPEAKER:** Give your name and address.
23 **MR. MEDNICK:** We need your name for the record.
24 **SUPERVISOR RIEBER:** Everybody, please. Let's get
25 through this.

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1 - MYRON GITTELL / PUBLIC COMMENT -
2 **STENOGRAPHER:** Sir, we need your name.
3 **MR. M. GITTELL:** Oh, sure. Gittell, Myron Gittell,
4 G-I-T-T-E-L-L, Kiamesha Lake, New York.
5 **SUPERVISOR RIEBER:** Okay. Thank you.
6 **MR. M. GITTELL:** Okay.
7 **SUPERVISOR RIEBER:** All right. One more --
8 **MS. P. GRECO-SUNSHINE:** I just want to know one thing.
9 **SUPERVISOR RIEBER:** You have to come up to the front.
10 Please, we're not trying to be impolite, but we have a
11 stenographer that's recording everything.
12 **MS. P. GRECO-SUNSHINE:** I just had a question.
13 **SUPERVISOR RIEBER:** State your name for the record.
14 **MS. P. GRECO-SUNSHINE:** All right. Patti
15 Greco-Sunshine.
16 My question was what is the scope of the village? That
17 wasn't clear last week. I just want to know is there
18 somewhere we can look and see the whole scope of what this
19 encompasses so we know what's included in the village, land
20 wise.
21 **MR. MEDNICK:** The petitions are filed in both clerks'
22 offices, in the Town of Fallsburg and --
23 **PUBLIC:** Louder. We can't hear you.
24 **MR. MEDNICK:** The petitions are filed in both clerks'
25 offices, including the Town of Thompson and the Town of

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1 - PATTI GRECO-SUNSHINE / PUBLIC COMMENT -
2 Fallsburg. They do incorporate maps which lay out the
3 parameters of the proposed village. You are able to --
4 **MS. P. GRECO-SUNSHINE:** Are they clearer than they were?
5 **MR. MEDNICK:** -- look at that at your convenience.
6 **MS. P. GRECO-SUNSHINE:** But last week it was mentioned
7 that they weren't clear so that's what I want to know, if
8 it's cleared up.
9 **SUPERVISOR RIEBER:** Well, that's somebody's opinion.
10 You can look at it yourself and make that determination.
11 **MS. P. GRECO-SUNSHINE:** Okay.
12 **SUPERVISOR RIEBER:** Okay.
13 **MS. H. HOEDL:** I speak loud. I just want to --
14 **SUPERVISOR RIEBER:** You've got to come up. You've got
15 to give your name and address.
16 **MS. H. HOEDL:** I'm at 217 Post Hill Road, Monticello.
17 I just have a follow-up question on the review of the
18 signatures. Clearly, it seems that there are lot of
19 irregularities. The lawyers say that they would review it.
20 Will this review be made public?
21 **MR. GAILEY:** We are not going to review it in public,
22 no.
23 **MS. H. HOEDL:** No. Once you have reviewed it --
24 **MR. GAILEY:** The conclusion of the review will be a
25 written decision.

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1 - HELENE HOEDL / PUBLIC COMMENT -
2 **MR. MEDNICK:** The decisions will be made by the
3 supervisors and those will be made public.
4 **MS. H. HOEDL:** Yes, the decision. But what I wanted to
5 know is we have brought forward specific challenges to
6 addresses, the names, et cetera. Will those be reviewed --
7 **MR. GAILEY:** Yes.
8 **MS. H. HOEDL:** -- by the lawyers and will the review,
9 not the decision, the review of those questions that we had
10 be made public?
11 **MR. GAILEY:** We'll not necessarily address each and
12 every one individually.
13 **MS. H. HOEDL:** But that's the whole point. We have --
14 **SUPERVISOR RIEBER:** I'm going to call this right now.
15 There will be no -- if you do not have a specific --
16 **MS. UNIDENTIFIED SPEAKER:** We are the public.
17 (Inaudible.)
18 **SUPERVISOR RIEBER:** The lady who's shouting in the back,
19 please be quiet.
20 **MS. UNIDENTIFIED SPEAKER:** Oh, really?
21 **SUPERVISOR RIEBER:** Yes.
22 Bear with me.
23 This hearing is specific to individual objections to the
24 petition. This is what the nature of this hearing is for.
25 Like it or not, that is the state rule. We have to rule on

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1 - HELENE HOEDL / PUBLIC COMMENT -
2 the petition. Okay?
3 If there are no more statements or on record objections
4 to the petition or the signatures or whatever, the form of
5 the petition, then we're going to close this hearing.
6 **MS. H. HOEDL:** So it will not. The review that we have
7 pointed out, the specific, it will be reviewed by the
8 lawyers, but your review will not be made public.
9 **MR. MEDNICK:** The review will result in a determination
10 by the supervisors that will be made public.
11 **MS. H. HOEDL:** Yes. But you will not let us know
12 what --
13 **MR. MEDNICK:** That's the best answer you're going to
14 get.
15 **MS. H. HOEDL:** Thank you.
16 **SUPERVISOR RIEBER:** I think everybody has to stop
17 prejudging this. We're going to comply with the law. We're
18 going to review it and give you an answer.
19 Okay. If there are no more submittals, do you concur
20 with deeming this hearing closed, left open for written
21 submissions up until four o'clock in either town, to be
22 delivered to either town clerk by four o'clock tomorrow.
23 **DEPUTY TOWN CLERK GROGAN:** With signatures.
24 **SUPERVISOR RIEBER:** With signatures. Well, if they're
25 not proper we're not going to count them.

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1 - HELENE HOEDL / PUBLIC COMMENT -
2 **SUPERVISOR RAPPAPORT:** I concur.
3 **SUPERVISOR RIEBER:** Okay, this meeting is closed.
4 (Time noted: 5:30 p.m.)
5 *****
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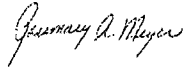
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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and
Notary Public in and for the State of New York, do
hereby certify:

That the foregoing transcript is an accurate record
of the testimony of the said witness, to the best of my
knowledge and belief, having been stenographically
recorded by me and transcribed under my supervision.

I further certify that I am in no way related to
any of the parties to this action and that I have no
personal interest whatsoever in the outcome thereof.


ROSEMARY A. MEYER

Date Transcribed: August 29, 2023

K E Y W O R D I N D E X

PUBLIC COMMENT

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* * * * *

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STATE OF NEW YORK : COUNTY OF SULLIVAN
TOWN OF THOMPSON and TOWN OF FALLSBURG

ORIGINAL

Petition for:

DAY 2 of 2

Incorporation of Village of Ateres

Pages 31 - 51

Joint Public Hearing

-----X

169 Barnes Boulevard
Kiamesha Lake, New York
August 28, 2023
5:00 P.M.

TOWN OF THOMPSON

WILLIAM RIEBER, JR., Supervisor

MICHAEL MEDNICK, ESQ., Town Attorney

MARILEE CALHOUN, Town Clerk

TOWN OF FALLSBURG

KATHERINE RAPPAPORT, Supervisor

J. BENJAMIN GAILEY, ESQ., Town Attorney

PAULA GROGAN, Deputy Town Clerk

JENNIFER EDWARDS, Confidential Secretary
to the Supervisor

JERIC CORPORATION
Court Reporting Services
Post Office Box 385
Narrowsburg, New York 12764
(845) 252-3515

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TOWN OF THOMPSON

Reported By: Rosemary A. Meyer

1 - JOINT PUBLIC HEARING / VILLAGE OF ATERES -

2 SUPERVISOR RIEBER: All right. Please rise for the
3 pledge of the flag

4 (The Pledge of Allegiance was recited.)

5 SUPERVISOR RIEBER: Thank you.

6 Okay. Let the record show that this is the reconvening
7 of the meeting that was originally started on August 3rd, I
8 believe. Both town supervisors are present and accounted
9 for. We're going to open this reconvened public hearing for
10 additional comment or submission of documents.

11 So is there a list of people ready?

12 DEPUTY TOWN CLERK GROGAN: I have Paul Hoeffel.

13 SUPERVISOR RIEBER: Paul Hoeffel.

14 MR. P. HOEFFEL: Where would you like me?

15 SUPERVISOR RIEBER: Come up to the mic so the
16 stenographer can hear you.

17 MR. P. HOEFFEL: Good afternoon. My name is Paul
18 Hoeffel and I am a resident of the Town of Fallsburg,
19 specifically a home in Mountaindale for the last 40 years.
20 And I have some very specific challenges to the petition
21 which I'd like to read for the record, if I may.

22 SUPERVISOR RIEBER: Sure.

23 MR. P. HOEFFEL: These challenges to the petition as
24 being deficient in multiple ways:

25 For the purposes of making it easy to reference and see

1 - PAUL HOEFFEL / PUBLIC COMMENT -

2 the deficiencies, Exhibit C, which I have in very specific
3 detail, was divided into two sections and the pages for each
4 section have been numbered; section 1, a list of the regular
5 inhabitants residing within the territory of the proposed
6 village; and Section 2, notarized signature pages of the
7 signatories of the petition. In order to make it easier to
8 refer to the flaws, also, signatories on each signature page
9 have been numbered.

10 We question the validity and the legality of the
11 signature pages submitted by Naftula Neiman of the Town of
12 Ramapo. We believe the submitted pages to be legally flawed
13 and fraudulent documents which include minors signing the
14 signature pages and swearing to the validity of said
15 documents demonstrates disregard and disrespect to the law,
16 the governing bodies, the officials of the two towns and the
17 residents. The petition states that all signers must be
18 qualified to vote for the town officers in the towns.

19 Challenges to the signature pages. So I'll go through
20 these one by one, if I may.

21 All the signature pages should be rejected because they
22 are not numbered and any petition with more than 10 pages
23 requires that all pages be numbered.

24 The first page of Section 2, the signature section of
25 Exhibit C, is flawed because the witness did not indicate how

1 - PAUL HOEFFEL / PUBLIC COMMENT -

2 many signatures were on his sworn affidavit.

3 On page 4 of Section 2, the signature section of Exhibit
4 C, Signatory 2, page 6, Signatory 3, and page 10 of Section 2
5 Signatories 3, 4 and 5 show the same handwriting, thus, it
6 can be concluded that one person signed them all.

7 On page 4 of Section 2 the signature section of Exhibit
8 C, Signatory 4, the name printed does not match the signature
9 name, Mesdor or Meze.

10 On page 8 of Section 2, the signature section of Exhibit
11 C, Signatory 5, the last name and the signature are
12 illegible. Based on the way it is written, it cannot be
13 verified that such person lives at the address provided.

14 On page 10 of Section 2, the signature section of
15 Exhibit C, as pointed above in the challenge, Signatories 3,
16 4 and 5, page 10, Signatory 3 on page 6 and Signatory 2 on
17 page 4 show the same handwriting.

18 Also, on page 10 of Section 2, the signature section of
19 Exhibit C, Signatory 4, last name does not match the last
20 name on the signature which further presents the question of
21 who really signed.

22 On page 12 of Section 2, the signature section of
23 Exhibit C, Signatory 1 provided nonexistent address, 18
24 Falldman.

25 On page 12 of Section 2, the signature section of

1 - PAUL HOEFFEL / PUBLIC COMMENT -

2 Exhibit C, Signatory 4, Zev Fisch, living at 16 Silver
3 Terrace, is actually listed in the provided list of regular
4 inhabitants as a minor on page 18 of said list.

5 Page 12 of Section 2, the signature section of Exhibit
6 C, is also flawed because none of the signatories provided a
7 proper signature date. The year is missing on all five
8 signatures.

9 On page 13 of Section 2, the signature section of
10 Exhibit C, Signatory 4 is an illegible name and cannot be
11 compared to the signature.

12 On page 15 of Section 2 of the signature section of
13 Exhibit C, Signatory 2, Weisberger J does not provide a first
14 name and the provided address, 11 Gafen Lane, according to
15 the list of regular inhabitants the only person listed with a
16 last name Weisberger and a first name starting with J is a
17 minor, Joseph Weisberger.

18 Also on page 15 of Section 2, the signature section of
19 Exhibit C, Signatory 3, Katz, living at 190 Barnes Boulevard
20 does not provide a first name. And furthermore, there is no
21 one with that name at the address provided.

22 On page 16 of Section 2, the signature section of
23 Exhibit C, Signatory 3 is illegible.

24 On page 17 of Section 2, the signature section of
25 Exhibit C, Signatory Nuchem Hass does not live at the

1 - PAUL HOEFFEL / PUBLIC COMMENT -

2 provided address, 4 Feldman Circle.

3 On page 17, the signature section of Exhibit C,
4 Signatory 2, name is illegible, as well as 138 Barnes
5 Boulevard does not exist as a valid address.

6 On page 17, the signature section of Exhibit C,
7 Signatory 5 is, again, an illegible address.

8 On page 21 of Section 2, the signature section of
9 Exhibit C, Signatory, no first name provided, unclear first
10 name.

11 The below challenges are to the list with regular
12 inhabitants. Let it be clear that points 2 through 10
13 question whether the 500 person residency threshold is met.
14 Further, these occupancy numbers are considered unsafe by
15 town code enforcement standards. It could become more unsafe
16 with new village standards.

17 Challenges to the list with regular inhabitants:

18 On page 21, the list with regular inhabitants, the
19 address listed as 21 Silver Terrace, Kiamesha Lake, does not
20 exist. It is a vacant lot without a structure, therefore, no
21 one can reside there.

22 Out of an abundance of concern for the welfare of
23 residents at 210 Barnes Boulevard, we would like to draw your
24 attention to the fact that the dwelling is Class 220,
25 two-family home, with seven bedrooms. However, it appears

1 - PAUL HOEFFEL / PUBLIC COMMENT -

2 that the list provided has four families residing there for a
3 total of 29 people, possibly made into apartments as the
4 Lorincz family lives in Apartment 3. We have a list of the
5 other families that are living there. This may be a very
6 dangerous situation concerning the safety of the people in
7 case of fire, and it may be a violation. On the other hand,
8 it may also be an attempt to pad the list of residents. The
9 aforementioned requires further investigation into the
10 dwellings listed and the number of occupants provided for
11 each dwelling. Below are some more examples.

12 I'd like to list them, if I may.

13 SUPERVISOR RIEBER: Are you going to opine? If they're
14 not specific to the petition --

15 MR. P. HOEFFEL: These are specific.

16 SUPERVISOR RIEBER: Okay.

17 MR. P. HOEFFEL: Yes.

18 19 Gafen Lane, which is classed 210, single-family home
19 with two families listed for a total of 20 people, page 8 and
20 9, Section 1, Exhibit C.

21 24 Feldman Circle, classed 220, two-family home with 21
22 people, total.

23 And at 35 Gafmen Lane is Class 210, single-family home
24 with two families totaling 16 people.

25 18 Gold Terrace, which is classed 220, two-family home

1 - PAUL HOEFFEL / PUBLIC COMMENT -

2 made into three apartments with three families listed, two of
3 which have been the apartment --

4 UNIDENTIFIED SPEAKER: Why don't (inaudible).

5 SUPERVISOR RIEBER: Sir, sir. Do these specifically
6 apply to the petition at hand?

7 MR. P. HOEFFEL: Yes. These are all petitioners who
8 have signed and we've just investigated the actual addresses.
9 And the addresses are --

10 SUPERVISOR RIEBER: We don't need a running discourse on
11 how many people live in a --

12 UNIDENTIFIED SPEAKER: Yeah, we do. We want to hear it.

13 SUPERVISOR RIEBER: Are you almost done?

14 MR. P. HOEFFEL: Yes.

15 SUPERVISOR RIEBER: Everybody.

16 MR. P. HOEFFEL: At 10 Silver Terrace, a single-family
17 home with a total number of 15 people is also being
18 challenged.

19 211 Barnes Boulevard is a Class 210, single-family home
20 with a total number of 11 people, three families. We're also
21 challenging that.

22 256 Gibber Road, South Fallsburg, single-family home
23 made into apartments with seven people listed as living in
24 Apartment 2, Levotis, seven people. These are on page 13 and
25 14 of the exhibit that I'm going to attach.

1 - PAUL HOEFFEL / PUBLIC COMMENT -

2 And finally, 18 Gibber Road in Kiamesha Lake, Class 210,
3 single-family home with two families listed, and the total
4 number of people, 15. These are also in the exhibit.

5 I'd like to conclude here. It is clear that there are
6 numerous flaws, inconsistencies, irregularities such as minor
7 signatures, nonexisting addresses, names of people that are
8 not regular inhabitants. We would like for the town
9 supervisors and the town officials to take the above
10 challenges into consideration and further investigate the
11 provided list with regular inhabitants, as well as the
12 signature pages, whether the names provided, signed, are
13 registered to vote in the Town of Thompson or the Town of
14 Fallsburg with the addresses provided on the lists submitted
15 by the petitioner.

16 Please reject this proposal to incorporate a new village
17 within our community.

18 SUPERVISOR RIEBER: Hold your applause until I'm
19 finished and then you can applaud.

20 Anyway, would you please deposit that?

21 MR. P. HOEFFEL: Thank you.

22 DEPUTY TOWN CLERK GROGAN: It is signed, but I'm going
23 to have him sign this, as well.

24 SUPERVISOR RIEBER: With his address?

25 DEPUTY TOWN CLERK GROGAN: His address is on the first

1 - JOINT PUBLIC HEARING / VILLAGE OF ATERES -

2 one, but I can have him put the address on all of them.

3 SUPERVISOR RIEBER: Okay. Is there anybody else on the
4 list who signed up to speak? Is there anybody else who has
5 specific, I need specific, not general, objections to the
6 form of the petition who would like to speak?

7 (No verbal response.)

8 SUPERVISOR RIEBER: Okay. So we're going to close the
9 hearing, as soon as Kathy concurs, and keep the public record
10 open for submittals until four o'clock, prevailing time
11 tomorrow. Anybody has a written objection to the petition
12 with specificity, it can be delivered to the town clerks in
13 either Fallsburg or Thompson, no later than four p.m.
14 tomorrow. Bear in mind that any objections to the petition
15 have to be specific with regard to the form of the petition
16 and why, let's say a signature might be invalid. Opinions as
17 to whether you want this to continue or not continue in any
18 direction have no bearing on the voracity of the petition.

19 Somebody raised their hand up.

20 UNIDENTIFIED SPEAKER: I'd like to ask a question. I
21 would like to know (inaudible) look into this (inaudible)
22 presented to us.

23 SUPERVISOR RIEBER: Okay. Let me explain that in a
24 second. You know, this is an emotional subject, I get it.

25 UNIDENTIFIED SPEAKER: It is.

1 - JOINT PUBLIC HEARING / VILLAGE OF ATERES -

2 SUPERVISOR RIEBER: I get it. The responsibility, and I
3 think the lawyers can jump in and confirm what our
4 responsibilities are as town supervisors, our obligation
5 under New York State law is to rule on the petition and
6 whether the petition is a valid petition or is not a valid
7 petition. Neither of us are prejudging the petition. We are
8 going to take all the input and all the submissions that have
9 been presented at this hearing and in the past two weeks and
10 up until four o'clock tomorrow, after which Kathy and I will
11 meet, we'll review it, we'll make a decision as to whether we
12 feel the petition is valid or invalid, and it will be with
13 specificity, and we will sign it and submit the paperwork to
14 the town clerks for distribution. So that's the procedure.
15 This is not a matter of whether we like something or don't
16 like something. We have to follow the letter of the law, the
17 law as it presently exists. It's very specific in what our
18 responsibilities are.

19 And sir, I recognize you.

20 UNIDENTIFIED SPEAKER: Supervisor Rieber, the specific
21 question is will both town lawyers compare the signatures,
22 the addresses, the handwriting to New York State Election
23 lists? Not us, not you, but the lawyers themselves.

24 SUPERVISOR RIEBER: The lawyers.

25 UNIDENTIFIED SPEAKER: There you go.

1 - JOINT PUBLIC HEARING / VILLAGE OF ATERES -

2 SUPERVISOR RIEBER: Sorry, Mike.

3 MR. MEDNICK: No problem.

4 The objections that have been received by both towns
5 will be reviewed. It'll be determined, they'll be discussed,
6 they'll be notated, they will be reviewed by both attorneys
7 and supervisors. Ultimately, the supervisors are charged
8 with making a determination as to the validity of the
9 petition. So it's safe to say that we're going to review
10 everything that was submitted.

11 MR. GAILEY: I agree with Michael.

12 SUPERVISOR RIEBER: Okay. All right. So that's the
13 procedure. It's four o'clock tomorrow.

14 Yes.

15 UNIDENTIFIED SPEAKER: Is this --

16 SUPERVISOR RIEBER: It's a public hearing.

17 UNIDENTIFIED SPEAKER: My question, why do we have
18 public hearings? Or is it just like (inaudible).

19 SUPERVISOR RIEBER: I would direct all of these --

20 UNIDENTIFIED SPEAKER: Because I think the lawyers, you
21 have a public hearing so people can speak out and we can also
22 have a (inaudible) in the decision-making.

23 SUPERVISOR RIEBER: If we have questions, we take them
24 individually after the hearing. The hearing is extremely
25 specific. State law describes exactly what we do and the

1 - JOINT PUBLIC HEARING / VILLAGE OF ATERES -

2 extent of the hearing and the extent of the issues that we
3 have to discuss. We're going to follow the law, we're going
4 to carefully examine the petition, we're going to carefully
5 examine the submissions that were made over this period of
6 time and we'll render a lawful decision.

7 Please, no more questions. If you have a statement that
8 is specific to the petition I'll recognize you.

9 So we're going to -- 10 days from now we'll have a
10 decision. We'll agree or disagree.

11 MR. GAILEY: Ten days from tomorrow.

12 SUPERVISOR RIEBER: Ten days from tomorrow we'll have a
13 decision. Within 15 days after the decision we must file a
14 bunch of paperwork with the town clerk, which will be done.

15 And any party has, according to the law, the way I read
16 it, has 30 days to bring an action via an Article 78
17 proceeding to challenge the determination of the two
18 supervisors. If no challenge is brought, then the decision
19 is final and we close. At the end, the input of the public
20 doesn't end with the close of the hearing or the decision, it
21 ends with the expiration of the time to challenge in court.

22 If the decision is adverse to the petition, in other
23 words, it's rejected, a new proceeding for incorporation can
24 be commenced immediately, and that's just a little snippet of
25 what the law says.

1 - MYRON GITTELL / PUBLIC COMMENT -

2 So with that, if you have something specific to
3 challenge the --

4 I see your hand up. If you're speaking, come to the
5 front so the stenographer can take the information. And if
6 you have something specific with an objection to the petition
7 on form, not on emotion, please.

8 MR. GAILEY: Not a question.

9 MR. M. GITTELL: I have a question.

10 SUPERVISOR RIEBER: Come up to the front, please. State
11 your name.

12 This gentleman --

13 MR. M. GITTELL: The challenge, you say the attorneys
14 are going to look at it. Are you going to have the same
15 specificity? Each one, is that going to be yeah or nay,
16 investigated?

17 MR. UNIDENTIFIED SPEAKER: Give his name and address.

18 SUPERVISOR RIEBER: In the next 11 days.

19 MR. M. GITTELL: What's that?

20 SUPERVISOR RIEBER: We'll determine that in the next 11
21 days.

22 MR. UNIDENTIFIED SPEAKER: Give your name and address.

23 MR. MEDNICK: We need your name for the record.

24 SUPERVISOR RIEBER: Everybody, please. Let's get
25 through this.

1 - MYRON GITTELL / PUBLIC COMMENT -

2 STENOGRAPHER: Sir, we need your name.

3 MR. M. GITTELL: Oh, sure. Gittell, Myron Gittell,
4 G-I-T-T-E-L-L, Kiamesha Lake, New York.

5 SUPERVISOR RIEBER: Okay. Thank you.

6 MR. M. GITTELL: Okay.

7 SUPERVISOR RIEBER: All right. One more --

8 MS. P. GRECO-SUNSHINE: I just want to know one thing.

9 SUPERVISOR RIEBER: You have to come up to the front.
10 Please, we're not trying to be impolite, but we have a
11 stenographer that's recording everything.

12 MS. P. GRECO-SUNSHINE: I just had a question.

13 SUPERVISOR RIEBER: State your name for the record.

14 MS. P. GRECO-SUNSHINE: All right. Patti
15 Greco-Sunshine.

16 My question was what is the scope of the village? That
17 wasn't clear last week. I just want to know is there
18 somewhere we can look and see the whole scope of what this
19 encompasses so we know what's included in the village, land
20 wise.

21 MR. MEDNICK: The petitions are filed in both clerks'
22 offices, in the Town of Fallsburg and --

23 PUBLIC: Louder. We can't hear you.

24 MR. MEDNICK: The petitions are filed in both clerks'
25 offices, including the Town of Thompson and the Town of

1 - PATTI GRECO-SUNSHINE / PUBLIC COMMENT -

2 Fallsburg. They do incorporate maps which lay out the
3 parameters of the proposed village. You are able to --

4 MS. P. GRECO-SUNSHINE: Are they clearer than they were?

5 MR. MEDNICK: -- look at that at your convenience.

6 MS. P. GRECO-SUNSHINE: But last week it was mentioned
7 that they weren't clear so that's what I want to know, if
8 it's cleared up.

9 SUPERVISOR RIEBER: Well, that's somebody's opinion.
10 You can look at it yourself and make that determination.

11 MS. P. GRECO-SUNSHINE: Okay.

12 SUPERVISOR RIEBER: Okay.

13 MS. H. HOEDL: I speak loud. I just want to --

14 SUPERVISOR RIEBER: You've got to come up. You've got
15 to give your name and address.

16 MS. H. HOEDL: I'm at 217 Post Hill Road, Monticello.

17 I just have a follow-up question on the review of the
18 signatures. Clearly, it seems that there are lot of
19 irregularities. The lawyers say that they would review it.
20 Will this review be made public?

21 MR. GAILEY: We are not going to review it in public,
22 no.

23 MS. H. HOEDL: No. Once you have reviewed it --

24 MR. GAILEY: The conclusion of the review will be a
25 written decision.

1 - HELENE HOEDL / PUBLIC COMMENT -

2 MR. MEDNICK: The decisions will be made by the
3 supervisors and those will be made public.

4 MS. H. HOEDL: Yes, the decision. But what I wanted to
5 know is we have brought forward specific challenges to
6 addresses, the names, et cetera. Will those be reviewed --

7 MR. GAILEY: Yes.

8 MS. H. HOEDL: -- by the lawyers and will the review,
9 not the decision, the review of those questions that we had
10 be made public?

11 MR. GAILEY: We'll not necessarily address each and
12 every one individually.

13 MS. H. HOEDL: But that's the whole point. We have --

14 SUPERVISOR RIEBER: I'm going to call this right now.
15 There will be no -- if you do not have a specific --

16 MS. UNIDENTIFIED SPEAKER: We are the public.

17 (Inaudible.)

18 SUPERVISOR RIEBER: The lady who's shouting in the back,
19 please be quiet.

20 MS. UNIDENTIFIED SPEAKER: Oh, really?

21 SUPERVISOR RIEBER: Yes.

22 Bear with me.

23 This hearing is specific to individual objections to the
24 petition. This is what the nature of this hearing is for.

25 Like it or not, that is the state rule. We have to rule on

1 - HELENE HOEDL / PUBLIC COMMENT -

2 the petition. Okay?

3 If there are no more statements or on record objections
4 to the petition or the signatures or whatever, the form of
5 the petition, then we're going to close this hearing.

6 MS. H. HOEDL: So it will not. The review that we have
7 pointed out, the specific, it will be reviewed by the
8 lawyers, but your review will not be made public.

9 MR. MEDNICK: The review will result in a determination
10 by the supervisors that will be made public.

11 MS. H. HOEDL: Yes. But you will not let us know
12 what --

13 MR. MEDNICK: That's the best answer you're going to
14 get.

15 MS. H. HOEDL: Thank you.

16 SUPERVISOR RIEBER: I think everybody has to stop
17 prejudging this. We're going to comply with the law. We're
18 going to review it and give you an answer.

19 Okay. If there are no more submittals, do you concur
20 with deeming this hearing closed, left open for written
21 submissions up until four o'clock in either town, to be
22 delivered to either town clerk by four o'clock tomorrow.

23 DEPUTY TOWN CLERK GROGAN: With signatures.

24 SUPERVISOR RIEBER: With signatures. Well, if they're
25 not proper we're not going to count them.

- HELENE HOEDL / PUBLIC COMMENT -

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SUPERVISOR RAPPAPORT: I concur.

SUPERVISOR RIEBER: Okay, this meeting is closed.

(Time noted: 5:30 p.m.)

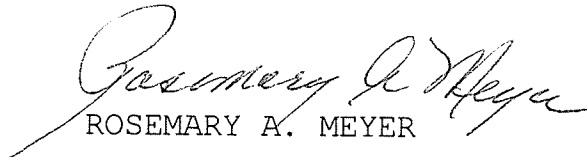
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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the testimony of the said witness, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.


ROSEMARY A. MEYER

Date Transcribed: August 29, 2023

K E Y W O R D I N D E X

PUBLIC COMMENT

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* * * * *

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